THE

Statutes at Large,

From the Eleventh Year of

King GEORGE the Third,

To the Thirteenth Year of

King GEORGE the Third, incluſive.

To which is prefixed,

A TABLE *of the* TITLES *of all the Publick and Private Statutes during that Time.*

WITH A COPIOUS INDEX.

VOLUME the NINTH.

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MDCCLXXIII.

A
TABLE
OF ALL THE
Publick and Private Statutes,
FROM THE
Eleventh Year of King GEORGE the Third, to the Thirteenth Year, incluſive.

Publick Acts.

Anno 11 *Georgii* III.

1. AN Act to continue the Prohibition of the Exportation of Corn, Grain, Meal, Flour, Bread, Biſcuit, and Starch; and alſo of the Extraction of Low Wines and Spirits from Wheat and Wheat Flour, for a further Time; and alſo to prohibit the Exportation of Malt for a limited Time.
2. An Act for continuing and granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thouſand ſeven hundred and ſeventy-one.
3. An Act for the better Supply of Mariners and Seamen to ſerve in His Majeſty's Ships of War, and on Board Merchant Ships, and other Trading Ships and Veſſels.
4. An Act to amend ſo much of an Act, made in the Ninth Year of His preſent Majeſty's Reign, intituled, *An Act to amend and render more effectual an Act, made in the Twenty-firſt Year of the Reign of King* James *the Firſt, intituled,* An Act for the general Quiet of the Subjects, againſt all Pretences of Concealment whatſoever, as relates to the proſecuting His Majeſty's Right, Title, or Claim, to any Meſſuages, Lands, Tenements, or Hereditaments, within the Precinct, Diſtrict, or Liberty of the *Savoy*, in the County of *Middleſex*, or to any the Appurtenances to the ſame therein mentioned.
5. An Act for granting an Aid to His Majeſty by a Land Tax, to be raiſed in *Great Britain*, for the Service of the Year One thouſand ſeven hundred and ſeventy-one.
6. An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters.
7. An Act for the Regulation of His Majeſty's Marine Forces, while on Shore.
8. An Act to continue for a further Time an Act, made in the Eighth Year of His preſent Majeſty's Reign, intituled, *An Act to continue and amend an Act, made in the Fifth Year of the Reign of His preſent Majeſty, intituled,* An Act for Importation of Salted Beef, Pork, Bacon, and Butter, from *Ireland*, for a limited Time; and for allowing the Importation of Salted Beef, Pork, Bacon, and Butter, from the *Britiſh* Dominions in *America*, for a limited Time.
9. An Act for the better paving, repairing, cleanſing, lighting, and watching, the Streets and other publick Paſſages within the City of *Wincheſter*; and alſo within the ſeveral Pariſhes of *Saint Bartholomew Hyde*, *Saint John's in the Soke*, *Saint Peter's Cheeſehil*, *Saint Swithin* and *Saint Michael in the Weſt Soke*, in the Suburbs of the ſaid City; and for preventing Nuiſances and Annoyances therein; and for widening and rendering the ſame more commodious.
10. An Act for carrying into Execution an Agreement made between *Peter Burrell* Eſquire, Surveyor-general of His Majeſty's Lands, and the Truſtees of *Morden College*, in the County of *Kent*, for enabling His Majeſty, His Heirs and Succeſſors, to grant Leaſes of *Maidenſtone Hill*, in the Pariſh of *Eaſt Greenwich*, in the County of *Kent*, to the ſaid Truſtees, upon the Terms mentioned in the ſaid Agreement; and for impowering the ſaid Truſtees to increaſe the Salaries and Penſions of the Treaſurer, Chaplain, and poor Merchants, in the ſaid College.
11. An Act for further continuing Two Acts, made in the Sixth and Ninth Years of His Majeſty's Reign, for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters, in His Majeſty's Dominions in *America*.
12. An Act for better paving the Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, in that Part of *Goodman's Fields* which lies in the Pariſh of *Saint Mary Matfellon*, otherwiſe *Whitechapel*, in the County of *Middleſex*, and alſo *Red Lyon Street* and *White Lyon Street*, lying contiguous to the ſaid Fields, and for removing and preventing Nuiſances, Annoyances, and Obſtructions therein.
13. An Act to explain a Clauſe in an Act of the laſt Seſſion of Parliament, for better ſupplying the City of *Worceſter*, and the Liberties thereof, with Water; and for better paving and lighting the ſaid City; and for removing and preventing all Obſtructions and Annoyances therein.
14. An Act for the better regulating the Poor within the City of *Oxford*.
15. An Act for the better paving that Part of the *High Street*, in the Pariſh of *Saint Mary Matfellon*, otherwiſe *Whitechapel*, which lies in the County of *Middle-*

ſex, and for removing Obſtructions and Annoyances therein.

16. An Act to enable His Majeſty to licenſe a Playhouſe in the Town of *Liverpoole*, in the County Palatine of *Lancaſter*.

17. An Act to explain and amend ſo much of an Act of the Sixth Year of His preſent Majeſty, for paving the Town and Borough of *Southwark*, in the County of *Surrey*, as relates to the Commiſſioners of Sewers; and for regulating the Manner of taxing Churches, and other publick Buildings, within the Limits of the ſaid Act.

18. An Act to indemnify Perſons who have omitted to qualify themſelves for Offices and Employments, and to indemnify Juſtices of the Peace and others who have omitted to regiſter their Qualifications within the Time limited by Law; and for giving further Time for thoſe Purpoſes.

19. An Act for amending certain of the Mile-ways leading to *Oxford*; for making a commodious Entrance through the Pariſh of *Saint Clement*; for rebuilding or repairing *Magdalen Bridge*; for making commodious Roads from the ſaid Bridge through the Univerſity and City, and the Avenues leading thereto; for cleanſing and lighting the Streets, Lanes, and Places, within the ſaid Univerſity and City, and the Suburbs thereof, and the ſaid Pariſh of *Saint Clement*; for removing Nuiſances and Annoyances therefrom, and preventing the like for the future; for impowering Colleges and Corporations to alienate their Eſtates there; for removing, holding, and regulating Markets within the ſaid City; and for other Purpoſes.

20. An Act to enable Lunaticks intitled to renew Leaſes, their Guardians and Committees to accept of Surrenders of Old Leaſes, and grant New Ones.

21. An Act for paving *Wapping Street*, in the County of *Middleſex*, and the ſeveral Streets and Paſſages leading into the ſame; and for removing all Incroachments and Obſtructions therefrom, and preventing the like for the future; and for opening a Paſſage from *Hermitage Street* into *Nightingale Lane*; and for paving ſuch Paſſage, and the Eaſt Side of *Nightingale Lane*.

22. An Act to amend and render more effectual ſeveral Acts made relating to paving, cleanſing, and lighting, the Squares, Streets, Lanes, and other Places, within the City and Liberty of *Weſtminſter*, and Parts adjacent.

23. An Act for paving and regulating *Roſemary Lane*, from the Pariſh of *Saint Botolph*, *Aldgate*, to *Cable Street*; alſo the ſaid *Cable Street*, the Foot-path in *Back Lane*, Part of the Precinct of *Well Cloſe*, the Street leading from *Nightingale Lane* to *Ratcliſſe Croſs*, *Butcher Row*, and *Brook Street*, and the ſeveral Streets, Lanes, and Paſſages, opening into the ſame; and for removing all Obſtructions and Annoyances therefrom, and preventing the like for the future.

24. An Act for licenſing an additional Number of Hackney Coaches, and applying the Monies ariſing thereby.

25. An Act for raiſing a certain Sum of Money by Loans or Exchequer Bills, for the Service of the Year One thouſand ſeven hundred and ſeventy-one.

26. An Act for further continuing the Tolls upon *London Bridge*, for the Purpoſes therein mentioned; and for impowering the Mayor, Aldermen, and Commons, of the City of *London*, in Common Council aſſembled, in certain Caſes to grant Licences to Perſons poſſeſſed of Terms for Years, of and in Houſes deſcribed in an Act of the Seventh Year of His preſent Majeſty, to build upon and incloſe Part of the Ground and Soil of the Streets in the Front of their ſaid Houſes.

27. An Act for regulating and improving the Fiſheries in the River *Tweed*, and the Rivers and Streams running into the ſame; and alſo within the Mouth or Entrance of the ſaid River.

28. An Act for puniſhing Offences committed by Hackney Coachmen and Chairmen within certain Diſtricts and Places therein mentioned; and for renewing the Regiſtry of Carts and Carriages.

29. An Act for conſolidating, extending, and rendering more effectual, the Powers granted by ſeveral Acts of Parliament, for making, enlarging, amending, and cleanſing the Vaults, Drains, and Sewers, within the City of *London*, and Liberties thereof; and for paving, cleanſing, and lighting the Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, and Places; and preventing and removing Obſtructions and Annoyances within the ſame.

30. An Act for cleanſing and lighting the Streets of the Town of *South Leith*, the Territory of *Saint Anthony's* and *Yard Heads* thereunto adjoining, and for ſupplying the ſeveral Parts thereof with freſh Water.

31. An Act for the Encouragement of the White Herring Fiſhery.

32. An Act for defraying the Charge of the Pay and Cloathing of the Militia in that Part of *Great Britain* called *England*, for One Year, beginning the Twenty-fifth Day of *March*, One thouſand ſeven hundred and ſeventy-one; for indemnifying the Landholders of the *Iſle of Wight* from the Payment of the Monies due by virtue of an Act of the Ninth Year of His preſent Majeſty; and for other Purpoſes therein mentioned.

33. An Act for paving, repairing, cleanſing, lighting, and watching the Streets, Squares, Lanes, and other Paſſages, within the Pariſh of *Saint John*, *Clerkenwell*, in the County of *Middleſex*, and for removing Obſtructions and Annoyances therein.

34. An Act for enabling certain Perſons to incloſe and embank Part of the River *Thames*, adjoining to *Durham Yard*, *Saliſbury Street*, *Cecil Street*, and *Beaufort Buildings*, in the County of *Middleſex*.

35. An Act for reducing into One Act of Parliament the ſeveral Laws relating to the Keeping and Carriage of Gunpowder, and for more effectually preventing Miſchiefs by keeping or carrying Gunpowder in too great Quantities.

36. An Act for cleanſing, lighting, and watching, the ſeveral Streets, and other Paſſages, on the South Side of the City of *Edinburgh*, and for removing Nuiſances and Annoyances therefrom, and preventing the ſame for the future.

37. An Act to prohibit the Exportation of Live Cattle, and other Fleſh Proviſions, from *Great Britain*, for a limited Time.

38. An Act for the better Support and Eſtabliſhment of the *Greenland* and Whale Fiſhery.

39. An Act to amend an Act, made in the laſt Seſſion of Parliament, intituled, *An Act for extending like Liberty in the Exportation of Rice from* Eaſt *and* Weſt Florida *to the Southward of* Cape Finiſterre *in* Europe, *as is granted by former Acts of Parliament to* Carolina *and* Georgia.

40. An Act for the more effectually preventing the Counterfeiting the Copper Coin of this Realm.

41. An Act to explain an Act, made in the Eighth Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act giving further Encouragement for the Importation of Naval Stores, and for other Purpoſes therein mentioned*, ſo far as relates to the Importation of unmanufactured Wood of the Growth and Product of *America*; and to explain ſo much of an Act, made in the Twenty-ſixth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for enlarging and regulating the Trade into the* Levant *Seas*, as relates to the Importation of Raw Silk and Mohair Yarn landed at certain Places therein mentioned.

42. An Act to explain and amend an Act, made in the laſt Seſſion of Parliament, intituled, *An Act to regulate the Trials of controverted Elections, or Returns of Members to ſerve in Parliament*.

43. An Act for eſtabliſhing a Houſe or Houſes of Induſtry in the *Iſle of Wight*, for the Reception, Maintenance, and Employment of the Poor belonging to the ſeveral Pariſhes, and Places, within the ſaid Iſland.

44. An Act for the better paving, repairing, and cleanſing the Streets, Lanes, Alleys, and other publick Paſſages, within that Part of the Town of *Wakefield*, in the County of *York*, which lies within the Eaſt

End of *Weſtgate Bridge*, the South Side of *Northgate Bar*, the North End of *Kirkgate Bridge*, (except ſo much thereof as is repaired by the Weſt Riding of the ſaid County of *York*), and the extreme Part of the Townſhip of *Wakefield* aforeſaid, leading from *Wrengate* towards *Eaſt Moor*; for preventing Nuiſances and Annoyances therein, and for widening and rendering the ſame more commodious.

45. An Act for improving and completing the Navigation of the Rivers *Thames* and *Iſis*, from the City of *London* to the Town of *Cricklade*, in the County of *Wilts*.

46. An Act for paving, and keeping in Repair, the Streets, Lanes, and Paſſages, in the Pariſh of *Saint Luke*, in the County of *Middleſex*; for removing Obſtructions and Annoyances therein; and for widening the Paſſages at the Weſt End of *Chiſwell Street*, and at the South End of *Brick Lane*, in the ſaid Pariſh; and for other Purpoſes therein mentioned.

47. An Act for granting to His Majeſty a certain Sum of Money, to be raiſed by a Lottery.

48. An Act for granting to His Majeſty a certain Sum of Money out of the Sinking Fund; and for applying certain Monies therein mentioned, for the Service of the Year One thouſand ſeven hundred and ſeventy-one; and for further appropriating the Supplies granted in this Seſſion of Parliament, for carrying to the Aggregate Fund a Sum of Money which hath ariſen by the Two-ſevenths Exciſe, and for enabling the Commiſſioners for executing the Office of Treaſurer of His Majeſty's Exchequer, or the Lord High Treaſurer for the Time being, to pay to *John Dobſon*, Owner of the *Greenland* Ship *Lord Molyneux*, the Bounty due for the ſaid Ship on the laſt Year's Fiſhery.

49. An Act to continue for a further Time an Act, paſſed in the Sixth Year of His preſent Majeſty's Reign, intituled, *An Act to prohibit the Importation of Foreign-wrought Silks and Velvets for a limited Time; and for preventing unlawful Combinations of Workmen employed in the Silk Manufacture.*

50. An Act for granting a Bounty upon the Importation of White Oak Staves, and Heading, from the *Britiſh* Colonies or Plantations in *America*.

51. An Act for continuing ſeveral Laws for the better Regulation of Laſtage and Ballaſtage in the River *Thames*; for the further Puniſhment of Perſons going armed or diſguiſed, in Defiance of the Laws of Cuſtoms or Exciſe, and for the landing of Rum or Spirits of the *Britiſh* Sugar Plantations before Payment of the Duties of Exciſe; for repealing ſo much of an Act, paſſed in the Sixth Year of the Reign of King *George* the Firſt, intituled, *An Act for preventing the Carriage of exceſſive Loads of Meal, Malt, Bricks, and Coals, within Ten Miles of the Cities of* London *and* Weſtminſter, as relates to the Carriage of Meal, Malt, and Coals; and for authoriſing the Exportation of a limited Quantity of an inferior Sort of Barley, called *Bigg*, from the Port of *Kirkwall*, in the Iſlands of *Orkney*.

52. An Act for repairing, amending, and ſupporting, the ſeveral Harbours and Sea Ports in the *Iſle of Man*.

53. An Act for widening the Highways in that Part of *Great Britain* called *Scotland*.

54. An Act for the better paving, cleanſing, lighting, and watching, *Haydon Square*, the *New Square*, *Haydon-yard*, *Sheepy-yard*, *Church Street*, *Little Church Street* otherwiſe the *Church Paſſage*, *Church Court*, and *Kenton Street*, and the Paſſages therein, or leading thereunto, in the Pariſh of *Trinity* otherwiſe *Holy Trinity*, in the *Minories*, in the County of *Middleſex*, within the Liberty of His Majeſty's *Tower* of *London*, and for other Purpoſes therein mentioned.

55. An Act to incapacitate *John Burnett*, *Charles Hannington*, *Thomas Haſelgrove*, *Ralph Moor*, *Thomas Parſons*, *Thomas Snook* junior, *Thomas Hannington*, *John Hannington*, *John Robinſon*, *William Cheeſeman*, *George Browne*, *John Parſons*, *John Curl*, *Frederick Dean*, *William Dean*, *Samuel Tuppen*, *John Sawyers*, *Thomas Crowter*, *Thomas Pockney*, *Joſeph Dedman*, *John Dean*, *John Whiting*, *William Stevens*, *John Bawcomb*, *Robert Parker*, *John Hogsfleſh*, *John Purſe*, *John Dean*, *Thomas Jennings*, *John Snook* junior, *Richard Tilſtone*, *William Turner*, *Walter Sawyers*, *Charles Mitchell*, *John Jarmand*, *John Wood*, *Friend Daniel*, *William Gratwick*, *Nathaniel Hillman*, *Thomas Roberts*, *John Aſhman*, *William Cocter*, *Thomas Froſt*, *Michael Smith*, *Richard Carver*, *Michael Durrant*, *Emery Churcher*, *Walter Broad*, *Richard Stoneham*, *James Bennett*, *Clement Freeman*, *William Jupp*, *Thomas Crowter*, *John Barnard*, *James Mitchell*, *James Millar* otherwiſe *Miller*, *William Newnham*, *Jeffery Carver*, *Randall Button*, *James Carver*, *John Martin*, *John Dedman* ſenior, *William Jennings*, *William Hards*, *Thomas Gear*, *William Ruſbridge*, *Henry Robinſon*, and *Henry Hannington*, from voting at Elections of Members to ſerve in Parliament, and for the preventing Bribery and Corruption in the Election of Members to ſerve in Parliament for the Borough of *New Shoreham*, in the County of *Suſſex*.

56. An Act for diveſting out of the Crown, and to veſt in *Gerald Fitzgerald* of *Rathrone*, in the County of *Meath*, in the Kingdom of *Ireland*, Eſquire, and his Heirs, the Reverſion in Fee of and in ſeveral Lands in *Ireland* therein mentioned.

Publick Acts,

Printed in the Collection called *Road Acts*.

57. AN Act to continue and render more effectual an Act, paſſed in the Ninth Year of His preſent Majeſty, for repairing the Roads leading from the Turnpike Road in *Tring*, in the County of *Hertford*, through *Dunſtable*, *Hitchin*, *Baldock*, and *Royſton*, to the Turnpike Road at or near *Bournbridge*, and from the Weſt End of *Wellbury Lane* to the Turnpike Road at the South End of *Barton*, in the Counties of *Hertford*, *Bucks*, *Bedford*, and *Cambridge*, ſo far as the ſame relates to the repairing the Roads in the *Royſton* Diſtrict of Roads, in the ſaid Act particularly mentioned.

58. An Act for enlarging the Term and Powers of an Act, made in the Second Year of the Reign of His preſent Majeſty, intituled, *An Act for repairing and widening the High Road leading from the North End of* Ballingdon Bridge *in* Sudbury, *in the County of* Suffolk, *to the South Gate in* Bury Saint Edmund's, *in the ſaid County.*

59. An Act to impower *Charles Fitz Roy* Eſquire to ſhut up certain Foot-paths in the Pariſh of *Saint Pancraſs*, alias *Kentiſh Town*, in the County of *Middleſex*, and to oblige him to make and keep in Repair for the future a Foot-path in lieu thereof.

60. An Act for enlarging the Term and Powers of an Act, made in the Eighth Year of the Reign of His preſent Majeſty, intituled, *An Act for repairing ſeveral Roads leading through the County of* Selkirk.

61. An Act for enlarging the Term and Powers of an Act, made in the Seventh Year of the Reign of His preſent Majeſty, for repairing and widening the Road from *Spernal Aſh*, in the County of *Warwick*, to a Street called *Digbeth*, in the Town of *Birmingham*.

62. An Act to explain, amend, and render more effectual, an Act, made in the Eighth Year of His preſent Majeſty's Reign, intituled, *An Act for making and maintaining a navigable Cut or Canal from the* Firth *or River of* Forth, *at or near the Mouth of the River of* Carron, *in the County of* Stirling, *to the* Firth *or River of* Clyde, *at or near a Place called* Dalmuir Burnfoot, *in the County of* Dumbarton; *and alſo a collateral Cut from the ſame to the City of* Glaſgow; *and for making a navigable Cut or Canal of Communication, from the Port and Harbour of* Borrowſtounneſs, *to join the ſaid Canal at or near the Place where it will fall into the* Firth *of* Forth

63. An Act to continue and render more effectual an Act, made in the Seventeenth Year of the Reign of His late Majeſty, for repairing the Road from the End of *Middleton Tyas Lane* to *Greetabridge*, and from thence to *Bowes*, in the North Riding of the County of *York*.

64. An Act to enlarge the Term and Powers of an Act, made in the Twenty-ſixth Year of His late Majeſty, for

repairing and widening the Road from the Town of *Tadcaſter*, through *Collingham*, *Harewood*, *Arthington* and *Pool*, to the Town of *Otley*, in the Weſt Riding of the County of *York*.

65. An Act to enlarge the Term and Powers of an Act, made in the Twenty-fifth Year of His late Majeſty, for repairing the Road from *Knareſbrough*, in the County of *York*, by *Longflatt Lane*, *Gouldſbrough Fields*, *Flaxby*, *Allerton*, *Mauleverer*, and *Scate Moor*, to *Greenhammerton*, in the ſame County; and for making the ſame a High Carriage Road.

66. An Act to enlarge the Term and Powers of an Act, made in the Twenty-third Year of the Reign of His late Majeſty, for repairing the Road from the City of *York*, over *Skipbridge* to *Boroughbridge*, in the County of *York*.

67. An Act to oblige the Company of Proprietors of the *Birmingham* Canal Navigation to complete the ſaid Canal to a Field called *Newhall Ring*, adjoining to the Town of *Birmingham*, in the County of *Warwick*, within a limited Time, and to maintain and keep the ſame free and open for the Paſſage of Boats, Barges, and other Veſſels.

68. An Act for repairing and widening the Road from *Collingham*, through *Wetherby*, to the City of *York*.

69. An Act for enlarging the Term and Powers granted by an Act of the Ninth Year of His preſent Majeſty's Reign, for repairing the Road from the Turnpike Gate in the Townſhip of *Greenfield*, to the North Limits of the Townſhip of *Moſtyn*; and from *Moſtyn* to *Henllan*; and from *Llanerch y Mor* to *Pen y Ffordd Waen*, in the Counties of *Flint* and *Denbigh*; and for extending the ſaid Act to ſeveral other Roads in the ſaid Counties, and the County of *Carnarvon*; and for taking ſeveral Roads within the ſaid Counties out of the Power of the Truſtees appointed by Two ſeveral Acts of Parliament of the Twenty-ninth and Thirtieth Years of His late Majeſty; and for putting the ſaid Roads under the Direction of the Truſtees appointed by the ſaid former and this preſent Act.

70. An Act to continue and render more effectual ſeveral Acts for repairing the Highways between the *Bear Inn* in *Reading* and *Puntfield*, in the County of *Berks*, and other Roads in the ſaid Acts mentioned; and for repairing ſeveral other Roads in this Act mentioned.

71. An Act for repairing and widening the Road from the *Low-water Mark* of the River *Humber*, at or near *Brough Ferry*, in the Pariſh of *Elloughton*, in the Eaſt Riding of the County of *York*, to the North End of the Town of *Brough*, and from thence through *South Cave* to *Coney Clappers*, in *South Newbald Holmes*, in the ſaid Riding.

72. An Act for draining and preſerving certain Fen Lands and Low Grounds in the Pariſhes of *Stoke Ferry*, *Northwold*, *Wretton*, *Wareham*, *Weſt Dereham*, and *Roxham*, in the County of *Norfolk*.

73. An Act for amending, widening, turning, and altering, the Road, from the Bottom of *Galley Hill*, near the Town of *Witney*, to the Croſs in *Clanfield*, in the County of *Oxford*.

74. An Act to continue and render more effectual Three Acts, made in the Twelfth Year of King *George* the Firſt, and in the Eighteenth and Thirty-firſt Years of His late Majeſty, for repairing the Roads from *Birmingham*, through *Warwick* to *Warmington*, and from *Birmingham*, through *Stratford upon Avon*, to *Edgehill*, in the County of *Warwick*, ſo far as the ſame relate to the Road from *Birmingham*, through *Stratford upon Avon*, to *Stratford Bridge*, in the ſaid County.

75. An Act for making a navigable Cut or Canal from *Cheſterfield*, in the County of *Derby*, through or near *Workſop* and *Retford*, to join the River *Trent*, at or near *Stockwith*, in the County of *Nottingham*.

76. An Act for repairing and widening the Road leading from *Peniſtone Bridge*, in the County of *York*, to *Grindleford Bridge*, in the County of *Derby*; and the Roads ſeverally leading from *Bamford Woodgate*, over *Yorkſhire Bridge*, to the Guide-poſt on *Thornhill Moor*, to or near the Eighth Mile-ſtone on *Hatherſage Moor*, and to the Village of *Darwent*, in the ſaid County of *Derby*.

77. An Act for repairing and widening ſeveral Roads leading to the Town of *Lantriſſent*; and alſo the Road leading from *Newbridge*, to a Place called *The Old Furnace*; all in the County of *Glamorgan*.

78. An Act to enable the Corporation of the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, called *Bedford Level*, to complete and maintain the principal Banks and Works neceſſary to the well-draining and preſerving the *North Level*, Part of the ſaid *Great Level*, and for laying Taxes upon the Lands within the ſaid *North Level*, and on divers Lands adjoining thereto, in the Manor of *Crowland*.

79. An Act to enlarge the Term and Powers of ſo much of an Act, made in the Twenty-fourth Year of the Reign of King *George* the Second, as relates to the repairing the Road from *Cramond Bridge* to the Town of *Queensferry*, in the County of *Linlithgow*.

80. An Act for enlarging the Term and Powers of ſeveral Acts made for repairing and amending that Part of the Road leading from a certain Place called the *White Poſt*, on *Alconbury Hill*, in the County of *Huntingdon*, to *Wansford Bridge*, in the ſaid County, called *the North Diviſion of the North Road*; and for repairing the Road leading from *Stilton*, in the ſaid County of *Huntingdon*, to the City of *Peterborough*, in the County of *Northampton*.

81. An Act to enlarge the Term and Powers of an Act, made in the Twenty-fourth Year of King *George* the Second, for repairing the Road leading from *Weſt Lavington* to the *Devizes*, and from the *Devizes* to *Seend*, in the County of *Wilts*.

82. An Act to enlarge the Term contained in Two ſeveral Acts of Parliament; and to repair, widen, and amend, the Road from the Guide Poſt at the weſterly End of *Newton Lane*, within the Townſhip of *Mancheſter*, in the County Palatine of *Lancaſter*, to *Auſterlands*, in the Pariſh of *Saddleworth*, in the County of *York*.

83. An Act to enlarge the Term and Powers of an Act, made in the Eighteenth Year of King *George* the Second, to repair the Road leading from *Tadcaſter Bridge*, within the County of the City of *York*, to a Place near the ſaid City, called *Hobmoor Lane End*.

84. An Act for repairing, widening, turning, and altering, the Road from the Market-houſe in the Town of *Great Farringdon*, in the County of *Berks*, to *Burford*, in the County of *Oxford*.

85. An Act for repairing and widening the Roads from the Town of *Peebles* to the *King's Eatedge*, and to *Gatehope-know Burnfoot*, and to the Top of *Minchmoor*, and to *Loch-head*, in the County of *Peebles*.

86. An Act for repairing and widening the Road from *Stone* to *Lane End*; and to the Road between *Leek* and *Sandon*, on *Meir Heath*, and from thence to *Blythe Bridge*; and alſo from *Meir* to *Trentham*, and from thence to *Stableford Bridge*, in the County of *Stafford*.

87. An Act for repairing and widening the Road from *Shelton* to the Road between *Cheadle* and *Leek*, and from *Bucknall* to *Weſton Coyney*; and from the Road between *Cheadle* and *Leak* to the Turnpike Road above *Frogall Bridge*; and from the ſame Road to the Road between *Blyth Marſh* and *Thorp*, at or near *Ruehill Gate*, in the County of *Stafford*.

88. An Act to continue and render more effectual Two Acts, paſſed in the Twelfth Year of the Reign of King *George* the Firſt, and the Nineteenth Year of the Reign of His late Majeſty, for repairing the Road from *Market Harborough* to *Loughborough*, in the County of *Leiceſter*; and for repairing, widening, turning, and altering the Road branching out of the aforeſaid Road, at a Place called *Filling Gate* to a Road called *the Foſs Road*, and from thence to the Turn-

pike Road, leading from *Melton Mowbray*, to the Guide Poſt in *Saint Margaret's Field*, *Leiceſter*.

89. An Act for making a navigable Cut or Canal from *Bradford*, to join the *Leeds* and *Liverpoole* Canal at *Windhill*, in the Townſhip of *Idle*, in the County of *York*.

90. An Act to enlarge the Term and Powers of an Act, made in the Twenty-ſixth Year of the Reign of King *George* the Second, for repairing the Roads from *Livingſton*, by the Kirk of *Shotts*, to the City of *Glaſgow*, and by the Town of *Hamilton* to the Town of *Strathaven*, and for repairing and widening the Road leading from the Confines of the County of *Air*, at or near *Lochgate*, to the Town of *Strathaven*, in the County of *Lanark*.

91. An Act to enlarge the Term and Powers of Three Acts, paſſed in the Twelfth Year of King *George* the Firſt, and the Nineteenth and Twenty-ſixth Years of His late Majeſty, for repairing the Road from *Liverpoole* to *Preſcott*, and other Roads in the County Palatine of *Lancaſter*, and for amending the Road from the Cauſeway at *Blacklow Brow*, to the Cauſeway leading from *Preſcott* to *Liverpoole*, and alſo through *Lime Kiln Lane*, to *Ranelagh Houſe*, in *Liverpoole* aforeſaid.

92. An Act for enlarging and altering the Terms and Powers of ſeveral Acts, made in the Thirteenth Year of the Reign of King *George* the Firſt, and in the Twenty-firſt Year of the Reign of King *George* the Second, for repairing the Roads leading from the Town of *Bromſgrove* to the Town of *Dudley*, in the County of *Worceſter*; and from the ſaid Town of *Bromſgrove* to the Town of *Birmingham*, in the County of *Warwick*; ſo far as the ſaid Acts relate to the repairing of the Roads leading from the ſaid Town of *Birmingham* to the ſaid Town of *Bromſgrove*.

93. An Act for repairing and widening the Road from *Patrick's Croſs*, within the Town of *Liverpoole*, in the County Palatine of *Lancaſter*, to the Town of *Preſton*, in the ſame County Palatine.

94. An Act for repairing and widening the Road from the Turnpike Road at *Vinehall*, in the Pariſh of *Mountfield*, in the County of *Suſſex*, to *Cripps's Corner*, and from thence to *Staple-croſs*, and to the Turnpike Road near the Windmill in the Pariſh of *Beckley*, and from *Staple-croſs* to *Longley's* Water Corn-mill at *Kent Ditch*, and from *Cripps's Corner* to the Town of *Rye*, in the ſaid County.

95. An Act for repairing and widening the Road leading from *Wem*, in the County of *Salop*, to the Lime Rocks at *Bron y Garth*, and ſeveral other Roads in the Counties of *Salop* and *Denbigh*.

96. An Act for repairing, widening, and keeping in Repair, ſeveral Roads leading from *Tavernſpite* to the Towns of *Pembroke* and *Tenby*, and to *Hubberſton Haking*, in the County of *Pembroke*.

97. An Act for amending and widening the Road from *Beſſelſleigh*, through *Wantage* to *Hungerford*, in the County of *Berks*; and from *Wantage* to *Marlborough*, in the County of *Wilts*; and from the Turnpike Road between *Reading* and *Wallingford*, through *Halfpenny Lane*, to the *Old Red Houſe* upon *Wantage Downs*, and from thence to *Lamborn*, in the ſaid County of *Berks*.

98. An Act for repairing and widening the Road from *Hodges* to *Beadles Hill*, and from thence to the Town of *Cuckfield*, and from *Beadles Hill* aforeſaid to the Town of *Lindfield*, and from the Turnpike Road between *Cuckfield* and *Crawley*, to the Town of *Horſham*; and alſo the Road from *Swingate*, in the Pariſh of *Burwaſh*, to *Shover Green*, in the Pariſh of *Ticehurſt*, all in the County of *Suſſex*.

99. An Act for repairing and widening the Roads from *Hand Croſs* to *Corner Houſe*, and from thence to the Turnpike Road leading from *Horſham* to *Steyning*, and from *Corner Houſe* aforeſaid to the Maypole in the Town of *Henfield*, in the County of *Suſſex*.

Private Acts.

Anno 11 *Geo.* III.

1. AN Act for naturalizing *Bernard Perny*.

2. An Act for dividing and incloſing the Common and Open Fields, Commonable Lands, and Waſte Grounds, within the Manor and Pariſh of *Lowick*, in the County of *Northampton*.

3. An Act for naturalizing *Lewis Benjamin Crinſoz*.

4. An Act for dividing and incloſing the Common and Open Fields, Commonable Lands, and Waſte Grounds, within the Manor and Pariſh of *Slipton*, in the County of *Northampton*.

5. An Act for dividing and incloſing the ſeveral Open Fields, Meadows, Paſtures, Commons, Carrs, and other unincloſed Grounds, within the ſeveral Townſhips of *Lockington* and *Ayke*, in the Eaſt Riding of the County of *York*; and for extinguiſhing the Right of Common, or Average, upon certain ancient Incloſures within the ſaid Townſhip of *Lockington*.

6. An Act for naturalizing *Gerard Portman*.

7. An Act for more effectually veſting the Reverſion in Fee-ſimple of and in divers Lands and Hereditaments, in the Counties of *Derby*, *Leiceſter*, *Nottingham*, and *Stafford*, in *Waſhington* Earl *Ferrers*, and his Truſtees; and for confirming Letters Patent granted thereof, and of certain other Lands and Hereditaments in the County of *Northampton*, to the ſaid Earl, in the Third Year of His preſent Majeſty's Reign; and for other Purpoſes therein mentioned.

8. An Act to render valid and effectual certain Articles of Agreement between *William Lambton* Eſquire, and the Honourable and Right Reverend *Richard* Lord Biſhop of *Durham*, and the other Perſons therein named.

9. An Act to enable the Biſhop of *Hereford* to exchange certain Lands and Premiſes in the Counties of *Hereford*.

10. An Act for explaining and amending an Act, intituled, *An Act for veſting Part of the Fee-ſimple Eſtate of* George *late Lord Viſcount* Middleton, *of the Kingdom of* Ireland, *in Truſtees, to be ſold, for paying the Debts, Legacies, and Incumbrances, mentioned in, and appointed to be paid by, his Will; and for executing and effectuating ſeveral Contracts entered into by him, for ſelling and leaſing divers Farms and Lands in* Ireland; *and for making the Exemplification of his Will Evidence in Law and Equity.*

11. An Act to impower Sir *Francis Blake Delaval*, Knight of the Bath, or the Perſon or Perſons claiming under a Settlement of his Family Eſtates, dated the Nineteenth Day of *January*, One thouſand ſeven hundred and forty-eight, to grant to *Thomas Delaval* Eſquire, his Heirs and Aſſigns, a certain Parcel of Land and Buildings, Liberties and Privileges; and alſo to grant Two ſeveral Leaſes, for Ninety-nine Years each, to, or in Truſt for, the ſaid *Thomas Delaval* and Sir *John Huſſey Delaval*, Baronet, of certain Lands, Copperas Works, Buildings, Liberties, and Privileges, in the Manors of *Hartley* and *Seaton Delaval*, in the County of *Northumberland*, Part of the ſettled Eſtates of the ſaid Sir *Francis Blake Delaval*; and for other Purpoſes therein mentioned.

12. An Act for effectuating a Conveyance of the Real Eſtates late of *John Eſſington* Eſquire, deceaſed, to the Purchaſers thereof, under a Decree or Order of the High Court of Chancery.

13. An Act for dividing and incloſing the Open and Common Fields within the Townſhip and Liberties of *Ayleſbury*, in the County of *Bucks*.

14. An Act for dividing and incloſing the Open and Common Fields, Common Meadows, Common Grounds, and Commonable Lands, within the Pariſh of *Whitchurch*, in the County of *Bucks*.

15. An Act for dividing and incloſing the Open Fields and Common Paſtures in the Pariſh of *Kirkby Mallory*, in the County of *Leiceſter*.

16. An Act for dividing, allotting, and incloſing, the Open Fields, and Commonable Places, in *Keyham*, in the Pariſh of *Rothley*, and County of *Leiceſter*.

17. An Act for dividing and incloſing the Common Fields, Meadows, Commons, or Waſte Lands, within the Manor and Pariſh of *Hill Croome*, in the County of *Worceſter*.

18. An Act for dividing and incloſing *Barniker Moor*, within the Manor of *Nether Wyerſdale*, in the County Palatine of *Lancaſter*.

19. An Act for dividing and incloſing the ſeveral Open Fields, Common Paſture, Commons, and Waſte Grounds, within the Townſhip, Hamlet, or Liberty of *Fairfield*, in the Pariſh of *Hope*, and County of *Derby*.

20. An Act for dividing and incloſing the Open and Common Fields, Common Meadows, Common Paſtures, Lammas Grounds, and other Commonable Lands and Grounds, in the Pariſh of *Great Brickhill*, in the County of *Bucks*.

21. An Act for dividing and incloſing the Open and Common Fields, Common Paſtures, Common Meadows, Heath, and other Commonable Lands, in the Pariſh of *Sproxton*, in the County of *Leiceſter*.

22. An Act for dividing and incloſing the ſeveral ſtinted Paſtures, called the *North Moor*, *Langhill*, *Bark*, and *Garforth Cloſe*, within the Townſhip of *Rilſton*, in the Weſt Riding of the County of *York*.

23. An Act for dividing and incloſing the Open and Common Fields, Common Paſtures, Common Meadows, Heath, and other Commonable Lands, in the Pariſh of *Saltby*, in the County of *Leiceſter*.

24. An Act to enable the Right Honourable *Thomas* Lord *Ducie*, and his Iſſue, to take the Surname of *Moreton*, and to bear and uſe the Arms of Honour of the Right Honourable *Matthew* Lord *Ducie*, deceaſed, purſuant to the Will of the ſaid *Matthew* Lord *Ducie*.

25. An Act to enable Captain *Samuel Pitchford*, and the Heirs Male of his Body, to take and uſe the Surname, and bear the Arms, of Sir *Samuel Corniſh*, deceaſed, purſuant to his Will.

26. An Act to enable *Thomas Crundy*, and his Iſſue Male, to take and uſe the Surname of *Swinfen*.

27. An Act to enable *William Mackenzie*, *David Gravier*, and *John Gravier*, reſpectively, and the Heirs Male of their reſpective Bodies, to take and uſe the Surname and Arms of *Godfrey*.

28. An Act for making the Exemplification of the laſt Will and Teſtament of *Francis Macartney* Eſquire, deceaſed, Evidence in all Courts of Law and Equity in *Great Britain* and *Ireland*.

29. An Act to diſſolve the Marriage of *Henry Knight* Eſquire, with *Catharine Lynch*, his now Wife; and to enable him to marry again; and for other Purpoſes therein mentioned.

30. An Act for naturalizing *Henry Renner*.

31. An Act for rendering valid and effectual certain Articles of Agreement, bearing Date the Twenty-firſt Day of *July*, One thouſand ſeven hundred and ſeventy, made between *Frances* Counteſs Dowager of *Londonderry*, *Philip* Earl *Stanhope*, and others; and for veſting ſeveral Manors, Lands, and Hereditaments, in the Counties of *Devon* and *Wilts*, in Truſtees, for the Purpoſes in the Act mentioned.

32. An Act for rendering effectual an Exchange of certain Lands, Parcel of the Glebe of the Rectory of *Avington*, in the County of *Southampton*, for certain other Lands in the ſaid Pariſh of *Avington*, belonging to the Moſt Honourable the Marquis of *Carnarvon*.

33. An Act to enable *Francis Charteris* Eſquire, heretofore called *Francis Wemyſs*, and the Heirs of his Body, and ſeveral other Perſons therein named, and the Heirs of their reſpective Bodies, to retain, aſſume, and ſign, the Name of *Charteris*, and to hold and enjoy the Eſtate therein mentioned, notwithſtanding the Deſcent to him or them reſpectively of the Honour and Title of *Wemyſs*, or any other Honour or Title whatſoever.

34. An Act for eſtabliſhing and confirming an Exchange of a certain Piece of incloſed Land, in the Pariſh of *Eaſt Barnet*, in the County of *Hertford*, and Dioceſe of *London*, for other incloſed Land, Parcel of the Glebe of the ſaid Pariſh, purſuant to an Agreement between *Benjamin Underwood* Clerk, Maſter of Arts, Rector of the ſaid Pariſh of *Eaſt Barnet*, and *John Pybus* Eſquire.

35. An Act for exemplifying or inrolling the Will of *Charles Macarthy More*, deceaſed, and making the ſame Evidence, as well in *Ireland* as *Great Britain*.

36. An Act for dividing and incloſing the Common Fields, Common Meadows, Common Wood Grounds, and Commonable Lands in the Pariſh of *Alveſton*, in the County of *Warwick*.

37. An Act for dividing and incloſing certain Common Fields, Common Meadows, and Commonable Waſte Grounds, within the Manor and Pariſh of *Aſton Subedge*, in the County of *Glouceſter*.

38. An Act for dividing and incloſing a certain Common Paſture, called *Myton Carr*, in the Lordſhip of *Myton*, in the Pariſh of *The Holy Trinity*, in the Town and County of the Town of *Kingſton upon Hull*.

39. An Act for dividing and allotting the Common Fields, Downs, and all other the Commonable Lands and Waſte Grounds, in the Manor and Pariſh of *Eaſt Garſton*, in the County of *Berks*.

40. An Act for dividing and incloſing the Commons and Waſte Grounds, within the Manor of *Monyaſh*, in the Pariſh of *Bakewell*, in the County of *Derby*.

41. An Act for dividing and incloſing the ſeveral Open Arable Fields, Meadows, Paſtures, Carrs, and other Open and Common Grounds, within the Townſhip of *Liſſet*, in the Pariſh of *Beeforth* otherwiſe *Beford*, in the Eaſt Riding of the County of *York*.

42. An Act for dividing and incloſing *Prieſtwood* Common, in the Pariſhes of *Mackworth*, *Kedleſton*, and *Meynell Langley*, or ſome of them, in the County of *Derby*.

43. An Act for dividing and incloſing the Open and Common Fields, Cow Paſtures, Ings, Common Meadows, and other Commonable Lands, in the Pariſh of *Weſt Aſhby*, within the Manors of *Horn Caſtle* and *Weſt Aſhby*, in the County of *Lincoln*.

44. An Act for dividing, incloſing, and allotting, the ſeveral Open Fields, Lands, and Grounds, within the Townſhip of *Kilham on the Woulds*, in the County of *York*.

45. An Act for dividing and incloſing a certain Parcel of Common and Waſte Ground, called *The Outwoods*, within the Townſhip or Hamlet of *Horninglow*, in the Pariſh of *Burton*, in the County of *Stafford*.

46. An Act for dividing and incloſing ſeveral Open Fields, Common or Waſte Lands, Stinted Paſtures, and Commonable Grounds, within the Hamlets of *Stapenhill* and *Winſhill*, in the County of *Derby*.

47. An Act for dividing and incloſing the ſeveral Open Fields, Common Meadows, Stinted Paſtures, Commons, and Waſte Lands, in the ſeveral Hamlets of *Stretton*, *Horninglow*, *Bond-end*, and *Branſton*, within the Pariſh of *Burton upon Trent*, in the County of *Stafford*.

48. An Act for dividing and incloſing the ſeveral Paſtures within the Townſhip of *Hetton*, in the Pariſh of *Burnſal*, and Weſt Riding of the County of *York*.

49. An Act for dividing and incloſing certain Open Common Fields and Commonable Grounds, within the Manor and Pariſh of *South Reſton*, in the County of *Lincoln*.

50. An Act for dividing and incloſing the Open and Common Fields, Meadows, Paſtures, Heath, and Waſte Grounds, within the Manor and Pariſh of *Boothby Graffoe*, in the County of *Lincoln*.

51. An Act for dividing and incloſing the Open and Uninclosed Fields, Lands, Commons, and Waſtes, within the Manor of *Scalby*, in the North Riding of the County of *York*; and alſo a certain Common, called *Threxenby Moor* otherwiſe *Newby Moor*, within the ſame Riding.

52. An Act for dividing and incloſing certain Fields, Lands, and Waſte Grounds, within the Townſhip of *Melton*, in the Pariſh of *Welton*, in the Eaſt Riding of the County of *York*.

53. An Act for dividing and incloſing the Common Fields, and the Common or Heath, called *Kilſall Heath*, and other Commonable Lands, in the Pariſh of *Donington*, in the County of *Salop*.

54. An Act for dividing and incloſing a certain Common, called *Holland Ward* otherwiſe *Hollin Ward*, in the County of *Derby*.

55. An Act for dividing and incloſing the Open and Common Fields and Commonable Lands within the Manor of *Broadway*, in the County of *Worceſter*.

56. An Act for dividing and incloſing certain Commons, Commonable Grounds, and Waſtes, called *Redditch Common* and *Webheath*, ſituate in that Part of the Manor of *Tardebigg*, which lies in the County of *Worceſter*, and for other Purpoſes therein mentioned.

57. An Act for dividing and incloſing the Open Fields, Meadows, Commons, and Common Paſtures, within the Liberties of *Stapleford* and *Bramcote*, in the County of *Nottingham*.

58. An Act for dividing and incloſing the Open and Common Fields, Common Meadows, and Commonable Lands and Grounds, in the Pariſh of *Butler's Marſton*, in the County of *Warwick*.

59. An Act for dividing and incloſing the Open Fields, Commons, and Waſte Grounds, lying in the Pariſh of *Appleby*, in the Counties of *Leiceſter* and *Derby*.

60. An Act for dividing and incloſing the Open and Common Fields, Common Meadows, and Commonable Lands and Grounds, called *Beanhall Fields*, in the Manor and Pariſh of *Feckenham*, in the County of *Worceſter*.

61. An Act for dividing and incloſing the Common and Waſte Grounds, within the Village, Hamlet, Townſhip, and Manor of *Oxenhope*, in the Pariſh of *Bradford*, and County of *York*.

62. An Act for dividing and incloſing the Open Fields, Meadows, Common Paſtures, and Waſte Grounds, within the Townſhips of *North Muſkham*, *Holme*, and *Bathley*, in the Pariſh of *North Muſkham*, in the County of *Nottingham*.

63. An Act to impower Sir *John Gibbons* to ſhut up the Foot-paths over certain Lands, in the Pariſh of *Stanwell*, in the County of *Middleſex*; and to extinguiſh all Claims and Right of Common in and over the ſaid Lands; and to oblige the ſaid Sir *John Gibbons* to make and keep in Repair a Foot-path in lieu thereof; and to veſt certain Premiſes and a Sum of Money in Truſtees, for the Uſe of the Poor of the ſaid Pariſh.

64. An Act for naturalizing *John Peter Du Roveray*, *John Daniel Naville*, *John Peter Eynard*, *David Chollett*, and *John Zacharias Gertcken*.

65. An Act for naturalizing *Auguſtine Noverre*.

66. An Act for impowering the Judges of the Court of Seſſion in *Scotland* to ſell certain Parts and Portions of the Eſtate and Barony of *Carrington*, in the County of *Edinburgh*, which formerly belonged to *Hugh* Lord Viſcount *Primroſe*, deceaſed, and now to *Neil* Earl of *Roſeberry*, for Payment of the Debts of the ſaid Viſcount.

67. An Act for veſting certain Lands and Hereditaments, Part of the Real Eſtate of *John Sutton* Eſquire, ſituate in the County of *Lincoln*, in Truſt, to be ſold, for Payment of Eight thouſand Pounds, the Portion of *Iſabella Sutton*, deceaſed, and for the other Purpoſes in the ſaid Act mentioned.

68. An Act for dividing and incloſing *Sheriff Hales* Common, in the County of *Stafford*.

69. An Act for dividing and incloſing the ſeveral Parcels of Fen Land within the Pariſh of *Algarkirke cum Foſdyke*, in the Parts of *Holland*, in the County of *Lincoln*.

70. An Act for dividing and incloſing the Open and Common Fields, in the Pariſh of *Swalcliffe*, in the County of *Oxford*.

71. An Act for diſcharging the Manor of *Coldheſeldon*, and divers Meſſuages, Lands, and Hereditaments, Part of the Eſtate of *Richard* Earl of *Scarborough*, from the Uſes, Eſtates, and Truſts, declared concerning the ſame, by the Settlement executed previous to his Marriage with *Barbara* Counteſs of *Scarborough*, his Wife, and by a certain Act of Parliament, which paſſed in the Seventh Year of His preſent Majeſty's Reign; and for ſettling another Manor, and other Lands and Hereditaments, of greater Value, in lieu thereof, to the like Uſes.

72. An Act for enabling Sir *Henry Harpur* Baronet to make Leaſes of his Eſtates in the Counties of *Derby* and *Stafford*, for Three Lives, or Ninety-nine Years, or ſuch other Leaſes as are therein mentioned.

73. An Act for Sale of Part of the ſettled Eſtates of Sir *John Shelley* Baronet, and of the Right Honourable *John Shelley* his Son, in the ſeveral Counties of *Kent* and *Wilts*, and alſo of a Farm, called *Kingſham Farm*, in the Pariſh of *Saint Pancraſs*, in the County of *Suſſex*; and for applying the Monies to ariſe by ſuch Sale, in Diſcharge of the Portions of the Daughters of the ſaid Sir *John Shelly*, affecting the Eſtates of him and his ſaid Son; and for other Purpoſes.

74. An Act to exchange Lands in *Langham*, in the County of *Suffolk*, between *Patrick Blake* Eſquire, and *Edward Burch*, Rector of the Pariſh Church of *Langham* aforeſaid, within the Dioceſe of *Norwich*.

75. An Act for veſting certain Freehold and Leaſehold Mills, Lands, and Tenements, compriſed in the Marriage Settlement of *Joſeph Bullock* Eſquire, in Truſtees, to convey and aſſign the ſame reſpectively, purſuant to an Agreement for the Sale thereof; and for laying out the Money ariſing by ſuch Sale in the Purchaſe of other Lands and Hereditaments, to be ſettled to the ſame Uſes as are mentioned in the ſaid Settlement.

76. An Act for confirming a Conveyance to *Henry Flitcroft* Eſquire, of certain Eſtates in the County of *York*, purchaſed by the Truſtees in the Marriage Settlement of *Charles Goring* Eſquire, and *Fanny* his Wife; and for confirming a Conveyance made by the ſaid *Henry Flitcroft* to the Uſe of the ſaid Truſtees of other Eſtates, in lieu thereof, in the County of *Surrey*.

77. An Act to enable the ſurviving Truſtee named in the Settlement of *William Pulteney* Eſquire, and *Frances* his Wife, to grant Leaſes of their Leaſehold Eſtates in *Weſtminſter*.

78. An Act for confirming a Deed of Truſt, dated the Thirty-firſt of *December*, One thouſand ſeven hundred and ſeventy, and for the more effectual enabling the Truſtees to raiſe the Sum of Nine thouſand Pounds, for the Purpoſes therein mentioned, by Mortgage or Sale of the Freehold Eſtate of *George Smyth* the elder, and *George Smyth* the younger, Eſquires, ſituate in the County of *Glouceſter*, or of a competent Part thereof.

79. An Act for veſting Part of the Eſtate late of *Nicholas Corſellis* Eſquire, deceaſed, at *Wivenhoe* and *Elmſted*, in the County of *Eſſex*, in Truſtees, to be ſold, for raiſing Money to diſcharge Incumbrances.

80. An Act for veſting the Manor of *Aſtley*, and certain Meſſuages, Lands, Tenements, and Hereditaments, in *Aſtley*, *Tyldeſley*, and *Bedford*, in the County of *Lancaſter*, compriſed in the Marriage Articles of *Thomas Froggatt*, and *Hannah* his Wife, in Truſtees, to the ſeveral Uſes, upon the Truſts, and ſubject to the Powers, Proviſoes, and Reſtrictions, therein mentioned.

81. An Act for veſting the ſettled Eſtates of *Thomas Parkinſon*, *Edward Heathcote*, and *Catherine* his Wife, and their reſpective Children, lying in the Counties of *Nottingham*, *Lincoln*, and *Cheſter*, in Truſtees, to ſell a ſufficient Part thereof, for Payment of Debts and Legacies affecting the ſame, and for making a Partition of the Remainder thereof, and ſettling the entire Premiſes to the Uſes therein mentioned.

82. An Act for diſcharging from Tithe certain Lands, in the Pariſh of *Sebraham* otherwiſe *Sebergham*, in the County of *Cumberland*; and for making Compenſation to the Curate of the ſaid Pariſh for the ſame.
83. An Act for draining and preſerving certain Fen Lands and Low Grounds in *Ladus Fen*, in the *Iſle of Ely*.
84. An Act for dividing and incloſing the Open and Common Fields, Common Meadows, Common Paſtures, and other Commonable Places, in *Waverton* otherwiſe *Wareton*, in the Pariſh of *Poleſworth*, in the County of *Warwick*.
85. An Act for dividing and incloſing the ſeveral Open and Common Fields, Commonable Lands, and Waſte Grounds, within the Manor of *Hampſtead Norreys*, in the Pariſh of *Hampſtead Norreys*, in the County of *Berks*.
86. An Act for dividing and incloſing certain Open and Common Fields called *Stretton Common Field*, and certain Common or Waſte Grounds called *Stretton Heath* and *Stretton Horſe Slead*, in the Pariſh of *Stretton on the Foſs*, in the County of *Warwick*.
87. An Act for dividing and incloſing the ſeveral Open and Common Fields, Arable, Meadow, and Paſture Grounds, Lammas Grounds, and Commonable Lands, within the Hamlets and Liberties of *Nightcot* and *Northend*, in the Pariſh of *Burton Daſſett*, in the County of *Warwick*.
88. An Act for dividing and incloſing the Open and Common Fields, Common Meadows, and Commonable Lands, within the Pariſh of *Naunton Beauchamp*, in the County of *Worceſter*.
89. An Act for dividing and incloſing the Open Fields, Meadows, Common Paſtures, and all other Common and Waſte Lands, in the Liberties or Hamlets of *Kilby* and *Newton Harcourt*, in the Pariſh of *Wiſtow*, and County of *Leiceſter*.
90. An Act for dividing and incloſing the Open and Common Fields of *Stretton under Foſs*, in the Pariſh of *Monk's Kirby*, in the County of *Warwick*.
91. An Act for dividing and incloſing certain Open Fields, Lands, and Grounds, in the Townſhip and Pariſh of *Biſhop Norton*, in the County of *Lincoln*.
92. An Act for dividing and incloſing all the Open Fields, Lands, and Grounds, at *Long Riſton* and *Arnold*, in the County of *York*.
93. An Act for dividing and incloſing the Open and Common Fields, Common Meadows, Common Paſtures, and other Commonable Lands and Grounds, within the Pariſh and Liberties of *Pattiſhall*, within the Hamlets of *Eaſtcote*, *Aſtcote*, and *Darleſcote*, in the County of *Northampton*.
94. An Act for dividing, allotting, and incloſing, the Open and Common Fields, Meadows, Paſtures, Lands, and Waſte Grounds, of, within, and belonging to, the Manor, Pariſh, and Liberties of *Hartford*, in the County of *Huntingdon*.
95. An Act for dividing and incloſing the Open Fields, in the Townſhip of *Butterwick*, in the Pariſh of *Foxholes*, in the Eaſt Riding of the County of *York*.
96. An Act for dividing and incloſing the Open and Common Fields, Common Meadows, Common Paſtures, Common Grounds, and Waſte Grounds, in the Pariſh of *Earls Barton*, in the County of *Northampton*.
97. An Act for dividing and incloſing the Open and Common Fields, Common Meadows, Common Paſtures, Common Grounds, and Commonable Lands, within the Manor and Pariſh of *Wedon* and *Weſton*, otherwiſe *Wedon Pinkney*, otherwiſe *Loys Wedon*, in the County of *Northampton*.
98. An Act for dividing and incloſing the Open and Common Fields, Common Paſtures, Common Meadows, Common Grounds, and Commonable Lands, within the Pariſh and Liberties of *Watford*, and within the Hamlet and Liberties of *Murcott*, in the Pariſhes of *Watford* and *Long Buckby*, in the County of *Northampton*.
99. An Act for dividing and incloſing the Moor, or Common, called *Elvet Moor*, in the Pariſh of *Saint Oſwald*, in the County Palatine of *Durham*, and for extinguiſhing all Right of Common in certain Intercommon Lands in the ſaid Pariſh.
100. An Act for dividing and incloſing the Open Arable Fields, Meadows, Paſtures, Commons, and Waſte Grounds, in the Pariſh of *Miſterton*, in the County of *Nottingham*.
101. An Act for dividing and incloſing the Commonable Lands and Waſte Grounds within the Manor and Pariſh of *Ubly*, in the County of *Somerſet*.
102. An Act for naturalizing *Jacob Matthias Juſtus*, and *Theophilus Chriſtian Blanckenhagan*.
103. An Act for naturalizing *Francis Harrand*.
104. An Act for veſting in Truſtees, and their Heirs, ſeveral Manors, Meſſuages, Lands, and Hereditaments, in the County of *Southampton*, the Eſtate of the moſt Noble *William Henry Cavendiſh*, Duke of *Portland*, upon Truſt to ſell the ſame, and to apply the Money to ariſe by Sale thereof in Manner therein mentioned.
105. An Act for veſting the Manor, Capital Meſſuage, *Barton Farm*, and Demeſne Lands of *Cadhay*, ſituate in *Ottery Saint Mary*, in the County of *Devon*, Part of the ſettled Eſtate of Sir *Booth Williams* Baronet, in Truſtees, to be ſold; and for laying out the Money ariſing by ſuch Sale in the Purchaſe of other Lands and Hereditaments, to be ſettled to the ſame Uſes which are now ſubſiſting with regard to the ſaid ſettled Eſtate.
106. An Act for confirming and carrying into Execution an Agreement, dated the Twenty-third Day of *June*, One thouſand ſeven hundred and ſeventy, between *Humphrey Minchin* Eſquire, and *George Clive* Eſquire, and for veſting certain Eſtates, in the County of *Tipperary*, in the Kingdom of *Ireland*, in certain Truſtees, and their Heirs, for that Purpoſe.
107. An Act for veſting certain Meſſuages in *The Strand*, in the County of *Middleſex*, Part of the ſettled Eſtate of *James Theobald* Eſquire, in Truſtees, to be conveyed to *James Adam* Eſquire; and for laying out the Purchaſe Money in Lands, to be ſettled to the Uſes to which the ſaid ſettled Eſtate do now ſtand limited.
108. An Act for veſting the Copyhold Eſtate of *Richard Maddock*, Gentleman, deceaſed, ſituate at *Norwood*, in the County of *Middleſex*, in Truſtees, to be ſold, towards diſcharging the Principal Money and Intereſt due upon a Mortgage thereof, and of certain Freehold Eſtates of the ſaid *Richard Maddock*, in the County of *Wilts*.
109. An Act for dividing and incloſing the Open Common Meadows, Commons, and Downs, in the Pariſhes of *Preſton* and *Stratton*, in the County of *Glouceſter*.
110. An Act for dividing and incloſing the Common Fen belonging to *Boſton Weſt*, in the County of *Lincoln*.
111. An Act for dividing and incloſing the Common Fen belonging to *Skirbeck Quarter*, in the Pariſh of *Skirbeck*, in the County of *Lincoln*.
112. An Act for dividing and incloſing the Commons and Waſte Grounds within the Townſhip of *Brampton-en-le-Morthen*, in the Weſt Riding of the County of *York*.
113. An Act for naturalizing *Carſten Dirs* and *Jacob Gloſtein*.

Publick Acts.

Anno 12 *Georgii* III.

1. AN Act to continue and amend an Act, made in the laſt Seſſion of Parliament, intituled, *An Act to continue the Prohibition of the Exportation of Corn, Grain, Meal, Flour, Bread, Biſcuit, and Starch; and alſo of the Extraction of Low Wines and Spirits from Wheat and Wheat Flour, for a further Time; and alſo to prohibit the Exportation of Malt for a limited Time.*
2. An Act to continue for a further Time an Act, made in the Eighth Year of His preſent Majeſty's Reign, intituled, *An Act to continue and amend an Act, made in the Fifth Year of the Reign of His preſent Majeſty, intituled,*

An Act for Importation of Salted Beef, Pork, Bacon, and Butter, from Ireland, *for a limited Time; and for allowing the Importation of Salted Beef, Pork, Bacon, and Butter, from the* Britiſh *Dominions in* America, *for a limited Time.*

3. An Act for granting an Aid to His Majeſty by a Land Tax, to be raiſed in *Great Britain*, for the Service of the Year One thouſand ſeven hundred and ſeventy-two.

4. An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters.

5. An Act for the Regulation of His Majeſty's Marine Forces, while on Shore.

6. An Act for continuing and granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thouſand ſeven hundred and ſeventy-two.

7. An Act for explaining and amending an Act, made in the Seventh Year of His preſent Majeſty, intituled, *An Act for taking off the Inland Duty of One Shilling* per *Pound Weight upon all Black and Singlo Teas conſumed in* Great Britain; *and for granting a Drawback upon the Exportation of Teas to* Ireland, *and the* Britiſh *Dominions in* America, *for a limited Time, upon ſuch Indemnification to be made in reſpect thereof by the* Eaſt India Company, *as is therein mentioned, for permitting the Exportation of Teas in ſmaller Quantities than One Lot to* Ireland, *or the ſaid Dominions in* America; *and for preventing Teas ſeized and condemned from being conſumed in* Great Britain; and for ſettling certain Doubts and Diſputes which have ariſen upon the ſaid Act of Parliament.

8. An Act to explain and amend an Act, paſſed in the Tenth Year of His preſent Majeſty's Reign, for paving, lighting, and watching, the Town of *Plymouth*, in the County of *Devon*, and for regulating the Carmen and Porters within the ſaid Town.

9. An Act to enable the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, commonly called *Bedford Level*, to borrow upon Bonds further Money, upon account of the Middle and South Levels, Part of the ſaid Great Level; and for eſtabliſhing a further certain Fund for Payment of the Bonds of the ſaid Corporation, out of the ſaid Middle and South Levels.

10. An Act for allowing further Time for Inrolment of Deeds and Wills made by Papiſts; and for Relief of Proteſtant Purchaſers.

11. An Act for the better regulating the future Marriages of the Royal Family.

12. An Act for further continuing Two Acts, made in the Sixth and Ninth Years of His Majeſty's Reign, for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters, in His Majeſty's Dominions in *America*.

13. An Act for defraying the Charge of the Pay and Cloathing of the Militia in that Part of *Great Britain* called *England*, for One Year, beginning the Twenty-fifth Day of *March*, One thouſand ſeven hundred and ſeventy-two.

14. An Act for clearing, depthening, repairing, maintaining, and improving the Haven and Piers of *Great Yarmouth*; and for depthening, and making more navigable, the ſeveral Rivers emptying themſelves into the ſaid Haven; and for preſerving Ships wintering therein from Accidents by Fire.

15. An Act for lighting, cleanſing, and watching, the Streets, Lanes, and other Paſſages, of the Burgh of *Canongate*, and the Liberties of *Pleaſance* and *Leith-wynd*, adjoining to the Royalty of the City of *Edinburgh*.

16. An Act for deepening, cleanſing, ſcouring, preſerving, and maintaining, the Harbour of *Port Glaſgow*, for enlarging and improving the Quays and Piers, for erecting new Breaſts, Jettees, and Piers; and for regulating Ships, Lighters, and other Veſſels, trading into and going out of the ſaid Harbour, and for other Purpoſes therein mentioned.

17. An Act for lighting ſuch Part of the Town of *Iſlington* as lies in the Pariſh of *Saint Mary, Iſlington*, in the County of *Middleſex*; and for eſtabliſhing a regular Nightly Watch therein.

18. An Act for the better paving, cleanſing, lighting, and watching, the Streets and Lanes in the Town and Pariſh of *Chatham*, in the County of *Kent*, and for removing and preventing Nuiſances and Annoyances therein.

19. An Act to enable His Majeſty to grant certain Houſes in *Fenchurch Street* and *Addle Street*, in the City of *London*, eſcheated to the Crown by the Death of Lieutenant-general *John Brown*, without Heir, unto *Frederick Montagu* Eſquire, and his Heirs, upon the Truſts therein mentioned.

20. An Act for the more effectual proceeding againſt Perſons ſtanding Mute on their Arraignment for Felony, or Piracy.

21. An Act for giving Relief in Proceedings upon Writs of *Mandamus* for the Admiſſion of Freemen into Corporations; and for other Purpoſes therein mentioned.

22. An Act for deepening, cleaning, ſcouring, preſerving, and maintaining, the Harbour of *Ayr*; for enlarging and improving the Quays and Piers; for erecting Docks, Breaſts, Jettees, and Piers; and for regulating Ships, Lighters, and other Veſſels, trading into and going out of the ſaid Harbour; and for other Purpoſes therein mentioned.

23. An Act for the Relief of Inſolvent Debtors; and for indemnifying the Marſhal of the *King's Bench* Priſon from Proſecutions at Law, for certain Eſcapes from the ſaid Priſon.

24. An Act for the better ſecuring and preſerving His Majeſty's Dock Yards, Magazines, Ships, Ammunition, and Stores.

25. An Act for the more effectual veſting in the Royal Hoſpital at *Greenwich* the forfeited and unclaimed Shares of Naval Officers, Seamen, and Marines, in Prizes taken from the Enemy; and for other Purpoſes therein mentioned.

26. An Act for imbanking, draining, and preſerving, certain Fen Lands and Low Grounds in the Pariſh of *Ramſey*, in the County of *Huntingdon*; and in the Pariſhes of *Doddington*, *March*, *Benwick*, *Wimblington*, and *Chatteris*, within the *Iſle of Ely*, in the County of *Cambridge*; and for amending the Road from a certain Bridge in the Pariſh of *Chatteris* aforeſaid, called *Carter's Bridge*, by a Drain called *Vermuyden*'s, or *The Forty Feet Drain*, to a Bridge called *The Forty Feet Bridge*, in the ſaid Pariſh of *Ramſey*.

27. An Act to amend and render more effectual an Act, made in the Twenty-ſecond Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the more effectual draining and preſerving of ſeveral Fen Lands and Field Lands, in the Bounds and Precincts of* Whittleſey, *in the* Iſle of Ely, *in the County of* Cambridge, ſo far as the ſame relates to the ſeveral Fen and Field Lands lying in the Third, Fourth, and Fifth Diſtricts, deſcribed in the ſaid Act.

28. An Act to enlarge the Cœmetery or Church-yard of the Pariſh of *Watford*, in the County of *Hertford*, and to make an additional Building to the preſent Workhouſe, for the Reception of the Poor of the ſaid Pariſh; and for other Purpoſes therein mentioned.

29. An Act to explain and amend an Act, paſſed in the Sixth Year of the Reign of His preſent Majeſty, intituled, *An Act for taking down and removing certain Light-houſes now ſtanding near the* Spurn Point, *at the Mouth of the* Humber; *and for erecting other fit and convenient Light-houſes inſtead thereof.*

30. An Act for the further Augmentation of the Salaries of the Juſtices of *Cheſter*, and the Great Seſſions for the Counties in *Wales*.

31. An Act to indemnify ſuch Perſons as have omitted to qualify themſelves for Offices and Employments; and to indemnify Juſtices of the Peace, or others, who have omitted to regiſter or deliver in their Qualifications within the Time limited by Law, and for giving further Time for thoſe Purpoſes; and to indemnify Members and Officers, in Cities, Corporations, and Borough Towns, whoſe Admiſſions have been omitted to be ſtamped ac-

cording to Law, or, having been ſtamped, have been loſt or miſlaid, and for allowing them Time to provide Admiſſions duly ſtamped, and to give further Time to ſuch Perſons as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors.

32. An Act for allowing the free Importation of Rice into this Kingdom from any of His Majeſty's Colonies in *America*, for a limited Time.

33. An Act for allowing the Importation of Wheat, Wheat Flour, Rye, Rye Meal, and *Indian* Corn into this Kingdom, for a limited Time, free of Duty.

34. An Act to amend an Act of the Tenth Year of the Reign of His preſent Majeſty, for building a Workhouſe in the Pariſh of *Saint Martin in the Fields*, within the City of *Weſtminſter*, in the County of *Middleſex*.

35. An Act for enabling Their Majeſties to enfranchiſe Copyhold Lands holden of the Manor of *Richmond*, in the County of *Surrey*, and for enabling His Majeſty to ſhut up a Lane leading from *Richmond Green* to the River *Thames*, and to ſell and exchange certain Lands within the Manors of *Richmond* and *Wimbleton*.

36. An Act for compleating a Building intended for a new Church or Chapel at *Richmond* near *Everton*, in the County Palatine of *Lancaſter*; and for other Purpoſes.

37. An Act for draining and preſerving certain Commons, Low Grounds, and Carrs, in the Pariſh of *Market Weighton*, and other adjacent Pariſhes in the Eaſt Riding of the County of *York*; and for making a navigable Cut or Canal from *Market Weighton* to the River *Humber*.

38. An Act for paving, cleanſing, lighting, watching, and regulating the Squares, Streets, Rows, Lanes, Alleys, and other publick Paſſages and Places, within the Pariſh of *Chriſt Church*, in the County of *Middleſex*; and for removing Nuiſances and Obſtructions therefrom, and preventing the like for the future; and for paving and regulating ſuch Parts of *Brick Lane* as are not within the ſaid Pariſh.

39. An Act for raiſing a certain Sum of Money by Loans or Exchequer Bills, for the Service of the Year One thouſand ſeven hundred and ſeventy-two.

40. An Act for amending and rendering more effectual an Act, made in the Tenth Year of His Majeſty's Reign, intituled, *An Act for building a new Pariſh Church, and declaring the preſent Pariſh Church a Chapel; for making a Cœmetery or Church yard; and for building an Houſe for the Uſe of the Miniſter of the Pariſh of* Saint Mary le Bone, *in the County of* Middleſex.

41. An Act for building a Bridge over the River *Thames*, near the Town of *Maidenhead*, in the County of *Berks*.

42. An Act for ſettling and determining what Parts of the Precinct of the *Savoy*, in the County of *Middleſex*, ſhall be under the Survey of the Court of Exchequer, and what Parts thereof under the Survey of the Duchy of *Lancaſter*.

43. An Act for veſting *Ely Houſe*, in *Holbourn*, in His Majeſty, His Heirs and Succeſſors, and for applying the Purchaſe-money, with another Sum therein mentioned, in the purchaſing of a Freehold Piece of Ground in *Dover Street*, and in the building and fitting up another Houſe thereon, for the future Reſidence of the Biſhops of *Ely*, and the Surplus to the Benefit of the See; and for other Purpoſes therein mentioned.

44 An Act to enable His Majeſty to grant the Reverſion or Remainder in Fee-ſimple, now veſted in His Majeſty, of and in an Annual or Fee farm Rent of One hundred and thirteen Pounds, One of the ſeveral Fee-farm Rents granted to the Right Honourable *Edward*, heretofore Earl of *Sandwich*, by His late Majeſty King *Charles* the Second, unto the Honourable *James Archibald Stewart*, and his Heirs, upon a full and adequate Conſideration to be given by him, or his Heirs, for the ſame.

45. An Act for the better Regulation of Carters, Carriages, and loaded Horſes; and for removing Obſtructions and Nuiſances upon the Streets and Highways within that Part of *Great Britain* called *Scotland*.

46. An Act for the more effectual preventing of Frauds in the Revenues of Exciſe, with reſpect to Tea, Soap, Low Wines, and Spirits.

47. An Act to continue an Act, made in the Fifth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act to prevent the committing of Frauds by Bankrupts, and for making Proviſion for diſcharging Bankrupts, in certain Caſes, from their Impriſonment.*

48. An Act for the more effectual preventing of Frauds in the Stamp Duties, upon Vellum, Parchment, Paper, and Cards.

49. An Act to explain and amend an Act, made in the Seventh Year of the Reign of His preſent Majeſty, intituled, *An Act for altering the Stamp Duties upon Policies of Aſſurance; and for reducing the Allowance to be made in reſpect of the prompt Payment of the Stamp Duties on Licences for retailing Beer, Ale, and other exciſeable Liquors; and for explaining and amending ſeveral Acts of Parliament relating to Hackney Coaches and Chairs*; ſo far as the ſame relates to Hackney Coaches.

50. An Act for the encouraging the Manufacture of Leather, by lowering the Duty payable upon the Importation of Oak Bark, when the Price of ſuch Bark ſhall exceed a certain Rate, for a limited Time.

51. An Act for continuing an Act, made in the Tenth Year of the Reign of His preſent Majeſty, to prevent the further ſpreading of the contagious Diſorder among the Horned Cattle in *Great Britain*.

52. An Act to enable the Lords Commiſſioners of His Majeſty's Treaſury to order and allow, out of the Money ariſing by the Coinage Duty, a certain Sum therein mentioned, for the Expences of proſecuting Offenders againſt the Laws relating to the Coin, in the Year One thouſand ſeven hundred and ſeventy, over and above the Sum yearly allowed for that Service.

53. An Act to enable the Lords of the Treaſury to diſcharge the Executors of Lady *Anne Jekyll* from a Debt due to His Majeſty, for the Uſe of the Sinking Fund, upon Payment of the ſame into the Exchequer.

54. An Act for the more effectually ſecuring a Quantity of Oak Timber for the Uſe of the Royal Navy.

55. An Act for preventing Frauds and Abuſes, in relation to the Trade carried on between *Great Britain* and *Ireland*.

56. An Act to continue ſeveral Laws relating to the Allowance upon the Exportation of *Britiſh*-made Gunpowder; to the giving further Encouragement for the Importation of Naval Stores from the *Britiſh* Colonies in *America*; to the further encouraging the Manufacture of *Britiſh* Sail Cloth, and to the Duties payable on Foreign Sail Cloth; to the granting a Liberty to carry Sugars of the Growth, Produce, or Manufacture, of any of His Majeſty's Sugar Colonies, directly into Foreign Parts, in Ships built in *Great Britain*, and navigated according to Law; to the free Importation of Cattle from *Ireland*; and to the regulating the Fees of Officers of the Cuſtoms, and Naval Officers in *America*.

57. An Act to explain and amend ſo much of an Act, made in the Sixth Year of the Reign of His late Majeſty King *George* the Second, as relates to the Eſtabliſhment of Lazarets.

58. An Act for the further Encouragement of the Herring Fiſhery on the Coaſts of the *Iſle of Man*; and for obviating a Doubt which has ariſen with reſpect to the allowing the Bounties upon the *Britiſh* White Herring Fiſhery, in the Year One thouſand ſeven hundred and ſeventy-one.

59. An Act for veſting in His Majeſty certain Hereditaments at *Richmond*, in the County of *Surrey*, belonging to *Catharine* Viſcounteſs *Fitzwilliam*, and held by Leaſe from the Crown; and for veſting the Freehold and Inheritance of certain Leaſehold and Copyhold Hereditaments at *Richmond* aforeſaid, in Truſtees, and

their Heirs, in Truſt for the ſaid *Catharine* Viſcounteſs *Fitzwilliam*, as a Part of the Compenſation for the ſame, and for other Purpoſes therein mentioned.

60. An Act for granting a Drawback of Part of the Cuſtoms upon the Exportation of Tea to *Ireland*, and the *Britiſh* Dominions in *America*; for altering the Drawback upon foreign Sugars exported from *Great Britain* to *Ireland*; for continuing the Bounty on the Exportation of *Britiſh*-made Cordage; for allowing the Importation of Rice from the *Britiſh* Plantations into the Ports of *Briſtol*, *Liverpoole*, *Lancaſter*, and *Whitehaven*, for immediate Exportation to foreign Parts; and to impower the Chief Magiſtrate of any Corporation to adminiſter the Oath, and grant the Certificate, required by Law, upon the Removal of certain Goods to *London*, which have been ſent into the Country for Sale.

61. An Act to regulate the making, keeping, and Carriage, of Gunpowder, within *Great Britain*; and to repeal the Laws heretofore made for any of thoſe Purpoſes.

62. An Act to enable the Lord Biſhop of *Durham*, and his Succeſſors, to raiſe a competent Sum of Money, to be applied for the repairing, improving, or rebuilding, ſuch Part of *Tyne Bridge* as belongs to the See of *Durham*.

63. An Act for redeeming One Million five hundred thouſand Pounds of the Capital Stocks of Three Pounds *per Centum* Annuities, in the Manner, and on the Terms therein mentioned; and for eſtabliſhing a Lottery.

64. An Act for building Two new Chapels, and providing Burial-places thereto, within the Town of *Birmingham*, in the County of *Warwick*.

65. An Act to extinguiſh the Right of Common upon an Acre of Ground called *White Lyon* or *Hangman's Acre*, in *Saint George's Fields*, in the County of *Surrey*.

66. An Act for the more eaſy and ſpeedy Recovery of Small Debts within the Borough and Foreign of *Kidderminſter*, in the Pariſh of *Kidderminſter*, in the County of *Worceſter*.

67. An Act for incorporating the Members of a Society, commonly called *The Marine Society*, and their Succeſſors, to be elected as therein is mentioned, and for the better impowering and enabling them to carry on their charitable and uſeful Deſigns.

68. An Act for the better Relief and Employment of the Poor within that Part of the Pariſh of *Saint Sepulchre*, which is in the County of *Middleſex*; and for paving, cleanſing, lighting, watching, and regulating, the Squares, Streets, Lanes, Alleys, Courts, Yards, and open Paſſages and Places, within the ſame, and for removing Annoyances therefrom; and for making the Communication between *Charter-houſe Square* and *Saint John's Street*, through *Charter-houſe Lane*, more convenient.

69. An Act for paving, lighting, cleanſing, watering, and watching, the Streets and other publick Places within ſuch Part of the Pariſh of *Saint Pancras*, in the County of *Middleſex*, as lies on the Weſt Side of *Tottenham Court Road*; and for preventing Nuiſances and Obſtructions therein; and for obliging the Truſtees for the Care of the ſaid Road to pave, repair, and cleanſe, ſuch Part of the ſaid Road as is therein deſcribed.

70. An Act for granting to His Majeſty a certain Sum of Money out of the Sinking Fund; and for applying certain Monies therein mentioned, for the Service of the Year One thouſand ſeven hundred and ſeventy-two; and for further appropriating the Supplies granted in this Seſſion of Parliament; and for making forth Duplicates of Exchequer Bills, Lottery Tickets, Certificates, Receipts, Annuity Orders, and other Orders, loſt, burnt, or deſtroyed.

71. An Act for the repealing ſeveral Laws therein mentioned againſt Badgers, Engroſſers, Foreſtallers, and Regrators, and for indemnifying Perſons againſt Proſecutions for Offences committed againſt the ſaid Acts.

72. An Act for rendering the Payment of the Creditors of Inſolvent Debtors more equal and expeditious, and for regulating the Diligence of the Law by Arreſtment and Poinding, and for extending the Privilege of Bills to Promiſſory Notes, and for limiting Actions upon Bills and Promiſſory Notes, in that Part of *Great Britain* called *Scotland*.

73. An Act for the better Regulation of Buildings and Party Walls within the Cities of *London* and *Weſtminſter*, and the Liberties thereof, and other the Pariſhes Precincts, and Places, within the Weekly Bills of Mortality, the Pariſhes of *Saint Mary-le-bone* and *Paddington*, *Saint Pancraſs*, and *Saint Luke* at *Chelſea*, in the County of *Middleſex*; and for the better preventing of Miſchiefs by Fire within the ſaid Cities; Liberties, Pariſhes, Precincts, and Places; and for amending and reducing the Laws relating thereto into One Act; and for other Purpoſes.

Publick Acts,

Printed in the Collection called *Road Acts*.

74. AN Act to continue and enlarge the Term and Powers of an Act, made in the Twenty-ſixth Year of the Reign of King *George* the Second, for repairing and widening the Roads leading from *Lobcombe Corner*, in the Pariſh of *Winterſlow*, to *Harnham Bridge*, in the County of *Wilts*; and from the Weſt Corner of *Saint Anne's Street*, in the City of *New Sarum*, to the Pariſhes of *Landford* and *Brook*, and from thence to *Ealing*; and from *Landford* aforeſaid, through *Ower* and *Teſtwood*, to *Ealing* aforeſaid, in the County of *Southampton*; and for repairing and widening the Road from the *Rumſey* and *Ringwood* Turnpike Road, near the Houſe of *Francis Fry*, to *Lindhurſt*; and from a Place called *Hampton Ford* to *Lamb's Corner*, in the ſaid County of *Southampton*; and for repairing the Footways within the ſaid City.

75. An Act for making a navigable Cut or Canal from the River *Dee*, within the Liberties of the City of *Cheſter*, to or near *Middlewich* and *Nantwich*, in the County of *Cheſter*.

76. An Act for enlarging the Term and Powers of an Act for repairing and widening the Road from the City of *Norwich* to *Scole-bridge*, in the County of *Norfolk*.

77. An Act to amend an Act of the Sixth Year of the Reign of His preſent Majeſty, for repairing and widening the Stone Bridge, in the Town of *Shrewſbury*; and for appropriating Part of the Tolls collected upon certain Roads leading to the ſaid Bridge towards finiſhing the ſame; and for granting additional Terms to the ſeveral Acts for repairing the ſaid Roads.

78. An Act for repairing and widening ſeveral Roads from *Aldermaſton*, in the County of *Berks*, to *Baſingſtoke*, and from *Aldermaſton* aforeſaid to the Turnpike Road from *Baſingſtoke* to *Andover*, at or near *Worting*, and to the Turnpike Road leading to *Wincheſter*, at *Popham Lane*, in the County of *Southampton*.

79. An Act for the more effectual aſſeſſing and collecting of the Rates for Relief of the Poor in the Pariſh of *Saint Botolph*, *Biſhopgate*, in the Liberties of the City of *London*.

80. An Act for continuing the Term, and altering and enlarging the Powers, of an Act, made in the Tenth Year of His preſent Majeſty, for repairing and widening the Roads from the Borough of *Bury Saint Edmunds* to the Town of *Newmarket*, in the Counties of *Suffolk* and *Cambridge*; and from the South End of the *Ferry Street*, in *Brandon*, to *Bury Saint Edmunds*, in the ſaid County of *Suffolk*.

81. An Act to explain and amend an Act, made in the Twenty-third Year of the Reign of His late Majeſty King *George* the Second, for improving the Navigation of the River *Loyne*, otherwiſe called *Lune*, and for building a Quay or Wharf near the Town of *Lancaſter*, in the County Palatine of *Lancaſter*.

82. An Act for repairing and widening ſeveral Roads leading through the County of *Lanerk*, and for building a Bridge over the River *Clyde*, at or near a Place called the *Howford*, in the ſaid County.

83. An Act to continue and render more effectual an Act, paſſed in the Twenty-ſixth Year of the Reign of His late Majeſty, for repairing the Road from the *North Queen's Ferry*, through the Towns of *Inverkeithing* and *Kinroſs*, to the Town of *Perth*; and alſo the Road from the ſaid *Queen's Ferry* to the Towns of *Dumfermline*, *Torryburn*, and *Culroſs*; and alſo the Road from the ſaid *Queen's Ferry*, through *Inverkeithing*, to *Bruntiſland* and *Kirkcaldie*.

84. An Act to continue and render more effectual ſeveral Acts for repairing the Roads from the Pariſh of *Enfield*, in the County of *Middleſex*, to the Town of *Hertford*, and other Roads in the ſaid Acts mentioned; and alſo for repairing the Road from the End of the Town of *Hertford* to *Amwell End*, near *Ware*, in the ſaid County of *Hertford*.

85. An Act for repairing and widening the Road from the End of the preſent Turnpike Road from *Beſſelſleigh* to *Hungerford*, in the County of *Berks*, to *Leckford*, otherwiſe *Souſley Water*, in the County of *Wilts*.

86. An Act for enlarging the Term and Powers of an Act, paſſed in the Second Year of His preſent Majeſty's Reign, for repairing, widening, and altering, ſeveral Roads leading from *Tavyſtock* to *Plymouth*, and other Places in the County of *Devon*; and for repairing and widening the Road from the Guildhall in *Taviſtock* aforeſaid, through *Matthew Street* and *Lower Brook Street*, to *Cherrybrook*, and to *Dunnabridge Pound*, and from the *Callington* Turnpike Road to *Morwellham* and *New Quay*, in the ſaid County.

87. An Act for building a Bridge croſs the River *Ure*, from *Great Ouſeborn* to *Aldwork*, in the County of *York*.

88. An Act to continue and render more effectual Two ſeveral Acts for repairing the Roads leading from the Town of *Mancheſter*, in the County of *Lancaſter*, through the Town of *Aſhton under Line*, and Pariſh of *Motram Longdendale*, and from thence to *Salter's Brook*, in the County Palatine of *Cheſter*.

89. An Act to continue and render more effectual ſeveral Acts, for repairing the Highways between *Dunſtable* and *Hockliffe*, in the County of *Bedford*; and from the Sign of *The White Horſe* to the Sign of *The King's Arms* in *Hockliffe* aforeſaid; and alſo for making Proviſion for the more effectual repairing the Road leading from the Sign of *The Waggon and Horſes* to *The Bull Inn* in *Dunſtable* aforeſaid.

90. An Act for repairing and widening the Road from the Weſt End of *Saint Ives Lane*, in the Town of *Saint Neots*, in the County of *Huntingdon*, to the Pavement at the End of *Bell Lane*, in the Town of *Cambridge*.

91. An Act for repairing and widening the Road from the *Warwick* Road, near *Solihull*, to the Guide Poſt in *Kenilworth*; and from *Stone Bridge*, to meet the aforeſaid Road on *Balſall Common*, in the County of *Warwick*.

92. An Act to continue, amend, and render more effectual, an Act, paſſed in the Seventh Year of the Reign of His preſent Majeſty, for repairing the Roads from *Tunbridge Wells*, in the County of *Kent*, to *Swift's Den*, in the Pariſh of *Etchingham*, and from *Frant* to *Peſſingworth Great Wood*, adjoining to the Turnpike Road there, leading to *Black Boys*, in the County of *Suſſex*.

93. An Act for repairing and widening the Road from the *Exeter* Turnpike at *Reedy Gate*, in the Pariſh of *Dunsford*, in the County of *Devon*, to *Cherrybrook*, in the Foreſt of *Dartmoare*, in the ſaid County.

94. An Act for enlarging the Term and Powers of an Act, made in the Thirtieth Year of the Reign of His late Majeſty, for repairing and widening ſeveral Roads leading to, through, and from the Town of *Frome*, in the County of *Somerſet*; and ſeveral other Roads in the Counties of *Somerſet* and *Wilts*.

95. An Act for repairing and amending the Road from *Beerſtreet Gates*, in the City of *Norwich*, to *New Buckenham*, in the County of *Norfolk*.

96. An Act for repairing, widening, and keeping in Repair, the Road from *Burlton*, in the County of *Salop*, through *Knockin*, to *Llanymynech*, in the ſame County; and from *Knockin* to the Eaſt End of the *Llanriader* Road, and from *Place Carrick Lane* to the Turnpike Road from *Llanymynech* to *Oſweſtry*, near *Coid Iſſa Mountain*, and from *Oſweſtry* Turnpike Road on *Knockin Heath*, to the Eaſt End of *Knockin Lane*.

97. An Act for repairing and widening the Roads from the Confines of the County of *Berwick*, at or near *Banghouſe Walls* to *Compton's Lanes*, and *Eymouth*, and from the Town of *Eccles* to *Eymouth*, and from *Whitelaw Muir* to *Compton's Lanes*, in the County of *Berwick*.

98. An Act for repairing and widening the Road leading from the Eaſt End of the Bridge acroſs the River *Ouze*, in *Downham Market*, to the *Queen's Head*; and from the *Chequer Inn*, in *Downham Market* aforeſaid, to the Eaſt End of the *Two Mile Cloſe*, in the Pariſh of *Barton*, and towards *Watton*, to a Place called *The Devil's Ditch*, in the County of *Norfolk*; and for ſtopping up the Road leading from *Stradſet*, through *Barton Layes*, towards *Watton*.

99. An Act for enlarging the Term and Powers of Two Acts, made in the Twenty-ſixth and Twenty-ninth Years of the Reign of His late Majeſty King *George* the Second, for repairing and widening *Old Street Road*, in the Pariſhes of *Saint Luke* and *Saint Leonard, Shoreditch*, in the County of *Middleſex*.

100. An Act for building a Temporary Bridge over the River *Tyne*, between the Town of *Newcaſtle upon Tyne* and *Gateſhead*, in the County of *Durham*.

101. An Act to continue the Term, and vary the Powers, of ſo much of an Act, made in the Twenty-firſt Year of the Reign of His late Majeſty, for repairing the Road from *Sutton Coldfield Common*, and ſeveral other Roads therein deſcribed, in the County of *Stafford*, as relates to the *Wolverhampton* Diſtrict of Roads.

102. An Act for repealing certain Proviſions in Two Acts of Parliament, ſo far as the ſame relate to repairing the Highways in the Pariſh of *Saint Mary Matfelon* otherwiſe *Whitechapel*, in the County of *Middleſex*; and for raiſing Money for repairing the ſaid Highways.

103. An Act for the better Preſervation of the Great Bank of the River *Welland*, from *Spalding High Bridge*, through *Cowbit*, *Peakill*, *Crowland*, and *Peakirk*, and for making and keeping in Repair a Road thereon, and from thence to the Village of *Glenton*, in the Counties of *Lincoln* and *Northampton*.

104. An Act to explain and amend an Act of the Eleventh Year of the Reign of His preſent Majeſty, for amending and widening the Road from *Beſſelſleigh*, through *Wantage*, to *Hungerford*, in the County of *Berks*; and from *Wantage* to *Marlborough*, in the County of *Wilts*; and from the Turnpike Road between *Reading* and *Wallingford*, through *Halfpenny Lane*, to *The Old Red Houſe* upon *Wantage Downs*, and from thence to *Lambourn*, in the ſaid County of *Berks*.

105. An Act for amending, widening, and altering, the Roads leading from *Crickhowel*, in the County of *Brecon*, to the *Croſs Hands*, beyond *New Inn*, in the Turnpike Road between the City of *Hereford* and *Roſs*, and from a Place called *The Lower Croſs Ways*, in the Pariſh of *Saint Maughan's*, to the Town of *Croſs Mount*, in the County of *Monmouth*; and from a Smith's Shop at *Stanton*, in the Pariſh of *Llanvihangell*, to *Chapel a Fine*, in the ſame County; and from the Turnpike Road, in the Pariſh of *Welſh Newton*, in the County of *Hereford*, to *Ponttanaſt*, in the Pariſh of *Cluddock*, in the ſaid County.

106. An Act to continue the Term, and alter and enlarge the Powers, of ſo much of Two Acts, made in the Twenty-ſixth and Twenty-ſeventh Years of King *George* the Second, for repairing ſeveral Roads leading

into the City of *Glaſgow*, as relates to that Part of the Road from the City of *Glaſgow* to the Town of *Dumbarton*, which leads through the County to the Town of *Dumbarton*.

107. An Act for repairing and widening the Road from the Forty-eighth Mile ſtone, in the Pariſh of *Cardington*, in the preſent Turnpike Road between *Hitchin* and *Bedford*, to *Great Barford Bridge*; and for continuing a Road from thence to the Great Northern Road, near *Temsford Bridge*, in the County of *Bedford*.

108. An Act for repairing and widening the Roads from *Sheet Bridge* to *Portſmouth*, and from *Petersfield*, to the *Alton* Turnpike Road, near *Ropley*, in the County of *Southampton*.

109. An Act for making and keeping in Repair a Road or Paſſage for Horſes, on the Banks of the River *Severn*, between *Bewdley Bridge* and a Place called *The Meadow Wharf*, at *Coalbrookdale*, for haling and drawing Veſſels along the ſaid River; and for other Purpoſes therein mentioned.

110. An Act for enlarging the Terms and Powers of Two Acts, made in the Thirteenth Year of the Reign of King *George* the Firſt, and the Twenty-firſt Year of the Reign of King *George* the Second, for repairing the ſeveral Roads leading from *Birmingham*, through the Town of *Wedneſbury*, to a Place called *High Bullen*, and to *Great Bridge*, and from thence to the End of *Gibbet Lane*, next adjoining to the Townſhip of *Bilſon*; and from *Great Bridge*, through *Dudley*, to *King Swinford*; and to the further End of *Brittel Lane*, in the Counties of *Warwick*, *Stafford*, and *Worceſter*.

Private Acts.

Anno 12 *Geo.* III.

1. AN Act for naturalizing *Diederick Meyerhoff*.

2. An Act for naturalizing *John Poel*.

3. An Act for naturalizing *John Henry Gentil*.

4. An Act for naturalizing *Francis Darius Laudumiey*.

5. An Act for dividing and incloſing the Open Common Fields, Meadows, and Waſte Grounds, within the Manor and Pariſh of *North Crawley*, in the County of *Bucks*.

6. An Act for dividing and incloſing ſeveral Open Fields and Waſte Grounds, within the Manor of *Clareton with Coneyſtrop*, and a Piece of Ground called *Shortfill*, in the Manor of *Allerton with Flaxby*, all in the County of *York*.

7. An Act to enable *Henry Peyton* Eſquire, (lately called *Henry Daſhwood*,) and his Iſſue, to uſe the Surname and Arms of *Peyton*, purſuant to the Will of Sir *Thomas Peyton* Baronet, deceaſed.

8. An Act for naturalizing *Peter Lewis De la Rive*, and *Francis Menet*.

9. An Act for naturalizing *James Samuel Jequier*.

10. An Act for Sale of a Capital Freehold Meſſuage in *Saint James's Square*, in the County of *Middleſex*, Part of the entailed Eſtate of the Right Honourable *Allen* Lord *Bathurſt*, unto Sir *Watkin Williams Wynne*, Baronet, purſuant to an Agreement; and for ſettling an Eſtate in the County of *Northampton*, of greater Value, in lieu thereof.

11. An Act for annulling and making void certain Articles of Agreement, made previous and in order to the Marriage of *George Wilſon* Eſquire, and *Anne Sybelle*, his now Wife, and the Settlement made after their Marriage, in purſuance of the ſaid Articles, in Confirmation of a Decree and Order of the High Court of Chancery.

12. An Act for eſtabliſhing and regulating a Charity, called *Foxley Charity*, in the County of *Northampton*, founded by Lady *Catharine Leveſon*.

13. An Act for incloſing the Common Fields, Break Lands, Half-year Lands, Lammas Meadows, Heaths, Commons, and Waſte Grounds, within the Pariſh of *Roudham*, in the County of *Norfolk*.

14. An Act for dividing, allotting, and incloſing, the Open Fields, and Commonable Places, in the Pariſh of *Skeffington*, and County of *Leiceſter*.

15. An Act for dividing, allotting, and incloſing, the Common Fields, Half-year Incloſures, and Commons, and Waſte Lands, within the Pariſh of *Fincham*, in the County of *Norfolk*.

16. An Act for dividing and incloſing the Common and Waſte Grounds within the Manor of *Great Ormſide*, in the Pariſh of *Ormſide*, in the County of *Weſtmoreland*.

17. An Act for dividing and incloſing the Commons, and Waſte Lands and Grounds, in the Townſhip of *Scaftworth*, in the County of *Nottingham*.

18. An Act for dividing and incloſing the Common and Open Fields, and other Commonable Lands and Waſte Grounds, within the Manor and Pariſh of *Woolley*, in the County of *Huntingdon*.

19. An Act for allotting, dividing, and incloſing, the Open and Common Fields, and Common or Commonable Meadows, Paſtures, Lands and Grounds, and Common or Waſte Land, of and within the Manor of *Little Kington*, *Combrooke*, and *Brookhampton*, in the County of *Warwick*.

20. An Act for dividing and incloſing the ſeveral Moors, or Commons, called *Rigg Moor* and *Brearton Moor*, within the Manor of *Brearton*, in the Pariſh of *Knareſborough*, in the County of *York*.

21. An Act for dividing and incloſing the Open and Common Fields, Common Paſtures, Common Meadows, Common Grounds, and Commonable Lands, within the Hamlet of *Denſhanger*, in the Pariſh of *Paſſenham*, in the County of *Northampton*.

22. An Act for dividing and incloſing the Common Fields, Common Meadows, Common Grounds, and Commonable Places, in the Pariſh of *Handborough*, in the County of *Oxford*.

23. An Act for dividing and incloſing the Open and Common Fields, Common Meadows, Common Paſtures, and other Commonable Lands and Grounds, within the Manor and Liberties of *Soulbury*, with the Hamlet of *Hollindon*, in the County of *Bucks*.

24. An Act for dividing and incloſing the ſeveral Commons and Waſte Grounds within the Manor of *Ruſhton James*, in the Pariſh of *Leek*, in the County of *Stafford*.

25. An Act for dividing and incloſing certain Open Common Fields, Ings, Common Paſtures, and other Commonable Lands, within the Manor of *Moorby cum Wilkſby*, in the Townſhips of *Moorby* and *Wilkſby*, in the County of *Lincoln*.

26. An Act for dividing and incloſing the Common and Waſte Grounds, and Stinted Paſture, within the Manor of *Sandford*, in the Pariſh of *Warcop*, in the County of *Weſtmoreland*.

27. An Act for dividing and incloſing the ſeveral Commons and Waſte Grounds within the Liberty of *Buxton*, in the Pariſh of *Bakewell*, and County of *Derby*.

28. An Act for dividing and incloſing the Common Fields, within the Pariſh of *Manton*, in the County of *Rutland*.

29. An Act for dividing and incloſing the Open Fields, and Commonable Places, in the Pariſh, Lordſhip, or Liberties of *Low Toynton*, in the County of *Lincoln*.

30. An Act for dividing and incloſing a certain Open and Common Field, and Commonable Lands, in the Townſhip, Liberties, and Precincts, of *Epwell*, in the County of *Oxford*.

31. An Act for dividing, incloſing, and allotting, the Open Common Fields, Commonable Lands, and Meadow Ground, within the Manor and Pariſh of *Great Farringdon*, in the County of *Berks*.

32. An Act for dividing and incloſing the Open and Common Fields, and other Commonable Meadows, Paſtures, and Grounds, within the Pariſh of *Cavenham*, in the County of *Suffolk*.

33. An Act for dividing and incloſing certain Open Fields, Moors, and Common Paſtures, in the Lordſhip of *Middle Raiſin*, in the County of *Lincoln*.

34. An Act for dividing and incloſing ſeveral Open Fields, and Waſte Grounds, within the Townſhip of *Follifoot*, in the County of *York*.

35. An Act for dividing and incloſing all the Open Fields, Meadows, Common Paſtures, and other Commonable Lands, in the Liberties of *Stainby*, in the County of *Lincoln*.

36. An Act for dividing and incloſing the Open and Common Fields, and Commonable Lands, within the Pariſh of *Quinton*, in the County of *Glouceſter*.

37. An Act for dividing and incloſing the Open and Common Fields, and all other Commonable Lands, within the Precincts of the Hamlet of *Throckmorton*, in the County of *Worceſter*.

38. An Act for dividing and incloſing the Open Common Arable Fields, and the Common Meadows, Paſture Grounds, Commons, and Waſte Grounds, within the Townſhips of *Pollington*, *Bain*, *Whitley*, and *Whitley Thorpe*, *Great Heck*, and *Little Heck*, in the Pariſhes of *Snaith* and *Kellington*, in the County of *York*.

39. An Act for dividing and incloſing the Open and Common Fields, in the Pariſh of *Hammeringham*, in the County of *Lincoln*.

40. An Act for dividing and incloſing all the Open Fields, Meadows, Common Paſtures, and other Commonable Lands, in the Liberties of *Stapleford*, in the County of *Leiceſter*.

41. An Act for dividing and incloſing the Open and Common Fields, and Commonable Lands, within the Pariſh of *Kemerton*, in the County of *Glouceſter*.

42. An Act for dividing and incloſing a Moor, called *Carleton Moor* or *Common*, and an Open Field, called *the Town Field*, in the Manor and Townſhip of *Carlton*, in the Pariſh of *Guiſeley*, in the Weſt Riding of the County of *York*.

43. An Act to diſſolve the Marriage of the Right Honourable *Edward* Viſcount *Ligonier* with *Penelope Pitt*; and to enable him to marry again; and for other Purpoſes therein mentioned.

44. An Act to diſſolve the Marriage of Sir *John Colleton* Baronet, with *Anne Fullford*, his now Wife; and to enable him to marry again; and for other Purpoſes therein mentioned.

45. An Act to diſſolve the Marriage of *Hugh Lewis* with *Suſannah Hale* otherwiſe *Heale*, his now Wife; and to enable him to marry again; and for other Purpoſes therein mentioned.

46. An Act to diſſolve the Marriage of *Ambroſe Godfrey Hanckwitz*, with *Dorothy Aſhcroft*, his now Wife; and to enable him to marry again; and for other Purpoſes therein mentioned.

47. An Act for making the Exemplification of the laſt Will and Teſtament of *James Macartney* Eſquire, deceaſed, Evidence in all the Courts of Law and Equity in *Great Britain* and *Ireland*.

48. An Act to enable *Mary* and *William Hutton*, and the other Perſons therein deſcribed, to take and uſe the Surname, Arms, and Creſt, of *Long*, purſuant to the Will of *James Long*, deceaſed.

49. An Act to enable *Reginald Pole*, Eſquire, to take, uſe, and bear, the Surname and Arms of *Carew*, purſuant to the Will of Sir *Coventry Carew*, Baronet, deceaſed.

50. An Act for naturalizing *Arnold Meyer*, *Peter Boetefeur*, *John Gottheliff Rucker*, and *John Adam Guth*.

51. An Act for naturalizing *John Luke Iſelin*.

52. An Act for naturalizing *Conrad Rucker*.

53. An Act for raiſing out of the Eſtates, late of *Ann Nugent*, deceaſed, the Sum of 10,000 *l.* for the Benefit of the Right Honourable *Robert Craggs*, Lord Viſcount *Clare* in the Kingdom of *Ireland*, her late Huſband; and for raiſing out of the Eſtates, late of *Elizabeth Eliot*, deceaſed, the like Sum of 10,000 *l.* for the Benefit of *Edward Eliot* Eſquire, in Recompence and Satiſfaction to the ſaid *Robert* Lord Viſcount *Clare* and *Edward Eliot*, for their ſeverally conſenting to give up and relinquiſh certain Powers of Leaſing for Lives, or Years determinable on Lives, reſerved to them reſpectively, in and by the ſeveral laſt Wills of them the ſaid *Ann Nugent* and *Elizabeth Eliot*, and the Settlements which have been made in purſuance thereof; and for vacating, annulling, and extinguiſhing, the ſaid Powers of Leaſing; and for other the Purpoſes therein expreſſed.

54. An Act for granting to *William Jones* Eſquire, on certain Contingencies therein mentioned, a Term for Ninety-nine Years, if he ſhall ſo long live, in the Real Eſtates, late of *William Jones* Eſquire, deceaſed, in the ſeveral Counties of *Wilts* and *Berks*, upon ſuch Terms as are therein mentioned.

55. An Act for veſting certain Lands and Tenements, in the County of *Southampton*, late the Eſtate of *John Mills* Eſquire, deceaſed, in Truſters, to be ſold; and for applying the Money ariſing from the Sale thereof towards diſcharging his Debts and Legacies.

56. An Act for veſting the Freehold and Leaſehold Eſtates of *Edward Holden Cruttenden* Eſquire, deceaſed, in the Pariſhes of *Putney* and *Roehampton*, in the County of *Surrey*, in Truſtees, for the Purpoſes therein mentioned.

57. An Act to amend and enlarge the Powers and Authorities given to *George Fieſchi Heneage* Eſquire, by an Act, made in the Tenth Year of the Reign of His preſent Majeſty, intituled, *An Act for dividing and incloſing certain Open and Common Fields and Grounds within the Pariſh of* Benniworth, *in the County of* Lincoln, to charge certain Lands and Hereditaments, Parcel of the Manor of *Benniworth*, in the County of *Lincoln*, of which he is now ſtrict Tenant for Life, with a certain Sum of Money, for reimburſing to him the Expences which he has been at in the incloſing the ſame; and for other Purpoſes therein mentioned.

58. An Act for dividing and incloſing the Open and Common Fields, Commons, and Common Grounds, within the Hamlet of *Barleythorpe*, in the Pariſh of *Oakham*, in the County of *Rutland*.

59. An Act for dividing and incloſing the Common and Waſte Lands within the Manor and Pariſh of *Kingſnorton*, in the County of *Worceſter*.

60. An Act for dividing and incloſing ſeveral Open Fields, Meadow, Paſture, Common and Waſte Grounds, within the Liberties of *Ockbrook*, in the County of *Derby*.

61. An Act for dividing and incloſing certain Open Fields, Lands, and Waſte Grounds, within the Townſhip of *Welton*, in the Eaſt Riding of the County of *York*.

62. An Act for dividing incloſing, and draining, a certain Parcel of Land, called or known by the Name of *The Cow Paſture*, lying in the South Fen, in the Pariſh of *Bourn*, in the County of *Lincoln*; and for amending and rendering more effectual an Act, made in the Sixth Year of His preſent Majeſty's Reign, intituled, *An Act for allotting, dividing, incloſing, and draining, ſeveral Open and Common Fields, Meadows, Waſte and Fen Grounds, within the Manor and Pariſh of* Bourn, *in the County of* Lincoln.

63. An Act for dividing and incloſing the ſeveral Open Fields, Lands, and Grounds, within the Townſhip of *Siggleſthorne*, in *Holderneſſe*, in the Eaſt Riding of the County of *York*.

64. An Act for draining the Low Grounds and Carrs, lying in the ſeveral Pariſhes, Townſhips, and Places, of *Keyingham*, *Keyingham Marſh*, *Ryhill*, and *Camerton*, *Burſtwick*, and *Skeckling*, *Burton Pidſea*, and *Ridgmont*, *Ottringham*, *Halſham*, *Owſtwick*, *Rooſs*, *Rimſwell*, *Tunſtall*, *Waxholme*, *Elſtenwick*, *Lelly*, *Humbleton*, *Fitling*, *Hilſton*, *Garton*, *Albrough*, *Flinton*, and *Tanſterne*, within the Seigniority of *Holderneſs*, and Eaſt Riding of the County of *York*.

65. An Act for dividing and incloſing ſuch Part of the Commons and Waſte Lands in the Pariſh of *Tardebigg*, as lies in the County of *Worceſter*.

66. An Act for allotting, dividing, and incloſing, the Open and Common Fields, and Common or Commonable Meadows, Paſtures, Lands, and Grounds, and Common or Waſte Land, within the Pariſh of *Saint Nicholas*, in the Manor of *Warwick*, in the County of *Warwick*.

67. An Act for dividing, allotting, and incloſing, the Open and Common Fields, Meadows, Commonable Lands, and Commons, within the Manor, Pariſh, and Liberties of *Bampton*, in the County of *Huntingdon*.

68. An Act to confirm and eſtabliſh an Indenture of Agreement, for dividing and incloſing ſeveral Fields, Lands, and Grounds, in the Manor and Pariſh of *Great Paunton*, in the the County of *Lincoln*; and for dividing and incloſing ſeveral other Common Fields, Heath, and Waſte Grounds, in the ſame Manor and Pariſh.

69. An Act for dividing and incloſing certain Open Fields, Lands, and Grounds, in the Townſhip and Pariſh of *Welton*, in the County of *Lincoln*.

70. An Act for incloſing the Open Common Fields, and a Common of Paſture, and other Commonable Lands and Waſte Grounds, in the Manors and Pariſhes of *Kemble* and *Pool*, in the County of *Wilts*.

71. An Act for dividing and incloſing certain Open Fields, Lands, and Grounds, in the Lordſhip of *Weſt Halton*, in the County of *Lincoln*.

72. An Act to diſſolve the Marriage of *Richard Draper* with *Elizabeth Hartnell*, his now Wife; and to enable him to marry again; and for other Purpoſes therein mentioned.

73. An Act to diſſolve the Marriage of *William Skinn* with *Ann Skinn*, his now Wife; and to enable him to marry again; and for other Purpoſes therein mentioned.

74. An Act for naturalizing *Henry Francis Sellon*.

75. An Act for naturalizing *John Bonjquet*.

76. An Act for naturalizing *John Louis Lautier*.

77. An Act for naturalizing *Jaques Louis Pourtales*.

78. An Act for veſting in the moſt Noble *Auguſtus Henry* Duke of *Grafton*, and his Heirs, the Manor, or reputed Manor, and Rectory and Parſonage Appropriate, of *Potterſpury* otherwiſe *Eſtpury*, in the County of [illegible] (except the Preſentation to the Advowſon of the Church there,) and certain Meſſuages, Lands, Tithes, and Hereditaments, ſituate and ariſing in the ſame County, the Eſtate of *Robert* [illegible] Eſquire, a Lunatick; and for veſting in *Thomas Hancox* Eſquire, and his Heirs, a certain Wood and Wood Land, called *Dowell* otherwiſe *Dowell Wood*, in the County of *Glouceſter*, alſo the Eſtate of the ſaid Lunatick, on Payment, by the ſaid Duke and *Thomas Hancox* of their reſpective Purchaſe Money, in ſuch Manner, and for ſuch Purpoſes, as in the ſaid Act is mentioned.

79. An Act for veſting the legal Eſtate and Intereſt of and in certain Freehold Lands at *Adderbury*, in the County of *Oxford*, now veſted in *Charles Townſhend* Eſquire, an Infant Truſtee, in the moſt Noble *Henry* Duke of *Buccleugh*, and his Heirs, and in certain Copyhold Lands in *Kenneth Mackenzie* Eſquire, and his Heirs, in Truſt for the ſaid Duke, and his Heirs.

80. An Act to enable the Right Honourable *John* Earl of *Sandwich*, and the Honourable *John Montagu*, commonly called *Lord Viſcount Hinchinbrook*, and the Survivor of them, to grant Leaſes of the Counteſs of *Sandwich*'s Moiety of Eſtates in the Counties of *Ardmagh* and *Limerick* in the Kingdom of *Ireland*.

81. An Act to impower certain Perſons to enfranchiſe ſeveral Cuſtomary Lands and Hereditaments, Parcel of the ſeveral Manors of *Brampton*, *Farlam*, *Upper Denton*, *Nether Denton*, *Talkin*, *Irtkington*, *Laverſdale*, *Newby*, *Aſkerton*, *Warton Wood*, *Troddermain*, *Hayton cum Witton*, *Carlatton Caſtle*, *Carrock*, *Cumrew*, *Blackenthwaite*, and *Newbiggen*, within the Barony or reputed Barony of *Gilſland*, in the County of *Cumberland*, late the Eſtate of *Henry* Earl of *Carliſle*, deceaſed, and ſettled to certain Uſes by the Will of the ſaid *Henry* Earl of *Carliſle*; and for other Purpoſes therein mentioned.

82. An Act for veſting in Sir *George Colebrooke* Baronet, and his Heirs, ſo much of the Manor or Lordſhip of *Stebunheath* otherwiſe *Stebunhith*, otherwiſe *Stepney*, in the County of *Middleſex*, Part of the Eſtate of the ſaid Sir *George Colebrooke*, as is limited and ſettled in and by an Act of Parliament, which paſſed in the Second Year of the Reign of His preſent Majeſty King *George* the Third; and for ſettling other Lands and Hereditaments in lieu thereof; and alſo for veſting other ſettled Eſtates of the ſaid Sir *George Colebrooke*, in the Counties of *Middleſex* and *Surrey*, in Truſtees, for the Purpoſes therein mentioned.

83. An Act to enable Truſtees, with the Conſent of the Perſons claiming under the Will of *Edward Shelley* Eſquire, to cut down and ſell Timber upon the ſettled Eſtates of the ſaid *Edward Shelley*, in the County of *Suſſex*; and to inveſt the Monies ariſing therefrom in the Purchaſe of Lands and Hereditaments, to be ſettled to the Uſes of the ſaid Will, and other Purpoſes.

84. An Act to enable the Governors, and Aſſiſtants to the ſaid Governors, in the Rule and Government of the ſaid Poſſeſſions, Revenues, and Goods, of the Free Grammar School of *Elizabeth* Queen of *England*, in the Town of *Aſhburne*, in the County of *Derby*, in their Corporate Capacity; and the ſaid Governors and Aſſiſtants, as Truſtees of Six Alms-houſes in *Aſhburne* aforeſaid, founded and endowed by *Chriſtopher Pegg* Eſquire, deceaſed; to convey certain Lands and Poſſeſſions of the ſaid School and Alms-houſes reſpectively, in the Pariſhes of *Wingerworth* and *Aſhover*, in the ſaid County, to *Henry Gladwin* of *Wingerworth*, in the ſaid County, Eſquire, in Exchange for other Lands, in the Pariſh of *Brailsford*, in the ſaid County, of greater Value, to be conveyed to and held by them reſpectively, to the Uſes, and upon the Truſts, therein mentioned.

85. An Act for impowering and enabling the Truſtees named in the Settlement made on the Marriage of *Daniel Danvers* Eſquire, and *Mary* his Wife, or the Survivors or Survivor of them, or the Heirs of ſuch Survivor, to make Sale of certain Leaſehold Eſtates, veſted in them upon divers Truſts mentioned in the ſaid Settlement; and to lay out the Money ariſing from ſuch Sale in the Purchaſe of other Eſtates, to be ſettled in ſuch Manner as the ſaid Leaſehold Eſtates ſtand ſettled.

86. An Act for veſting a Meſſuage, with the Appurtenances, in *Lothbury*, within the City of *London*, in Truſtees, to be ſold; and for purchaſing another Meſſuage, or Lands, to be ſettled to the like Uſes.

87. An Act for veſting the ſettled Eſtate of *William Halbed* Eſquire, in the County of *Hereford*, in Truſtees, in Truſt to ſell and convey the ſame to *James King* Eſquire, and his Heirs, purſuant to an Agreement for that Purpoſe; and for laying out the Money ariſing by ſuch Sale in the Purchaſe of other Lands and Hereditaments, to be ſettled in lieu thereof to the ſame Uſes.

88. An Act for enabling *Henry Blundell* Eſquire, Tenant for Life under Settlement, to carry into Execution Articles of Agreement between him and the Right Honourable the Earl of *Sefton*, for the Exchange of divers Meſſuages, Lands, and Hereditaments, compriſed in ſuch Settlement, for other Meſſuages, Lands, and Hereditaments, of the ſaid Earl; and for other Purpoſes therein mentioned.

89. An Act to enable the Guardians of the Infant Children of the Honourable *Mary Sandys*, deceaſed, to make Leaſes of their ſettled Eſtates in *England* and *Ireland*, during their reſpective Minorities.

90. An Act to enable the Truſtees of the Eſtate of *Henry Smith* Eſquire, deceaſed, to apply certain Sums of Money to the Relief of his poor Kindred, and to enable the ſaid Truſtees to grant building Leaſes of an Eſtate, in the Pariſhes of *Kenſington*, *Chelſea*, and *Saint Martin in the Fields*, in the County of *Middleſex*.

91. An Act to impower *William Hulton* Eſquire, to charge his ſettled Eſtates in the County of *Lancaſter*, or ſome Parts thereof, with One thouſand two hundred Pounds, and Three thouſand Pounds, for the Purpoſes therein mentioned; and alſo to grant Leaſes of certain Parts of his ſaid Eſtates.

92. An Act for veſting the Manors, Lands, and Tenements, both Freehold and Leaſehold, compriſed in the Marriage Settlement of *Charles Baldwyn* Eſquire, in Truſtees, to be ſold; and for laying out the Money ariſing by ſuch Sale in the Purchaſe of other Lands and Hereditaments, to be ſettled to the ſame Uſes which are now ſubſiſting with regard to the ſaid Freehold ſettled Eſtate.

93. An Act for veſting the ſettled Eſtates, and unſettled Eſtates, of *John Gardner Kemeys* Eſquire, in Truſtees, in Truſt, by Sale, or Mortgage, to raiſe Money to pay off Portions and Debts, and redeem Annuities charged upon and affecting the ſame; and for reſettling the Remainder thereof, and the Lands to be purchaſed, as in the ſaid Act is directed, to the Uſes to which the ſaid ſettled Eſtates do now ſtand ſettled and limited.

94. An Act to veſt in the Truſtees named in the Will of *Francis Baſſet* Eſquire, deceaſed, ſuch like Powers of leaſing and granting Setts of, and on, the Eſtates compriſed in the Settlement made upon the Marriage of *John Pendarves Baſſet* Eſquire, deceaſed, as by the ſaid Settlement were given to the Truſtees therein named.

95. An Act for veſting Part of the Eſtates late of *Elizabeth Pearce*, Widow, deceaſed, and *William Hall* Eſquire, otherwiſe *Pearce*, her eldeſt Son, in Truſtees, to be ſold, for Payment of the Portions of her younger Children, and other Incumbrances; and for ſettling other Part of her Eſtates to the ſame Uſes; and for other Purpoſes.

96. An Act for making a Partition of divers Manors, Meſſuages, Lands, and Hereditaments, in the ſeveral Counties of *Norfolk*, *Suffolk*, *Eſſex*, *Surrey*, and *Middleſex*, and in the City of *London*; and of Four-fifth Parts or Shares of a Plantation in the Iſland of *Barbadoes*, in the *Weſt Indies*; and of Two Shares in the *New River* Waterworks; and of an annual Rent of One thouſand Pounds iſſuing out of the Revenues of the Poſt Office, deviſed by the Will of *Thomas Walker* Eſquire, deceaſed; and alſo of a Manor and divers Meſſuages, Lands, and Hereditaments, in the ſeveral Counties of *Suffolk*, *Eſſex*, and *Glouceſter*, compriſed in the Settlements executed upon the Marriage of *Stephen Skynner* Eſquire, deceaſed; and alſo of divers Meſſuages, Lands, and Hereditaments, in the ſeveral Counties of *Suffolk*, *Eſſex*, and *Surrey*, deviſed by the Will of the ſaid *Stephen Skynner*, between the ſeveral Perſons intitled to the ſaid Eſtates, according to their reſpective Intereſts therein.

97. An Act for dividing and incloſing the Commons and Waſte Grounds within the Pariſh and Manor of *Stoke Prior*, in the County of *Worceſter*.

98. An Act for dividing, incloſing, and allotting, the Open Fields, Common Paſtures, and other Unincloſed Grounds, within the Townſhip of *Would Newton*, in the Eaſt Riding of the County of *York*.

99. An Act for dividing, allotting, and incloſing, the Open and Common Fields, in the Pariſh of *Gumley*, in the County of *Leiceſter*.

100. An Act for dividing and incloſing the Open and Common Fields, and Commonable Lands, in the Liberties, Territories, and Precincts, of *Aſtrop*, in the Pariſhes of *King Sutton* and *Newbottle*, in the County of *Northampton*.

101. An Act for dividing and incloſing the Open Common Fields, Commons, and Waſte Lands, and a ſtinted Paſture, called *The Cow Paſture*, in the Pariſh of *Ackworth*, in the County of *York*.

102. An Act for dividing, allotting, incloſing, and draining, the Open Fields, Common Paſtures, and Moors or Commons, in the Townſhip and Pariſh of *Terrington*, in the North Riding of the County of *York*.

103. An Act for dividing and incloſing the Open and Common Fields, Common Paſtures, Common Meadows, and Common and Waſte Grounds, within the Manor and Pariſh of *Heath* otherwiſe *Hethe*, in the County of *Oxford*, and for exonerating certain Lands, belonging to *William Fermor* Eſquire, from Tithes and Right of Common.

104. An Act for dividing and incloſing the Common Fields, and Commonable Lands, within the Pariſh of *Shilton*, in the County of *Warwick*.

105. An Act for dividing and incloſing the Open Common Fields, Meadow Grounds, and other Commonable Lands, within the Pariſh of *Thorpe Achurch*, in the County of *Northampton*.

106. An Act for dividing and incloſing the Common and Open Fields, Meadows, Commonable Lands, and Waſte Grounds, in *Aldwinckle*, in the County of *Northampton*.

107. An Act for dividing and incloſing ſeveral Open and Common Fields, Common Meadows, Grounds, Common Paſtures, and other Commonable Places, in the Townſhip of *Blockley*, and Hamlets of *Draycot* and *Paxford*, in the Pariſh of *Blockley*, and County of *Worceſter*.

108. An Act for dividing and incloſing the Open and Common Field, Downs, and Commonable Lands, within the Manor and Pariſh of *Eaſtleach Tourville*, in the County of *Glouceſter*.

109. An Act for dividing and incloſing the Open and Common Fields, Meadows, and other Commonable Lands and Waſte Grounds, within the Pariſh and Manor of *King's Ripton*, in the County of *Huntingdon*.

110. An Act for dividing, allotting, and incloſing, the Open and Common Fields, Meadows, Lands, and Waſte Grounds, of, within, and belonging to, the Manor, Pariſh, and Liberties of *Wing*, in the County of *Rutland*.

111. An Act for dividing and incloſing the Common Fen, and certain other Commonable Places and Open Fields, within the Pariſh of *Kirton*, in the Parts of *Holland*, in the County of *Lincoln*.

112. An Act for dividing and incloſing the Common Fen, Open Fields, and certain other Commonable Places, belonging to and in the Pariſh of *Wigtoft*, in the County of *Lincoln*.

113. An Act for dividing and incloſing the Common Fen, Common Marſh, and other Commonable Places, within the Pariſh of *Sutterton*, in the County of *Lincoln*.

114. An Act for dividing and incloſing a certain Moor or Common, called *Hamſteels Moor*, within the Pariſh and Manor of *Lancheſter*, in the County Palatine of *Durham*.

115. An Act for dividing and incloſing the Open Fields, Meadows, Common Paſtures, and Waſte Grounds, in the Pariſh of *Laneham*, in the County of *Nottingham*.

116. An Act to diſſolve the Marriage of *George Collier* Eſquire, with *Chriſtiana Gwyn*, his now Wife; and to enable him to marry again; and for other Purpoſes therein mentioned.

117. An Act for naturalizing *Frederick Cazenove*.

118. An Act for naturalizing *Paul Pourtales* and *Francis Gabriel Charles Muller*.

119. An Act to enable the moſt Noble *William* Duke of *Devonſhire* to grant Reverſionary Leaſes of his Leaſehold Eſtate, in the Pariſh of *Saint James*, *Weſtminſter*, in the County of *Middleſex*.

120. An Act for diſcharging divers Manors, Rectories, Advowſons, Meſſuages, Lands, Tithes, Rents, and Hereditaments, Part of the Eſtate of the Right Honourable *John Earl Spencer*, compriſed in, and ſettled by, the Laſt Will and Teſtament, and Codicil thereto, of the moſt Noble *Sarah* late Ducheſs Dowager of *Marlborough*, deceaſed, and by certain Conveyances executed in purſuance thereof, from the Uſes and Truſts declared by the ſaid Will, Codicil, and Conveyances; and for ſettling other Manors, Rectories, Advowſons, Meſſuages, Lands, Tenements, Tithes, and Hereditaments, of greater Value, in lieu thereof, to the like Uſes.

121. An Act for veſting the Manor of *Eaſt Lavant*, and divers Meſſuages and Lands, with the Appurtenances, in the County of *Suſſex*, entailed by the Will of the Right Honourable *Mary* late Counteſs Dowager of *Derby*, deceaſed, in Truſtees, to be ſold; and for purchaſing other Lands and Hereditaments, to be ſettled to the like Uſes.

122. An Act to veſt in Truſtees, to be ſold, certain Eſtates, in the Counties of *York*, *Weſtmoreland*, and *Lancaſter*, which belonged to *Ann Fenwick*, Widow, before her Intermarriage; and for the Relief of the ſaid *Ann Fenwick*, in ſuch Manner as in the ſaid Act is mentioned.

123. An Act for veſting certain Freehold and Copyhold Hereditaments in *Weeting*, in the County of *Norfolk*, Part of the ſettled Eſtate of *Philip Champion Creſpigny* Eſquire, in Truſtees, to be ſold; and for laying out the Money to ariſe by Sale thereof in the Purchaſe of other Lands and Hereditaments, to be ſettled to the ſame Uſes as ſaid Premiſes in *Weeting* now ſtand limited.

124. An Act for veſting certain Eſtates, belonging to the Drapers Company of the City of *London*, in the Governor and Company of the Bank of *England*, freed and diſcharged from certain Charities to which the ſame are ſubject; and for veſting other Eſtates, belonging to the ſaid Governor and Company of the Bank, in the ſaid Company of Drapers, ſubject to the before-mentioned Charities.

125. An Act to veſt in *Walter Lloyd* Eſquire, and others, a ſmall Quantity of Ground, Parcel of the Glebe of the Rectory of *Manerdivy*, in the County of *Pembroke*, in Conſideration of a certain yearly Rent thereby ſecured, and for other Purpoſes therein mentioned.

126. An Act for the Sale of certain Meſſuages, Tenements, Lands, Hereditaments, and Premiſes, in the Pariſh of *Saint George the Martyr*, and Borough of *Southwark*, in the County of *Surrey*, Part of the ſettled Eſtate of *John Bullock* Eſquire, and *Elizabeth* his Wife, and for laying out the Money ariſing by Sale thereof in the Purchaſe of other Eſtates, to be ſettled to the ſame Uſes.

127. An Act to enable *John Rolle* Eſquire, and *Judith Maria Walrond*, Spinſter, to make Settlements on the Marriage intended between them, notwithſtanding their reſpective Minorities.

128. An Act for veſting the ſettled Eſtates of *Humphrey Minchin* Eſquire, in the County of *Tipperary*, in the Kingdom of *Ireland*, in Truſtees, to ſell the ſame; and for laying out the Money ariſing thereby in the Purchaſe of other Eſtates, in that Part of *Great Britain* called *England*, or in the Principality of *Wales*, to be ſettled to the ſame Uſes.

129. An Act for veſting in Truſtees certain Eſtates, ſituate in the Counties of *Kent* and *Surrey*, upon Truſt, to ſell and diſpoſe of the ſame, and inveſt the Monies ariſing thereby in the Purchaſe of other Eſtates, to be ſettled to ſuch of the Uſes of the Will of *William Wall*, deceaſed, as are now ſubſiſting.

130. An Act for Sale of One undivided Fourth Part of the Lands of *Innerleith*, lying in the County of *Edinburgh*, and of One undivided Fourth Part of the Lands of *Darncheſter*, in the County of *Berwick*, being Parts of the entailed Eſtate of Colonel *James Cathcart*, deceaſed; and for purchaſing other Lands and Eſtates, to be ſettled, in lieu thereof, upon the ſame Perſons, and to the like Uſes and Purpoſes.

131. An Act for giving further Powers to the Truſtees named in a certain Act of Parliament, made in the Ninth Year of the Reign of His preſent Majeſty, intituled, *An Act to impower the Truſtees of the Will of the late General* Pulteney, *and other Truſtees appointed by this Act, to purchaſe and exchange Lands and Grounds, in the Manor of* Bathwick, *in the County of* Somerſet, *for the Purpoſe of making certain Roads and Ways to and from a free Bridge by them intended to be built over the River* Avon, *in the ſaid County; and alſo to impower the Perſons in Poſſeſſion of the ſaid Eſtate, for the Time being, under the ſaid Will, to grant Leaſes of certain Lands and Houſes in the ſaid Manor, and likewiſe to enable the ſaid Truſtees to grant certain Grounds and Springs of Water, within the ſaid Manor of* Bathwick, *to the Mayor, Aldermen, and Citizens of* Bath; *and for extending the Juriſdiction of the ſaid Mayor, Aldermen, and Citizens, over Part of the ſaid Manor of* Bathwick; *and for other Purpoſes therein mentioned*; and for enlarging the Powers of Leaſing given by the ſaid Act to the Perſons therein named; and for other Purpoſes.

132. An Act for reinveſting divers Manors, Meſſuages, Lands, Tenements, and Hereditaments, ſituate and being in the County of *Stafford*, late the Eſtate of *Robert Barbor*, deceaſed, in the ſeveral Perſons now in being, and for ſuch Eſtates, as they are ſeverally intitled under the Will of the ſaid *Robert Barbor*; and for enabling *James Mayo* and *Charles Mayo* to join in ſuch Conveyances as ſhall be neceſſary for thoſe Purpoſes.

133. An Act to impower *James Batſon* and *Edward Buckley Batſon* Eſquires, Teſtamentary Guardians of the Perſon and Eſtate of *Edward Pery Buckley*, an Infant, to grant Leaſes of the Eſtate of *Pery Buckley* Eſquire, deceaſed.

134. An Act for veſting a Meſſuage, called *Highfield Houſe*, and divers Lands, with the Appurtenances, in the County of *Glouceſter*, the ſettled Eſtates of *Benjamin Jaſon Parrott* Eſquire, in Truſtees, to be ſold and conveyed as therein mentioned; and for laying out the Money ariſing by ſuch Sale in the Purchaſe of other Lands and Hereditaments, to be ſettled to the like Uſes.

135. An Act for veſting divers Freehold, Copyhold, and Leaſehold Eſtates, late of *Edmund Bunting*, *Elizabeth Bunting*, and *Tomlinſon Bunting*, deceaſed, in Truſtees, to be ſold, to raiſe Money, to be applied, under the Direction of the Court of Chancery, in Payment of the Debts, Incumbrances, and Legacies, charged upon and affecting the ſame, and other the Purpoſes therein mentioned.

136. An Act for dividing and incloſing certain Commons and Waſte Grounds, within the Manor of *Appleby*, in the County of *Weſtmoreland*.

137. An Act for incloſing, dividing, allotting, and improving, certain Common Woods and Moor Lands within the Borough and Pariſh of *Wigmore*, in the County of *Hereford*.

138. An Act for dividing and incloſing certain Open Parcels of Arable and Paſture Grounds, in the Manor of *Much Wenlock* otherwiſe *Wenlock Magna*, otherwiſe *Great Wenlock*, in the County of *Salop*.

139. An Act for dividing and incloſing the Open and Common Fields, Common Meadows, Common Paſtures, Common Grounds, Heath and Waſte Grounds, in the Pariſh of *Moulton*, in the County of *Northampton*.

140. An Act for dividing and allotting the Common Fields, Common Meadows, Downs, and Commonable Lands, in the ſeveral Pariſhes of *Letcomb Baſſet* otherwiſe *Upper Letcomb*, and *Childrey*, in the County of *Berks*.

141. An Act for dividing and incloſing the Common and Waſte Grounds, and Open and Common Fields, within the Townſhips or Hamlets of *Great* and *Little Stainton*, *Newbiggin*, and *Great Blencow*, in the Barony of *Greyſtock*, in the County of *Cumberland*.

142. An Act for dividing and incloſing the Open and Common Fields, Common Paſtures, Common Meadows, and Commonable Lands, of and within the Hamlet and Liberties of *Charlton*, in the Pariſhes of *Newbottle* and *King's Sutton*, or One of them, in the County of *Northampton*.

143. An Act for dividing and incloſing certain Commons, or Moors, within the Townſhip of *Royſton*, in the County of *York*.

144. An Act for veſting in *William Ruſſel*, and his Heirs, in Fee-ſimple, ſeveral Meſſuages, Lands, and Hereditaments, in the County of *Worceſter*, compriſed in his Marriage Settlement, diſcharged from the Uſes of

the ſaid Settlement; and for ſettling other Meſſuages, Lands, and Hereditaments, of the ſaid *William Ruſſel*, in the County of *Warwick*, of greater Value, in lieu thereof; and for other the Purpoſes therein mentioned.

145. An Act for inrolling in the Court of Chancery in *Great Britain* an Exemplification of the Will of *Chriſtopher Robinſon*, late of the Colony of *Virginia*, in *America*, deceaſed, to be made under the Provincial Seal of the ſaid Colony; and for making Copies of ſuch Inrolment Evidence in *Great Britain*, for enfranchiſing certain Copyhold Eſtates, late the Property of the ſaid *Chriſtopher Robinſon*, in the County of *York*; and for making Satisfaction to the Prebendary of *Dunington* for the ſame; and for other Purpoſes.

Publick Acts.

Anno 13 *Geo.* III.

1. AN Act for allowing the Importation of Wheat, Wheat-flour, Rye, Rye-meal, Barley, Barley-meal, Oats, Oat-meal, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, from any Part of *Europe* or *Africa*, into this Kingdom, for a limited Time, free of Duty.

2. An Act for allowing the Importation of Wheat, Wheat-flour, *Indian* Corn, *Indian* Meal, Biſcuit, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, from His Majeſty's Colonies in *America*, into this Kingdom, for a limited Time, free of Duty.

3. An Act to prohibit the Exportation of Corn, Grain, Peaſe, Beans, Meal, Malt, Flour, Bread, Biſcuit, and Starch; and alſo the Extraction of Low Wines and Spirits from Wheat and Wheat-flour, for a limited Time.

4. An Act to continue for a further Time an Act, made in the Eighth Year of His preſent Majeſty's Reign, intituled, *An Act to continue and amend an Act, made in the Fifth Year of the Reign of His preſent Majeſty*, intituled, *An Act for Importation of Salted Beef, Pork, Bacon, and Butter, from* Ireland, *for a limited Time; and for allowing the Importation of Salted Beef, Pork, Bacon, and Butter, from the* Britiſh *Dominions in* America, *for a limited Time.*

5. An Act to continue for a further Time, an Act, made in the Seventh Year of His preſent Majeſty's Reign, intituled, *An Act to diſcontinue, for a limited Time, the Duties payable upon the Importation of Tallow, Hogs-lard, and Greaſe*; and to permit the Importation of Salted Beef, Pork, Bacon, Hams, and Cheeſe, into this Kingdom, from any Part of *Europe*, for a limited Time, free of Duty.

6. An Act for continuing and granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thouſand ſeven hundred and ſeventy-three.

7. An Act for allowing the free Importation of Rice into this Kingdom from any of His Majeſty's Colonies in *America*, for a limited Time; and for encouraging the making of Starch from Rice.

8. An Act for granting an Aid to His Majeſty by a Land Tax, to be raiſed in *Great Britain*, for the Service of the Year One thouſand ſeven hundred and ſeventy-three.

9. An Act to reſtrain the *Eaſt India Company*, for a limited Time, from making any Appointment of Commiſſioners for ſuperintending and regulating the Company's Affairs at their Preſidencies in the *Eaſt Indies*.

10. An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters.

11. An Act for the Regulation of His Majeſty's Marine Forces, while on Shore.

12. An Act to indemnify ſuch Perſons as have omitted to qualify themſelves for Offices and Employments within the Time limited by Law, and for giving further Time for that Purpoſe; and to give further Time to ſuch Perſons as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors.

13. An Act to enable certain Perſons therein named to continue to work a Peſtle Mill, heretofore employed and uſed in making Battle Gunpowder, at *Old Forge Farm*, in the Pariſh of *Tonbridge*, in the County of *Kent*.

14. An Act to encourage the Subjects of Foreign States to lend Money upon the Security of Freehold or Leaſehold Eſtates, in any of His Majeſty's Colonies in the *Weſt Indies*; and to render the Securities granted to ſuch Aliens effectual for recovering Payment of the Money ſo to be lent, by Sale of ſuch Freehold or Leaſehold Eſtates.

15. An Act for paving, cleanſing, and lighting, the *High Street*, *Eaſt Street*, and *Weſt Street*, in the Town and Pariſhes of *Graveſend* and *Milton*, in the County of *Kent*; and for lighting the other Streets; and for removing all Incroachments and Annoyances within the ſaid Town and Pariſhes.

16. An Act for taking down the Shire Hall of the County of *Devon*, and for building a new Shire Hall in a more commodious Manner.

17. An Act for making the Exemplification of the Laſt Will and Teſtament of *William* Earl of *Bleſinton*, in the Kingdom of *Ireland*, deceaſed, Evidence as well in *Ireland* as in *Great Britain*.

18. An Act to repeal an Act, paſſed in the Ninth Year of the Reign of His preſent Majeſty, intituled, *An Act for the more effectual Relief of the Poor in the County of* Devon; and for other Purpoſes therein mentioned.

19. An Act to amend and render more effectual an Act, paſſed in the Twenty-ſecond Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for draining and improving certain Fen Lands within the Manor and Pariſhes of* Upwell *and* Outwell, *and in the Pariſhes of* Denver *and* Welney, *in the* Iſle of Ely, *and Counties of* Cambridge *and* Norfolk, ſo far as the ſame relates to the Lands lying on the South Side of *Popham's Eau*.

20. An Act to amend and render more effectual an Act, made in the Thirty-third Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for draining and preſerving certain Fen Lands and Low Grounds in the* Iſle of Ely, *and Counties of* Suffolk *and* Norfolk, *between* Mildenhall *River, South,* Plant Load *and* Brandon *River, North, bounded on the Weſt by the River* Ouſe, *and on the Eaſt by* Winter Load, Earſwell *Brook, and the Herd Lands of* Mildenhall; *and for impowering the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, commonly called* Bedford Level, *to ſell certain Fen Lands lying within the Limits aforeſaid, commonly called* Inveſted Lands; ſo far as the ſame relates to the ſeveral Fen Lands and Low Grounds lying in the Firſt Diſtrict deſcribed in the ſaid Act.

21. An Act to extend the Proviſions of an Act, made in the Fourth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act to explain a Clauſe in an Act, made in the Seventh Year of the Reign of Her late Majeſty Queen* Anne, *for naturalizing Foreign Proteſtants, which relates to the Children of the natural-born Subjects of the Crown of* England, *or of* Great Britain, *to the Children of ſuch Children.*

22. An Act to continue an Act, made in the Sixth Year of His preſent Majeſty, intituled, *An Act to regulate the Loading of Ships with Coals, in the Ports of* Newcaſtle *and* Sunderland.

23. An Act for defraying the Charge of the Pay and Cloathing of the Militia in that Part of *Great Britain* called *England*, for One Year, beginning the Twenty-fifth Day of *March*, One thouſand ſeven hundred and ſeventy-three.

24. An Act for further continuing Two Acts, made in the Sixth and Ninth Years of His Majeſty's Reign, for puniſhing Mutiny and Deſertion, and for the bet-

ter Payment of the Army and their Quarters, in His Majeſty's Dominions in *America*.

25. An Act to explain Two Acts of Parliament, One of the Thirteenth Year of the Reign of His late Majeſty, for naturalizing ſuch Foreign Proteſtants, and others, as are ſettled, or ſhall ſettle, in any of His Majeſty's Colonies in *America*; and the other of the Second Year of the Reign of His preſent Majeſty, for naturalizing ſuch Foreign Proteſtants as have ſerved, or ſhall ſerve, as Officers or Soldiers in His Majeſty's Royal *American* Regiment, or as Engineers, in *America*.

26. An Act for preventing Abuſes in the Sale of Shares of *Britiſh*-built Ships to Foreigners.

27. An Act for the more eaſy and ſpeedy Recovery of Small Debts, within the City and County of the City of *Exeter*.

28. An Act for deepening, cleanſing, and making more commodious, the Harbours of the Town of *Greenock*; for ſupplying the Inhabitants with freſh and wholeſome Water; and for paving, cleanſing, lighting, and watching, the Streets, and other publick Places, within the ſaid Town.

29. An Act for deepening, cleanſing, and making more commodious, the Harbour of *Aberdeen*; for erecting new Piers and Quays therein; and for regulating Ships and Veſſels trading into and going out of the ſaid Harbour.

30 An Act for the better Regulation and Government of the Pilots conducting Ships and Veſſels to and out of the Port of *King's Lynn*, and of the Bridgemen conducting Gangs of Lighters or Barges to and from the ſame; and for laying down Moorings in the Harbour of the ſaid Port, and for preventing Miſchiefs by Fire therein.

31. An Act for the more effectual Execution of the Criminal Laws in the Two Parts of the United Kingdom.

32. An Act for repealing ſo much of an Act, made in the Twenty-third Year of His late Majeſty King *George* the Second, as relates to the preventing the ſtealing or deſtroying of Turnips; and for the more effectually preventing the ſtealing or deſtroying of Turnips, Potatoes, Cabbages, Parſnips, Peaſe, and Carrots.

33. An Act to extend the Proviſions of an Act, made in the Sixth Year of His preſent Majeſty's Reign, (intituled, *An Act for the better Preſervation of Timber Trees, and of Woods and Underwoods; and for the further Preſervation of Roots, Shrubs, and Plants*), to Poplar, Alder, Maple, Larch, and Hornbeam.

34. An Act for paving, lighting, and cleanſing, the Streets, Lanes, and Places, within the Town of *Brighthelmſtone*, in the County of *Suſſex*; for removing Nuiſances and Annoyances, and preventing the like for the future; for holding and regulating a Market within the ſaid Town; for building and repairing Groyns, in order to render the Coaſt ſafe and commodious for Ships or Veſſels to unload and land Sea Coal, Culm, and other Coal, for the Uſe of the Inhabitants of the ſaid Town; and for laying a Duty thereon, and for other Purpoſes.

35. An Act for raiſing a further Sum of Money for the Purpoſe of rebuilding the Common Gaol of the County of *Eſſex*.

36. An Act to amend an Act, paſſed in the Ninth Year of His preſent Majeſty, intituled, *An Act for laying open and widening certain Ways and Paſſages within the Town of* Birmingham; *and for cleanſing and lighting the Streets, Lanes, Ways, and Paſſages there; and for removing and preventing Nuiſances and Obſtructions therein*; and for widening certain other Streets and Places; for eſtabliſhing a Nightly Watch; and for regulating Carts and Carmen employed in the ſaid Town.

37. An Act for making and extending the Navigation of the River *Bure*, (commonly called *The North River*), by and from *Coltiſhall* to *Ayſham Bridge*, in the County of *Norfolk*.

38. An Act to incorporate certain Perſons therein named, and their Succeſſors, with proper Powers for the Purpoſe of eſtabliſhing One or more Glaſs Manufactories within the Kingdom of *Great Britain*; and for the more effectually ſupporting and conducting the ſame upon an improved Plan, in a peculiar Manner, calculated for the caſting of large Plate Glaſs.

39. An Act for draining and preſerving certain Fen Lands and Low Grounds, called *King's Delph and Eight Roods*, and alſo other Fen Lands and Low Grounds in a certain Place called *Farcett Fen*, adjoining thereto, lying near to the Hamlet and Village of *Farcett* and *Standground*, in the County of *Huntingdon*.

40. An Act for amending and rendering more effectual an Act, made in the Twenty-ſeventh Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for diſcharging the Corporation of the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, commonly called* Bedford Level, *from a Debt due to the Duke of* Bedford *and Earl of* Lincoln; *and for enabling the Proprietors of Lands in the North Level, Part of the ſaid Great Level, to raiſe Money to diſcharge the Proportion of the ſaid North Level in the Debts of the ſaid Corporation; and for aſcertaining and appropriating the Taxes to be laid on the ſaid North Level; and for the more effectual draining and preſerving the ſaid North Level, and divers Lands adjoining thereto, in the Manor of* Crowland; ſo far as the ſame relates to the ſeveral Fen Lands lying in the Second Diſtrict in the ſaid Act deſcribed.

41. An Act for enabling *James Cox*, Jeweller, to diſpoſe of his Muſæum, commonly called *Cox's Muſæum*, by Way of Chance, in ſuch Manner as may be moſt for the Benefit of himſelf and his Creditors.

42. An Act for for amending, lighting, and watching, the Highways or Roads within the Town, Village, or Chapelry of *Peterſham*, in the County of *Surrey*.

43. An Act to regulate the Importation and Exportation of Corn.

44. An Act to allow a Drawback of the Duties of Cuſtoms on the Exportation of Tea to any of His Majeſty's Colonies or Plantations in *America*; to increaſe the Depoſit on Bohea Tea to be ſold at the *India Company*'s Sales; and to impower the Commiſſioners of the Treaſury to grant Licences to the *Eaſt India Company* to export Tea Duty-free.

45. An Act for draining and preſerving certain Fen Lands and Low Grounds, lying in the South Level, Part of the Great Level of the Fens, commonly called *Bedford Level*, between certain old Rivers or Drains, called *Stoke River* and *Brandon River*, and a certain Level or Diſtrict called *Feltwell New Diſtrict*, and the Hard Lands of *Woodhall in Helgay*, and *Helgay*, in the Counties of *Norfolk* and *Suffolk*.

46. An Act for the more effectual draining and preſerving certain Fen Lands and Low Grounds in the Pariſh of *Yaxley*, in the County of *Huntingdon*.

47. An Act to enable the Right Honourable *Sackville* Earl of *Thanet* to make a navigable Cut or Canal from a Place called *The Spring*, lying near *Skipton Caſtle*, in the County of *York*, to join to and communicate with the navigable Canal from *Leeds* to *Liverpoole*, in a Cloſe called *Hebble End Cloſe*, in the Townſhip of *Skipton*, in the ſaid County of *York*.

48. An Act for amending and rendering more effectual Two Acts, made, One in the Eighth, and the other in the Tenth Year of His preſent Majeſty's Reign, for regulating the Nightly Watch and Beadles, and for paving, repairing, cleanſing, and lighting, the Pariſh of *Saint Mary le Bonne*, in the County of *Middleſex*, and for other Purpoſes in the ſaid Acts mentioned.

49. An Act for more effectually executing an Act, paſſed in the Twenty-ſeventh Year of King *George* the Second, for draining and preſerving the Lands in the *North Level*, Part of *Bedford Level*, ſo far as relates to the Fourth Diſtrict of the ſaid *North Level*.

the ſaid Settlement; and for ſettling other Meſſuages, Lands, and Hereditaments, of the ſaid *William Ruſſel*, in the County of *Warwick*, of greater Value, in lieu thereof; and for other the Purpoſes therein mentioned.

145. An Act for inrolling in the Court of Chancery in *Great Britain* an Exemplification of the Will of *Chriſtopher Robinſon*, late of the Colony of *Virginia*, in *America*, deceaſed, to be made under the Provincial Seal of the ſaid Colony; and for making Copies of ſuch Inrolment Evidence in *Great Britain*, for enfranchiſing certain Copyhold Eſtates, late the Property of the ſaid *Chriſtopher Robinſon*, in the County of *York*; and for making Satisfaction to the Prebendary of *Dunington* for the ſame; and for other Purpoſes.

Publick Acts.

Anno 13 *Geo.* III.

1. AN Act for allowing the Importation of Wheat, Wheat-flour, Rye, Rye-meal, Barley, Barley-meal, Oats, Oat-meal, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, from any Part of *Europe* or *Africa*, into this Kingdom, for a limited Time, free of Duty.

2. An Act for allowing the Importation of Wheat, Wheat-flour, *Indian* Corn, *Indian* Meal, Biſcuit, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, from His Majeſty's Colonies in *America*, into this Kingdom, for a limited Time, free of Duty.

3. An Act to prohibit the Exportation of Corn, Grain, Peaſe, Beans, Meal, Malt, Flour, Bread, Biſcuit, and Starch; and alſo the Extraction of Low Wines and Spirits from Wheat and Wheat-flour, for a limited Time.

4. An Act to continue for a further Time an Act, made in the Eighth Year of His preſent Majeſty's Reign, intituled, *An Act to continue and amend an Act, made in the Fifth Year of the Reign of His preſent Majeſty*, intituled, *An Act for Importation of Salted Beef, Pork, Bacon, and Butter, from* Ireland, *for a limited Time; and for allowing the Importation of Salted Beef, Pork, Bacon, and Butter, from the* Britiſh *Dominions in* America, *for a limited Time.*

5. An Act to continue for a further Time, an Act, made in the Seventh Year of His preſent Majeſty's Reign, intituled, *An Act to diſcontinue, for a limited Time, the Duties payable upon the Importation of Tallow, Hogs-lard, and Greaſe*; and to permit the Importation of Salted Beef, Pork, Bacon, Hams, and Cheeſe, into this Kingdom, from any Part of *Europe*, for a limited Time, free of Duty.

6. An Act for continuing and granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thouſand ſeven hundred and ſeventy-three.

7. An Act for allowing the free Importation of Rice into this Kingdom from any of His Majeſty's Colonies in *America*, for a limited Time; and for encouraging the making of Starch from Rice.

8. An Act for granting an Aid to His Majeſty by a Land Tax, to be raiſed in *Great Britain*, for the Service of the Year One thouſand ſeven hundred and ſeventy-three.

9. An Act to reſtrain the *Eaſt India Company*, for a limited Time, from making any Appointment of Commiſſioners for ſuperintending and regulating the Company's Affairs at their Preſidencies in the *Eaſt Indies*.

10. An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters.

11. An Act for the Regulation of His Majeſty's Marine Forces, while on Shore.

12. An Act to indemnify ſuch Perſons as have omitted to qualify themſelves for Offices and Employments within the Time limited by Law, and for giving further Time for that Purpoſe; and to give further Time to ſuch Perſons as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors.

13. An Act to enable certain Perſons therein named to continue to work a Peſtle Mill, heretofore employed and uſed in making Battle Gunpowder, at *Old Forge Farm*, in the Pariſh of *Tonbridge*, in the County of *Kent*.

14. An Act to encourage the Subjects of Foreign States to lend Money upon the Security of Freehold or Leaſehold Eſtates, in any of His Majeſty's Colonies in the *Weſt Indies*; and to render the Securities granted to ſuch Aliens effectual for recovering Payment of the Money ſo to be lent, by Sale of ſuch Freehold or Leaſehold Eſtates.

15. An Act for paving, cleanſing, and lighting, the *High Street*, *Eaſt Street*, and *Weſt Street*, in the Town and Pariſhes of *Graveſend* and *Milton*, in the County of *Kent*; and for lighting the other Streets; and for removing all Incroachments and Annoyances within the ſaid Town and Pariſhes.

16. An Act for taking down the Shire Hall of the County of *Devon*, and for building a new Shire Hall in a more commodious Manner.

17. An Act for making the Exemplification of the Laſt Will and Teſtament of *William* Earl of *Bleſinton*, in the Kingdom of *Ireland*, deceaſed, Evidence as well in *Ireland* as in *Great Britain*.

18. An Act to repeal an Act, paſſed in the Ninth Year of the Reign of His preſent Majeſty, intituled, *An Act for the more effectual Relief of the Poor in the County of* Devon; and for other Purpoſes therein mentioned.

19. An Act to amend and render more effectual an Act, paſſed in the Twenty-ſecond Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for draining and improving certain Fen Lands within the Manor and Pariſhes of* Upwell *and* Outwell, *and in the Pariſhes of* Denver *and* Welney, *in the* Iſle of Ely, *and Counties of* Cambridge *and* Norfolk, ſo far as the ſame relates to the Lands lying on the South Side of *Popham's Eau*.

20. An Act to amend and render more effectual an Act, made in the Thirty-third Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for draining and preſerving certain Fen Lands and Low Grounds in the* Iſle of Ely, *and Counties of* Suffolk *and* Norfolk, *between* Mildenhall *River, South,* Plant Load *and* Brandon *River, North, bounded on the Weſt by the River* Ouſe, *and on the Eaſt by* Winter Load, Eriſwell *Brook, and the Herd Lands of* Mildenhall; *and for impowering the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, commonly called* Bedford Level, *to ſell certain Fen Lands lying within the Limits aforeſaid, commonly called* Inveſted Lands; ſo far as the ſame relates to the ſeveral Fen Lands and Low Grounds lying in the Firſt Diſtrict deſcribed in the ſaid Act.

21. An Act to extend the Proviſions of an Act, made in the Fourth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act to explain a Clauſe in an Act, made in the Seventh Year of the Reign of Her late Majeſty Queen* Anne, *for naturalizing Foreign Proteſtants, which relates to the Children of the natural-born Subjects of the Crown of* England, *or of* Great Britain, *to the Children of ſuch Children.*

22. An Act to continue an Act, made in the Sixth Year of His preſent Majeſty, intituled, *An Act to regulate the Loading of Ships with Coals, in the Ports of* Newcaſtle *and* Sunderland.

23. An Act for defraying the Charge of the Pay and Cloathing of the Militia in that Part of *Great Britain* called *England*, for One Year, beginning the Twenty-fifth Day of *March*, One thouſand ſeven hundred and ſeventy-three.

24. An Act for further continuing Two Acts, made in the Sixth and Ninth Years of His Majeſty's Reign, for puniſhing Mutiny and Deſertion, and for the bet-

ter Payment of the Army and their Quarters, in His Majeſty's Dominions in *America*.

25. An Act to explain Two Acts of Parliament, One of the Thirteenth Year of the Reign of His late Majeſty, for naturalizing ſuch Foreign Proteſtants, and others, as are ſettled, or ſhall ſettle, in any of His Majeſty's Colonies in *America*; and the other of the Second Year of the Reign of His preſent Majeſty, for naturalizing ſuch Foreign Proteſtants as have ſerved, or ſhall ſerve, as Officers or Soldiers in His Majeſty's Royal *American* Regiment, or as Engineers, in *America*.

26. An Act for preventing Abuſes in the Sale of Shares of *Britiſh*-built Ships to Foreigners.

27. An Act for the more eaſy and ſpeedy Recovery of Small Debts, within the City and County of the City of *Exeter*.

28. An Act for deepening, cleanſing, and making more commodious, the Harbours of the Town of *Greenock*; for ſupplying the Inhabitants with freſh and wholeſome Water; and for paving, cleanſing, lighting, and watching, the Streets, and other publick Places, within the ſaid Town.

29. An Act for deepening, cleanſing, and making more commodious, the Harbour of *Aberdeen*; for erecting new Piers and Quays therein; and for regulating Ships and Veſſels trading into and going out of the ſaid Harbour.

30 An Act for the better Regulation and Government of the Pilots conducting Ships and Veſſels to and out of the Port of *King's Lynn*, and of the Bridgemen conducting Gangs of Lighters or Barges to and from the ſame; and for laying down Moorings in the Harbour of the ſaid Port, and for preventing Miſchiefs by Fire therein.

31. An Act for the more effectual Execution of the Criminal Laws in the Two Parts of the United Kingdom.

32. An Act for repealing ſo much of an Act, made in the Twenty-third Year of His late Majeſty King *George* the Second, as relates to the preventing the ſtealing or deſtroying of Turnips; and for the more effectually preventing the ſtealing or deſtroying of Turnips, Potatoes, Cabbages, Parſnips, Peaſe, and Carrots.

33. An Act to extend the Proviſions of an Act, made in the Sixth Year of His preſent Majeſty's Reign, (intituled, *An Act for the better Preſervation of Timber Trees, and of Woods and Underwoods; and for the further Preſervation of Roots, Shrubs, and Plants*), to Poplar, Alder, Maple, Larch, and Hornbeam.

34. An Act for paving, lighting, and cleanſing, the Streets, Lanes, and Places, within the Town of *Brighthelmſtone*, in the County of *Suſſex*; for removing Nuiſances and Annoyances, and preventing the like for the future; for holding and regulating a Market within the ſaid Town; for building and repairing Groyns, in order to render the Coaſt ſafe and commodious for Ships or Veſſels to unload and land Sea Coal, Culm, and other Coal, for the Uſe of the Inhabitants of the ſaid Town; and for laying a Duty there on, and for other Purpoſes.

35. An Act for raiſing a further Sum of Money for the Purpoſe of rebuilding the Common Gaol of the County of *Eſſex*.

36. An Act to amend an Act, paſſed in the Ninth Year of His preſent Majeſty, intituled, *An Act for laying open and widening certain Ways and Paſſages within the Town of* Birmingham; *and for cleanſing and lighting the Streets, Lanes, Ways, and Paſſages there; and for removing and preventing Nuiſances and Obſtructions therein*; and for widening certain other Streets and Places; for eſtabliſhing a Nightly Watch; and for regulating Carts and Carmen employed in the ſaid Town.

37. An Act for making and extending the Navigation of the River *Bure*, (commonly called *The North River*), by and from *Coltiſhall* to *Ayſham Bridge*, in the County of *Norfolk*.

38. An Act to incorporate certain Perſons therein named, and their Succeſſors, with proper Powers for the Purpoſe of eſtabliſhing One or more Glaſs Manufactories within the Kingdom of *Great Britain*; and for the more effectually ſupporting and conducting the ſame upon an improved Plan, in a peculiar Manner, calculated for the caſting of large Plate Glaſs.

39. An Act for draining and preſerving certain Fen Lands and Low Grounds, called *King's Delph and Eight Roods*, and alſo other Fen Lands and Low Grounds in a certain Place called *Farcett Fen*, adjoining thereto, lying near to the Hamlet and Village of *Farcett* and *Standground*, in the County of *Huntingdon*.

40. An Act for amending and rendering more effectual an Act, made in the Twenty-ſeventh Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for diſcharging the Corporation of the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, commonly called* Bedford Level, *from a Debt due to the Duke of* Bedford *and Earl of* Lincoln; *and for enabling the Proprietors of Lands in the North Level, Part of the ſaid Great Level, to raiſe Money to diſcharge the Proportion of the ſaid North Level in the Debts of the ſaid Corporation; and for aſcertaining and appropriating the Taxes to be laid on the ſaid North Level; and for the more effectual draining and preſerving the ſaid North Level, and divers Lands adjoining thereto, in the Manor of* Crowland; ſo far as the ſame relates to the ſeveral Fen Lands lying in the Second Diſtrict in the ſaid Act deſcribed.

41. An Act for enabling *James Cox*, Jeweller, to diſpoſe of his Muſæum, commonly called *Cox's Muſæum*, by Way of Chance, in ſuch Manner as may be moſt for the Benefit of himſelf and his Creditors.

42. An Act for for amending, lighting, and watching, the Highways or Roads within the Town, Village, or Chapelry of *Peterſham*, in the County of *Surrey*.

43. An Act to regulate the Importation and Exportation of Corn.

44. An Act to allow a Drawback of the Duties of Cuſtoms on the Exportation of Tea to any of His Majeſty's Colonies or Plantations in *America*; to increaſe the Depoſit on Bohea Tea to be ſold at the *India Company*'s Sales; and to impower the Commiſſioners of the Treaſury to grant Licences to the *Eaſt India Company* to export Tea Duty-free.

45. An Act for draining and preſerving certain Fen Lands and Low Grounds, lying in the South Level, Part of the Great Level of the Fens, commonly called *Bedford Level*, between certain old Rivers or Drains, called *Stoke River* and *Brandon River*, and a certain Level or Diſtrict called *Feltwell New Diſtrict*, and the Hard Lands of *Woodhall in Helgay*, and *Helgay*, in the Counties of *Norfolk* and *Suffolk*.

46. An Act for the more effectual draining and preſerving certain Fen Lands and Low Grounds in the Pariſh of *Yaxley*, in the County of *Huntingdon*.

47. An Act to enable the Right Honourable *Sackville* Earl of *Thanet* to make a navigable Cut or Canal from a Place called *The Spring*, lying near *Skipton Caſtle*, in the County of *York*, to join to and communicate with the navigable Canal from *Leeds* to *Liverpoole*, in a Cloſe called *Hebble End Cloſe*, in the Townſhip of *Skipton*, in the ſaid County of *York*.

48. An Act for amending and rendering more effectual Two Acts, made, One in the Eighth, and the other in the Tenth Year of His preſent Majeſty's Reign, for regulating the Nightly Watch and Beadles, and for paving, repairing, cleanſing, and lighting, the Pariſh of *Saint Mary le Bonne*, in the County of *Middleſex*, and for other Purpoſes in the ſaid Acts mentioned.

49. An Act for more effectually executing an Act, paſſed in the Twenty-ſeventh Year of King *George* the Second, for draining and preſerving the Lands in the *North Level*, Part of *Bedford Level*, ſo far as relates to the Fourth Diſtrict of the ſaid *North Level*.

50. An Act for better regulating the Poor, and repairing the Highways, within the Town and County of the Town of *Southampton*.

51. An Act to diſcourage the Practice of commencing frivolous and vexatious Suits in His Majeſty's Courts at *Weſtminſter*, in Cauſes of Action ariſing within the Dominion of *Wales*; and for further regulating the Proceedings in the Courts of Great Seſſions in *Wales*.

52. An Act for appointing Wardens and Aſſay-maſters for aſſaying Wrought Plate in the Towns of *Sheffield* and *Birmingham*.

53. Act to enable the Inhabitants of the Pariſh of *Saint Matthew*, *Bethnal-Green*, in the County of *Middleſex*, to pay Debts already contracted in finiſhing and furniſhing their Workhouſe, and on account of the Poor of the ſaid Pariſh; and for their further Relief.

54. An Act for the more effectual Preſervation of the Game in that Part of *Great Britain* called *Scotland*; and for repealing and amending ſeveral of the Laws now in being relative thereto.

55. An Act to explain and amend the ſeveral Laws now in being, ſo far as the ſame relate to the Preſervation of the Moor or Hill Game.

56. An Act for the more effectually reſtraining the retailing of diſtilled Spirituous Liquors; and for preventing the forging or counterfeiting any Stamp or Seal uſed for marking Silks, Callicoes, Linens, and Stuffs, to be printed, painted, ſtained, or dyed, in *Great Britain*.

57. An Act to explain and amend an Act, made in the Fourth Year of His preſent Majeſty, intituled, *An Act to prevent Paper Bills of Credit hereafter to be iſſued in any of His Majeſty's Colonies or Plantations in* America *from being declared to be a legal Tender in Payments of Money, and to prevent the legal Tender of ſuch Bills as are now ſubſiſting from being prolonged beyond the Periods limited for calling in and ſinking the ſame.*

58. An Act for providing Clergymen to officiate in Gaols within that Part of *Great Britain* called *England*.

59. An Act for repealing ſo much of an Act of the Thirty-firſt Year of His late Majeſty, as inflicts Capital Puniſhment for Frauds and Abuſes in the marking or ſtamping of Gold or Silver Plate; and for inflicting another Puniſhment for the ſaid Offence.

60. An Act for draining and preſerving certain Lands and Grounds in the Pariſhes of *Tid Saint Giles* and *Newton*, in the *Iſle of Ely*, in the County of *Cambridge*; and in *Tid Saint Mary's*, in the County of *Lincoln*.

61. An Act for the better lighting and watching the Town of *Kingſton upon Thames*, in the County of *Surrey*; and for removing and preventing all Obſtructions, Encroachments, and Nuiſances therein.

62. An Act for better regulating the Aſſize and making of Bread.

63. An Act for eſtabliſhing certain Regulations for the better Management of the Affairs of the *Eaſt India Company*, as well in *India* as in *Europe*.

64. An Act for granting to His Majeſty a Sum of Money to be raiſed by Exchequer Bills; and to be advanced and applied in the Manner, and upon the Terms, therein mentioned, for the Relief of the United Company of Merchants of *England* trading to the *Eaſt Indies*.

65. An Act for explaining Two Acts, made in the Eleventh Year of the Reign of King *George* the Firſt, and the Thirtieth Year of the Reign of His late Majeſty, in relation to the Stamp-duties upon Newſpapers.

66. An Act for raiſing a certain Sum of Money by Loans, or Exchequer Bills, for the Service of the Year One thouſand ſeven hundred and ſeventy-three.

67. An Act for laying an additional Duty on Paper printed, painted, or ſtained, in Foreign Parts, imported into this Kingdom.

68. An Act to impower the Magiſtrates therein mentioned to ſettle and regulate the Wages of Perſons employed in the Silk Manufacture within their reſpective Juriſdictions.

69. An Act for further continuing an Act, made in the Fourth Year of the Reign of His preſent Majeſty, for importing Salt from *Europe* into the Province of *Quebec* in *America*, for a limited Time.

70. An Act to continue an Act, made in the Thirty-firſt Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the Encouragement of the Exportation of Culm to* Liſbon, *in the Kingdom of* Portugal; and for charging a higher Duty upon Culm exported thither in Foreign Shipping.

71. An Act for the better preventing the counterfeiting, clipping, and other diminiſhing the Gold Coin of this Kingdom.

72. An Act to permit the free Importation of Cod Fiſh, Ling, and Hake, caught and cured in *Chaleur Bay*, or any other Part of the Gulph of *Saint Lawrence*, or on the Coaſt of *Labrador*.

73. An Act to continue and amend an Act, made in the Sixth Year of the Reign of His preſent Majeſty, intituled, *An Act for opening and eſtabliſhing certain Ports in the Iſlands of* Jamaica *and* Dominica, *for the more free Importation and Exportation of certain Goods and Merchandiſes; for granting certain Duties to defray the Expences of opening, maintaining, ſecuring, and improving, ſuch Ports; for aſcertaining the Duties to be paid upon the Importation of Goods from the ſaid Iſland of* Dominica *into this Kingdom; and for ſecuring the Duties upon Goods imported from the ſaid Iſland into any other* Britiſh *Colony*; and for allowing Timber and Wood to be exported from the ſaid Iſland of *Dominica* into any other of the *Britiſh* Iſlands, Colonies, or Plantations in *America*, for a limited Time.

74. An Act for the better aſcertaining the Tonage and Burthen of Ships and Veſſels importing and exporting Goods into and from this Kingdom, or hovering upon the Coaſts thereof; for amending ſo much of an Act, made in the laſt Seſſion of Parliament, for lowering the Duty payable upon the Importation of Oak Bark, as relates to the ſuing for the Penalties and Forfeitures thereby inflicted in the Court of Exchequer in *Scotland*; for appropriating the Duty on Oak Bark, granted by the ſaid Act; and for obviating Doubts which have ariſen with reſpect to the allowing the Drawback upon certain Callicoes; and the Bounty upon *Britiſh*-made Cordage exported to the Iſlands of *Madeira*, the *Canary* Iſlands, and the *Azores* or Weſtern Iſlands.

75. An Act for enabling *John*, *Robert*, *James*, and *William Adam*, to diſpoſe of ſeveral Houſes and Buildings in the Pariſhes of *Saint Martin in the Fields*, and *Saint Mary le Bone*, in the County of *Middleſex*, and other their Effects, by Way of Chance, in ſuch Manner as may be moſt for the Benefit of themſelves and Creditors.

76. An Act to indemnify Juſtices of the Peace, Deputy Lieutenants, and Officers of the Militia, or others, who have omitted to regiſter or deliver in their Qualifications within the Time limited by Law; and for giving further Time for thoſe Purpoſes.

77. An Act for granting to His Majeſty a certain Sum of Money out of the Sinking Fund; and for applying certain Monies therein mentioned for the Service of the Year One thouſand ſeven hundred and ſeventy-three; and for further appropriating the Supplies granted in this Seſſion of Parliament; and for paying to *John Harriſon* a further Reward for his Invention of a Time-keeper for aſcertaining the Longitude at Sea, and his Diſcovery of the Principles upon which the ſame was conſtructed.

78. An Act to explain, amend, and reduce into One Act of Parliament, the Statutes now in being, for the Amendment and Preſervation of the Publick Highways within that Part of *Great Britain* called *England*, and for other Purpoſes.

79. An Act for the more effectual preventing the forging of the Notes or Bills of the Governor and Company of the Bank of *England*; and for the preventing the obtaining a falſe Credit, by the Imitation of the Notes or Bills of the ſaid Governor and Company.

80. An Act to repeal an Act, made in the Tenth Year of the Reign of His preſent Majeſty, intituled, *An Act for the better Preſervation of the Game within that Part of* Great Britain *called* England; and for making other Proviſions in lieu thereof.

81. An Act for the better Cultivation, Improvement, and Regulation, of the Common Arable Fields, Waſtes, and Commons of Paſture, in this Kingdom.

82. An Act for the better Regulation of Lying-in Hoſpitals, and other Places, appropriated for the charitable Reception of pregnant Women; and alſo to provide for the Settlement of Baſtard Children, born in ſuch Hoſpitals and Places.

83. An Act for building a Bridge acroſs the River of *Thames*, from *Richmond*, in the County of *Surrey*, to the oppoſite Shore, in the County of *Middleſex*, and to enable His Majeſty to grant the Inheritance of the Ferry at *Richmond* to certain Perſons therein mentioned.

84. An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being, for regulating the Turnpike Roads in that Part of *Great Britain* called *England*; and for other Purpoſes.

85. An Act for dividing and incloſing the Open Arable Fields, Meadows, Paſtures, and Commons or Waſte Grounds, in the Townſhip of *Gowdall*, in the Pariſh of *Snaith*, in the County of *York*, and for draining and preſerving the ſame.

Publick Acts,

Printed in the Collection called *Road Acts*.

86. AN Act for improving and completing the Navigation of that Branch of the River *Trent* which runs by the Town of *Newark upon Trent*, from a Place called *The Upper Wear*, in the Pariſh of *Averham*, in the County of *Nottingham*, to a Place called *The Crankleys*, in the Pariſh of *South Muſkham*, in the ſaid County.

87. An Act for enlarging the Term and Powers of an Act, made in the Twenty-ſeventh Year of the Reign of His late Majeſty, for repairing the Road from the Toll-gate in the Pariſh of *Kettering*, in the County of *Northampton*, to *Newport Pagnell*, in the County of *Bucks*.

88. An Act to continue the Term and alter the Powers of an Act, made in the Twenty-ſixth Year of the Reign of His late Majeſty King *George* the Second, for repairing and widening the Roads leading from a Place called *Baſingſtone*, near the Town of *Bagſhot*, in the Pariſh of *Windleſham*, in the County of *Surrey*, through *Frimley* and *Farnham*, in the ſame County, and from thence through *Bentley*, *Hollyborn*, *Alton*, *Chawton*, *Ropley*, *Biſhops Sutton*, *New Alresford*, and *Mattingley* otherwiſe *Matterley Lane*, to the City of *Wincheſter*, in the County of *Southampton*.

89. An Act to enlarge the Powers of Two Acts, made in the Twenty-fifth Year of King *George* the Second, and Sixth Year of King *George* the Third, for repairing the Roads from the North End of *Malling Street*, near the Town of *Lewes*, and other Roads, in the County of *Suſſex*; and for amending the Road from the *Broil-park Gate*, to the Weſt End of the Turnpike Road leading from the Turnpike Road on *Hurſt Green*, through the Pariſhes of *Etchingham* and *Burwaſh*, and from the ſaid *Broil-park Gate* to the Town of *Battell*, in the ſaid County, ſo far as relates to the Road from the *Broil-park Gate* to the Weſt End of the Turnpike Road leading from the Turnpike Road on *Hurſt Green*, through the Pariſhes of *Etchingham* and *Burwaſh* aforeſaid.

90. An Act for repairing and widening the Road from *Newark upon Trent*, in the County of *Nottingham*, to join the Turnpike Road from *Nottingham* to *Grantham*, in the County of *Lincoln*, near the *Guide-poſt* on the *Fols* Road near *Bingham*, in the ſaid County of *Nottingham*.

91. An Act for enlarging the Term and Powers of an Act of Parliament of the Twenty-ſeventh Year of the Reign of His late Majeſty King *George* the Second, for repairing and widening the Road from the City of *Peterborough*, through *Oundle* and *Thrapſton*, to *Wellingborough*, in the County of *Northampton*, and for repairing and widening ſeveral other Roads near or adjoining thereto.

92. An Act for continuing the Term and enlarging the Powers of an Act, made in the Twenty-ſecond Year of His late Majeſty's Reign, for repairing and widening the Road leading from *The Well* at the North-weſt End of the Town or Village of *Farnborough*, in the County of *Kent*, to a Place called *River Hill*, in the Pariſh of *Seven Oakes*, in the ſaid County.

93. An Act for making and continuing a navigable Cut or Canal from *Maugan Porth*, through the ſeveral Pariſhes of *Maugan*, *Saint Colomb Major*, *Little Colan*, and *Saint Colomb Minor*, to *Lower Saint Colomb Porth*, in the County of *Cornwall*.

94. An Act for enlarging the Terms and Powers of Two Acts, of the Tenth and Twenty-firſt Years of the Reign of His late Majeſty King *George* the Second, for reparing the Road from *Hertford Bridge Hill* to the Town of *Baſingſtoke*, and alſo the Road from *Hertford Bridge Hill* aforeſaid to the Town of *Odiham*, in the County of *Southampton*.

95. An Act for enlarging the Term and Powers granted by an Act, paſſed in the Twenty-ninth Year of the Reign of His late Majeſty, for repairing and widening the Roads leading from the Town of *Kington*, in the County of *Hereford*, through the *Welſh Hall Lane*, as far as the ſame County extends; and the ſeveral Roads leading from *Kington* aforeſaid to *Brilley's Mountain*, to *Eardiſley*, to *Almley*, to *Ecley's Green*, to *Eardiſland*, to *Staple Bar*, and to *Milton Houſe*, in the ſaid County; and for amending the Road from the Turnpike Road in the Pariſh of *Eardiſley* to *Willerſley* Turnpike Gate, in the ſaid Pariſh.

96. An Act for enlarging the Term and varying the Powers granted by an Act, paſſed in the Twenty-ſecond Year of the Reign of His late Majeſty, for repairing and widening the ſeveral Roads leading into the Town of *Roſs*, in the County of *Hereford*.

97. An Act for enlarging the Terms and Powers of Three Acts, paſſed in the Third, Seventeenth, and Thirtieth Years of the Reign of His late Majeſty King *George* the Second, for repairing the Road leading from a Gate called *Skipſton Toll-gate*, at *Bridgetown*, in the Pariſh of *Old Stratford*, in the County of *Warwick*, through *Alderminſter* and *Shipſton upon Stower*, to the Top of *Long Compton Hill*, in the ſaid County of *Warwick*; and alſo for repairing the Road leading from the Firſt Mile-ſtone ſtanding on the ſaid *Skipſton* Road, through a Lane called *Clifford Lane*, and through *Mickelton* and *Chipping Campden*, to a Place called *Andover's Ford*, in the County of *Glouceſter*, as far as the ſame relate to the ſaid firſt-mentioned Road.

98. An Act for repairing the Road from the *Royal Oak*, on *Wrotham Heath*, to the Town of *Wrotham*, in the County of *Kent*, and from thence to *Foots Cray*; and from the ſaid *Royal Oak* to the Town of *Maidſtone*, in the ſaid County.

99. An Act for enlarging the Terms and Powers of Two Acts of the Twentieth and Twenty-ſixth Years of the Reign of His late Majeſty, for repairing the High Road leading from the City of *Durham*, in the County of *Durham*, to *Tyne Bridge*, in the ſaid County.

100. An Act to enlarge the Term and Powers of an Act, made in the Fifth Year of His preſent Majeſty, for repairing and widening the Road from *Newcaſtle under Line* to *Haſſop*, and from *Middlehills* to the *Macclesfield* Turnpike Road near *Buxton*, and alſo the Road branching out of the firſt-mentioned Road at *Cobridge* to *Burſlem*, and to the *Uttoxeter* Turnpike Road at *Shelton*, in the County of *Stafford*, and for amending ſeveral other Roads adjoining thereto.

101. An Act for continuing the Term, and enlarging the Powers of an Act, made in the Seventeenth Year of the Reign of His late Majeſty King *George* the Second, for repairing the Road from *Cherill*, through *Calne*, to *Studley Bridge*, and from *Cherill* to the *Three Mile Borrough*, at the Top of *Cherill Hill*, in the County of *Wilts*.

102. An Act for continuing the Term and enlarging the Powers of an Act, paſſed in the Eighth Year of His preſent Majeſty's Reign, for repairing and widening the Road from the Way-poſt, in the Pariſh of *Hardingſton*, in the County of *Northampton*, to *Old Stratford*, in the ſaid County.

103. An Act for continuing and enlarging the Terms and Powers of Two Acts, made in the Thirty-firſt Year of His late Majeſty, and Ninth Year of His preſent Majeſty's Reign, for repairing ſeveral Roads in the Counties of *Montgomery*, *Merioneth*, and *Salop*; and for repairing ſeveral other Roads therein mentioned.

104. An Act to enlarge the Powers of Two Acts, made in the Eighth and Eleventh Years of the Reign of His preſent Majeſty, for making and maintaining a navigable Cut or Canal, from the Firth or River of *Forth*, at or near the Mouth of the River of *Carron*, in the County of *Stirling*, to the Firth or River of *Clyde*, at or near a Place called *Dalmuir Burnfoot*, in the County of *Dumbarton*, and alſo a collateral Cut from the ſame to the City of *Glaſgow*; and for making a navigable Cut or Canal of Communication from the Port and Harbour of *Borrowſtounneſs*, to join the ſaid Canal, at or near the Place where it will fall into the Firth of *Forth*.

105. An Act for amending, widening, and keeping in Repair, the Road from the *Guide-poſt* at the Weſt End of the Town of *Hampton*, over *Sunbury Common*, to the Town of *Stains*, in the County of *Middleſex*.

106. An Act for enlarging and altering the Terms and Powers of Two ſeveral Acts, made in the Thirteenth Year of the Reign of King *George* the Firſt, and in the Fifteenth Year of the Reign of King *George* the Second, for repairing the Roads leading from the Town of *Bromeſgrove* to the Town of *Dudley*, in the County of *Worceſter*, and from the ſaid Town of *Bromeſgrove* to the Town of *Birmingham*, in the County of *Warwick*, ſo far as the ſaid Acts relate to the repairing of the ſaid Road, leading from the Town of *Bromeſgrove* to the Town of *Dudley*.

107. An Act for enlarging and altering the Term and Powers of an Act, made in the Twenty-ſixth Year of the Reign of King *George* the Second, for repairing the Roads leading from the Market-houſe in *Stourbridge*, and other Roads therein mentioned, in the Counties of *Worceſter*, *Stafford*, *Salop*, and *Warwick*, reſpectively.

108. An Act for repairing and widening the Road from the North Turnpike Road near *Scot Gate* otherwiſe *Sco Gate*, in the Town of *Stamford*, in the County of *Lincoln*, to *Oakham*, in the County of *Rutland*, and from *Oakham*, through *Burley*, to a Gate on the North Side of a certain Cloſe, in the ſaid Lordſhip of *Burley*, called *Booth's Cloſe*, adjoining to the Open Fields of *Cottejmore*, in the ſaid County of *Rutland*.

109. An Act for more effectually amending ſeveral Roads leading from the City of *Exeter*, and for rebuilding or repairing *Exe Bridge*, and making the Avenues leading thereto more commodious; and for building a Bridge over the River *Exe*, at or near *Counteſs Wear*; and for amending ſeveral other Roads therein mentioned.

110. An Act to enlarge the Term and Powers of an Act, paſſed in the Sixth Year of His preſent Majeſty's Reign, intituled, *An Act for repairing and widening the Road from the preſent Turnpike Road at* Haverhill, *to* Redcroſs, *in the Pariſh of* Shelford, *in the County of* Cambridge.

111. An Act for building a Bridge over the River *Towey*, near *Llandovery*, in the County of *Carmarthen*; and for making the Fords near the ſaid Town ſafe and commodious.

112. An Act for more effectually amending ſeveral Roads leading from and near the Borough of *Truro*, in the County of *Cornwall*, and for building a Bridge over the River at a Place called *The Steppings*, in or near the ſaid Borough.

113. An Act for building a Bridge acroſs the River *Severn*, near *Redſtone*, in the County of *Worceſter*, and for making proper Avenues and Roads to and from the ſame; and for making Satisfaction to the Proprietors of a Ferry acroſs the ſaid River at *Redſtone* aforeſaid.

114. An Act for enlarging the Term and Powers of Three Acts, paſſed in the Firſt, Ninth, and Twenty-ſecond Years of the Reign of His late Majeſty King *George* the Second, for repairing and enlarging the Road leading from the Houſe called *The Sign of the Bells*, in the Pariſh of *Saint Margaret*, in *Rocheſter*, to *Maidſtone*, and other Roads therein mentioned, in the County of *Kent*.

Private Acts.

Anno 13 *Geo.* III.

1. AN Act for naturalizing *Paul D'Aigrement*.
2. An Act for naturalizing *Emeric Vidal*, *Philippe Rivier*, and *Abraham Favenc*.

3. An Act for naturalizing *Peter Francis Martin*.

4. An Act to enable the Right Honourable *Robert* Lord Viſcount *Clare*, the Right Honourable *Wellbore Ellis*, and *Charles Jenkinſon*, Eſquire, to take, in *Great Britain*, the Oath of Office, as Vice Treaſurer, and Receiver-general, and Paymaſter-general of all His Majeſty's Revenues in the Kingdom of *Ireland*, and to qualify themſelves for the Enjoyment of the ſaid Offices.

5. An Act for veſting ſeveral Fee-farm and other Rents, Part of the ſettled Eſtates of Sir *Charles Cocks* Baronet, in Truſtees, to be ſold; and for enfranchiſing certain Copyhold or Cuſtomary Lands within the Manor of *Reigate*, in the County of *Surrey*, and for laying out the Money ariſing by ſuch Sale and Enfranchiſement in the Purchaſe of other Lands, to be ſettled to the ſame Uſes.

6. An Act to enable the Rector of *Saint Martin* in *Birmingham* to grant Leaſes of certain Parts of the Glebe Lands belonging to the ſaid Rectory.

7. An Act for obviating Doubts, touching the Validity of the Proceedings of the Commiſſioners appointed by an Act, paſſed in the Eleventh Year of the Reign of His preſent Majeſty, for dividing and incloſing certain Lands therein mentioned in that Part of the Manor of *Tardebig*, which lies in the County of *Worceſter*.

8. An Act for dividing and incloſing certain Waſte Lands, called *Hodſor Common*, in the County of *Worceſter*.

9. An Act for dividing and incloſing the Open and Common Fields, and Meadow Grounds, in the Townſhips of *Snaith* and *Cowick*, in the County of *York*.

10. An Act for dividing and incloſing the ſeveral Open Fields, Open Arable Lands, Commons, and Waſte Grounds, within the Manor and Pariſh of *Armthorpe*, in the Weſt Riding of the County of *York*.

11. An Act for dividing and incloſing the Open Fields, Meadows, Common Paſtures, and Waſte Grounds, within the Pariſh of *Cromwell*, in the County of *Nottingham*.

12. An Act for dividing and incloſing the Open Common Fields, Meadows, Paſture, and other Commonable and Waſte Lands, within the Manor and Pariſh of *Brinkhill*, in the County of *Lincoln*.

13. An Act for dividing and incloſing a certain Moor or Common, called *Gailes Moor*, in the Townſhip and Manor of *Dalton Traverſe* otherwiſe *Gailes*, in the Pariſh of *Kirby Ravenſworth*, in the North Riding of the County of *York*.

14. An Act for dividing and incloſing a certain Open Field, or Parcel of Land, called *Bonſall Leys* and *Green*, within the Pariſh of *Bonſall*, in the County of *Derby*.

15. An Act for dividing and incloſing the Open and Common Fields, Common Meadows, Common Paſtures, and other Commonable Lands and Grounds in the Pariſh of *Ircheſter*, in the County of *Northampton*; and alſo Two Pieces of Land or Ground therein deſcribed, lying within the Pariſhes of *Wellingborough* and *Great Doddington*, in the ſaid County.

16. An Act for dividing and incloſing the ſeveral Open Fields, Arable Lands, Meadows, Commons, and Waſte Grounds, within the Manor of *Church Broughton*, in the County of *Derby*.

17. An Act for dividing and incloſing the Open Fields, Stinted Paſtures, Common, and Waſtes, within the Manor of *Arkendale*, in the Weſt Riding of the County of *York*.

18. An Act for dividing and incloſing ſeveral Open Fields and Commons, or Waſte Lands, in the Manor of *Market Weighton* with *Shipton*, in the County of *York*.

19. An Act for dividing and incloſing the Open and Common Fields of *Upton*, in the Pariſh of *Burford*, in the County of *Oxford*.

20. An Act for dividing, allotting, and incloſing, the Open Common Fields, Common Meadows, Common Paſtures, and Waſte Grounds, in the Manor and Pariſh of *Bourton on the Water*, in the County of *Glouceſter*, and in the Manor of *Clapton on the Hill*, in the ſame Pariſh.

21. An Act for dividing and incloſing *Courchill Common*, within the Manor and Pariſh of *Churchill*, in the County of *Worceſter*.

22. An Act for naturalizing *Iſaac Morier*.

23. An Act for naturalizing *John Gottlob Neuman*.

24. An Act for naturalizing *John Francis Curchod*.

25. An Act for naturalizing *Iſabel Bouillon*.

26. An Act for naturalizing *Stephen Beuzeville*.

27. An Act to enable Truſtees to make Leaſes of certain Eſtates, late of *Anthony* Earl of *Shafteſbury*, deceaſed, during the Minorities of his Children; and for eſtabliſhing and carrying into Execution an Agreement made between *Mary* Counteſs Dowager of *Shafteſbury*, her Infant Son, and the Lord Biſhop of *Ely*, reſpecting certain Meſſuages and Tenements ſituate in the Pariſh of *Saint Andrew Holbourn*, in the County of *Middleſex*.

28. An Act for veſting in *John* Earl of *Hopetoun*, and his Heirs, in Fee-ſimple, certain Lands, Part of his entailed Eſtate, in the Counties of *Haddington* and *Fife*; and for ſettling in lieu thereof other Lands, lying contiguous to, and interſperſed with, the ſaid entailed Eſtate.

29. An Act for veſting the Manors of *Eaſt* and *Weſt Stodeley*, and certain other Hereditaments in the County of *Devon*, (Part of the ſettled Eſtates of *James Bernard* Eſquire), in Truſtees, to be conveyed to *Mathew Brickdale* Eſquire, and his Heirs, purſuant to an Agreement entered into by him for the Purchaſe thereof; and for applying the Purchaſe-money in Diſcharge of a Mortgage affecting the ſaid Premiſes; and for other Purpoſes therein mentioned.

30. An Act for veſting the ſettled Eſtate of the Reverend *Samuel Hemming* Clerk, and *Maria* his Wife, in the County of *Stafford*, in Truſtees, in order that the ſame may be conveyed to *George Adams* Eſquire, and his Heirs, purſuant to an Agreement made by him for the Purchaſe thereof; and for veſting the Purchaſe-money in other Lands and Hereditaments to be ſettled to the like Uſes.

31. An Act for exonerating Part of the real Eſtate of *Thomas Whichcot* Eſquire, in the County of *Lincoln*, from a Debt of Ten thouſand Pounds, charged thereon for the Portions of the younger Children of *Chriſtopher Whichcote* Eſquire, and *Jane* his Wife, Daughter of the ſaid *Thomas Whichcot*, and for ſubjecting and charging other Lands of greater Value to the Payment thereof.

32. An Act to enable the Vicar of *Kenſington*, in the County of *Middleſex*, to grant Leaſes of Part of the Glebe Lands belonging to the ſaid Vicarage.

33. An Act for dividing and incloſing ſeveral Commons, Heaths, and Waſte Grounds, within the Pariſh of *Drayton in Hales*, in the Counties of *Salop* and *Stafford*.

34. An Act for dividing and incloſing ſeveral Lands and Grounds in the Pariſh of *Goxhill*, in the County of *Lincoln*.

35. An Act for dividing and incloſing the Open and Common Fields, Common Meadows, Common Paſtures, Heath, Lot, and Waſte Ground, in the Pariſh of *Eaſt Hadden*, in the County of *Northampton*.

36. An Act for confirming and eſtabliſhing Articles of Agreement, for the better ordering and regulating the Manner of feeding, uſing, and enjoying, ſeveral Commonable and Waſte Grounds, lying in *Chatteris*, in the Iſle of *Ely*, and County of *Cambridge*, and alſo for aſcertaining the Parts or Lots belonging to each Commoner in certain Fens therein mentioned; and for empowering the Commoners to plough and cultivate the ſaid Fens for a certain Number of Years therein limited; and for obliging Occupiers of Lands in the Open Fields of *Chatteries* to fence the ſame.

37. An Act for dividing and incloſing certain Open Common Fields, Meadows, Ings, and other Commonable Lands and Waſte Grounds, within the Townſhip and Pariſh of *Eaſt Keal* otherwiſe *Eaſter Keal*, in the County of *Lincoln*.

38. An Act for dividing and incloſing the Open and Common Fields, Common Paſtures, Common Meadows, Common Grounds, Heath, and Waſte Ground, in the Manor and Pariſh of *Rugby*, in the County of *Warwick*.

39. An Act for dividing and incloſing certain Fields, Lands, and Grounds, within the Townſhip or Lordſhip of *Everthorpe*, in the Pariſh of *North Cave*, in the Eaſt Riding of the County of *York*.

40. An Act for dividing and incloſing certain Open and Common Fields, Meadows, Ings, and other Commonable Lands and Waſte Grounds, within the Manor of *Toyntons*, in the Townſhips of *Toynton all Saints*, and *Toynton Saint Peters*, in the County of *Lincoln*.

41. An Act for dividing and incloſing certain Open Common Fields, Ings, Common Paſtures, and other Commonable Lands, within the Manors, or Manor, and Townſhip of *Hemingby*, in the County of *Lincoln*.

42. An Act for dividing and incloſing certain Moors or Commons within the Townſhips of *Witton le Wear*, and *North Bedburne*, within the Chapelry of *Witton le Wear*, in the Manor of *Wolſingham*, in the County Palatine of *Durham*.

43. An Act for dividing and incloſing certain Open Fields, Lands, and Grounds, within the Townſhip or Lordſhip of *Wilton*, in the Pariſh of *Ellerburn*, in the North Riding of the County of *York*.

44. An Act for dividing and incloſing certain Open and Common Fields, Meadows, Paſtures, Furze, and Waſte Grounds, in the Pariſh of *Thorpe on the Hill*, in the County of *Lincoln*.

45. An Act for dividing and incloſing the Common and Waſte Land, within the Manor of *Sambourn*, in the Pariſh of *Coughton*, in the County of *Warwick*.

46. An Act for dividing and incloſing ſeveral Open and Common Fields, Common Meadows, and other Commonable Lands and Places within the Pariſh of *Nafford*, and Chapelry of *Birlingham*, in the County of *Worceſter*.

47. An Act to enable *Robert Athorpe Blanckard* Eſquire, now called *Robert Athorpe Athorpe*, and his Heirs Male, to take and uſe the Surname of *Athorpe* only, purſuant to the Will of *Henry Athorpe* Eſquire, deceaſed.

48. An Act for naturalizing *Joſeph Franel*.

49. An Act for veſting certain Tenements and Hereditaments in the Counties of *Oxford*, *Berks*, and *Wilts*, Part of the ſettled Eſtates of the Earl of *Maccleſfield*, in Truſtees, to be ſold or exchanged; and the Money

ariſing thereby to be laid out in the Purchaſe of other Lands, Tenements, and Hereditaments, to be ſettled to the ſame Uſes; and for other Purpoſes therein mentioned.

50. An Act to enable the Dean and Chapter of the Cathedral Church of *Worceſter* to make and eſtabliſh an Exchange of certain Lands and Premiſes, in the County of *Worceſter*, for other Lands and Premiſes in the ſaid County, belonging to *Thomas Foley* Eſquire.

51. An Act to impower the Wardens, Preceptor, or Maſter, of the Scholars and Poor People of the Alms-houſe or Hoſpital of *Jeſus*, in *Giſburn* in *Cleveland*, in the County of *York*, to convey a certain Meſſuage, and divers Lands, Tenements, and Hereditaments, the Eſtate of the ſaid Alms-houſe or Hoſpital, unto *Charles Turner* of *Kirkleatham*, in the ſaid County, Eſquire, and his Heirs; and to enable the ſaid Wardens, Preceptor, or Maſter, of the Scholars and Poor People of the Alms-houſe or Hoſpital of *Jeſus*, to carry into Execution an Agreement with the Reverend *Henry Hewgill*, of *Hornby Grainge*, in the ſaid County of *York*, Clerk, for the Purchaſe of a certain Meſſuage, or Tenement, Lands, and Hereditaments, in the Pariſh of *Birkby*, in the North Riding of the ſaid County, of greater Value, to be conveyed to and held by them and their Succeſſors, for the Uſe, Benefit, and Advancement of the ſaid Charity.

52. An Act for effecting an exchange of Lands, between *Charles Turner* Eſquire, and the Maſter, Fellows, and Scholars of *Trinity College* in *Cambridge*.

53. An Act for nominating a Perſon, in the Room of *Thomas Cartwright* Eſquire, deceaſed, to join with *Elizabeth Cartwright* Widow, in directing the Sale of ſuch Part or Parts of the ſettled Eſtates of the ſaid *Thomas Cartwright*, deceaſed, as they ſhall think proper, for raiſing Five thouſand ſeven hundred Pounds, and for other Purpoſes.

54. An Act to enable *James Theobald* Eſquire, to carry into Execution an Agreement for Sale of certain Hereditaments, ſituate at *White Waltham*, in the County of *Berks*, (Part of his ſettled Eſtates), to the Reverend *William Reid*; and for laying out the Money ariſing by ſuch Sale in the Purchaſe of other Lands and Hereditaments, to be ſettled to the Uſes to which the ſaid ſettled Eſtates do now ſtand limited.

55. An Act to enable the Rector of the Pariſh Church of *Stockport*, in the County of *Cheſter*, for the Time being, to grant Leaſes of Part of the Glebe Lands belonging to the ſaid Rectory, and to exchange Part of the ſaid Glebe Lands, and other Lands in the Townſhip of *Stockport* aforeſaid, between Sir *George Warren* Knight of the Bath, Patron of the Advowſon of the ſaid Rectory, and *John Watſon*, preſent Rector of the Pariſh and Pariſh Church of *Stockport* aforeſaid.

56. An Act for dividing and incloſing the Open Fields, Paſture Grounds, Ings, and Common or Waſte Ground, within the Townſhip of *Eaſt Cottingwith* in the Eaſt Riding of the County of *York*.

57. An Act for dividing and incloſing the Open Arable Fields, Meadow and Paſture Grounds, within the Town and Territories of *Burſtwick* and *Sheckling*, in the Pariſh of *Sheckling cum Burſtwick* in *Holderneſs*, in the Eaſt Riding of the County of *York*.

58. An Act for dividing, allotting, and incloſing, the Open and Common Fields, Meadows, Commonable Lands, and Commons, within the Manor, Pariſh, Townſhip, and Liberties, of *Houghton cum Witton*, in the County of *Huntingdon*.

59. An Act for dividing and incloſing the Open Commons and Waſte Grounds, within the Manor and Townſhip of *Walſgrave* otherwiſe *Falſegrave*, in the Pariſh of *Scarborough*, in the North Riding of the County of *York*.

60. An Act for dividing and incloſing the Open and Common Field, and Commonable Land, lying within the Townſhips, Liberties, and Precincts of *Broad Sibford*, otherwiſe *Sibford Gower*, and *Burdrup*, in the Pariſh of *Swalcliffe*, in the County of *Oxford*.

61. An Act for dividing, incloſing, and allotting the Open or Common Fields, Meadows, Paſtures, Commonable Places, and other Lands and Grounds, within the Townſhip of *Whitgreave*, in the County of *Stafford*.

62. An Act for dividing and incloſing ſeveral Open Fields, Lands, and Grounds, in the Pariſh of *Whitton*, in the County of *Lincoln*.

63. An Act for dividing, allotting, and incloſing, the Open and Commonable Fields, Meadows, Lands, and Waſte Grounds, of, within, and belonging to the Manor, Pariſh, and Liberties of *Preſton*, in the County of *Rutland*.

64. An Act for dividing and incloſing the Open and Common Fields of *Newbold upon Avon*, in the County of *Warwick* and *Long Lawford Heath*, in the Pariſh of *Newbold* aforeſaid.

65. An Act for dividing and incloſing the Open Common Fields, Meadow Grounds, and Common Fens, in the Pariſh of *Hackonby*, in the County of *Lincoln*.

66. An Act for dividing and incloſing the Commons, Waſtes, and Common Fields, in the Pariſhes of *Tingewick* and *Radclive cum Chackmore*, in the County of *Bucks*.

67. An Act for dividing and incloſing certain Moors, Commons, or Tracts of Waſte Land, within the Pariſh and Manor of *Lancheſter*, in the County Palatine of *Durham*.

68. An Act for dividing, incloſing, and allotting, a certain Common or Parcel of Waſte Land, called *Kinfare* and *Compton Common*, within the Manor and Pariſh of *Kinver* otherwiſe *Kinfare*, in the County of *Stafford*.

69. An Act for dividing and incloſing the ſeveral Open Arable Fields, Parcels of Meadow or Paſture, and other Grounds, within the Pariſh of *Harpham*, in the Pariſh of *Agnes Burton*, in the Eaſt Riding of the County of *York*.

70. An Act for dividing and incloſing a certain Open Field, and the Commons, Common of Paſture, and Waſte Grounds, within the Pariſhes of *Skipton* and *Kildwick*, in the County of *York*.

71. An Act to diſſolve the Marriage of *John Featherſton Bowerbank*, with *Anne Jane Bonnett*, his now Wife, and to enable him to marry again; and for other Purpoſes therein mentioned.

72. An Act to enable *Edward Gregge Hopwood*, (late *Edward Gregge*), Eſquire, and the Heirs Male of his Body, and the other Perſons therein deſcribed, to retain, take, and uſe the Surname of *Hopwood*, and to bear and quarter the Arms of *Hopwood*, purſuant to the Will of *Robert Hopwood* deceaſed.

73. An Act for veſting certain Manors, Lands, and Tenements, in the *Iſle of Wight*, Part of the ſettled Eſtate of Sir *Thomas Millar* Baronet, in Truſtees, to be ſold; and for purchaſing other Lands and Hereditaments, to be ſettled to the ſame Uſes.

74. An Act for diſcharging divers Meſſuages, Lands, and Hereditaments, Part of the Eſtate of *John Hudſon*, late of *Beſſingby*, in the County of *York*, Eſquire, deceaſed, from the Uſes of his Marriage Settlement, and for ſettling other Lands and Hereditaments to the ſame Uſes.

75. An Act for veſting the Moiety of the Manor of *Ruſſels*, and the Moiety of divers Meſſuages, Lands, and Hereditaments, with the Appurtenances in *Cheſilford* otherwiſe *Chilford*, and other Places in the County of *Suffolk*, compriſed in the Settlement made previous to the Marriage of Mr. *Charles Smith*, and *Elizabeth* his now Wife, late *Elizabeth Biſhop* Spinſter, in Truſtees, to be ſold; and for purchaſing other Lands and Hereditaments, to be ſettled to the like Uſes.

76. An Act to enable the Governors of the Free Grammar School of *Edward* the Sixth, late King of *England*, in the Town of *Sedbergh*, in the County of *York*, to exchange certain Lands and Poſſeſſions of

the ſaid School, therein mentioned, with *Walter Vavaſour*, of *Weſton*, in the ſaid County, Eſquire, for other Lands in the Pariſh of *Sedbergh* aforeſaid, of greater Value, to be ſettled to the ſame Uſes.

77. An Act for impowering the Judges of the Court of Seſſion in *Scotland* to ſell each Part or Parts of the Eſtate of *Barholm*, in the Stewartry of *Kircudbright*, belonging to *John McCulloch*, now of *Barholm*, as ſhall be ſufficient for Payment of the Debts affecting the ſame, and for ſettling the Remainder of the ſaid Eſtate in Tail on the ſame Series of Heirs, and in the ſame Manner, as is mentioned in a Deed of Entail, made in the Year One thouſand ſeven hundred and ſixty-two.

78. An Act to impower the Feoffees of *Roan's* Charity in *Greenwich*, to ſell a Meſſuage, and Two Pieces of Land, Part of the Eſtate of the ſaid Charity, to the Vicar of the ſaid Pariſh, and to apply the Money ariſing by ſuch Sale in the Purchaſe of other Lands, to be conveyed to the like Uſes; and to enable the ſaid Vicar to take a Conveyance of the ſaid Meſſuage, and Two Pieces of Land; and for other Purpoſes therein mentioned.

79. An Act for ſelling the ſettled Eſtates of *Henry Corniſh Henley* Eſquire, in *Lyme Regis*, *Wooton Fitz-pain*, and *Maiden Newton*, in the County of *Dorſet*, and for laying out the Money to ariſe thereby in the Purchaſe of other Lands and Hereditaments, to be ſettled to the ſame Uſes as the ſaid ſettled Eſtates now ſtand limited.

80. An Act for dividing and incloſing the Open and Common Fields, and all other Commonable Lands, and certain Lot Ground, within the ſeveral Villages or Townſhips of *Beckford*, *Graſton*, *Aſhton Underhill*, and *Bengrove*, in the Pariſh of *Beckford*, and County of *Glouceſter*.

81. An Act for dividing and incloſing the Open and Common Fields and Common Paſtures of *Sheaſby*, in the Pariſh of *Knaptoft*, and County of *Leiceſter*.

82. An Act for dividing and incloſing the Open Common Fields, Meadow Grounds, Common Fen, Cow Paſture, and other Commonable Lands, in the Pariſh of *Helpringham*, in the County of *Lincoln*.

83. An Act for dividing and incloſing certain Commons or Paſtures, called *Hognaſton Wynn*, and *Hognaſton Oldfield*, within the Liberty of *Hognaſton*, in the County of *Derby*.

84. An Act for dividing and incloſing the Open and Common Fields, Common Meadows, and Commonable Lands, within the Pariſh of *Longmarſton*, in the County of *Glouceſter*.

85. An Act for dividing, allotting, and incloſing the Open and Common Fields, Meadows, Commonable Lands and Commons, within the Manor, Pariſh, and Liberties of *Little Stukeley*, in the County of *Huntingdon*.

86. An Act for dividing and incloſing the Open Arable Fields, Meadow and Paſture Grounds, within the Townſhip of *Preſton*, in *Holderneſſe*, in the Eaſt Riding of the County of *York*.

87. An Act for ſevering, dividing, incloſing, and allotting divers Parcels of Common, or Waſte Grounds, within the Townſhips of *Groppenhall* and *Latchford*, in the County Palatine of *Cheſter*.

88. An Act for dividing and incloſing the ſeveral Open Fields within the Townſhip and Pariſh of *Drax*, in the Weſt Riding of the County of *York*.

89. An Act for dividing and incloſing the ſeveral Open Fields, Carrs, Ings or Meadow Grounds, and Commons or Waſte Grounds, within the Townſhip and Pariſh of *Holme upon Spalding Moor*, in the Eaſt Riding of the County of *York*.

90. An Act to diſſolve the Marriage of *John Gordon* Eſquire, with *John Norris Fiſher*, his now Wife, and to enable him to marry again; and for other Purpoſes therein mentioned.

91. An Act to diſſolve the Marriage of *John Green* Clerk, with *Elizabeth Green*, his now Wife, and to enable him to marry again; and for other Purpoſes therein mentioned.

92. An Act for making a Partition and Diviſion of certain Eſtates, in the Pariſh of *Ryton*, in the County of *Durham*, between Sir *Edward Blackett* Baronet, and Sir *Walter Blackett* Baronet, purſuant to an Agreement made between them.

93. An Act for the Diviſion, Allotment, and Appropriation of ſeveral Meſſuages, Lands, and Hereditaments, in the ſeveral Counties of *Leiceſter*, *Nottingham*, and *Lincoln*, the Eſtates of *Thomas Heron* Eſquire, whereof he is either Tenant for Life, under different Settlements, or whereunto he is intitled to him and his Heirs in Fee-ſimple.

94. An Act for veſting Part of the ſettled Eſtate of *Smith Child* Gentleman, in the County of *Stafford*, in Truſtees, to be ſold, to raiſe Money to pay off the Incumbrances charged upon, and affecting the ſame, and for other Purpoſes therein mentioned.

95. An Act for Sale of the ſettled Eſtate of *Henry Spelman* Clerk, in the County of *Norfolk*, and for other Purpoſes therein mentioned.

96. An Act for Sale of certain Charity Eſtates therein mentioned, and to apply the Money to ariſe therefrom in the Building of a Town-hall and Shambles in the Town of *Newark upon Trent*; and in the purchaſing of Lands and Hereditaments for enlarging the Church-yard of the ſaid Town, and for opening the Avenues thereto; and for laying out the Reſidue of the Money in purchaſing other Lands, to be ſettled to the charitable Uſes therein mentioned.

97. An Act for eſtabliſhing and rendering effectual certain Articles of Agreement, enabling the ſeveral Fee-farm and Cuſtomary Tenants, within the Honour, Manor, and Lordſhip of *Hornby*, and Manor of *Tatham*, in the County Palatine of *Lancaſter*, to purchaſe the Timber Trees and Underwoods growing upon their reſpective Tenements; and for veſting the ſole Property thereof in them reſpectively, and extinguiſhing the cuſtomary Right of the other Tenants therein, and for releaſing and extinguiſhing the Freehold, Fee-farm and Cuſtomary Rents, Boones, Fines, and other Services of Right due and accuſtomed for the Tenements of ſuch of the ſaid Tenants who have executed the ſaid Articles of Agreement, and of ſuch who ſhall within the Time limited by this Act come in and purchaſe their Timber Trees, Woods, and Underwoods, Rents, Boons, Fines, and Franchiſements, with ſuch Exceptions and Reſervations only as are in this Act mentioned.

98. An Act to impower the Reverend *Ptolemy Humfrey* Clerk, and the Reverend *John Jephcot* Clerk, and *Catharina Dorothea* his Wife; and to exchange a Meſſuage and certain Cloſes in *Thorpe Mandeville*, in the County of *Northampton*, Part of the Glebe of the Rectory of *Thorpe Mandeville* aforeſaid, for a Meſſuage, Two ſmall Cottages, and ſeveral Cloſes and Lands in *Thorpe Mandeville* aforeſaid, Part of the Eſtate of *Richard Jennings* of *Weſton*, in the County of *Northampton* Eſquire; and for the ſetting out, aſſigning, and appointing other Cloſes, Lands, or Grounds, of the ſaid *Richard Jennings* in *Thorpe Mandeville* aforeſaid, in lieu of Tithes, and for other the Purpoſes therein mentioned.

99. An Act for dividing and incloſing ſeveral Tracts, or Parcels of Common and Waſte Ground, called and known by the reſpective Names of *Temple Sowerby Moor*, the *Down Moor*, the *Whinnes*, and *Parſon's Cloſe*, within the Pariſh of *Kirkby Thore*, in the County of *Weſtmoreland*.

100. An Act for dividing and incloſing a certain Parcel of Common or Waſte Land, called *Galey Common*, lying within the Manor or Lordſhip of *Galey*, in the County of *Stafford*.

101. An Act for dividing and incloſing the Common and Waſte Grounds within the Manor or Townſhip of *Culgaithe*, in the County of *Cumberland*.

102. An Act for dividing, allotting, and incloſing, the Common Fields, Common Meadows, and other Commonable Lands, in the Manor and Pariſh of *Stanton Harcourt*, in the County of *Oxford*.

103. An Act for dividing and incloſing the Commons

and Waſte Lands, within the Manor of *Tryſul* and *Seiſdon*, in the Pariſh of *Tryſul*, in the County of *Stafford*.

104. An Act for dividing and incloſing certain Open and Common Fields, Meadows, Ings, Moors, Common Paſtures, and other Commonable Lands, within the Manors of *Haltham cum Roughton*, in the Townſhips of *Haltham* and *Roughton*, in the County of *Lincoln*.

105. An Act for dividing and incloſing certain Commons and Waſte Lands in the ſeveral Pariſhes of *Round Acton*, *Morvil Barrow*, *Much Wenlock*, and *Aſtley Abbots*, in the County of *Salop*.

106. An Act for dividing and incloſing the ſeveral Parcels of Fen and other Commonable Lands, within the Pariſh of *Swineſhead*, in the County of *Lincoln*; and alſo a certain Plot of Land, called *Wigtoft Marſh*, in and near to the ſaid Pariſh of *Swineſhead*.

107. An Act for dividing and incloſing the Open and Common Fields, and Commonable Lands, within the Manor and Pariſh of *Horſeington*, in the County of *Lincoln*.

108. An Act to diſſolve the Marriage of *Philip Cade* Eſquire, with *Catharine Whitworth*, his now Wife, and to enable him to marry again, and for other Purpoſes therein mentioned.

109. An Act for naturalizing *William Villers* an Infant.

110. An Act for veſting Part of the Eſtates ſtrictly entailed by the Will of the moſt Noble *Charles Noel* late Duke of *Beaufort*, in Truſtees, to be ſold, and for applying the Money ariſing by ſuch Sale in the Purchaſe of other Manors, Lands, and Hereditaments, in the County of *Monmouth*, to be ſettled to the ſame Uſes.

111. An Act for diſcharging the Manor of *Greenfield*, and divers Meſſuages, Lands, and Hereditaments, in the County of *Lincoln* Part of the Eſtate of *Richard* Earl of *Scarborough*, from the Uſes, Eſtates, and Truſts, declared concerning the ſame by the Settlement executed previous to his Marriage with *Barbara* Counteſs of *Scarborough*, his Wife; and for ſettling other Lands and Hereditaments of greater Value in lieu thereof to the like Uſes.

112. An Act for veſting divers Freehold and Leaſehold Eſtates, and certain Goods and Chattels, late of Sir *Edward Turner* Baronet, deceaſed, in Sir *Gregory Turner* Baronet, his eldeſt Son, as a Compenſation for, and in Satisfaction of, his Claims on his ſaid late Father's Eſtate and Effects.

113. An Act for veſting Part of the ſettled Eſtates of *Charles Bower Adderley* Eſquire, in the Pariſhes of *Hanbury* and *Leigh*, in the County of *Stafford*, in Truſtees, to be ſold, for Payment of the Incumbrances affecting the ſame; and for laying out the Reſidue of the Money ariſing by ſuch Sale in the Purchaſe of other Lands and Hereditaments to be ſettled to the like Uſes.

114. An Act for dividing and incloſing the Open and Common Fields, Common Meadows, Common Paſtures, Common Grounds, and Commonable Lands, within the Pariſh and Liberties of *Hooknorton* and *Southtop*, in the County of *Oxford*.

115. An Act for dividing and incloſing the Open and Common Fields and Lands, Common Heath and Waſte Grounds within the Townſhip of *Weſt Willughby*, in the Manor of *Sudbrooke*, and Pariſh of *Ancaſter*, in the County of *Lincoln*.

116. An Act for naturalizing *Jacques* otherwiſe *James Louis*, an Infant, under the age of Eighteen Years.

117. An Act for dividing and incloſing the Common Fields of *Laxton*, in the County of *Northampton*.

FINIS.

Anno undecimo GEORGII III.

At the Parliament begun and holden at *Weſtminſter*, the Tenth Day of *May*, *Anno Domini* 1768, in the Eighth Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* and from thence continued, by ſeveral Prorogations, to the Thirteenth Day of *November*, 1770; being the Fourth Seſſion of the Thirteenth Parliament of *Great Britain*.

CAP. I.

An Act to continue the Prohibition of the Exportation of Corn, Grain, Meal, Flour, Bread, Biſcuit, and Starch; and alſo of the Extraction of Low Wines and Spirits from Wheat and Wheat-flour, for a further Time; and alſo to prohibit the Exportation of Malt for a limited Time.

WHEREAS it is expedient that the Exportation of any Sort of Corn, Grain, Meal, Malt, Flour, Bread, Biſcuit, and Starch, out of the Kingdoms of *Great Britain* or *Ireland*, ſhould be prohibited for further Time; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, no Perſon or Perſons whatſoever ſhall, directly or indirectly, export, tranſport, carry, or convey, or cauſe or procure to be exported, tranſported, carried, or conveyed, out of or from the ſaid Kingdoms of Great Britain or Ireland; or load or lay on Board, or cauſe or procure to be laden or laid on Board, in any Ship or other Veſſel, or Boat, in order to be exported or carried out of the ſaid Kingdoms of Great Britain or Ireland, any Sort of Corn, Grain, Meal, Malt, Flour, Bread, Biſcuit, or Starch, under the Penalties and Forfeitures herein-after mentioned; that is to ſay, That all the ſaid Commodities that ſhall be ſo exported, ſhipped, or laid on Board, or loaded to be exported, ſhipped, or carried out, contrary to this Act, ſhall be forfeited; and that every Offender or Offenders therein ſhall forfeit the Sum of Twenty Shillings for every Buſhel of Corn, Grain, Malt, Meal, or Flour; and Twelve-pence for every Pound Weight of Bread, Biſcuit, or Starch; and ſo in proportion for any greater or leſs Quantity which ſhall be ſo exported, ſhipped, or put on Board to be exported; and alſo the Ship, Boat, or Veſſel, upon which any of the ſaid Commodities ſhall be exported, ſhipped, or laden to be exported, and all her Guns, Tackle, Apparel, and Furniture, ſhall be forfeited; and One Moiety of all the ſaid Penalties and Forfeitures ſhall be to the King's Majeſty, His Heirs and Succeſſors, and the other Moiety to him or them that will ſue for the ſame; and for Offences which ſhall be committed in that Part of Great Britain called England, ſuch Penalties and Forfeitures ſhall be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or before the Juſtices of Aſſize, or at the Great Seſſions in Wales, or by Information, at any General Quarter-ſeſſions of the Peace for the County, City, Riding, Diviſion, or Place, where the Offence ſhall be committed; and in ſuch Suit no Eſſoin, Protection, Privilege, or Wager of Law, ſhall be allowed; and for Offences which ſhall be committed in that Part of Great Britain called Scotland, by Action or ſummary Bill, or Information, in the Courts of Seſſions or Exchequer in Scotland; and for Offences which ſhall be committed in Ireland, in His Majeſty's Courts of Record in Dublin, or at the General Quarter-ſeſſions of the Peace for the County, City, or Place, where the Offence ſhall be committed; and that the Maſter and Mariners of any ſuch Ship, Boat, or Veſſel, wherein any ſuch Offence ſhall be committed, knowing ſuch Offence, and wittingly and willingly aiding and aſſiſting thereunto, and being thereof duly convicted in any ſuch Courts as aforeſaid, ſhall be impriſoned for the Space of Three Months, without Bail or Mainprize.

Preamble

No Perſon ſhall export, *&c.* any of the Commodities here mentioned from *Great Britain* or *Ireland*,

on Forfeiture of the ſame; and 20*s. per* Buſhel for all Corn, Grain, Malt, Meal, or Flour; and 12*d. per* Pound for all Bread, Biſcuit, or Starch; and alſo of the Veſſel, *&c.*

In what Courts the ſaid Penalties to be ſued for and recovered.

Maſter and Mariners of any ſuch Veſſel aſſiſting, liable to Three Months Impriſonment.

II. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Perſon or Perſons, being an Officer or Officers of the Cuſtoms, or being lawfully authoriſed in this Behalf by the Lord High Treaſurer of Great Britain, or the Commiſſioners of the Treaſury for the Time being, or any Three or more of them, to take and ſeize all ſuch of the ſaid Commodities, not allowed to be exported by this Act, as he or they ſhall happen to find, know, or diſcover, to be laid on Board any Ship, or other Veſſel, or Boat, at Sea, or in any Port, or in any navigable River or Water, to the Intent or Purpoſe to be exported, tranſported, or conveyed, out of Great Britain or Ireland, contrary to the true Intent of this Act; and alſo the Ship, Veſſel, or Boat, in which the ſame ſhall be found; and to bring the ſaid Goods to the King's Warehouſe or Warehouſes belonging to the Cuſtomhouſe next to the Place where ſuch Seizures ſhall be made, or to ſome other ſafe Place, (where there are no ſuch Warehouſes), in order to be proceeded againſt according to Law; and in caſe of Recovery, to be divided in manner as aforeſaid.

Officers, and other Perſons authoriſed, may ſeize any of the ſaid Commodities ſhipped, *&c.* contrary to the Intent of this Act; together with the Veſſel.

The Goods to be lodged in the King's Warehouſes.

III. Provided always, That this Act, or any Thing herein contained, ſhall not extend to prohibit the Exportation of ſuch or ſo much of the ſaid Commodities as ſhall be neceſſary to be carried in any Ship or Ships, or other Veſſel or Veſſels, in their reſpective Voyages, for the Suſtenance, Diet, and Support, of the Commanders, Maſters, Mariners, Paſſengers, or others, in the ſame Ships or Veſſels only; or for the victualling or providing any of His Majeſty's Ships of War, or other Ships or Veſſels in His Majeſty's Service, or for His Majeſty's Forces, Forts, or Garriſons; any Thing herein contained to the Contrary notwithſtanding.

Prohibition not to extend to ſo much of the ſaid Commodities, as ſhall be neceſſary for the Uſe of Veſſels in their Voyages; or for His Majeſty's Ships of War, *&c.* Forces, or Garriſons;

nor to ſuch as ſhall be carried Coaſtwiſe;

Security being firſt given for the due landing thereof;

IV. Provided alſo, That this Act, or any Thing herein contained, ſhall not extend to prohibit any Perſon or Perſons to ſhip or put on Board any of the Commodities aforeſaid, to be carried Coaſtwiſe; (that is to ſay), From any Port, Creek, or Member of the Kingdoms of Great Britain or Ireland, to any other Port, Creek, or Member of the ſame reſpectively, having ſuch or the like Coaſt Cocquet, or Sufferance, for that Purpoſe, and ſuch of the like ſufficient Security being firſt given for the landing and diſcharging the ſame in ſome other Port, Member, or Creek, of the ſaid Kingdoms, and returning a Certificate in Six Months, as is required by Law in Caſes where Goods, which are liable to pay Duties on Exportation, are carried Coaſtwiſe from one Port of Great Britain to another, and not otherwiſe.

nor to ſuch as ſhall be exported from *Great Britain* to *Ireland*; or from *Ireland* to *Great Britain*; or to *Gibraltar*, *Minorca*, or *Britiſh* Colonies in *America*; or for the *Britiſh* Fiſhery there; the Exporter giving Security for the due landing, *&c.* and returning a Certificate.

V. Provided alſo, That this Act, or any Thing herein contained, ſhall not extend to any of the ſaid Commodities which ſhall be exported, or ſhipped to be exported, out of or from Great Britain to Ireland, or from Ireland to Great Britain; or from Great Britain or Ireland to Gibraltar or Minorca, or unto any of His Majeſty's Iſlands or Colonies in America, that have uſually been ſupplied with any of the ſaid Commodities from Great Britain or Ireland, for the Suſtentation of the Inhabitants of the ſaid Iſlands, Colonies, or Dominions; or for the Benefit of the Britiſh Fiſhery in thoſe Parts only; ſo as the Exporter do, before the ſhipping or laying on Board the ſame, declare the Iſland, Colony, or Dominion, Iſlands, Colonies, or Dominions, for which the ſaid Commodities are reſpectively deſigned, and do become bound, with other ſufficient Security, in Treble the Value thereof, to the Commiſſioners or Chief Officer or Officers of His Majeſty's Cuſtoms belonging to the Port or Place where the ſame ſhall be ſhipped or put on Board, (who hath or have hereby Power to take ſuch Security in His Majeſty's Name, and to His Majeſty's Uſe), that ſuch Commodities ſhall not be landed or ſold in any Parts whatſoever, other than the Kingdoms, Dominions, Iſlands, or Colonies, for which the ſame ſhall be ſo declared; and that a Certificate under the Hand and Seal of the Collector, Comptroller, or other Chief Officer of the Cuſtoms, or if no ſuch, of the naval Officer, or ſome other principal Officer of the Port where the ſame ſhall be landed, ſhall, within the reſpective Times herein-after for that Purpoſe mentioned (the Danger of the Seas excepted) be returned to the Officers who took the ſaid Bonds, that the ſaid Commodities have been landed at the Port or Place for which the ſame ſhall be ſo declared; and for the taking of ſuch Security, and for giving ſuch Certificates, (which the reſpective Officers aforeſaid are hereby, on Demand, required to give), no Fee or Reward ſhall be demanded or received; and if any Officer ſhall make any falſe Certificate of any ſuch Commodities being ſo landed, ſuch Officer ſhall forfeit the Sum of Two hundred Pounds, and loſe his Employment, and be incapable of ſerving His Majeſty, His Heirs or Succeſſors, in any Office relating to the Cuſtoms: And if any Perſon ſhall counterfeit, raſe, or falſify, any ſuch Certificate, or knowingly publiſh any ſuch counterfeit, raſed, or falſe Certificate, he ſhall forfeit the Sum of Two hundred Pounds, and ſuch Certificate ſhall be void and of no Effect; which ſaid Penalties for Offences committed in Great Britain or Ireland, ſhall be recovered in the ſame Courts, and in the ſame Manner, as the other Penalties inflicted by this Act are recoverable; and for Offences committed in the Colonies or Plantations in America, or other the Dominions belonging to the Crown of Great Britain in Europe, ſhall be recovered in the High Court of Admiralty, or in any Chief Court of Civil or Criminal Juriſdiction, in ſuch reſpective Colonies, Plantations, or Dominions; and ſhall be divided into equal Moieties between His Majeſty and the Informer; and the ſaid Bond or Bonds, if not proſecuted within Three Years, ſhall be void.

Officer making a falſe Certificate, forfeits 200*l.* and is incapacitated.

Other Perſon counterfeiting, *&c.* any Certificate, forfeits 200 *l.* *&c.*

Penalties in what Courts to be recovered.

Application thereof.

Bonds to be proſecuted within Three Years.

Prohibition not to extend to Beans exported to the *Britiſh* Forts, *&c.* in *Africa*, &c.

VI. Provided alſo, That nothing herein contained ſhall extend to prohibit the Exportation of Beans to the Britiſh Forts, Caſtles, and Factories in Africa, or for the Uſe of the Ships trading upon that Coaſt, that uſually have been ſupplied with the ſame from Great Britain or Ireland; ſo as the like Security be given for the exporting thereof, as is required by this Act to be given by Perſons carrying any of the ſaid Commodities to the Britiſh Colonies in America.

nor to any of the ſaid Commodities exported by the *Eaſt India Company* to their Forts, *&c.*

VII. Provided alſo, That nothing herein contained ſhall extend to prohibit the United Company of Merchants of England trading to the Eaſt Indies, from exporting any of the ſaid Commodities to any of their Forts, Factories, or Settlements, for the Support of the Perſons reſiding there; ſo as the like Security be given for the exporting thereof, as is required by this Act to be given by Perſons carrying any of the ſaid Commodities to the Britiſh Colonies in America.

nor to Wheat, Flour, Malt, Barley, Bread, Biſcuit, or Peaſe, from *Southampton* to *Jerſey*, *Guernſey*, and *Alderney*, &c.

VIII. Provided alſo, That this Act, or any Thing herein contained, ſhall not extend to any Wheat, Flour, Malt, Barley, Bread, Biſcuit, or Peaſe, to be tranſported out of or from the Port of Southampton only, unto the Iſlands of Jerſey, Guernſey, and Alderney, or any of them, for the only Uſe of the Inhabitants of thoſe Iſlands; ſo as the Exporter, before the lading of ſuch Commodities, or laying the ſame on Board, do become bound, with other ſufficient Security, in Treble the Value thereof, which the Cuſtomer or Comptroller of the ſame Port hath hereby Power to take in His Majeſty's Name, and to His Majeſty's Uſe, and for which Security no Fee or Reward ſhall be given or taken, that ſuch Commodities ſhall be landed in the ſaid Iſlands of Jerſey, Guernſey, and Alderney, or One of them, (the Danger of the Seas only excepted), for the Uſe of the Inhabitants there, and ſhall not be landed or ſold in any other Parts whatſoever, and to return the like Certificates of the landing the ſame there, as are herein required on the Exportation of the ſaid Commodities to the Britiſh Colonies in America, and within the Time for that Purpoſe herein mentioned; and ſo as the Quantity of Wheat, Flour, Malt, Barley, Bread, Biſcuit, and Peaſe, which at any Time or Times, during the Continuance of this Act, ſhall be ſhipped at the ſaid Port for the ſaid Iſlands, or either of them as aforeſaid, doth not exceed in the Whole Five thouſand Quarters; any Thing herein contained to the Contrary notwithſtanding.

for the Uſe of the Inhabitants only, *&c.*

ſo as the Quantity exceed not 5000 Quarters in the whole;

IX. Provided alſo, That this Act ſhall not extend to any Wheat, Barley, Oats, Meal, or Flour, to be tranſported out of or from the Ports of Whitehaven or Liverpoole only, into the Iſle of Man, for the only Uſe of the Inhabitants of that Iſland; ſo as the Exporter, before the lading of ſuch Wheat, Barley, Oats, Meal, or Flour, or laying the ſame on Board, do become bound, with other ſufficient Security, in Treble the Value thereof, (which the Cuſtomer or Comptroller of either of the ſaid Ports reſpectively hath hereby Power to take in His Majeſty's Name, and to his Majeſty's Uſe), for which Security no Fee or Reward ſhall be given or taken, that ſuch Wheat, Barley, Oats, Meal, or Flour, ſhall be landed in the ſaid Iſle of Man, (the Danger of the Seas only excepted), for the Uſe of the Inhabitants there, and ſhall not be landed or ſold in any other Parts whatſoever; and to return the like Certificates of the landing the ſame there, as are by this Act required on the Exportation of the ſaid Commodities to the Britiſh Colonies in America, and within the Time for that Purpoſe herein mentioned; and ſo as the whole Quantity of Wheat, Barley, Oats, Meal, and Flour, which, at any Time or Times during the Continuance of this Act, ſhall be ſhipped at both the ſaid Ports for the ſaid Iſle of Man, ſhall not exceed in the Whole Two thouſand five hundred Quarters; One Moiety thereof to be exported from the ſaid Port of Whitehaven, and the other Moiety thereof to be exported from the ſaid Port of Liverpoole; any Thing herein contained to the Contrary notwithſtanding.

nor to Wheat Barley, Oats, Meal, or Flour, from *Whitehaven* or *Liverpoole* to the *Iſle of Man*, for the Uſe of the Inhabitants only, *&c.*

ſo as the Quantity exceed not 2500 Quarters in the Whole; One Moiety to be ſhipped from *Whitehaven*, and the other Moiety from *Liverpoole*;

X. Provided alſo, That nothing in this Act contained ſhall extend to prohibit the Committee of Merchants trading to Africa, from exporting, during the Continuance of this Act, any Quantity of Wheat-flour, not exceeding Two hundred Quarters; or any Quantity of Bread or Biſcuit, not exceeding Fifteen Tons in the Whole of ſuch Bread or Biſcuit, or of ſuch Bread and Biſcuit together, to the Britiſh Forts, Caſtles, and Factories in Africa, for the Support of the Perſons reſiding there; ſo as the like Security be given for the exporting thereof, as is herein required to be given by Perſons carrying the ſaid Commodities to the Britiſh Colonies in America.

nor to Wheat-flour, not exceeding 200 Quarters; nor to Bread or Biſcuit, not exceeding 15 Tons; ſent by the Committee of *Africa* Merchants to their Forts, *&c.* in *Africa*.

XI. And be it further enacted by the Authority aforeſaid, That the Commiſſioners of the Cuſtoms for the Time being ſhall, and they are hereby required, to give a full and true Account in Writing, to both Houſes of Parliament, at the Beginning of the next Seſſion thereof, of all Corn, Grain, Meal, Malt, Flour, Bread, Biſcuit, and Starch, that ſhall before that Time be exported to any Place whatſoever, by virtue or in purſuance of any of the Liberties or Powers hereby given or granted for that Purpoſe.

Commiſſioners of the Cuſtoms to return an Account to Parliament of all the Corn and other Commodities ſo exported.

XII. And be it further enacted by the Authority aforeſaid, That all Certificates of the landing and diſcharging of the ſaid Commodities to be exported, other than Coaſtwiſe, ſhall be returned within the reſpective Times following; that is to ſay, Where the Bonds are taken in reſpect of any of the ſaid Commodities to be exported from Great Britain or Ireland, to any of the ſaid Colonies or Plantations in America, within Eighteen Calendar Months after the Date of ſuch Bonds; and where to Gibraltar or Minorca, within Twelve Calendar Months after the Date of ſuch Bonds; and where to the Iſlands of Guernſey, Jerſey, Alderney, or Man, within Six Calendar Months after the Date of ſuch Bonds; and where from Great Britain to Ireland, or from Ireland to Great Britain, within Six Calendar Months after the Date of ſuch Bonds reſpectively.

Times limited for returning Certificates, where Bonds are taken.

XIII. Provided always, and be it enacted by the Authority aforeſaid, That no Corn, Grain, Meal, Malt, Flour, Bread, Biſcuit, or Starch, which ſhall be exported by virtue of this Act, ſhall be intitled to any of the Bounties or Drawbacks which are allowed and made payable on the Exportation of ſuch Commodities, or any of them.

No Drawback or Bounty to be paid on any of the Commodities ſo exported.

XIV. Provided always, and be it enacted, That nothing herein contained ſhall extend to prohibit the Exportation of Rice out of this Kingdom.

Prohibition no to extend to Rice.

XV. And whereas it is expedient that the Extraction of Low Wines, or Spirits, from Wheat or Wheat-flour, ſhould be prohibited for a further Time; be it therefore further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, no Low Wines or Spirits whatſoever ſhall be made, extracted, or diſtilled, within this Kingdom, from any Wheat or Wheat-flour: And if any Diſtiller or Maker of Low Wines or Spirits, or any other Perſon or Perſons whatſoever, ſhall make, extract, or diſtill, or cauſe or procure to be made, extracted, or diſtilled, any Low Wines or Spirits from any Wheat or Wheat-flour, or ſhall uſe or mix, or cauſe or procure to be uſed or mixed, any Wheat or Wheat-flour in any Worts or Waſh, in order for the making, extracting, or diſtilling, Low Wines or Spirits, or ſhall put or lay, or cauſe or procure to be put or laid, in any Tun, Waſh-batch, Caſk, Copper, Still, or other Veſſel or Utenſil, any Wheat or Wheat-flour for the Purpoſe of preparing any Worts or Waſh, or for making, extracting, or diſtilling, Low Wines or Spirits, whether ſuch Tun, Waſh-batch, Caſk, Copper, Still, or other Veſſel or Utenſil, hath or hath not been duly entered at the Exciſe Office; that then, and in each and every of the ſaid Caſes, ſuch Diſtiller or Maker of Low Wines or Spirits, or other Perſon or Perſons acting contrary to the Directions of this Act, or the Perſon or Perſons in whoſe Cuſtody or Poſſeſſion any ſuch Tun, Waſh-batch, Caſk, Copper, Still, or other Veſſel or Utenſil, which ſhall be made uſe of contrary to the Intention of this Act, ſhall be found, ſhall reſpectively, for every ſuch Offence, forfeit and pay the Sum of Two hundred Pounds, and all ſuch Wheat or Wheat-flour, and ſuch Worts and Waſh, Low Wines and Spirits, ſhall be alſo forfeited.

The Extraction of Low Wines or Spirits from Wheat or Wheat-flour prohibited,

under Penalty of 200 *l.* and on Forfeiture of all the ſaid Commodities.

XVI. And be it further enacted by the Authority aforeſaid, That if any Wheat or Wheat-flour ſhall be found in any Workhouſe, Stillhouſe, Storehouſe, Warehouſe, or any other Place wherein Low Wines or Spirits, or Worts or Waſh, ſhall be made, extracted, diſtilled, or prepared, or where any Low Wines or Spirits, or Worts or Waſh, ſhall have been made, extracted, diſtilled, or prepared, ſince the Firſt Day of October, One thouſand ſeven hundred and ſeventy, all ſuch Wheat and Wheat-flour ſhall be forfeited; and the Perſon or Perſons in whoſe Poſſeſſion ſuch Workhouſe, Stillhouſe, Storehouſe, Warehouſe, or Place, ſhall be, ſhall, for every Offence reſpectively, alſo forfeit and pay the Sum of One hundred Pounds.

Wheat and Wheat-flour found in any Place where Low Wines and Spirits are extracted, *&c.* are forfeited; and alſo 100 *l.* by the Perſon in whoſe Poſſeſſion found.

XVII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon or Perſons who ſhall be authoriſed for that Purpoſe by the Commiſſioners of Exciſe for the Time being, or any Two or more of them, within the Limits of the Chief Office of Exciſe in London, or by One or more Juſtice or Juſtices of the Peace

Officers of Exciſe, *&c.* authoriſed to inſpect the Materials from which Low Wines or Spirits are to be extracted, in any other Part of Great Britain, at any Time or Times, with any Officer of Exciſe, to enter into any Workhouſe, Stillhouſe, Storehouſe, Warehouſe, or any other Place, wherein any Low Wines or Spirits, or Worts or Waſh, ſhall be, or are ſuſpected to be, made, extracted, diſtilled, or prepared, or wherein Low Wines or Spirits, or Worts or Waſh, ſhall have been made, extracted, diſtilled, or prepared, ſince the Firſt Day of October, One thouſand ſeven hundred and ſeventy, and ſhall have free Admittance into the ſame, and may inſpect all the Materials, Veſſels, and Utenſils, therein contained, giving thereby as little Interruption as may be to the Buſineſs which is carrying on; and in caſe any Officer of Exciſe ſhall have Reaſon to ſuſpect that any Wheat or Wheat-flour is mixed in any Worts or Waſh, or in any other Material or Preparation, for making, extracting, or diſtilling, Low Wines or Spirits, it ſhall and may be lawful for ſuch Officer, at any Time or Times during the Continuance of this Act, upon Payment of Two Shillings and Sixpence, to take a Sample, not exceeding Two Quarts, of any ſuch Worts or Waſh, Material or Preparation, which ſhall be found in any ſuch Houſe, or other Place aforeſaid; and in caſe any Diſtiller or Maker of Low Wines or Spirits, or the Owner or Occupier of any ſuch Houſe or Place, or any Workman or Servant to any ſuch Diſtiller, Owner, or Occupier belonging, ſhall refuſe to admit ſuch Perſon or Perſons as ſhall be ſo authoriſed, or any Officer of Exciſe, into any ſuch Houſe or Place; or ſhall obſtruct or hinder any ſuch Officer, or Perſon or Perſons, in making ſuch Inſpection as aforeſaid; or ſhall not allow any ſuch Officer to take ſuch Sample, after the ſaid Sum of Two Shillings and Sixpence ſhall be paid or tendered for the ſame, ſuch Diſtiller, Owner, or Occupier, ſhall, for every ſuch Offence reſpectively, forfeit and pay the Sum of One hundred Pounds; and it ſhall be lawful for any ſuch Officer of Exciſe, or other Perſon or Perſons authoriſed as aforeſaid, having a Warrant for that Purpoſe from any Two or more of the Commiſſioners of the Exciſe, or any Juſtice or Juſtices reſpectively, as aforeſaid, to ſeize, take, and carry away, all ſuch Wheat and Wheat-flour as ſhall be found in any ſuch Houſe or other Place, together with all the Sacks, Bags, and other Things, in which the ſaid Commodities ſhall be contained.

and take Samples, paying for the ſame.

Penalty of refuſing Admittance to an Officer, *&c.* or obſtructing him, is 100*l.*

Officer authoriſed by Warrant, may ſeize the ſaid Commodities.

XVIII. And be it further enacted by the Authority aforeſaid, That if any Diſtiller or Maker of Low Wines or Spirits for Sale or Exportation, ſhall be poſſeſſed of, or have in his, her, or their Cuſtody or Poſſeſſion, or in the Cuſtody or Poſſeſſion of any Perſon or Perſons in Truſt, or for the Uſe or Benefit of ſuch Diſtiller or Maker of Low Wines or Spirits, more than Five Quarters of Wheat or Wheat-flour at any One Time, in any One or more Place or Places, not being a Place or Places for preparing, making, extracting, diſtilling, or keeping, Worts or Waſh, Low Wines or Spirits, every ſuch Diſtiller or Maker of Low Wines or Spirits ſhall, for every ſuch Offence reſpectively, forfeit all ſuch Wheat and Wheat-flour exceeding the ſaid Quantity of Five Quarters; and alſo the Sum of Five Pounds for every Quarter ſo forfeited.

Diſtiller, *&c.* not to have more than Five Quarters of Wheat or Wheat-flour at One Time, *&c.* on Forfeiture of the Surplus, and 5*l.* *per* Quarter;

XIX. Provided always, That this Act ſhall not extend to inflict the ſaid laſt-mentioned Penalty and Forfeiture upon any Diſtiller or Maker of Low Wines or Spirits, who ſhall be the actual Grower of Wheat, and ſhall be poſſeſſed of any Quantity of ſuch Wheat grown by him or her in the Straw, or after the ſame is threſhed out, or ſeparated from the Straw; provided ſuch Wheat ſhall not be kept in his or her Poſſeſſion, or in the Poſſeſſion of any other Perſon or Perſons in Truſt for him or her, or for a greater Space of Time than Twenty Days after the ſame ſhall be threſhed or ſeparated from the Straw; and ſo as ſuch Wheat be not kept in any Place uſed for making, extracting, or diſtilling, Low Wines or Spirits, or for preparing or keeping Worts or Waſh.

except to ſuch Diſtillers, *&c.* as are the Growers, *&c.* and who keep not the Wheat after being threſhed out, longer than 20 Days; and not in Places uſed for diſtilling;

XX. Provided alſo, That this Act ſhall not extend to inflict the ſaid laſt-mentioned Penalty and Forfeiture upon any Diſtiller or Maker of Low Wines or Spirits, who practiſes the Trade of a Miller, and who was poſſeſſed of, and worked any Mill or Mills for the grinding of Wheat, on or before the Firſt Day of October, One thouſand ſeven hundred and ſeventy, for or upon account of any Quantity of Wheat or Wheat-flour which ſhall at any Time, during the Continuance of this Act, be found in any ſuch Mill or Mills; any Thing herein contained to the Contrary notwithſtanding.

and alſo with reſpect to ſuch Diſtillers as are Millers, *&c.*

XXI. And be it further enacted by the Authority aforeſaid, That in caſe any Officer or Officers of Exciſe, or any other Perſon or Perſons, ſhall, at any Time or Times, have Cauſe to ſuſpect that any Wheat or Wheat-flour, exceeding the Quantity of Five Quarters, ſhall be laid or kept in any ſuch Storehouſe, Warehouſe, Grainery, or other Place or Places as aforeſaid, belonging to any Diſtiller or Maker of Low Wines or Spirits, contrary to the true Intent and Meaning of this Act; then, and in every ſuch Caſe, upon Oath made by ſuch Officer or Officers, or other Perſon or Perſons, before the Commiſſioners of Exciſe for the Time being reſpectively, or any Two or more of them, or before One or more Juſtice or Juſtices of the Peace reſiding near the Place where ſuch Officer or Officers, or other Perſon or Perſons ſhall ſuſpect the ſame to be laid and kept, ſetting forth the Ground of his or their Suſpicion; it ſhall and may be lawful to and for the ſaid Commiſſioners, or Juſtice or Juſtices of the Peace reſpectively, before whom ſuch Officer or Officers, or other Perſon or Perſons, ſhall make Oath as aforeſaid, (if he or they ſhall judge it reaſonable), by Special Warrant, under his or their reſpective Hands and Seals, to authoriſe and impower ſuch Officer or Officers, or other Perſon or Perſons authoriſed as aforeſaid, by Day or by Night, (but if in the Night, then in the Preſence of a Conſtable, or other lawful Officer of the Peace), to enter into all and every Storehouſe, Warehouſe, Grainery, or other Place or Places, where he or they ſhall ſuſpect that any Wheat or Wheat-flour, exceeding the Quantity of Five Quarters, as aforeſaid, ſhall be laid or kept, belonging to any ſuch Diſtiller or Maker of Low Wines or Spirits, and to ſeize, take, and carry away, all ſuch Wheat and Wheat-flour as he or they ſhall ſo find, over and above the ſaid Quantity of Five Quarters, together with all the Sacks, Bags, or other Things, wherein the ſame ſhall be contained; and ſuch Diſtiller or Maker of Low Wines or Spirits, or the Perſon or Perſons in whoſe Cuſtody or Poſſeſſion ſuch Wheat or Wheat-flour, belonging to ſuch Diſtiller, ſhall be found, ſhall, for every ſuch Offence reſpectively, forfeit and pay the ſaid Penalty of Five Pounds for every Quarter exceeding the ſaid

In caſe of Information upon Oath before Two Commiſſioners of Exciſe,

or a Juſtice of Peace, Warrant to be granted impowering the Officer, *&c.* to enter all Storehouſes, *&c.* belonging to Diſtillers,

and ſeize all Wheat and Wheat-flour exceeding Five Quarters, and Diſtiller liable to pay 5*l.* *per* Quarter for all above that Quantity, *&c.*

Quantity of Five Quarters; and the ſaid Officer or Officers, and other Perſon or Perſons, is or are hereby impowered, by ſuch Warrant, together with ſuch other Perſon or Perſons as he or they ſhall take to his or their Aſſiſtance, to enter ſuch Storehouſes, Warehouſes, Graineries, and other Place or Places, and break open the Doors thereof, in caſe they be not opened on Demand.

XXII. And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed, and for the Recovery and Application whereof no other Proviſion is herein before made, ſhall be ſued for and recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record in Weſtminſter, or in the Court of Exchequer in Scotland; and that the reſpective Courts before whom the ſame ſhall be recovered, may, and are hereby authoriſed (if they think fit) to mitigate all or any of the pecuniary Penalties herein-before inflicted, to any Sum not leſs than One-fourth Part of the Sum herein reſpectively mentioned; and that One Moiety of all ſuch Penalties and Forfeitures, when recovered, ſhall be to the Uſe of His Majeſty, His Heirs and Succeſſors, and the other Moiety to him or them who ſhall ſue for the ſame, or give Information of, or diſcover the Offence.

Recovery and Application of the Penalties and Forfeitures, where not otherwiſe directed.

Penalties liable to be mitigated.

XXIII. Provided always, That all Suits, Proſecutions, or Informations, for Offences committed againſt this Act, ſhall be commenced and made within the Space of Six Calendar Months after the Fact is committed, and not otherwiſe; any Thing herein contained to the Contrary notwithſtanding.

Limitation of Suits, and Informations for Offences againſt this Act.

XXIV. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, ſuch Action or Suit ſhall be commenced within the Space of Four Calendar Months next after the Offence ſhall be committed; and if ſuch Action or Suit ſhall be commenced or proſecuted in that Part of Great Britain called England, the Defendant or Defendants in any ſuch Action or Suit may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if it ſhall appear ſo to have been done, the Jury ſhall find for the Defendant or Defendants; and if the Plaintiff ſhall be nonſuited, or diſcontinue his Action after the Defendant or Defendants ſhall have appeared; or if Judgement ſhall be given upon any Verdict or Demurrer againſt the Plaintiff, the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for the ſame, as any Defendant or Defendants hath or have in other Caſes by Law: And if ſuch Action or Suit be commenced or proſecuted in that Part of Great Britain called Scotland, the Court before whom ſuch Action or Suit ſhall be brought, ſhall allow the Defender to plead this Act on his Defence; and if the Purſuer ſhall not inſiſt on his Action, or if Judgement ſhall be given againſt ſuch Purſuer, the Defender ſhall and may recover the full and real Expences he may have been put to by any ſuch Action or Suit.

Limitation of Actions.

General Iſſue.

Treble Coſts.

XXV. And be it further enacted by the Authority aforeſaid, That this Act ſhall continue until the Twentieth Day after the Commencement of the next Seſſion of Parliament.

Continuation of the Act,

XXVI. Provided nevertheleſs, That the ſaid Continuation may be abridged or ſhortened, and this Act, or any Part thereof, may be altered and varied, by any other Act or Acts to be made in this preſent Seſſion of Parliament.

may be abridged.

CAP. II.

An Act for continuing and granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thouſand ſeven hundred and ſeventy-one.

CAP. III.

An Act for the better Supply of Mariners and Seamen to ſerve in His Majeſty's Ships of War, and on Board Merchant Ships, and other trading Ships and Veſſels.

FOR the better Supply of Mariners and Seamen to ſerve in His Majeſty's Ships of War, and on Board Merchant Ships, and other trading Ships and Veſſels; be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, until the Firſt Day of February, One thouſand ſeven hundred and ſeventy-two, and no longer, (except in reſpect to ſuch Merchant Ships, and other trading Ships or Veſſels, which ſhall be on their Voyage before the ſaid Firſt Day of February, One thouſand ſeven hundred and ſeventy-two, who ſhall be, and are hereby allowed the Liberty and Benefit of returning Home, navigated in the Manner as herein-after is provided), it ſhall and may be lawful for any Merchant Ship, or other trading Ship or Veſſel, to be navigated by Foreign Seamen or Mariners, not being Natives of Great Britain, or of any of the Colonies or Plantations thereto belonging, or His Majeſty's natural or naturalized Subjects, ſo as the Number of ſuch Foreign Seamen or Mariners do not exceed Three-fourths of the Mariners at any One Time employed to navigate ſuch Merchant Ship, or other trading Ship or Veſſel; and that One-fourth, at leaſt, of the Mariners or Seamen ſo employed be at all Times Natives, or His Majeſty's naturalized Subjects of Great Britain, (ſudden Death and Hazard, and Caſualties of War, and the Seas, ſaved and excepted), One Act of Parliament, made in the Twelfth Year of the Reign of His late Majeſty King Charles the Second, intituled, An Act for the encouraging and increaſing of Shipping and Navigation, or any other Statute or Law to the Contrary notwithſtanding.

Preamble.

Until *Feb.* 1, 1772, trading Ships or Veſſels may be navigated by Foreign Seamen;

ſo as their Number do not exceed Three-fourths of the Mariners employed.

II. Provided always, That nothing in this Act contained ſhall extend to take away, or reſtrain the Effect of any ſuch Royal Proclamation, as His Majeſty, His Heirs and Succeſſors, are impowered to make by virtue of an Act, paſſed in the the Thirteenth Year of His late Majeſty's Reign, intituled, An Act for the better Supply of Mariners and Seamen to ſerve in His Majeſty's Ships of War, and on Board Merchant Ships, and other trading Ships, and Privateers.

This Act not to reſtrain the Effect of any Royal Proclamation made by virtue of Act 13 *Geo.* II.

CAP. IV.

An Act to amend ſo much of an Act, made in the Ninth Year of His preſent Majeſty's Reign, intituled, *An Act to amend, and render more effectual, an Act made in the Twenty-firſt Year of the Reign of King* James *the Firſt, intituled,* An Act for the General Quiet of the Subjects, againſt all Pretences of Concealment whatſoever, as relates to the proſecuting His Majeſty's Right, Title, or Claim, to any Meſſuages, Lands, Tenements, or Hereditaments, within the Precinct, Diſtrict, or Liberty of the *Savoy*, in the County of *Middleſex*, or to any the Appurtenances to the ſame therein mentioned.

Preamble. Act 9 *Geo.* III.

WHEREAS by an Act of Parliament, made in the Ninth Year of the Reign of His preſent Majeſty, intituled, *An Act to amend, and render more effectual, an Act made in the Twenty-firſt Year of the Reign of King* James *the Firſt, intituled,* An Act for the General Quiet of the Subjects, againſt all Pretences of Concealment whatſoever, it is enacted, That nothing in the ſaid Act contained ſhall extend, or be prejudicial, to any Right, Title, or Claim, which His Majeſty then had to any Meſſuages, Lands, Tenements, or Hereditaments, within the Precinct, Diſtrict, or Liberty, commonly called *The Savoy*, in the County of *Middleſex*, or to any the Manors, Meſſuages, Advowſons, Buildings, Lands, Tenements, Hereditaments, and Appurtenances, being the Eſtate and Poſſeſſion of the late Hoſpital of the *Savoy*, or of the Maſter and Chaplains of the ſaid Hoſpital, ſo as ſuch Right, Title, or Claim, be proſecuted with Effect, by Bill, Plaint, Information, or other Suit or Proceeding, in ſome of His Majeſty's Courts of Record at *Weſtminſter*, within the Space of Two Years, from the Firſt Day of *January*, One thouſand ſeven hundred and ſixty-nine: And whereas it is neceſſary that the Time mentioned in the ſaid Proviſion ſhould be enlarged; now therefore, for amending the ſame in that Particular, **be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That nothing in the ſaid Act contained ſhall extend, or be prejudicial to any Right, Title, or Claim, which His Majeſty then had, or now hath, to any of the Premiſes therein and herein before mentioned, ſo as ſuch Right, Title, or Claim, be proſecuted by Bill, Plaint, Information, or other Suit or Proceeding, in ſome of His Majeſty's Courts of Record at** Weſtminſter, **within the Space of Two Years, from the Firſt Day of** January, **One thouſand ſeven hundred and ſeventy-one; any Thing therein contained to the Contrary notwithſtanding.**

ſhall not be prejudicial to any Claim which the Crown then had to Meſſuages, &c. within the *Savoy*.

II. **Provided always, That nothing in this Act contained ſhall in any Reſpect extend to affect or influence the Conſtruction of the Clauſe contained in the ſaid recited Act, whereby a Liberty is given to Grantees of the Crown, to proſecute with Effect their Claims within a certain Time therein mentioned.**

Nothing herein contained to affect Clauſe 9. *Geo.* III. whereby Grantees of the Crown may proſecute their Claims.

CAP. V.

An Act for granting an Aid to His Majeſty by a Land Tax, to be raiſed in *Great Britain*, for the Service of the Year One thouſand ſeven hundred and ſeventy-one.

CAP. VI.

An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters.

CAP. VII.

An Act for the Regulation of His Majeſty's Marine Forces, while on Shore.

CAP. VIII.

An Act to continue for a further Time an Act, made in the Eighth Year of His preſent Majeſty's Reign, intituled, *An Act to continue and amend an Act, made in the Fifth Year of the Reign of His preſent Majeſty, intituled,* An Act for Importation of Salted Beef, Pork, Bacon, and Butter, from *Ireland*, for a limited Time; and for allowing the Importation of Salted Beef, Pork, Bacon, and Butter, from the *Britiſh* Dominions in *America*, for a limited Time.

Preamble. Act 5 *Geo.* III. Act 8. *Geo.* III. and Acts 9 and 10 *Geo.* III.

WHEREAS an Act was made in the Fifth Year of His preſent Majeſty's Reign, intituled, *An Act for Importation of Salted Beef, Pork, Bacon, and Butter, from* Ireland, *for a limited Time*: And whereas an Act was made in the Eighth Year of His preſent Majeſty's Reign, to continue and amend the ſaid firſt-mentioned Act; and for allowing the Importation of Salted Beef, Pork, Bacon, and Butter, from the *Britiſh* Dominions in *America*, for a limited Time: And whereas by Two Acts, made in the Ninth and Tenth Years of the Reign of His preſent Majeſty, the ſaid laſt-mentioned Act was continued until the Firſt Day of *March*, One thouſand ſeven hundred and ſeventy-one: And whereas it is expedient that the Importation of all the ſaid Goods and Commodities ſhould be allowed for a longer Time; may it therefore pleaſe Your Majeſty that it may be enacted; and **be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act, made in the Eighth Year of His preſent Majeſty's Reign, intituled,** An Act to continue and amend an Act, made in the Fifth Year of the Reign of His preſent Majeſty, intituled, *An Act for Importation of Salted Beef, Pork, Bacon, and Butter, from* Ireland, *for a limited Time; and for allowing the Importation of Salted Beef, Pork, Bacon, and Butter, from the* Britiſh *Dominions in* America, *for a limited Time,* **ſhall continue, and be in full Force and Effect, until the Firſt Day of** March, **One thouſand ſeven hundred and ſeventy-two.**

further continued till *March* 1, 1772.

CAP. IX.

An Act for the better paving, repairing, cleanſing, lighting, and watching the Streets, and other publick Paſſages, within the City of *Wincheſter*; and alſo within the ſeveral Pariſhes of *Saint Bartholomew Hyde, Saint John's in the Soke, Saint Peter's Cheeſehill, Saint Swithin,* and *Saint Michael in the Weſt Soke,* in the Suburbs of the ſaid City; and for preventing Nuiſances and Annoyances therein; and for widening and rendering the ſame more commodious.

Preamble.

WHEREAS the Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages within the City of *Wincheſter*, in the County of *Southampton*; and alſo within the ſeveral Pariſhes of *Saint Bartholomew Hyde, Saint John's in the Soke, Saint Peter's Cheeſehill, Saint Swithin,* and *Saint Michael* *in the Weſt Soke*, are in a very ruinous Condition, and in general very ill paved, repaired, cleanſed, lighted, and watched, and the Paſſages thereof are greatly obſtructed by various Nuiſances and Annoyances: And whereas ſeveral of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages are, in ſome Parts thereof, too narrow, and extremely incommodious for the paſſing of Carriages and Perſons: And whereas it would tend greatly to the Health, Safety, and Advantage of the Inhabitants of the ſaid City, and Suburbs thereof, and be of great publick Utility to all Perſons reſorting thereto, if the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, were properly paved, repaired, cleanſed, lighted, and watched, and widened where neceſſary, and the ſaid Nuiſances, Obſtructions, and Annoyances, were removed for the future: But as the ſame cannot be effected without the Aid of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Mayor, Recorder, and Aldermen of the City of Wincheſter for the Time being; the Honourable and Reverend Saint Andrew Saint John, Sir Villars Chernocke Baronet, Sir Peter Rivers Gay Baronet, Charles Abbot Eſquire, Nicholas Baconneau Surgeon, the Reverend Thomas Balguy D. D. Joſeph Barker Surgeon, John Barton and John Bidden Carpenters, Peter Binſteed Joiner, the Reverend Charles Blackſtone, John Bradburn Wine-merchant, John Brereton Apothecary, Thomas Brereton Upholder, John Burdon Bookſeller, the Reverend John Burton D. D. John Burcher Barber, Charles Carter Glazier, Robert Clarke and William Clarke Gentlemen, Naſſau Jervoice Coleman Draper, the Reverend Thomas Collins, David Compigne Grocer, Charles Wolfran Cornwall Eſquire, the Reverend Reynell Cotton, James Crick Innholder, John Collins Brewer, William Collins Tailor, John Crabb Upholder, Charles Darking Peruke-maker, the Reverend John Dennis, James Dibſdale Innholder, John Doſwell ſenior, Butcher, John Dowling Maltſter, George Durnford Eſquire, John Duthy Eſquire, Timothy Denham Wool-ſtapler, William Edwards Joiner, George Earl Fellmonger, Thomas Earl Confectioner, Peter Fuſſel ſenior, Gentleman, the Reverend Timothy Gabell, Carew Gauntlett and Peter Gauntlett Wine-merchants, Edward Grace Gentleman, Edward Gater Butcher, William Goſſe Mercer, William Grenville Bookſeller, Harry Green Silverſmith, Robert Hayes Mercer, William Hays Upholder, William Hammond Eſquire, John Hayes Cabinet-maker, Richard Holloway Gentleman, John Hooper Watchmaker, William Hooper Merchant, Samuel Kent Glazier, the Reverend Lancelot Kirby, Cranley Thomas Kirby Eſquire, William Kernot Bricklayer, Berrington King Surgeon, William Knapp ſenior, Brazier, Charles Knott Gentleman, William Lavender Draper, Robert Leverſuch Stone-maſon, the Reverend Harry Lee D. D. Warden of Winton College, Thomas Lipſcombe Apothecary, Charles Lyford Surgeon, Charles Lover Innholder, William Meader Merchant, the Reverend William Mence, Stephen Minchin Miller, the Reverend Newton Ogle D. D. Dean of the Cathedral Church of Wincheſter, Philip Newbolt Druggiſt, the Reverend John Monk Newbolt, Henry Ponton Eſquire, Nevinſon Pool Eſquire, James Poulſome Parchment-maker, George Powlett Eſquire, John Puſſer Grocer, the Reverend Rice Price, the Reverend Edmund Pyle D. D. James Pyle Eſquire, Edward Pyott Merchant, George Rogers Coach-maker, Paulet Saint John Eſquire, James Serle Gentleman, Daniel Shaw Eſquire, the Reverend Robert Shipman LL. D. Roger Shipman Gentleman, John Silver ſenior, Mercer, Nicholas Purdue Smith Wine-merchant, Richard Smith Saddler, John Smyth M. D. Henry Sparſhott Draper, James Spearing Gentleman, John Spencer ſenior, Schoolmaſter, John Spencer junior, Gentleman, Thomas Stoner Eſquire, the Reverend John Sturges, Francis Swanton Eſquire, William Thomas Apothecary, Thomas Waldron Gentleman, Samuel Walldin Stone-maſon, Thomas Goodridge Waller Mercer, the Reverend Joſeph Warton D. D. the Reverend Richard Wavell, James Welſh M. D. Joſeph Whatley Merchant, James White Gentleman, William Woodward ſenior, Merchant, John Wool Druggiſt, Thomas Wools Draper, Henry Wiltſhire Butcher, and Nicholas Wake Wool-ſtapler, and their Succeſſors, (to be elected in Manner herein after-mentioned), ſhall be, and they are hereby appointed Commiſſioners for putting this Act in Execution: And in caſe of the Death of any of the above Commiſſioners, or ſome or One of them, or of removing their Reſidence from the ſaid City and Pariſhes aforeſaid, or of their Refuſal or Neglect to act for the Space of One whole Year, or in caſe either of them ſhall be choſen Mayor or Alderman for the City aforeſaid, it ſhall and may be lawful for the ſurviving Commiſſioners, or any Nine or more of them, from Time to Time, by Writing under their Hands and Seals, to elect ſome other Perſon, qualified in the Manner after mentioned, in the Place or Stead of the Commiſſioner ſo dying, removing, neglecting, or refuſing to act, or being choſen Mayor or Alderman, Ten Days Notice of the Time and Place of Meeting for every ſuch Election being given in Writing, ſigned by the Clerk to the ſaid Commiſſioners for the Time being, and affixed to ſome publick Place within the ſaid City; and every Perſon ſo elected ſhall, from the Time of his Election, have the ſame Power and Authority for putting this Act into Execution, as if he had been expreſly named and appointed a Commiſſioner by this Act.

Commiſſioners' Names.

How new ones are to be appointed.

Qualification of Commiſſioners.

II. Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be an Inhabitant of, or reſident within, the ſaid City or Pariſhes aforeſaid, or ſome or One of them, and ſhall be in his own Right, or Right of his Wife, in the actual Poſſeſſion and Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of Twenty Pounds, ariſing within the ſaid City, or Suburbs thereof, or ſhall be poſſeſſed of a perſonal Eſtate of the Value of One thouſand Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, or on the Caſe, Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager at Law, or more than One Imparlance, ſhall be allowed; and the Perſon ſo ſued ſhall prove that he was ſo qualified at the Time he acted, or otherwiſe ſhall pay

Perſons acting who are not qualified to forfeit 50 *l.*

pay the ſaid Penalty, without any Proof being given, other than that he acted as a Commiſſioner in the Execution of this Act.

No Officer or Contractor to act as a Commiſſioner.

III. And be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act during the Time that he ſhall hold any Office under the ſaid Commiſſioners, except the Office of Treaſurer, or during ſuch Time as he ſhall enter into, be engaged in, or have the Benefit of any Contract, or ſhall have any Intereſt in any Contract whatſoever; or after he ſhall have made and delivered in, or cauſed to be delivered in, any Propoſals to the ſaid Commiſſioners, to enter into, or be engaged in any Contract, or to have any Share or Intereſt in any Contract, ſuch Propoſals having been accepted or rejected by the ſaid Commiſſioners, or any Seven or more of them.

Firſt Meeting.

Power of Adjournment.

IV. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall and may, and they are hereby impowered and required, to meet at the County Hall in the ſaid City on Monday Fortnight next after the paſſing of this Act, between the Hours of Ten and Eleven in the Forenoon, and proceed to the Execution of this Act; and then, from Time to Time, afterwards to adjourn themſelves, and meet at any Place within the ſaid City, as often as the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper for putting this Act in Execution: Provided that Two Commiſſioners be ſufficient for the Purpoſe of Adjournment only; and in caſe Two Commiſſioners ſhall not meet, then the Clerk to the Commiſſioners ſhall and may adjourn ſuch Meeting, provided that no Adjournment whatever ſhall be for more than Twenty-eight Days: And if it ſhall happen that there ſhall not appear at ſuch Firſt Meeting, hereby appointed to be held by the ſaid Commiſſioners, a ſufficient Number of Commiſſioners to adjourn to any other Day; or if at any future Meeting of the ſaid Commiſſioners a ſufficient Number of Commiſſioners ſhall not meet or appear to adjourn, and the Clerk to the ſaid Commiſſioners ſhall neglect or omit to adjourn, or if any Adjournment ſhall be made for a longer Space of Time than Twenty-eight Days, or any wrong Adjournment ſhall be made; then, and in every or either of ſuch Caſes, the ſaid Commiſſioners, or any Seven or more of them, may, by publick Notice in Writing under their Hands, to be affixed at each Gate to the ſaid City, of the Time and Place of ſuch Meeting, appoint the ſaid Commiſſioners to meet at the Place where the then laſt Meeting was held, or appointed to be held, at any Time not leſs than Three Days, or more than Six Days, next after any ſuch Notice ſhall be given as aforeſaid; and the ſaid Commiſſioners ſhall and may meet accordingly at the Time and Place mentioned in the ſaid Notice, and proceed to the Execution of this Act; and ſhall and may make ſuch Orders, Rules, and Regulations, as to them, or the Majority of them, preſent at any ſuch Meeting, ſhall appear neceſſary, for the better and more effectual carrying this Act into Execution; and the Commiſſioners ſhall, at all their Meetings, pay their own Charges and Expences.

Commiſſioners to pay their own Expences.

Regulations for Buſineſs done at their Meetings.

V. And be it enacted, That at every Meeting of the ſaid Commiſſioners to be held by virtue of this Act, the Powers and Authorities hereby granted ſhall be carried into Execution by the major Part of the Commiſſioners preſent, ſo as ſuch major Part ſhall always conſiſt at leaſt of the reſpective Numbers of Commiſſioners by the ſeveral Clauſes of this Act directed, for the reſpective Purpoſes therein mentioned; and ſuch One of the ſaid Commiſſioners preſent as the major Part of them ſhall appoint ſhall preſide, and be called Preſident; and in caſe of Equality of Voices, (including his own), ſuch Preſident ſhall, upon all Occaſions, have another and deciſive Vote.

Commiſſioners may alter any Order under certain Reſtrictions.

Books to be kept for entering their Proceedings.

VI. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall, at any Meeting, make, vary, alter, or make void, any ſuch Orders, Rules, or Regulations, in ſuch Manner as they ſhall think needful and proper: Provided always, that no Order, Rule, or Regulation, made by the Commiſſioners as aforeſaid, ſhall be revoked, varied, altered, or made void, unleſs the Commiſſioners preſent to revoke, vary, alter, or make void the ſame, ſhall exceed in Number the Commiſſioners who were preſent and concurred in making ſuch Order, Rule, or Regulation; and no Act or Order of the ſaid Commiſſioners ſhall be valid, unleſs done at ſome Meeting to be held in purſuance of this Act: And the ſaid Commiſſioners, or any Seven or more of them, ſhall cauſe to be provided and kept Books, wherein the ſeveral Meetings, and Names of the Commiſſioners attending ſuch Meetings, and the Nomination of all Officers and Perſons who ſhall be employed in the Execution of this Act, and all Orders and Rules, and other Proceedings of the ſaid Commiſſioners at ſuch Meetings, ſhall, from Time to Time, be fairly written and entered by their Clerk, or by ſuch other Perſon as the Preſident at any Meeting, in caſe of the Abſence or Diſability of the Clerk, ſhall appoint; and the Commiſſioners preſent and concurring in ſuch Orders and Proceedings, together with the ſaid Clerk, or other Perſon, ſhall ſubſcribe their Names at the End of the Proceedings of every ſuch Meeting; and all ſuch Entries, ſo ſigned, ſhall be deemed Originals, and ſhall be admitted to be read in Evidence in all Cauſes, Suits, and Actions, touching any Thing to be done in purſuance of this Act; and all ſuch Books ſhall, at every ſuch Meeting of the ſaid Commiſſioners, be liable to the Inſpection of any Perſon rated, and paying to the Rates which ſhall be made in purſuance or by virtue of this Act.

Commiſſioners may appoint Officers.

VII. And be it further enacted, That the ſaid Commiſſioners, or any Nine or more of them, ſhall and may, from Time to Time, nominate and appoint One or more Treaſurer or Treaſurers, Clerk or Clerks, Collector or Collectors, of the Monies to be raiſed by virtue and for the Purpoſes of this Act; and alſo One or more Surveyor or Surveyors, and ſuch other Officer and Officers as the ſaid Commiſſioners, or any Nine or more of them, ſhall think neceſſary to employ in the Execution of this Act; and the ſaid Commiſſioners, or any Eleven or more of them, may remove or diſplace all or any of the ſaid Officers, or other Perſons, and nominate and appoint ſuch other Perſon or Perſons in the Room of him or them who ſhall be ſo removed, or ſhall die, provided Twelve Days Notice of their Intention to remove or diſplace ſuch Officer or Officers, and to appoint One or more Perſon or Perſons in his or their Room, be given in Writing, by affixing the ſame upon ſome publick Place within the ſaid City; and the ſaid Commiſſioners, or any Nine or more of them, ſhall, and they are hereby required to take ſuch Security, from Time to

Time, for the due Execution of the ſaid Offices reſpectively, as the ſaid Commiſſioners, or any Nine or more of them, ſhall think proper; and the ſaid Commiſſioners, or any Nine or more of them, may, and they are hereby impowered, out of the Rates to be collected by virtue of this Act, to make ſuch Allowances to ſuch Officer or Officers, or to ſuch other Perſon or Perſons, as ſhall be aiding and aſſiſting in and about the Execution of this Act, as to the ſaid Commiſſioners, or any Nine or more of them, ſhall ſeem reaſonable; and every Officer and other Perſon ſo to be appointed, ſhall, under his Hand, at ſuch Time and Times, and in ſuch Manner as the ſaid Commiſſioners, or any Nine or more of them, ſhall direct, deliver to the ſaid Commiſſioners, or any Nine or more of them, or to ſuch Perſon or Perſons as they, or any Nine or more of them, ſhall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his Charge by virtue of this Act, and alſo of all the Monies which ſhall have been by him received by virtue and for the Purpoſes of this Act, and how much thereof hath been paid and diſburſed by Order of the ſaid Commiſſioners, or any Seven or more of them, and for what Purpoſes, together with the proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in his Hands to the ſaid Commiſſioners, or any Seven or more of them, or to ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall appoint; and every Officer and Perſon accounting as aforeſaid, ſhall, upon Oath, (which Oath the ſaid Commiſſioners, or any Two or more of them, are hereby impowered and required to adminiſter), verify his Account, if required by any Seven or more of the ſaid Commiſſioners ſo to do: And if any ſuch Officer ſhall not make and render, or ſhall refuſe to verify upon Oath, any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid; then, and in either of the Caſes aforeſaid, any One or more Juſtice or Juſtices of the Peace for the ſaid City or County of Southampton, upon Complaint thereof made to him or them by the ſaid Commiſſioners, or any Seven or more of them, may, and is and are hereby authoriſed and required to iſſue a Summons, under his or their Hand and Seal, or Hands and Seals, requiring ſuch Officer or Perſon ſo refuſing or neglecting to appear before him or them, at ſuch Time and Place as ſhall in ſuch Summons be appointed; which Summons ſhall be directed to and ſerved by One of the Conſtables or Beadles of any or either of the Pariſhes, Wards, or Places aforeſaid, by giving it to, or leaving it at the Houſe or uſual Place of Abode of ſuch Officer or Perſon; and upon ſuch Officer or Perſon appearing, or making Default, or not being to be found, the ſaid Juſtice or Juſtices ſhall and may hear and determine the Matter of ſuch Complaint in a ſummary Way; and if, upon the Confeſſion of the Party, or by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter), it ſhall appear to ſuch Juſtice or Juſtices, that any of the Monies that ſhall have been collected or raiſed by virtue of this Act ſhall be in the Hands of ſuch Officer or Perſon, ſuch Juſtice or Juſtices may, and is and are hereby authoriſed and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to be directed as aforeſaid, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer and Perſon: And if the Goods and Chattels of ſuch Officer or Perſon ſhall not be ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſame; then, and in either of the Caſes aforeſaid, ſuch Juſtice or Juſtices ſhall commit ſuch Offender to the common Gaol of the ſaid City or County, until he ſhall make a true and perfect Account and Payment, as aforeſaid, or until he ſhall have compounded with the ſaid Commiſſioners, or any Seven or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint; which Compoſition the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered to make.

Officers to account.

Penalty for not accounting.

Pavement, Lamps, and Watch-houſes, veſted in the Commiſſioners.

VIII. And be it further enacted, That from and after the paſſing of this Act, the Property of the Lamps, Lamp Irons, Lamp Poſts, Watch-houſes, and Stands, to be purchaſed, erected, and fixed, as herein-after mentioned, and all the Materials to the ſame reſpectively belonging, and the Property of all the preſent and future Pavement, as well in the Foot Ways and Carriage Ways, and all the preſent and future Poſts in all and every the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, within the ſaid City of Wincheſter, and within the ſeveral Pariſhes and Suburbs aforeſaid, and of all Materials, Implements, and other Things to be purchaſed for the Purpoſes of this Act, and all the Soil of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, and of all the Seſſpools, Bunnies, Watercourſes, and Sewers therein, or belonging thereunto, (except as herein-after is particularly mentioned), and of all Aſhes, Cinders, and Rubbiſh, to be taken and carried away from all the Houſes in the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners; and they, or any Seven or more of them, are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name or Names of any One or more of them, or in the Name of their Treaſurer or Clerk, or to prefer any Bill or Bills of Indictment, as the Caſe ſhall require, againſt any Perſon or Perſons who ſhall ſteal, take, or carry away, any Part or Parts thereof, or any other Matter or Thing veſted in the ſaid Commiſſioners, as aforeſaid; and the ſaid Commiſſioners, or any Seven or more of them, ſhall have full Power and Authority to ſell and diſpoſe of all or any of the old and uſeleſs Materials to ſuch Perſon or Perſons as ſhall be willing to purchaſe the ſame; and the Money ariſing therefrom ſhall, at the Diſcretion of the ſaid Commiſſioners, be applied to ſuch and the ſame Purpoſes, or ſome of them, as the Monies ariſing from the Rates and Aſſeſſments in and by this Act directed to be made, are directed to be applied; and the ſaid Commiſſioners, or any Seven or more of them, may, and are hereby impowered, from Time to Time, and at all Times hereafter, as they ſhall think proper and neceſſary, to ſell and diſpoſe of all or any of the Soil of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, and of all the ſaid Seſſpools, Bunnies, Watercourſes, and Sewers, and of all or any of the Cinders, Aſhes, and Rubbiſh, to be taken and carried away from the Houſes, or elſewhere, within the City and Pariſhes aforeſaid, and to contract with any Perſon or Perſons for the Sale thereof, at any Meeting to be held in purſuance of this Act; but previous to ſuch Contract, ſuch Notice ſhall be given of the Intention of the ſaid Commiſſioners to enter into ſuch Contract, at ſuch Meeting, as before directed to be given for diſplacing or removing any Officer or Officers under this Act, and the Perſon contracting for or purchaſing the ſame, ſhall have full Power and Authority to ſell, carry away, and diſpoſe thereof, for his own proper Uſe and Benefit, and the Money ariſing from the Sale thereof ſhall be applied at the Diſcretion of the ſaid Commiſſioners, to the ſame Purpoſes, or ſome of them, as the Rates hereafter mentioned are directed to be applied.

Perſons authoriſed to ſell their own Cinders and Aſhes.

IX. Provided, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to deprive any of the Inhabitants of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, from keeping, uſing, ſelling, or diſpoſing of their own Cinders or Aſhes within their reſpective Houſes, Yards, or Gardens, in or out of the ſaid City and Pariſhes aforeſaid, or any Dung, Soil, or Manure, ariſing from Horſes or other Cattle, or their Litter or Fodder, as they ſhall have Occaſion, or think proper: And the ſaid Commiſſioners, or any Nine or more of them, ſhall have full Power and Authority to buy or rent Land within or without the ſaid City, for the depoſiting of the Soil, Aſhes, Cinders, and Rubbiſh, in caſe they ſhall think proper ſo to do; and the Purchaſe-money or Rent thereof ſhall be paid out of the ſaid Rates, and the Property thereof ſhall be and is hereby veſted in the ſaid Commiſſioners, for the Purpoſes of this Act.

Commiſſioners may appoint a Scavenger.

Scavenger's Buſineſs.

Penalty on Perſons not authoriſed, acting as Scavengers, is 20*s.*

Perſons delivering their Aſhes to any but Scavengers to forfeit 10*s.*

X. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven or more of them, to contract with ſuch Perſon as they ſhall think proper to act as Scavenger of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, with ſuch Salary, Wages, or Reward, as the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper; but, previous to ſuch Contract, ſuch Notice ſhall be given of the Intention of the ſaid Commiſſioners to enter into ſuch Contract, as herein-before is directed to be given for diſplacing or removing any Officer or Officers under this Act: And the Perſon appointed Scavenger by the ſaid Commiſſioners, or any Seven or more of them, ſhall, at leaſt Twice in every Week, or oftener, if the ſaid Commiſſioners, or any Seven or more of them, ſhall ſo direct or appoint, bring, or cauſe to be brought, by himſelf, or his Servants or Agents, ſuch Sort of Cart or Carts, or other Carriages, as the ſaid Commiſſioners, or any Seven or more of them, ſhall direct or appoint, into all and every the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, where ſuch Carts or Carriages can paſs; and ſhall, at or before his or their Approach, by Sound of Bell, Horn, or Clapper, give Notice to the Inhabitants of their coming, and give the like Notice in every Court, or other Place, in which the ſaid Carts or Carriages cannot paſs, and ſhall abide and ſtay a convenient Time in or near the ſaid Places reſpectively, to the Intent that all Perſons concerned may bring forth their reſpective Dirt, Aſhes, and Filth, to the Doors of their reſpective Houſes, or other Premiſes, wherefrom the ſaid Scavenger, his Servants or Agents, ſhall take and put up the ſame into ſuch Cart or Carriage, and ſhall carry, or cauſe to be carried away, the ſame to ſuch Places as the ſaid Commiſſioners ſhall appoint, as aforeſaid; and every Perſon acting as a Scavenger for the Time being ſhall cauſe all and every the Carts and Carriages, to be employed for the Purpoſes aforeſaid, to have painted, in large Roman Letters, in the Front or moſt conſpicuous Part thereof, THE SCAVENGER'S CART, or ſuch other Words or Letters as the ſaid Commiſſioners, or any Seven or more of them, ſhall direct or appoint: And no Perſon or Perſons whomſoever, except ſuch Scavenger, his Servants or Agents, ſhall take or carry away, or cauſe to be taken or carried away, any Soil, Aſhes, Duſt, Dirt, Muck, Dung, or Manure, from any Houſe in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, (except ſuch Dung, Soil, or Manure, as ſuch Perſon, or his Maſter or Principal, ſhall lawfully and bona fide purchaſe and receive of ſuch Perſons as are intitled to ſell the ſame by virtue of this Act), or drive any Cart or Carriage through any or either of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, with or without a Bell, Horn, for Clapper, for that Purpoſe, or with the Words, SCAVENGER'S CART, or ſuch other Words or Letters as the ſaid Commiſſioners, or any Seven or more of them, ſhall at any Time direct or appoint to be painted on the Scavenger's Carts or Carriages, painted thereon, or call for any Aſhes, Duſt, Dirt, Muck, Dung, or Manure, at any Houſe or Place within the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, with an Intent to take or carry away the ſame, (except for ſuch Dung, Soil, or Manure, as ſuch Perſon, or his Maſter or Principal, ſhall lawfully and bona fide have purchaſed of ſuch Perſons as are intitled to ſell the ſame by virtue of this Act), upon Pain of forfeiting for every ſuch Offence the Sum of Twenty Shillings: And if any Inhabitant of any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, ſhall deliver, or cauſe, permit, or ſuffer to be delivered, his, her, or their Aſhes, Cinders, Dung, Duſt, Dirt, Soil, Manure, or Rubbiſh, (except ſuch as they are hereby authoriſed to ſell or diſpoſe of as aforeſaid), to or for any Perſon or Perſons who ſhall come or call for the ſame with any Cart or Carriage, not having the Words, THE SCAVENGER'S CART, or ſuch other Words or Letters as the ſaid Commiſſioners, or any Seven or more of them, ſhall direct or appoint, painted thereon, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings.

Streets to be ſwept, under Forfeiture of 10*s.*

Scavenger for neglecting his Duty to forfeit 20*s.*

XI. And be it further enacted, That the ſaid Scavenger ſhall, when and as often as the ſaid Commiſſioners, or any Seven or more of them, ſhall direct or appoint, cauſe as well the Foot-ways as Carriage-ways of all and every the ſaid Streets, Squares, Lanes, Alleys, Courts, Gateways, and other publick Paſſages, to be raked, ſcraped, ſwept, and cleanſed, in ſuch Manner as the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper; and the Dirt, Soil, and Rubbiſh then and there found, collected, or being, ſhall take and carry away, or cauſe to be taken and carried away, immediately, or within ſuch Time as the ſaid Commiſſioners, or any Seven or more of them, ſhall direct or appoint, upon Pain of forfeiting, for every ſuch Offence, the Sum of Ten Shillings: And in caſe ſuch Scavenger, his Servants or Agents, ſhall not well and truly do, perform, and execute, or cauſe to be done, performed, and executed, all and every the Articles, Matters, and Things, in this Act particularly directed to be done and performed by him, his Servants or Agents, and alſo all and every ſuch Matters and Things as he ſhall contract or agree to do in his Articles or Contracts with the ſaid Commiſſioners, or any Seven or more of them, or which ſhall be mentioned for him or them to do in his Appointment under the ſaid Commiſſioners, or any Seven or more of them, ſuch Scavenger ſhall, for every Omiſſion of himſelf, or his Servants or Agents, for which no particular Penalty is herein-before inflicted, forfeit and pay the Sum of Twenty Shillings: And in caſe the Perſon purchaſing ths Aſhes, Duſt, Dirt, Muck, Dung, Soil, or Manure, of the ſaid Commiſſioners, or any Seven or more of them, ſhall happen to be the Scavenger, (which it ſhall and may be lawful for him to be), ſuch Perſon ſhall nevertheleſs be liable to all and every the Penalties aforeſaid, as well for the Omiſſion of himſelf, as of his Servants or Agents, in ſuch and the ſame Manner as if he was the Scavenger only, and had not bought, purchaſed, or contracted for the ſaid Aſhes, Duſt, Dirt, Muck, Dung, Soil, or Manure.

Pavements to be made and repaired.

XII. And be it further enacted, That from and after the paſſing of this Act, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, and at all Times, when and ſo often as the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper, to order or direct all or any of the Pavements in the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, now in being, or hereafter to be made within the City or Pariſhes aforeſaid, or any Part or Parts of ſuch Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, as well thoſe Parts uſed by Carriages as thoſe uſed by Foot Paſſengers, to be taken up, and the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, to be paved, relayed, repaired, raiſed, lowered, or altered, in ſuch Manner as the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper, (except as herein-after is particularly mentioned); and the Perſon or Perſons authoriſed or directed by them to do the ſame, are hereby authoriſed and impowered to do the ſame accordingly: And all the Foot-ways, where practicable, ſhall be paved with Flatners or ſmooth Pavement, at the Diſcretion of the ſaid Commiſſioners, or any Seven or more of them; and all the Horſe and Carriage Ways with good Rag-ſtones, Pebbles, or other Materials, as the ſaid Commiſſioners, or any Seven or more of them, ſhall ſee fit and proper.

The *High Street* to be firſt paved, lighted, and watched.

XIII. And be it further enacted, That from and after the paſſing of this Act, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, and at all Times, when and ſo often as the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper, to order and direct all or any of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages in the City, or Pariſhes aforeſaid, or any Part or Parts of ſuch Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, to be lighted, watched, and cleanſed, in ſuch Manner as the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper; and the Perſon or Perſons authoriſed or directed to do the ſame, hath and have hereby full Power and Authority to do the ſame accordingly; any Thing in this Act contained to the Contrary thereof in any-wiſe notwithſtanding: And the ſaid Commiſſioners are hereby authoriſed and required to pave, light, watch, repair, and cleanſe the High Street of the ſaid City, as ſoon as conveniently may be after paſſing this Act, and before any other Street, Square, Lane, Alley, Court, or other publick Paſſage in the City or Pariſhes aforeſaid.

Commiſſioners to pave, &c. if proper.

XIV. Provided always, That nothing in this Act ſhall be conſtrued to oblige or impower the ſaid Commiſſioners to make any Pavement in any other Street, Square, Lane, Alley, Court, or other publick Paſſage in the City, or Pariſhes aforeſaid, except in the High Street of the ſaid City, unleſs the Majority of the Owners or Proprietors of Houſes, Lands, Tenements, or Hereditaments, (computing the ſame according to the Value of ſuch Houſes, Lands, Tenements, or Hereditaments, and not according to the Number of Perſons), ſtanding and being within any or either of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, ſhall be deſirous to have the ſame paved, and ſhall ſignify the ſame under their Hands to the ſaid Commiſſioners, or any Seven or more of them, and the ſaid Commiſſioners, or any Seven or more of them, ſhall approve thereof; whereupon the ſaid Commiſſioners, or any Seven or more of them, ſhall and may direct the ſame to be paved, in ſuch Manner and Form as to them ſhall ſeem proper: And all the Powers and Authorities by this Act granted, ſhall extend, and have relation to the ſaid Proprietors of ſuch Houſes, as fully and effectually as if the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, ſo deſired to be paved, had been herein-before inſerted and directed to be paved; any Thing herein contained to the Contrary notwithſtanding.

Commiſſioners may contract for paving, &c.

XV. And be it further enacted, That the ſaid Commiſſioners, or any Nine or more of them, may, and they are hereby impowered, from Time to Time, as Occaſion ſhall require, to contract with any Perſon or Perſons for paving, relaying, repairing, raiſing, lowering, or altering all or any of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, and the paving and pitching the ſame reſpectively; and alſo the paving and pitching under or through any of the publick Gates of the ſaid City; and alſo for the keeping the ſame, or any of them, in good and ſufficient Repair for ſuch Time as the ſaid Commiſſioners, or any Nine or more of them, ſhall think proper: But previous to the making any ſuch Contract, ſuch Notice ſhall be given of the Intention of the ſaid Commiſſioners to enter into the ſame, as is herein-before directed to be given for diſplacing or removing any Officer or Officers under this Act, in order for any Perſon or Perſons willing to undertake the ſame, to deliver in Propoſals for that Purpoſe, as the ſaid Commiſſioners, or any Nine or more of them, ſhall direct or appoint.

giving previous Notice thereof.

Extent of the *High Street.*

XVI. And be it further enacted, That for the Purpoſe of making a Rate or Rates for defraying the Expences of paving, lighting, watching, repairing, and cleanſing the High Street of the ſaid City, the Limits and Extent of the High Street of the ſaid City ſhall be deemed to extend to and include the Eaſt End of the Soke Bridge on the Eaſt; and alſo to extend to and include a certain Meſſuage or Tenement, with the Garden, Stable, and

Premiſes thereunto belonging, now in the Tenure or Occupation of Edmund Elliot Clerk; and alſo to the Weſt End of the Gate, called the Weſt Gate, of the ſaid City; together with a Houſe commonly called or known by the Sign of the Fighting Cocks; and the Garden, Stable, and Premiſes, now in the Tenure or Occupation of Samuel Foſter, on the Weſt.

Water Lane, &c. to be paved and repaired.

XVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, and at all Times, when and ſo often as the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper, to order and direct all or any of the Carriage-ways of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages within the ſaid City, (which at the Time of paſſing this Act ſhall not be pitched or paved), to be altered, cleanſed, and put in Repair, in ſuch Manner as to the ſaid Commiſſioners, or any Seven or more of them, ſhall ſeem proper; and alſo to order and direct all or Part of a certain Lane, called or known by the Name of Water Lane, in the Eaſt Soke, to be altered, repaired, and cleanſed, in ſuch Manner as to the ſaid Commiſſioners, or any Seven or more of them, ſhall ſeem proper; any Law, Statute, or Uſage to the Contrary thereof in any-wiſe notwithſtanding.

No Streets to be paved without Requeſt of Proprietors.

XVIII. Provided, That none of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, except the ſaid High Street, ſhall be pitched or paved without ſuch Requeſt of the Owners or Proprietors of Houſes, Lands, Tenements, or Hereditaments, ſituated therein, as is herein for that Purpoſe before required.

Not to extend to any Turnpike Road, *&c.*

XIX. Provided alſo, That nothing in this Act contained ſhall be conſtrued to impower or oblige the ſaid Commiſſioners to alter, repair, or cleanſe, unleſs for the Purpoſes of making a good and convenient Foot-way and Croſſings, any Carriage-way of any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, being Part of any Turnpike Road within the Pariſhes aforeſaid.

Charges to be paid by the Proprietors.

XX. And be it further enacted, That the paving and defraying the Coſts and Charges of the paving, pitching, altering, cleanſing, and putting in Repair the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages within the City, and Pariſhes aforeſaid; and of purchaſing a ſufficient Number of Glaſs Lamps, and of fixing the ſame; and alſo of building and providing Watch-houſes and Stands for the ſame; for the firſt Time ſhall be a Charge on, and ſhall be raiſed and paid by the ſeveral Owners or Proprietors of the ſeveral Houſes, Buildings, Lands, Tenements, and Hereditaments, within the ſaid City, and Pariſhes aforeſaid, having ſuch Aid for that Purpoſe as is herein-after provided: And that for the paying and defraying the ſame, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Fourteen or more of them, (from and after the paſſing this Act), to make, aſſeſs, and impoſe One or more equal Pound-rate or Rates, at their Diſcretion, to be collected annually, at ſuch Time or Times in the Year as to them ſhall ſeem meet, and to endure and have Continuance for ſuch Term or Number of Years as they ſhall think proper, on all and every the Houſes, Lands, Tenements, and Hereditaments, which are rated or rateable to the Poor Rates within the City or Pariſhes aforeſaid, according to the yearly Value of the ſame reſpectively; except a certain Meſſuage or Dwelling-houſe, together with the Barns, Stables, Buildings, Out-houſes, and Grounds thereunto belonging, ſituate and being in the Pariſh of Saint Bartholomew Hyde, now in the Tenure or Poſſeſſion of Samuel Tewkeſbury, called or known by the Name of Barton Farm.

Exception.

No Aſſeſſments to be made without the City.

XXI. Provided always, That nothing in this Act contained ſhall be conſtrued to impower the ſaid Commiſſioners to rate or aſſeſs any Arable, Meadow, or Paſture Lands within any of the Pariſhes aforeſaid, unleſs the ſame are ſituate within the Walls of the City aforeſaid.

The Cloſe and College exempted.

XXII. Provided alſo, That the Site of the College, the Cloſe, Deanry, and Prebendal Houſes, Stables, Yards, Gardens, Buildings, and Appurtenances thereunto belonging, and alſo the Church-yard belonging to the Cathedral Church of the City aforeſaid, and all Houſes, Hoſpitals, and other publick Buildings, ſet apart for the Purpoſes of publick Charity, be not included within any of the Clauſes and Proviſions contained in this Act; and that the ſame, and every Part thereof, be exempt from all Rates, Aſſeſſments, and Impoſitions, which ſhall be made for carrying this Act into Execution.

No more than Two-thirds to be rated on Houſes, *&c.* not in the *High Street.*

XXIII. Provided alſo, That nothing in this Act contained ſhall be conſtrued to impower the ſaid Commiſſioners to rate or aſſeſs any Houſes, Lands, Tenements, or Hereditaments, in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages in the City, or Pariſhes aforeſaid, (except Lands, Stables, Outhouſes, Buildings, and Tenements, contiguous and belonging to the Houſes in the High Street of the ſaid City), more than Two-third Parts of the Sum which they would be liable to be rated and aſſeſſed if the ſame were ſituated in the High Street of the ſaid City, until the ſame ſhall be required to be paved by the Majority of the Owners or Proprietors of Houſes, Lands, Tenements, and Hereditaments, ſituate therein, in Manner before mentioned; after which the ſaid Commiſſioners, or any Fourteen or more of them, ſhall reſpectively rate and aſſeſs the Owners or Proprietors of Houſes, Lands, Tenements, and Hereditaments, ſituate in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, which the Majority of the Owners or Proprietors of Houſes, Lands, Tenements, and Hereditaments, ſhall require to be paved as aforeſaid, in ſuch Manner as is herein-before mentioned.

Expences of paving, lighting, and watching for the firſt Time,

XXIV. And be it further enacted, That the ſaid Charges and Expences, to be aſſeſſed and raiſed as aforeſaid, ſhall be paid to the Collector for the Time being, appointed by the ſaid Commiſſioners, or any Seven or more of them, by the Tenants or Occupiers of the ſaid Houſes, Buildings, Lands, Tenements, and Hereditaments, (except as aforeſaid); and ſuch Tenants or Occupiers ſhall be at Liberty, and they are hereby impowered to deduct and retain out of his, her, or their Rent or Rents, ſuch Sum or Sums of Money as they ſhall reſpectively pay on account thereof, for the Owners or Proprietors of the ſaid Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, who are hereby required to allow ſuch Deductions and Payments upon the how to be recovered.

Occupier liable for the Purpoſe of collecting the Tax.

Receipt of the Reſidue of their Rents, any Leaſe or Contract to the Contrary notwithſtanding: And if any Tenant or Occupier of any Houſe, Building, Yard, Garden, Land, Tenement, or Hereditament, within the City or Pariſhes aforeſaid, ſhall neglect or refuſe to pay ſuch Charges within Ten Days after the ſame ſhall become due, and after Demand thereof, by Notice in Writing under the Hand of the ſaid Collector, to be delivered to or at the Dwelling-houſe of ſuch Tenant or Occupier, the ſame ſhall and may be levied on every ſuch Tenant or Tenants, Occupier or Occupiers, by Diſtreſs and Sale of his, her, or their Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Juſtice or Juſtices of the Peace for the ſaid City, returning the Overplus, (if any), after deducting all Coſts and Charges attending the ſame, to the Owner or Owners of ſuch Goods or Chattels ſo diſtrained, on Demand: And where any Houſe, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, ſhall be let or demiſed to more than One Tenant or Tenants, Occupier or Occupiers, any One or more of ſuch Tenant or Tenants, Occupier or Occupiers, ſhall be deemed the Tenant or Tenants, Occupier or Occupiers, for the Purpoſes of this Act; and the ſaid Charges ſhall be levied by Diſtreſs and Sale of all or any the Goods or Chattels in ſuch Houſe, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament: And in caſe any Tenant or Tenants, Occupier or Occupiers, ſhall remove out of ſuch Houſe, Building, Yard, Garden, Land, Tenement, or Hereditament, before ſuch Charges ſhall be paid by him, her, or them; or if the Goods and Chattels of ſuch Tenant or Tenants, Occupier or Occupiers, ſhall be deficient to defray ſuch Charges, or if it ſhall happen that any of the ſaid Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, ſhall be empty at the Time the ſaid Pavements ſhall be begun; then, and in every ſuch Caſe, ſuch Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, ſhall be, and the ſame are hereby made a Security for, and chargeable with all ſuch Charges, and the ſame ſhall and may be levied by Diſtreſs and Sale, by Warrant, as aforeſaid, of any Goods or Chattels which ſhall after be found upon the ſame Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, or of the Goods and Chattels of the Owner or Owners of ſuch Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, in caſe ſuch Owner or Owners ſhall neglect or refuſe to pay the ſame for the Space of Twenty Days next after the ſame ſhall be demanded of him, her, or them, by Notice in Writing under the Hand of the ſaid Collector, to be delivered to, or left at the Dwelling-houſe, or uſual Place of Abode, of ſuch Owner or Owners, in caſe ſuch Owner or Owners ſhall then live within the ſaid City, or Pariſhes aforeſaid; and in caſe ſuch Owner or Owners ſhall not live within the ſame, then under the Hand and Seal, or Hands and Seals, of any One or more Juſtice or Juſtices of the Peace for the County, City, Borough, Town, Diviſion, or Place, where ſuch Owner or Owners ſhall reſide; and in caſe any Tenant or Tenants, Occupier or Occupiers, ſhall pay to the ſaid Collector more Money on account of the ſaid Charges than ſhall be due from him, her, or them, for the Rent of his, her, or their Houſe, Building, Yard, Garden, Land, Tenement, or Hereditament, the Overplus thereof ſhall and may be levied on the Owner or Owners of ſuch Houſe, Building, Land, Tenement, or Hereditament, by Diſtreſs and Sale of the Goods or Chattels of ſuch Owner or Owners, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Juſtice or Juſtices of the Peace for the County, City, Borough, Town, Diviſion, or Place, where ſuch Goods or Chattels ſhall be, ſuch Owner or Owners having refuſed or neglected to pay the ſame for the Space of Ten Days after Demand made thereof by ſuch Tenant or Tenants, Occupier or Occupiers, his or their Attorney or Agent for that Purpoſe appointed.

Commiſſioners may borrow Money on the Credit of the Rates and Tolls.

XXV. And be it further enacted, That the ſaid Commiſſioners, or any Fifteen or more of them, at any Meeting, may, and are hereby impowered to borrow, and to take up at Intereſt, any Sum or Sums of Money, not exceeding the Sum of Seven thouſand Pounds, upon the Credit of the Rates, Aſſeſſments, and Turnpike Tolls, payable by virtue of this Act, for the Purpoſe of defraying the Charges of the paving, pitching, altering, cleanſing, and putting in Repair the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, and of purchaſing and fixing Lamps, and building Watch-houſes for the firſt Time, as aforeſaid, and to aſſign over the ſame, or any Part or Parts thereof, and the Powers given by this Act for collecting and recovering the ſame, by any Writing or Writings under their Hands and Seals; the Charges of ſuch Aſſignments and Conveyances to be paid out of ſuch Rates, Aſſeſſments, and Tolls reſpectively, to any Perſon or Perſons that ſhall advance or lend their Monies thereon, as Securities for the ſeveral Sums that ſhall be borrowed, and the Intereſt thereof, as aforeſaid; and Copies of all ſuch Aſſignments and Conveyances ſhall be entered in a Book or Books, to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Commiſſioners: And all and every Perſon and Perſons to whom any ſuch Aſſignment ſhall be made, as aforeſaid, is and are hereby impowered, from Time to Time, by Aſſignment under his, her, or their Hand or Hands, to be indorſed on the Back of his, her, or their Securities, or by any other Writing or Writings under his or their Hand or Hands, and Seal or Seals, which ſhall be executed in the Preſence of Two or more credible Witneſſes, to aſſign over or transfer his, her, or their Right to the Principal and Intereſt Money thereby ſecured to any Perſon or Perſons whomſoever; all which Aſſignments or Transfers ſhall be produced and notified to the ſaid Clerk or Treaſurer within Thirty Days after the Date thereof, who ſhall cauſe an Entry to be made of ſuch Aſſignment, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be aſſigned and transferred, in the ſaid Book or Books to be kept for entering the ſaid original Aſſignments, and which ſaid Book or Books ſhall and may, at all ſeaſonable Times, be peruſed and inſpected without Fee or Reward; and after ſuch Entry made, ſuch Aſſignment or Transfer ſhall intitle ſuch Aſſignee, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and ſuch Aſſignee may, in like Manner, aſſign and transfer again, and ſo *toties quoties*; and it ſhall

Aſſignments to be transferred.

not be in the Power of any Perſon who ſhall have made ſuch Aſſignment or Transfer, to make void, releaſe, or diſcharge the ſame, or any Monies thereon due.

Fourteen Days Notice to be given of borrowing Money.

XXVI. Provided always, and be it enacted, That after the firſt Meeting no Money ſhall be borrowed upon the Credit of this Act, unleſs Fourteen Days Notice, under the Hand of the Clerk, ſhall be given in ſome publick News-paper, and alſo fixed on the Doors of the County and City Halls in or near Wincheſter aforeſaid, ſpecifying the Time and Place of the Meeting of the ſaid Commiſſioners for that Purpoſe, and the Sum and Sums of Money to be from Time to Time borrowed thereon.

All Creditors to be deemed equal in Degree.

XXVII. And be it further enacted, That no Preference ſhall be given to any Perſon or Perſons advancing any Sum or Sums of Money upon the Credit of this Act, in reſpect of the Priority of advancing ſuch Sum or Sums; but that all Perſons to whom any Mortgages or Aſſignments ſhall be made, as aforeſaid, ſhall, in Proportion to the Sum or Sums therein mentioned, be Creditors in equal Degree one with another.

Commiſſioners to appoint Toll-gatherers.

XXVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to appoint a proper and fit Perſon at the ſeveral Turnpike-gates now ſtanding and being, or hereafter to be erected, or at the ſeveral Places where the ſame now are, or hereafter ſhall be, within One Mile of the ſaid City; and alſo to erect, or cauſe to be erected, a convenient Toll or Turnpike-gate, either in the Pariſh of King's Worthy, or Abbot's Worthy, in the County of Southampton, as to the ſaid Commiſſioners ſhall ſeem proper, and appoint a fit Perſon thereat, to demand, receive, and take, at each of the ſaid Toll-gates or Turnpikes, in every Year, during the following Days; videlicet, From the Morning of the Day next before the Firſt Day of the Races, commonly called The Wincheſter Races, during that and the Five following Days; from the Morning of the Day next but one before Magdalen Hill, and Giles's Hill, and the Two Wincheſter Fairs, for that and the Four following Days; From the Monday Morning to Saturday Night in the Week in which the Election of the College near Wincheſter ſhall be holden, the ſeveral Tolls herein-after mentioned, before any Horſe, Cattle, or Carriage whatſoever, ſhall be permitted to paſs through the ſame; that is to ſay, At each Toll or Turnpike-gate aforeſaid, (except at the ſaid King's Worthy or Abbot's Worthy Gate) any Toll or Tolls not exceeding the ſeveral and reſpective Tolls paid at the ſeveral and reſpective Turnpike-gates aforeſaid, at the Time of paſſing this Act, and at the ſaid King's Worthy or Abbot's Worthy Gate, any Toll or Tolls, not exceeding the Tolls now taken at the Turnpike-gate now erected at or near the End of Hyde Street, in the ſaid Pariſh of Saint Bartholomew Hyde; which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of and for a Street Toll, over and above, and excluſive of all other Tolls which are or ſhall be authoriſed to be taken and collected by virtue of any Act or Acts of Parliament now ſubſiſting for repairing of Roads; and the ſaid Tolls, when collected by virtue of this Act, ſhall be applied in the Manner herein more particularly ſet forth: And the ſaid Commiſſioners, or any Nine or more of them, are hereby impowered, by themſelves, or by any Perſon or Perſons by them, or any Nine or more of them, thereunto authoriſed at any Meeting, to levy the Toll hereby required to be paid, upon any Perſon or Perſons who ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, as aforeſaid, or deny or hinder any Paſſage through any of the ſaid Turnpikes until Payment thereof; which ſaid Toll ſhall and may be levied by Diſtreſs of any Horſe or Horſes, or other Cattle, upon which the Toll is by this Act impoſed, or upon any of the Goods and Chattels of ſuch Perſon or Perſons who ought to pay the ſame; and all ſuch Horſes, Cattle, or Goods, may be detained until ſuch Toll, with the reaſonable Charges of ſuch Diſtreſs, ſhall be paid; and it ſhall be lawful for the Perſon or Perſons ſo diſtraining, after the Space of Five Days after ſuch Diſtreſs made or taken, to ſell the Horſe or Horſes, Cattle, Goods, or Chattels ſo diſtrained, rendering to the Owner or Owners thereof the Overplus upon Demand, after Satisfaction of the ſaid Toll, and the reaſonable Charges in making ſuch Diſtreſs, Keeping, and Sale, ſhall be fully paid and ſatisfied.

Tolls may be levied by Diſtreſs.

T[illegible] to be paid but Once a Day.

XXIX. Provided always, and be it enacted, That no Perſon or Perſons ſhall be liable to pay the ſaid Street Toll more than Once for paſſing at any Time or Times on the ſame Day with the ſame Cattle and Carriage; but all and every Perſon and Perſons, after having paid ſuch Toll Once, as aforeſaid, and who ſhall return the ſame Day before Twelve of the Clock at Night, ſhall paſs Toll-free with the ſame Cattle and Carriage through the Gate or Turnpike at which any ſuch Toll was paid, upon producing a Note or Ticket denoting the Payment of ſuch Toll; which Notes or Tickets the Collectors of the ſaid Tolls are hereby required to give gratis, on Receipt of ſuch Tolls.

Commiſſioners may alter the Tolls.

XXX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Eighteen or more of them, at a Meeting to be called for that Purpoſe, whereof Fourteen Days Notice ſhall be given in ſome publick News-paper, and alſo fixed on the Turnpike-gates aforeſaid, from Time to Time, as they ſhall ſee Occaſion, to vary, alter, leſſen, or reduce, when and in ſuch Manner and Proportion as they ſhall think proper, the Tolls aforeſaid; and afterwards to raiſe and augment the ſame, ſo as not to exceed the Tolls or Sums hereby granted: And ſuch Tolls, Rates, and Aſſeſſments, ſo varied, altered, leſſened, and reduced, or ſo raiſed and augmented, ſhall and may be collected and levied, mortgaged, and aſſigned, in ſuch Manner, and applied to ſuch Purpoſes as, and in Aid of the Rates and Aſſeſſments, hereby granted for the Purpoſes of defraying the Charges of the paving, pitching, altering, cleanſing, and putting in Repair the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, and of purchaſing and fixing Lamps, and building Watch-houſes for the firſt Time, as aforeſaid, are directed to be recovered, levied, and applied, mortgaged, and aſſigned, until the Charges and Expences incurred for the Purpoſes laſt mentioned ſhall be defrayed and ſatisfied; and afterwards ſhall be applied in Aid of all or any the Rates or Aſſeſſments, which by virtue of this Act are to be paid and defrayed by the Tenants and Occupiers of Houſes, Lands, Tenements, and Hereditaments, within the City and Pariſhes aforeſaid.

Expences of repairing and cleaning the Streets, &c. to be paid by Tenants and Occupiers.

XXXI. And be it further enacted, That the Charges and Expences attending the paving, relaying, repairing, lighting, watching, and keeping in Repair, the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, now in being, or hereafter to be made, within the City and Pariſhes aforeſaid, after the reſpective Pavements therein ſhall have been completed for the firſt Time by virtue of this Act; and alſo the Charges and Expences attending the ſweeping and cleanſing, lighting, and watching the ſame, from and after the paſſing of this Act; and alſo of the defraying the Salaries and Wages of all Officers and other Perſons to be appointed and employed by virtue hereof, and all incidental Charges and Expences attending the Execution of this Act, and of the Powers herein granted, ſhall be a Charge on, and be raiſed and paid by the Tenants and Occupiers of the ſeveral Houſes, Buildings, Lands, Tenements, and Hereditaments, within the ſaid City and Pariſhes aforeſaid, (except all Arable, Meadow, and Paſture Land without the Walls of the ſaid City); and alſo ſave and except all that Meſſuage or Dwelling-houſe, together with the Barns, Stables, Buildings, Outhouſes, and Grounds thereunto belonging, ſituate and being in the Pariſh of Saint Bartholomew Hyde, now in the Tenure or Poſſeſſion of Samuel Tewkesbury, called or known by the Name of Barton Farm: And for defraying ſuch Charges and Expences, it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven or more of them, Once in every Year after the paſſing of this Act, or oftner, if they, or any Seven or more of them, ſhall think neceſſary; the Firſt Year to be computed from ſuch One of the Feaſts of the Annunciation of the Bleſſed Virgin Mary, the Nativity of Saint John the Baptiſt, Saint Michael the Archangel, and Saint Thomas the Apoſtle, as ſhall firſt happen next after the paſſing of this Act, and every ſucceeding Year from the ſaid Feaſt Day, happening as aforeſaid, to make One or more Rate or Rates, Aſſeſſment or Aſſeſſments, upon the ſeveral Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, in the City and Pariſhes aforeſaid, (except as before excepted), according to the yearly Value thereof reſpectively, to be ſettled and aſcertained by the ſaid Commiſſioners, or any Seven or more of them, and in the Manner and Proportion herein-before mentioned, reſpecting the Mode of rating and aſſeſſing the Lands, Houſes, Yards, Tenements, and Hereditaments, in the City and Pariſhes aforeſaid, for paving, cleanſing, lighting, and watching the High Street, and other Streets of the City, and Pariſhes aforeſaid, for the firſt Time: And the Monies ſo rated and aſſeſſed ſhall be collected, raiſed, and levied, by the ſame Ways and Means, and in ſuch Manner as is herein-before preſcribed for the collecting, raiſing, and levying the Rates or Aſſeſſments herein-before directed to be made for the paving, pitching, and putting in Repair the ſaid Streets, Squares, Lanes, Alleys, Courts, Gateways, and other publick Paſſages, and purchaſing the Lamps, and procuring a ſufficient Number of Watch-houſes for the firſt Time.

Tenants renting under 5*l.* *per Annum* exempted from being rated.

XXXII. Provided always, That nothing in this Act contained ſhall be conſtrued to impower the ſaid Commiſſioners to rate and aſſeſs, towards keeping in Repair, cleanſing, lighting, and watching the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages in the City, or Pariſhes aforeſaid, any Tenant or Occupier of any Dwelling-houſe which ſhall not be of the yearly Value of Five Pounds, but that it ſhall and may be lawful to rate and aſſeſs the Landlord and Owner, inſtead and in lieu of the Tenant or Occupier thereof; and where the Landlord or Owner is ſo rated, the Sum aſſeſſed upon him may be paid by or levied upon the Tenant, in the ſame Manner as if the Tenant himſelf had been rated; and all Sum or Sums of Money paid by or levied upon ſuch Tenant, may be deducted by him out of the Rent to be paid by him to ſuch Landlord, who is hereby required to allow the ſame.

Commiſſioners to appoint and remove Watchmen.

XXXIII. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, may, and they are hereby impowered to appoint a ſufficient Number of fit and able-bodied Men, not exceeding eight, to watch and guard the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages in the City, and Pariſhes aforeſaid, in the Night-time; and alſo to make ſuch Allowances to ſuch Watchmen for their Attendance, out of the Rates to be raiſed for the Purpoſe of keeping in Repair the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, and lighting and watching the ſame; and to give ſuch Orders and Directions concerning the Manner in which the ſaid Watchmen ſhall be armed and ſtationed, and for the due and regular Performance of the ſaid Service, as the ſaid Commiſſioners, or any Seven or more of them, ſhall judge reaſonable and expedient; and from Time to Time to remove any of the ſaid Watchmen, and appoint others in their Stead.

New Buildings not to be rated till occupied.

XXXIV. Provided always, and be it further enacted, That no Meſſuage, Tenement, or other Building, unoccupied, or newly erected, and no new Buildings whatſoever which ſhall at any Time hereafter be erected or built, or become unoccupied, in the ſaid City or Pariſhes, liable to be rated or aſſeſſed by virtue of this Act, ſhall be rated or aſſeſſed by virtue hereof, to any Rate or Aſſeſſment hereby directed to be a Charge on the Tenants or Occupiers, until the ſame ſhall reſpectively have been uſed or occupied; and that where any Houſe, or other Building, in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, ſhall be rebuilt, the ſame ſhall be built in ſuch Manner that the Fronts thereof ſhall not project farther into any of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, than the old Foundation, and ſo as that no Bulk or Bow-window on the Ground-floor be ſet up or erected before the Front of ſuch Houſe or Building, without Conſent in Writing of the Majority of the ſaid Commiſſioners, at a General Meeting to be held for that Purpoſe, ſuch Majority to conſiſt of Eighteen Commiſſioners at leaſt.

Bulks and Bow-windows to be taken away in narrow Streets.

XXXV. And be it further enacted, That no Bulk, Bow-window on the Ground-floor, projecting Window, Porch, Rails, or Pent-houſes, ſhall be permitted in any Part of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, which ſhall not be Twenty-four Feet in Width: And the ſaid Commiſſioners, or any Nine or more of them, are hereby impowered to take down any Bulk, Bow-window on the Ground-floor, projecting Window, Porch, Rails, or Pent-houſes, which ſhall be ſet up, erected, or built contrary to the Intent of this Act, and to ſet the ſame Fines and Penalties as are herein directed and provided, for removing and taking down any projecting Spout or Sign.

Commiſſioners may raiſe Rates upon Perſons under-rated.

XXXVI. Provided always, That if the ſaid Commiſſioners, or any Seven or more of them, ſhall, at any Time or Times hereafter, in any Rates or Aſſeſſments by them to be made by virtue or in purſuance of this Act, neglect or omit to rate or aſſeſs any Perſon or Perſons liable to ſuch Rates or Aſſeſſments, or ſhall under-rate or aſſeſs any Perſon or Perſons liable to ſuch Rates or Aſſeſſments, and therein rated or aſſeſſed; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Fourteen or more of them, to rate and aſſeſs ſuch Perſon or Perſons ſo omitted or under-rated, in ſuch Manner as to the ſaid Commiſſioners, or any Fourteen or more of them, ſhall ſeem juſt; and ſuch Addition or Alteration ſhall be as valid, to all Intents and Purpoſes whatſoever, as if the ſame had been Part of the original Rates or Aſſeſſments; any Statute, Law, Uſage, or Cuſtom to the Contrary in any-wiſe notwithſtanding.

Money loſt by Inſolvency to be made good.

XXXVII. And be it further enacted, That in caſe of any of the Monies collected by virtue of this Act ſhall be loſt by Inſolvency, or otherwiſe, the ſaid Commiſſioners, or any Seven or more of them, ſhall and may make an additional Rate or Aſſeſſment for ſupplying and making good ſuch Deficiencies and Charges occaſioned by or on Account of the ſame; which additional Rate or Aſſeſſment ſhall be recovered in the ſame Manner as the original or annual Rates or Aſſeſſments herein before enacted are directed to be made or recovered; any Thing herein contained to the Contrary thereof notwithſtanding.

Ground-rents not chargeable.

XXXVIII. And whereas ſome Doubts may hereafter ariſe who ſhould be deemed the Owner or Owners, Proprietor or Proprietors, of the ſeveral Houſes, Buildings, Yards, Lands, Tenements, and Hereditaments, within the City and Pariſhes aforeſaid; for removing whereof, be it further enacted, That ſuch Perſon or Perſons, or Body or Bodies Politick or Corporate, as now have, or hereafter ſhall have, the immediate beneficial Eſtate or Intereſt in Poſſeſſion, or as now are, or hereafter ſhall be, in the Perception of the Rents and Profits of and in the ſaid ſeveral Houſes, Buildings, Lands, Tenements, and Hereditaments, ſhall, during the Continuance of ſuch their Eſtate or Intereſt, be deemed and accounted the Owner or Owners, Proprietor or Proprietors, of the ſame reſpectively, in proportion to ſuch their reſpective Intereſt therein, other than and except ſuch Body or Bodies Politick or Corporate, Eccleſiaſtical or Civil, or ſuch Leſſor or Leſſors, or other Owner or Owners of any Quit-rent, Fee-farm Rent, or other Rent reſerved or iſſuing out of the ſame Houſes, Buildings, Lands, Tenements, or Hereditaments, which ſhall not amount to One-third Part of the full Improved or Rack Rent thereof.

Proprietors.

Commiſſioners may order Materials to be brought into the Streets;

XXXIX. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, may cauſe to be dug, carted, and carried out of, or brought into, the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, or into any or either of them, ſuch Gravel, Stones, or other Materials; and employ ſuch Artificers, Carters, and others; and do all and every ſuch other Acts and Things as the ſaid Commiſſioners, or any Seven or more of them, ſhall judge neceſſary or conducive to the accompliſhing the Ends and Deſigns of this Act.

ſet up Poſts and Rails;

XL. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall and may cauſe to be ſet up Poſts of Wood or Stone in ſuch Part or Parts of all or any of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, as they ſhall judge neceſſary; and alſo may ſet up Poſts and Rails for preventing of Accidents or Caſualties; and the Expences thereof ſhall be borne and defrayed by the ſaid Commiſſioners, or any Seven or more of them, out of the Monies ariſing from the ſaid Rates or Aſſeſſments, or any of them.

make Gutters and Drains;

XLI. And be it further enacted, That, for the better carrying this Act into Execution, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to make, or cauſe to be made, Seſſpools, Bunnies, Watercourſes, Drains, and Sewers; and for that Purpoſe to enter by themſelves, or by any Perſon or Perſons employed by them, on the Lands of any Perſon or Perſons which ſhall be deemed neceſſary for that Purpoſe; and to dig, ſink, and build, and, from Time to Time, whenever it ſhall be neceſſary to repair the ſame, doing as little Damage as may be, and making good all ſuch Damages as ſhall be done; and to cut through any Wall or Walls, or otherwiſe, into old Seſſpools, Bunnies, Ditches, Drains, and Sewers, if the ſame ſhall be found neceſſary and proper, and to enlarge or alter the ſame; and the Expences attending the building, making, and keeping in Repair, from Time to Time, all ſuch Seſſpools, Bunnies, Watercourſes, Drains, and Sewers; and the ſaid other Works, and the Damages occaſioned thereby, ſhall be paid and defrayed out of the Rates and Aſſeſſments, or ſome of them, to be raiſed as aforeſaid; and the ſame ſhall for ever thereafter be deemed publick Seſſpools, Bunnies, Watercourſes, Drains, Sewers, and Works; any Law, Statute, Cuſtom, or Uſage to the Contrary in any-wiſe notwithſtanding.

and may alter the Courſe of Gutters.

XLII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, to direct and cauſe the Courſe of any Gutter or Channel running in or through the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, or either of them, to be turned or altered in ſuch Manner as they ſhall think proper; and to direct the Gates already placed, or hereafter to be placed, over any Sewer, to be removed and replaced, in ſuch Manner, and at ſuch Place and Places, as they ſhall think proper; all which ſhall, from Time to Time, be done at the Expence of the ſaid Commiſſioners, and paid for by them, or any Seven or more of them, out of the Money ariſing from the Rates or Aſſeſſments to be made by virtue of this Act, or ſome of them, any Law, Uſage, or Cuſtom to the Contrary notwithſtanding: And all Gutters or Watercourſes from the Houſes to the Carriage-ways ſhall be made under the Foot-ways where practicable, and be conſtructed or made in ſuch Manner, and with ſuch Materials, as the ſaid Commiſſioners, or any Seven or more of them, ſhall direct or appoint.

Power to dig Gravel on private Ground;

XLIII. And be it further enacted, That for the more effectual carrying this Act into Execution, the ſaid Commiſſioners, or any Seven or more of them, or any Surveyor or other Perſon, to be employed by them, or any Perſon or Perſons to be appointed or employed by ſuch Surveyor, or other Perſon, ſhall and may, and they are hereby impowered to dig for, take, and carry away, any Gravel, or other Materials, fit and proper for the paving and covering the Pavements, and pitching of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, or which they ſhall adjudge neceſſary or fitting to be uſed in or about the ſaid Streets, Squares, Lanes, Alleys, Courts, Gateways, and other publick Paſſages, or for any other Purpoſe whatſoever in the Execution of this Act, or any of the Powers and Authorities herein contained, in, upon, or out of, and from and out of the Lands, Fields, or Grounds, of any Perſon or Perſons, where the ſame may be had or found, to be uſed, diſpoſed of, and applied, in or towards the raiſing, making, widening, and repairing the ſaid Streets, Squares, Lanes, Alleys, Courts, Roads, and other publick Paſſages, (ſuch Lands, Fields, and Grounds, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nurſery, or incloſed Ground planted with any Avenue of Trees for the Ornament of any Houſe), they the ſaid Commiſſioners, or their Surveyor or Surveyors, or other Perſon or Perſons, having an Order from the ſaid Commiſſioners, or any Seven or more of them, for ſo doing, filling up the Pits, and levelling the Ground from which ſuch Materials ſhall be taken, and paying, or offering to pay, to the reſpective Owners or Occupiers of ſuch Lands, Fields, or Grounds, ſuch Damages for the cutting, digging, gathering, taking, and carrying away ſuch Materials, as aforeſaid, and for carrying the ſame over their Grounds, as the ſaid Commiſſioners, or any Seven or more of them, ſhall adjudge reaſonable; and in caſe of any Difference concerning the ſame, any Two or more Juſtices of the Peace of the ſaid County of Southampton ſhall and may, on Ten Days Notice thereof to be given by the ſaid Commiſſioners, or their Surveyor or Surveyors, to the ſaid Owner or Owners, Occupier or Occupiers, or by him, her, or them, to the ſaid Commiſſioners, or any Two or more of them, or to their Surveyor or Surveyors, or to be left at their reſpective Places of Abode with ſome or One of their reſpective Families, hear, ſettle, and determine the Matters in Diſpute, and aſcertain what Damages ſhall be paid; and the Order and Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties.

making Satiſfaction to the Owners.

Perſons altering the Form of the Pavement to forfeit 40s.

XLIV. And be it further enacted, That from and after the paſſing of this Act, no Perſon or Perſons ſhall make, or cauſe to be made, any Alteration in the Form of any of the Pavements of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, or any Part or Parts thereof, without the Conſent and Direction of the ſaid Commiſſioners, or any Seven or more of them, under their Hands, upon Pain of forfeiting, for every ſuch Offence, the Sum of Forty Shillings, over and above all Expences incurred, or to be incurred, in reinſtating the ſame.

Upon Complaint of Two Houſekeepers, Commiſſioners may repair Streets once paved by virtue of this Act.

XLV. And be it further enacted, That if any Two Houſekeepers within the City and Pariſhes aforeſaid ſhall make Complaint, in Writing, under their Hands, to the ſaid Commiſſioners, or any Seven or more of them, of any Defect or Want of Repair in any of the Pavements of any of the ſaid Streets, Squares, Lanes, Alleys, Courts, Ways, or other publick Paſſages, after the ſame ſhall have been new paved or repaired by virtue of this Act; then, and in every ſuch Caſe, the ſaid Commiſſioners, or any Seven or more of them, ſhall forthwith cauſe the Pavement ſo complained of to be inſpected by ſome Perſon or Perſons, to be appointed by them for that Purpoſe; and if the ſame ſhall by him or them be found defective, and ſo reported to be to the ſaid Commiſſioners, the ſaid Commiſſioners, or any Seven or more of them, ſhall forthwith give Orders to their Contractor or Pavior to repair the ſame: And if the Contractor or Pavior to the ſaid Commiſſioners, to whom ſuch Order ſhall be given, ſhall not, within Four Days next after the Receipt thereof, repair the ſaid defective Pavements; then, and in every ſuch Caſe, the ſaid Contractor or Pavior ſhall forfeit and pay the Sum of Twenty Shillings for every Day that the ſaid defective Pavement ſhall remain unrepaired after the Expiration of the ſaid Four Days.

Streets to be watered.

XLVI. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall have full Power and Authority to cauſe the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, to be watered as often as they ſhall think fit; and alſo to cauſe any Pump or Pumps, Conduit or Conduits, now ſtanding in any or either of the publick Streets or Paſſages of the ſaid City, to be removed and placed, and ſet up in more convenient Places, and to defray the Expences thereof out of the Monies to be raiſed by virtue of the Rates and Aſſeſſments by this Act directed to be made, or ſome of them.

Names of Streets to be fixed at the Corners, and Houſes to be numbered.

XLVII. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall and may deſcribe and determine the Limits and Extent of the ſeveral Streets, Squares, Lanes, Alleys, and other publick Paſſages within the City, and Pariſhes aforeſaid, for all the Purpoſes of this Act; and ſhall and may cauſe to be engraved, painted, or otherwiſe to be placed on a conſpicuous Part of any One or more Houſe or Houſes, Building or Buildings, at or near each End, Corner, or Entrance of each of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, the Name by which each reſpective Street, Square, Lane, Alley, Court, or other publick Paſſage, is uſually called or known; and may alſo cauſe every Houſe, Shop, Warehouſe, or Building, in each of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, to be marked or numbered in ſuch Manner as they ſhall think moſt proper for diſtinguiſhing the ſame; and if any Perſon or Perſons ſhall wilfully or maliciouſly deſtroy, pull down, injure, obliterate, or deface any ſuch Name, Deſcription, Mark, or Number, or any Part thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

Perſons obliterating the Number, &c. to forfeit 20s.

Signs and Bulks to be removed.

XLVIII. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall and may, at any Time after the paſſing of this Act, cauſe Notice to be given to the reſpective Owners or Occupiers of the ſeveral Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, in the ſaid City, and Pariſhes aforeſaid, to take down, remove, alter, or regulate all Signs, or other Emblems, uſed to denote the Trade, Occupation, or Calling, of any Perſon or Perſons, Sign-poſts, Sign-irons, Shew-boards, Spouts, Gutters, Sheds, Butchers Gallows, Pens, Sand-pens, Dung-pens, Shambles, Blocks, Chopping-blocks, Cellar-windows, Trees, and Poſts, projecting into, or ſtanding or being in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, and all other Incroachments, Nuiſances, or Annoyances whatſoever, projecting into, or ſtanding or being in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, in ſuch Manner as they ſhall think proper; and to cauſe all Signs, or other Emblems, as aforeſaid, Shew-boards, Spouts, and Gutters, or ſuch Part thereof as they ſhall think fit, to be affixed or placed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong, or were before affixed, and not otherwiſe: And in caſe the reſpective Owners or Occupiers ſhall refuſe or neglect ſo to do for the Space of Ten Days next after ſuch Notice ſhall be given to him, her, or them reſpectively, (which Notice ſhall be given in Writing under the Hand of the ſaid Collector for the Time being, and delivered to, or left at the Dwelling-houſe or uſual Place of Abode of ſuch Owner or Occupier), it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to cauſe ſuch Signs, Emblems, Sign-poſts, Sign-irons, Shew-boards, Spouts, Gutters, Sheds, Butchers Gallows, Pens, Sand-pens, Dung-pens, Shambles, Blocks, Chopping-blocks, Cellar-windows, Trees, and Poſts, and all other Incroachments, Nuiſances, or Annoyances whatſoever, to be taken down, removed, altered, and regulated, in ſuch Manner as they ſhall think proper; and ſhall cauſe all Signs, or other Emblems aforeſaid, Shew-boards, Spouts, and Gutters, or ſuch Parts thereof as they ſhall think fit, to be affixed or placed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong, or were before affixed, and not otherwiſe; and ſhall return, or cauſe to be returned, to their reſpective Owners, to be left on the Spot, or ſo near as conveniently may be, for ſuch Owner or Owners, ſo much of ſuch Signs, or other Emblems, Sign-poſts, or other Poſts, Sign-irons, Shew-boards, Spouts, Gutters, Sheds, Butchers Gallows, Pens, Sand-pens, Dung-pens, Shambles, Incroachments, Nuiſances, or Annoyances whatſoever, as ſhall not be affixed or put up, or otherwiſe made uſe of, in the Alterations directed by this Act; and the Charges and Expences attending the ſame ſhall and may be recovered of the Owner or Occupier thereof reſpectively, in the ſame Manner as the Charges and Expences of paving the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, for the firſt Time, are herein directed to be recovered: And if any Perſon or Perſons ſhall, at any Time or Times thereafter, hang, place, erect, or build, any Sign-poſt or other Poſt, Sign-iron, Shew-board, Spout, Gutter, Shed, Butchers Gallows, Pen, Sand-pen, Dung-pen, Pump, Shamble, Block, Chopping-block, Cellar-window, Tree, or Poſt, or other Incroachment, Nuiſance, or Annoyance whatſoever, or cauſe the ſame to be done, contrary to the Directions aforeſaid, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds, and the further Sum of Twenty Shillings for every Day ſuch Nuiſance or Annoyance ſhall continue; and the Maſter Workman employed to erect, build, do, or perform the ſame, ſhall forfeit and pay the Sum of Five Pounds: And it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven or more of them, to order the ſame to be taken down, removed, altered, or regulated, in ſuch Manner as they, or any Seven or more of them, ſhall think proper; and the Perſon or Perſons ſo ordered to take down, remove, alter, or regulate the ſame, ſhall have hereby full Power and Authority to take down, remove, alter, or regulate the ſame accordingly, without any Notice or Warning to be given to the Owner, Tenant, or Occupier, to take down, remove, alter, or regulate the ſame; and where any Bulks, Penthouſes, and Erections, ſhall appear to have been made, erected, and ſet up, before the Front or Fronts of any or either of the ſaid Houſes or Buildings, within Six Months next before the paſſing of this Act, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to cauſe the ſame to be removed, taken down, and regulated, in the ſame Manner as is hereby provided and enacted concerning all, or any, or either of the Nuiſances, Annoyances, Obſtructions, and Incroachments, herein before ſpecifically named.

Signs to be affixed to the Fronts of Houſes.

Perſons making Incroachments to forfeit 5*l.*

Power to remove and regulate them.

If Spouts are not affixed to the Fronts of Houſes by the Owners, Commiſſioners may affix them;

XLIX. Provided always, and be it further enacted, That if no Spout or Gutter ſhall be fixed to any Houſe, Shop, Warehouſe, or other Building, for conveying the Waters from the Roofs, Eaves, Cornices, and Pent-houſes, of the ſaid Houſe, Shop, Warehouſe, or other Building, and ſo into the common Channels or Drains, by proper and ſufficient Pipes or Trunks, to be fixed to the Side of ſuch Houſe, Warehouſe, Shop, or other Building, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to cauſe Fourteen Days Notice to be given to the Tenants or Occupiers of ſuch Houſe, Shop, Warehouſe, or Building, by Writing under the Hand of any One or more of the Officer or Officers to be appointed by the ſaid Commiſſioners; and ſuch Notice ſhall be left at or affixed upon the moſt conſpicuous Part of ſuch Houſe or Building, to affix a good and ſufficient Spout, Pipe, Trunk, or Gutter, or good and ſufficient Spouts, Pipes, Trunks, or Gutters, to ſuch Houſe, Shop, Warehouſe, or other Building, in ſuch Manner as the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper, for conveying the Water from ſuch Houſe, Shop, Warehouſe, or other Building, down by the Side of the ſaid Houſe, Shop, Warehouſe, or other Building, and ſo into the common Channel or Drains; and in caſe ſuch Spout, Pipe, Trunk, or Gutter, Spouts, Pipes, Trunks, or Gutters, ſhall not be affixed, or the Drips from ſuch Houſes, Shops, Warehouſes, and other Buildings, ſhall not be ſtopped and prevented within Fourteen Days next after the leaving or fixing ſuch Notice, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to cauſe a Spout, Pipe, Trunk, or Gutter, Spouts, Pipes, Trunks, or Gutters, to be affixed to ſuch Houſe, Shop, Warehouſe, or other Building, and the ſaid Drips to be altered, ſtopped,

ped, and regulated; and the Expences attending the ſame ſhall be borne and defrayed by the Owner or Owners of ſuch Houſe, Shop, Warehouſe, or Building, and ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the Tenant and Occupier of ſuch Houſe, Shop, Warehouſe, or other Building, rendering the Overplus (if any) to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold; or it ſhall and may be lawful for ſuch Tenant or Occupier to fix up ſuch Spouts, Pipes, Trunks, or Gutters, and to deduct and retain the Charges and Expences thereof, and alſo the Money which ſhall or may be levied upon the Goods and Chattels of any ſuch Tenant or Occupier aforeſaid, out of his or her Rent; and every Owner, Proprietor, or Landlord, is required to allow the ſame accordingly.

and the Owners to defray the Expences.

Goods not to be expoſed to Sale on Windows, &c. projecting.

L. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall ſet, place, or expoſe to Sale, or cauſe, permit, or ſuffer, to be ſet, placed, or expoſed to Sale, any Goods, Chattels, Wares, or Merchandiſes whatſoever, on any Flap, Window-ſhutter, or other Thing whatſoever, moveable or fixed, projecting into any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, beyond the preſent Bulk, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

No Perſon to hoop any Caſk in any Street, &c.

LI. And be it further enacted, That if any Perſon or Perſons whomſoever, except in Caſes of abſolute Neceſſity, ſhall hoop, clean, waſh, or ſcald any Caſk; or hew or ſaw, or cauſe to be hewed or ſawed, any Stone, Wood, or Timber; or bind, make, or repair, any Wheel; or ſhoe or bleed, clean or dreſs, or turn or drive looſe any Horſe; or wet, ſlack, or mix, any Lime; or wet, mix, or make, any Mortar; or throw or ſcale at any Cock or Fowl, in the Manner called Cock-ſcaling; or ſet up any Cock or Fowl to be thrown or ſcaled at; or ſhall make, or aſſiſt in the making, any Fire or Fires, commonly called Bonfires; or ſhall ſet fire to, or let off, or throw, any Squib, Serpent, Rocket, or Firework whatſoever, in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, Gateways, or other publick Paſſages; or ſhall ſet, place, or expoſe to Sale, or cauſe, or permit, or ſuffer, to be ſet, placed, or expoſed to Sale, any Goods, Chattels, Wares, or Merchandiſes whatſoever, on the Foot or Carriage Way of any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, or any Part or Parts thereof; or hang up or expoſe any Goods, Wares, or Merchandiſes, or any Matter or Thing, ſo as to obſtruct or incommode the Paſſage of the Foot-way or Carriage-way of any of the ſaid Streets, Squares, Lanes, Alleys, Courts, Gateways, or other publick Paſſages; every Perſon ſo offending in either of the ſaid Caſes ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

Goods not to be expoſed to Sale on the Pavement, under 20s. Penalty.

Bonfires not to be made, nor Squibs, &c. thrown, on Penalty of 20s.

LII. And be it further enacted, That if any Perſon or Perſons whomſoever, except in Caſes of abſolute Neceſſity, ſhall hoop, cleanſe, waſh, or ſcald, any Caſk; or hew or ſaw, or cauſe to be hewed or ſawed, any Stone, Wood, or Timber; or bind, make, or repair, any Wheel; or ſhoe or bleed, clean or dreſs, or turn or drive looſe, any Horſe; or wet, ſlack, or mix, any Lime; or wet, mix, or make, any Mortar; or throw or ſcale at any Cock or Fowl, in the Manner called Cock-ſcaling, or ſet up any Cock or Fowl to be thrown or ſcaled at; or ſhall make, or aſſiſt in the making, any Fire or Fires, commonly called Bonfires; or ſhall ſet fire to, or let off, or throw, any Squib, Serpent, Rocket, or Firework whatſoever; or ſhall break, pull down, damage, or deſtroy, any Lamp or Lamps, or any the Poſts, Iron, or other Furniture belonging thereto; or ſhall put out or extinguiſh any Lamp or Lamps, or cauſe or procure the ſame to be done; or cauſe any other Nuiſance or Annoyance to be committed or remain; or ſhall ſet, place, or expoſe to Sale, or cauſe, or permit, or ſuffer, to be ſet, placed, or expoſed to Sale, any Goods, Chattels, Wares, or Merchandiſes whatſoever, in the Cathedral Churchyard; every Perſon ſo offending in either of the ſaid Caſes ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings; to be recovered before any One Juſtice of the Peace for the County of Southampton, in ſuch and the ſame Manner as the other Penalties and Forfeitures are by this Act directed to be recovered; which Penalty or Forfeiture, when recovered, ſhall be paid into the Hands of the Treaſurer of the ſaid Cathedral Church for the Time being, as a Satiſfaction for any Injury had, done, or ſuffered, in the ſaid Cathedral Church-yard by reaſon of the Offences aforeſaid.

Fairs and Markets to be held.

LIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be deemed, conſtrued, adjudged, or taken to extend, to prevent the holding the Fairs and Markets in the ſaid Town, in ſuch and the ſame Places, and in the ſame Manner, as the ſaid Fairs and Markets by Law are now intitled to be held; or to charge any Perſon or Perſons with any Penalty or Penalties in this Act contained, for ſetting up any Stalls, or for ſetting, placing, or expoſing to Sale any Goods, Wares, or Merchandiſes, in ſuch Fairs or Markets, or the Place or Places appointed for the holding of the ſame, during the Time the ſaid Fairs or Markets is or ſhall be appointed to be held; this Act, or any Thing herein contained to the Contrary notwithſtanding.

No Cattle to be killed in the Streets, under Penalty of 20s.;

LIV. And be it further enacted, That if any Perſon or Perſons ſhall kill, ſlaughter, ſinge, ſcald, dreſs, or cut up, or cauſe to be killed, ſlaughtered, ſinged, ſcalded, dreſſed, or cut up, any Beaſt, Swine, Calf, Sheep, or other Cattle, in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, Gateways, or other publick Paſſages; or hang up, or cauſe to be hung up, any Beaſt, Swine, Calf, Sheep, or other Cattle, or any Part or Parts thereof, in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, Gateways, or other publick Paſſages, every Perſon or Perſons ſo offending, ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings: And if any Swine ſhall be found wandering about the ſaid Streets, Squares, Lanes, Alleys, Courts, Gate-ways, or other publick Paſſages, the Owner or Owners thereof ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings: And it ſhall and may be lawful to and for any Officer or Officers of the ſaid Commiſſioners, or any other Perſon or Perſons whomſoever, to impound ſuch Swine in the common Pound, or ſuch other Place as ſhall be appointed for that Purpoſe by the ſaid Commiſſioners, or any Seven or more of them; and the ſame to detain in the ſaid Pound or Place until the ſaid Sum of Ten Shillings, and the Expence

nor Swine be permitted to wander in the Streets under Penalty of 10s. Power to impound them.

pence of impounding ſuch Swine, ſhall be fully paid and ſatisfied: And if, in ſuch Caſe, ſuch Penalty and Expences ſhall not be paid within Six Days after ſuch Swine ſhall be ſo impounded, it ſhall and may be lawful for ſuch Perſon or Perſons as ſhall be appointed by the ſaid Commiſſioners, or any Seven or more of them, for that Purpoſe, to ſell, or cauſe ſuch Swine to be ſold, and the Overplus, if any be, to be paid to the Owner or Owners thereof: Provided, that whether ſuch Swine ſhall be ſo impounded or not, the Owner or Owners thereof ſhall nevertheleſs forfeit and pay the ſaid Sum of Ten Shillings.

Annoyances by Hogſties, *&c.* to be removed on Three Days Notice on Penalty of 10*s.* *per Diem.*

LV. And be it further enacted, That in caſe any Hogſtye, Layſtall, Neceſſary-houſe, Fleſh, Dung, Carrion, Blood, Offal, Soil, or Filth, or any of the Aſhes, Cinders, or Rubbiſh, preſerved by Perſons, by virtue of the Proviſo in this Act for that Purpoſe contained, or any other noiſome Matter whatſoever, ſhall be offenſive to any Perſon in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, the ſame ſhall be deemed a Nuiſance, and an Offence againſt this Act; and it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven or more of them, upon Complaint thereof made to them by ſuch Perſon, by Notice in Writing under their Hands, or under the Hand of their Collector, to order ſuch Nuiſance or Offence to be removed by the Perſon or Perſons who ought to remove the ſame; and in caſe the ſame ſhall not be removed within Three Days after ſuch Notice given to the Perſon or Perſons who ought to remove the ſame, ſuch Perſon or Perſons ſhall forfeit and pay the Sum of Ten Shillings daily, for every Day the ſame ſhall continue unremoved after the Expiration of the ſaid Three Days.

Neceſſary-houſes to be emptied between Twelve at Night and Four in the Morning, on Penalty of 40*s.*

LVI. And be it further enacted, That if any Neceſſary-houſe or Bog-houſe in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, ſhall be emptied at any Time except between the Hours of Twelve at Night and Four in the Morning, or the Soil thereof ſhall be laid in any other Place than ſhall be appointed for that Purpoſe by the ſaid Commiſſioners, or any Seven or more of them, by any Perſon or Perſons; then, and in either of the ſaid Caſes, as well the Perſon or Perſons knowingly employing any Perſon or Perſons for that Purpoſe, as the Perſon or Perſons committing the Offence, ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings; and if any Perſon or Perſons ſhall wilfully or negligently ſpill any Soil of any Neceſſary-houſe or Bog-houſe in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, Gateways, or other publick Paſſages, every Perſon ſo offending ſhall forfeit and pay the Sum of Forty Shillings.

Penalty for ſifting Aſhes in the Streets, 20*s.*

LVII. And be it further enacted, That if any Perſon or Perſons, who ſhall contract with the ſaid Commiſſioners, or any Seven or more of them, to cleanſe the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, as aforeſaid, or any of them, or who ſhall purchaſe the Soil thereof of the ſaid Commiſſioners, or any Seven or more of them, or any of his, her, or their Servants or Agents; or if any Perſon or Perſons whomſoever ſhall ſift any Aſhes, Duſt, or Cinders, either in or out of any Cart or Carriage, or in any other Manner howſoever in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages; every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

For Aſhes, *&c.* thrown in the Street,

First Offence, 5*s.* Second Offence 10*s.* Third, 20*s.*

LVIII. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall throw, caſt, or lay, or cauſe, or permit, or ſuffer to be thrown, caſt, or laid, any Aſhes, Duſt, Dirt, Dung, Soil, Filth, or Rubbiſh, or the Refuſe of any Garden-ſtuff, or any Blood, Offal, or Carrion, or any other noiſome or offenſive Matter or Thing whatſoever, into or in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, Gateways, or other publick Paſſages, every Perſon ſo offending ſhall, for the Firſt Offence, forfeit and pay the Sum of Five Shillings; for the Second Offence, the Sum of Ten Shillings; and for the Third, and every other Offence, the Sum of Twenty Shillings.

Perſons may erect Incloſures for depoſiting Bricks, *&c.* for Buildings.

LIX. Provided always, and be it further enacted, That it ſhall and may be lawful for any Perſon or Perſons whomſoever, to erect or ſet up in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, any Incloſures, Poſts, Bars, or Rails, or other Matters or Things for the Purpoſe of making Mortar, or depoſiting Bricks, Lime, or other Materials, for building or repairing any Houſes, Buildings, or other Works, every ſuch Perſon and Perſons leaving, or cauſing to be left, convenient Room for Carriages, and alſo a convenient Foot-way, in a direct Line with the Foot-pavement, for Paſſengers to paſs and repaſs, the Owner or Owners of ſuch Houſe or Building cauſing the ſame to be removed out of the ſaid Street, Square, Lane, Alley, Court, or other publick Paſſage, together with all Rubbiſh occaſioned thereby, or by ſuch Building, within a reaſonable Time, and ſetting up and maintaining a ſufficient Light upon or againſt the ſame every Night, during the whole Night from the Time it becomes dark, to prevent Accidents: And if any Perſon or Perſons ſhall erect or ſet up any ſuch Incloſure, Poſts, Bars, or Rails, or any other Matter or Thing whatſoever, for the Purpoſes aforeſaid, in any other Manner than is hereby directed, or ſhall not remove the ſame, together with ſuch Rubbiſh as aforeſaid, within a reaſonable Time, or ſhall not ſet up ſuch Light as aforeſaid, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

No Cart, *&c.* to be left in the Streets longer than neceſſary for loading and unloading,

on Penalty of 20*s.*

LX. And, for the more ſpeedy Removal of ſuch Nuiſances and Obſtructions in the City, and Pariſhes aforeſaid, it is hereby further enacted, That if, after the paſſing of this Act, any Cart, Waggon, Dray, or other Carriage, ſhall be left, or ſuffered to ſtand or continue, in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, Gateways, or other publick Paſſages, or in any Part or Parts thereof, with or without Horſes or other Cattle, other than for the neceſſary loading or unloading thereof; or if any Timber, Bricks, Stones, Slates, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Goods, Wares, Merchandiſes, Materials, or Things whatſoever, ſhall be laid or placed and left in any ſuch Street, Square, Lane, Alley, Court, Gateway, or other publick Paſſage, longer than ſhall be neceſſary for the houſing or removing the ſame; then, and in every ſuch Caſe, the Owner or Owners of every ſuch Cart, Waggon, Dray, or other Carriage, or of any ſuch Timber, Bricks, Goods, Wares, Merchandiſes, Materials, or Things, ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings, and the ſame ſhall moreover be deemed Nuiſances; and any Perſon whoſoever may, either in the Day with a Peace Officer, but if in the Night may, without ſuch Peace Officer, ſeize, or cauſe to be ſeized, the Cart, Waggon, Dray, or other Carriage, ſo placed, or ſuffered to ſtand or continue, contrary to the true Meaning of this Act, together with the Horſe or Horſes thereunto belonging or affixed, if any, or the Timber, Bricks, Stones, Slates, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Goods, Wares, Merchandiſes, Materials, or Things, ſo laid or placed as aforeſaid, and remove the ſame, or cauſe the ſame to be removed, to the common Pound, or ſuch other Place as ſhall be appointed for that Purpoſe by the ſaid Commiſſioners, or any Seven or more of them, there to be kept and detained, until the Owner or Owners thereof, or his, her, or their known Servant or Servants, ſhall claim the ſame, and pay to the Perſon or Perſons in whoſe Cuſtody the ſame ſhall then be the Sum of Twenty Shillings, together with the Charges of removing and keeping the ſame: And in caſe the ſame ſhall not be claimed, and the ſaid Sum of Twenty Shillings and the Charges paid, within the Space of Six Days next after ſuch Seizure, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to cauſe the ſame to be appraiſed and ſold, and the Monies ariſing therefrom ſhall be applied to the ſame Uſes and Purpoſes as the Money ariſing from the Rates or Aſſeſſments are hereby directed to be applied.

Penalty to be paid, tho' not impounded.

LXI. Provided, That if any Cart, Waggon, Dray, or other Carriage, ſhall be ſo placed, or ſuffered to ſtand or continue, as aforeſaid; or any Timber, Bricks, Goods, Wares, Merchandiſes, Materials, or Things, ſhall be ſo laid or placed as aforeſaid, and the ſame ſhall not be ſeized and impounded as aforeſaid; the Owner or Owners of ſuch Cart, Waggon, Dray, or other Carriage, or of ſuch Timber, Bricks, Goods, Wares, Merchandiſes, Materials, or Things, ſhall, nevertheleſs, forfeit and pay the Sum of Twenty Shillings for every Offence by ſuch Cart, Waggon, Dray, or other Carriage, being ſo placed, or ſuffered to ſtand or continue, or ſuch Timber, Goods, Wares, or Merchandiſes, Bricks, Materials, or Things, being ſo laid or placed, or left as aforeſaid.

No Wheelbarrow, &c. to be driven on the Foot-pavement.

LXII. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time after the paſſing of this Act, run, drive, or carry, or cauſe to be run, driven, drawn, carried, or placed on any of the Foot-pavements in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, any Wheel or Wheels, Sledge, Wheelbarrow, Handbarrow, Truck, or Carriage whatſoever; or ſhall roll any Caſk; or wilfully ride, drive, or lead, or cauſe to be rode, driven, or led, any Horſe or other Cattle, on any of the ſaid Foot-pavements, to be made in purſuance of this Act, other than in Caſes of Neceſſity, ſuch Perſon or Perſons ſhall forfeit and pay for the firſt Offence the Sum of Ten Shillings, for the Second Offence the Sum of Twenty Shillings, and for the Third and every other Offence the Sum of Forty Shillings: Provided that no Perſon or Perſons ſhall be liable to ſuch Penalties for rolling any Caſk on the ſaid Foot-pavements, unleſs the ſame ſhall have been rolled thereon for the Space of Forty Yards or upwards.

No Cart to be drove faſter than a Foot Pace, nor without ſome Perſon leading the Thill Horſe.

LXIII. And be it further enacted, That if any Perſon ſhall, at any Time after the paſſing of this Act, drive any Cart, Dray, Waggon, Truck, or other Carriage, for the Conveyance of Goods, in or through any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, faſter than a Foot Pace, or without ſome Perſon on Foot leading the Shaft or Thill Horſe, by a Halter or Rein affixed to the Head of ſuch Horſe, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings.

Cellar-windows at Night to be ſufficiently lighted.

LXIV. And be it further enacted, That if any Cellar-window or Windows ſhall be left open in the Evening, or in the Night, without the ſame being ſufficiently lighted, to prevent Accidents happening therefrom; or if any ſuch Cellar-window or Cellar-windows ſhall, at any Time, be left open, ſo as to obſtruct the Foot-ways in any or either of the ſaid Streets, the Occupier or Occupiers of ſuch Houſe or Cellar ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings.

Penalty for obſtructing Gateways.

LXV. And be it further enacted, That if any Perſon or Perſons ſhall, after the paſſing of this Act, obſtruct any of the Gateways, or narrow Streets or Lanes of the City, or Pariſhes aforeſaid, by overloading any Carriage, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

Commiſſioners to buy Land, and make a Pound.

LXVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Fourteen or more of them, for the Purpoſes of this Act, to buy or rent any Piece or Parcel of Land they ſhall think moſt convenient, within or out of the ſaid City, for the building and erecting a common Pound for the Purpoſes of this Act; and to build ſuch Pound or Pounds thereon, either open or covered, as the ſaid Commiſſioners, or any Fourteen or more of them, ſhall think proper, and the Expences thereof ſhall be defrayed out of the Monies ariſing from the Rates or Aſſeſſments by this Act directed to be made; and the ſaid Lands ſhall be veſted in the ſaid Commiſſioners, for the Purpoſe of ſuch Pound or Pounds, according to the Terms of the Conveyance to them made.

They may buy Houſes, &c. for widening Streets.

LXVII. And whereas it may happen that the ſaid Commiſſioners, or any Fourteen or more of them, may think it neceſſary for enlarging, widening, or rendering more commodious the ſaid Streets, Squares, Lanes, Alleys, Courts, Gateways, and other publick Paſſages, to take down ſome Houſe or Houſes, Sheds, or other Buildings, or ſome Part or Parts thereof; or to take in ſome Piece or Parcel of Land or Ground, which they may not be enabled to effectuate by all or any of the Powers and Authorities herein-before contained; be it therefore further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Fourteen or more of them, to contract and agree with the Owner or Owners, Proprietor or Proprietors, of any Houſe, Shed, or other Building, or any Part or Parts of any Houſe, Shed, or other Building, or with the Owner or Owners, Proprietor or Proprietors, of any Piece or Parcel of Land or Ground, for the Purchaſe of the ſaid Houſe, Shed, or Building, or ſuch Part or Parts thereof, or of ſuch Piece or Parcel of Land or Ground for the Uſe of the Publick, paying for the ſame out of the Monies ariſing from the ſaid Rates or Aſſeſſments ſuch Sum or Sums of Money as ſhall be agreed upon by and between the ſaid Commiſſioners, or any Fourteen or

Jury to aſcertain the Value, if Perſons cannot agree with the Commiſſioners.

more of them, and ſuch Owner or Owners, Proprietor or Proprietors; and in caſe they cannot agree, paying a reaſonable Recompence and Satiſfaction, to be aſcertained by and upon the Oaths of Twelve indifferent Men of the City, and Pariſhes aforeſaid, (which Oath any Two or more of the ſaid Commiſſioners are hereby impowered to adminiſter); and the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered and required, from Time to Time, to iſſue a Summons, under the Hands and Seals of any Seven or more of them, requiring an indifferent Jury of Twenty-four Men of the City, or Pariſhes aforeſaid, to attend at ſuch Time and Place as ſhall be expreſſed in ſuch Summons: And the ſaid Commiſſioners, or any Two or more of them, ſhall, at ſuch Time and Place, ſwear, or cauſe to be ſworn, Twelve of the Twenty-four, who ſhall be drawn by Ballot by the Clerk to the ſaid Commiſſioners, which Twelve ſhall be a Jury for aſcertaining the Value of ſuch Houſe, Shed, or other Building, whoſe Valuation therein ſhall be binding and concluſive to all Parties and Perſons whatever: And the ſaid Commiſſioners, or any Fourteen or more of them, ſhall order ſuch Houſe, Shed, or other Building, or ſuch Part or Parts of ſuch Houſe, Shed, or other Building, to be taken down and removed, and the Expences attending the taking down and removing the ſame ſhall be paid by the ſaid Commiſſioners, or any Fourteen or more of them, out of the Monies ariſing from the ſaid Rates or Aſſeſſments; and the Scite of ſuch Houſe, Shed, or Building, or of ſuch Part or Parts of ſuch Houſe, Shed, or Building, and ſuch Piece or Parcel of Land or Ground ſo purchaſed by the ſaid Commiſſioners, or any Fourteen or more of them, ſhall be laid into the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, for the widening, enlarging, and rendering more commodious the ſame; or otherwiſe diſpoſe of the ſame, as the ſaid Commiſſioners, or any Fourteen or more of them, ſhall think proper; and ſhall for ever after be deemed and taken to be Part of the ſaid publick Streets, Squares, Lanes, Alleys, Courts, Gateways, and other publick Paſſages; and ſhall be paved, repaired, ſwept, and cleanſed, in ſuch and the ſame Manner as the other Streets, Squares, Courts, Ways, Roads, Lanes, Alleys, Gateways, and other publick Paſſages, in the City, and Pariſhes aforeſaid, are in and by this Act directed to be paved and repaired, ſwept and cleanſed; and ſhall be ſubject to all and every the Powers and Authorities in this Act contained, relative to the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages in the City, and Pariſhes aforeſaid.

Charges of purchaſing Houſes, &c. to be collected as other Rates.

LXVIII. And be it further enacted, That the Coſts and Charges of purchaſing all or any Land, Houſes, Sheds, or other Buildings, within the Term of Seven Years after paſſing this Act, ſhall be deemed and taken to be a Charge on the Owners and Proprietors of Houſes, Lands, Tenements, and Hereditaments, within the City, and Pariſhes aforeſaid, to be collected in the ſame Manner as the other Rates on the Owners and Proprietors of Houſes, Lands, Tenements, and Hereditaments, are herein-before directed; and from and after the ſaid Term of Seven Years the ſame ſhall be a Charge on the Tenants and Occupiers of Houſes, Lands, Tenements, and Hereditaments, within the City and Pariſhes aforeſaid, to be raiſed and collected in the ſame Manner, and to be under the ſame Reſtrictions, Proviſoes, and Exceptions, as all other Tenants Dues, Duties, Taxes, and Impoſitions, are herein directed.

Bodies Politick impowered to ſell.

LXIX. And whereas it may happen that ſome Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, or others, are or may be ſeiſed or poſſeſſed of the ſaid Houſes, Sheds, Buildings, Lands, or Hereditaments, and ſuch Perſon or Perſons, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat or agree for the Sale of ſuch Houſes, Sheds, Buildings, Lands, or Hereditaments, but may be incapable of granting or conveying the ſame by reaſon of Infancy, or other Diſability; be it therefore further enacted, That it ſhall and may be lawful to and for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, or other Truſtees whatſoever, for or on Behalf of any Infants, Femes Covert, or Ceſtuique Truſts, and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Houſes, Sheds, Buildings, Lands, or Hereditaments, to treat, contract, and agree with the ſaid Commiſſioners, or any Fourteen or more of them, for the Purchaſe of ſuch Houſes, Sheds, Buildings, Lands, or Hereditaments, or any Part or Parts thereof, or for their Intereſt therein, for the Purpoſe aforeſaid, and to ſell and convey the ſame as Occaſion ſhall be and require; and all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes whatſoever; any Law, Statute, Uſage, or any other Matter or Thing to the Contrary thereof in any-wiſe notwithſtanding: And all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

No Perſon ſhall act as a Commiſſioner where intereſted.

LXX. Provided always, and be it further enacted, That no Perſon ſhall act as a Commiſſioner in any Caſe relating to the contracting for, or purchaſing any Houſes, Sheds, Buildings, Lands, or Hereditaments, wherein he ſhall be perſonally concerned in Intereſt.

Penalty for obſtructing the Works; for the firſt Offence 20s. for the ſecond 40s. and for the third 3l.

LXXI. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time or Times hereafter, obſtruct, hinder, or moleſt any Officer or Officers, or other Perſon or Perſons whomſoever, who ſhall be employed in the Execution of this Act, in the Performance or Execution of his or their Duty; every ſuch Perſon or Perſons ſo offending ſhall, for the Firſt Offence, forfeit and pay the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third, and every other Offence, the Sum of Three Pounds: And if any Perſon or Perſons ſhall ſtrike or aſſault any ſuch Officer or Officers, or other Perſon or Perſons, in the Performance or Execution of his or their Duty under this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds.

And for damaging Works, the firſt Offence 40s; and for future Offences 5l.

LXXII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or maliciouſly break up, deſtroy, or otherwiſe damage or ſpoil any of the Works when done or doing in purſuance of this Act, or any Part or Parts thereof, every Perſon ſo offending ſhall, for the Firſt Offence, forfeit and pay the Sum of Forty Shillings, and, for the Second and every other Offence, the Sum of Five Pounds.

Collectors not liable to pay Scavenger or Highway Rate.

LXXIII. And be it further enacted, That from and after the paſſing of this Act no Perſon or Perſons, who ſhall be included by virtue of this Act to make any Rate or Aſſeſſment for the Purpoſes of altering, repairing, cleanſing, and mending any of the ſaid Streets, Squares, Lanes, Alleys, Courts, Roads, Highways, or other publick Paſſages in the City, or Pariſhes aforeſaid, by virtue of this Act, ſhall be liable or be ſubject to any Scavenger's Rate, Duty, or Labour, to be done upon any of the ſaid Streets, Squares, Lanes, Alleys, Courts, Roads, Highways, or other publick Paſſages; or be ſubject or liable to contribute to any Highway Rate or Duty for the repairing, cleanſing, altering, or amending any of the ſaid Streets, Squares, Lanes, Alleys, Courts, Roads, or Highways; any Law, Statute, or Uſage to the Contrary thereof notwithſtanding.

Power to licenſe and regulate Hackney Chairs.

Penalty for taking more than Rates allowed, 10 s. nor more than 40 s.

LXXIV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby impowered and required, under their Hands and Seals, to licenſe all ſuch Hackney Chairs, which from and after the Firſt Day of Auguſt, One thouſand ſeven hundred and ſeventy-one, ſhall be kept and uſed for Hire within the City, and Pariſhes aforeſaid, and ſhall and may fix and aſcertain ſuch Rates and Prices for the Carriage of the ſame, as to the ſaid Commiſſioners, or any Seven or more of them, ſhall ſeem proper; and if any Hackney Chairman ſhall refuſe to go at, or ſhall exact more for his Hire than the Sums limited by the ſaid Commiſſioners, or ſhall keep or uſe any Chair for Hire unleſs licenſed as aforeſaid, he ſhall forfeit for ſuch Offence not leſs than Ten Shillings, nor more than Forty Shillings.

Broad Wheels to be uſed.

LXXV. And be it further enacted, That from and after the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-one, if any Waggon, Wain, Cart, Car, or Dray, kept by any Perſon or Perſons reſiding within the City, or Pariſhes aforeſaid, or kept by any other Perſon or Perſons, for the carrying any Goods, Wares, Merchandiſes, or other Commodities, from One Part of the City or Pariſhes aforeſaid to another (except all Carriages belonging to His Majeſty, His Heirs or Succeſſors, and except any Carriage laden with One Piece of Stone, One Block of Marble, or One Piece of Timber), ſhall be drawn on any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages within the City, and Pariſhes aforeſaid, which ſhall be paved, repaired, cleanſed, and amended, by virtue of this Act, the Wheels whereof ſhall be of leſs Width or Gage in the Sole or Fellies thereof than Nine Inches, or bound with Iron in any other Manner than the ſaid Commiſſioners, or any Seven or more of them, ſhall, from Time to Time, direct and appoint, the Owner and Owners of every ſuch Waggon, Wain, Cart, Car, or Dray, ſhall, for every ſuch Offence, forfeit not leſs than Ten Shillings, nor more than Forty Shillings.

Commiſſioners may, if neceſſary, prohibit Carriages from dragging.

LXXVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, by Writing under their Hands, to be affixed at each and every of the Turnpike Gates before mentioned, to make any Order, prohibiting all or any Waggons, Carts, Cars, Wains, Coaches, Chaiſes, Caravans, Chairs, or other Carriages, from dragging upon all or any Part of ſuch Streets, Squares, Lanes, Alleys, Courts, Roads, Highways, and other publick Paſſages within the City, and Pariſhes aforeſaid, as are before included in this Act: And any Perſon offending againſt ſuch Order ſhall forfeit not leſs than Ten Shillings, nor more than Forty Shillings; which Forfeiture or Penalty ſhall be levied and recovered in ſuch Manner as all other Forfeitures and Penalties are herein-before directed to be recovered.

Perſon removing, to pay the Rates up to the Time he ſhall remove.

Collectors to diſtrain for the ſame.

LXXVII. And be it further enacted, That when any Perſon or Perſons ſhall come into or occupy any Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments aforeſaid, within the City and Pariſhes aforeſaid, out of which any other Perſon liable to the Payment of any Rate or Aſſeſſment made by virtue of this Act ſhall be removed, every Perſon ſo removing from, and every Perſon ſo coming into, or occupying ſuch Premiſes, ſhall be liable to pay ſuch Rate or Aſſeſſment, in proportion to the Time that each Perſon occupied the ſame reſpectively; and in caſe any Perſon ſhall quit his or her Houſe, Building, Land, Tenement, and Hereditament, before he or ſhe ſhall have paid any Rate or proportionable Part by him or her due and payable, and ſhall afterwards refuſe or neglect to pay the ſame when demanded, it ſhall be lawful to and for the Collector or Collectors, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Juſtice or Juſtices of the Peace for the County or Place where ſuch Perſon ſhall then reſide or be found, (which Warrant ſuch Juſtice or Juſtices is and are hereby required to grant, upon due Proof thereof made before him or them upon Oath), to levy ſuch Rate or proportional Part thereof by Diſtreſs and Sale of ſuch Perſon's Goods and Chattels, rendering the Overplus, if any, on Demand, to the Perſon whoſe Goods and Chattels have been ſo diſtrained and ſold, after all Charges paid.

Penalty for breaking Lamps.

LXXVIII. And be it further enacted, That if any Perſon ſhall wilfully break, throw down, or otherwiſe damage any of the Lamps which ſhall be erected by the ſaid Commiſſioners, or any of the Poſts, Irons, or other Furniture thereof, or ſhall extinguiſh any of the ſaid Lamps, it ſhall be lawful for any Juſtice of the Peace, in and for the City and County aforeſaid, and he is hereby required, upon Oath made of the Commiſſion of any ſuch Offence, to iſſue a Warrant for apprehending the Party accuſed; or it ſhall be lawful for any Perſon or Perſons who ſhall ſee ſuch Offence committed, to apprehend, as alſo for any other Perſon or Perſons to aſſiſt in apprehending the Offender; and, by Authority of this Act, and without any other Warrant, to deliver him or her into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid County; and the Party accuſed being brought before any ſuch Juſtice, ſuch Juſtice ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear, or be produced, to give Information touching ſuch Offence: And if the Party accuſed ſhall be convicted of ſuch Offence, either by his or her own Confeſſion, or upon Information, as aforeſaid, he or ſhe ſo convicted ſhall, for the Firſt Offence reſpectively, forfeit the Sum of Ten Shillings for each Lamp ſo broken, thrown down, damaged, or extinguiſhed, as aforeſaid; and for the Second Offence the Sum of Fifteen Shillings for every ſuch Lamp; and for the Third and every ſubſequent Offence the Sum of Twenty Shillings for every ſuch Lamp;

and full Satiſfaction ſhall alſo be made to the ſaid Commiſſioners, or any Seven or more of them, or to their Treaſurer or Clerk, by ſuch Offender or Offenders, for the Damage ſo by him or her done; and in caſe ſuch Offender ſhall not, upon Conviction, pay the Forfeiture by him or her incurred, and make ſuch Satiſfaction as aforeſaid, the Juſtice before whom ſuch Offender ſhall be convicted is hereby required to commit him or her to the Houſe of Correction or Common Gaol for the ſaid County, there to be kept to hard Labour for any Time not exceeding Two Calendar Months; and ſuch Offender ſhall not be diſcharged before the Expiration of the Time for which he or ſhe ſhall be committed, unleſs ſuch Forfeiture and Satiſfaction ſhall be ſooner paid and given; and One Moiety of the ſaid reſpective Forfeitures, when recovered, ſhall be paid to the Informer or Informers, and the other Moiety ſhall be applied as the Rates or Aſſeſſments to be made by virtue of this Act are directed to be applied: And if any Perſon ſhall negligently or accidentally break, throw down, or otherwiſe damage any of the ſaid Lamps, or any of the Poſts, Irons, or other Furniture thereof, and ſhall not upon Demand make Satiſfaction to the ſaid Commiſſioners, or any Seven or more of them, or to their Treaſurer or Clerk, for the Damage by ſuch Perſon done as aforeſaid, it ſhall be lawful for any Juſtice of the Peace for the City or County aforeſaid, and he is hereby required, upon Complaint thereof made by any Seven or more of the ſaid Commiſſioners, or their Treaſurer or Clerk, to ſummon the Party complained of, and upon his or her appearing, or making Default to appear, (Oath being made that the Party complained of was ſerved with ſuch Summons, or that the ſame was left at his or her Dwelling-houſe or Place of Abode, if known, or that he or ſhe could not be found), ſuch Juſtice ſhall proceed to examine the Matter of the ſaid Complaint, and, upon Proof thereof, either by Confeſſion of the Party complained of, or by the Oath of One or more credible Witneſs or Witneſſes, ſhall award and order ſuch Satiſfaction to be made by the Party complained of, for the Damage ſo by him or her done, as to ſuch Juſtice ſhall appear juſt and reaſonable; and ſhall cauſe the Sum ſo awarded (in caſe the ſame be not paid forthwith upon the making ſuch Award or Order) to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon complained of, rendering to him or her, upon Demand, the Overplus, if any be, after the Charges of proſecuting ſuch Complaint, and of ſuch Diſtreſs and Sale, ſhall be deducted.

Perſons accidentally breaking Lamps to make Satiſfaction.

Commiſſioner's Coſts to be paid out of the Rates.

LXXIX. And be it further enacted, That all Money expended by or recovered againſt any Commiſſioner or Commiſſioners, in any Action or Proſecution hereby directed to be brought by them, or in defending any Action or Proſecution brought againſt them, or any other Perſon or Perſons employed by or under them, for any Matter or Thing done in the Execution or Performance of his or their Office or Offices, Employment or Employments, under this Act, or in purſuance of any Order or Orders of the ſaid Commiſſioners, or any Seven or more of them, (and which Money ſhall not be recovered or received again by ſuch Commiſſioner or Commiſſioners, or other Perſon or Perſons, from any ſuch Defendant or Defendants, Plaintiff or Plaintiffs), ſhall be borne and defrayed out of the Monies to be raiſed by virtue of the Rates or Aſſeſſments herein-before directed to be made, or ſome of them.

Penalty on Officer not performing his Duty.

LXXX. And be it further enacted, That if the Collector of the Monies to be raiſed by virtue of this Act, or other Officer to be appointed by virtue hereof, or any Conſtable, Headborough, Tythingman, or other Peace Officer for the Time being, or any or either of them, or any or either of the ſaid Watchmen, ſhall refuſe, neglect, or omit to do, perform, or execute all or any of the Articles, Matters, or Things, in and by this Act directed to be done, performed, or executed by them reſpectively, every ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings: Provided that nothing herein contained ſhall be conſtrued to deprive the ſaid Commiſſioners, or any of them, of any Action or Actions, Suit or Suits, againſt every ſuch Collector, or other Officer, or their or either of their Securities, for the Non-performance of any Covenant or Agreement entered into by the ſaid Collector, or other Officer, or their Securities.

Penalties and Forfeitures, how to be recovered and applied.

LXXXI. And be it further enacted, That all Penalties and Forfeitures by this Act incurred, (the Manner of recovering whereof is not otherwiſe particularly directed), ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Juſtice or Juſtices of the Peace for the ſaid City, or for the County or Place where ſuch Offender or Offenders ſhall be or reſide, which Warrant the ſaid Juſtice or Juſtices is and are hereby impowered and required to grant, ſuch Offender or Offenders having been previouſly convicted of any Offence or Offences done or committed contrary to the true Intent of this Act, before any One or more of the ſaid Juſtice or Juſtices, upon the Oath of One or more credible Witneſs or Witneſſes; and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, (the Charges of ſuch Diſtreſs and Sale being firſt deducted), ſhall be paid to the ſaid Commiſſioners, or any Seven or more of them, and ſhall be applied (if not otherwiſe directed to be applied by this Act) for and towards the Purpoſes of this Act, or ſome of them, in ſuch and the ſame Manner as the Money ariſing from the Rates or Aſſeſſments herein-before mentioned is directed to be applied: And in caſe ſufficient Diſtreſs cannot be found, and ſuch Penalties and Forfeitures ſhall not be paid, it ſhall and may be lawful for ſuch Juſtice or Juſtices, and he or they is and are hereby authoriſed and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Offender or Offenders to the Common Gaol of the County or Place where the Offender or Offenders ſhall be or reſide, for any Term not exceeding One Calendar Month, or until ſuch Penalties or Forfeitures ſhall be paid: And in all Actions, Proſecutions, Informations, Cauſes, and Proceedings whatſoever, relating to or concerning the Execution of this Act, any Inhabitant within the ſaid Pariſhes or Places ſhall be admitted to give Evidence, the Rate or Aſſeſſment charged as aforeſaid upon any ſuch Inhabitant by virtue of this Act notwithſtanding.

Where Diſtreſs not ſufficient,

Perſons to be committed for Nonpayment of Penalties.

Inhabitants may be Witneſſes.

Informations to be made within Three Months.

LXXXII. Provided always, and be it further enacted, That no Perſon or Perſons ſhall be ſubject or liable to the Payment of any of the Penalties or Forfeitures inflicted by virtue of this Act, for any Offence or Offences againſt this Act, unleſs Information ſhall be given of ſuch Offence or Offences within Three Months next after the Offence committed, ſave and except the Penalties in and by this Act inflicted for Nonpayment of the Rates or Aſſeſſments in and by this Act directed to be made.

Informers may be rewarded.

LXXXIII. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, if they ſhall ſee Cauſe, to pay and apply ſuch Part of the Penalties and Forfeitures in and by this Act inflicted or impoſed, or any of them, as they ſhall think proper, not exceeding One Moiety of them, to and for the Uſe of the Informer or Informers of any Offence or Offences againſt this Act, or any of them; any Thing herein contained to the Contrary notwithſtanding.

Form of Conviction.

LXXXIV. And be it further enacted, That in all Caſes where any Conviction ſhall be had for any Offence or Offences committed againſt this Act, or againſt any Order of Seſſion, or any Matter in purſuance of this Act, the Form of Conviction ſhall be in the Words, or to the Effect following; that is to ſay,

or County of *to wit,*

BE it remembered, that on this Day of in the
Year of the Reign of A. B. is convicted before
of His Majeſty's Juſtices of the Peace for the ſaid or County [*as the Caſe ſhall happen*] of
having [*as the Offence ſhall be*] and [*I or we*] the ſaid do adjudge
[*him, her, or them*] to forfeit and pay for the ſame the Sum of

Given under my Hand and Seal [*or our Hands and Seals*] the Day and Year aforeſaid.

Offender to pay the Expence of Summons and Conviction.

LXXXV. And be it further enacted, That if any Perſon or Perſons ſhall be guilty of any Offence, Neglect, or Omiſſion againſt this Act, or any of the Powers or Directions herein contained, and ſhall be thereupon ſummoned before any One or more Juſtice or Juſtices of the Peace; or if any Perſon or Perſons ſhall be convicted by any One or more Juſtice or Juſtices of the Peace of any ſuch Offence, Neglect, or Omiſſion, every ſuch Perſon and Perſons ſhall pay the Coſts of ſuch Summons or Conviction, according to the Fees herein directed to be taken by Juſtices of the Peace, or their Clerks; and the Diſtreſs to be taken in conſequence of ſuch Conviction ſhall be for ſuch Coſts, as well as the other Monies for which ſuch Diſtreſs ſhall be made; any Statute, Law, Cuſtom, or Uſage, to the Contrary in any-wiſe notwithſtanding.

Juſtices allowed to take Fees.

LXXXVI. And be it further enacted, That the Fees to be taken by any Juſtice or Juſtices of the Peace, or his or their Clerk or Clerks, for any Matter or Thing to be done in the Execution of this Act, ſhall be as follow; that is to ſay, For each and every Information, Summons, or Conviction, againſt a ſingle Perſon, One Shilling; and againſt more than One Perſon, Two Shillings; for every Warrant of Diſtreſs, Two Shillings; and for every Recognizance, Two Shillings and Sixpence; and no greater or other Fees ſhall be taken by any ſuch Juſtice or Juſtices of the Peace, or his or their Clerk or Clerks, for any Matter or Thing to be done by him or them, in or about the Execution of this Act, on any Account or Pretence whatſoever.

Not to extend to Fees due for Buſineſs at the Seſſions.

LXXXVII. Provided, That nothing herein contained ſhall be conſtrued to extend to ſuch Fees as ſhall be due for any Buſineſs to be done at the General or other Seſſions of the Peace in and for the City or County aforeſaid, or any Adjournment thereof; but that ſuch Fees ſhall be there taken as are uſually taken in the like Caſes.

Conſtables and others to act without Fees.

LXXXVIII. Provided alſo, That all Matters and Things herein directed to be done, performed, or executed, by any Conſtable or Conſtables, or which, in conſequence or in the Execution of this Act, or any Power or Authority herein contained, ſhall be neceſſary to be done, performed, or executed, by any Conſtable, Headborough, Tythingman, or other Peace Officer, ſhall be done, performed, and executed, by ſuch Conſtable, Headborough, Tythingman, or other Peace Officer, without any Fee or Reward whatſoever.

Commiſſioners may act as Juſtices.

LXXXIX. And be it further enacted, That it ſhall and may be lawful to and for the Mayor of the ſaid City for the Time being, and for the other Juſtices of the Peace for the ſaid City, to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being appointed Commiſſioners.

Power to mitigate Penalties.

XC. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the Juſtice or Juſtices of the Peace before whom any of the Penalties and Forfeitures by this Act impoſed ſhall be recovered, to mitigate, compound, or leſſen, any of the Penalties or Forfeitures aforeſaid, as he or they in their Diſcretion ſhall think fit, unleſs ſuch Penalties are herein-before expreſsly aſcertained, ſo as that the ſame be not mitigated or reduced to leſs than One-fourth Part thereof.

Diſtreſs not unlawful for want of Form.

XCI. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in any Proceeding relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularities which ſhall afterwards be done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage in an Action upon the Caſe.

Coſts of Suit how to be recovered.

XCII. And be it further enacted, That when the Plaintiff or Plaintiffs ſhall recover in any Action, he, ſhe, or they, ſhall be paid his, her, or their Full Coſts of Suit, and have the like Remedies for recovering the ſame as for the Recovery of Coſts in other Caſes by Law.

Perſons may appeal to the Quarter-ſeſſions for the County.

XCIII. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, ſuch Perſon or Perſons ſhall and may, within Three Calendar Months next after the Cauſe of Complaint ſhall ariſe, appeal to the Juſtices of the Peace at the General Quarter-ſeſſions of the Peace to be holden in and for the County of Southampton, ſuch Appellant or Appellants firſt giving, or cauſing to be given, Notice in Writing of his, her, or their Intention to bring ſuch Appeal, and of the Cauſe or Cauſes thereof, to the Clerk or Treaſurer to the ſaid Commiſſioners, within Two Days next after ſuch Notice, entering into a Recognizance or Recognizances before ſome Juſtice of the Peace in and for the ſaid County, with Two ſufficient Sureties, conditioned to try ſuch Appeal, mentioned in ſuch Notice, and abide the Order, and pay ſuch Coſts as ſhall be awarded by the Juſtices of the ſaid County, and the Matter of ſuch Appeal ſhall be heard and determined by the ſaid Juſtices for the ſaid City and County, at the next General Seſſions of the Peace to be held in and for the ſaid County, or any Adjournment thereof, or at any Adjournment of the then laſt General Seſſions of the Peace in and for the ſaid County, which of the Three ſhall firſt happen next after the Expiration of Twenty Days from the Day of giving ſuch Notice: And the ſaid Juſtices, at ſuch Seſſions or Adjournments, upon due Proof of ſuch Notice being given, and of the entering into ſuch Recognizance or Recognizances, ſhall hear and finally determine the Cauſes and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts for the Appellant or Appellants, or Reſpondent or Reſpondents, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Juſtices ſhall be final, binding, and concluſive, to all Parties concerned or intereſted therein.

Juſtices may give Coſts.

Rates may be altered where neceſſary.

XCIV. Provided always, That upon all Appeals from any of the Rates or Aſſeſſments to be made or impoſed by the Authority of this Act, the Juſtices of the Peace, where they ſhall ſee juſt Cauſe for Relief, ſhall and are hereby impowered to amend the ſame Rates and Aſſeſſments, in ſuch Manner only as ſhall be neceſſary for giving ſuch Relief, without altering ſuch Rates or Aſſeſſments with reſpect to other Perſons mentioned in the ſame.

Deficiency of Rates how to be made good.

XCV. Provided alſo, That in caſe the Money collected in any One Year ſhall not be ſufficient to anſwer the Purpoſes for which the ſame was rated and aſſeſſed, that ſuch Deficiency ſhall be ſupplied by or out of a Rate to be made the next following Year.

Charges to be paid out of firſt Monies.

XCVI. And be it further enacted, That the Charges and Expences of procuring and paſſing this Act ſhall be paid out of the firſt Monies which ſhall be raiſed by virtue of this Act.

Proceedings not to be quaſhed for want of Form, nor removed by *Certiorari*.

XCVII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or other Matter or Thing to be done or tranſacted in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form, or be removed by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; any Law or Statute to the Contrary notwithſtanding.

Securities to be without Stamps.

XCVIII. And be it further enacted, That no Nomination, Appointment, Licence, Information, Order, Judgement, Conviction, Warrant, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals of, or only ſigned by any Commiſſioner or Commiſſioners for putting this Act in Execution, or by any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, touching, concerning, or in the Execution of any of the Powers or Authorities hereby veſted in ſuch Commiſſioner or Commiſſioners, Juſtice or Juſtices of the Peace, or any of them, or any Conveyance to the ſaid Commiſſioners, or any of them, or any other Deed or Inſtrument whatſoever touching this Act, or the Execution thereof, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Limitation of Actions.

XCIX. And be it further enacted, That no Action or Suit ſhall be brought, commenced, or proſecuted againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, unleſs Twenty-one Days Notice thereof ſhall be firſt given in Writing to the Clerk or Treaſurer to the ſaid Commiſſioners, ſigned by the Plaintiff or Plaintiffs, or unleſs the ſame ſhall be commenced before the Expiration of Six Months next after the Fact committed, or unleſs Tender of reaſonable Amends hath not or ſhall not have been made, by or in Behalf of the Defendant or Defendants in ſuch Action or Suit, nor unleſs ſuch Action or Suit ſhall be laid and brought in the County of Southampton: And the Defendant or Defendants, in any Action or Suit to be commenced for any Thing done in purſuance of this Act, ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the Matter or Thing for which ſuch Action or Suit ſhall be brought was done in purſuance and by the Authority of this Act: And if ſuch Matter or Thing ſhall appear to have been ſo done; or if it ſhall appear that ſuch Action or Suit was brought before Twenty-one Days Notice thereof was given in Writing to the Clerk or Treaſurer of the ſaid Commiſſioners, ſigned by the Plaintiff or Plaintiffs; or if it ſhall appear that ſuch Action or Suit was not commenced before the Expiration of Six Months next after the Fact committed; or if it ſhall appear that Tender of reaſonable Amends was made by or in Behalf of the Defendant or Defendants in ſuch Action or Suit, before ſuch Action or Suit was commenced or brought; or ſuch Action or Suit ſhall be brought in any other County or Place than the County of Southampton; that then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and ſhall have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in any other Caſes by Law.

This Act may be given in Evidence on the General Iſſue.

Treble Coſts

Money may be paid into Court.

C. Provided always, and be it further enacted, That in all Actions or Suits to be brought againſt any Perſon or Perſons, for any Matter or Thing done in purſuance of this Act, the Defendant or Defendants in ſuch Action or Suit ſhall and may, before Plea pleaded, pay into Court ſuch Sum or Sums of Money, as he, ſhe, or they, ſhall think proper, in the Name of a reaſonable Amends for ſuch Matter or Thing;

and if the Plaintiff or Plaintiffs ſhall refuſe to accept of the ſame, together with his, her, or their Coſts to that Time, to be taxed by the proper Officer; and if the Jury who try the Cauſe ſhall not find the Damages to amount to a greater Sum or Sums than the Money ſo paid into Court, the Verdict ſhall paſs for the Defendant or Defendants; and ſuch Defendant or Defendants ſhall have all other Privileges and Advantages given to any Defendant or Defendants by this Act, and ſhall and may recover Treble Coſts, and have the like Remedy for the ſame, as before directed for recovering Treble Coſts by any Defendant or Defendants.

Perſons bringing Actions by Order of Commiſſioners, ſhall recover Double Coſts.

CI. And be it further enacted, That if any Action or Actions ſhall be brought by Order of the ſaid Commiſſioners, or any Seven or more of them, againſt any Perſon or Perſons, for any Matter or Thing relating to this Act, or the Powers herein contained, and a Verdict ſhall be had and given againſt the Perſon or Perſons againſt whom ſuch Action or Actions ſhall be brought, ſuch Perſon or Perſons ſhall pay Double Coſts; and the Plaintiff or Plaintiffs in ſuch Action or Actions ſhall have ſuch Remedy and Remedies for recovering the ſame, as any Plaintiff or Plaintiffs may have for his, her, or their Coſts, in any other Caſes by Law.

Publick Act.

CII. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

CAP. X.

An Act for carrying into Execution an Agreement made between *Peter Burrell* Eſquire, Surveyor-general of His Majeſty's Lands, and the Truſtees of *Morden College*, in the County of *Kent*, for enabling His Majeſty, His Heirs and Succeſſors, to grant Leaſes of *Maidenſtone Hill*, in the Pariſh of *Eaſt Greenwich*, in the County of *Kent*, to the ſaid Truſtees, upon the Terms mentioned in the ſaid Agreement; and for impowering the ſaid Truſtees to increaſe the Salaries and Penſions of the Treaſurer, Chaplain, and poor Merchants, in the ſaid College.

Preamble. Letters Patent 11 *Gul.* III. granting in Truſt to Sir *John Morden* the Manor of *Old Court*, &c.

by Sir *John's* Laſt Will, *Oct.* 15, 1702, are deviſed to Truſtees;

who have poſſeſſed *Maidenſtone Hill*, as pertaining to *Old Court*, claimed by Attorney-general as Part of the Royal Manor of *Eaſt Greenwich*.

Surveyor-general and the Truſtees compromiſe the Matter, *Dec.* 11, 1770.

Articles of Agreement.

WHEREAS His late Majeſty King *William* the Third, by His Letters Patent under the Great Seal of *England*, bearing Date the Fourth Day of *November*, in the Eleventh Year of His Reign, for the Conſideration therein mentioned, did grant unto or in Truſt for Sir *John Morden* Baronet, his Heirs and Aſſigns, for ever, the Manor or Lordſhip of *Old Court*, with the Lands thereunto belonging, in the Pariſh of *Eaſt Greenwich*, in the County of *Kent*: And whereas the ſaid Sir *John Morden*, intending to make ſome Proviſion for the Comfort and Support of aged and decayed Merchants, erected, at his own Expence, a large Houſe or College near *Blackheath*, in the ſaid County, for their Reception; and by his Laſt Will and Teſtament in Writing, bearing Date the Fifteenth Day of *October*, in the Year of our Lord One thouſand ſeven hundred and two, gave and deviſed all his Real and Copyhold Eſtates to certain Truſtees therein named, their Heirs and Aſſigns, for ever, in Truſt, for the Uſe of his ſaid College, and for the Maintenance and Support of poor, aged, and decayed Merchants of *England*, whoſe Fortunes had been ruined by the Perils of the Sea, and other unavoidable Accidents; all which Real and Copyhold Eſtates are now, by virtue of divers meſne Aſſignments, Surrenders, and Conveyances in the Law, become veſted in *John March*, *Richard Chiſwell*, *William Clarke*, *William Cooper*, *Samuel Smith*, *William Ewer*, and *James Lee*, Eſquires, their Heirs and Aſſigns, in Truſt, for the Benefit of the ſaid Charity: And whereas the Truſtees of the ſaid Charity, for the Time being, have, at various Times, poſſeſſed divers Parts of a certain Parcel of Land, in the Pariſh of *Eaſt Greenwich* aforeſaid, called *Maidenſtone Hill*, on an Apprehenſion that the ſame was Part of the Manor or Lordſhip of *Old Court*, in the ſaid Letters Patent mentioned, and have at various Times granted Leaſes of ſeveral Parts of the ſame to ſundry Perſons, who have erected Houſes thereon; but the ſaid Hill having been claimed on the Behalf of His Majeſty, as being Part of His Royal Manor of *Eaſt Greenwich*, Informations of Intruſion have been exhibited by His Majeſty's Attorney-general, in the Court of *Exchequer*, againſt ſeveral of thoſe Leſſees: And whereas, in order to compromiſe the ſaid Matter, and to ſave Expence to the Charity, certain Articles of Agreement have been entered into, and duly executed, by and between *Peter Burrell* Eſquire, Surveyor-general of His Majeſty's Lands, on Behalf of His Majeſty, of the One Part, and the ſaid *John March*, *Richard Chiſwell*, *William Clarke*, *William Cooper*, *Samuel Smith*, *William Ewer*, and *James Lee*, Eſquires, the ſaid Truſtees of *Morden College*, of the other Part, bearing Date the Eleventh Day of *December*, One thouſand ſeven hundred and ſeventy, the Tenor whereof is in theſe Words: ‘ Articles of Agreement indented, had, made, concluded, and agreed upon, this Eleventh Day of *December*, in the Eleventh Year of the Reign of our Sovereign Lord *George* the Third, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* and in the Year of our Lord One thouſand ſeven hundred and ſeventy, between *Peter Burrell* Eſquire, Surveyor-general of His Majeſty's Lands, of the One Part, and *John March*, *Richard Chiſwell*, *William Clarke*, *William Cooper*, *Samuel Smith*, *William Ewer*, and *James Lee*, Eſquires, Truſtees of *Morden College*, in the County of *Kent*, of the other Part: Whereas, in *Michaelmas* Term, One thouſand ſeven hundred and fifty one, and in *Hilary* Term, One thouſand ſeven hundred and ſixty-eight, His Majeſty's Attorney-general filed Two ſeveral Informations of Intruſion, in His Majeſty's Court of *Exchequer*, againſt *Leonard Searle* and *Joſeph Gordon*, for the Purpoſe of recovering the Poſſeſſion of a certain Piece of waſte Ground, called *Maidenſtone Hill*, within the Pariſh of *Eaſt Greenwich*, in the County of *Kent*, as being Parcel of the Waſte of, and belonging to, His Majeſty's Royal Manor of *Eaſt Greenwich*; into which ſaid Piece of waſte Ground, or Part thereof, the ſaid *Leonard Searle* and *Joſeph Gordon* had intruded, under the Colour and Sanction of certain Leaſes thereof granted to them by the Truſtees of the ſaid College, who claimed the Whole of the Waſte of the ſaid Hill, as Part of, and belonging to the Manor of *Old Court*, of which they were in Poſſeſſion under certain Grants from the Crown: And whereas the ſaid Two ſeveral Cauſes being at Iſſue, and ready to be tried at the Bar of the ſaid Court of *Exchequer*, by ſpecial Juries of the ſaid County of *Kent*, they the ſaid *John March*, *Richard Chiſwell*, *William Clarke*, *William Cooper*, *Samuel Smith*, *William Ewer*, and *James Lee*, the Truſtees of *Morden College* aforeſaid, did, in *Eaſter* Term laſt, lay certain Propoſals before the Right Honourable the Lords Commiſſioners of His Majeſty's Treaſury for compromiſing and putting a final End to the ſeveral Matters in Diſpute in the above-mentioned Cauſes, by which ſaid Propoſals they the ſaid Truſtees did offer to admit the Right of the Crown to the ſaid Hill, and all other the Waſtes of the ſaid Manor of *Eaſt Greenwich*, upon being acquitted of all Accounts for Arrears, and having a proper Conſent for their procuring an Act of Parliament to indemnify the ſaid Truſtees, and to enable the Crown to grant, without Fine, a Leaſe of the whole Hill for Fifty Years, and to renew ſuch Leaſe, from Time to Time, for any further Term, (not exceeding Fifty Years each); and the ſaid Truſtees, by their ſaid Propoſal, further offered One-third Part of the net Income they now receive from the ſaid Hill, as a Rent, and to pay One-third Part of the net Income, which, at the Time of any ſuch Renewal, they ſhould receive from the ſame as Rent; and they thereby declared their Willingneſs to be reſtrained from taking any Fine for Building Leaſes, or for Renewals of Leaſes, of any Houſes already built on the ſaid Hill: And whereas the ſaid Commiſſioners of His Majeſty's Treaſury having referred the ſaid Propoſals to the ſaid *Peter Burrell*, for his Conſideration, he, the ſaid *Peter Burrell* reported to their Lordſhips in favour thereof, ſubmitting it to their Lordſhips, whether it might not be proper to grant the Terms propoſed, ſubject however to the Reſtrictions therein and herein-after mentioned, and which Reſtrictions the ſaid *Peter Burrell* reported had been agreed to by the ſaid Truſtees before him; and the ſaid Lords Commiſſioners of His Majeſty's Treaſury have thereupon been pleaſed to approve of the ſaid Propoſals, ſubject to the Reſtrictions in the ſaid Report, and herein-after mentioned, and to direct that the ſame ſhall be carried into Execution, as far as the ſame may or ought to be before ſuch Act of Parliament be procured: And whereas the Trials of the ſaid Cauſes have, by divers Orders of the ſaid Court of *Exchequer*, been adjourned till next *Hilary* Term, in order that this preſent Agreement might be completed in the mean Time; now therefore, in purſuance of the ſaid Propoſals, and the Approbation thereof by the ſaid Lords Commiſſioners of His Majeſty's Treaſury, on Behalf of His Majeſty, and for the Purpoſe of carrying the ſame into Execution, it is hereby agreed by and between the ſaid *Peter Burrell* and the ſaid *John March*, *Rickard Chiſwell*, *William Clarke*, *William Cooper*, *Samuel Smith*, *William Ewer*, and *James Lee*, the Truſtees of the ſaid College, in Manner and Form following; that is to ſay, They the ſaid Truſtees have agreed to admit, and do, for themſelves and their Succeſſors, hereby admit the Right of His ſaid Majeſty, of, in, and to all and ſingular the ſaid Piece or Parcel of Ground called *Maidenſtone Hill*, and every Part thereof, as being Parcel of, and belonging to His Majeſty's Royal Manor of *Eaſt Greenwich*; in conſideration of which Admiſſion, he, the ſaid *Peter Burrell*, as Surveyor-general for and on Behalf of His ſaid Majeſty, doth hereby agree with the ſaid Truſtees, and their Succeſſors, that they ſhall be releaſed, acquitted, and diſcharged, of and from all Accounts, Claims, and Demands whatſoever, for or in reſpect of any Rent, Profit, or Advantage, which may have been heretofore made by them the ſaid Truſtees, or any Truſtees of the ſaid College for the Time being, for or in reſpect of the ſaid Ground, during the Time they have been in Poſſeſſion thereof, down to the Day of the Date of theſe Preſents: And further, the ſaid *Peter Burrell*, for and on Behalf of His ſaid Majeſty, as aforeſaid, doth hereby further agree with the ſaid Truſtees, that an Act of Parliament ſhall and may be applied for by the ſaid Truſtees, at their Expence, for eſtabliſhing the ſaid Agreement, and for indemnifying them the ſaid Truſtees againſt all Suits, Actions, Coſts, Charges, Damages, and Expences, for or on account of their or any of their Predeceſſors in the ſaid Truſt, having, without any legal Title, entered into the Poſſeſſion of the ſaid Ground, and uſed Acts of Ownerſhip therein; and alſo for enabling the Crown to grant to the ſaid Truſtees a Leaſe of the ſaid waſte Ground, and the Houſes thereon erected, for the Term of Fifty Years, without Fine, and to renew ſuch Leaſe thereof, from Time to Time, for any further Term or Terms, not exceeding Fifty Years each: And further, That on ſuch Act of Parliament being obtained, ſuch Leaſe of the ſaid Premiſes, with apt and proper Deſcriptions to aſcertain the Quality and Boundaries thereof, ſhall be granted to the ſaid Truſtees for the Term aforeſaid, reſerving in ſuch Leaſe, as a Rent, One-third Part of the net annual Income which the ſaid Truſtees now receive from the ſaid Premiſes; and in caſe His Majeſty, or His Heirs and Succeſſors, ſhall be pleaſed to renew ſuch Leaſe, that One-third Part of the net annual Income, which the Truſtees of the ſaid Charity for the Time being ſhall then receive, ſhall be reſerved in ſuch renewed Leaſe or Leaſes as a yearly Rent: And it is hereby agreed between all the ſaid Parties to theſe Preſents, That in the ſaid Leaſe or Leaſes ſhall be contained proper Covenants or Clauſes for reſtraining the ſaid Truſtees, and their Succeſſors, from erecting any Buildings whatſoever on any Part of the Top or Plain of the ſaid Hill called *Maidenſtone Hill*, or incloſing any Part of the ſaid Top or Plain, without the Conſent and Approbation of the Crown, ſignified in Writing by the Lords Commiſſioners of His Majeſty's Treaſury for the Time being; and alſo for reſtraining the ſaid Truſtees from digging and carrying away any of the Soil, Chalk, Lime-ſtone, or Gravel, of the ſaid Hill or waſte Ground, or any Part thereof; and alſo for reſtraining the ſaid Truſtees from taking any Fine or Fines for Building Leaſes, or for Renewals of any Leaſes of any Houſes already built upon the ſaid Hill or Waſte. And laſtly, it is hereby agreed by and between the ſaid Parties, That theſe Preſents ſhall be made a Rule of His Majeſty's Court of *Exchequer* in the above-mentioned Cauſes, and that thereupon all further Proceedings in the ſaid Cauſes ſhall be ſtayed. In Witneſs whereof, the ſeveral Parties before named have hereunto interchangeably, ſet their Hands and Seals, the Day and Year firſt above written. *Peter Burrell*,—— *John March*, *Richard Chiſwell*, *William Clarke*, *William Cooper*, *Samuel Smith*, *William Ewer*, *James Lee*.' And whereas Your Majeſty hath been moſt graciouſly pleaſed to ſignify Your Conſent that the ſaid Articles of Agreement may be carried into Execution; may it therefore pleaſe Your moſt Excellent Majeſty, (at the humble Requeſt of the ſaid Truſtees) that it may be enacted; **and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Articles of Agreement be, and the ſame are hereby ratified, confirmed, and eſtabliſhed.**

ratified and eſtabliſhed.

Truſtees acquitted, releaſed, and indemnified againſt all Actions.

II. **And be it further enacted, That, in conſideration of the ſaid Truſtees admitting the Right of His ſaid Majeſty, of, in, and to all and ſingular the ſaid Piece or Parcel of Ground called** Maidenſtone Hill, **and every Part thereof, as being Parcel of and belonging to His Majeſty's ſaid Royal Manor of** Eaſt Greenwich, **in the County of** Kent, **they the ſaid Truſtees, their Heirs and Aſſigns, and all other Perſon and Perſons who have heretofore been, or ſhall hereafter be, Truſtees of the ſaid College, their and each and every of their Heirs, Executors, and Adminiſtrators, ſhall be, and they are hereby releaſed, acquitted,** and diſcharged, as againſt His ſaid Majeſty, His Heirs or Succeſſors, of and from all Accounts, Claims, and Demands whatſoever, for or in reſpect of any Rent, Profit, or Advantage, which hath been, or may have been, made or had by the ſaid preſent Truſtees, or any of them, or any Treaſurer, or other Officer appointed by them, or any Perſon acting by or under their Authority, or by any former Truſtee or Truſtees of the ſaid College for the Time being, or by any Treaſurer, or other Officer, by them appointed, or any Perſon acting by or under their Authority for or from, or in reſpect of the ſaid Hill called Maidenſtone Hill, or any Part thereof, during the Time that he the ſaid Sir John Morden, or any Perſon claiming under him, or the Truſtees of the ſaid Charity for the Time being, or their Tenant or Tenants, has or have been in the Poſſeſſion or Occupation thereof, previous to, and until the Day of the Date of the ſaid Articles of Agreement; and that the ſaid preſent Truſtees, and every of them, and their Treaſurer, and all and every other Officer and Perſon employed by them, or any of them, or acting by or under their Authority, ſhall be and are, and is and are hereby indemnified and ſaved harmleſs againſt all Suits, Actions, Coſts, Charges, Damages, and Expences, for or on account of their, or any of their Predeceſſors in the Truſt of the ſaid Charity, or any Perſon employed by them, or acting by or under their Authority, having, without any legal Title, entered into Poſſeſſion of the ſaid Hill called Maidenſtone Hill, and received the Rents, Iſſues, and Profits thereof, or exerciſed Acts of Ownerſhip therein; and alſo againſt all Suits, Actions, Coſts, Charges, and Demands, which may be commenced, had, or made, againſt them, or any of them, touching, or by Means of their having entered into the ſaid Agreement, and all Acts done, or to be done, by them, or any of them, in purſuance thereof.

Truſtees for the Time being to pay One-third Part of the clear net annual Income, by Quarterly Payments, into the Exchequer, &c.

On *June* 24, *Sept.* 29, *Dec.* 25, and *March* 25.

III. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful to and for the King's moſt Excellent Majeſty, His Heirs or Succeſſors, at any Time or Times hereafter, by any Letters Patent, Indenture or Indentures, under the Great Seal of Great Britain, hereafter to be made, to grant and demiſe unto the ſaid John March, Richard Chiſwell, William Clarke, William Cooper, Samuel Smith, William Ewer, and James Lee, Eſquires, the ſaid preſent Truſtees of the ſaid College, or unto the Truſtees of the ſaid College for the Time being, all that the ſaid Waſte or Hill called Maidenſtone Hill, and the Houſes and other Buildings erected thereon, to hold to them the ſaid Truſtees, and their Aſſigns, for the Term of Fifty Years, without any preſent Fine to be ſet, impoſed, or paid to His ſaid Majeſty, His Heirs or Succeſſors, for the ſame, yielding and paying therefore yearly to His ſaid Majeſty, His Heirs or Succeſſors, as a Rent, One-third Part of the clear net annual Income which they now receive for the ſaid Premiſes; the ſame to be paid by the ſaid Truſtees, their Heirs and Aſſigns, by even Quarterly Payments; that is to ſay, On the Twenty-fourth Day of June, the Twenty-ninth Day of September, the Twenty-fifth Day of December, and the Twenty-fifth Day of March, in each and every Year during the ſaid Term, into the Receipt of His Majeſty's Exchequer at Weſtminſter, or into the Hands of the King's Bailiff or Receiver-general of the County of Kent for the Time being: And that it ſhall alſo be lawful to and for the King's moſt Excellent Majeſty, His Heirs or Succeſſors, at any Time or Times hereafter, by any other Letters Patent, Indenture or Indentures, under the Great Seal of Great Britain, hereafter to be made, to grant and demiſe unto the Truſtees of the ſaid College for the Time being the ſaid Waſte or Hill called Maidenſtone Hill, and the Houſes and other Buildings erected, or to be erected, thereon, to hold for any further Term or Terms of Years, not exceeding Fifty Years each; the ſaid Truſtees yielding and paying therefore yearly, and every Year, during the further ſeveral and reſpective Term or Terms of Years for which ſuch Grant or Demiſe ſhall reſpectively be made, unto His ſaid Majeſty, His Heirs and Succeſſors, One-third Part of the clear net annual Income, which at the reſpective Time or Times of the making any ſuch ſubſequent Grant or Demiſe the then Truſtees of the ſaid College ſhall receive for the ſaid Premiſes, the ſame to be paid at the Times and in Manner before mentioned; which ſaid reſpective yearly Rent or Rents ſhall be, during His preſent Majeſty's Life, carried to, and made Part of, the General and Aggregate Fund, eſtabliſhed by the Act made in the Firſt Year of the Reign of His Majeſty King George the Firſt, and be, during the ſaid Term, iſſued and applied to the Uſes to which the ſaid Fund is or ſhall be made applicable.

to be carried to Aggregate Fund 1 *Geo.* I.

Reſtrictions,

IV. Provided neverthleſs, That in every ſuch Leaſe or Demiſe ſo to be granted, as aforeſaid, there ſhall be contained proper Covenants or Clauſes for reſtraining the ſaid Truſtees, and the Truſtees of the ſaid College for the Time being, from erecting any Buildings whatever on any Part of the Top or Plain of the ſaid Hill called Maidenſtone Hill, and from incloſing any Part of the ſaid Top or Plain without the Conſent and Approbation of His Majeſty, His Heirs or Succeſſors, ſignified in Writing by the High Treaſurer, or any Three or more of the Commiſſioners of the Treaſury for the Time being; and alſo for reſtraining them from digging and carrying away any of the Soil, Chalk, Lime-ſtone, or Gravel, of the ſaid Hill or waſte Ground, or any Part thereof; and alſo for reſtraining them from taking any Fine or Fines for Building Leaſes, or for Renewals of any Leaſes of any Houſes already built, or to be built, on the ſaid Hill or Waſte, or any Part thereof.

1 *Anne* notwithſtanding.

V. And be it further enacted by the Authority aforeſaid, That ſuch Grant or Grants, Demiſe or Demiſes, of the ſaid Waſte or Hill called Maidenſtone Hill, and of the Houſes and other Buildings erected thereon, as ſhall be made by His Majeſty, His Heirs or Succeſſors, by any Letters Patent, Indenture or Indentures, under the Great Seal of Great Britain, in purſuance of this Act, ſhall be, and is and are hereby enacted to be good and effectual in the Law, according to the Tenor and Purport thereof in the ſaid Letters Patent, or Indenture or Indentures, to be expreſſed, notwithſtanding any Reſtriction, or Matter, or Thing, contained in an Act of Parliament, made in the Firſt Year of the Reign of Her late Majeſty Queen Anne, intituled, An Act for the better Support of Her Majeſty's Houſhold, and of the Honour and Dignity of the Crown, or any other Law or Statute, or any Miſrecital, Nonrecital, Omiſſion, or other Defect in the ſaid Letters Patent, Indenture or Indentures, hereafter to be made, in any-wiſe notwithſtanding.

Allowance by the Founder's laſt Will,

VI. And whereas the ſaid Sir *John Morden*, by his ſaid laſt Will and Teſtament, ordered and directed, that there ſhould be placed in his ſaid College ſo many poor Merchants as the then yearly Rents and Revenot adequate to Attendance of the ſaid Officers.

nue of his Eſtates would maintain, allowing to each Merchant Twenty Pounds a Year, to be laid out in Proviſions and Neceſſaries, as is therein particularly preſcribed, and that a Treaſurer ſhould be appointed to collect and get in the Rents, Iſſues, and Profits, of his real Eſtates, and to ſett and lett the ſame, and to pay the clear Produce in the Manner directed by the ſaid Will; and that there ſhould alſo be a reſident Chaplain, to officiate daily in the Chapel of the ſaid College; and by his ſaid Will directed, that the yearly Sum of Forty Pounds ſhould be paid to the ſaid Treaſurer, and the Sum of Thirty Pounds yearly to the Chaplain, for their Pains, Labour, and Attendance, in the due Execution of their reſpective Offices: And whereas the ſaid Teſtator, by a Codicil annexed to his ſaid Will, reduced the Penſion payable to each poor Merchant to Fifteen Pounds a Year: And whereas it has been found by Experience, that the ſaid yearly Sums directed to be paid to the ſaid Treaſurer and Chaplain are by no Means adequate to the Care, Pains, and Attendance, which a due Execution of the ſaid Offices will neceſſarily require, and that the ſaid Penſions of Fifteen Pounds a Year are too ſmall and inadequate to induce Merchants of a liberal Education, who have fallen to Decay by unavoidable Accidents and unforeſeen Events, and are aged and infirm, to apply to partake of the ſaid Charity; for Remedy whereof, and to the End that proper Perſons may be encouraged to apply for Admiſſion into the ſaid College, and the pious charitable Intentions of the ſaid Sir *John Morden* more effectually carried into Execution; be it further enacted, That it ſhall and may be lawful, at any Time or Times hereafter, to and for the Truſtees of the ſaid College for the Time being, and they are hereby authoriſed and impowered to increaſe the Salaries payable to the ſaid Treaſurer and Chaplain reſpectively to ſuch Sum and Sums of Money as they ſhall think proper and reaſonable, not exceeding Fifty Pounds yearly; and alſo to increaſe the Penſions payable to each poor Merchant admitted, or to be admitted, into the ſaid College, to ſuch Sum or Sums of Money as they ſhall think proper and reaſonable, not exceeding the Sum of Forty Pounds to each poor Merchant yearly; any Reſtriction contained in the Will or Codicil of the ſaid Sir John Morden to the Contrary thereof in any-wiſe notwithſtanding.

Exception.

VII. Saving to all and every Perſon and Perſons whatever, their Heirs, Executors, and Adminiſtrators, and all Bodies Politick and Corporate, and their Succeſſors, (other than and except the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and the Truſtees of the ſaid College for the Time being) all ſuch Eſtate, Right, Title, and Intereſt of, in, to, or out of the ſaid Premiſes called Maidenſtone Hill, and every or any Part thereof, as they or any of them have, or might have had, if this Act had not been made.

CAP. XI.

An Act for further continuing Two Acts, made in the Sixth and Ninth Years of His Majeſty's Reign, for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters, in His Majeſty's Dominions in *America*.

CAP. XII.

An Act for better paving the Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, in that Part of *Goodman's Fields*, which lies in the Pariſh of *Saint Mary Matfellon*, otherwiſe *Whitechapel*, in the County of *Middleſex*, and alſo *Red Lion Street* and *White Lion Street*, lying contiguous to the ſaid *Fields*, and for removing and preventing Nuiſances, Annoyances, and Obſtructions therein.

Preamble.

Commiſſioners appointed.

In caſe of Death, Refuſal, or Removal,

other Commiſſioners to be choſen,

WHEREAS the Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, in that Part of *Goodman's Fields*, (being Part of the Manor or reputed Manor of *Barnes*, in the County of *Middleſex*, and City of *London*), which lies in the Pariſh of *Saint Mary Matfellon*, otherwiſe *Whitechapel*, in the ſaid County of *Middleſex*, and the Streets called *Red Lion* and *White Lion Streets*, lying contiguous to the ſaid Fields, are very ill paved and ruinous, and the Paſſage thereof is greatly obſtructed by many Nuiſances and Annoyances therein: And whereas it would be of great Benefit and Advantage to the Inhabitants of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, and to all Perſons reſorting thereto, or paſſing through the ſame, if the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, were properly paved, and all Nuiſances, Annoyances, and Obſtructions therein, were removed and prevented for the future; and the Inhabitants of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, are willing to pave the ſame at their own Expence; but as the ſame cannot be effected without the Aid of Parliament, may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That Harry Akerman, William Complin, Richard Cole, John Coverley, Thomas Dickaſon, Thomas Farrer, William Garratt, George Garratt, Edward Hawkins, Samuel Hawkins, George Hayley, Edward Hopkins, John Hawes, John Harris, Thomas Jordan, Leonard Lefevre, William Loney, Joſeph Langfer, John Lafont, John Long, Job Mathew, Abraham de Mattos Mocata, Thomas Maſſa, William Mills, Robert Newcome, John Pott, George Prior, Caſten Rhode, Charles Raikes, William Reynolds, George Ruſſell, Joſeph Rickards, Robert Cartwright Smith, William Scullard, David Samuda, Claude Scott, Thomas Slack, John Spieker, Abjohn Taylor, John Townſend, Samuel Wood, John Willes, Stephen Wear, Robert Wilſon, James Waller, and Peter Walker, and their Succeſſors, being Inhabitants of ſome or One of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, to be elected in Manner herein-after mentioned, ſhall be, and they are hereby appointed Commiſſioners for putting this Act in Execution: And in caſe any of the ſaid Commiſſioners ſhall happen to die, or ſhall neglect or refuſe to act for the Space of One Year, or ſhall remove out of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, it ſhall be lawful for the ſurviving or remaining Commiſſioners, or any Ten or more of them, from Time to Time, by Writing under their Hands and Seals, to elect One other Perſon or Perſons to be a Commiſſioner or Commiſſioners, in the Room and Stead of the Commiſſioner or Commiſſioners ſo dying or refuſing to act, or removing, Ten Days Notice of the Time and Place of Meeting for every ſuch Election being given, by affixing the ſame in Writing upon the principal Door of the Pariſh Church of Saint Mary Whitechapel, and alſo by Advertiſement in ſome or One of the publick News-papers; and every Perſon or Perſons ſo elected ſhall be, and is and are hereby veſted with the ſame Powers for putting this Act in Execution, as the Perſon or Perſons in whoſe Place he or they ſhall be elected was or were veſted with.

II. And

Qualification of Truſtees.

II. And be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be an Inhabitant of ſome or One of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, and unleſs he ſhall, in his own Right, or in the Right of his Wife, be in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, or poſſeſſed of or intitled to a perſonal Eſtate of the Value of One thouſand Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds, together with Coſts of Suit, to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed, and wherein the Proof of Qualification ſhall lie on the Perſon proſecuted; and it ſhall be ſufficient for the Proſecutor to prove that the Perſon ſo proſecuted had acted as a Commiſſioner in the Execution of this Act.

Perſons acting not qualified to forfeit 50 l.

No Victualler to act as a Commiſſioner.

III. And be it further enacted, That no Perſon who ſhall ſell Ale, Wine, or any Spirituous or Fermented Liquors by Retail, ſhall be capable of acting as a Commiſſioner under this Act.

First Meeting.

IV. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall meet together at the Veſtry Room of the ſaid Pariſh at Ten of the Clock in the Forenoon, on the Third *Thurſday* next after the paſſing of this Act, and ſhall then and there proceed to the Execution of this Act; and they are hereby impowered to adjourn themſelves, from Time to Time, to meet at the ſame Place, or at ſuch other Place in the ſaid Pariſh of *Saint Mary Whitechapel*, as the ſaid Commiſſioners, or any Five or more of them, ſhall, from Time to Time, think fit: And if at any Meeting ſo appointed there ſhall not appear a ſufficient Number of Commiſſioners to act, or adjourn to another Day, or in caſe the ſaid Commiſſioners ſo aſſembled ſhall omit, neglect, or refuſe to adjourn themſelves; then, and in every ſuch Caſe, any Two of the ſaid Commiſſioners, or the Clerk to the ſaid Commiſſioners, ſhall appoint a Meeting of the ſaid Commiſſioners, to be held within Seven Days after, at the ſame Place; publick Notice whereof ſhall be given, by affixing the ſame in Writing on the principal Door of the Pariſh Church aforeſaid, at leaſt Four Days before ſuch Meeting.

Commiſſioners how to adjourn.

Manner of adjourning.

No Order valid unleſs at a publick Meeting, nor ſhall any Commiſſioner enjoy Offices.

V. Provided always, That no Order or Determination of the ſaid Commiſſioners, or any of them, ſhall be valid unleſs the ſame ſhall be made at a Meeting held in purſuance of this Act; nor ſhall any Commiſſioner hereby appointed, or hereafter to be appointed, as aforeſaid, be capable of acting as ſuch during the Time he ſhall enjoy any Office or Profit by virtue of the Powers given by this Act, or have any Share or Intereſt in any Contract relating to the Execution thereof.

Commiſſioners may appoint Officers;

VI. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall and may, by any Writing under their Hands and Seals, appoint One or more Clerk or Clerks, Surveyor or Surveyors, or Inſpector, and ſuch other Officers for the Execution of this Act, as they ſhall think proper, and from Time to Time remove him or them, and appoint others, as they ſhall find neceſſary or convenient; and by and out of the Money to be raiſed by virtue of this Act, pay ſuch Salaries and Allowances to ſuch Officers, and to all other Perſons by them the ſaid Commiſſioners employed in the Execution of this Act, as they ſhall think reaſonable; and the ſaid Commiſſioners, or any Five or more of them, ſhall take ſuch Security for the Execution of the reſpective Offices, by ſuch Perſon and Perſons as aforeſaid, as the ſaid Commiſſioners, or any Five or more of them, ſhall think proper: And all and every ſuch Perſon and Perſons as is or are hereby made liable to pay the ſeveral Rates or Sums of Money hereby granted, ſhall pay the ſame to ſuch Perſon or Perſons as ſhall, from Time to Time, be appointed to collect or receive the ſame, as herein-after mentioned: And all ſuch Officers and Perſons ſo to be appointed as aforeſaid, ſhall, under their Hands, at ſuch Times, and in ſuch Manner, as the ſaid Commiſſioners, or any Five or more of them, ſhall direct, deliver to ſuch Commiſſioners true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all Monies which ſhall have been by them reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof has been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint: And all the ſaid Officers and Perſons ſo accounting as aforeſaid, ſhall upon Oath, if thereunto required, (which Oath the ſaid Commiſſioners, or any Two or more of them, are hereby impowered to adminiſter), verify their ſaid Accounts: And if any Officer or Perſon ſhall not make and render, or ſhall refuſe to verify upon Oath any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make ſuch Payment, as aforeſaid, or ſhall not deliver to the ſaid Commiſſioners, or any Two or more of them, or to ſuch Perſon or Perſons as they ſhall appoint, within Seven Days after being thereunto required, by Notice in Writing under the Hands of any Two or more of the ſaid Commiſſioners, all Books, Papers and Writings, in his Cuſtody or Power, relating to the Execution of this Act, or ſhall refuſe or neglect to pay ſuch Monies as, upon the Balance of any Account or Accounts, ſhall appear to be in their reſpective Hands to the ſaid Commiſſioners, or any Two or more of them, or as they ſhall direct or appoint; then, and in any of the Caſes aforeſaid, the ſaid Commiſſioners, or any Five or more of them, may and are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Names of the ſaid Commiſſioners, or in the Names of any Two or more of them, againſt the Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing as aforeſaid, in order for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons reſpectively: Or if Complaint ſhall be made by the ſaid Commiſſioners, or any Two or more of them, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to

who ſhall give Security.

Perſons ſubject to be rated, to pay the ſame to ſuch Officers;

who are to account upon Oath, if required.

Commiſſioner impowered to adminiſter Oaths to Officers.

Officers refuſing to account upon Oath, or delivering Books on Seven Days Notice, or refuſing to pay the Balance of the Account, ſubject to be ſued.

On Complaint, Juſtices may call ſuch Officer before them;

and proceed in a ſummary way.

Money found by ſuch Juſtices ſo unaccounted for by the Officers, to be levied by Diſtreſs.

In caſe Diſtreſs not ſufficient, &c.

ſuch Officer refuſing to deliver Books, &c. to be committed,

until Delivery of Books, &c. or of Compoſition with the Commiſſioners.

any Juſtice or Juſtices of the Peace for the County or Place wherein ſuch Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing ſhall be and reſide, ſuch Juſtice or Juſtices may, and is and are hereby authoriſed and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cauſe the Officer or Officers, Perſon or Perſons, ſo refuſing or neglecting, to be brought before him or them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a ſummary Way: And if upon the Confeſſion of the Party or Parties, or by the Teſtimony of any One or more credible Witneſs or Witneſſes upon Oath, before ſuch Juſtice or Juſtices, (which Oath he or they are hereby impowered to adminiſter), it ſhall appear to ſuch Juſtice or Juſtices that any of the Monies that ſhall have been collected or raiſed by virtue of this Act ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice or Juſtices may, and he and they is and are hereby authoriſed and required, upon the Non-payment thereof, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons, offending in the Premiſes reſpectively: And if no Goods or Chattels of ſuch Officer or Officers, Perſon or Perſons, can be found ſufficient to anſwer and ſatisfy ſuch Money, and the Charges of ſuch Diſtreſs and Sale; or in caſe it ſhall appear to ſuch Juſtice or Juſtices, by the Confeſſion of the Party ſo offending, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice or Juſtices is and are hereby impowered to adminiſter,) that any Books, Papers, or Writings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of any ſuch Officer or Perſon, and he ſhall refuſe to deliver the ſame, as aforeſaid; then, and in either of the ſaid Caſes, ſuch Juſtice or Juſtices ſhall commit every ſuch Offender to the common Gaol of the County or Place where ſuch Offender ſhall be and reſide, there to remain without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment, as aforeſaid, or until he ſhall compound with the ſaid Commiſſioners, or any Five or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint; which Compoſition the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to make; and until he ſhall deliver up ſuch Books, Papers, and Writings, as aforeſaid, or give Satiſfaction in reſpect thereof to the ſaid Commiſſioners, or any Five or more of them.

Commitment to be no longer than Six Months.

VII. Provided always, That no Perſon who ſhall be committed on account of his having no Goods or Chattels, ſhall be committed for any Term longer than Six Months.

Executors to account,

and the Money in their Hands belonging to the Truſt to be paid in Preference.

VIII. And be it further enacted, That upon the Death of any ſuch Officer, or other Perſon to be appointed, as aforeſaid, his Executors or Adminiſtrators ſhall, within Twenty-one Days next after ſuch Deceaſe, deliver to the ſaid Commiſſioners under this Act, or any Two or more of them, an Account in Writing, under his, her, or their Hand or Hands, of the Monies collected or received by the Perſon ſo deceaſed, for the Purpoſe of this Act; and ſhall alſo deliver all Books, Papers, and Things concerning his Office to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Five or more of them, by Writing under their Hands, ſhall appoint to receive the ſame; and ſuch Money, if any due, ſhall be paid by the Executors or Adminiſtrators of the Perſons ſo deceaſed, in Preference to and before any of his or their other Debts are paid or ſatiſfied.

Officers taking other Fees than allowed, or being concerned in any Bargain, to be diſqualified, and forfeit 100 l.

Action to be brought within 6 Months.

IX. And be it further enacted, That if any Perſon or Perſons who ſhall be employed by the ſaid Commiſſioners as a Clerk, Surveyor, or any other Officer or Servant, in the putting this Act, or any of the Powers herein contained, in Execution, ſhall exact, take, or accept, by any Ways or Means whatſoever, any Fee or Reward whatſoever, other than ſuch Salaries, Allowances, and Rewards, as ſhall be appointed, allowed, and approved of by the ſaid Commiſſioners, or any Five or more of them, for or on account of any Thing done, or to be done, by virtue of this Act, or on any account whatſoever, relative to the putting this Act in Execution; or ſhall be, by any Ways or Means concerned or intereſted in any Bargain, Contract, or Agreement, made, or to be made, by the ſaid Commiſſioners, or any Five or more of them, for the Purpoſes of putting this Act in Execution; every ſuch Perſon or Perſons ſo offending ſhall be diſqualified, and be for ever incapable of ſerving or being employed by or under the Commiſſioners appointed by this Act, and ſhall forfeit and pay the Sum of One hundred Pounds to any Perſon or Perſons who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, within Six Calendar Months after the Offence committed; in which no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Pavements veſted in Commiſſioners.

X. And be it further enacted, That from and after any or either of the Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, which by this Act are to be repaved, relayed, or repaired, ſhall actually be begun to be repaved, relayed, or repaired, the Property of all the preſent and future Pavements in the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, as well in the Foot-ways as Carriage-ways, and of all Materials, Implements, and other Things, to be purchaſed for the Purpoſes of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners; and they, or any Five or more of them, are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name or Names of any Two or more of them the ſaid Commiſſioners, or in the Name of their Treaſurer or Clerk, or to prefer any Bill or Bills of Indictment, in any ſuch Name or Names, as the Caſe ſhall require, againſt any Perſon or Perſons whomſoever, who ſhall ſteal, purloin, or by any Ways or Means carry away, ſpoil, injure, or deſtroy, or cauſe to be ſtolen, purloined, taken, carried away, ſpoiled, injured, or deſtroyed, the ſame, or any Part or Parts thereof; and the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power and Authority to ſell [illegible] Parts of the old and uſeleſs Materials, to ſuch Perſon [illegible] purchaſe the ſame, at ſuch Price or Prices as the ſaid [illegible] them, ſhall think reaſonable; and the Money ariſing [illegible] and the ſame Purpoſes as the Monies ariſing from [illegible] this Act directed to be made are to be applied.

Streets to be paved.

XI. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power and Authority, from Time to Time, to cauſe, order, and direct, all or any of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, to be new paved, repaired, relayed, raiſed, lowered, or altered, when, and as often, and in ſuch Manner and Form, and with ſuch Materials, as the ſaid Commiſſioners, or any Five or more of them, ſhall think fit; and alſo to be freed from all Annoyances, Nuiſances, Incroachments, and Obſtructions whatſoever; and for ſuch Purpoſes may, from Time to Time, cauſe to be dug, carted, and carried out of, or brought into the ſame, or any of them, ſuch Gravel, Stones, and other Materials, as they ſhall judge neceſſary; and may likewiſe cauſe the Water-pipes, which now lie, or hereafter ſhall be laid under Ground, to be taken up and new-laid in ſuch Places, Manner, and Form, as they the ſaid Commiſſioners, or any Five or more of them, ſhall judge beſt, and to employ ſuch Artificers, Workmen, and other Perſons, and to iſſue ſuch Money on thoſe Accounts, and to do all and every ſuch other Acts and Things as the ſaid Commiſſioners, or any Five or more of them, ſhall judge neceſſary, fit, or reaſonable, for effectually carrying the Purpoſes of this Act into Execution.

Commiſſioners may make Contracts,

XII. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, may, and are hereby impowered, from Time to Time, and at all Times hereafter, as Occaſion ſhall require, to contract with any Perſon or Perſons, for paving, relaying, repairing, raiſing, lowering, amending, altering, and keeping in Repair, all or any of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, and for the ſeveral Works hereby directed to be performed, or any of them; which Contract and Contracts ſhall ſpecify the ſeveral Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſaid Works ſhall be completed, and the Penalties to be ſuffered in caſe of Non-performance thereof; and ſuch Contract or Contracts ſhall be ſigned by the ſaid Commiſſioners, or any Five or more of them, and by the Perſon or Perſons contracting to perform ſuch Works; but previous to the making of any ſuch Contract, Ten Days Notice ſhall be given in ſome publick News-paper, expreſſing the Intention of ſuch Contract, in order that any Perſon or Perſons willing to undertake the ſame may make Propoſals for that Purpoſe to the ſaid Commiſſioners, at a certain Time and Place in ſuch Notice to be mentioned.

giving ten Days Notice in the publick News-papers.

Paviors, Carters, &c. to be appointed.

XIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, to employ ſuch and ſo many Paviors, Artificers, Workmen, Labourers, Carters, and others, in the reſpective Works aforeſaid, as they ſhall judge neceſſary for the due Execution of ſuch Works; and no Perſon or Perſons ſhall, for any Act done in conſequence of his or their being ſo employed by order of the ſaid Commiſſioners, be ſubject or liable to any Action, Indictment, or Information, upon the Statute made in the Fifth Year of the Reign of Queen Elizabeth, intituled, *An Act containing divers Orders for Artificers, Labourers, Servants of Huſbandry, and Apprentices.*

Diſputes about Wages of Workmen, how ſettled.

XIV. And be it further enacted, That if any Diſpute ſhall ariſe with reſpect to the Wages of ſuch Paviors, Artificers, Workmen, or Labourers, employed on or about the ſaid Pavement, it ſhall and may be ſettled by any One of His Majeſty's Juſtices of the Peace for the County of Middleſex, or for the Liberty of His Majeſty's Tower of London, in a ſummary Way, whoſe Determination ſhall be final.

Penalty on obſtructing Workmen.

XV. And be it further enacted, That if any Perſon or Perſons ſhall at any Time or Times obſtruct, hinder, or moleſt any Surveyor or Surveyors, or other Officer or Officers, Workmen, Perſon or Perſons whomſoever, who are or ſhall be employed by virtue of this Act, in the Performance or Execution of his or their Duty, every ſuch Perſon ſo offending ſhall, for the Firſt Offence, forfeit the Sum of Five Pounds, for the Second Offence the Sum of Ten Pounds, and for the Third, and every other Offence, the Sum of Twenty Pounds.

Water-pipes breaking, how to be repaired.

XVI. And be it further enacted, That when and ſo often as any Pipe or Pipes belonging to any Water Companies who do or ſhall furniſh any Part of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages with Water, (which now lie, or hereafter ſhall be laid under Ground, ſhall break, burſt, or decay, ſo as to require Reparation), the Surveyor for the Time being to the Commiſſioners, or ſuch other Perſon as the ſaid Commiſſioners, or any Five or more of them, ſhall appoint for that Purpoſe, ſhall forthwith give immediate Notice thereof to the Pavior of the Water Company to whom he apprehends ſuch Pipe or Pipes, does, do, or may belong, who is hereby required to take up the Pavement and open the Ground, at or near the Place where ſuch Reparation ſhall appear to be wanting; and if, upon taking up of the Pavement and opening the Ground, it ſhall appear that the Pipe or Pipes ſo broken, burſt, or decayed, do not or doth not belong to the Water Company whoſe Pavior ſhall have taken up ſuch Pavement and opened ſuch Ground; then, and in every ſuch Caſe, the Surveyor, or other Perſon as aforeſaid, ſhall give immediate Notice in Writing to the Pavior of that Company to whom it ſhall appear that the ſaid Pipe or Pipes do or doth belong, ſuch Notice to be given or left with ſuch Pavior, or at his laſt or uſual Place of Abode, and the Pavior of the Company to whom ſuch Pipe or Pipes ſhall belong is hereby required to repair the ſame, and fill in, and well and ſufficiently ram the Ground, within Two Days after ſuch Notice given or left, as aforeſaid; and ſhall alſo, within Twenty-four Hours after ſuch Pipe ſhall be repaired and the Ground filled in, give Notice in Writing to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor or other Perſon aforeſaid, of ſuch Pipe or Pipes being repaired, and ſuch Ground being filled in, ſuch Notice to be given to ſuch Contractor, Surveyor, or other Perſon, or left at his or their laſt or uſual Place of Abode: And in caſe it ſhall happen that the Pavior who firſt receives Notice to take up the Pavement and open the Ground for the Purpoſes aforeſaid, ſhall take up ſuch Pavement and open ſuch Ground, and it ſhall then be diſcovered that the Pipe or Pipes which is, are, or ſhall be burſt, broken, or decayed, do or doth not belong to the Company to whom he is Pavior; that then, and in ſuch Caſe, the Pavior of the Company to whom ſuch Pipe or Pipes do or doth belong, ſhall make Satiſfaction to the Pavior who ſo took up ſuch Pavement and opened ſuch Ground for ſuch Work: And in caſe the Pavior, to whom ſuch Notice ſhall be ſo given to take up ſuch Pavement and open ſuch Ground, ſhall neglect or refuſe to do the ſame within Twenty-four Hours after Notice given, he ſhall for the Firſt Offence forfeit and pay the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third, and every other Offence, the Sum of Four Pounds; and in caſe the Pavior of the Company to whom ſuch Pipe or Pipes ſo broken or decayed ſhall belong ſhall neglect or refuſe to repair and amend the ſame, and fill in and well and ſufficiently ram the Ground ſo taken up, for the Space of Twenty-four Hours next after ſuch Notice given, or ſhall neglect to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor to the ſaid Commiſſioners, or to ſuch other Perſons as aforeſaid, ſuch Pavior ſhall, for the Firſt Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third, and every other Offence, the Sum of Four Pounds: And if the Perſon or Perſons contracting with the ſaid Commiſſioners to relay ſuch Pavements ſo broken or taken up for the Reaſons aforeſaid, ſhall neglect or refuſe to relay ſuch Pavement in a good, ſufficient, and effectual Manner, within Twenty-four Hours after ſuch Notice given to him as aforeſaid; or if the Surveyor or other Perſon to whom ſuch Notice ſhall be given, ſhall neglect to acquaint the Contractor or other proper Perſon or Perſons of ſuch Notice; then, and in every ſuch Caſe, the Perſon or Perſons ſo offending ſhall, for the Firſt Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third, and every other Offence, the Sum of Four Pounds.

Company having no Pavior, Notice to be given to the Clerk.

XVII. Provided always, That if it ſhall happen that at any Time there ſhall be no regular or fixed Appointment of a Pavior of any of the Water Companies, in that Caſe ſuch Notice as aforeſaid ſhall be delivered to or left at the Office of the Clerk or Secretary of ſuch Company reſpectively, who ſhall in every ſuch Caſe be ſubſtituted in the Room of ſuch Pavior to all the Intents and Purpoſes aforeſaid.

Paviors of Water Companies to give Notice where they live.

XVIII. And be it further enacted, That every Pavior now appointed, or hereafter to be appointed, by the ſaid ſeveral Water Companies, who ſhall have any Pipe or Pipes laid in, through, or under any of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, ſhall, and he is hereby required, within the Space of One Month next after the paſſing of this Act, or within the Space of Seven Days next after he ſhall be appointed Pavior to ſuch Company or Companies, and within the Space of Three Days next after every Removal of his Abode, to give Notice in Writing to the Surveyor or Clerk for the Time being to the ſaid Commiſſioners, of his the ſaid Pavior's Name and Place of Abode, and to what Company he is Pavior; and in caſe any ſuch Pavior ſhall neglect or refuſe to give ſuch Notice within the reſpective Times aforeſaid, every ſuch Pavior ſo offending in either of the ſaid Caſes ſhall, for the Firſt Offence, forfeit the Sum of Ten Shillings, for the Second Offence the Sum of Twenty Shillings, and for the Third, and every other Offence, the Sum of Forty Shillings.

Notice of taking up Pavement for repairing Sewers, *&c.* or laying Water Pipes, to be given to the Commiſſioners; and the Pavement to be repaired by them, and Parties taking up the Pavement to reimburſe Expences of relaying it.

XIX. And be it further enacted, That when and ſo often as any Part of the Pavement of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, ſhall be taken up for the Purpoſe of making, repairing, altering, cleanſing, or emptying any Sewer, Vault, arched Cellar, or Drain, or of laying, altering, or amending any Water Pipe or Plug, or for any other Purpoſe whatſoever, the Perſon or Perſons ſo taking up ſuch Pavement ſhall, within Twenty-four Hours, give Notice thereof to the Inſpector, Surveyor, or Clerk for the Time being of the ſaid Commiſſioners, in order that the ſame may, with all convenient Speed, be laid down and repaired by and under the Direction of the ſaid Inſpector, Surveyor, or Clerk; and the Charges and Expences thereof ſhall be paid by the ſaid Commiſſioners, or any Five or more of them, and the ſaid Commiſſioners ſhall be reimburſed the ſame by the Perſon or Perſons, Companies of Water-works, or Commiſſioners of Sewers, who ſhall take up, or cauſe or procure to be taken up, the ſaid Pavement, or any Part or Parts thereof.

Commiſſioners may compound with Commiſſioners of Sewers and Water Companies.

XX. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners for putting this Act in Execution, or any Five or more of them, from Time to Time, to compound and agree with the ſaid Companies, or Commiſſioners of Sewers, or other Perſon or Perſons reſpectively, for a certain Sum of Money by the Foot, or other Meaſure, as the ſaid Commiſſioners for putting this Act in Execution, or any Five or more of them, ſhall think reaſonable, in lieu and in ſtead of laying down or repairing ſuch Pavement as ſhall be neceſſarily taken up for any of the Purpoſes aforeſaid.

Commiſſioners of Sewers, Water Companies, or other Perſons, neglecting or refuſing to pay the Monies expended for repairing the Pavements after Notice,

may be ſued in the Name of the Clerk to the Commiſſioners.

Perſons neglecting to give Notice of taking up ſuch Pavement to forfeit 5 *l.*

XXI. And be it further enacted, That in caſe ſuch Perſon or Perſons, Companies of Water-works, or Commiſſioners of Sewers reſpectively, ſhall neglect or refuſe to pay the Monies which the ſaid Commiſſioners ſhall have ſo paid and diſburſed, or what ſhall be due upon ſuch Contract or Compoſition as aforeſaid, within Two Months next after Notice thereof, to be left by the ſaid Surveyor or Clerk at the Dwelling-houſe or laſt Place of Abode of ſuch Perſon or Perſons, or of the Secretary or Secretaries, Clerk or Clerks, of ſuch Companies of Water-works, or Commiſſioners of Sewers reſpectively, which Notice ſhall be in Writing, and ſigned by the Clerk or Surveyor for the Time being of the Commiſſioners for putting this Act in Execution, by Order of the ſaid Commiſſioners, or any Five or more of them, and annexed to the Bill, containing an Account of the Expence of ſuch Repair, or Money due upon ſuch Compoſitions, it ſhall and may be lawful to and for the ſaid laſt-mentioned Commiſſioners, or any Five or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Name or Names of their Clerk, or Two or more of the ſaid Commiſſioners for the Time being, for the Recovery of ſuch Sum or Sums of Money reſpectively; and in caſe ſuch Perſon or Perſons hereby directed to give ſuch Notice to the Surveyor or Clerk for the Time being of the Commiſſioners for putting this Act in Execution, as is before directed, ſhall neglect ſo to do for the Space of Two Days after ſuch Pavement ſhall be ſo taken up, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds.

Commiſſioners may alter Pipes and Plugs, paying for the ſame.

XXII. And be it further enacted, That if, for the Purpoſes of this Act, it ſhall at any Time be found neceſſary to raiſe, ſink, or otherwiſe alter the Poſition of any of the Pumps, Pipes, or Plugs, laid down or placed by any of the ſaid Companies, or by any Perſon or Perſons, or of any of the Leaden or other Pipes which ſhall be laid into or from any of the ſaid Companies Pipes, the ſaid Commiſſioners, or any Five or more of them, ſhall and may, and they are hereby impowered to cauſe the ſame to be done, from Time to Time, and in ſuch Place or Places as they, or any Five or more of them, in their Diſcretion, ſhall think proper; and the ſame ſhall be paid for out of the Monies ariſing by virtue of this Act, and ſhall be done with as little Detriment or Inconvenience to the ſaid Companies, and other Perſons, as the Circumſtances of the Caſe will admit of.

For procuring Water in Time of Fire.

Names of the Turncocks to be delivered in.

Penalty for every Neglect therein.

XXIII. And, for the more eaſy obtaining of Water in Caſes of Fire, be it further enacted, That the ſeveral Water Companies who ſhall ſupply any of the Inhabitants of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, with Water, ſhall, from Time to Time, within the Space of Thirty Days after the paſſing of this Act, or within Seven Days after the Appointment of any Turncock or Turncocks, give Notice in Writing to the ſaid Commiſſioners of the Names and Places of Abode of their reſpective Turncocks, diſtinguiſhing the Diſtricts to which they reſpectively belong; and if any of the ſaid Companies ſhall neglect to give ſuch Notice within the Times aforeſaid, they ſhall, for every ſuch Neglect, forfeit the Sum of Five Pounds; and the ſaid Commiſſioners ſhall, and they are hereby required yearly, to cauſe to be printed and diſtributed among the Houſeholders and Inhabitants of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, a Liſt of the Names and Places of Abode of the ſeveral Turncocks of ſuch Water Companies reſpectively.

Penalty on breaking up Pavements, or laying Obſtructions in the Streets.

XXIV. And be it further enacted, That if any Perſon ſhall, without Authority from the ſaid Commiſſioners, or any Five or more of them, or (in caſe of Exigency) from their Clerk or Surveyor for the Time being, take up or alter, or cauſe to be taken up or altered, any Part of the Pavement of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, or any of them, when new-paved, relayed, or repaired by the ſaid Commiſſioners, for any Purpoſe whatſoever, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds, and ſhall alſo pay the Expences of relaying and reinſtating the ſame, according to the Directions of the ſaid Commiſſioners, or any Five or more of them, or of the Surveyor for the Time being; and the ſaid Forfeiture and Expence ſhall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, in the Names of any Two or more of the ſaid Commiſſioners, or in the Name of their Treaſurer or Clerk, to be commenced within Six Months next after ſuch Offence committed; in which Action or Suit no Protection, Eſſoin, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Courſe of Gutters to be turned, if neceſſary.

XXV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, to direct and cauſe the Courſe of any Gutter or Channel running in, through, or croſs the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, or any of them, to be turned or altered in ſuch Manner as they ſhall think proper, and to direct any Grate or Grates already placed, or hereafter to be placed, over any Sewers, to be removed and replaced in ſuch Manner, and at ſuch Place and Places, as they ſhall think moſt proper; all which ſhall, from Time to Time, be done at the Expence of the ſaid Commiſſioners, and paid for out of the Money ariſing by virtue of this Act; any Law, Uſage, or Cuſtom to the Contrary notwithſtanding.

Where neceſſary to make new Grates, or repair old ones, Commiſſioners of Sewers to pay the Expence.

XXVI. And be it further enacted, That when and ſo often as there ſhall be Occaſion to make new or additional Grate or Grates over any Sewer or Sewers within the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, or to repair or alter any old Grate or Grates belonging to the Commiſſioners of Sewers, or any other Perſon or Perſons, in the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, the ſame ſhall be made new, repaired, or altered, by and at the Expence of the ſaid Commiſſioners of Sewers, or ſuch other Perſon or Perſons to whom the ſame doth or ſhall belong; and the ſame, when ſo made new, repaired, or altered, ſhall be laid down in ſuch Place and Places, and in ſuch Manner and Form, as ſhall be directed by the Surveyor or Clerk to the Commiſſioners for putting this Act in Execution, at the Expence of the ſaid Commiſſioners of Sewers, or ſuch other Perſon or Perſons as aforeſaid: And in caſe the ſaid Commiſſioners of Sewers, or ſuch other Perſon or Perſons, as aforeſaid, ſhall neglect or refuſe ſo to do for the Space of Fourteen Days next after Notice given, or left in Writing with their Clerk or Clerks for the Time being, or with ſuch other Perſon or Perſons as aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners appointed by this Act, or any Five or more of them, or their Surveyor, to cauſe ſuch Grate or Grates as ſhall be neceſſary to be made new, repaired, altered, and laid down, to be ſo made new, repaired, altered, and laid down, the Expence whereof ſhall be reimburſed and paid by the ſaid Commiſſioners of Sewers, or ſuch other Perſons as aforeſaid, or recovered of him, them, or any of them, in like Manner as the Charges and Expences of relaying Pavements is herein-before authoriſed to be recovered.

Sewers, &c. to be repaired by the Commiſſioners of Sewers.

XXVII. And be it further enacted, That when and ſo often as any Sewer or Drain which ſhall be ſituate in or communicate with any of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, ſhall require to be made new, repaired, altered, cleanſed, or emptied; then, and in every ſuch Caſe, the ſaid Commiſſioners of Sewers, or ſuch other Perſon or Perſons to whom ſuch Sewer or Drain ſhall belong, ſhall, within Fourteen Days after Notice in Writing given to, or left for the Surveyor or Clerk for the Time being of the Commiſſioners of Sewers, or ſuch other Perſon or Perſons as aforeſaid, at his or their laſt or uſual Place of Abode, by the ſaid Commiſſioners appointed to put this Act in Execution, or any One or more of them, or by the Surveyor or other Perſon authoriſed by them, make new, effectually repair, cleanſe, or empty ſuch Sewer or Drain, as the Caſe may require; and in Default thereof, it ſhall and may be lawful to and for the ſaid Commiſſioners appointed by this Act, or any Five or more of them, or their Surveyor for the Time being, to cauſe ſuch Sewer or Drain to be made new, repaired, or altered, cleanſed, or emptied, as the Caſe may require, or ſo much thereof as ſhall be neceſſary, the Charges and Expences whereof ſhall be paid by the Commiſſioners for putting this Act in Execution, who ſhall be reimburſed the ſame by the Clerk or Treaſurer for the Time being to the ſaid Commiſſioners of Sewers, or by ſuch other Perſon or Perſons as aforeſaid: And in caſe the ſaid Clerk or Treaſurer to the ſaid Commiſſioners of Sewers, or ſuch other Perſons as aforeſaid, ſhall neglect or refuſe to pay what ſhall have been ſo paid and diſburſed, within Two Months next after Notice thereof ſhall be left at the Dwelling-houſe or laſt Place of Abode of ſuch Clerk or Treaſurer, or other Perſon, which Notice ſhall be in Writing, and ſigned by the Clerk to the Commiſſioners for putting this Act in Execution, and annexed to the Bill containing an Account of ſuch Charges and Expences; it ſhall and may be lawful to and for the Commiſſioners for putting this Act in Execution, or any Five or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name of any Two or more of the ſaid Commiſſioners, or of their Clerk for the Time being, againſt ſuch Clerk or Treaſurer of the ſaid Commiſſioners of Sewers, for the Time being, or ſuch other Perſon or Perſons as aforeſaid, for the Recovery of ſuch Sum or Sums of Money as they ſhall have ſo expended for the Purpoſes aforeſaid; in which Action or Actions no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Commiſſioners to pay for altering Sewers or Drains.

XXVIII. Provided always, That if it ſhall be neceſſary to new-make, alter, or remove any Sewer, Drain, or Grate, in any of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, that ſhall not be publick Sewers, Drains, or Grates, but belonging to private Perſons, ſuch New-making, Alteration, or Removal, ſhall be paid for by the Commiſſioners for putting this Act into Execution out of the Monies to be raiſed by virtue of this Act.

Streets to be watered.

XXIX. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power and Authority to cauſe the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, or any of them, to be watered as often as they ſhall think fit; and alſo to cauſe any Well or Wells to be dug and ſunk, in ſuch Places as they ſhall think proper; and alſo any Pump or Pumps to be erected in or near ſuch Places; and alſo any Pump or Pumps now ſtanding in any of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, to be removed or altered as they ſhall think fit, and to defray the Expences thereof out of the Monies to be raiſed by virtue of, and for the Purpoſes of this Act.

Foot-paths to be ſwept every Day, except *Sunday*.

XXX. And be it further enacted, That every Occupier of any Houſe or Tenement within the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, ſhall, from and after One Month next after the paſſing of this Act, ſweep and clean, or cauſe to be ſwept and cleanſed, the Foot-paths before their reſpective Houſes, Buildings, and Walls, Once in every Day, between the Hours of Six and Ten of the Clock in the Forenoon, (Sundays excepted) upon Pain of forfeiting for every Neglect therein the Sum of Five Shillings.

Waggons *&c.* ſhall not ſtand longer than while loading or unloading;

and any Coach, Carriage, *&c.* obſtructing any Paſſage may be taken and kept till the Owners ſhall pay 10 s. and Charges;

and in Default of Payment within Five Days, to be ſold.

XXXI. And, for the more ſpeedy Removal of ſundry Nuiſances and Obſtructions in the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, be it further enacted, That if any Cart, Waggon, Dray, or other Carriage, ſhall be ſuffered to ſtand or continue in any Part of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, longer than is neceſſary for the loading or unloading thereof; or if any Coach, Chariot, or other Carriage, or any Goods, Materials, or Things whatſoever, ſhall ſtand, be placed, laid, and left in any of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, ſo as to obſtruct the free Paſſage thereof; then, and in every ſuch Caſe, any One or more of the ſaid Commiſſioners, or any One or more of their Officers, ſhall and may ſeize, or cauſe to be ſeized, the Cart, Waggon, Dray, Coach, Chariot, or other Carriage ſo placed, or ſuffered to ſtand or continue, contrary to the true Intent and Meaning of this Act, together with the Horſe or Horſes thereunto belonging, or the Goods, Materials, or Things ſo laid or placed, and left as aforeſaid, and remove the ſame, or cauſe the ſame to be removed, to ſuch Place or Places, as by the ſaid Commiſſioners, or any Five or more of them, ſhall be appointed for that Purpoſe, there to be kept until the Owner or Owners thereof, or his, her, or their known Servant or Servants, ſhall and do claim the ſame, and pay to the Perſon or Perſons in whoſe Cuſtody the ſame ſhall then be the Sum of Ten Shillings, together with the Charges of removing and keeping the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Sum of Ten Shillings and Charges paid, within the Space of Five Days next after ſuch Seizure, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to cauſe the ſame to be ſold, and the Monies ariſing therefrom ſhall be applied to the Purpoſes of this Act.

Penalty on driving any Horſe, Mule, *&c.* or, any Coach, Cart, *&c.* on the Foot-way.

XXXII. And be it further enacted That if any Perſon or Perſons ſhall lead, run, ride, drive, draw, or cauſe to be led, run, driven, or drawn, any Horſe, Mule, or other Beaſt; or any Coach, Chariot, Cart, or Wheel or Wheels, Sledge, Truck, Caſk, Wheel-barrow, or any other Carriage whatſoever, on any Part of the Foot-pavements of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, every ſuch Perſon or Perſons ſhall forfeit, for the Firſt Offence, the Sum of Ten Shillings, for the Second Offence the Sum of Twenty Shillings, and for the Third and every other Offence the Sum of Forty Shillings.

Incloſures may be made for the Purpoſe of Building.

XXXIII. Provided always, and be it further enacted, That any Perſon or Perſons ſhall and may erect or ſet up, or cauſe to be erected or ſet up, in the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, or any of them, any Incloſure, Poſts, Bars, or Rails, or other Matters or Things, for the Purpoſe of making Mortar, and depoſiting Bricks, Lime, or other Materials, for building or repairing any Houſes, Buildings, or other Works; every ſuch Perſon or Perſons firſt obtaining Leave under the Hand of the Surveyor or Clerk for the Time being of the ſaid Commiſſioners, which is is hereby impowered to give, by their Permiſſion, ſigned by Two or more of them; but if any Perſon or Perſons ſhall erect or ſet up, or cauſe to be erected or ſet up, any ſuch Incloſures, Poſts, Bars, or Rails, or any other Matter or Thing, for the Purpoſes aforeſaid, without ſuch Leave firſt had and obtained, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Shillings for every Hour ſuch Incloſure, Matter, or Thing, as aforeſaid, ſhall remain and continue.

Houſes to be numbered, and Names of Streets painted,

Penalty on defacing the ſame.

XXXIV. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, may order and direct the Houſes or other Buildings within the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, or any of them, to be numbered with Figures, placed or painted on the Doors thereof, or on ſuch other Part of the ſaid Houſes and Buildings reſpectively, as they the ſaid Commiſſioners, or any Five or more of them, ſhall think proper; and may alſo order and direct to be engraved, painted, or otherwiſe deſcribed, on a conſpicuous Part of ſome Houſe or other Building, at or near the End or Corner of each of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, the Names by which ſuch reſpective Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, are uſually or properly called or known; and if any Perſon or Perſons ſhall wilfully or maliciouſly deſtroy, injure, obliterate, or deface any ſuch Number, Figure, Name, or Deſcription, or any Part thereof, or cauſe and procure the ſame to be done, and ſhall be convicted thereof, by his or their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, before One or more Juſtice or Juſtices of the Peace acting in and for the County, Liberty, or Place, where ſuch Offence ſhall be committed; every ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

Signs to be removed,

and placed in the Fronts of the Houſes.

Nuiſances.

Penalty on placing Signs otherwiſe, and on Annoyances, firſt Offence 5*l.* &*c.*

XXXV. And be it further enacted, That from and after the Firſt Meeting of the ſaid Commiſſioners, the ſaid Commiſſioners, or any Five or more of them, ſhall and may cauſe all Signs, or other Emblems to denote the Trade or Calling of any Perſon or Perſons which then, or at any Time after, ſhall be placed or hung in any Part of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, to be fixed or placed on the Fronts of ſuch Houſes, Shops, Warehouſes, or Buildings reſpectively, whereunto the ſame ſhall belong; and alſo ſhall and may cauſe all Sign-poſts, Sign-irons, Poſts, Boards, Spouts, Gutters, Pent-houſes, Butchers Gallowſes, or other Things occaſioning any Obſtruction, Nuiſance, or Annoyance in the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, or any of them, to be taken down, removed, or altered, in ſuch Manner as the ſaid Commiſſioners, or any Five or more of them, ſhall think moſt proper and convenient: And that for the future all Signs, Emblems, Boards, Spouts, or Gutters, ſhall be placed or fixed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings whereunto they reſpectively belong, as the ſaid Commiſſioners, or any Five or more of them, ſhall direct, and not otherwiſe: And if any Perſon or Perſons ſhall, at any Time thereafter, hang, place, erect, or build, any Sign, Sign-poſt, or Sign-iron, Board, Spout, or Gutter, or cauſe the ſame to be done, in any other Manner than aforeſaid, or ſhall in any Manner occaſion any Obſtruction, Incroachment, Nuiſance, or Annoyance, in the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, every ſuch Perſon ſhall, for the Firſt Offence, forfeit and pay the Sum of Five Pounds; for the Second Offence, the Sum of Ten Pounds; and for the Third, and every other Offence, the Sum of Twenty Pounds; together with all Coſts, Charges, and Expences, which ſhall be paid or laid out by the ſaid Commiſſioners for removing or altering the ſame; ſuch Coſts, Charges, and Expences, to be recovered by Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, or in the Court of Requeſt for the Liberty of the Tower Hamlets.

Unuſed Sign-irons to be returned.

XXXVI. Provided always, and be it further enacted, That if any Sign, Sign-iron, or Poſt, Board, Gutter, Spout, Pent-houſe, or other Projection, or any Part thereof, ſhall remain unuſed after the Alteration made thereto as before directed, the ſame ſhall be returned to, and be the Property of the Perſon to whom the ſame belonged before ſuch Removal or Alteration.

Steps and Slopes to be removed.

XXXVII. And whereas the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, are in ſome Parts thereof greatly obſtructed, and made dangerous to Foot Paſſengers, by Steps, or Slopes being brought out from Houſes, and by Steps and Doors going down into Cellars, Vaults, or other Places, and by Shew-glaſſes, Shew-boards, or other Matters or Things projecting from Shops or Houſes, over and beyond the Area belonging to ſuch Houſe, or into the Foot-ways; be it therefore further enacted, That from and after the Firſt Meeting of the Commiſſioners appointed by this Act, all ſuch Steps or Slopes projecting into the Foot-ways of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, and all Steps and Doors going down out of the Foot-ways into any Cellars, Vaults, or other Places belonging to any Houſe, Warehouſe, Shop, Cellar, or other Building, which do or ſhall cauſe or occaſion any Nuiſance, Annoyance, Incroachment, or Obſtruction, in the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, or any of them, (either in the Foot or Carriage Way thereof), ſhall be, at the Expence of the ſaid Commiſſioners, from Time to Time removed, fixed, placed, or altered, in ſuch Manner and Form as ſhall be approved of by the ſaid Commiſſioners, or any Five or more of them, or by their Surveyor.

Time of emptying Bog-houſes.

XXXVIII. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall come with any Cart or Carts, or begin to empty any Bog-houſe or Bog-houſes, Seſſpool or Seſſpools, or to take away any Night Soil from any Houſe or Houſes within any of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, before the Hour of Eleven of the Clock in the Night, or ſhall continue to take away the ſame after the Hour of Six of the Clock in the Morning from Michaelmas to Lady-day, or after the Hour of Five of the Clock in the Morning from Lady-day to Michaelmas; or if any Perſon ſhall put or caſt, or cauſe to be put or caſt out of any Cart, Tub, or otherwiſe, in or near any of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, any ſuch Night Soil; it ſhall and may be lawful to and for any Conſtable, Beadle, or Watchman, (and they are hereby ſtrictly required and directed ſo to do), or any other Perſon or Perſons whomſoever, to apprehend and carry him or them, guilty of either of the ſaid Offences, to the Watch-houſe of the ſaid Pariſh, and from thence, as ſoon as conveniently may be, before ſome Juſtice of the Peace for the County, Liberty, or Place, where the ſame ſhall happen, who, upon Oath made of ſuch Offence or Offences, as aforeſaid, which Oath ſuch Juſtice is hereby impowered and required to adminiſter, ſhall and may fine ſuch Perſon or Perſons ſo offending in any Sum not exceeding the Sum of Five Pounds, and not leſs than the Sum of Forty Shillings; and in Default of immediate Payment thereof, ſhall and may commit ſuch Perſon or Perſons guilty of any of the ſaid Offences to the common Gaol for the ſaid County, Liberty, or Place, for any Time not exceeding One Month, nor leſs than Five Days, there to be kept to hard Labour: And it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, at any Meeting to be held in purſuance of this Act, to order any Sum not exceeding Ten Shillings, nor leſs than Two Shillings and Sixpence, to be paid to the Perſon who ſhall detect, apprehend, and convey before any ſuch Juſtice or Juſtices of the Peace, any ſuch Perſon or Perſons guilty as aforeſaid, to be paid out of the Fine hereby before inflicted; or in caſe the Offender ſhall be committed, out of the Rates to be raiſed by virtue of this Act.

Inhabitants to give Notice to Surveyors when Pavements want Repair.

XXXIX. And be it further enacted, That when and as ſoon as any of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, ſhall actually be repaved, relayed, or repaired by the ſaid Commiſſioners, by virtue of this Act, if any Houſeholder or Houſeholders ſhall make Complaint in Writing under his, her, or their Hand or Hands, and ſhall leave the ſame at the laſt or uſual Place of Abode of the Surveyor or Surveyors, Clerk or Clerks, to the ſaid Commiſſioners, of any Defect or Want of Repair in any of the Pavements of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages; then, and in every ſuch Caſe, the ſaid Surveyor or Surveyors ſhall view the ſaid Pavement, and report the Condition thereof to the ſaid Commiſſioners, at their next Meeting; and if the ſaid Surveyor or Surveyors, to whom ſuch Notice ſhall be given or left, as aforeſaid, ſhall, upon ſuch View, find the Pavement complained off to be bad and defective, (unleſs it ſhall appear to ariſe from a Defect relating to the Water Pipes lying under ſuch Pavement), the ſaid Commiſſioners, or any Five or more of them, ſhall give Orders to their Contractor or Contractors, Pavior or Paviors, to repair the ſame within ſuch Time as they ſhall judge neceſſary for the Repair thereof, which Time ſhall be ſpecified in ſuch Order: And if the Contractor or Contractors, Pavior or Paviors, to whom ſuch Order ſhall be given, ſhall not repair and amend ſuch Pavement within ſuch Time as he or they ſhall be directed by the ſaid Commiſſioners to repair and amend the ſame; then, and in every ſuch Caſe, the ſaid Contractor or Contractors, Pavior or Paviors, ſhall forfeit and pay the Sum of Twenty Shillings for every Day that the ſaid defective Pavement ſhall remain unrepaired after the Time limited by the ſaid Commiſſioners, in their ſaid Order: And One half of every ſuch Penalty ſhall be applied and paid to ſuch complaining Inhabitant, for his or her Loſs of Time and Trouble in and about the Premiſes, and the other Half for the Purpoſes of this Act.

Aſſeſſment to be made yearly.

XL. And, for defraying the Charges and Expences attending the Execution of the ſeveral Powers by this Act granted, be it further enacted, That from and after the paſſing of this Act, a Rate or Aſſeſſment (over and above all Rates and Aſſeſſments now payable) ſhall once in every Year, or oftener, if it ſhall be thought needful by the ſaid Commiſſioners, or any Seven or more of them, be made, laid, and aſſeſſed by the ſaid Commiſſioners, or any Seven or more of them, upon all and every Perſon or Perſons who do or ſhall inhabit, hold, occupy, poſſeſs, or enjoy any Land, Houſe, Shop, Warehouſe, Cellar, Vault, or other Tenements or Hereditaments, within any of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, for raiſing ſuch competent Sum and Sums of Money as the ſaid Commiſſioners, or any Seven or more of them, ſhall, from Time to Time, think needful and direct; ſo as ſuch Rate or Aſſeſſment, Rates or Aſſeſſments, do not in any One Year exceed in the Whole the Sum of One Shilling and Two-pence in the Pound of the yearly Rents or yearly Value of ſuch of the ſaid Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements or Hereditaments reſpectively, as ſhall be ſituate in any of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, the greater Part or Parts of which ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages reſpectively, ſhall be actually begun to be paved with new or other Stones, of a flat Surface, by virtue or in purſuance of this Act; and not exceeding Nine-pence in the Pound of the yearly Rents or yearly Value of ſuch of the ſaid Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements or Hereditaments reſpectively, as ſhall be ſituate in any of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, which ſhall be actually begun to be new-paved, the Foot-ways whereof ſhall be conſtructed with new or flat Stones, and the Carriage-ways thereof with the old Stones which ſhall be taken up in the ſame, or any other of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, by virtue or in purſuance of this Act; and not exceeding Sixpence in the Pound of the yearly Rents or yearly Value of ſuch of the ſaid Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements or Hereditaments reſpectively, as ſhall be ſituate in any of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, which ſhall only be repaired by virtue or in purſuance of this Act.

Houſes in different Streets in Poſſeſſion of the ſame Perſon, to be rated ſeparately.

XLI. And whereas it may happen, that the ſame Perſon or Perſons may hold or occupy a Dwelling-houſe, Warehouſe, or Shop, or other Premiſes, ſituate in ſome one of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, which may be rated at the firſt or ſecond Mode of Aſſeſſment; and may alſo hold and occupy a Houſe, Shop, or Warehouſes, or other Premiſes, ſituate in another of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, and lying behind or contiguous to the firſt-mentioned Houſe, Shop, or Warehouſe, or other Premiſes, which may be rated at the ſecond or third Mode of Aſſeſſment; be it therefore further enacted, That diſtinct and ſeparate Rates ſhall, by the ſaid Commiſſioners, or any Seven or more of them, be made of ſuch reſpective Houſes, Shops, Warehouſes, Buildings, or other Premiſes, according to the Rate impoſed or raiſed on the reſpective Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, in which ſuch Houſes, Shops, or Warehouſes, or other Premiſes, ſhall be ſituated, or be eſteemed to belong, notwithſtanding ſuch Houſes, Shops, Warehouſes, or other Premiſes, ſhall be in the joint Poſſeſſion of the ſame Perſon or Perſons.

Corner or adjoining Houſes how to be rated.

XLII. And whereas ſeveral Houſes, Warehouſes, Shops, or other Buildings, in the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, are partly ſituate within the ſame, and are partly ſituate in, or do adjoin to or abutt upon other Streets, Lanes, Ways, or Paſſages, which are not within or Part of the aforeſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages intended to be paved by virtue or in purſuance of this Act; and the Holders and Occupiers of ſuch Houſes or Warehouſes, Shops, or other Buildings, are or may be obliged to pave the ſaid Streets, Lanes, Ways, or Paſſages, or are or may be ſubject to be rated and taxed towards paving or repairing ſuch other Streets, Lanes, Ways, or Paſſages, in which the ſame are partly ſituate, or do thereto adjoin or abutt: Be it therefore further enacted, That ſuch Houſes, Warehouſes, Shops, and other Buildings, ſhall be only rated and taxed for the Purpoſes in this Act, at ſuch Sum and Sums of Money as the ſaid Commiſſioners, or any Seven or more of them, ſhall think reaſonable, not exceeding One Half of the Rate they would have been rated and taxed at, if ſuch Houſes, Warehouſes, Shops, or other Buildings, had ſtood wholly within the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages intended to be paved or repaired by virtue of this Act.

Commiſſioners may compound with Perſons for not leſs than Half.

XLIII. And whereas it may be reaſonable to excuſe ſome Perſons from the Payment of the aforeſaid Rates or Aſſeſſments in Part, on Account of their Poverty; for Relief therefore in ſuch Caſe, be it further enacted and declared, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby authoriſed and impowered to grant to ſuch Perſon or Perſons ſuch Relief in the Payment of the ſaid Rate or Aſſeſſment as they the ſaid Commiſſioners ſhall think proper, ſo as the Reduction doth not exceed One Half of the Aſſeſſment payable by ſuch Perſon or Perſons.

Houſes let in Tenements to be taxed.

XLIV. And whereas many Houſes within the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, are, by the ſeveral Owners and Proprietors thereof, let out in Lodgings and Tenements to divers Tenants, whereby it will be difficult to rate or aſſeſs the ſaid Tenants, in reſpect of ſuch Houſes, or to recover ſuch Rates and Aſſeſſments when made; for Remedy whereof, be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to rate and aſſeſs the Owner or Owners, Proprietor or Proprietors of ſuch Houſes or Tenements, as ſhall be let to or occupied by Two or more Tenants; which Rate or Aſſeſſment ſhall be paid by the Occupier or Occupiers of any Part or Parts of ſuch Houſes or Tenements, and the Occupier or Occupiers of ſuch Houſes or Tenements is and are hereby authoriſed and required to pay ſuch Sum and Sums of Money as ſhall be ſo rated or aſſeſſed upon the Owner or Owners, Proprietor or Proprietors thereof, (the ſame being duly demanded of ſuch Occupier or Occupiers), and to deduct the ſame out of his, her, or their reſpective Rents; and the Owner or Owners, Proprietor or Proprietors, of ſuch Houſes or Tenements, is and are hereby directed and required to allow ſuch Deductions and Payments upon the Receipt of the Reſidue of his, her, or their Rents; and every ſuch Occupier paying ſuch Aſſeſſment or Aſſeſſments ſhall be acquitted and diſcharged for ſo much of his or her Rent as the ſaid Aſſeſſment or Aſſeſſments ſo paid by him or her ſhall amount unto, as if the ſame had been actually paid to the Perſon or Perſons to whom his or her Rent ſhall be due and payable; and in Default of Payment of the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, the ſame ſhall be and remain a Charge upon the ſaid Premiſes, and ſhall and may be recovered of and from the Owner or Owners, Proprietor or Proprietors thereof, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or in the Court for the Recovery of ſmall Debts within the Tower Hamlets, to be commenced and proſecuted by and in the Name or Names of Two or more of the ſaid Commiſſioners, or of the Collector or Collectors to be appointed by virtue of this Act; in which Action or Suit, no Protection, Eſſoin, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Power to compound.

XLV. Provided always, and be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, to compound with the Owner or Owners, Proprietor or Proprietors, of any ſuch Houſes or Tenements, the annual Rent or Value whereof ſhall be under Ten Pounds, for the Rate by this Act authoriſed to be laid upon ſuch Houſes or Tenements, ſo as in ſuch Compoſition there be not remitted to any ſuch Owner or Owners, Proprietor or Proprietors reſpectively, more than One-third of the Rate or Aſſeſſment by this Act laid upon ſuch Houſes or Tenements reſpectively.

Publick Buildings, &c. to be rated.

XLVI. And foraſmuch as it is reaſonable that all publick Buildings, and all Dead Walls, and void Spaces of Ground, within or adjoining to the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, or any of them, ſhould be rated and aſſeſſed in a due Proportion towards the paving the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages; be it therefore further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby required to rate and aſſeſs all Churches, Church-yards, Chapels, and other publick Buildings whatſoever, and all Dead Walls and void Spaces of Ground within the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, or any of them, at ſuch Rate as the ſaid Commiſſioners, or any Seven or more of them, ſhall judge reaſonable, for every ſquare Yard of ſuch Churches, Church-yards, Chapels, and publick Buildings, and Dead Walls, and void Spaces of Ground, not exceeding the Rate of Sixpence for every ſquare Yard of Pavement belonging to every ſuch Church, Church-yard, Chapel, or publick Buildings, Dead Walls, and void Spaces of Ground; and ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſo to be from Time to Time made upon any Church, Church-yard, or Chapel, ſhall be paid by the reſpective Church or Chapel Wardens; and ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſo to be from Time to Time made upon any publick Building, or upon any Dead Wall, or void Space of Ground, ſhall be paid by the reſpective Owner or Owners, Proprietor or Proprietors thereof.

Rates on Meeting-houſes, to be paid by the Miniſter or Deacon.

XLVII. And whereas ſeveral Meeting-houſes within the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, are uninhabited and unoccupied, except at and during the Times of publick Worſhip, whereby it will be difficult to rate and aſſeſs the ſame, towards the Purpoſes of this Act, and to recover the Rate and Aſſeſſment thereon when made: For Remedy whereof, be it further enacted and declared, That the Rate or Rates, Aſſeſſment or Aſſeſſments, ſo to be from Time to Time made upon any Meeting-houſes within the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, ſhall and may be demanded of the Miniſter or Deacons, or other Perſon uſually officiating therein; and ſuch Miniſter or Deacons, or other Perſon, is and are hereby required to pay the ſame upon Demand to the Collector or Collectors of the ſaid Rates and Aſſeſſments for the Time being, by whom the ſame ſhall be demanded: And if ſuch Miniſter, Deacon, or other Perſon, of whom ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be ſo demanded, ſhall refuſe or neglect to pay the ſame upon ſuch Demand; then, and in every ſuch Caſe, ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall and may be recovered of and from the Perſon or Perſons ſo required to pay the ſame, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or in the Court of Requeſts for Recovery of Small Debts for the Tower Hamlets, to be commenced and proſecuted by and in the Name or Names of Two or more of the ſaid Commiſſioners, or of the Collector or Collectors, who ſhall have ſo demanded the ſame; in which Action or Suit, no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and in Default of Payment of ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, the ſame ſhall be and remain a Charge upon ſuch Meeting-houſe, and be paid by the Landlord or Owner thereof.

Untenanted Houſes to be rated.

XLVIII. And be it further enacted, That if it ſhall happen that any of the Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements within the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, ſhall, at the Time of making any of the ſaid Rates or Aſſeſſments, be empty, untenanted, or unoccupied; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to rate and aſſeſs the ſaid Premiſes; and in ſuch Caſe, as well as in the Caſe the ſaid Premiſes ſhall, after the making of ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, become empty, untenanted, or unoccupied, One Half of ſuch Rate or Aſſeſſment ſhall be a Charge on ſuch Premiſes reſpectively, and be paid by the Firſt Tenant or Occupier thereof, who ſhall and may, and is hereby authoriſed to deduct and retain the ſame out of his, her, or their Rents; and the Landlord or Landlords, Owner and Owners of ſuch Premiſes, is and are hereby required to allow ſuch Deduction and Abatement upon the Receipt of the Reſidue of his, her, or their reſpective Rents; and the Tenant or Occupier ſhall be and is hereby acquitted and diſcharged of and from ſo much of his or her Rent as the Rate or Aſſeſſment ſo paid by him or her ſhall amount unto.

Manner of Recovery.

XLIX. And be it further enacted and declared, That if any Perſon or Perſons who ſhall be rated or aſſeſſed by virtue or in purſuance of this Act, ſhall refuſe or neglect to pay the Money ſo rated or aſſeſſed for the Space of Fourteen Days next after the ſame ſhall be due, and demanded by the Collector or Collectors authoriſed and appointed to collect and receive the ſame, (ſuch Demand being either perſonally made of the reſpective Perſon or Perſons ſo charged, or left in Writing at his, her, or their reſpective Houſe or Houſes, or Place or Places of Abode); then, and in every ſuch Caſe, it ſhall and may be lawful to and for ſuch Collector or Collectors, every or any of them, having a Warrant under the Hand and Seal of any Juſtice of the Peace for the County of Middleſex, or for the Liberty of His Majeſty's Tower of London, (which Warrant the ſaid Collector and Collectors is and are hereby required to apply for, and the Juſtice ſo applied to is hereby authoriſed and required to grant), with the Aſſiſtance of a Conſtable, or other Peace Officer of the Pariſh where the Perſon or Perſons ſo refuſing or neglecting ſhall reſide, to enter into the Houſe or Houſes, Apartment or Apartments, of the Perſon or Perſons ſo refuſing or neglecting as aforeſaid, and then and there to diſtrain his, her, or their Goods and Chattels; and if the ſame ſhall not be replevied, or ſuch Rate or Aſſeſſment paid within Five Days next after ſuch Diſtreſs made, together with the Coſts and Charges thereof, then to ſell and diſpoſe of ſo much and ſuch Part of the ſaid Goods and Chattels as ſhall be ſufficient to pay the ſaid Rate or Aſſeſſment, with the Coſts and Charges attending ſuch Diſtreſs and Sale, returning the Overplus (if any) to the Owner or Owners of ſuch Goods or Chattels, (the ſaid Coſts and Charges to be ſettled and allowed by ſuch Juſtice who ſhall have granted ſuch Warrant or Warrants reſpectively): And in caſe no ſuch Goods or Chattels can be found to be ſo diſtrained, or in caſe ſuch Goods and Chattels ſhall be locked up or ſecured, or removed from the ſaid Collector or Collectors, ſo that he or they cannot diſtrain the ſame; then, and in either of the ſaid Caſes, upon Information thereof given to any Juſtice of the Peace, acting in and for the ſaid County or Liberty, it ſhall and may be lawful for ſuch Juſtice, and he is hereby required to commit the Perſon or Perſons ſo aſſeſſed, and refuſing or neglecting to pay the ſaid Rates, to the Common Gaol for the County, Liberty, or Place where ſuch Perſon or Perſons ſhall reſide, or ſhall be found, there to remain, without Bail or Mainprize, for any Time not exceeding Two Months, or until the Payment of ſuch Rate or Aſſeſſment, and the reaſonable Charges occaſioned by the Nonpayment thereof.

Occupiers quitting without paying Rates may be followed.

L. And be it further enacted, That when any Perſon or Perſons, who hath or have been rated and aſſeſſed by virtue of this Act, ſhall quit his, her, or their Dwelling-houſe, Warehouſe, Shop, Vault, Cellar, or Tenement, whereupon ſuch Rate or Aſſeſſment has been made, before he, ſhe, or they ſhall have paid the ſame, and ſhall afterwards refuſe to pay the ſame, when due and demanded by the Perſon or Perſons authoriſed and appointed to collect and receive the ſame; that then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Collector or Collectors, and every or any of them, by Warrant under the Hand and Seal of any Juſtice of the Peace, acting in and for the ſaid County, or for the Liberty of His Majeſty's Tower of London, (which Warrant the ſaid Juſtice is hereby authoriſed and required to grant to any Place within his Juriſdiction, or out of the Limits thereof; ſuch Warrant being firſt backed or counterſigned by ſome Magiſtrate in the County, City, or Liberty, where the Diſtreſs is to be made), to diſtrain the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing, and the ſame to ſell and diſpoſe of, rendering the Overplus (if any) upon Demand, to the Owner of ſuch Goods and Chattels, after deducting the reaſonable Charges and Expences of ſuch Diſtreſs and Sale.

Agreement between Landlord and Tenant, touching the paving, &c. not vacated, and in caſe of Diſpute, to be determined by Commiſſioners.

LI. Provided always, and be it further enacted, That nothing in this Act contained ſhall be deemed or taken to make void any Contract, Covenant, or Agreement between Landlord and Tenant, touching or concerning the paving of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, or any Part of them; but that every Perſon who is now, by virtue of any ſuch Contract or Agreement, obliged to pave, or keep in Repair, any Part of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, or any of them, ſhall, in lieu thereof, be obliged to pay the Rates hereby directed to be made and aſſeſſed, or ſo much thereof as ſhall, by the ſaid Commiſſioners, or any Seven or more of them, be deemed juſt and reaſonable, according to the true Meaning of ſuch Contract, Covenant, or Agreement, for and during ſuch Time as ſuch Contract, Covenant, or Agreement, ſhall remain in Force; and in caſe any Diſpute ſhall ariſe concerning ſuch Contract, Covenant, or Agreement, the ſaid Commiſſioners, or any Seven or more of them, ſhall have Power, and they are hereby required to hear and finally determine the ſame.

Commiſſioners impowered to borrow Money upon the Credit of the Rates.

LII. And, for the more effectually enabling the ſaid Commiſſioners to execute the Purpoſes of this Act in the moſt expeditious Manner, it is hereby further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby impowered, from Time to Time, when they ſhall judge it neceſſary for the Purpoſes aforeſaid, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding Four thouſand Pounds, upon the Credit of the Rates or Aſſeſſments to be made by virtue of this Act, and by any Writing or Writings upon Vellum or Parchment, ſigned by the ſaid Commiſſioners, or any Seven or more of them, to aſſign the ſaid Rates and Aſſeſſments, or a competent Part thereof, to any ſuch Perſon or Perſons who ſhall advance or lend ſuch Money thereon, as a Security or Securities for the ſeveral Sums ſo borrowed, with legal or lower Intereſt for the ſame, which Intereſt ſhall be payable and paid by the ſaid Commiſſioners Half-yearly, out of the Monies to ariſe by or from the Rates or Aſſeſſments to be made by virtue of this Act.

For borrowing Money by Annuities on Lives.

LIII. And whereas many Perſons may chuſe to advance Money for the Purchaſe of Annuities to be ſecured upon, and payable out of, the ſaid Rates and Aſſeſſments; be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay into the Hands of the ſaid Commiſſioners, or any Seven or more of them, or ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, for the Uſes and Purpoſes of this Act, any Sum or Sums of Money, not exceeding in the Whole the Sum of Four thouſand Pounds, for the abſolute Purchaſe of One or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of every ſuch Contributor or Contributors reſpectively, or the natural Life of ſuch other Perſon or Perſons as ſhall be nominated by or on Behalf of ſuch Contributor or Contributors reſpectively, at the Time of Payment of his, her, or their reſpective Contribution-money, ſo as the ſaid Annuity or Annuities do not exceed the Rate of Nine Pounds by the Hundred by the Year, and ſo in proportion for any greater or leſſer Sum, to be paid as aforeſaid, and ſo as the ſaid Annuities, to be purchaſed in purſuance of this Act, do not at any Time exceed in the Whole the Sum of Four thouſand Pounds.

If Annuitants die, any Perſon may purchaſe Annuities for their Lives.

LIV. Provided always, and it is hereby further enacted, That, the better to enable the Commiſſioners to raiſe Money to pay the Money borrowed on the ſaid Rates, and until the ſaid Sum of Four thouſand Pounds to be borrowed by virtue of this Act ſhall be fully paid and ſatisfied, that when and as often as any ſuch Annuitant or Annuitants ſhall die, it ſhall and may be lawful for any Perſon or Perſons to purchaſe of the ſaid Commiſſioners, or any Seven or more of them, One or more Annuity or Annuities, in the Room of ſuch Annuitant or Annuitants ſo dying, upon the Life of ſuch Perſon or Perſons, upon ſuch Terms and Conditions, and payable in ſuch Manner as above mentioned; ſo that the Sum or Sums to be contributed for the Purchaſe of any Annuity or Annuities to be granted by virtue of this Act ſhall at no one Time exceed the ſaid Sum of Four thouſand Pounds.

Annuities charged upon the Rates.

LV. And be it further enacted, That all and every Annuity or Annuities ſo to be purchaſed, under and by virtue of this Act, ſhall be, and are hereby charged upon, and ſhall be paid and payable, from Time to Time, out of the Monies ariſing by the Rates and Aſſeſſments aforeſaid; and all and every the Contributor and Contributors, upon the Credit of this Act, duly paying the Conſideration or Purchaſe Money as aforeſaid, for any ſuch Annuity or Annuities as aforeſaid, or his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall have, receive, and enjoy, and be intitled, by virtue of this Act, to have, receive, and enjoy the reſpective Annuity or Annuities ſo to be purchaſed out of the ſaid Rates or Aſſeſſments by this Act appointed for the Payment thereof, as aforeſaid, during the Term of the natural Life of the Perſon to be nominated by each Purchaſer or Contributor as before mentioned; and that all and every ſuch Purchaſer and Purchaſers, and their Executors, Adminiſtrators, and Aſſigns, ſhall have good, ſure, abſolute, and indefeaſible Eſtates and Intereſts in the Annuity or Annuities ſo by him, her, or them reſpectively to be purchaſed, according to the Tenor and true Meaning of this Act; and that none of the ſaid Annuities ſhall now, or hereafter, be ſubject or liable to the Tax charged, or to be charged, upon Land by Authority of Parliament; and that every Contributor for the Purpoſe of any ſuch Annuity or Annuities as aforeſaid, his, her, or their Aſſigns, upon Payment of the Conſideration or Purchaſe Money, ſhall have a Receipt or Receipts for the ſame, and alſo an Order on Parchment, (which may be made without any Stamp), for Payment of the ſaid Annuity or Annuities, for and by Half-yearly Payments, which Order ſhall be ſigned by the ſaid Commiſſioners, or any Five or more of them; and after ſigning thereof, the ſame ſhall be firm, valid, and of good Effect in the Law, according to the true Purport and Meaning of this Act.

Clerk to enter all Securities for Monies borrowed, or Annuities granted.

LVI. And be it further enacted, That the Clerk of the ſaid Commiſſioners for the Time being ſhall enter in a Book or Books, to be for that Purpoſe provided and kept by the ſaid Commiſſioners, all Securities for Monies borrowed, or Annuities granted, by virtue or in purſuance of this Act; and all Aſſignments or Tranſfers thereof, expreſſing, in Words at Length the Names, Surnames, Additions, Places of Abode, and other Deſcriptions of all ſuch Perſons as ſhall, from Time to Time, be intitled to ſuch Securities, and the Sums received upon ſuch Securities, and alſo the Name, Surname, Addition, Place of Abode, and other Deſcription of every Perſon for whoſe Life any Annuity ſhall be granted by virtue of this Act, and the Days whereon the ſaid Annuity ſhall be payable; to which Book and Books the Perſon and Perſons intitled to, and poſſeſſed of, ſuch Annuity, and all and every the Perſon or Perſons liable to the Payment of the ſaid Rates and Aſſeſſments, ſhall at all reaſonable Times have Acceſs, with free Liberty to inſpect the ſame, without Fee or Reward.

Aſſignment of Securities.

LVII. And be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons intitled to any of the Securities aforeſaid, and his, her, or their Executors, Adminiſtrators, or Aſſigns, at any Time or Times, by Writing under his, her, or their Hand or Hands reſpectively, to aſſign or transfer ſuch Securities, by Indorſement on the Back thereof, to any Perſon or Perſons whatſoever, and ſo toties quoties; and ſuch Aſſignments or Tranſfers, after they ſhall reſpectively be entered by the Clerk of the ſaid Commiſſioners, in Manner aforeſaid, (which he is hereby required to do without Fee or Reward), ſhall intitle the Perſon or Perſons to whom they ſhall be reſpectively made, and his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security or Securities ſo aſſigned or transferred.

Money veſted in Commiſſioners.

LVIII. And be it further enacted, That all Monies raiſed or collected by virtue, or by means, or under the Authority of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners, and ſhall be applied for the Purpoſes of this Act, and to and for no other Uſe or Purpoſe whatſoever.

Expences of this Act how to be borne.

LIX. Provided always, and be it further enacted, That the Charges and Expences of procuring and paſſing this Act ſhall be paid out of the firſt Monies which ſhall be raiſed by virtue of this Act.

Penalties not otherwiſe provided for, how to be levied.

LX. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed, (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed), ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Juſtice of the Peace acting in and for the County, Liberty, or Place, where the Offence ſhall be committed; which Warrant ſuch Juſtice is hereby impowered and required to grant, upon the Confeſſion of the Party or Parties, or upon the Information of One or more credible Witneſs or Witneſſes upon Oath; and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) upon Demand, to the Party or Parties whoſe Goods or Chattels ſhall be ſo diſtrained and ſold, the Charges of ſuch Diſtreſs and Sale being firſt deducted, ſhall be paid to the Clerk or Treaſurer to the ſaid Commiſſioners for the Time being, and be applied towards the Purpoſes of this Act; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authoriſed and required, by Warrant under his Hand, to cauſe ſuch Offender or Offenders to be committed to the common Gaol of the County or Liberty where ſuch Offence ſhall be committed, or where ſuch Offender ſhall be convicted, there to remain without Bail or Mainprize, for any Time not exceeding Two Months, nor leſs than One Week, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner fully paid and ſatisfied.

Part of Penalties may be paid to the Informers.

LXI. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, if they ſhall ſee Cauſe, to pay and apply ſuch Part of the ſaid Penalties and Forfeitures as they ſhall think proper, not exceeding One Half thereof, to and for the Uſe of the Informer or Informers; any Thing herein contained to the Contrary thereof notwithſtanding.

Juſtices may adminiſter Oaths.

LXII. And be it further enacted, That in all Caſes where Cognizance is given to any Juſtice or Juſtices of the Peace by this Act, it ſhall be lawful for ſuch Juſtice or Juſtices to adminiſter an Oath to any Perſon, for his or their more certain Information in the Matters then depending.

Juſtices may act although Commiſſioners.

LXIII. And be it further enacted, That it ſhall and may be lawful to and for any Juſtice or Juſtices of the Peace for the County of Middleſex, or for any Juſtice or Juſtices for the Liberties of His Majeſty's Tower of London, although ſuch Juſtices ſhall be Commiſſioners for the Purpoſes of this Act, to hear and determine any Offences ariſing within their reſpective Juriſdictions, which are made puniſhable by virtue of this Act.

Commiſſioners to pay their own Expences.

LXIV. And be it further enacted, That the ſaid Commiſſioners ſhall, at all their Meetings under this Act, pay and defray their own Expences.

Diſtreſs not unlawful for want of Form.

LXV. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in any Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be hereafter done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satiſfaction for the Special Damage in an Action on the Caſe.

Plaintiff not to recover if Tender of Amends be made.

LXVI. Provided always, That no Plaintiffs ſhall recover in any Action for any ſuch Irregularity, Treſpaſs, or other Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, any ſuch Irregularity, Treſpaſs, or wrongful Proceeding, before ſuch Action brought; and the Defendant or Defendants in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, may, at any Time before Iſſue joined, pay into the Court ſuch Sum of Money as he or they ſhall think fit; whereupon ſuch Proceedings, or Orders, and Judgements, ſhall be had, made, and given in and by ſuch Court, as in other Actions, where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

LXVII. And be it further enacted, That no Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals of, or only ſigned by any Commiſſioner, or Juſtice or Juſtices of the Peace, or exhibited before them, or under the Hand and Seal, or Hands and Seals of, or only ſigned by, any other Perſon or Perſons whomſoever, relating to the Execution of this Act, ſhall be chargeable with any Stamp-duty whatſoever.

Orders, &c. to be entered in Books.

LXVIII. And be it further enacted, That the Orders and Proceedings of the ſaid Commiſſioners, or any of them, at all their Meetings, ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Orders and Proceedings, ſo entered, ſhall be ſigned by the Clerk to the ſaid Commiſſioners, and ſuch Orders and Proceedings ſo ſigned ſhall be deemed to be Originals; which ſaid Book and Books ſhall and may be produced and read in Evidence in all Courts whatſoever.

Perſons aggrieved may appeal to the Quarter-ſeſſions.

LXIX. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved by any Thing done in purſuance of this Act, ſuch Perſon or Perſons ſhall and may, within Three Months next after the Cauſe of Complaint ſhall ariſe, appeal to the Juſtices of the Peace at the General Quarter-ſeſſions of the Peace to be holden in and for the County of Middleſex, or Liberty of His Majeſty's Tower of London, ſuch Appellant or Appellants firſt giving, or cauſing to be given, Notice in Writing, of his, her, or their Intention to bring ſuch Appeal, and of the Cauſe or Cauſes thereof, to the Clerk or Treaſurer to the ſaid Commiſſioners, and within One Month next after ſuch Notice entering into a Recognizance or Recognizances before ſome Juſtice of the Peace in and for the ſaid County or Liberty, with Two ſufficient Sureties conditioned to try ſuch Appeal mentioned in ſuch Notice, and abide the Order, and pay ſuch Coſts as ſhall be awarded by the ſaid Juſtices; and the Matter of ſuch Appeal ſhall be heard and determined by the ſaid Juſtices, at the next General Seſſions of the Peace to be held in and for the ſaid County or Liberty, or any Adjournment thereof, or at any Adjournment of the then laſt General Seſſions of the Peace in and for the ſaid County or Liberty, which ſhall firſt happen next after the Expiration of One Month from the Day of giving ſuch Notice; and the ſaid Juſtices, at ſuch Seſſions or Adjournment, upon due Proof of ſuch Notice being given, and of the entering into ſuch Recognizance or Recognizances, ſhall hear and finally determine the Cauſes and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts for the Appellant or Appellants, or Reſpondent or Reſpondents, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Juſtices ſhall be final, binding, and concluſive, to and upon all Parties concerned or intereſted therein.

Juſtices to amend Rates appealed againſt, without altering the other Rates.

LXX. Provided always, That upon all Appeals from any of the Rates or Aſſeſſments to be made or impoſed by the Authority of this Act, the Juſtices of the Peace, where they ſhall ſee juſt Cauſe of Relief, ſhall and are hereby impowered to amend the ſame Rates and Aſſeſſments, in ſuch Manner only as ſhall be neceſſary for giving Relief to the Perſon or Perſons ſo appealing, without altering ſuch Rates or Aſſeſſments with reſpect to any other Perſons mentioned in the ſame.

Proceedings not to be quaſhed for want of Form, nor removed by *Certiorari*.

LXXI. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or any other Matter or Thing to be done or tranſacted, in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form, or be removed by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; any Law or Statute to the Contrary notwithſtanding.

Limitation of Actions.

LXXII. And be it further enacted, That no Action or Suit ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing done in purſuance of this Act, unleſs Thirty Days Notice thereof ſhall be firſt given in Writing to the Clerk or Treaſurer to the ſaid Commiſſioners, ſigned by the Plaintiff or Plaintiffs, or unleſs the ſame ſhall be commenced before the Expiration of Six Months next after the Fact committed, or unleſs Tender of reaſonable Amends hath not, or ſhall not have been made by or on Behalf of the Defendant or Defendants in ſuch Action or Suit, nor unleſs ſuch Action or Suit ſhall be laid and brought in the County of Middleſex; and the Defendant or Defendants, in any Action or Suit, to be commenced for any Thing done in purſuance of this Act, ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the Matter or Thing for which ſuch Action or Suit ſhall be brought was done in purſuance and by the Authority of this Act: And if ſuch Matter or Thing ſhall appear to have been ſo done; or if it ſhall appear that ſuch Action or Suit was brought before Thirty Days Notice thereof was given in Writing to the Clerk or Treaſurer of the ſaid Commiſſioners, ſigned by the Plaintiff or Plaintiffs; or if it ſhall appear that ſuch Action or Suit was not commenced before the Expiration of Six Months next after the Fact committed; or if it ſhall appear that Tender of reaſonable Amends was made by or in Behalf of the Defendant or Defendants in ſuch Action or Suit, before ſuch Action or Suit was commenced or brought; or ſuch Action or Suit ſhall be brought in any other County or Place than the County of Middleſex; that then the Jury ſhall find for the Defendant or Defendants: And upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may

General Iſſue.

recover

Treble Coſts.

recover Treble Coſts, and ſhall have ſuch Remedy for the ſame, as any Defendant or Defendants hath or have in any other Caſes by Law.

Publick Act.

LXXIII. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

CAP. XIII.

An Act to explain a Clauſe in an Act of the laſt Seſſion of Parliament, *for better ſupplying the City of* Worceſter, *and the Liberties thereof, with Water; and for better paving and lighting the ſaid City; and for removing and preventing all Obſtructions and Annoyances therein.*

Preamble.

WHEREAS an Act was made in the laſt Seſſion of Parliament, intituled, *An Act for better ſupplying the City of* Worceſter, *and the Liberties thereof, with Water; and for the better paving and lighting the ſaid City; and for removing and preventing all Obſtructions and Annoyances therein:* And whereas, by a Clauſe or Proviſo in the ſaid Act, it is, amongſt other Things, provided, That no Perſon ſhould be rated or aſſeſſed for any Houſe, Warehouſe, Building, Tenement, or Hereditament, that hath no Part thereof ſituated upwards of Thirty Yards from any main Pipe, laid or to be laid, for ſupplying the ſaid City with Water: And whereas the Commiſſioners appointed by the ſaid Act cannot carry the ſame into Execution, the Intention of the Act being, that only ſuch Houſes, Warehouſes, Buildings, Tenements, and Hereditaments, as had ſome Part thereof ſituated within Thirty Yards of a main Pipe ſhould be rated and aſſeſſed: In order therefore to explain the ſaid Clauſe or Proviſo, and to enable the Commiſſioners to carry the Purpoſes of the ſaid Act into Execution; may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this preſent Act, ſo much of the ſaid Clauſe or Proviſo in the ſaid former Act, as provides that no Perſon ſhall be rated or aſſeſſed for any Houſe, Warehouſe, Building, Tenement, or Hereditament, that hath no Part thereof ſituated upwards of Thirty Yards from any main Pipe, laid or to be laid, for ſupplying the ſaid City with Water, ſhall be repealed.

Clauſe in the ſaid Act repealed.

Proviſo.

II. Provided nevertheleſs, and it is hereby declared, That no Perſon whatſoever ſhall be rated or aſſeſſed for or on account of any Houſe, Warehouſe, Building, Tenement, or Hereditament, for any of the Purpoſes of the ſaid Act, unleſs ſuch Houſe, Warehouſe, Building, Tenement, or Hereditament, hath ſome Part thereof ſituated within Thirty Yards of ſome main Pipe already laid, or which ſhall be hereafter laid, within the ſaid City or Liberties, for ſupplying the ſame with Water; any Thing in the ſaid Act to the Contrary hereof notwithſtanding.

Publick Act.

III. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and all other Perſons whomſoever, without ſpecially pleading the ſame.

CAP. XIV.

An Act for better regulating the Poor within the City of *Oxford*.

Preamble.

WHEREAS the Poor in the City of *Oxford* are very numerous, and are maintained and ſupported at a great Expence by their reſpective Pariſhes and Places: And whereas the granting of proper Powers for the better Government and Regulation of the Power of the ſaid City, and providing a Place for their general Reception, will tend to the more effectual Aſſiſtance and Relief of ſuch as by Age, Infirmities, or Diſeaſes, are rendered incapable of ſupporting themſelves by their Labour, to the better Employment of the Able and Induſtrious, to the Correction and Puniſhment of the Profligate and Idle, and to the Education of Poor Children in Religion and Induſtry; and thereby the Poor, inſtead of being wholly ſupported by the Publick, may contribute to the Support, Aſſiſtance, and Relief, mutually of each other, and be of ſome Advantage to the Community, to which they have hitherto been only a heavy and grievous Burthen: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Mayor, Recorder, Aldermen, Aſſiſtants, Town Clerk, and Solicitor of the ſaid City, for the Time being, and alſo ſuch charitable Perſons, who ſhall, from Time to Time, be elected under the Powers herein contained, and alſo the reſpective Numbers following, of the Inhabitants of the ſaid City, to be elected in Manner herein-after directed; (that is to ſay), For the Pariſh of All Saints, Three; Saint Aldate's, Four; Saint Abby, Two; Holywell, Three; Saint Martin's, Three; Saint Mary Magdalen, Four; Saint Mary the Virgin, Three; Saint Michael's, Three; Saint Peter le Bailey, Two; Saint Peter in the Eaſt, Three; and the Pariſh of Saint Thomas, Four; all reſident within the ſaid Pariſhes, or ſo many of ſuch Inhabitants, who ſhall, from Time to Time, be ſo elected, ſhall be, and are hereby declared to be incorporated by the Name of The Guardians of the Poor within the City of *Oxford*; and ſhall for ever, in Name and Fact, be One Body Politick and Corporate in Law, to all Intents and Purpoſes, and ſhall have a perpetual Succeſſion, and a Common Seal, and ſhall be, and be called Guardians of the Poor within the City of *Oxford*; and ſhall be enabled to ſue and plead, and be ſued by that Name, in all Courts and Places of Judicature within that Part of Great Britain called England; and by that Name ſhall and may, without Licence in Mortmain, purchaſe, take, or receive, any Lands, Tenements, or Hereditaments, of the Gift, Alienation, or Demiſe, of any Perſon or Perſons, for any Eſtate, or Intereſt whatſoever, and who are hereby enabled to convey or deviſe the ſame, and to give or bequeath any Money, Goods, and Chattels whatſoever, for the Uſe and Benefit of the Corporation aforeſaid; and by that Name the ſaid Corporation may, and hereby impowered to convey, aſſign, releaſe, transfer, or diſpoſe, of any ſuch Lands, Tenements, or Hereditaments, Money, Goods, or Chattels, for the Benefit and Uſe of the ſaid Corporation, as there ſhall be Occaſion: And the ſaid Guardians ſhall have, and are hereby declared to have Power and Authority, from Time to Time, at any Special Court or Aſſembly, to be held in purſuance of this Act, to make and ordain ſuch Bye-laws, Rules, and Ordinances, and alſo to vary, alter, change, or repeal the ſame, or any

Guardians.

Bye-laws, &c.

Part thereof, for the better governing ſuch Corporation, and the Poor which ſhall be under their Care, and for carrying on any Trade, Buſineſs, or Manufacture, that ſhall be ſet on Foot by ſuch Corporation, for the Employment of the ſaid Poor, and other the Ends and Purpoſes of this Act, as by the major Part of the Guardians preſent at ſuch Court or Aſſembly ſhall be thought proper; which ſaid Bye-laws, Rules, and Ordinances, ſo made, ordained, varied, altered, or changed, ſhall, at each ſuch Court, be fairly entered in a Book to be kept for that Purpoſe, which ſhall be called *The Book of Statutes*; and all ſuch Bye-laws, Rules, and Ordinances, when entered as aforeſaid, ſhall be ſubſcribed by the Guardians, or the major Part of them preſent, and all ſuch Bye-laws, Rules, and Ordinances, ſhall, until repealed, varied, or altered by ſome ſucceeding Special Court, be binding to all Parties hereby intended to be affected by the ſame.

to be entered in a Book.

Time of Meeting to elect Guardians in each Pariſh;

II. And be it further enacted by the Authority aforeſaid, That on the Firſt *Sunday* after the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-one, immediately after Divine Service in the Forenoon or Afternoon, and ſo in like Manner on every *Sunday* next following the Twenty-fourth Day of *June* in every Year, for ever, or on ſome other Day within Ten Days next after every ſuch Twenty-fourth Day of *June*, the Pariſhioners of the ſaid reſpective Pariſhes herein-before named, or any Seven or more of them, (who ſhall by Law have Power to Vote in Veſtry), ſhall and may meet in the Veſtry-room in and belonging to each of the ſaid Pariſh Churches, or in ſome Part of each ſuch Church, and elect ſo many of the Inhabitants of the ſaid City, qualified as herein-after is mentioned, to repreſent each ſuch Pariſh, and to act as Guardians of the Poor of the ſaid City, who ſhall ſeverally continue in, and execute ſuch Office, until others ſhall be choſen in their Places; and in caſe any of the ſaid Guardians, to be elected as aforeſaid, ſhall die or refuſe to act, ſome other ſuch Inhabitant or Inhabitants of the ſaid City, ſo qualified as aforeſaid, ſhall be elected in his or their Stead, within Ten Days after the Death or Refuſal to act of each ſuch former Guardians, by ſuch the Pariſhioners of the proper Pariſh, not being leſs than Three, who ſhall and hereby have Power to meet together in Veſtry, for ſuch Purpoſe: And all ſuch Veſtries ſhall be called and held at and within the reſpective Times aforeſaid, for and in reſpect of the ſaid ſeveral Pariſhes: And the Churchwardens and Overſeers of the Poor of each and every ſuch Pariſh ſhall, and are hereby required to call and hold the ſame with the Pariſhioners who ſhall be there aſſembled, and cauſe previous Notice of each ſuch Veſtry to be given in their reſpective Pariſh Church, on *Sunday* after Service, at leaſt One Week before ſuch intended Meeting, to the Intent the Pariſhioners may and ſhall attend every ſuch Veſtry: And in caſe any ſuch Churchwardens or Overſeers ſhall neglect or refuſe to call and hold, and to give ſuch previous Notice of every Veſtry directed to be called as aforeſaid, or to attend the ſame themſelves, unleſs prevented by Illneſs, or any extraordinary Occaſion, to be allowed of by the Majority of Perſons preſent, every ſuch Churchwarden or Overſeer ſhall, for every ſuch Neglect or Refuſal, forfeit and pay, out of their own Eſtate, the Sum of Five Pounds, for the Uſe of the ſaid Corporation, within Twenty Days after each ſuch Forfeiture ſhall be incurred: And in caſe at the holding of any ſuch Veſtries as aforeſaid, ſo many of the Pariſhioners ſhall not attend there as before directed, beſides the ſaid Churchwardens or Overſeers, or any Two or more of them; then, and in every ſuch Caſe, the ſaid Churchwardens and Overſeers, or any Two or more of them, together with ſo many of ſuch Pariſhioners as ſhall attend, or for Want of any ſuch Pariſhioners, then the ſaid Churchwardens and Overſeers alone, or the Majority of them then preſent, ſhall and may, and they are hereby impowered, in every ſuch Caſe, to nominate, elect, and chuſe ſo many Inhabitants of the ſaid City to repreſent the ſame Pariſh as Guardians, as ſhall be then wanting to be choſen, as fully and effectually as if all the Churchwardens and Overſeers, and ſo many of the Pariſhioners of the ſame Pariſh as are before directed to compoſe each ſuch Veſtry, had then and there attended, and been preſent.

and Penalty for refuſing to call a Veſtry.

Qualification of Guardians.

III. Provided always, and be it further enacted, That no Perſon ſhall be capable of being elected, or of acting as a Guardian under this Act, unleſs he ſhall then rent an Eſtate of the yearly Rent or Value of Ten Pounds or upwards, or be intitled to an Eſtate in the ſaid City of the yearly Value of Ten Pounds or upwards, for which he ſhall pay or allow Taxes for the Time being, towards the Relief of the Poor, in his own Right.

Firſt Meeting

Guardians to elect Officers.

IV. And be it further enacted, That the ſaid Guardians, ſo elected as aforeſaid, or any Thirteen or more of them, ſhall meet on the Second *Monday in July*, One thouſand ſeven hundred and ſeventy-one, or within Six Days next following, in the Council Chamber, or in ſome other convenient Place in the ſaid City; and being ſo aſſembled, ſhall proceed to the Execution of this Act, and elect and conſtitute out of and from among themſelves, the ſaid Guardians, the ſeveral Officers to act in and as Part of the ſaid Corporation, as follows; that is to ſay, One Governor, Two or more Deputy Governors, One or more Treaſurer or Treaſurers, and One or more Auditor or Auditors, and ſuch other Officers, by ſuch Name and Names, to continue in ſuch reſpective Offices from thenceforth for One Year, and from the End of ſuch One Year, ſo often as the Caſe ſhall require, until other ſuch like Officers are choſen, as hereafter directed; and from and after ſuch Firſt Election of ſuch ſeveral Officers, the ſaid Guardians, or any Thirteen or more of them, ſhall, and hereby have full Power to aſſemble in the Houſe of Induſtry for the Time being, and there to elect and conſtitute, out of and from amongſt the whole Number of the ſaid Corporation for the Time being, on the Second *Monday in July* in every Year for ever, or within Six Days next after every ſuch Second *Monday in July*, One Governor, and ſuch Deputy Governors, and other Officers as are before named, to continue in their reſpective Offices for One Year, or until others ſhall be choſen within the Time, and according to the Directions aforeſaid; and the ſaid Guardians, or any Thirteen or more of them, ſhall, and are hereby impowered, in caſe of the Death of any ſuch Officer or Officers ſo choſen before the Expiration of his or their ſaid Office, within Thirty Days next afterwards, to meet in the Houſe of Induſtry for the Time being, and elect ſuch other or others of the ſaid Corporation, in the Place of him or them ſo dying, to hold the ſaid Office reſpectively for the Remainder of the Term ſuch deceaſed Officer would have held the ſame; and the ſaid Guardians, or any Thirteen or more of them, are hereby au-

Governors to be choſen annually.

thoriſed, for juſt Cauſe, at any Special or Monthly Court or Courts, to remove and diſplace any of the aforeſaid Officers out of their Office, and thereupon to elect and conſtitute from amongſt themſelves a fit Perſon to ſupply the Office for the Time each ſuch removed Perſon would have continued therein, in caſe he had not been removed.

Guardians to take the following Oath.

V. Provided always, and be it further enacted, That the Guardians, before they ſhall take upon themſelves the Execution of any of the Powers or Authorities hereby given, other than the adminiſtering the Oath following to one another, ſhall ſeverally take the following Oath; (that is to ſay),

I A. B. will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the beſt of my Skill and Knowledge, execute and perform all and every the Truſts, Powers, and Authorities, as a Guardian, and alſo of the Office of (*as the Caſe ſhall be*) appointed in purſuance of an Act, paſſed in the Eleventh Year of King *George* the Third, for better regulating the Poor within the City of *Oxford*:

So help me GOD.

Which Oath the ſaid Guardians, or Members of the ſaid Corporation, or any One or more of them, is and are hereby required and impowered to adminiſter, at their Firſt Meeting or Court, or at any ſubſequent Meeting or Court, to be, from Time to Time, had and held in purſuance of this Act.

Penalty on refuſing to act.

VI. And be it further enacted by the Authority aforeſaid, That every Perſon who, from and after the ſaid Second Monday in July, ſhall be duly qualified, elected, and conſtituted into the Truſt or Office of a Guardian, Governor, Deputy-governor, Treaſurer, Auditor, or of any other nominal Office of and belonging to the ſaid Corporation, by virtue of and according to the Tenor of this Act, and ſhall, after Ten Days Notice thereof in Writing, ſigned by the Governor, or any One Deputy-governor, or any Three Guardians for the Time being of the ſaid Corporation, given to him, or left at his own Houſe or Place of Abode, wilfully and obſtinately, and without reaſonable Cauſe to be by him ſhewn, and to be approved of by the ſaid Corporation, or the Majority thereof preſent at their next Court, to be held in purſuance of this Act, after the Expiration of ſuch Ten Days, refuſe or neglect to accept of and to take upon him ſuch Truſt or Office; or in caſe of accepting the ſame, ſhall refuſe or neglect to act therein, from Time to Time, for and during the Term mentioned for that Purpoſe in this preſent Act, and as the Duty of ſuch Truſt and Office may require, ſhall reſpectively forfeit and pay to the Uſe of the ſaid Corporation the Sums of Money following; that is to ſay, Each ſuch Perſon to be duly elected Governor of the ſaid Corporation, the Sum of Twenty Pounds; each ſuch Perſon to be duly elected Deputy-governor thereof, the Sum of Fifteen Pounds; each ſuch Perſon to be duly elected Treaſurer thereof, the Sum of Twelve Pounds and Ten Shillings; each ſuch Perſon to be duly elected Auditor, or any other nominal Officer from amongſt the ſaid Guardians, the Sum of Twelve Pounds and Ten Shillings; and each ſuch Perſon hereby or to be duly appointed or elected a Guardian of the ſaid Corporation for the Time being, the Sum of Five Pounds: And in caſe of any ſuch Refuſal or Neglect to accept any ſuch Truſt or Office as aforeſaid, ſome other qualified and fit Perſon or Perſons ſhall, with all convenient Speed, be duly, and according to the Directions of this Act, elected and conſtituted, as in the Firſt Inſtance, in the Stead of him or them ſo refuſing or neglecting as aforeſaid.

No Perſon liable to ſerve again within Five Years after the Firſt Election and acting;

VII. Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon who ſhall be elected or conſtituted, as aforeſaid, a Guardian, Governor, Deputy-Governor, Treaſurer, Auditor, or any other nominal Officer of the ſaid Corporation, and ſhall take upon him the ſaid Truſt or Office, and ſhall act therein, from Time to Time, for and during the Time herein expreſſed for that Purpoſe, and as the Duty of ſuch Truſt or Office may require, ſhall, upon any Re-election of him within the Space of Five Years next after the End of ſuch Time he was elected, and ſo acted, be thereupon compellable to take upon him, or to act in the ſaid re-elected Truſt or Offices, or any of them, without his own free Conſent, or be liable to any Penalty or Forfeiture whatſoever for refuſing or neglecting ſo to do: And that no Perſon of the Age of Sixty Years and upwards ſhall be compellable to take upon him, or to act in any of the Truſts or Offices aforeſaid.

nor to ſerve if he is Sixty Years of Age.

Guardians to hold weekly Courts;

VIII. And be it further enacted by the Authority aforeſaid, That the ſaid Guardians for the Time being, or any Five or more of them, ſhall have Power, and are hereby enjoined and required, from Time to Time, from and after the End of Ten Days immediately following the ſaid Second Monday in July, One thouſand ſeven hundred and ſeventy-one, to meet and to hold a Court or Aſſembly of the ſaid Corporation, in the Council Chamber, or ſome other convenient Place, till a proper Workhouſe, or Houſe of Induſtry, is provided, and then in the ſaid Houſe of Induſtry for the Time being, on Thurſday in every Week for ever, between the Hours of Three and Seven in the Afternoon; and that the ſaid Guardians for the Time being, or any Nine or more of them, whereof the Governor or One Deputy-governor ſhall be One, ſhall, and are hereby required, from and after the ſaid Second Monday in July, to hold a Special Court or Aſſembly in the ſaid Council Chamber, or in ſuch Houſe of Induſtry, to be called A General Board, on the firſt Thurſday in every following Month for ever, between the ſame Hours as are before appointed for the holding of each weekly Court: And alſo that the Governor for the Time being, or all the Deputy-governors, or any Two or more of them, without the ſaid Governor for the Time being, ſhall, and hereby hath and have Power and Authority, at any ſuch Time or Times as to him or them ſhall ſeem meet, to ſummon, aſſemble, and hold any other Special Court or Aſſembly of the ſaid Corporation, to conſiſt of Nine of the Members thereof at leaſt, upon Two Days Notice excluſive being given, under the Hand or Hands of ſuch Governor or Deputy-governor ſo calling the ſame, to the ſaid ſeveral Guardians for the Time being, or left at each of their Places of Abode in the ſaid City of Oxford, expreſſing the Time of holding ſuch Court or Aſſembly: And in caſe any Thirteen of the ſaid Guardians for the Time being, upon any Emergency, ſhall

a General monthly Board;

and extraordinary Courts may be called alſo.

To depart without Leave, Forfeiture not under 2s.

ſignify it under their Hands to the ſaid Governor, or in his Abſence from the ſaid City of Oxford, to the ſaid Deputy-governors, or any Two of them for the Time being, that it is their Deſire that an extraordinary Court or Aſſembly of the ſaid Corporation may be called and held, which ſhall always conſiſt of Twenty-one of the ſaid Guardians at leaſt, the ſaid Governor, or in ſuch his Abſence, the ſaid Deputy-governors, or any Two of them, ſhall, and are hereby enjoined and required to ſummon, call, and hold ſuch Court or Aſſembly at ſuch Time as the ſaid Thirteen Guardians ſhall ſo deſire; and on Refuſal or Neglect of the ſaid Governor, after any ſuch Requeſt to him, the ſaid Deputy-governors for the Time being, or One of them, on receiving ſuch Signification from any Thirteen of the ſaid Guardians, ſhall be bound, and are and is hereby likewiſe enjoined and required to ſummon, call, and hold any ſuch Special Court or Aſſembly, at ſuch other Time as the ſame Thirteen Guardians ſhall then require; and on the Neglect or Refuſal of ſuch Deputy-governor, and of ſuch Deputy-governors, then Thirteen of the ſaid Guardians ſhall, and hereby have Power under their Hands to ſummon, aſſemble, and hold any ſuch Court or Aſſembly, at ſuch Time, within Seven Days next following ſuch Refuſal or Neglect of the ſaid Deputy-governor or Deputy-governors, as they ſhall appoint; at all which ſaid laſt-mentioned Courts or Aſſemblies after ſuch Summons, all and every the Member and Members of the ſaid Corporation for the Time being are hereby enjoined to appear and be preſent: And that the ſaid Governor, or, in caſe of his Abſence or Refuſal, any one Deputy-governor; and in caſe of all their Abſence or Refuſal, any Two Juſtices of the ſaid City ſhall, and hereby have Power, when and ſo often as he and they ſhall think proper, by Summons under his or their Hands, to require all or any of the ſaid Guardians to appear and attend any of the ſaid weekly, monthly, or other Courts or Aſſemblies: And that all and every the Members of the ſaid Corporation, who ſhall appear and be preſent at any of the ſaid Courts (whether by any Summons or not) ſhall not depart from the ſame without the Permiſſion of the major Part of the ſame Court or Aſſembly; and in caſe any of ſuch Members, after he or they ſhall have been ſummoned to attend any of the ſeveral Courts as aforeſaid, ſhall refuſe or neglect to appear and attend accordingly, or any of the ſaid Members ſo appearing at any of the ſaid Courts, whether by ſuch Summons or not, ſhall quit the ſaid Court without ſuch Permiſſion thereof as aforeſaid, every ſuch Member ſhall, for every ſuch Offence, forfeit and pay ſuch reaſonable Sum and Sums of Money, not exceeding Five Shillings, nor under Two Shillings, to the Uſe of the ſaid Corporation, as by the ſame Court or Aſſembly, or any ſuceeding Court or Aſſembly, ſhall be ordered and directed, unleſs each ſuch Perſon having ſo offended ſhall ſhew ſome juſt and reaſonable Excuſe, to be allowed of by any ſuch Court or Aſſembly; and the ſaid Governor, or in his Abſence, or on his Refuſal, any Deputy-governor, at or before the holding of any the ſaid Courts, and for Want of any ſuch Governor or Deputy-governor, or on his or their Refuſal, the major Part of the ſaid Guardians being aſſembled to ſuch Number, and compoſing any of the ſaid Courts as aforeſaid, ſhall have, and are hereby ſeverally impowered, by Summons under his or their Hands reſpectively, to require any Perſon or Perſons whatſoever within the ſaid City to appear before any ſuch Court, then and there to anſwer on Oath (which Oath any of the Members at any ſuch Court have hereby Power to adminiſter) any Matters or Things relating to the ſaid Corporation; and every ſuch Perſon ſo ſummoned, is hereby required to appear and anſwer accordingly, on Pain of each ſuch Perſon offending forfeiting and paying, for each Offence, to the Uſe of the ſaid Corporation, ſuch Sum as the ſame, or any future Court ſhall order, not exceeding Five Shillings, nor under Two Shillings; unleſs ſuch Perſon ſhall, at the ſame or next following Court, ſhew good Cauſe to ſuch Court, and to be there allowed of to the contrary.

Preſident has a caſting Voice.

IX. Provided always, and be it further enacted by the Authority aforeſaid, That at all ſuch weekly, monthly, or other Courts, the Governor, if preſent, or, in his Abſence, any One Deputy-governor preſent, who ſhall be then named by the Majority of Guardians preſent at ſuch Court, if more Deputy-governors than One ſhall attend; or for Want of the Governor, or any of the Deputy-governors being preſent at any ſuch Court, then any One of the Guardians, who ſhall be appointed by the Majority of the Guardians preſent at any ſuch Court, ſhall preſide at each ſuch Court, and take the Chair as Preſident of ſuch Court: And in caſe of an Equality of Voices on any Tranſaction at any ſuch Court, including the Voice of the Preſident, the Preſident, or the Perſon ſo preſiding, ſhall have another and the caſting Voice.

Guardians may purchaſe Ground, &c. for a Houſe of Induſtry.

Corporations may ſell or lett.

X. And it is hereby further enacted, by the Authority aforeſaid, That the ſaid Guardians ſhall, and hereby have full Power and Authority, at or by the Order of any of the ſaid monthly or other Special Courts or Aſſemblies, to contract and agree for and by, and out of the Money to be raiſed as hereafter mentioned, to purchaſe or hire for any Term of Years, or to purchaſe for ever, any Houſe or Houſes, and to fit up and repair the ſame; or to purchaſe any Ground, and to erect and build thereon any Houſe or Houſes, Building or Buildings whatſoever, within the ſaid City of Oxford, or Suburbs thereof, as and for a Workhouſe, or Houſe of Induſtry; and to aſſign and fix on any Building, Room, or Apartment, for a Place of Correction: And it ſhall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Guardians, Truſtees, and Committees, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Infant Wards, Ceſtuique Truſts, Lunaticks, Idiots, or Perſons of unſound Memory and Underſtanding; and to and for all Femes-covert, who are or ſhall be ſeiſed or intereſted in their own Right; and to and for all and every Perſon and Perſons whomſoever, who are or ſhall be poſſeſſed of or intereſted in any ſuch Houſe or Houſes, Land or Ground, to contract with the ſaid Guardians, or any Five or more of them, for the Letting or Sale of ſuch Houſe or Houſes, Land or Ground, for the Purpoſes aforeſaid: And all Contracts, Lettings, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid, to all Intents and Purpoſes; any Law, Statute, Uſage, or, other Matter whatſoever to the Contrary notwithſtanding: And all ſuch Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Guardians, Truſtees, Committees,

mittees, and all other Perſons, ſhall be, and are hereby indemnified for what they ſhall do by virtue of this Act.

If Parties do not agree,

Guardians to ſummon a Jury,

whoſe Verdict ſhall be final.

Penalty on Jurymen, &c. neglecting their Duty.

XI. And be it further enacted, That if any ſuch Corporation or Perſon, upon Notice to him, her, or them given, or left in Writing at the Dwelling-houſe or Place of Abode of ſuch Perſon, or of the Head Officer of ſuch Corporation, or at the Houſe of the Tenant in Poſſeſſion of the Houſes, Buildings, Lands, or Hereditaments aforeſaid, ſhall, by the Space of Thirty Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating; then, and in every or any ſuch Caſe, the ſaid Guardians, or any Five or more of them, ſhall cauſe to be inquired into, aſcertained, and aſſeſſed, (by and upon the Oaths of a Jury of Twelve indifferent Men of the City of Oxford, or Suburbs thereof, which Oath any Five or more of the Guardians are hereby impowered to adminiſter), what Damages will be ſuſtained by, and what Recompence ſhall be made to ſuch Owners, Proprietors, Occupiers, or other Perſons intereſted therein; and, in order thereto, the ſaid Guardians, or any Five or more of them, are hereby impowered, from Time to Time, as Occaſion ſhall be, to ſummon before the ſaid Jury, and examine upon Oath, any Perſon whomſoever as a Witneſs concerning the Premiſes, (which Oath any Five or more of the ſaid Guardians are hereby impowered to adminiſter): And they ſhall alſo order and cauſe the ſaid Jury to view the ſaid Places in queſtion, if there be Occaſion, and uſe all lawful Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſes, as they the ſaid Guardians, or any Five or more of them, ſhall think fit; and after the ſaid Jury ſhall have inquired of, aſcertained, and aſſeſſed ſuch Damage and Recompence, they the ſaid Guardians, or any Five or more of them, ſhall thereupon order, adjudge, and determine the ſaid Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners, Proprietors, or Occupiers of, or other Perſons intereſted in the ſaid Houſes, Buildings, Lands, or Hereditaments, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination, ſo had or made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whatſoever, claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes-covert, Idiots, Lunaticks, Ceſtuique Truſts, and Perſons under any other Diſability whatſoever, Corporations Aggregate or Sole, Eccleſiaſtical, Civil, or Eleemoſynary, as well as all other Perſon or Perſons whomſoever; and all and every ſuch Owners, Proprietors, and Occupiers, and all and every Perſon and Perſons intereſted in ſuch Houſes, Buildings, Lands, or Hereditaments, ſhall, upon Payment or Tender of the Sum or Sums of Money ſo aſſeſſed as aforeſaid, be thereby and from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, and Property of, in, to, or out of the ſame: And for the ſummoning and returning ſuch Jury or Juries, the ſaid Guardians, or any Five or more of them, are hereby impowered to iſſue out their Warrant to the Bailiffs of the City of Oxford, thereby commanding them to impanel, ſummon, and return, Twenty-four indifferent Perſons to appear before the ſaid Guardians, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the ſaid Bailiffs, their Deputy or Deputies, is and are hereby required to impanel, ſummon, and return, ſuch Number accordingly; and out of the Perſons ſo impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Guardians, or any Five or more of them, ſhall ſwear, or cauſe to be ſworn, Twelve, to be drawn by Ballot out of the ſaid Twenty-four; and in Default of a ſufficient Number of Perſons ſo impanelled, the ſaid Bailiffs, or their Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured, to attend that Service, who ſhall be ſworn in like Manner, till the Number of Twelve be completed; which Twelve ſhall be the Jury for the Purpoſes aforeſaid; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn: And the ſaid Guardians, or any Five or more of them, acting in the Premiſes, ſhall have full Power, from Time to Time, to impoſe any reaſonable Fine or Fines on ſuch Bailiffs, or their Deputy or Deputies, or Agents, making Default in the Premiſes; and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or who ſhall refuſe to be ſworn on the ſaid Jury, or, being ſo ſworn, ſhall refuſe to give or not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons who being required to give Evidence before the ſaid Jury touching the Premiſes, ſhall refuſe or neglect to appear, or appearing, ſhall refuſe to be ſworn, and give Evidence; and from Time to Time to recover, levy, and apply, ſuch Fine or Fines in the ſame Manner as any other Forfeiture or Penalty is by this Act directed to be recovered, levied, and applied, ſo as that no ſuch Fine ſhall exceed the Sum of Ten Pounds upon any One Perſon for One Offence.

Expences of Jury how to be paid.

XII. And be it further enacted, That in caſe any ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Monies, as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons, in any ſuch Houſes, Buildings, Lands, or Hereditaments, or for any ſuch Loſs or Damage, than what ſhall have been agreed to and offered by the ſaid Guardians, or any Five or more of them, before the ſummoning or returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid; that then, and in ſuch Caſe, the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes ſhall be borne and paid by the ſaid Guardians, out of the Rates or Aſſeſſments hereby granted, or out of any Money to be borrowed upon the Credit thereof: But if any ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for no more, or for leſs Monies than ſhall have been agreed to, and offered by the ſaid Guardians, or any Five or more of them, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property in, or Loſs or Damage, as aforeſaid; that then, the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes ſhall be borne and paid by the Perſon or Perſons

ſons with whom the ſaid Guardians ſhall have ſuch Controverſy or Diſpute; which Coſts ſhall and may be deducted and retained by the ſaid Guardians, or any Five or more of them, out of the Monies ſo aſſeſſed by the ſaid Jury, as the Value of the ſaid Premiſes.

Guardians may purchaſe Stock and Materials,

XIII. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Guardians, or any Five or more of them, at or by the Order of any of the ſame Courts, or at or by the Order of any of the ſaid weekly Courts, to purchaſe and provide ſuch Goods, Cattle, Chattels, Proviſions, Clothing, Utenſils, and Materials whatſoever, by and out of the Money to be raiſed as hereafter mentioned, as ſhall by any of ſuch reſpective Courts be thought proper for the effectual ſetting to Work, receiving, employing, maintaining, and clothing of the Poor, under the Care and Power of the ſaid Guardians, of what Sex, Age, or Condition ſoever they be: And that the ſaid Guardians ſhall have, and are hereby empowered to have, the Care and Power over, and ſhall provide for the Maintenance and Employ, and other Management, according to this Act, of all the Poor of the ſeveral Pariſhes and Places in the ſaid City of Oxford, wanting, or ſeeking Relief; and of ſuch other Poor who ſhall be taken and received into the ſaid Houſe of Induſtry, or under the Care of the ſaid Guardians, purſuant to any Power hereby given, (except ſuch Poor of the ſaid ſeveral Pariſhes who ſhall be otherwiſe ſufficiently provided for by the charitable Gifts of others, or in private Hoſpitals or Alms-houſes within the ſaid City): And the ſaid Corporation ſhall, and hereby have Power and Authority to receive, and to order and compel all and every idle and diſorderly Perſon, who, by reaſon of their idle and diſorderly Living, ſhall neglect or refuſe to maintain, or ſhall leave, or threaten to leave and deſert their Families, not being afterwards able to maintain themſelves; and alſo all other People who ſhall beg, ſeek, or want Relief for the Time being, and who ſhall belong to, and ought, according to this Act, or by any Law in Force, to be relieved and provided for by any of the ſaid ſeveral Pariſhes or Places within the ſaid City of Oxford, to come into, work, dwell, and inhabit in the ſaid Houſe of Induſtry, hereby veſted in, or any other ſuch Houſe as ſhall belong to the ſaid Corporation for the Time being, by virtue of this Act; and to detain, keep, maintain, and employ, all ſuch reſpective poor Perſons therein, ſo long as it ſhall not appear to the ſaid Guardians on the Part of any ſuch poor Perſons, that any of them reſpectively are of Ability, or can otherwiſe be ſufficiently maintained and provided for without the Aid and Proviſion of the ſaid Corporation; and to employ, ſet, and compel all ſuch Poor, who ſhall be ſo received, or come in to dwell, and be in the ſaid Houſe of Induſtry during ſuch their Abode and Reſidence there, and whilſt maintained by the ſaid Corporation, as aforeſaid, to do, execute, and perform ſuch Work, Labour, Buſineſs, and Employ, as the ſaid Guardians, or any Five or more of them, ſhall think and judge ſuch reſpective Poor are and ſhall be able and fit to do and perform, for the Uſe of the ſaid Corporation; and to detain and keep all ſuch idle and diſorderly Perſons who ſhall have ſo deſerted, threatened to leave, neglected, or refuſed to maintain his or their Families, and to ſet each of them to work in ſuch Houſe of Induſtry during ſuch Time, and until each ſuch Perſon, by his or her Work and Labour there, ſhall have got and raiſed ſo much Money above their Maintenance as ſhall be ſufficient to repay and reimburſe to the ſaid Corporation the Charges and Expences they ſhall have ſuſtained in the maintaining and providing for every ſuch idle or diſorderly Perſon, and his or her Family: And in caſe any ſuch idle or diſorderly Perſon ſhall not, by his or her Work and Labour, be able to get ſo much Money as ſhall be ſufficient to reimburſe the ſaid Corporation the Charges and Expences of having maintained him or her, or any of his or her Family, as aforeſaid; then, and ſo often as the ſaid Guardians, or any Five or more of them, ſhall, and they hereby have Power to detain and keep ſuch idle and diſorderly Perſon within their Houſe of Correction, to ſuch hard Labour as he or ſhe can undergo, for the Space of Thirty Days, and there to cauſe him or her to be whipped during ſuch Thirty Days, ſo often, not exceeding Three Times, as the ſaid Guardians, or any Five or more of them, ſhall think proper.

and provide for the Poor.

Diſorderly Perſons may be compelled to be ſet to work in the Houſe of Induſtry.

Guardians, &c. not to be concerned in Contracts, &c.

XIV. And be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Governor, Guardian, Treaſurer, or other Officer, under this Act, during ſuch Time as he ſhall be concerned in any beneficial Contract made by virtue of this Act; nor ſhall any Governor, Deputy-governor, Guardian, Treaſurer, or other Officer, under this Act, provide, furniſh, or ſupply, for his own Profit, any Goods, Materials, or Proviſions, for the Uſe of the ſaid Houſe of Induſtry, or otherwiſe, on account of the Poor to be provided for under this Act.

Poor may be ſearched for,

XV. And be it further enacted by the Authority aforeſaid, That, for the better providing for and diſcovering all ſuch Poor in and belonging to the ſaid ſeveral Pariſhes, it ſhall be lawful for the ſaid Guardians, or any Perſon or Perſons to be appointed by them, at any of their ſaid Courts, taking a Conſtable of the ſaid City, or of the Pariſh where the Search is intended to be made, to enter any Houſe or other Building in the ſaid City where any ſuch Poor ſhall dwell, or be known to lodge or be, and to examine, ſearch, and ſee what of ſuch poor Perſons there are come into, inhabiting, or reſiding within any of the ſaid ſeveral Pariſhes within the ſaid City of Oxford, who ſhall want, have begged, or ſhall ſeek Relief, and ought to be relieved by any of the ſaid ſeveral Pariſhes for the Time being; and upon any of ſuch poor Perſon or Perſons refuſing, on ſuch Examination, to come into the ſaid Houſe of Induſtry, and to accept and conform to the Proviſion and Rules of the ſaid Corporation; then, by Order of any of the ſaid Courts, or by ſuch Ways and Means as the ſaid Guardians in any Court ſhall judge moſt reaſonable and proper, to remove and convey, and cauſe to be removed and conveyed, every ſuch poor Perſon ſo refuſing, into the ſaid Houſe of Induſtry, to be there employed and maintained, purſuant to the Powers hereby given: And alſo, that the ſaid Guardians ſhall, and hereby have Power and Authority, by Order of any of there ſaid Courts, or by ſuch other Means as to them in any Court ſhall appear moſt proper, to apprehend, or cauſe to be apprehended, all Rogues, Beggars, Vagrants, or idle or diſorderly Perſons, coming, or being, or wandering, or begging within the ſaid City, or the Liberties thereof, and not having any lawful Employment,

and removed into the Houſe.

ployment,

and be puniſhed for Miſbehaviour.

ployment, or reaſonable Means of getting his or her Livelihood; and to cauſe every ſuch Perſon to be brought into, and to be ſet and kept at Work in the ſaid Houſe of Induſtry, or otherwiſe to be employed under the Direction and for the Uſe of the ſaid Corporation, and ſubject to ſuch corporal or other Puniſhment as the other Poor therein are hereby made ſubject to for Miſbehaviour, or otherwiſe, according to the Government of ſuch Corporation; or to be kept to hard Labour and whipped in the Place of Correction belonging to the ſaid Corporation, as the Law directs in the Caſe of Vagrants, as the ſaid Guardians, in any Court, ſhall direct; and ſo to detain every ſuch apprehended Perſon, for any Time not leſs than Thirty Days together, nor longer than One Year together, in the Judgement of the ſaid Guardians, and then to be diſmiſſed at ſome outer Gate of the ſaid City, as the Guardians ſhall direct; during all which Time, every ſuch apprehended Perſon ſhall be reaſonably maintained and provided for by the ſaid Guardians, at the Coſts of the ſaid Corporation; and that all ſuch Coſts, above the Profit, to ariſe from each ſuch Perſon's Work and Labour, which ſhall be ſet againſt the ſame rateably, according to the Charge *per* Head of all the other Poor provided for by the ſaid Corporation for the Time being, ſhall be paid for by all the ſaid ſeveral Pariſhes in the ſaid City.

Poor Children may be bound Apprentices.

XVI. And it is hereby further enacted by the Authority aforeſaid, That all poor Children who at any Time ſhall be maintained by the ſaid Guardians, ſhall be and remain under their Government till they arrive at the Age of Fourteen Years; and that after ſuch Children ſhall attain the Age of Fourteen Years reſpectively, or ſooner, if the ſaid Guardians think fit, the ſaid Guardians ſhall, and hereby have Power, at any Monthly or Special Court, by Writing under their Common Seal, without Stamp, to bind and put forth any of ſuch Children Apprentices to any reputable Perſon in England, or to any Two of the ſaid Guardians, as Truſtees, for the Benefit of, and to be employed under the ſaid Corporation, to learn and to be employed in any Art, Trade, Myſtery, or Occupation, or in any Handicraft Buſineſs or Manufacture, or in the Sea Service, as the Guardians, or any Five or more of them, ſhall think moſt fit and proper; ſuch Boy to be ſo bound for any Term not exceeding his Age of Twenty-two Years, and ſuch Girl for any Term not exceeding Eighteen Years; and that every ſuch Writing (where the Apprentice ſhall not be bound to ſuch Two Guardians) ſhall be mutually binding as an Indenture between the Maſter, Miſtreſs, and Apprentice; and the Apprentice ſhall gain, and be intitled to gain a Settlement; and if to a Freeman, be intitled to his Freedom under the ſame, and ſhall in all reſpects be enforced according to the Laws in Force concerning the binding out of poor Children Apprentices, whoſe Parents are not able to provide for them; and that the ſaid Guardians ſhall, and hereby have full Power to maintain and provide for every ſuch Apprentice, and hereby have full Power and Property over any ſuch Apprentice who ſhall be ſo bound to any ſuch Two Guardians as their lawful Apprentice, whoſe Work and Labour ſhall go and be to the Uſe of the ſaid Corporation, and the Benefit of the ſaid ſeveral Pariſhes: And in caſe he, ſhe, or they ſhall deſert, or not duly perform ſuch Service and Apprenticeſhip, the ſaid Guardians ſhall, and hereby have Power, by Warrant under the Seal of the ſaid Corporation, to apprehend each ſuch Apprentice in any City, County, or Place in Great Britain, where he, ſhe, or they ſhall or may be found, and thereupon every ſuch Apprentice ſhall be brought back to the ſaid Houſe of Induſtry, in order to fulfil the ſame Apprenticeſhip; and the ſaid Guardians may, and hereby have full Power to confine and inflict ſuch moderate Puniſhment on him, her, or them, for any ſuch Miſdemeanor, as the ſaid Guardians, or any Five or more of them, ſhall think moſt ſuitable to the Caſe: And the ſaid Guardians, or any Five or more of them, may, and hereby have Power to aſſign or turn over any ſuch Apprentice, or wholly to releaſe or diſcharge him or her from ſuch Apprenticeſhip, by any Writing under their Common Seal, as they ſhall, in any Court, think fit to order and direct; and alſo that the ſaid Guardians, or any Five or more of them, ſhall, and hereby have Power to diſcharge out of the ſaid Houſe, or to hire out, either before or as ſoon as may be after ſuch Age of Fourteen Years, any of the ſaid poor Children of the ſaid ſeveral Pariſhes or Places, to be Servants in Huſbandry, Houſewifery, or otherwiſe, for One whole Year at the leaſt, for ſuch Child's own Benefit; and alſo before ſuch Age to hire out any of ſuch poor Children, and alſo any of the other Poor within the ſaid Houſe, to work and labour in the Time of Hay and Corn Harveſt, or at any other Time, for the Benefit of the ſaid Corporation, with any Farmer, Tradeſman, or Perſon, under ſuch Payment by ſuch Farmer, Tradeſman, or Perſon, to ſuch Corporation, and for ſuch Term and Time as the ſaid Guardians, or any Five or more of them, ſhall appoint; all of which poor Perſons ſo hired out ſhall do and perform the Work and Labour to be contracted for by the ſaid Guardians, or any Five or more of them, to the beſt of each of their Power; and after the Expiration of ſuch Contract, ſhall immediately return with his, her, or their Apparel, with which he, ſhe, or they ſo went out to work, Allowance being made for the neceſſary Wear of ſuch Apparel, to the ſaid Houſe of Induſtry; or in Default thereof, ſhall and may be apprehended, by Warrant under the Hand and Seal of Two of the Juſtices of the ſaid City, in any County or Place whatſoever, and conveyed back to the ſaid Houſe, there to be employed and provided for as aforeſaid; and on every ſuch Perſon being ſo apprehended and brought back, the ſaid Guardians, or any Five or more of them, may and hereby have Power to inflict ſuch reaſonable Puniſhment, and of ſuch Sort, on each Perſon apprehended, as they at any Court ſhall direct: And that in each and every Caſe or Occurrence whatſoever, wherein any of the Poor, under the Care and Management of the ſaid Guardians, ſhall not work and labour, and obey and perform the Powers hereby given, and the Rules and Ordinances of the ſaid Corporation, from Time to Time, the ſaid Guardians, or any Five or more of them, ſhall, and hereby have Authority, at any Court, to order ſuch poor Perſon or Perſons ſo miſbehaving to be whipped in the Houſe of Correction, and to do ſuch Taſk-work, or to inflict ſuch Confinement, or other reaſonable Puniſhment, on him, her, or them ſo miſbehaving, as any ſuch Court ſhall think fit and reaſonable.

Power to aſſign Apprentices.

Poor may be let out to Harveſt-work, &c.

and puniſhed if they do not return with Apparel, &c.

Puniſhment for Miſbehaviour.

XVII. And

Contracts to be entered in Books.

XVII. And be it further enacted by the Authority aforeſaid, That the ſaid Guardians ſhall cauſe all Contracts made for the Purchaſe or Hire of any Houſe or Houſes, or with or by the Artificers and Workmen, or others employed or to be employed, in or about the ſaid Houſe of Induſtry, and all Receipts, Payments, Debts, and Credits, and any Matter or Thing relating thereto, and all other their Proceedings concerning the ſame, to be fairly written and entered in a Book or Books to be provided for that Purpoſe.

Money to be raiſed by granting Annuities.

XVIII. And, in order to raiſe a proper Fund to enable Guardians to carry into Execution the ſeveral Truſts hereby in them repoſed, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay into the Hands of the ſaid Treaſurer or Treaſurers ſo to be annually appointed, as aforeſaid, any Sum or Sums of Money not exceeding in the Whole the Sum of Ten thouſand Pounds, for the abſolute Purchaſe of One or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of every ſuch Contributor reſpectively, or the natural Life of ſuch other Perſon as ſhall be nominated by or on the Behalf of ſuch reſpective Contributor, at the Time of Payment of his or her reſpective Contribution-money; which Annuity or Annuities ſhall not exceed the Rate of Nine Pounds per Annum for every One hundred Pounds, and ſo in proportion for any greater or leſs Sum, to be advanced and paid as aforeſaid; and ſhall be payable and paid by the ſaid Treaſurer or Treaſurers, as herein-after directed, in the ſaid Council Chamber, or in ſuch Place in the ſaid City as he or they ſhall for that Purpoſe appoint, by Four equal quarterly Payments in the Year; the Firſt of ſuch Payments to begin and be made to the reſpective Purchaſers, and their Aſſigns, at the Expiration of the Firſt Three Calendar Months next after Payment of his or her reſpective Purchaſe-money; which Annuities ſhall be publickly ſold by the ſaid Guardians of the ſaid Poor, in the ſaid Council Chamber, or ſome other publick Place, to the beſt Bidder for the ſame, on Twenty-one Days Notice thereof being firſt given in the London Gazette, or other publick News-paper, and a like Notice affixed upon the Town Hall, and ſuch other publick Places as ſhall be thought proper, ſignifying ſuch Intention.

Treaſurer to pay the Annuities.

XIX. And, for the better aſcertaining and regulating the Payment of the ſaid Annuities, be it further enacted by the Authority aforeſaid, That the ſaid Guardians, or any Nine or more of them, ſhall, by Warrants under their Hands and Seals, (directed to ſuch Perſon or Perſons as ſhall be choſen and appointed Treaſurer and Treaſurers, in Manner herein-before mentioned), order and direct, from Time to Time, the ſeveral quarterly Payments of the ſaid Annuities to the reſpective Proprietors, as the ſame ſhall become due; which ſaid Treaſurer or Treaſurers is and are hereby required, upon Receipt of ſuch Warrant or Warrants, forthwith to pay the ſame out of the Firſt Monies which ſhall be in his or their Hands, in purſuance of this Act, and ariſing by the reſpective Rates on the ſeveral Pariſhes; which Warrant ſhall be allowed in account to him or them, on making up his or their Accounts with the Guardians, as herein-after mentioned.

Annuitants Names to be entered in Books.

XX. And it is hereby further enacted by the Authority aforeſaid, That there ſhall be provided by the ſaid Guardians, and kept in the Houſe of Induſtry, or in ſuch Place in the ſaid City as they the ſaid Guardians, or any Five or more of them, ſhall appoint, a Book or Books, in which ſhall be fairly written, in Words at length, the Names and Surnames, with the proper Additions and Places of Abode, of all ſuch Perſons who ſhall be Purchaſers of any of the Annuities aforeſaid; and of all Perſons by whoſe Hands the ſaid Purchaſers ſhall pay in any Sum or Sums of Money upon the Credit of this Act; and alſo the Sum and Sums ſo paid for the Purchaſe of ſuch Annuity or Annuities, and the reſpective Days of Payment thereof; and alſo an Account of the Intereſt that ſhall be paid to the ſaid Annuitant or Annuitants, from Time to Time, and by whom received; to which Book and Books it ſhall be lawful for the ſaid reſpective Purchaſers, their Executors, Adminiſtrators, and Aſſigns, Agent or Agents, and to and for any Perſon or Perſons who ſhall be liable to pay any Aſſeſſments to be made by virtue of this Act, from Time to Time, and at all ſeaſonable Times, to have Recourſe to, and inſpect the ſame, without Fee or Reward.

Annuities charged upon the Rates.

XXI. And be it further enacted by the Authority aforeſaid, That all and every the Annuities ſo to be purchaſed under and by virtue of this Act, ſhall be, and are hereby charged upon, and ſhall be paid and payable, from Time to Time, out of the Monies ariſing by the reſpective Rates on the ſeveral Pariſhes made by virtue of this Act; and all and every the Contributor and Contributors upon the Credit of this Act, duly paying the Conſideration or Purchaſe-money for any ſuch Annuities as aforeſaid, or ſuch Perſon or Perſons as he, ſhe, or they ſhall appoint, his, her, or their reſpective Aſſigns, ſhall have, receive, and enjoy, and be intitled, by virtue of this Act, to have, receive, and enjoy, the ſaid reſpective Annuity or Annuities, during the Term of the natural Life of the Perſon to be nominated by each ſuch Purchaſer or Contributor, as above mentioned; and that all and every ſuch Purchaſer and Purchaſers, and their Aſſigns reſpectively, ſhall have good, ſure, abſolute, indefeaſible Perſonal Eſtates and Intereſts in the Annuities ſo by them reſpectively purchaſed, according to the Tenor and true Meaning of this Act; and that none of the ſaid Annuities ſhall be ſubject and liable to the Tax charged upon Lands by Authority of Parliament, or to any other Parliamentary or Parochial Tax whatſoever.

Contributors to have Receipts for their Money.

XXII. And be it further enacted by the Authority aforeſaid, That every Contributor upon this Act, for the Purchaſe of any ſuch Annuity or Annuities, as aforeſaid, his, her, or their Aſſigns, upon Payment of the Conſideration or Purchaſe-money for the ſame, or any Part or Proportion thereof, ſhall have One or more Receipt or Receipts from the Perſon or Perſons receiving the ſame, importing the Receipt of ſo much Purchaſe-money as ſhall be ſo paid; and upon Payment of the Remainder of ſuch Purchaſe-money, if any, every ſuch Contributor, his or her Aſſigns reſpectively, ſhall have an Order on Parchment or Vellum for Payment of the ſaid Annuity or Annuities, for and during the Life of ſuch Perſon as ſhall be nominated by ſuch Contributor or Purchaſer, as aforeſaid;

ſaid; which Order ſhall be ſigned by the Guardians, or any Nine or more of them, at any Meeting aſſembled, ſuch Nine being a major Part of them aſſembled at ſuch Meeting; and after ſigning thereof, the ſame ſhall be firm, good, valid, and effectual in the Law, according to the Purport and true Meaning of this Act.

Annuities may be aſſigned.

XXIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Purchaſer or Purchaſers of any ſuch Annuity or Annuities, as aforeſaid, and his, her, and their Executors, Adminiſtrators, or Aſſigns, at any Time or Times, by Writing under his, her, or their Hands and Seals, without any Stamp thereon, to aſſign ſuch Annuity or Annuities, or any Part thereof, or Intereſt therein, to any Perſon or Perſons whatſoever, and ſo toties quoties; and a Memorandum or Entry of all ſuch Aſſignments, and of the reſpective Days the ſame were brought to be ſo entered, ſhall be made in a Book, which is hereby required to be kept for that Purpoſe, at the Charge of the ſaid Guardians, in the Houſe of Induſtry, or in the Council Chamber belonging to the ſaid City, or in ſuch Room or Place as ſhall be appointed in the ſaid City for that Purpoſe; which Entry or Memorandum ſhall be made gratis, and may, at all ſeaſonable Times, be inſpected by any Perſon or Perſons intereſted therein.

Proviſo.

XXIV. Provided always, That no ſuch Aſſignment ſhall be deemed good and effectual, until ſuch Memorandum or Entry ſhall be made in the ſaid Book, in Manner aforeſaid.

Former Poor Rates to be diſcontinued,

except as excepted.

Poor Perſons not capable of being removed into the Houſe of Induſtry to be relieved.

Collectors to keep ſeparate Accounts of Money expended.

XXV. And be it further enacted by the Authority aforeſaid, That the Churchwardens and Overſeers of the Poor of the ſaid ſeveral Pariſhes herein-before mentioned, or any of them for the Time being, from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-one, ſhall not, by virtue of any Law now in being, make, ſave as hereafter mentioned, and they, and every of them, are hereby diſabled to make, or cauſe to be made, any other Rate, Aſſeſſment, or Taxation whatſoever; or to rate, collect, or gather, any other Sum or Sums of Money, within any of the ſaid ſeveral Pariſhes, or from the Inhabitants thereof, or otherwiſe, for the Relief, Maintenance, and Employment of the Poor of, within, and belonging to the ſaid ſeveral Pariſhes, other than ſuch Rates or Taxation, for the clothing, maintaining, employing, and otherwiſe providing for the Poor of, and belonging to the ſaid ſeveral Pariſhes, as ſhall and may, from Time to Time, be ordered and directed to be rated and raiſed by the ſaid Corporation, purſuant to the Powers herein given, and for the Purpoſes herein expreſſed, ſave and except all ſuch Rates or Sums of Money which the ſaid Churchwardens and Overſeers, or any of them, now are or ſhall, by any ſpecial Law, be obliged and directed to pay, and to raiſe by Taxation, for the Relief and Proviſion of the Families of any Militia Men, or for any other particular Purpoſes ariſing within and falling to the Part of each ſuch Pariſh, and particularly directed by other Acts of Parliament: And that none of the ſaid Churchwardens or Overſeers of the ſaid ſeveral Pariſhes for the Time being, ſhall pay, expend, or apply, any Money to be rated, collected, and raiſed, in the ſaid ſeveral Pariſhes by them, or any of them, purſuant to any of the Powers hereby given to or for the Relief of any of the Poor, of or in any of the ſaid ſeveral Pariſhes, or to or for any other Uſe or Purpoſe, or to any Perſon or Perſons, other than ſuch as is and are herein-after appointed, or ſhall be directed, purſuant to the Powers herein contained, ſave and except ſo much and ſuch Part of any ſuch Money to be ſo collected, and when remaining in the Hands of the Perſon impowered, and having collected the ſame, as any Five of the ſaid Guardians, not being Churchwarden or Overſeer for the Time being, by Writing under their Hands, intervening the Time of holding any of the ſaid Courts: And, in Caſe of Neceſſity, or ſo much of ſuch Monies as any of the ſaid Courts, which they are hereby ſeverally impowered to do, ſhall order to be paid by any ſuch collecting Churchwarden or Overſeer, or other collecting Officer for the Time being, to be impowered, by virtue of this Act, in and for the Relief and Support of any Perſon not able to ſupport him or herſelf, and incapable of being moved into the ſaid Houſe of Induſtry, who by Accident, Sickneſs, or otherwiſe, ſhall fall, and be caſually in Want in any ſuch Pariſh, or for the Burial of any poor Perſon dying therein, or in the removing of any Pauper to his or her Place of Settlement, or in trying the Right of any Pauper's Settlement, or for any other ſuch urgent and neceſſitous Caſe: And in the Caſes of all ſuch directed Payments, the ſaid Churchwardens and Overſeers of the ſaid ſeveral Pariſhes, or other Perſon collecting and paying the ſame, ſhall keep a ſeparate Account of all the Money to be by them reſpectively expended and laid out for any the aforeſaid excepted and ſpecial Purpoſes; and ſhall, from Time to Time, deduct the ſame out of the Money they ſhall be reſpectively required to rate, collect, and raiſe in each Pariſh, under the Directions of this Act; and upon his or their paying the Overplus of the Money ſo directed to be raiſed to the Treaſurer, or ſuch other Perſon, for the Uſe of the ſaid Corporation, as is herein-after directed and appointed, he or they ſhall at the ſame Time deliver in to ſuch Treaſurer, or other Perſon, a fair Copy of every Rate to be ſo made, and of all the Money to be ſo collected, and of all Payments for any of the ſaid excepted or ſpecial Purpoſes, at the Time herein appointed for the Return of every ſuch Rate and Payment of all Money to be collected by virtue of the Powers hereby given; to the Intent that every ſuch Churchwarden or Overſeer, or other ſuch collecting Officer of every ſuch Rate, ſhall, on every ſuch Payment, balance his Accounts and Collections, and have no further Account open or depending with the ſaid Corporation, or relative to the Poor under their Care.

Furniture, &c. veſted in the Corporation.

XXVI. And be it further enacted by the Authority aforeſaid, That the Property of all and every the Goods, Cattle, Chattels, Furniture, Proviſions, Clothes, Linen, and Wearing Apparel, Tools, Utenſils, and Materials whatſoever, to be from Time to Time had, bought, uſed, procured, and in the Poſſeſſion, Uſe, and Employ of the ſaid Corporation, for the Time being; and alſo all Debts due to the Corporation for the Poors Work, or otherwiſe, ſhall be, and are hereby abſolutely veſted in the ſaid Guardians, Perſons embezzling to be puniſhed.

Receiver to forfeit 5 *l.* and the Value of the Goods.

for the Uſe of the ſaid Corporation, who are hereby authoriſed and impowered, by their ſaid Name of Incorporation, to bring Actions for the Recovery thereof, and alſo to make any Accuſation before any Juſtice of the Peace, who ſhall thereupon cauſe any ſuch Perſon accuſed to be apprehended as a Felon; and alſo to proſecute Indictments, as in the Caſe of, and which is hereby declared to be Felony, againſt any Perſon or Perſons, and alſo againſt any of the ſaid Poor provided for and under the Care of the ſaid Guardians, who ſhall ſteal, take, carry away, ſell, embezzle, pawn, pledge, or wilfully deſtroy or ſpoil any ſuch the aforeſaid Goods, Cattle, Chattels, Furniture, Proviſions, Clothes, Linen, Wearing Apparel, Tools, Utenſils, and Materials whatſoever: And as to any of the ſaid Poor who ſhall be found guilty of any ſuch Offences in the Judgement of the ſaid Guardians, in any of their ſaid Courts, it ſhall be lawful for the ſaid Guardians then and there to order ſuch Confinement and corporal Puniſhment of any ſuch Offender, in the Houſe of Correction, inſtead of any Proſecution for Felony as aforeſaid, as they ſhall think proper: And in caſe he or ſhe ſhall have abſconded, by Warrant under the Seal of the ſaid Corporation, to cauſe ſuch Perſon to be apprehended in any City, County, or Place, and to be conveyed to ſuch Houſe of Induſtry, there to be confined and puniſhed, as aforeſaid: And in caſe any Perſon or Perſons ſhall knowingly buy or receive, or cauſe to be bought or received, or ſhall otherwiſe take into his, her, or their Cuſtody or Power, any ſuch of the aforeſaid Goods, Cattle, Chattels, Furniture, Proviſions, Clothes, Linen, Wearing Apparel, Tools, Utenſils, and Materials whatſoever before-named, from or by Means or Contrivance of any of the Poor, under the Care and Management of the ſaid Guardians, or from any other Perſon or Perſons, without the Privity and Conſent of the ſaid Guardians in ſome of their ſaid Courts; and in caſe any Perſon or Perſons ſhall knowingly receive, entertain, keep, or conceal, any of the ſaid Poor, under the Care of the ſaid Guardians, who ſhall have abſconded, eloped, or deſerted, from the ſaid Houſe of Induſtry, without the Privity and Conſent of the ſaid Guardians, every ſuch Perſon or Perſons ſo offending, and being convicted of any of the Offences aforeſaid, on his or her own Confeſſion in Writing, or upon the Oath of any One Witneſs, or upon the Oath of any ſuch poor Perſon having ſo ſold, pawned, or delivered any of ſuch Goods, Cattle, Chattels, Apparel, or Materials aforeſaid, or having ſo eloped, as aforeſaid, before any One Juſtice of the Peace of the ſaid City, or of the Place where the Offender ſhall dwell; which Oath any ſuch Juſtice hath hereby Power to adminiſter, ſhall forfeit and pay for every ſuch Offence, the Sum of Five Pounds, over and beſides the Value of the Goods, Cattle, Chattels, Apparel, or Materials ſo bought, received, or taken into his, her, or their Cuſtody, to be eſtimated at the Price the ſame were originally bought when new, for the Uſe of the ſaid Corporation; to be levied by Diſtreſs and Sale of the proper Goods, Cattle, and Chattels, of every ſuch Offender or Offenders, together with the Charges of ſuch Diſtreſs and Sale, by Warrant for that Purpoſe to be forthwith granted under the Hand and Seal of ſuch Juſtice before whom any ſuch Conviction ſhall be; and, for want of ſuch ſufficient Diſtreſs, it ſhall be lawful for the ſame or any other Juſtice having Juriſdiction, by Warrant under his Hand and Seal, to apprehend any ſuch Offender or Offenders, and to commit him, her, or them, to the Common Gaol of the City or County where ſuch Perſon ſhall be apprehended, there to remain without Bail or Mainprize, until Payment of each ſuch Penalty, with the Charges of Recovery thereof, and of the Purſuit and Commitment of ſuch Offender, to be fixed and aſcertained by ſuch Juſtice, or until ſuch Perſon ſhall have compounded for the ſame, and paid ſuch Compoſition; which Compoſition the ſaid Guardians, or any Five or more of them, are hereby impowered to make; and each or any of ſuch Convictions, and alſo all and every other Convictions for any Penalties whatſoever, in purſuance of this Act, and relating to the ſaid Corporation in any wiſe, ſhall be drawn up in the following Manner, or in Words to the ſame Effect, and ſhall not be quaſhed or vacated, or any Advantage taken thereof, for want of Form.

Form of Conviction.

City [*or*] County of

BE it remembered, That on the Day of in the Year of His Majeſty's Reign, is [*or are*] convicted before in the Sum of for [*ſpecifying the Offence and Facts as the Caſe ſhall be.*]

Given under Hand and Seal [*or Hands and Seals*] the Day and Year aforeſaid.

Guardians to appoint Maſters, Matrons, &c.

XXVII. And be it it further enacted by the Authority aforeſaid, That the ſaid Guardians, or any Five or more of them, ſhall, and hereby have Power and Authority, in any of their ſaid Courts or Aſſemblies, to nominate, appoint, and employ, from Time to Time, ſuch Perſon and Perſons as they ſhall think proper, to be and officiate as Clerk, Aſſiſtant, Maſter, Matron, Beadle, or Porter, or in any other Office or Place which ſhall be thought needful by the ſaid Guardians, and, from Time to Time, to remove and diſplace ſuch Perſon or Perſons as they ſhall find Cauſe; and upon the Death or Removal of them, or any of them, to chuſe others in their Place, and to make, pay, and allow, out of the Stock of the ſaid Corporation, and the Rates to be raiſed as herein-after mentioned, ſuch reaſonable Salary, or Allowance to any ſuch Clerk, or other Officer or Perſon, as the ſaid Guardians, or any Five or more of them, ſhall think fit.

Treaſurer to give Security, and account.

XXVIII. And it is hereby further enacted, That the Treaſurer and Treaſurers of the ſaid Corporation for the Time being, before he or they ſhall reſpectively act in ſuch Office or Place, ſhall give Bond, in a ſufficient Penalty, with Sureties, duly to pay and account with the ſaid Corporation, and to act in any ſuch Office according to the Tenor of the Truſt, purſuant to this Act; and the ſaid Treaſurer or Treaſurers for the Time being, and alſo the Clerk, and every other Officer or Perſon who ſhall belong to the ſaid Corporation or Houſe of Induſtry, ſhall, from Time to Time, account before ſuch Perſon or Perſons, or before the ſaid Auditor or Auditors, as the ſaid Guardians, or any Five or more of them, ſhall for ſuch Purpoſes appoint, for all ſuch Sums of Money, Stock, Goods, and other Things whatſoever, belonging to the ſaid Corporation, or the ſaid Houſe of Induſtry, which ſhall come to their reſpective Hands, or be under their reſpective Care, upon every reaſonable Warning or Notice thereof, not being leſs than Three Days excluſive, to be to them reſpectively given, or left at his or their Place of Abode, by the Order of the ſaid Guardians, or any Five or more of them; and in caſe any ſuch Treaſurer, or other Officer or Perſon, ſhall neglect or refuſe to account as aforeſaid, it ſhall and may be lawful for any One Juſtice of the Peace in and for the ſaid City of Oxford, on Proof thereof made to him on the Oath of any One Perſon, under the Direction of the ſaid Corporation, by Warrant under his Hand and Seal, to cauſe any ſuch Treaſurer, or other Officer or Perſon, to be apprehended in the ſaid City, and to commit him or them to the common Gaol of the ſaid City, there to remain without Bail or Mainprize, until he or they ſhall conform and account as before directed: And if any ſuch Treaſurer, or other Officer or Perſon ſo neglecting or refuſing to account, ſhall go or be out of the Juriſdiction of the ſaid City, ſo that ſuch the aforeſaid Warrant againſt him cannot be executed, it ſhall be lawful for any One Juſtice, in any other County or Place where it ſhall be ſuſpected ſuch Treaſurer or other Officer ſhall be, to indorſe his Name on any ſuch Warrant, which ſhall be full Power to any Conſtable, or other Perſon having ſuch Warrant, to execute the ſame in any ſuch County or Place, of which ſuch Juſtice ſo indorſing the ſame hath Juriſdiction; to the Intent, that from and after any ſuch Offender ſhall be taken, he ſhall be conveyed before any One Juſtice of the ſaid City of Oxford, to be by him committed for ſuch Offence as aforeſaid: And if upon any Account made with the ſaid Corporation by any Treaſurer, or other Officer or Perſon, there ſhall appear and be any Money, Goods, or other Effects, in his or their Hands, due and belonging to the ſaid Corporation, he and they ſhall pay and deliver over the ſame to ſuch Perſon or Perſons, and at ſuch Time, as the ſaid Guardians, or any Five or more of them, ſhall direct, or ſhall give ſuch Security for the ſame as the ſaid Guardians, or any Five or more of them, ſhall approve of; and in Default of ſuch Payment, or giving ſuch Security, according to ſuch Direction or Approbation, every ſuch Treaſurer, or other Officer or Perſon, ſhall immediately thereupon forfeit and pay to the ſaid Guardians, double the Value of ſuch Money, Goods, or other Effects, ſo being in his or their Hands; to be recovered by the ſaid Guardians by Action of Debt, Bill, Plaint, or Information, in any Court of Record in Great Britain, in which no Protection, Eſſoin, or Wager of Law, or more than One Imparlance, ſhall be allowed: And in the Caſe of every ſuch Forfeiture, upon Affidavit made thereof by any Perſon on Behalf of the ſaid Guardians, it ſhall be lawful for the ſaid Guardians, or any Five or more of them, by virtue of ſome proper Writ or Plaint out of any ſuch Court of Record in Great Britain, to arreſt any ſuch Treaſurer, or other Officer or Perſon ſo offending, in order to hold him or them to Bail in the ſaid Action, for the Recovery of any ſuch Penalty.

Guardians not to have Power over particular Charities.

XXIX. Provided always, and be it further enacted by the Authority aforeſaid, That this Act, or any Thing herein contained, ſhall not in any-wiſe extend to give the ſaid Guardians any Power or Authority over any Alms-houſe or Hoſpital, or any other charitable Building, or other ſpecial Donation whatſoever, within the ſaid City, already or hereafter to be given, ſettled, or erected, nor to give any Power or Authority over any of the Poor dwelling therein, or having the Benefit of any ſuch private Donations or Charities for the Time being; any Thing herein contained to the Contrary notwithſtanding.

Sums neceſſary for the Maintenance of the Poor, how to be apportioned.

XXX. And whereas the keeping ſeparate Accounts of the Poor, and apportioning the Sums neceſſary for their Support and Employment in each reſpective Pariſh, would be attended with great Trouble and Perplexity; and that incorporating the ſaid Poor of the ſeveral and reſpective Pariſhes hereinbefore mentioned into One Family would remedy the ſaid Inconveniencies; be it therefore further enacted by the Authority aforeſaid, That from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-one, or as ſoon after as a Houſe can be provided for the Reception of the ſaid Poor, the ſeveral and reſpective Sums neceſſary to be raiſed for their Maintenance, Relief, and Employment, ſhall be raiſed by a regular Pound-rate, to be aſſeſſed, without Diſtinction, throughout each of ſuch reſpective Pariſhes within the City of Oxford: And that the ſaid Guardians, or any Thirteen or more of them, ſhall, and hereby have Power, at any of their Monthly or other Special Courts or Aſſemblies, to be for ever afterwards held, from Time to Time, as there ſhall be Occaſion, and as they ſhall think proper, to ſet down and aſcertain what Sum or Sums of Money ſhall be needful to be raiſed by ſuch regular and equal Pound-rate, as aforeſaid, for the maintaining and employing the Poor, and for other the Uſes of the ſaid Corporation, purſuant to the Deſign of this Act: And the Guardians, or any Thirteen or more of them, ſhall, and hereby have Power and Authority, at every or any ſuch Monthly or Special Courts or Aſſemblies, as aforeſaid, to iſſue, and, as ſoon as may be, to ſend out and to direct their Precept and Certificate, under their Common Seal, to the Churchwardens and Overſeers of the Poor of each of the ſaid ſeveral Pariſhes for the Time being, expreſſing the Money ſo fixed and aſcertained by each ſuch Court to be raiſed, as aforeſaid; and thereby requiring the ſaid Churhwardens and Overſeers of each ſuch Pariſh, or any One or more of them, to rate and aſſeſs, as ſoon as may be, and within Thirty Days excluſive from the Date thereof, to collect and receive, and to cauſe the ſame reſpective Sums to be raiſed and levied by Taxation, equally and in proportion, as near as may be, of and upon the ſeveral Houſeholders and Inhabitants; and every Occupier, in reſpect of and for, and of and upon all Lands, Houſes, Tithes, Stocks, and Eſtates real and perſonal, in the ſaid ſeveral Pariſhes, which by any Law now in Force are rateable and liable to pay to, and for the ſetting on Work and Relief of the Poor, according to the reſpective Worth and Values of all ſuch Eſtates: And that every ſuch Churchwarden and Overſeer to whom any ſuch Precept and Certificate ſhall be ſo directed, ſhall obey the ſame in all reſpects; and is and are hereby required, and ſhall and hereby have and hath full Power and Authority, in purſuance thereof, to make every ſuch Rate as ſoon as may be, not exceeding Six Days incluſive from the Receipt of every ſuch Precept, and to collect and receive, and cauſe to be raiſed and levied within the Time aforeſaid, by ſuch Taxation as aforeſaid, and by virtue of the Powers hereby given, every ſuch Sum and Sums of Money, to be ſo ſet down and directed in and by every ſuch Precept and Certificate; and on the Sunday next after his or their Receipt thereof, ſhall cauſe Notice to be given, immediately after Divine Service, in the Pariſh Church of each ſuch Pariſh, declaring the Sum intended to be raiſed; and immediately after he or they ſhall have ſo made every ſuch Rate, the ſame ſhall be fairly entered and ſet down by him or them ſo making and levying the ſame, in a Book to be kept and provided by and on the Behalf of each ſuch Pariſh, and ſhall be ſubſcribed by each ſuch Churchwardens and Overſeers, and by him or them brought, as ſoon as may be, to any Two Juſtices of the Peace in and for the ſaid City, who ſhall and are hereby impowered and required, at ſuch Time, to ſubſcribe and ſign his or their Allowance of ſuch Rate, taking only One Shilling for each ſuch Allowance: And in caſe of Non-payment of each and every ſuch Rate by the Perſon taxed and rated, or by the Occupier of the Premiſes ſo taxed, whether the Party ſhall be rated by Name or as the Occupier, or the Premiſes ſo occupied ſhall be only rated, the ſame Rate being firſt lawfully demanded from the Party occupying the Premiſes in Perſon, or by Notice left at the Premiſes by any One of ſuch Churchwardens or Overſeers, or other Perſon appointed by them, or any of them, it ſhall be lawful for any One Juſtice of the Peace in and for the ſaid City, and on the reſpective Neglect or Refuſal of any Six of ſuch Juſtices, then for any Two Guardians of the ſaid Corporation repreſenting any other Pariſh, and not being Juſtices, upon Proof of ſuch Non-payment, after Demand, by the Oath of any One ſuch Churchwarden and Overſeer, or other Perſon directed by him or them to make ſuch Demand, or to give ſuch Notice, within Two Days excluſive after ſuch Demand, but not ſooner, to iſſue his or their Warrant, under his or their Hand and Seal, or Hands and Seals, and who are hereby ſeverally required to iſſue the ſame accordingly, and thereby to authoriſe and impower the ſaid Churchwardens and Overſeers of ſuch Pariſh, or any of them, or any other Perſon to be named therein, to levy and raiſe, as ſoon as may be, ſuch Money ſo in Arrear and unpaid, together with the Coſts attending the ſame, to be aſcertained by the Perſon or Perſons ſo granting ſuch Warrant, by Diſtreſs and Sale of the Goods, Cattle, and Chattles, of every ſuch Perſon or Perſons ſo in Arrear, or not having paid any ſuch Rate as aforeſaid, reſtoring the Overplus of any ſuch Diſtreſs and Sale to the Party ſo diſtrained, or leaving the ſame at his, her, or their Place of Abode: And in caſe no ſuch ſufficient Diſtreſs can be found, then any ſuch One Juſtice, or after the Neglect or Refuſal of ſo many of them as aforeſaid, any ſuch Two Guardians as aforeſaid ſhall, and hereby have like Power, and are hereby required to iſſue ſuch his or their Warrant to apprehend, and thereby to commit any ſuch Perſon ſo not paying, and offending as aforeſaid, to the Common Gaol of the ſaid City, there to remain without Bail or Mainpriſe, until ſuch Rate or Rates, and all Coſts and Charges attending ſuch Proceedings, as aforeſaid, to be fixed by the Perſon or Perſons granting ſuch Warrant, ſhall be paid or compounded for; which Compoſition the ſaid Guardians, or any Thirteen or more of them, are hereby impowered to make: And the ſaid Churchwardens and Overſeers of each of the ſaid ſeveral Pariſhes who ſhall be ſo required, and ſhall collect and gather any ſuch Rates as aforeſaid, ſhall and are hereby ordered, from Time to Time, to pay the whole Money to be ſo by them reſpectively rated, collected, and received, when and ſo often as they ſhall receive the ſame, if the ſaid Guardians ſhall in any Monthly or Special Court ſo direct; but for want of ſuch Direction, then within Three Days excluſive after the Expiration of the ſaid Thirty Days, to be named in every ſuch Precept and Certificate at the Return thereof, as aforeſaid, to the Treaſurer or Treaſurers of the ſaid Corporation, or to ſome other Perſon or Perſons, to be from Time to Time appointed by the ſaid Guardians, or any Thirteen or more of them, to receive the ſame for the Uſe of the ſaid Corporation, and to the Account of every ſuch ſeparate Pariſh from whence each ſuch Rate ſhall be raiſed; and ſhall, and is and are hereby required, at the Time of making every ſuch Payment of ſuch Money ſo collected, to deliver over to the Perſon or Perſons ſo impowered to receive the ſame, a true and exact Copy or Duplicate of each ſuch Aſſeſſment, founding every ſuch Payment, with an Account underwrote, of any Money therein rated and unavoidably loſt through the Inſolvency of the Party, or otherwiſe, through his or her Defect; and of any Money ſuch Churchwardens or Overſeers may have expended out of that Rate, by Order of the ſaid Guardians, or otherwiſe, as is herein-before mentioned and excepted as to caſual Purpoſes: And in caſe any ſuch Churchwardens or Overſeers, to whom any ſuch Precept and Certificate, under Seal of the ſaid Corporation, ſhall be directed as aforeſaid, ſhall neglect or refuſe to receive and obey every ſuch Precept, and to make every ſuch Rate, or to collect the Money thereby required to be raiſed by ſuch Taxation, and in all Reſpects before mentioned to enforce the raiſing thereof, and afterwards to pay over ſuch Money, when collected, and to deliver over ſuch Copy of every ſuch Aſſeſſment, within, at ſuch Times, and with ſuch Account underwrote, as is and are herein-mentioned and directed; every ſuch Churchwarden and Overſeer ſo offending in any of the Matters aforeſaid, in the Judgement of the ſaid Guardians, in any of their ſaid Weekly, Monthly, or Special Courts, ſhall forfeit and pay for each ſuch Offence the Sum of Ten Pounds, for the Uſe of the ſaid Corporation; and for want of ſuch Payment, on Demand made by Order of any ſuch Court, the ſame ſhall be levied by Diſtreſs and Sale of the Offender's Goods, in Manner herein-before mentioned, as to the Recovery of pecuniary Penalties or Forfeitures: And in caſe any ſuch Churchwardens or Overſeers ſhall, after his or their collecting any ſuch Rates, or any Part thereof, become inſolvent, or otherwiſe unable to pay over any ſuch Money ſo by him collected, or ſhall die inſolvent in the Judgement of the ſaid Corporation aſſembled in any Monthly or Special Court; then, and in every ſuch Caſe, it ſhall and may be lawful for the ſaid Corporation, in any ſuch of their ſaid Courts, after ſuch Neglect or Refuſal, or after ſuch Inſolvency or Inability,

If no Diſtreſs can be had, Offenders to to be committed.

Penalty on Churchwardens, &c. neglecting their Duty.

lity, by the like Precept under their common Seal, to appoint any other or others of the Churchwardens or Overſeers, or any Two ſubſtantial Houſeholders in any ſuch Pariſh, to rate, collect, and receive, and cauſe to be raiſed and levied, ſuch Sum or Sums of Money, ſo required to be raiſed by each ſuch Pariſh in any ſuch former Precept, ſo being neglected or refuſed to be obeyed by any ſuch the Churchwardens or Overſeers of the ſame Pariſh, or ſo much thereof as any of ſuch Churchwardens or Overſeers ſhall have collected, and afterwards become unable to pay over by the Means aforeſaid, and ſhall not have paid over the ſame to the ſaid Treaſurer or other Perſon, for the Uſe of the ſaid Corporation, in like Manner, and with the ſame Effect, and with the ſame Power for the Recovery of every Rate or Taxation, to be made in purſuance thereof; and which Precept ſuch Houſeholders ſhall, and hereby are ſeverally required to obey, and to execute and fulfil the Purport and Effect thereof, in all ſuch Caſes, as fully and effectually in all Reſpects, and ſhall be ſubject to the like Penalty for Diſobedience in any Part, with ſuch Remedy for Recovery thereof, as is and are hereby before given and directed, in caſe ſuch Precept had been originally iſſued to, and executed by, or refuſed to be obeyed and executed in the Whole or in Part by any ſuch the Churchwardens or Overſeers of any of the ſaid ſeveral Pariſhes: And ſo in caſe any ſuch other Churchwardens or Overſeers, or ſuch Two Houſeholders in any ſuch Pariſhes, ſhall alſo neglect or refuſe to obey any ſuch further Precept, and to make ſuch Rate, and to collect and raiſe ſuch Money as ſhall be thereby required, or ſhall, after his or their collecting the ſame, or any Part thereof, become inſolvent, or otherwiſe unable to pay over any ſuch Money ſo by him collected, in the Judgement of the ſaid Corporation, then, and in every ſuch Caſe, it ſhall be lawful for the ſaid Corporation, at any ſuch like Court, to appoint any Two Guardians from among themſelves, or any Two other Perſons, (not ſo before appointed), by another ſuch like Precept, under their common Seal, to make and collect ſuch Rate, and to raiſe and levy ſuch Money, or ſo much thereof as ſhall be ſo wanting to be raiſed by and out of any ſuch Pariſh, in ſuch Manner, and with ſuch Powers as is and are before mentioned, had ſuch Precept been originally executed in all Reſpects by any the Churchwardens and Overſeers of the Poor of the ſame Pariſh, having been firſt ſo appointed as aforeſaid, and ſubject to the like Penalty for Diſobedience, or defective Execution thereof, by ſuch Guardians, or either of them, in every Inſtance, as is before appointed, as to every firſt or original Precept.

Perſons embezzling Money collected, how to be proceeded againſt.

XXXI. And it is hereby further enacted by the Authority aforeſaid, That in caſe any of the Perſons who ſhall be ſo appointed to rate, raiſe, and collect, any of the ſaid Sums of Money directed by the ſaid Guardians to be raiſed in and by any of the ſaid Pariſhes, as aforeſaid, ſhall, after he, they, or any of them, ſhall have ſo collected and received all or any of ſuch Monies, embezzle or expend the ſame; or ſhall refuſe or neglect to pay over the ſame Money, and to account to the ſaid Treaſurer of the ſaid Corporation, or to ſuch other Perſon as is herein, or as the ſaid Corporation ſhall direct as aforeſaid; it ſhall be lawful for any One Juſtice of the ſaid City, on Complaint thereof to him made by the ſaid Guardians, by any Order of any ſubſequent Court, by Warrant under his Hand and Seal, and who is hereby required to grant the ſame, to cauſe ſuch Money to be forthwith levied by Diſtreſs and Sale of the Goods and Chattels of every ſuch Perſon or Perſons, with the Coſts of ſuch Diſtreſs and Sale, to be allowed of by ſuch Juſtices: And in caſe no ſuch ſufficient Diſtreſs can be had and made, then, by ſuch like Warrant, to cauſe ſuch Perſon or Perſons ſo offending, to be apprehended, and to commit him or them to the common Gaol of the ſaid City, there to remain without Bail or Mainprize, until he or they ſhall pay all ſuch Money and Charges, and ſhall account and conform according to the Effect of ſuch Precept for making any ſuch Rate, and according to the Tenor of this Act, or have compounded for ſuch Money; which Compoſition the ſaid Guardians, or any Nine or more of them, are hereby impowered to make: And in caſe any ſuch Perſon ſhall abſcond and depart from the ſaid City with or without making ſuch Payments of any Money ſo by him collected, or ſhall compound for the ſame in Manner aforeſaid, or ſhall ſo ſecrete himſelf as to avoid being apprehended and committed, as aforeſaid; it ſhall be lawful for the ſaid Corporation, although the ſame may have been collected again, or made up by Means of any ſubſequent or intervening Rate in any ſuch Pariſh, by the Order and to the Uſe of the ſaid Corporation, in either or any ſuch Caſe, to ſue for, and to recover the ſame Money ſo collected, and every Part thereof, againſt each and every ſuch Perſon, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in Great Britain, without Limitation of Time; wherein no Eſſoin, or Wager of Law, or any Imparlance, ſhall be allowed: And upon a Verdict for the ſaid Corporation, they ſhall recover Treble the Amount of the Money ſo collected, and Treble Coſts of Suit, and have ſuch Remedy for the ſame as any Plaintiff or Plaintiffs hath or have in any other Caſes by Law: And which Money and Coſts, after deducting all other Coſts expended by the ſaid Guardians in or by reaſon of any ſuch Suit, when received by them, ſhall be placed to the Credit and to the Account of the particular Pariſh, from whence and in reſpect whereof ſuch Money ſo recovered had been originally collected: And, in order to charge every ſuch Perſon with the Receipt of ſuch Money to be ſo by him collected as aforeſaid, the ſeveral and reſpective Perſons paying any ſuch Money, or any Part thereof, ſhall, and are hereby declared to be good and competent Witneſſes to prove any of ſuch Payment by him, her, or them.

Corporation may recover Damages, *&c.*

Perſons paying the Money to be competent Witneſſes.

On Death of Collector, Survivor to proceed.

XXXII. Provided always, and it is hereby further enacted by the Authority aforeſaid, That in caſe any Perſon to whom any ſuch Precept to make and collect any ſuch Rates within any ſuch Pariſh for the Uſe of, and under the Seal of the ſaid Corporation as aforeſaid, ſhall happen to die before all or any Part of ſuch Money to be ſo rated ſhall be collected by him, the Whole, or ſo much thereof as ſhall remain uncollected by the Perſon ſo dying, ſhall be collected and levied by the ſurviving Perſon or Perſons to whom each ſuch Warrant or Precept ſhall, from Time to Time, be directed; and he or they ſhall afterwards execute the ſame in all Reſpects herein directed; and all ſuch Money as ſhall or may, at the Death of any ſuch Perſon, have been collected and received by him under any ſuch Rate, and remaining in his Hands, ſhall, within Ten Days after ſuch his Deceaſe, be paid by his legal Repreſentative or Repreſentatives, or Perſon poſſeſſing his late Eſtate and Effects, to the ſurviving Perſon or Perſons, or any of them to whom the particular Precept, by virtue whereof ſuch Money had been received, was ſo directed, who ſhall be anſwerable to pay over the ſame to the Treaſurer, or other Perſon hereby impowered to receive the ſame, for the Uſe of the ſame Corporation, under the like Penalty for Diſobedience, and ſubject to the like Remedies againſt him or them for Recovery thereof by the ſaid Guardians, as if he or they had originally collected any ſuch Money: And in caſe any ſuch Repreſentative or Repreſentatives of any ſuch deceaſed Perſon, or the Perſon poſſeſſing his late Eſtate and Effects, as aforeſaid, ſhall neglect or refuſe, upon the Demand of ſuch ſurviving Collector, or of any other Perſon to be directed by the ſaid Guardians to pay over to ſuch ſurviving Collector, or to any other Perſon whom the ſaid Guardians ſhall appoint, all the Money having been ſo collected by and remaining in the Hands of any ſuch deceaſed Perſon at his Death, it ſhall be lawful for any One Juſtice of the ſaid City, upon Complaint to him thereof made by Order of the ſaid Corporation, by Warrant under his Hand and Seal, to levy all ſuch Money by Diſtreſs and Sale of the Goods and Chattels late of the Perſon ſo deceaſed, with the Coſts of ſuch Diſtreſs and Sale: And for want of ſuch Diſtreſs, it ſhall be lawful for the ſaid Guardians to ſue for and recover any of ſuch Money, although the Deficiency thereof may have been again raiſed and collected by ſuch Pariſh by Order of the ſaid Guardians, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in Great Britain, againſt the Heir at Law, or perſonal Repreſentative of the Perſon or Officer being dead, whoſe real and perſonal Effects are hereby made ſeverally liable and ſubject thereto: And upon a Verdict for the ſaid Guardians, they ſhall recover Treble Coſts of Suit, and have ſuch Remedy for the ſame, as any Plaintiff or Plaintiffs hath or have in any other Caſes by Law; and which Money and Coſts, after deducting thereout all the other Coſts expended in ſuch Suit by the ſaid Guardians, when received, ſhall be placed to the Credit and Account of the Pariſh, from which ſuch Money, ſo recovered, had been originally rated and collected: And any Perſon or Perſons having paid any Part of ſuch Rates or Money ſo having been collected by any ſuch deceaſed Perſon before his Death, ſhall and are hereby declared to be good and competent Witneſſes to prove any of ſuch Payments by him, her, or them.

Perſonal Repreſentatives liable to pay Monies collected by their Teſtator inteſtate.

Perſons whoſe Houſes are lett into Lodgings to be rated.

XXXIII. And whereas there may be ſome Houſes in the ſaid City which are lett out in ſeparate Apartments, and others lett ready furniſhed to Lodgers; be it therefore further enacted, That every Perſon, whether Landlord or Tenant, who letts out his or her Houſe in ſeparate Apartments, or ready furniſhed, ſhall, for the Purpoſes of this Act, be deemed the Occupier thereof, and may be rated or aſſeſſed accordingly; and ſhall be liable and ſubject to the Payment of the Sum ſo rated or aſſeſſed.

Goods of Lodgers liable to the Rate.

XXXIV. Provided always, and be it enacted, That the Goods and Chattels of every Perſon renting or occupying any ſeparate Apartment in any ſuch Houſes, or renting or occupying any ready-furniſhed Houſe, ſhall be liable to be diſtrained and ſold, for the Payment of the Rate or Aſſeſſment; and that each and every Perſon who ſhall pay ſuch Rate or Aſſeſſment, ſo charged on his or her reſpective Landlord or Landlords, or upon whoſe Goods and Chattels the ſame ſhall be levied in purſuance of this Act, ſhall and may deduct the ſame from and out of the next Rent due and payable to his, her, or their Landlord or Landlords, ſo letting the ſame; and the Receipt for ſuch Payment ſhall be a ſufficient Diſcharge to the Landlord or Landlords for ſo much Money as he or ſhe ſhall have ſo paid, or as ſhall have been ſo levied on his or her Goods and Chattels, in purſuance of this Act.

For mortgaging the Rates.

XXXV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Guardians, or any Nine or more of them, at any of their publick Meetings, to borrow and take up at Intereſt, any Sum or Sums of Money, which they ſhall think neceſſary for the Purpoſes of this Act, and, by Writing or Writings under their Hands and Seals, to aſſign over the Rates and Aſſeſſments to be made by virtue of this Act, or any Part or Proportions thereof, to the Perſons lending the ſame, for ſecuring the Repayment of any ſuch Sum and Sums of Money, and Intereſt thereupon: And in Default of the Payment of ſuch Intereſt, at the Expiration of every Six Calendar Months, if the ſame ſhall be demanded; or upon Default of the Payment of ſuch Principal-money within Twelve Calendar Months after Notice ſhall be given, demanding Payment thereof, to the ſaid Guardians, or any Nine or more of them, at ſome or one of their publick Meetings, by the Perſon or Perſons reſpectively intitled to the ſame, ſuch Perſon and Perſons ſhall have the ſame Powers, Rights, and Privileges, for the Recovery thereof, as the Annuitants are by this Act inveſted with for Recovery of their reſpective Annuities; but no more Principal-money ſhall be borrowed upon the Credit of this Act, either by Annuities or Aſſignments of the Rates or Aſſeſſments as aforeſaid, than the Sum of Ten thouſand Pounds.

Manner of recovering Principal and Intereſt.

10,000*l.* to be raiſed by Annuities and Mortgage of Rates.

Annuities no Part thereof.

XXXVI. Provided always, and it is hereby further enacted and declared, That ſuch Sum and Sums of Money as ſhall be raiſed by Annuities in Manner herein mentioned, and applied to the Diſcharge of the Money ſo borrowed upon the Credit of the ſaid Rates and Aſſeſſments, and the Intereſt for the ſame, ſhall not be deemed or taken to be any Part of the ſaid Ten thouſand Pounds.

Perſons aggrieved by the Rates may appeal.

XXXVII. Provided alſo, and it is hereby further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall apprehend him, her, or themſelves to be unequally taxed, charged, or rated, by any Rate or Aſſeſſment made within any of the ſaid ſeveral Pariſhes, purſuant to the Powers hereby given, the Churchwardens or Overſeers, or other Perſon or Perſons appointed to make and collect any ſuch Rate for the Time being, ſhall, and is and are hereby required, upon the Requeſt of any Perſon or Perſons apprehending him, her, or themſelves to be ſo aggrieved, to produce and ſhew to him, her, or them, any ſuch Precept directing any ſuch Rate, and any ſuch Rate or Aſſeſſment made in purſuance thereof, and ſhall permit him, her, or them, to inſpect or take any Copy or Extract thereof: And it ſhall be lawful for any ſuch Perſon or Perſons, within Ten Days after the Date of every ſuch Precept for making of ſuch Rate, or within Three Days excluſive after ſuch Rate made on any ſuch Perſon or Perſons, ſhall be demanded to be paid, to make Complaint to any Two Juſtices of the Peace of the ſaid City, who ſhall and are hereby required to iſſue their Summons thereupon to the Churchwardens and Overſeers, or other Perſon or Perſons, having made, or being appointed to make any ſuch Rate, requiring them, and every of them, within Five Days next afterwards excluſive, at ſome Hour of the Day and Place, to be therein named, to appear before any Three Juſtices of the Peace of the ſaid City, whereof the Mayor or the Recorder of the ſaid City for the Time being to be One, and any Two or more of the ſaid Guardians to be joined with them, not being Guardians for or in reſpect of the ſame Pariſh, and then and there to produce the Precept for making every ſuch Rate, with the Rate and Aſſeſſment made in purſuance thereof; at which Time and Place ſuch Three Juſtices, and any Two of ſuch Guardians, not being Juſtices, who ſhall be appointed by the Majority of Guardians then preſent, if more than Two, not being Juſtices, or any Three of them, ſhall and hereby have full Power to hear each Complaint, and to examine all Parties and their Evidence thereon upon Oath, by way of and as the Appeal of the Parties ſo complaining; and ſhall then and there make ſuch final Order in the Premiſes, as ſhall be binding to the Appellant, and all Parties rated or liable to be rated in any ſuch Aſſeſſment; and to all other Perſons, as to them, or any Three of them, ſhall appear juſt and reaſonable.

Books of the Corporation to be inſpected.

XXXVIII. Provided always, and it is hereby further enacted by the Authority aforeſaid, That all and every the Books, Papers, and Accounts whatſoever, of and belonging to the ſaid Corporation, ſhall, at any of their ſaid Courts, upon reaſonable Notice being firſt given, be produced to and inſpected, during ſuch Time, by any Inhabitant or other Perſon, being rated to or paying, in reſpect to his, her, or their Eſtate, in any of the ſaid Pariſhes in the ſaid City, to the Relief of the Poor thereof, who ſhall then and there be at Liberty, and have Power to proteſt and declare his, her, or their Objection or Obſervations to or upon any particular Charges, Rates, Matters, or Proceedings whatſoever, which ſhall then be heard and taken into Conſideration by ſuch Court; and in caſe the ſame Court cannot ſettle and end ſuch Grievance to the Satiſfaction of the Party or Parties ſo making the ſame Objection, ſuch his, her, or their Objection ſhall be adjourned over to and heard at the next following Monthly or Special Court of the ſaid Corporation, when ſuch Order to be made therein by ſuch Court ſhall be final.

Charities given how to be applied, if not otherwiſe appropriated.

XXXIX. And it is hereby further enacted by the Authority aforeſaid, That all Gifts, Donations, Benefactions, and Sums of Money whatſoever, now payable or which ſhall hereafter become payable for and to the Uſe of the Poor of and belonging to any of the ſaid ſeveral Pariſhes, not being directed or liable to be applied for the Support of any private or particular Poor or Charity, or by the Donation particularly appropriated, not being Sacramental Money, ſhall, from Time to Time, from and after the holding of the Firſt Court of the ſaid Corporation under the Powers aforeſaid, be had and received by the Churchwardens and Overſeers of the Poor of each ſuch Pariſh, or One of them, or by ſome Perſon to be appointed by the ſaid Corporation, on the Default of ſuch Churchwardens and Overſeers, at the uſual and proper Times of Payment; and ſhall, as ſoon afterwards as may, from Time to Time, be paid over by him or them to the Treaſurer, or other Perſon to be appointed by the ſaid Guardians, or any Five or more of them, for the Uſe of the ſaid Corporation, and to the Credit and Account of all the ſaid Pariſhes: And in caſe any ſuch Churchwarden or Overſeer ſhall refuſe or neglect to receive in any of ſuch Money, and pay over the ſame, as aforeſaid, within Ten Days after Demand made thereof by Order of the ſaid Guardians to each ſuch Churchwarden and Overſeer; every ſuch Churchwarden and Overſeer ſo neglecting or refuſing, and not ſhewing reaſonable Cauſe for the ſame to the next following Court, ſhall ſeverally forfeit and pay, to the Uſe of the ſaid Corporation, any Sum not exceeding Ten Pounds, nor under Five Pounds, as the ſaid Guardians, at any following Court, ſhall order and appoint.

Churchwardens not paying over Charities, to forfeit not exceeding 10 *l.* nor under 5 *l.*

Charities to be applied according to the Will of the Donor.

XL. And it is hereby further enacted by the Authority aforeſaid, That all Gifts, Grants, and other charitable Benefactions whatſoever, to or to the Uſe of the ſaid Corporation, ſhall be laid out and applied by the ſaid Guardians according to the Direction of every Donor and Benefactor; and where there ſhall be no ſuch particular Direction, then to the Uſe of the Poor of all the ſaid ſeveral Pariſhes, according to the Rules herein preſcribed; and that the ſaid Guardians ſhall and may, and have hereby full Power, at any Special Court or Aſſembly, to elect or chuſe any ſuch charitable Perſon or Benefactor, his or her Heir, Executor, or Adminiſtrator, or next of Kin, after his or her Deceaſe, to be a Guardian of the Poor; and who ſhall be and act as One of the ſaid Body Corporate, for ſuch Time as the ſaid Corporation ſhall, at ſuch Court, or at any following Special Court, appoint.

Guardians may contract for the Poor of any other Pariſh.

XLI. And be it further enacted by the Authority aforeſaid, That the ſaid Guardians may, if they think proper, at any of their ſaid Monthly or Special Courts, and the Churchwardens and Overſeers of the Poor, or other Perſon or Perſons having the Care of the Poor of any Pariſh, Townſhip, or other Place, may contract and agree together for the maintaining and employing of the Poor of any ſuch Pariſh, Townſhip, or Place, by the ſaid Guardians in the ſaid Houſe of Induſtry, and under the Management of the ſaid Guardians in all Reſpects, according to the Powers hereby given over the Poor of the ſaid ſeveral Pariſhes herein mentioned, for and during ſuch Time together, not leſs than One Year, and under ſuch Payments to the ſaid Guardians, as they and ſuch other contracting Parties ſhall mutually agree upon; all of which Poor ſhall be compellable to go into the ſaid Houſe of Induſtry, and ſhall not, during each ſuch Contract, be otherwiſe relieved; and ſhall be ſubject, in all Reſpects, to the Rules and Powers of the ſaid Corporation, and to the like Puniſhments and Proſecutions as the Poor of the ſaid ſeveral Pariſhes are hereby ſubjected to; and ſhall be ſeverally liable to be diſmiſſed and diſcharged out of the ſaid Houſe, and from under the Care of the ſaid Guardians, and to be ſent to his, her, or their proper Pariſh, Townſhip, or Place, there to be again relieved and provided for according to Law, for any Breach of ſuch Contract by the Contractors, on their Part, or for any Miſbehaviour, Nonconformance, or other Offence in of any ſuch Poor, when, and as the ſaid Guardians, or any Nine or more of them, ſhall think proper, and, by the Order of any Monthly or Special Court, ſhall direct: And that each and every Churchwarden and Overſeer, or other Perſon having the Care of the Poor of every ſuch Pariſh, Townſhip, or Place, ſhall, and hereby have Authority to raiſe and levy, by Taxation, in each ſuch Pariſh, Townſhip, or Place, in the ſame Manner, within ſuch Time, and by ſuch Ways and Means, and with all and every ſuch Power of Diſtreſs, and other Powers as are herein before given and appointed as to rating, levying, and raiſing the Money for the Relief and Employ of the Poor in the ſaid ſeveral Pariſhes, all any every ſuch Sum and Sums of Money for the Maintenance and Employ of all ſuch their reſpective Poor, as the ſaid Guardians ſhall, from Time to Time, direct and apportion to be paid for all ſuch Poor, according to the Tenor of every ſuch Contract or Agreement; ſaving and reſerving, nevertheleſs, to any Perſon rated, or liable to pay any ſuch Rate, Power and Liberty to appeal againſt the ſame to any Two Juſtices of the Peace reſiding next the Pariſh or Place, within ſuch Time, after ſuch Notice, and in ſuch Form as is herein preſcribed as to Appeals againſt any of the Rates to be made in any of the ſaid other Pariſhes, for the Relief of the Poor thereof; and which Two Juſtices ſhall, and hereby have full Power to ſettle and finally determine ſuch Appeal in ſuch ſummary Way as aforeſaid: And in caſe any ſuch contracting Churchwarden, Overſeer, or other Perſon, on Behalf of any ſuch Pariſh, Townſhip, or Place, ſhall neglect or refuſe to raiſe and levy, and to pay all ſuch Sums of Money ſo directed by the ſaid Corporation to be paid to them, in purſuance of every ſuch Contract, every ſuch Churchwarden and Overſeer, or other Perſon or Perſons having ſo contracted with the ſaid Corporation, ſhall, within Ten Days after the Time for every ſuch Payment ſhall be expired, be and is and are hereby made ſeverally liable to pay and make good every ſuch Payment to the ſaid Corporation by and out of his and their own proper Goods and Effects; and, in Default thereof, after Demand made to any One of them, on Behalf of and by Order of the ſaid Corporation, it ſhall be lawful for any One Juſtice, having Juriſdiction there, on Complaint to him made by Order of the ſaid Corporation, certified to him from any Court, by Warrant under his Hand and Seal, to levy all ſuch Arrears, and every ſuch Sum and Sums of Money, by Diſtreſs and Sale of the proper Goods and Chattels of each or any ſuch Churchwardens or Overſeers, or other Perſon or Perſons having ſo contracted with the ſaid Guardians on the Behalf of any of ſuch Poor, together with the Charges of every ſuch Diſtreſs; and for Want of ſuch Diſtreſs, by like Warrant under the Hand and Seal of any One Juſtice, to apprehend, and thereby to commit every ſuch Churchwarden and Overſeer, or other ſuch contracting Perſon, to the common Gaol of the proper City or County, there to remain without Bail or Mainprize, until all ſuch Arrears and Sums of Money, with the Charges attending any of ſuch Proceedings aforeſaid, to be aſcertained by any ſuch Juſtice, ſhall be fully paid and ſatisfied to the ſaid Guardians, or compounded for; which Compoſition the ſaid Guardians, or any Nine or more of them, are hereby impowered to make.

Proviſion as to Settlement for Baſtards.

XLII. And be it further enacted by the Authority aforeſaid, That no Baſtard born on the Body of any poor Woman, whoſe legal Settlement is in any of the Pariſhes intended to be incorporated within this Act, other than ſuch Pariſh in which the ſaid Houſe of Induſtry is or ſhall be ſituate, or in any of the Pariſhes, Townſhips, or Places only, with the Overſeers of the Poor whereof the ſaid Guardians ſhall at any Time contract for the Maintenance of the Poor thereof, under the Powers given by this Act, and who is under the Care and Government of the ſaid Guardians for the Time being, ſhall gain or be intitled to any Settlement in the Pariſh in which the ſaid Houſe of Induſtry is ſituate, and where ſuch Baſtard ſhall be born, unleſs the ſame ſhall happen in the proper Pariſh where the Settlement of the Mother ſhall then be; but that the Settlement of each ſuch Baſtard ſhall follow that of the Mother as fully as if ſuch Baſtard had been born in ſuch Pariſh, Townſhip, or Place, to which the Settlement of ſuch Mother ſhall belong, and ſhall be deemed as One of the Poor thereof by the ſaid Guardians, and to every other Intent and Purpoſe; with Power, nevertheleſs, and that it ſhall be lawful for the Churchwardens and Overſeers of the Poor of every ſuch Pariſh, Townſhip, or Place, to which the Settlement of every ſuch Woman ſhall belong, to have and take, and they are hereby intitled to have ſuch Remedy againſt the Mother and the Father of any ſuch Baſtard reſpectively, for the indemnifying the ſame Pariſh, Townſhip, or Place, by reaſon of ſuch Baſtard Child, and otherwiſe in all Reſpects as the Law directs in the Caſe of Baſtards, and as fully as if ſuch Baſtard had been actually born in the Pariſh, Townſhip, or Place, to which the Mother's Settlement ſhall ſo belong: And alſo that any Two or more of the ſaid Guardians, being Juſtices of the Peace, ſhall and may, and have hereby Authority, at the End of One Calendar Month from the Time any ſuch Woman ſhall be ſo delivered of any Baſtard, and at any Time after ſhe ſhall have declared on Oath, as the Law in ſuch Caſes directs, who is the Father of ſuch Child, in caſe he ſhall be One of the Poor under the Care of the ſaid Guardians, to ſet and inflict ſuch reaſonable Puniſhment on ſuch Mother and ſuch Father, either by Whipping, Confinement, or hard Labour, or by diſtinguiſhing him or her with ſome Badge or Token of the Offence, to be fixed on the moſt conſpicuous Part of his or her outſide Garment, as the ſaid Guardians, being Juſtices of the Peace, ſhall think fit and proper.

For applying the Surplus of the Poors Earnings.

XLIII. Provided alſo, and be it further enacted by the Authority aforeſaid, That in caſe it ſhall ever hereafter happen, that by reaſon of the Employment and Induſtry of the Poor of the ſaid ſeveral Pariſhes in the ſaid City of Oxford, by virtue of the Powers hereby given, there ſhall be made and reſult ſuch Benefit, Profit, and Increaſe, from the Labour and Induſtry of ſuch Poor, of which the ſaid Guardians ſhall wholly judge and determine, as will, at and for any certain Time to come, not leſs than One Year, be more than ſufficient to maintain and employ all ſuch Poor, and to anſwer the Purpoſes of the ſaid Corporation; then, and ſo often, and for ſuch Time as the ſaid Guardians, or any Nine or more of them, ſhall find there ſhall be ſuch clear Benefit, Profit, and Increaſe, there ſhall not be any Sums of Money rated or collected in the ſaid ſeveral Pariſhes, for the Uſe of the ſaid Corporation, or the Poor under the Government thereof, by virtue of any Precept from the ſaid Guardians, or otherwiſe: And that all ſuch Benefit, Profit, and Increaſe, ſo from Time to Time to ariſe, ſhall be, and is hereby veſted in the ſaid Guardians, with Power to place all ſuch Surpluſage of Profit at Intereſt, or to lay out the ſame in the Purchaſe of Lands of Inheritance, and again to call in and aſſign, and to alienate any ſuch Lands, or otherwiſe to manage the ſame, for the future Maintenance and Employ of the Poor of the ſaid ſeveral Pariſhes, and the Uſes of the ſaid Corporation, as they ſhall, from Time to Time, think moſt proper.

Recovery of Penalties,

XLIV. And it is hereby further enacted by the Authority aforeſaid, That all pecuniary Penalties and Forfeitures inflicted, directed, and made payable to the Uſe of the ſaid Corporation, as herein is and are mentioned and expreſſed, except in ſuch Caſes where it is hereby otherwiſe ordered, and alſo all other pecuniary Penalties and Forfeitures whatſoever herein mentioned, or which ſhall be inflicted and appointed by any Bye-law or Ordinance to be made by the ſaid Corporation, purſuant to the Powers hereby given, ſhall and may be ſeverally recovered, and are hereby directed and impowered to be ſeverally recovered, by Diſtreſs and Sale of the Goods and Chattels of every ſuch Perſon having incurred any ſuch Forfeitures, and ſo offending, by virtue of a Warrant or Warrants, under the Hand and Seal or Hands and Seals of any One or more Juſtice or Juſtices of the Peace for the ſaid City of Oxford; together with the Coſts of Diſtreſs to be aſcertained by ſuch Juſtice or Juſtices, who are hereby ſeverally impowered, and are hereby ſo required, upon the Application of any Perſon, by Order of the ſaid Guardians, or of any other Perſon claiming ſuch Penalty, or any Part thereof, to iſſue and grant ſuch Warrant or Warrants: And in caſe ſuch ſufficient Diſtreſs ſhall not be found, then it ſhall be lawful for any Juſtice or Juſtices of the ſaid City, by Warrant under his or their Hand or Hands, upon the like Application, to apprehend any ſuch Offender or Offenders in the ſaid City of Oxford, or in any other County or Place in Great Britain, although out of the original Juriſdiction of ſuch Juſtice or Juſtices; and by virtue of ſuch Warrant, and by Words in the Body thereof, to commit, and to direct ſuch Offender or Offenders to be committed, when ſo apprehended, to the common Gaol of the City, County, or Place, wherein he, ſhe, or they, ſhall be ſo apprehended, there to remain without Bail or Mainprize for ſuch Space of Time as the ſaid Juſtice or Juſtices by ſuch Warrant ſhall appoint, not exceeding Six, nor leſs than Three Calendar Months, unleſs he or they ſhall ſooner pay ſuch Penalty or Forfeitures, with all the Charges attending the Proceedings againſt him or them, to be aſcertained by any One Juſtice of the ſaid City: And ſuch of the aforeſaid Penalties and Forfeitures as ſhall be ſo recovered for the Uſe of the ſaid Corporation, ſhall be paid to the Treaſurer of the ſaid Corporation, or to ſome other Perſon, for the Uſe of the ſaid Corporation, as the ſaid Guardians, or any Nine or more of them, ſhall appoint.

and Application.

Expences of this Act to be firſt paid.

XLV. And be it further enacted by the Authority aforeſaid, That all Charges and Expences incurred in and about procuring and paſſing this Act, ſhall be paid out of the firſt Monies which ſhall ariſe by virtue of this Act.

Not to vary the Limits of the Pariſhes.

XLVI. Provided always, and it is hereby further enacted by the Authority aforeſaid, That this Act, or any Thing herein contained, ſhall not vary, alter, or affect, the Limits or Juriſdiction of any of the ſaid ſeveral Pariſhes in the ſaid City of Oxford; or to unite or affect the ſame in any Manner further or otherwiſe than is mentioned and expreſſed in and by this Act: And that the Churchwardens and Overſeers of the Poor, of and in each of the ſaid ſeveral Pariſhes, ſhall be choſen in and out of each of the ſaid ſeveral Pariſhes, from Time to Time, as the Law now directs; but that they and every of them, when ſo choſen, ſhall act, and be ſubſervient in all Reſpects in Manner herein directed, and purſuant to the Powers and Authorities hereby given and enacted.

Diſtreſs not deemed unlawful for Want of Form.

XLVII. And be it further enacted by the Authority aforeſaid, That where any Diſtreſs and Sale ſhall be made for any Sum or Sums of Money directed to be levied, or any Perſon or Perſons ſhall be arreſted, or apprehended and committed, by Force of this Act, or by virtue of any Clauſe therein contained, or by or in conſequence of any Power hereby given, from the Beginning to the End hereof, either to the ſaid Corporation, or to the ſaid Commiſſioners, or to any Juſtice or Juſtices of the Peace, or otherwiſe howſoever; no ſuch Diſtreſs, Sale, Arreſt, or Commitment, ſhall be deemed unlawful, nor the Party or Parties making or doing the ſame reſpectively be deemed a Treſpaſſer or Treſpaſſers, on account of, or by reaſon of any Defect or Want of Form, or other Irregularity in any Summons, Conviction, Order, Warrant, or other Proceeding or Proceedings whatſoever, relating to, or concerning any ſuch Diſtreſs, Sale, Arreſt, or Commitment; nor ſhall the Party or Parties making or doing the ſame Diſtreſs, Sale, Arreſt, or Commitment reſpectively, be deemed or conſtrued a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done or tranſacted in any ſuch Caſe by him or them; but the Perſon or Perſons aggrieved by any ſuch Irregularity ſhall and may recover Satiſfaction for the Special Damages only, and ſhall have no more Coſts than Damages in an Action upon the Caſe.

Proceedings not to be quaſhed for Want of Form.

XLVIII. Provided always, and be it further enacted by the Authority aforeſaid, That no Order made touching or concerning any of the Matters in this Act contained, or any other Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Part thereof, ſhall be quaſhed or vacated for Want of Form only, or be removed or removable by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record whatſoever, any Law or Statute to the Contrary notwithſtanding.

Limitation of Actions.

XLIX. Provided alſo, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done, or to be done, in purſuance of this Act, or any Clauſe, Power, or Thing herein contained, from the Beginning to the End thereof, until after Ten Days Notice thereof in Writing, ſigned by the Party aggrieved, ſhall be given to the Treaſurer or the Clerk of the ſaid Corporation, or to the Treaſurer or Clerk of the ſaid Guardians for the Time being, under whoſe Power and Authority the Grievance ſhall have moſt immediately ariſen; nor after a ſufficient Satiſfaction, or a Tender thereof, hath been made to the Party or Parties ſo alledging him, her, or themſelves to be aggrieved; nor after Six Calender Months next following ſuch Grievance, and the Fact committed: And every ſuch Action ſhall be laid in the County of Oxford, and be tried in the ſaid County, and not elſewhere: And the Defendant and Defendants in every ſuch Action or Suit ſhall and may plead, at his Election, ſpecially, or the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the ſame was done in purſuance of this Act, or by Force of ſome or One of the Powers and Authorities hereby given: And if the ſame ſhall appear to be ſo done, or that ſuch Action or Suit ſhall be brought before Ten Days Notice had been thereof given, as aforeſaid, or after a ſufficient Satiſfaction made or tendered, as aforeſaid, or after the Time limited for bringing the ſame, as aforeſaid, or ſhall be brought or tried in any other County than as aforeſaid; then the Jury, in any ſuch Caſe, ſhall find for the Defendant or the Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Actions after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs; then the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes by Law.

General Iſſue.

Treble Coſts.

L. And be it further enacted by the Authority aforeſaid, That this Act, and every Thing herein contained, ſhall be deemed, adjudged, and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

Publick Act.

CAP. XV.

An Act for the better paving that Part of the *High Street*, in the Pariſh of *Saint Mary Matfellon*, otherwiſe *Whitechapel*, which lies in the County of *Middleſex*, and for removing Obſtructions and Annoyances therein.

WHEREAS that Part of the *High Street*, in the Pariſh of *Saint Mary Matfellon*, otherwiſe *Whitechapel*, which lies in the County of *Middleſex*, is extremely ill paved, and the Paſſage through the ſame greatly obſtructed by Poſts and Projections, and annoyed by Signs, Spouts, and Gutters, projecting into and over the ſame, whereby, and by the deep Channels croſs many Parts of the ſaid Street, the ſame is rendered incommodious and dangerous to Perſons paſſing through the ſame; and the preſent Methods preſcribed by Law are ineffectual for removing ſueh Obſtructions and Annoyances, and for the proper paving of the ſaid Street, and keeping ſuch Pavement in ſufficient Repair: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Reverend Doctor Robert Markham, Thomas Deming, Thomas Price, Joſeph Ruſt, James Peter Johnſon, Jeremiah Hergeſt, John Fry, John Adams, John Stephens, Thomas Hodges, William Craſwell, William Thoyts, John Rex, William Read, Frederick Ryder, John Coope, John Chriſtian Suhrin, William Hamilton, Francis Lauſon, Thomas Empſon, Redburn Tomkins, William Quarril, Iſaac Colnett, William Claxton, Luke Alder, James Spalding, Thomas Hawes, Eugen Allen, William Bond, Thomas Law, Thomas Read, ſhall be, and they and their Succeſſors, to be elected in Manner hereafter mentioned, are hereby appointed Commiſſioners for putting this Act in Execution: And in caſe of the Death or Removal of any of the ſaid Commiſſioners, or Refuſal to act, it ſhall be lawful for the ſurviving or remaining Commiſſioners, or any Five or more of them, from Time to Time, by Writing under their Hands and Seals, to elect One other Perſon to be a Commiſſioner in the Room and Stead of the Commiſſioner ſo dying or refuſing to act; Ten Days publick Notice of the Time and Place of Meeting for every ſuch Election being given, by affixing the ſame in Writing upon the principal Door of the Pariſh Church of Saint Mary Matfellon, otherwiſe Whitechapel, aforeſaid; and every Perſon ſo elected ſhall be and is hereby veſted with the ſame Powers for putting this Act in Execution, as the Perſon in whoſe Place he ſhall be elected was veſted with.

Preamble.

Commiſſioners Names.

other Commiſſioners to be choſen.

II. And be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall in his own Right, or in the Right of his Wife, be in the actual Poſſeſſion or Receipt of the Rents of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds; or poſſeſſed of or intitled to a perſonal Eſtate of the Value of Five hundred Pounds: And if any Perſon not being ſo qualified ſhall preſume to act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds, together with Coſts of Suit, to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed, and wherein the Proof of Qualification ſhall lie on the Perſon proſecuted; and it ſhall be ſufficient for the Proſecutor to prove that the Perſon ſo proſecuted had acted as a Commiſſioner in the Execution of this Act.

Qualification of Commiſſioners.

III. Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon who ſhall ſell Ale, Wine, or any Spirituous or Fermented Liquors by Retail, ſhall be capable of acting as a Commiſſioner under this Act.

No Victualler to act as a Commiſſioner.

IV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall meet together at the Veſtry Room of the ſaid Pariſh on the Firſt Monday after the paſſing of this Act, and ſhall then and there proceed to the Execution of this Act; and they are hereby impowered to adjourn themſelves, from Time to Time, to meet at the ſame Place, or ſuch other Place in the ſaid Pariſh of Saint Mary Matfellon, otherwiſe Whitechapel, as the ſaid Commiſſioners ſhall, from Time to Time, think fit: And if at any Meeting ſo appointed there ſhall not appear a ſufficient Number of Commiſſioners to act or adjourn to another Day, or in caſe the ſaid Commiſſioners ſo aſſembled ſhall omit, neglect, or refuſe to adjourn themſelves; then, and in every ſuch Caſe, any Two of the ſaid Commiſſioners, or the Clerk to the ſaid Commiſſioners, ſhall

Firſt Meeting of Commiſſioners;

and may adjourn.

Manner of adjourning.

appoint a Meeting of the ſaid Commiſſioners to be held within Ten Days after, at the ſame Place; publick Notice whereof ſhall be given, by affixing the ſame in Writing upon the principal Door of the aforeſaid Pariſh Church, at leaſt Six Days before ſuch Meeting.

No Order valid unleſs at a publick Meeting, nor ſhall any Commiſſioner enjoy Offices.

V. Provided always, That no Order or Determination of the ſaid Commiſſioners ſhall be valid, unleſs the ſame ſhall be made at a Meeting held in purſuance of this Act; nor ſhall any Commiſſioner hereby appointed, or hereafter to be appointed, as aforeſaid, be capable of acting as ſuch during the Time he ſhall enjoy any Office of Profit by virtue of the Powers given by this Act, or have any Share or Intereſt in any Contract relating to the Execution thereof.

Commiſſioners may appoint Officers;

VI. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall and may, by any Writing under their Hands and Seals, appoint One or more Clerk or Clerks, Surveyor or Surveyors, and ſuch other Officers for the Execution of this Act as they ſhall think proper, and, from Time to Time, remove him or them, and appoint others as they ſhall find neceſſary or convenient; and by and out of the Money to be raiſed by virtue of this Act, may pay ſuch Salaries and Allowances to ſuch Officers, and to all other Perſons by them the ſaid Commiſſioners employed in the Execution of this Act, as they ſhall think reaſonable: And the ſaid Commiſſioners, or any Five or more of them, ſhall take ſuch Security for the Execution of the reſpective Offices, by ſuch Perſon and Perſons as aforeſaid, as the ſaid Commiſſioners, or any Five or more of them, ſhall think proper; and ſuch Perſon and Perſons as is or are hereby made liable to pay the ſeveral Tolls, Rates, or Sums of Money hereby granted, ſhall pay the ſame to ſuch Perſon or Perſons, as ſhall from Time to Time be appointed to collect or receive the ſame, as herein-after mentioned: And all ſuch Officers and Perſons, ſo to be appointed as aforeſaid, ſhall, under their Hands, at ſuch Times, and in ſuch Manner, as the ſaid Commiſſioners, or any Five or more of them, ſhall direct, deliver to ſuch Commiſſioners true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all Monies which ſhall have been by them reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof has been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint: And all the ſaid Officers and Perſons ſo accounting as aforeſaid, ſhall, upon Oath, if thereunto required, (which Oath the ſaid Commiſſioners, or any Two or more of them, are hereby impowered to adminiſter), verify their ſaid Accounts; and if any Officer or Perſon ſhall not make and render, or ſhall refuſe to verify, upon Oath, any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall not deliver to the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint, within Ten Days after being thereunto required by any Five or more of the ſaid Commiſſioners, all Books, Papers, and Writings, in his Cuſtody or Power relating to the Execution of this Act, or ſhall refuſe or neglect to pay ſuch Monies as the Balance of any Account or Accounts ſhall appear to be in their reſpective Hands to the ſaid Commiſſioners, or any Five or more of them, or as they ſhall direct or appoint; then, and in any of the Caſes aforeſaid, ſuch Commiſſioners, or any Five or more of them, may, and are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Names of ſuch Commiſſioners, or in the Name or Names of any One or more of them, againſt the Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing as aforeſaid, in order for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons reſpectively; or if Complaint ſhall be made by the ſaid Commiſſioners, or any Five or more of them, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to any Juſtice of the Peace for the County or Place wherein ſuch Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing ſhall be and reſide, ſuch Juſtice may, and is hereby authoriſed and required, by a Warrant or Warrants under his Hand and Seal, to cauſe the Officer or Officers, Perſon or Perſons, ſo refuſing or neglecting, to be brought before him, and, upon his or their appearing, or not being to be found, to hear and determine the Matter in a ſummary Way: And if, upon the Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, it ſhall appear to ſuch Juſtice that any of the Monies that ſhall have been collected or raiſed by virtue of this Act ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice may, and he is hereby authoriſed and required, upon the Nonpayment thereof, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons, offending in the Premiſes reſpectively: And if no Goods or Chattels of ſuch Officer or Officers, Perſon or Perſons, can be found ſufficient to anſwer and ſatisfy ſuch Money, and the Charges of diſtraining and ſelling the ſame; or in caſe it ſhall appear to ſuch Juſtice, by the Confeſſion of the Party ſo offending, or by the Teſtimony of any credible Witneſs upon Oath, that any Books, Papers, or Writings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of any ſuch Officer or Perſon, and he ſhall refuſe to deliver the ſame as aforeſaid; then, and in either of the ſaid Caſes, ſuch Juſtice ſhall commit every ſuch Offender to the common Gaol of the County or Place where ſuch Offender ſhall be and reſide, there to remain without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment, as aforeſaid, or until he ſhall compound with the ſaid Commiſſioners, or any Five or more of them, and ſhall have paid ſuch Compoſition, in ſuch Manner as they ſhall appoint, (which Compoſition the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to make), and until he ſhall deliver up ſuch Books, Papers, and Writings, as aforeſaid, or give Satisfaction, in reſpect thereof, to the ſaid Commiſſioners, or any Five or more of them.

who ſhall give Security;

and to account.

Perſons committed, not to be detained longer than Six Months.

VII. Provided always, That no Perſon who ſhall be committed on account of his having no Goods or Chattels, ſhall be detained in Priſon for any Term longer than Six Months.

Executors to account.

VIII. And be it further enacted, That upon the Death of any ſuch Officer or other Perſon to be appointed, as aforeſaid, his Executors or Adminiſtrators ſhall, within Twenty-one Days next after ſuch Deceaſe, deliver to the ſaid Commiſſioners under this Act, or any Five or more of them, an Account of the Monies collected or received by the Perſon ſo deceaſed, for the Purpoſes of this Act; and ſhall alſo deliver all Books, Papers, and Things, concerning his Office, to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Five or more of them, ſhall appoint to receive the ſame; which Money, if any due, ſhall be paid by the Executors or Adminiſtrators of the Perſon ſo deceaſed, in Preference to and before any of his or their other Debts are paid or ſatisfied.

Officers taking Rewards, or concerned in any Bargain, diſqualified, and ſhall forfeit 100 *l.*

IX. And be it further enacted by the Authority aforeſaid, That if any Perſon who ſhall be employed by the ſaid Commiſſioners as a Clerk, Surveyor, or any other Officer or Servant, in the putting this Act, or any of the Powers thereof, in Execution, ſhall exact, take, or accept any Fee or Reward whatſoever, other than ſuch Salaries, Allowances, and Rewards, as ſhall be appointed, allowed, and approved of by the ſaid Commiſſioners, or any Five or more of them, for or on account of any Thing done, or to be done, by virtue of this Act, or on any Account whatſoever relative to the putting this Act in Execution; or ſhall be any Ways concerned in Intereſt in any Bargain or Contract made or to be made by the ſaid Commiſſioners, or any Five or more of them, for the Purpoſes of putting this Act in Execution; every ſuch Perſon ſo offending ſhall be incapable of ever ſerving or being employed under this Act, and ſhall forfeit the Sum of One hundred Pounds to any Perſon or Perſons who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, within Six Calendar Months after the Offence committed; in which no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Streets to be paved.

X. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power and Authority, from Time to Time, to cauſe, order, and direct the ſaid Street to be new paved, repaired, raiſed, ſunk, or altered, when, and as often, and in ſuch Manner, and with ſuch Materials, as the ſaid Commiſſioners ſhall think fit; and for ſuch Purpoſes may, from Time to Time, cauſe to be dug, carted, and carried out of, or brought into the ſame, ſuch Gravel, Stones, and other Materials, as they ſhall judge neceſſary; and may likewiſe cauſe the Water-pipes, which now lie, or hereafter ſhall be laid under Ground, to be taken up and new-laid in ſuch Places, Manner, and Form, as they the ſaid Commiſſioners ſhall judge beſt, and to employ ſuch Artificers, Workmen, and other Perſons, and to iſſue ſuch Money on thoſe Accounts, and to do all and every ſuch other Acts and Things as the ſaid Commiſſioners, or any Five or more of them, ſhall judge neceſſary for accompliſhing the Purpoſes of this Act.

Commiſſioners may make Contracts.

XI. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, may, and they are hereby impowered, from Time to Time, to contract with any Perſon or Perſons, for paving and keeping in Repair the ſaid Street, and in and about the ſeveral Works hereby directed to be performed, or any of them; which Contract and Contracts ſhall ſpecify the ſeveral Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſaid Work ſhall be completed, and the Penalties to be ſuffered in caſe of Non-performance thereof; and ſhall be ſigned by the ſaid Commiſſioners, or any Five or more of them, and by the Perſon or Perſons contracting to perform ſuch Works; but previous to the making of any ſuch Contract, Fourteen Days Notice ſhall be given in ſome publick News-paper, expreſſing the Intention of ſuch Contract, in order that any Perſon or Perſons willing to undertake the ſame may make Propoſals for that Purpoſe to the ſaid Commiſſioners, at a certain Time and Place in ſuch Notice to be mentioned.

Carriages with Hay and Straw to ſtand as the Commiſſioners ſhall direct.

XII. And be it further enacted by the Authority aforeſaid, That during all ſuch Time as the new Pavement ſhall be carrying on and making in the ſaid Street, and until ſuch new Pavement ſhall be compleated, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to order and direct all and every ſuch Carts and Waggons, loaded with Hay or Straw, as ſhall be brought for Sale into the ſaid Pariſh on the uſual Market Days, to be placed and ſtand in ſuch of the Streets, or other Places in the ſaid Pariſh, and in ſuch Manner and Form, as the ſaid Commiſſioners, or any Five or more of them, ſhall, from Time to Time, direct or appoint; and that when ſuch Pavement ſhall be compleated and finiſhed, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to order and direct all and every ſuch Carts and Waggons loaded with Hay or Straw, as ſhall be brought into the ſaid Pariſh for Sale on the uſual Market Days, to be placed and ſtand in or near the Middle of the ſaid Street, at ſuch Diſtances, and in ſuch Manner and Form, as the ſaid Commiſſioners, or any Five or more of them, by Writing under their Hands, to be publickly affixed in ſome conſpicuous Part or Parts of the ſaid High Street, ſhall, from Time to Time, direct and appoint: And if the Owner or Owners, Driver or Drivers, of any ſuch Cart or Carts, Waggon or Waggons, loaded with Hay or Straw, as ſhall be brought into the ſaid Pariſh for Sale on the uſual Market Days as aforeſaid, ſhall neglect or refuſe to Place his or their Cart or Carts, Waggon or Waggons, according to the Directions of the ſaid Commiſſioners, to be notified as aforeſaid, or ſhall permit or ſuffer any ſuch Cart or Carts, Waggon or Waggons, to ſtand on either Side of the ſaid Street, ſo as to obſtruct the free Paſſage for Carriages therein, it ſhall and may be lawful to and for any Perſon or Perſons whomſoever, who ſhall ſee ſuch Offence committed, to ſeize, as alſo for any other Perſon or Perſons to aſſiſt in ſeizing, the Offender or Offenders, and, by the Authority of this Act, and without any other Warrant, to convey him or them before ſome Juſtice of the Peace acting in and for the ſaid County, and ſuch Juſtice ſhall proceed to examine upon Oath any Witneſs or Witneſſes, who ſhall appear or be produced to give Information touching ſuch Offence, (which Oath the ſaid Juſtice is hereby authoriſed and required to adminiſter): And if the Party or Parties accuſed ſhall be convicted of ſuch Of-

Penalty on diſobeying their Directions.

fence, either by his or their own Confeſſion, or upon ſuch Information as aforeſaid, he or they ſo convicted ſhall forfeit and pay the Sum of Ten Shillings; and in caſe ſuch Offender or Offenders ſhall not on Conviction pay ſuch Forfeiture, ſuch Juſtice is hereby required to commit him or them to the Houſe of Correction for the ſaid County, there to be kept to hard Labour for any Space of Time not exceeding Fourteen Days; and ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he or they ſhall be ſo committed, unleſs ſuch Forfeitures ſhall be ſooner paid.

Property of Materials veſted in Commiſſioners.

XIII. And be it further enacted by the Authority aforeſaid, That the Property of the Pavements, and all Materials and Things which ſhall be provided and made uſe of for the Purpoſes of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners, and they, or any Five or more of them, are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Name or Names of any One or more of them, or to prefer, or order and direct the preferring of Indictments againſt any Perſon or Perſons who ſhall ſteal, take, or carry away any Part of ſuch Materials or Things, or diſturb them in the Poſſeſſion thereof.

Penalty on interrupting Workmen.

XIV. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall at any Time or Times obſtruct, hinder, or moleſt, any Surveyor or Surveyors, or other Officer or Officers, Workmen, Perſon or Perſons whomſoever, who is, are, or ſhall be employed by virtue of this Act, in the Performance or Execution of their Duty; every ſuch Perſon ſo offending ſhall, for the Firſt Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds.

Commiſſioners may ſell old Materials, &c.

XV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power and Authority, from Time to Time, to ſell and diſpoſe of all or any Part of the old Pavement, or other Materials, to ſuch Perſon or Perſons as ſhall be willing to purchaſe the ſame, and to apply the Purchaſe-money for the Purpoſes of this Act.

Notice to be given of taking up Pavements, &c. for repairing any Vault, Drain, &c.

XVI. And be it further enacted by the Authority aforeſaid, That when and ſo often as any Part of the Pavement of the ſaid Street ſhall be taken up, for the Purpoſe of making, repairing, altering, cleanſing, or emptying, any Sewer, Vault, or Drain, or of laying, altering, or mending any Water-pipe or Plug, or for any other Purpoſe whatſoever, the Perſon or Perſons ſo taking up ſuch Pavement ſhall, within Twenty-four Hours, give Notice thereof to the Surveyor or Clerk to the Commiſſioners for putting this Act in Execution, in order that the ſame may, with all convenient Speed, be laid down and repaired under the Inſpection of the ſaid Surveyor; and the Charges and Expences thereof ſhall be paid by the ſaid Commiſſioners, and they ſhall be reimburſed the ſame by the Perſon or Perſons, Companies of Water-works, or Commiſſioners of Sewers, who ſhall take up, or cauſe or procure to be taken up, the ſaid Pavement, or any Part or Parts thereof.

Commiſſioners may compound with Commiſſioners of Sewers.

XVII. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners for putting this Act in Execution, or any Five or more of them, from Time to Time, to compound and agree with the ſaid Companies, or Commiſſioners of Sewers, or other Perſon or Perſons reſpectively, for a certain Sum of Money by the Foot, or other Meaſure, as the ſaid Commiſſioners for putting this Act in Execution, or any Five or more of them, ſhall think reaſonable, in lieu and in ſtead of laying down or repairing ſuch Pavement as ſhall be neceſſarily taken up for any of the Purpoſes aforeſaid.

How Money ſhall be recovered.

XVIII. And be it further enacted by the Authority aforeſaid, That in caſe ſuch Perſon or Perſons, Companies of Water-works, or Commiſſioners of Sewers reſpectively, ſhall neglect or refuſe to pay what the ſaid Commiſſioners ſhall have ſo paid and diſburſed, or what ſhall be due upon ſuch Contract or Compoſition as aforeſaid, within Two Months next after Notice thereof, to be left by the Surveyor or Clerk appointed, or to be appointed, by the ſaid Commiſſioners, at the Dwelling-houſe or laſt Place of Abode of ſuch Perſon or Perſons, or of the Secretary or Secretaries, Clerk or Clerks, of ſuch Companies of Water-works, or Commiſſioners of Sewers reſpectively, which Notice ſhall be in Writing, and ſigned by the Clerk to the Commiſſioners for putting this Act in Execution, by Order of the ſaid Commiſſioners, or any Five or more of them, and annexed to the Bill, containing an Account of the Expence of ſuch Repair, or Money due upon ſuch Compoſition, it ſhall and may be lawful to and for the ſaid laſt-mentioned Commiſſioners, or any Five or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name of their Clerk for the Time being, for the Recovery of ſuch Sum or Sums of Money reſpectively; and in caſe ſuch Perſon or Perſons hereby directed to give ſuch Notice to the Surveyor or Clerk to the Commiſſioners for putting this Act in Execution, as is before directed, ſhall neglect ſo to do for the Space of Twenty-four Hours after ſuch Pavement ſhall be ſo taken up, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

Commiſſioners to pay for altering Pipes.

XIX. And be it further enacted by the Authority aforeſaid, That if, for the Purpoſes of this Act, it ſhall at any Time be found neceſſary to raiſe, ſink, or otherwiſe alter the Poſition of any of the Pipes or Plugs laid down or placed by the ſaid Companies, or of any of the Leaden or other Pipes which ſhall be laid into or from any of the ſaid Companies Pipes, which the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to cauſe to be done, as often, and in ſuch Places, as they ſhall think proper, the ſame ſhall be paid for out of the Monies ariſing by virtue of this Act, and ſhall be done with as little Detriment or Inconvenience to the ſaid Companies, and other Perſons, as the Circumſtances of the Caſe will admit of.

Where any of the Water Companies Pipes break, Notice to be given to ſuch Companies.

XX. And be it further enacted by the Authority aforeſaid, That when and ſo often as it ſhall happen that any Pipe or Pipes belonging to any Water Companies ſhall break or burſt in the ſaid Street, it ſhall and may be lawful to and for the Surveyor for the Time being to the Commiſſioners for putting this Act in Execution, or ſuch other Perſon as the ſaid Commiſſioners, or any Five or more of them, ſhall appoint for that Purpoſe, to give immediate Notice thereof to the Pavior of the Water Company to whom he apprehends ſuch Pipe or Pipes does or do or may belong, and require him to take up the Pavement, and open the Ground at or near the Place where the Water ſhall or may iſſue by reaſon of ſuch Pipe or Pipes breaking or burſting, within Two Days next after ſuch Notice given to ſuch Pavior, or left at his laſt or uſual Place of Abode: And if, upon taking up of the Pavement and opening the Ground, it ſhall appear that the Pipe or Pipes ſo broken or burſt do not or doth not belong to the Water Company whoſe Pavior ſhall have taken up ſuch Pavement and opened ſuch Ground; that then, and in ſuch Caſe, the Surveyor or other Perſon as aforeſaid ſhall give immediate Notice to the Pavior of that Company to whom it ſhall appear that the ſaid Pipe or Pipes do or doth belong, ſuch Notice to be given or left with ſuch Pavior, or at his laſt or uſual Place of Abode; and the Pavior of the Company to whom ſuch Pipe or Pipes ſhall belong is hereby required to repair the ſame, and fill in the Ground, within Two Days after ſuch Notice given or left as aforeſaid; and alſo within Twenty-four Hours after ſuch Pipe ſhall be repaired, and the Ground filled in, to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor or other Perſon aforeſaid, of ſuch Pipe or Pipes being repaired, and ſuch Ground being filled in, ſuch Notice to be given to ſuch Contractor, Surveyor, or other Perſon, or left at his or their laſt or uſual Place of Abode: And in caſe it ſhall happen that the Pavior who firſt receives Notice to take up the Pavement and open the Ground for the Purpoſes aforeſaid, ſhall take up ſuch Pavement and open ſuch Ground, and it ſhall then be diſcovered that the Pipe or Pipes which is, are, or ſhall be burſt or broken, do or doth not belong to the Company to whom he is Pavior; that then, and in ſuch Caſe, the Pavior of the Company to whom ſuch Pipe or Pipes do or doth belong ſhall make Satiſfaction to the Pavior who ſo took up ſuch Pavement, and opened ſuch Ground, for ſuch Work: And in caſe the Pavior to whom ſuch Notice ſhall be ſo given to take up ſuch Pavement, and open ſuch Ground, ſhall neglect or refuſe to do the ſame within the ſaid Two Days after Notice given, he ſhall, for the Firſt Offence, forfeit and pay the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds: And in caſe the Pavior of the Company to whom ſuch Pipe or Pipes ſo broken or burſt ſhall belong ſhall neglect or refuſe to repair and amend the ſame, and fill in the Ground ſo taken up, for the Space of Two Days next after ſuch Notice given, or ſhall neglect to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor to the ſaid Commiſſioners, or to ſuch other Perſons as aforeſaid, ſuch Pavior ſhall, for the Firſt Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds: And if the Perſon or Perſons contracting with the ſaid Commiſſioners to relay ſuch Pavements ſo broken or taken up for the Reaſons aforeſaid, ſhall neglect or refuſe to relay ſuch Pavement in a good, ſufficient, and effectual Manner, within Two Days after ſuch Notice given to him as aforeſaid; or if the Surveyor, or other Perſon to whom ſuch Notice ſhall be given, ſhall neglect to acquaint the Contractor of ſuch Notice; then, and in every ſuch Caſe, the Perſon or Perſons ſo offending ſhall, for the Firſt Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds.

Expences of relaying the Pavement to be paid.

Paviors to Water Companies to give Notice to the Surveyor or Clerk of their Names and Abodes.

XXI. And be it further enacted by the Authority aforeſaid, That every Pavior now appointed, or hereafter to be appointed, by the ſaid ſeveral Water Companies, who ſhall have any Pipe or Pipes laid in, through, or under the ſaid Street, ſhall and is hereby required, within the Space of Eight Days next after the paſſing of this Act, or within the Space of Three Days next after he ſhall be appointed Pavior to ſuch Company or Companies, and within the Space of Three Days next after every Removal of his Abode, to give Notice in Writing to the Surveyor or Clerk for the Time being to the ſaid Commiſſioners, of his the ſaid Pavior's Name and Place of Abode, and to what Company he is Pavior: And in caſe any ſuch Pavior ſhall neglect or refuſe to give ſuch Notice within the reſpective Times aforeſaid, every ſuch Pavior ſo offending in either of the ſaid Caſes ſhall, for the Firſt Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds.

No Alteration to be made in the Form of the Pavements without Conſent of Commiſſioners.

XXII. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall make, or cauſe to be made, any Alteration in the Form of any of the Pavements of the ſaid Street, or of any Part thereof, without the Conſent and Direction of the ſaid Commiſſioners, or any Five or more of them, under their Hands and Seals, upon Pain of forfeiting, for every ſuch Offence, the Sum of Five Pounds, over and above all Expences incurred, or to be incurred, in reinſtating the ſame.

Courſe of Gutters to be turned, if neceſſary.

XXIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, to direct and cauſe the Courſe of any Gutter or Channel running in or through the ſaid Street to be turned or altered in ſuch Manner as they ſhall think proper, and to direct any Grate or Grates already placed, or hereafter to be placed, over any Sewers, to be removed, and replaced in ſuch Manner, and at ſuch Place and Places, as they ſhall think moſt proper; all which ſhall, from Time to Time, be done at the Expence of the ſaid Commiſſioners, and paid for out of the Money ariſing by virtue of this Act; any Law, Uſage, or Cuſtom to the Contrary notwithſtanding.

Where neceſſary to make new Grates, or repair old ones, Commiſſioners of Sewers to pay the Expences.

XXIV. And be it further enacted by the Authority aforeſaid, That when and ſo often as there ſhall be Occaſion to make new or additional Grate or Grates over any Sewer or Sewers within the ſaid Street, or to repair or alter any old Grate or Grates belonging to the Commiſſioners of Sewers, or any other Perſon or Perſons, in the ſaid Street, the ſame ſhall be made new, repaired, or altered, by and at the Expence of the ſaid Commiſſioners of Sewers, or ſuch other Perſon or Perſons to whom the ſame doth or ſhall belong; and the ſame, when ſo made new, repaired, or altered, ſhall be laid down in ſuch Place and Places, and

How it ſhall be recovered in caſe of Neglect.

and in ſuch Manner and Form, as ſhall be directed by the Surveyor to the Commiſſioners for putting this Act in Execution, at the Expence of the ſaid Commiſſioners of Sewers, or ſuch other Perſon or Perſons as aforeſaid: And in caſe the ſaid Commiſſioners of Sewers, or ſuch other Perſon or Perſons as aforeſaid, ſhall neglect or refuſe ſo to do for the Space of Six Days next after Notice given or left with their Clerk or Clerks for the Time being, or with ſuch other Perſon or Perſons as aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners appointed by this Act, or any Five or more of them, or their Surveyor, to cauſe ſuch Grate or Grates as ſhall be neceſſary to be made new, repaired, altered, and laid down, to be ſo made new, repaired, altered, and laid down; the Expence whereof ſhall be reimburſed and paid by the ſaid Commiſſioners of Sewers, or ſuch other Perſon or Perſons as aforeſaid, or recovered of him, them, or any of them, in like Manner as the Charges and Expences of relaying Pavements is herein before authoriſed to be recovered.

Sewers, &c. to be repaired by the Commiſſioners of Sewers.

XXV. And be it further enacted by the Authority aforeſaid, That when and ſo often as any Sewer or Drain, which ſhall be ſituate in, or communicate with the ſaid Street, ſhall require to be made new, repaired, altered, cleanſed, or emptied; then, and in every ſuch Caſe, the ſaid Commiſſioners of Sewers, or ſuch other Perſon or Perſons to whom ſuch Sewer or Drain ſhall belong, ſhall, within Six Days after Notice given to, or left for the Surveyor or Clerk for the Time being of the Commiſſioners of Sewers, or to or for ſuch other Perſon or Perſons as aforeſaid, at his or their laſt or uſual Place of Abode, by the ſaid Commiſſioners appointed to put this Act in Execution, or any Five or more of them, or by the Surveyor or other Perſon authoriſed by them, make new, effectually repair, clean, or empty, ſuch Sewer or Drain, as the Caſe may require; and in Default thereof, it ſhall and may be lawful to and for the ſaid Commiſſioners appointed by this Act, or any Five or more of them, or their Surveyor for the Time being, to cauſe ſuch Sewer or Drain to be made new, repaired, or altered, cleanſed, or emptied, as the Caſe may require, or ſo much thereof as ſhall be neceſſary; the Charges and Expences whereof ſhall be paid by the Commiſſioners for putting this Act in Execution, who ſhall be reimburſed the ſame by the Clerk or Treaſurer for the Time being to the ſaid Commiſſioners of Sewers, or by ſuch other Perſon or Perſons as aforeſaid: And in caſe the ſaid Clerk or Treaſurer to the ſaid Commiſſioners of Sewers, or ſuch other Perſon or Perſons as aforeſaid, ſhall neglect or refuſe to pay what ſhall have been ſo paid and diſburſed, within Two Months next after Notice thereof ſhall be left at the Dwelling-houſe or laſt Place of Abode of ſuch Clerk or Treaſurer, or other Perſon, which Notice ſhall be in Writing, and ſigned by the Clerk to the Commiſſioners for putting this Act in Execution, and annexed to the Bill containing an Account of ſuch Charges and Expences; it ſhall and may be lawful to and for the ſaid laſt-mentioned Commiſſioners, or any Five or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name of their Clerk for the Time being, againſt ſuch Clerk or Treaſurer of the ſaid Commiſſioners of Sewers for the Time being, or ſuch other Perſon or Perſons as aforeſaid, for the Recovery of ſuch Sum or Sums of Money as they ſhall have ſo expended for the Purpoſes aforeſaid; in which Action or Actions, no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Foot Pavements to be ſwept every Day except *Sundays*.

XXVI. And be it further enacted, That every Occupier of any Houſe or Tenement within the ſaid Street ſhall, from and after the Second Monday next after the paſſing of this Act, ſweep and clean, or cauſe to be ſwept and cleanſed, the Foot-paths before their reſpective Houſes and Buildings, Once in every Day, between the Hours of Six and Nine in the Forenoon, (Sundays excepted) upon Pain of forfeiting Five Shillings for every Neglect therein.

Penalty on obſtructing the Streets, &c. by Carriages, Timber, &c.

XXVII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, from and after the ſaid Second Monday next after the paſſing of this Act, ſet out, leave, or lay any Cart, Dray, Waggon, or other Carriage, Wheels, Timber, Stones, or other Materials, Matters, or Things, which may occaſion any Annoyance, Nuiſance, or Obſtruction whatſoever in the ſaid Street, ſo as to obſtruct, incommode, or endanger any Perſon or Perſons, Carriage or Carriages whatſoever, paſſing thereon; or if any Cart, Waggon, or other Carriage, ſhall be ſuffered to ſtand in any Part of the ſaid Street, longer than is needful and proper for the neceſſary loading or unloading thereof reſpectively; or if any ſuch Cart, Dray, or other Carriage, ſhall be placed or ſet acroſs any Part of the ſaid Street, for the Purpoſes of loading or unloading the ſame; it ſhall and may be lawful, in any of ſuch Caſes, for the ſaid Commiſſioners, or any Five or more of them, either at any Meeting in purſuance of this Act, or without any ſuch Meeting, to cauſe the ſaid Carts, Waggons, or other Carriages, together with the Horſe and Horſes, and Loading and Loadings belonging thereto, and ſuch other Matters and Things reſpectively, making or occaſioning ſuch Annoyance, Nuiſance, or Obſtruction, to be removed, taken, carried away, and depoſited in ſuch Place or Places, as the ſaid Commiſſioners, or any Five or more of them, ſhall direct or appoint, there to remain until the Offender or Offenders ſhall have paid and diſcharged all Coſts, Charges, and Expences attending the carrying away and depoſiting the ſame as aforeſaid, as alſo ſuch Sum as the ſaid Commiſſioners, or any Five or more of them, ſhall adjudge, not exceeding Forty Shillings for each ſuch Offence.

Penalty on driving any Horſe, Mule, &c. or any Coach, Chariot, &c. on Foot Pavements.

XXVIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall lead, run, ride, drive, draw, or cauſe to be led, run, driven, or drawn, any Horſe, Mule, or other Beaſt; or any Coach, Chariot, Cart, or Wheel or Wheels, Sledge, Truck, Caſk, Wheel-barrow, or any other Carriage whatſoever, on any Part of the Foot-pavements of the ſaid Street, every ſuch Perſon or Perſons ſhall forfeit, for the Firſt Offence, the Sum of Five Shillings, for the Second Offence the Sum of Ten Shillings, and for the Third and every other Offence the Sum of Fifteen Shillings.

XXIX. Provided

Incloſures may be made for the Purpoſe of Building.

XXIX. Provided always, and be it further enacted by the Authority aforeſaid, That any Perſon or Perſons ſhall and may erect or ſet up, or cauſe to be erected or ſet up, in the ſaid Street, any Incloſure, Poſts, Bars, or Rails, or other Matters or Things for the Purpoſe of making Mortar, and depoſiting Bricks, Lime, or other Materials for building or repairing any Houſes, Buildings, or other Works; every ſuch Perſon or Perſons firſt obtaining Leave under the Hand of the Surveyor or Clerk for the Time being to the ſaid Commiſſioners, which he is hereby impowered to give, by their Permiſſion, ſigned by Five or more of them; but if any Perſon or Perſons ſhall erect or ſet up, or cauſe to be erected or ſet up, any ſuch Incloſures, Poſts, Bars, or Rails, or any other Matter or Thing for the Purpoſes aforeſaid, without ſuch Leave firſt had and obtained, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay a Sum not exceeding Ten Shillings for every Hour ſuch Incloſure, Matter, or Thing, as aforeſaid, ſhall remain and continue.

Houſes to be numbered.

XXX. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, may order and direct the Houſes within the ſaid Street to be numbered with Figures, placed or painted on the Doors thereof, or on ſuch other Part of the ſaid Houſes reſpectively as they the ſaid Commiſſioners, or any Five or more of them, ſhall think proper; and if any Perſon or Perſons ſhall wilfully or maliciouſly deſtroy, injure, obliterate, or deface, any ſuch Number or Figure, or any Deſcription, or any Part thereof, or cauſe or procure the ſame to be done, and ſhall be convicted thereof by his or their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, before One or more Juſtice or Juſtices of the Peace acting in and for the County or Place where ſuch Offence ſhall be committed, every ſuch Perſon ſo offending, ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Commiſſioners may remove Signs and other Annoyances.

XXXI. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Second Monday next after the paſſing of this Act, the ſaid Commiſſioners, or any Five or more of them, ſhall cauſe all Signs which then or at any Time after ſhall be placed or hung in any Part of the ſaid Street to be fixed or placed on the Fronts of ſuch Houſes reſpectively whereunto the ſame ſhall belong; and alſo ſhall and may cauſe all Sign-irons, Poſts, Boards, Spouts, Gutters, Pent-houſes, or other Things occaſioning any Obſtruction or Annoyance in the ſaid Street, to be removed or altered, in ſuch Manner as the ſaid Commiſſioners, or any Five or more of them, ſhall think moſt proper and convenient; and that for the future all Signs, Boards, Spouts, or Gutters, ſhall be placed or fixed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong, as the ſaid Commiſſioners, or any Five or more of them, ſhall direct, and not otherwiſe; and if any Perſon or Perſons ſhall at any Time hereafter hang, place, erect, or build, any Sign, Sign-poſt, or Iron, Board, Spout, or Gutter, or cauſe the ſame to be done, in any other Manner than as aforeſaid, or ſhall in any Manner occaſion any Incroachment or Annoyance in the ſaid Street, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds.

Signs, &c. remaining unuſed to be returned to the original Proprietor.

XXXII. Provided always, and be it further enacted by the Authority aforeſaid, That if any or any Part of any ſuch Sign, Sign-iron, or Poſt, Board, Gutter, Spout, Pent-houſe, or other Projection, ſhall remain unuſed after the Alteration made thereto, as before directed, the ſame ſhall be returned to and be the Property of the Perſon to whom the ſame belonged before ſuch Removal or Alteration.

Steps, &c. projecting too far, to be removed.

XXXIII. And whereas the ſaid Street is, in ſome Parts thereof, greatly obſtructed, and made dangerous to Foot Paſſengers, by Steps being brought out from Houſes, Steps, and Doors, going down into Cellars, Vaults, and other Places, and by Shew-glaſſes, Shew-boards, and other Matters or Things projecting from Shops or Houſes over and beyond the Area belonging to ſuch Houſes, or into the Footways; be it therefore enacted by the Authority aforeſaid, That from and after the ſaid Second Monday after the paſſing of this Act, all ſuch Steps projecting into the Foot-ways of the ſaid Street, and all Steps and Doors going down out of the Foot-ways into any Cellars, Vaults, or other Places belonging to any Houſe, Shop, Warehouſe, or Tenement, as likewiſe all Shew-glaſſes or Shew-boards projecting over and beyond the Areas, or into the Foot-ways, and all and every other Material, Matter, or Thing, belonging to any Houſe, Warehouſe, Shop, Cellar, or other Building, which do or ſhall cauſe or occaſion any Nuiſance, Annoyance, Incroachment, or Obſtruction, in the ſaid Street, (either in the Foot or Carriage Way thereof), ſhall be, at the Expence of the ſaid Commiſſioners, from Time to Time removed, fixed, placed, or altered, in ſuch Manner and Form as ſhall be approved of by the ſaid Commiſſioners, or any Five or more of them, or their Surveyor, by their Direction.

An Aſſeſſment to be made.

XXXIV. And, for defraying the Charges and Expences attending the Execution of the ſeveral Powers by this Act granted; be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, a Rate or Aſſeſſment, (over and above all Rates and Aſſeſſments now payable), ſhall, Once in every Year, or oftener, if it ſhall be thought needful by the ſaid Commiſſioners, or any Five or more of them, be made, laid, and aſſeſſed by the ſaid Commiſſioners, or any Five or more of them, upon all and every Perſon or Perſons who do or ſhall inhabit, hold, occupy, poſſeſs, or enjoy, any Houſe, Shop, Warehouſe, Cellar, Vault, or other Tenement, within the ſaid Street, for raiſing ſuch competent Sum and Sums of Money as the ſaid Commiſſioners ſhall, from Time to Time, judge needful and direct; ſo as ſuch Rate or Aſſeſſment, Rates or Aſſeſſments, do not in any One Year exceed in the Whole the Sum of One Shilling and Sixpence in the Pound, of the yearly Rents or yearly Values of ſuch Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements or Hereditaments reſpectively; and that all and every Tenant of every Houſe, Shop, Warehouſe, Cellar, Vault, or other Tenement or Hereditament, ſhall and may deduct One-third of ſuch Sum as ſhall be ſo aſſeſſed as aforeſaid, out of his, her, or their Rents, and the Landlord or Landlords, Owner or Owners of ſuch Premiſes, is and are hereby required to allow ſuch Deduction

tion or Abatement upon the Receipt of the Reſidue of his, her, or their reſpective Rents; any Agreement or Contract between Landlord or Tenant, or any Uſage, Cuſtom, or Law, to the Contrary notwithſtanding.

Rate on South Side of the Street.

XXXV. Provided always, and be it further enacted, That no Perſon ſhall be liable to be rated or pay more than Five-ſixth Parts of ſuch Rate or Aſſeſſment, Rates or Aſſeſſments, for or in reſpect of any Houſe, Shop, Warehouſe, Cellar, Vault, or other Tenement, ſituate on the South Side of the ſaid Street, between Red Lion Street and the Liberty of the City of London; and that the Proprietors and Occupiers of any ſuch Houſe, Shop, Warehouſe, Cellar, Vault, or other Tenement, ſhall be, and are hereby abſolutely acquitted and diſcharged from any and every Claim that may or can ariſe in reſpect of the Appropriation of any Toll or Tolls on Hay heretofore received by them, or any of them.

Manner of Recovery.

XXXVI. And be it further enacted and declared, That if any Perſon or Perſons who ſhall be rated or aſſeſſed by virtue or in purſuance of this Act, ſhall refuſe or neglect to pay the Money ſo rated or aſſeſſed for the Space of Ten Days next after the ſame ſhall be due, and demanded by the Collector or Collectors authoriſed and appointed to collect and receive the ſame, (ſuch Demand being either perſonally made of the reſpective Perſon or Perſons ſo charged, or left in Writing at his, her, or their reſpective Houſe or Houſes, or Place or Places of Abode); then, and in every ſuch Caſe, it ſhall and may be lawful to and for ſuch Collector or Collectors, every or any of them, having a Warrant or Warrants under the Hand and Seal of any Juſtice of the Peace of the ſaid County, (which Warrant or Warrants the ſaid Juſtice, upon Application of the ſaid Collector and Collectors, is hereby authoriſed and required to grant), and ſuch Collector or Collectors, taking to his or their Aſſiſtance a Conſtable, or other Peace Officer of the Pariſh or Place where the Perſons ſo refuſing or neglecting ſhall reſide, to enter into the Houſe or Houſes of the Perſon or Perſons ſo refuſing or neglecting as aforeſaid, and then and there to diſtrain, his, her, or their Goods and Chattels; and if the ſame ſhall not be replevied, or ſuch Rate or Aſſeſſment paid within Five Days next after ſuch Diſtreſs made, together with the Coſts and Charges thereof, then to appraiſe and ſell ſo much and ſuch Part of the ſaid Goods and Chattels as ſhall be ſufficient to pay the ſaid Rate or Aſſeſſment, with the Coſts and Charges attending ſuch Diſtreſs and Sale, returning the Overplus (if any) to the Owner or Owners of ſuch Goods or Chattels, (the ſaid Coſts and Charges to be ſettled and allowed by ſuch Juſtices who ſhall have granted ſuch Warrant or Warrants reſpectively): And in caſe no ſuch Goods or Chattels can be found to be ſo diſtrained, or in caſe ſuch Goods and Chattels ſhall be locked up or ſecured, or removed from the ſaid Collector or Collectors, ſo that he or they cannot diſtrain the ſame; then, and in either of the ſaid Caſes, upon Information thereof given to any One Juſtice of the Peace acting in and for the ſaid County, it ſhall and may be lawful for ſuch Juſtice, and he is hereby required to commit the Perſon or Perſons ſo aſſeſſed, and refuſing or neglecting to pay the ſaid Rates, to the common Gaol for the County or Place where ſuch Perſon or Perſons ſhall reſide, or ſhall be found, there to remain without Bail or Mainprize for any Time not exceeding the Space of One Month, or until the Payment of ſuch Rate or Aſſeſſment, and the reaſonable Charges occaſioned by the Nonpayment thereof.

Occupiers quitting without paying Rates, may be followed.

XXXVII. And be it further enacted by the Authority aforeſaid, That when any Perſon or Perſons, who hath or have been rated and aſſeſſed by virtue of this Act, ſhall quit his, her, or their Dwelling-houſe, Warehouſe, Shop, Vault, Cellar, or Tenement, whereupon ſuch Rate or Aſſeſſment has been made, before he, ſhe, or they, ſhall have paid the ſame, and ſhall afterwards refuſe to pay the ſame when due and demanded by the Perſon or Perſons authoriſed and appointed to collect and receive the ſame; that then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Collector or Collectors, and every or any of them, by Warrant under the Hands and Seals of any Two Juſtices of the Peace acting in and for the ſaid County, (which Warrant the ſaid Juſtices are hereby authoriſed and required to grant), to enter into any Place within their Juriſdictions, or out of the Limits thereof; ſuch Warrant being firſt backed or counterſigned by ſome Magiſtrate of the County, City, or Liberty, where the Diſtreſs is to be made; and to diſtrain the Goods and Chattels of ſuch Perſon of Perſons ſo neglecting or refuſing, and the ſame to ſell, rendering the Overplus (if any) upon Demand, to the Owner of ſuch Goods and Chattels, after deducting the reaſonable Charges and Expences of ſuch Diſtreſs and Sale.

Toll on Hay.

XXXVIII. And whereas there is due, and has been accuſtomed to be received, for every Cart or Waggon loaded with Hay brought into the ſaid Pariſh, and ſold on the uſual Market Days, the Sum of Sixpence, Two-pence whereof is due and of Right belonging to the Lord of the Manor of *Stebonheath*, otherwiſe *Stepney*, in the County of *Middleſex*, as Owner or Proprietor of the ſaid Market, and has accordingly, from Time to Time, been paid to and received by him; and the further Sum of Two-pence, other Part of the ſaid Sum of Sixpence, is due and of Right belonging to the ſaid Pariſh, for the cleanſing and taking away the Dirt and Filth occaſioned by ſuch Carts and Waggons, and has been paid to and received by the ſeveral Houſeholders and Inhabitants before whoſe Doors ſuch Carts and Waggons have ſtood, and been ſold on the uſual Market Days as aforeſaid, for the Uſe of the ſaid Pariſh; and the further Sum of Two-pence, the Remainder of the ſaid Sum of Sixpence, is due and has been received by the ſaid ſeveral Houſeholders and Inhabitants againſt whoſe Doors the ſaid Hay ſo expoſed to Sale ſtood: To the End therefore that the uſeful Purpoſes of this Act may be the better and more ſpeedily carried into Execution, and for and towards increaſing the Fund for defraying the Charges of the ſame, be it further enacted by the Authority aforeſaid, That from and after the Firſt Monday next after the paſſing of this Act, there ſhall be paid to the Receiver or Receivers, Collector or Collectors, to be for that Purpoſe nominated and appointed by the ſaid Commiſſioners, or any Five or more of them, by any Writing under their Hands and Seals, for every Cart or Waggon loaded with Hay, which ſhall be brought into the ſaid Pariſh for Sale on the uſual Market Days, and ſold or expoſed to

Sale, the aforeſaid Sum of Sixpence, in lieu of all other Tolls which are or ſhall be authoriſed to be taken and collected, the ſaid Receiver or Receivers, Collector or Collectors, paying thereout to the Lord of the ſaid Manor, or ſuch other Perſon as ſhall be Owner or Proprietor of the ſaid Market for the Time being, or ſuch Perſon or Perſons as ſhall be appointed by him or them to receive the ſame, the Sum of Twopence, clear of all Charges and Expences, for every Cart or Waggon loaded with Hay which ſhall be brought into the ſaid Pariſh, and ſold or expoſed to Sale on the uſual Market Days, as aforeſaid.

Power to compound with the Lord of the Manor.

XXXIX. Provided always, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, to compound and agree for the ſame with the ſaid Lord of the ſaid Manor, or ſuch other Perſon as ſhall be Owner or Proprietor of the ſaid Market for the Time being, for a certain Sum of Money by the Year, or otherwiſe, for any Term not exceeding Three Years, as the ſaid Commiſſioners, or any Five or more of them, ſhall think reaſonable.

Tolls may be levied by Diſtreſs.

XL. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby impowered, by themſelves, or any Perſon or Perſons by them thereto authoriſed, to levy the ſaid Toll hereby required to be paid upon any Owner or Owners, Driver or Drivers, of any Cart or Waggon loaded with Hay, as aforeſaid, who ſhall neglect or refuſe to pay the ſame as aforeſaid, which ſaid Toll ſhall and may be levied by Diſtreſs of any Part of ſuch Hay with which ſuch Cart or Waggon ſhall be ſo loaded as aforeſaid, or upon any of the Goods or Chattels of ſuch Perſon or Perſons who ought to pay the ſame; and ſuch Diſtreſs or Diſtreſſes ſhall and may be detained until ſuch Toll, with the reaſonable Charges of ſuch Diſtreſs or Diſtreſſes, ſhall be paid: And it ſhall and may be lawful to and for the Perſon or Perſons ſo diſtraining, after the Space of Five Days from the Time of making ſuch Diſtreſs, to ſell ſuch Hay, or other Goods or Chattels ſo diſtrained, rendering to the Owner or Owners thereof the Overplus (if any) upon Demand, after the ſaid Toll, and the reaſonable Charges in and about the making ſuch Diſtreſs, Keeping, and Sale, ſhall be fully ſatisfied.

Act 31 Geo. II.

XLI. And whereas by an Act of Parliament, made and paſſed in the Thirty-firſt Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act to aſcertain the Weight of Truſſes of Straw, and to puniſh Deceits in the Sale of Hay and Straw in Truſſes in* London, *and within the weekly Bills of Mortality, and within the Diſtance of Thirty Miles thereof; and to prevent common Saleſmen of Hay and Straw from buying the ſame on their own Account to ſell again; and alſo to reſtrain Saleſmen, Brokers, or Factors in Cattle, from buying on their own Account to ſell again, any Live Cattle in* London, *or within the weekly Bills of Mortality, or which are driving up thereto*; it is, amongſt other Things, enacted, That there ſhall be kept in every Hay-market, within the Limits of the ſaid weekly Bills of Mortality, where Hay or Straw is or ſhall be allowed to be ſold, a Book or Regiſter for entering and regiſtering therein an Account of all Hay and Straw which ſhall be ſold in any ſuch Hay-market reſpectively; and that ſuch Book or Regiſter ſhall be kept by the Clerk or Toll-gatherer of every Hay-market within the ſaid Limits, or his or their Deputy or Deputies: And whereas the Toll upon every Load of Hay which ſhall be brought into the ſaid Pariſh for Sale, and ſold or expoſed to Sale on the uſual Market Days, is by this preſent Act directed and appointed to be paid to the Receiver or Receivers, Collector or Collectors, to be for that Purpoſe nominated and appointed by the ſaid Commiſſioners, or any Five or more of them; be it therefore further enacted, That it ſhall and may be lawful to and for ſuch Perſon or Perſons as ſhall be appointed Receiver or Receivers, Collector or Collectors of the ſaid Toll, to keep a Book or Regiſter for entering and regiſtering therein an Account of all Hay and Straw which ſhall be ſold in the ſaid Hay-market; and that ſuch Receiver or Receivers ſhall duly account for, and pay to the Lord of the ſaid Manor, or ſuch other Perſon as ſhall be Owner or Proprietor of the ſaid Market for the Time being, or ſuch Perſon or Perſons as ſhall be appointed by him or them to receive the ſame, all ſuch Sum and Sums of Money as ſhall be received by ſuch Receiver or Receivers, Collector or Collectors, by virtue or on account of the keeping ſuch Book or Regiſter as aforeſaid, clear of all Charges and Expences whatſoever.

Receivers may collect the Money for regiſtering.

Commiſſioners may compound with the Lord of the Manor.

XLII. Provided always, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, to compound and agree for the ſame with the ſaid Lord of the Manor, or ſuch other Perſon as ſhall be Owner or Proprietor of the ſaid Market for the Time being, for a certain Sum of Money by the Year, or otherwiſe, for any Term not exceeding Three Years, as the ſaid Commiſſioners, or any Five or more of them, ſhall think reaſonable.

Act 31 Geo. II.

XLIII. And whereas by the ſaid Act, made in the Thirty-firſt Year of His late Majeſty King *George* the Second, intituled, *An Act to aſcertain the Weight of Truſſes of Straw, and to puniſh Deceits in the Sale of Hay and Straw in Truſſes in* London, *and within the weekly Bills of Mortality, and within the Diſtance of Thirty Miles thereof; and to prevent common Saleſmen of Hay and Straw from buying the ſame on their own Account to ſell again; and alſo to reſtrain Saleſmen, Brokers, or Factors in Cattle, from buying on their own Account to ſell again any Live Cattle in* London, *or within the weekly Bills of Mortality, or which are driving up thereto*; it is, amongſt other Things, enacted, That from and after the Twenty-ninth Day of *September*, One thouſand ſeven hundred and fifty-eight, no Perſon or Perſons ſhall permit or ſuffer his or their Waggon, Cart, or Car, loaden with Hay or Straw for Sale, to ſtand or be in the Hay-market in *Smithfield*, in *London*, or in any Hay-market within the weekly Bills of Mortality, from *Lady-day* to *Michaelmas*, after Four of the Clock in the Afternoon; and from *Michaelmas* to *Lady-day*, after Three of the Clock in the Afternoon: And whereas the keeping open the Hay-market in the *High Street*, in the Pariſh of *Saint Mary Matfellon*, otherwiſe *Whitechapel*, to ſuch late Hours, has been found very inconvenient, not only to the Farmers and Conſumers of Hay and Straw, but likewiſe to all Paſſengers who have Occaſion to paſs through the ſaid *High Street*, and ſome further Regulation is likewiſe neceſſary with reſpect to the ſaid Hay-market; be it therefore enacted by the Authority aforeſaid, That from and after the paſſing this Act, ſo much of the above-recited Act as directs the Time when the Hay-market held in the ſaid High Street ſhall end, and the ſtanding of Waggons, Carts, or Cars, in the ſaid Market, be, and the ſame is hereby repealed; and that for the future, the ſaid Market ſhall be held, from Lady-day to Michaelmas, from Seven in the Morning till One of the Clock in the Afternoon; and from Michaelmas to Lady-day, from Eight in the Morning till

Hay-market when to be held.

Twelve of the Clock at Noon, and at no other Time or Times: And if any Perſon or Perſons ſhall at any Time continue or ſuffer his or their Waggon, Wain, Cart, or Car, laden with Hay, Straw, or Fodder, to ſtand or be in any Part or Parts of the ſaid High Street or Hay-market, otherwiſe than as above mentioned, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Shillings; to be recovered and applied in ſuch and the ſame Manner as, by the ſaid recited Act, the Penalties for offending againſt the ſaid Act are to be recovered and applied.

Commiſſioners may borrow 4000 *l.* on the Credit of the Act.

XLIV. And, for the more effectually enabling the ſaid Commiſſioners to execute the Purpoſes of this Act in the moſt expeditious Manner; be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby impowered, from Time to Time, when they ſhall judge it neceſſary for the Purpoſes aforeſaid, to borrow and take up at Intereſt any Sum or Sums of Money not exceeding Four thouſand Pounds, upon the Credit of the Rates or Aſſeſſments to be made and payable by virtue of this Act, and upon the ſaid Toll upon Hay; and, by any Writing or Writings upon Vellum or Parchment, ſigned by them, to aſſign the ſaid Rates or Aſſeſſments, and the ſaid Toll, or either of them, to any ſuch Perſon or Perſons who ſhall advance or lend ſuch Money thereon, as a Security or Securities for the ſeveral Sums ſo borrowed, with legal or lower Intereſt for the ſame; which Intereſt ſhall be payable and paid Half-yearly by the ſaid Commiſſioners out of the Monies to ariſe by or from the ſaid Rates or Aſſeſſments, and the ſaid Toll reſpectively.

Perſons may advance to purchaſe Annuities not exceeding 3000 *l.*

XLV. And whereas many Perſons may chuſe to advance Money for the Purchaſe of Annuities, to be ſecured upon, and payable out of the ſaid Rates and Aſſeſſments, and the ſaid Toll reſpectively; be it therefore further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay into the Hands of the ſaid Commiſſioners, or any Seven or more of them, or ſuch Perſon or Perſons as they ſhall appoint for the Purpoſes of this Act, any Sum or Sums of Money, not exceeding in the Whole the Sum of Three thouſand Pounds for the abſolute Purchaſe of One or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of ſuch Perſons as ſhall be nominated by or on the Behalf of ſuch reſpective Contributors, at the Time of Payment of their reſpective Contribution-monies; which Annuity or Annuities ſhall not exceed the Rate of Eight Pounds per Centum per Annum for every One hundred Pounds, and ſo in Proportion for any greater or leſſer Sum to be advanced and paid as aforeſaid: All which Annuities ſo to be purchaſed ſhall be payable and paid by the ſaid Commiſſioners out of the Monies to ariſe by or from the ſaid Rates and Aſſeſſments and Toll reſpectively, by Quarterly Payments, the Firſt Payment to be made to the reſpective Purchaſers, or their Aſſigns, at the Expiration of the Firſt Quarter after Payment of their reſpective Purchaſe-monies; the Rate whereof ſhall be ſettled and adjuſted by a publick Sale of the ſaid Annuities by the ſaid Commiſſioners to the beſt Bidder for the ſame.

Truſtees to pay 1000 *l.* to Commiſſioners.

XLVI. And whereas the ſaid Part of the ſaid Street directed to be paved by this Act is the great Avenue to the City of *London* from the County of *Eſſex*, and other Eaſtern Counties of this Kingdom, and ought to be paved, and the Work completed in the ſame or like ſubſtantial Manner as that Part thereof is done which lies in the City of *London*: And whereas the Truſtees appointed to put in Execution the ſeveral Acts of Parliament made for repairing the Turnpike Road adjoining to the ſaid *High Street*, leading from the Stones End at *Whitechapel* Church, in the County of *Middleſex* to *Shenfield*, and other Places in the County of *Eſſex*, are willing to contribute, advance, and pay the Sum of One thouſand Pounds for that Purpoſe out of the Tolls and Duties ariſing by their ſaid Turnpike Acts; be it therefore enacted by the Authority aforeſaid, That the Truſtees appointed or to be appointed under the ſaid Turnpike Acts, or any Seven or more of them, ſhall and may, and they are hereby authoriſed and required to pay, or cauſe to be paid, unto the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall, by Writing under their Hands and Seals, appoint to receive the ſame, out of the Money ariſing, or to ariſe, under their ſaid ſeveral Turnpike Acts, the Sum of One thouſand Pounds of lawful Money, within the Space of Six Calendar Months next after the paſſing of this Act; provided that Part of the ſaid High Street ſhall be ſo paved, compleated, and finiſhed, in Manner aforeſaid, the Perſon or Perſons receiving the ſame giving a due Receipt and Diſcharge for the ſame.

Truſtees to borrow 1000 *l.* on the Credit of the Act.

XLVII. And, for the better enabling the ſaid Truſtees to raiſe and pay the Sum of Money as aforeſaid; be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, from Time to Time, to borrow and raiſe, on the Credit of their ſaid Acts, any Sum or Sums of Money, not exceeding in the Whole the ſaid Sum of One thouſand Pounds, for the Purpoſes aforeſaid, over and above all other Sum and Sums of Money already raiſed, or which ſhall hereafter be raiſed, by virtue of the ſaid Turnpike Acts, or any of them, for the particular Purpoſes of the ſame Acts; and alſo to ſecure the Repayment thereof by ſuch Means, Aſſignments, Mortgages, and Securities upon the Tolls and Duties, in ſuch Manner, and at ſuch Intereſt, as they are impowered by the ſaid Acts, or any of them, to raiſe and ſecure Money for the particular Purpoſes of thoſe Acts.

Money veſted in Commiſſioners.

XLVIII. And be it further enacted by the Authority aforeſaid, That all Monies raiſed or collected by Virtue, or by Means, or under the Authority of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners, and ſhall be applied for the Purpoſes of this Act, and to or for no other Uſe or Purpoſe whatſoever.

Expences of the Act to be firſt paid.

XLIX. Provided always, and be it further enacted by the Authority aforeſaid, That the Charges and Expences of procuring and paſſing this Act ſhall be paid out of the firſt Monies which ſhall be raiſed by virtue of this Act.

Penalties may be mitigated.

L. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, to compound and agree with any Perſon or Perſons againſt whom the ſaid Commiſſioners, or any Five or more of them, ſhall bring, or cauſe to be brought, any Action or Actions, Suit or Suits, for any Penalty or Penalties contained in any Contract or Contracts hereafter to be entered into on Account of any Breach or Nonperformance of any Contract or Contracts, for ſuch Sum or Sums of Money as they, or any Five or more of them, ſhall think proper; and alſo to mitigate, compound, or leſſen any other the Forfeitures incurred under this Act, ſo as the Sums ſo compounded and agreed for be not leſs than the Injury or Damage ſuſtained by the Breach or Nonperformance of ſuch Contract or Contracts, and all the Coſts, Charges, and Expences, which ſhall be occaſioned thereby, and ſo as the Mitigation of the other Forfeitures, as aforeſaid, do not extend to remit above One Moiety of the ſaid Forfeitures reſpectively.

Perſons aggrieved may appeal to the Quarter Seſſions.

LI. Provided always, and be it further enacted by the Authority aforeſaid, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace at any General or Quarter Seſſions of the Peace, to be held for the County of Middleſex, within Three Calendar Months after the Cauſe of Complaint ſhall have ariſen, ſuch Appellant firſt giving, or cauſing to be given, Fourteen Days Notice at the leaſt in Writing of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk to the ſaid Commiſſioners, and within Two Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for ſuch County, with Two ſufficient Sureties conditioned to try ſuch Appeal at, and abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch General or Quarter Seſſions; and the ſaid Juſtices at ſuch Seſſion, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizances, ſhall hear and finally determine the Cauſes and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch General or Quarter Seſſions ſhall be final, binding, and concluſive, to all Intents and Purpoſes.

Penalties how to be recovered and applied.

LII. And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed, the Manner of levying and recovering whereof is not hereby particularly directed, ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Juſtice of the Peace acting in and for the ſaid County of Middleſex; which Warrant ſuch Juſtice is hereby impowered and required to grant upon the Confeſſion of the Party or Parties, or upon the Information of any One or more credible Witneſs or Witneſſes upon Oath; and the Penalties and Forfeitures, when recovered, after rendering the Overplus, if any be, upon Demand, to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, the Charges of ſuch Diſtreſs and Sale being firſt deducted, ſhall be paid to the Clerk to the ſaid Commiſſioners for the Time being, and be applied towards the Purpoſes of this Act: And in caſe ſufficient Diſtreſs cannot be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authoriſed and required, by Warrant under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Houſe of Correction for the ſaid County, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, nor leſs than Fourteen Days, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner fully paid and ſatisfied.

Commiſſioners may reward Informers.

LIII. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, if they ſhall ſee Cauſe, to pay and apply ſuch Part of the ſaid Penalties and Forfeitures, or any of them, as they ſhall think proper, not exceeding One Moiety of them, or any of them, to and for the Uſe of the Informer or Informers, or any of them; any Thing herein contained to the Contrary thereof notwithſtanding.

Juſtices to adminiſter Oaths.

LIV. And be it further enacted by the Authority aforeſaid, That in all Caſes where Cognizance is given to any Juſtice or Juſtices of the Peace by this Act, it ſhall be lawful for ſuch Juſtice or Juſtices to adminiſter an Oath to any Perſon, for his or their more certain Information in the Matters then depending.

Commiſſioners who are Juſtices for *Middleſex* may act.

LV. And be it further enacted, That it ſhall and may be lawful to and for any Two Juſtices of the Peace for the County of Middleſex, although ſuch Juſtices ſhall be Commiſſioners for the Purpoſes of this Act, to hear and determine any of the Offences ariſing within their reſpective Juriſdictions which are made ſubject to, and puniſhable by any pecuniary Penalties directed to be levied by virtue of this Act.

Orders, &c. to be kept in a Book.

LVI. And be it further enacted, That a Book or Books ſhall be prepared and kept by the ſaid Commiſſioners, or by ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, wherein ſhall be fairly entered, from Time to Time, the Names of ſuch Perſons as they, or any Five or more of them, ſhall nominate and appoint to put in Execution the Purpoſes of this Act; and Copies of all Orders and Proceedings relating thereto, and alſo an Account of what Monies ſhall have been aſſeſſed, raiſed, levied, and paid, by virtue of this Act, and how the ſame ſhall have been applied, and the Names of the Annuitant or Annuitants, and what Sum or Sums he, ſhe, or they, paid for ſuch Annuity or Annuities reſpectively, and what he, ſhe, or they, is or are to receive for the ſame; which Book or Books the ſaid Annuitants, or any of them, and all Perſons contributing to the ſaid Rates or Aſſeſſments, may, at all convenient Times, peruſe and inſpect without Fee or Reward.

Commiſſioners to defray their own Expences.

LVII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall, at all their Meetings under this Act, pay and defray their own Expences.

Diſtreſs not unlawful for Want of Form.

LVIII. And be it further enacted by the Authority aforeſaid, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Default or Want of Form in any Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the Special Damage in an Action on the Caſe.

LIX. Provided

Plaintiff not to recover if Tender of Amends be made.

LIX. Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity, Treſpaſs, or other Proceedings, if Tender of ſufficient Amends ſhall be made by, or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, any ſuch Irregularity, Treſpaſs, or wrongful Proceeding, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants, in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall think fit; whereupon ſuch Proceedings, Orders, and Judgements, ſhall be had, made, and given in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

LX. And be it further enacted by the Authority aforeſaid, That no Nomination, Contract, Warrant, Judgement, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals of, or only ſigned by any Commiſſioner, or Juſtice or Juſtices of the Peace; or exhibited before them, or under the Hand and Seal, or Hands and Seals of, or only ſigned by, any other Perſon or Perſons whatſoever, relating to the Execution of this Act, ſhall be chargeable with any Stamp-duty whatſoever.

Orders, &c. to be entered in Books.

LXI. And be it further enacted by the Authority aforeſaid, That all Orders and Proceedings of the ſaid Commiſſioners, at their Meetings, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings, ſo entered, ſhall be ſigned by the Clerk or Clerks at any Meeting of Five or more of the ſaid Commiſſioners aſſembled, as the Caſe ſhall require; and ſuch Orders ſhall be deemed and taken to be original Orders; which ſaid Book or Books ſhall and may be produced and read in Evidence in all Courts whatſoever.

Proceedings not to be removed by *Certiorari.*

LXII. And be it further enacted by the Authority aforeſaid, That no Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or other Matter or Thing to be done or tranſacted, in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form, or be removed by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; any Law or Statute to the Contrary notwithſtanding.

Limitation of Actions.

General Iſſue.

Treble Coſts.

LXIII. And be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Twenty-one Days Notice ſhall be thereof given in Writing to the Clerk of the ſaid Commiſſioners, or after ſufficient Satiſfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, for which ſuch Action or Actions, Suit or Suits, ſhall be brought; and every ſuch Action ſhall be brought, laid, and tried, in the County or Place where ſuch Matters and Things reſpectively ſhall be committed or done, and not in any other County or Place; and the Defendant or Defendants in ſuch Actions and Suits, and every of them, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials that ſhall be had thereupon; and that the Matter or Thing, for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by the Authority of this Act: And if the ſaid Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Suit was brought before Twenty-one Days Notice thereof given as aforeſaid, or that ſufficient Satiſfaction was made or tendered as aforeſaid, or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid; then the Jury or Juries ſhall find for the Defendant or Defendants therein: And if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs, in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions; or if, upon any Demurrer or Demurrers in ſuch Action or Actions, Judgement ſhall be given for the Defendant or Defendants therein; then, and in any of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants may have for his, her, or their Coſts, in any other Caſes by Law.

Publick Act.

LXIV. And be it further enacted by the Authority aforeſaid, That this Act ſhall be taken and allowed in all Courts of Juſtice as a Publick Act; and all Judges, Juſtices, and others, are hereby required to take Notice thereof as ſuch, without the ſame being ſpecially pleaded.

CAP. XVI.

An Act to enable His Majeſty to licenſe a Playhouſe in the Town of *Liverpoole*, in the County Palatine of *Lancaſter*.

Preamble.

Part of Act 10 *Geo.* II. relating to common Players,

repealed.

WHEREAS a licenſed Playhouſe in the Town of *Liverpoole*, in the County Palatine of *Lancaſter*, would be of Convenience to the ſaid Town; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That ſo much of an Act of Parliament, made in the Tenth Year of His late Majeſty's Reign, intituled, An Act to explain and amend ſo much of an Act made in the Twelfth Year of the Reign of Queen *Anne*, intituled, *An Act for reducing the Laws relating to Rogues, Vagabonds, Sturdy Beggars, and Vagrants, into One Act of Parliament; and for the more effectual puniſhing ſuch Rogues, Vagabonds, Sturdy Beggars, and Vagrants, and ſending them whither they ought to be ſent*, as relates to common Players of Interludes; whereby all Perſons are diſcharged to repreſent any Entertainment of the Stage whatever, in virtue of Letters Patent from His Majeſty, or by Licence of the Lord Chamberlain of His Majeſty's Houſehold for the Time being, except within the Liberties of Weſtminſter, or where His Majeſty is reſiding for the Time being, be, and the ſame is hereby repealed, with reſpect to the ſaid Town of Liverpoole: And that it ſhall and may be lawful for His Majeſty, His Heirs and Succeſſors, to grant Letters Patent for eſtabliſhing a Theatre or Playhouſe within the ſaid Town of Liverpoole; which ſhall be intitled to all the Privileges, and ſubjected to all the Regulations, to which any Theatre or Playhouſe in Great Britain is intitled and ſubjected.

CAP. XVII.

An Act to explain and amend ſo much of an Act of the Sixth Year of His preſent Majeſty, *for paving the Town and Borough of* Southwark, *in the County of* Surrey, as relates to the Commiſſioners of Sewers; and *for regulating the Manner of taxing Churches, and other publick Buildings, within the Limits of the ſaid Act.*

Preamble. Act 6 Geo. III.

WHEREAS by an Act, paſſed in the Sixth Year of the Reign of His preſent Majeſty King *George* the Third, intituled, *An Act for paving the Streets and Lanes within the Town and Borough of* Southwark, *and certain Places adjacent, in the County of* Surrey, *and for cleanſing, lighting, and watching, the ſame, and alſo the Courts, Yards, Alleys, and Paſſages, adjoining thereto, and for preventing Annoyances therein*; it is, amongſt other Things, enacted, That when and ſo often as there ſhall be Occaſion to make new or additional Grates over any Sewer or Sewers within the ſaid Streets or Lanes, or either of them, or to repair or alter any of the old Grates belonging to the Commiſſioners of Sewers in the ſaid Streets or Lanes, or either of them, the ſame ſhall be made new, repaired, or altered, by and at the Expence of the ſaid Commiſſioners of Sewers: And it is alſo enacted, That when and ſo often as any Sewer or Drain, which is or ſhall be under the Direction of the Commiſſioners of Sewers, and which ſhall be ſituate in, or communicating with, the ſaid Streets or Lanes, or either of them, ſhall require to be made new, repaired, altered, cleanſed, or emptied; then, and in every ſuch Caſe, the ſaid Commiſſioners of Sewers ſhall, within Six Days after Notice given to, or left for their Surveyor for the Time being, at his laſt or uſual Place of Abode, by the ſaid Commiſſioners appointed to put the ſaid Act in Execution, or any Five or more of them, or by the Surveyor or other Perſon authoriſed by them, make new, effectually repair, clean, or empty, ſuch Sewer or Drain, as the Caſe may require; and in Default thereof it ſhall and may be lawful to and for the ſaid Commiſſioners appointed by the ſaid Act, or any Five or more of them, or their Surveyor or Surveyors for the Time being, to cauſe ſuch Sewer or Drain to be made new, repaired, altered, cleanſed, or emptied, as the Caſe may require, or ſo much thereof as ſhall remain unfiniſhed; the Charges and Expences whereof ſhall be paid by the Commiſſioners for putting the ſaid Act in Execution, who ſhall be reimburſed the ſame by the Clerk or Treaſurer for the Time being to the ſaid Commiſſioners of Sewers: And in caſe the ſaid Clerk or Treaſurer to the ſaid Commiſſioners of Sewers ſhall neglect or refuſe to pay what ſhall have been ſo paid and diſburſed, within Ten Days next after Notice thereof ſhall be left at the Dwelling-houſe, or laſt Place of Abode of ſuch Clerk or Treaſurer, and ſigned by the Clerk to the Commiſſioners for putting the ſaid Act in Execution, annexed to the Bill containing an Account of ſuch Charges and Expences, it ſhall and may be lawful to and for the ſaid laſt-mentioned Commiſſioners, or any Five or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Name of their Clerk for the Time being, againſt ſuch Clerk or Treaſurer of the Commiſſioners of Sewers for the Time being, for the Recovery of ſuch Sum or Sums of Money as they ſhall have ſo expended for the Purpoſes aforeſaid: And whereas the Commiſſioners for putting the ſaid Act in Execution for the Eaſtern Diviſion have charged the ſaid Commiſſioners of Sewers with the Sum of Seven hundred and five Pounds, Fifteen Shillings and Nine-pence Halfpenny, and the Commiſſioners for the Weſtern Diviſion have charged the ſaid Commiſſioners with the Sum of Three hundred and Ten Pounds, Eight Shillings and Five-pence, amounting in the Whole to the Sum of One thouſand and ſixteen Pounds, Four Shillings, and Two-pence Halfpenny, for the Charges and Expences of making new Grates over the Sewers within the ſaid Streets or Lanes, repairing and altering old Grates therein, and of making new, repairing, altering, cleanſing, and emptying, ſeveral Sewers or Drains within the ſaid Streets or Lanes, under the Authority and in purſuance of the Directions of the ſaid Act, and have brought, or cauſed to be brought, an Action at Law againſt the Clerk for the Time being to the ſaid Commiſſioners of Sewers for recovering Part of the ſaid Monies, and which Action is ſtill depending: And whereas Doubts have ariſen whether the ſaid Commiſſioners of Sewers are by their Commiſſion authoriſed or impowered to raiſe Monies for the Purpoſes mentioned in the ſaid recited Act: Now, to the End that the ſaid Commiſſioners for putting the ſaid recited Act in Execution may be reimburſed the Monies ſo by them charged to have been expended as aforeſaid, together with the Coſts and Charges which have accrued in and about the aforeſaid Action, and that the Clerk for the Time being to the ſaid Commiſſioners of Sewers may be ſaved harmleſs, and indemnified therefrom, and that the ſaid Commiſſioners of Sewers may be duly authoriſed and impowered to raiſe Monies for the Purpoſes aforeſaid; may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, it ſhall and may be lawful to and for the Commiſſioners of Sewers, for the Limits extending from Eaſt Mouldſey in the County of Surrey, to Ravenſborne in the County of Kent, or any Six or more of them, Three whereof are to be of the Quorum, and they are hereby authoriſed and required to inquire, by the Oaths of Twelve or more honeſt and lawful Men, within the Counties of Surrey and Kent reſpectively, what Perſon or Perſons hath or have, or holdeth or hold, any Meſſuages, Lands, Tenements, or Hereditaments, within the ſaid Limits, or hath or may have any Benefit or Hurt, Loſs or Diſadvantage, by any Manner of Means, from the Sewers or Drains within the ſaid Limits; and all thoſe Perſons, and every of them, to tax, aſſeſs, charge, diſtrain, and puniſh, after the Quantity of their Meſſuages, Lands, Tenements, Rents, and Hereditaments, and the Rate of every Perſon's Portion, Tenure, and Profit, for and towards the Diſcharge and Satisfaction of the Monies which have been ſo expended by the ſaid Commiſſioners, for putting the ſaid before-recited Act of the Sixth Year of His preſent Majeſty into Execution, as aforeſaid, and of the Coſts and Charges which have accrued in and about the Proſecution and Defence of the Action aforeſaid, and of the neceſſary Coſts and Charges incidental to the Inquiry and Aſſeſſment hereby directed to be made, and alſo of the Coſts and Charges expended and laid out in or by reaſon of obtaining and paſſing this preſent Act of Parliament, by ſuch Ways and Means, and in ſuch Manner and Form, as to the ſaid Commiſſioners of Sewers, or any Six or more of them, Three whereof ſhall be of the Quorum, ſhall ſeem meet; to be done and ordained according to and in purſuance

Monies diſburſed by Commiſſioners for paving,

and the Actions brought thereon.

Doubts concerning the Power of the Commiſſioners of Sewers.

Intent of the Act.

Commiſſioners of Sewers to enquire by a Jury what Owners, &c. may be hurt, &c. from the Sewers within *Southwark*, and to aſſeſs them for the Purpoſe of this Act, purſuant to the Powers of their Commiſſion.

of the ſeveral Powers and Authorities veſted in them by their Commiſſion, or by virtue of an Act of Parliament made and paſſed in the Twenty-third Year of the Reign of the late King Henry the Eighth, intituled, The Bill of Sewers, or any other Act or Acts of Parliament made, and now in Force relating to the Power and Authority of the ſaid Commiſſioners of Sewers, or for the Purpoſe of executing their Commiſſion.

Application of the Monies to be raiſed by the Aſſeſſment.

II. And be it further enacted by the Authority aforeſaid, That from and out of the Monies to be raiſed and collected by the Inquiry and Aſſeſſment, as aforeſaid, the ſaid Commiſſioners of Sewers, or any Six or more of them, Three whereof ſhall be of the Quorum, ſhall, in the firſt Place, pay and ſatisfy unto the ſaid Commiſſioners in each Diviſion for putting the ſaid recited Act in Execution, or any Five or more of them, the Monies ſo reſpectively expended by them as aforeſaid; and, in the next Place, the Coſts and Charges before mentioned; and in caſe there ſhall be any Surplus remaining after ſuch Payments, the ſame ſhall be from Time to Time paid and applied by the ſaid Commiſſioners of Sewers, in and towards the general Charges and Expences of executing their Commiſſion.

Directions to Commiſſioners for paving in future Alterations of the Sewers:

III. And be it further enacted by the Authority aforeſaid, That in caſe the Commiſſioners for putting the ſaid recited Act in Execution, or any Five or more of them, ſhall, at any Time or Times, from and after the paſſing of this Act, think it neceſſary, or have Occaſion to make any new or additional Grates over any Sewer or Sewers within the Streets or Lanes, or Places compriſed and mentioned in the ſaid recited Act, or any of them, or to repair or alter any of the old Grates therein, or to make new, repair, alter, cleanſe, or empty any Sewer or Drain, which is or ſhall be under the Direction of the Commiſſioners of Sewers, ſituate in, or communicating with the ſaid Streets, Lanes, and Places aforeſaid, or any of them; then the ſaid Commiſſioners for putting the ſaid recited Act in Execution, or any Five or more of them, or their Surveyor or Surveyors for the Time being, within their reſpective Diviſions, or other Perſon or Perſons authoriſed by them, ſhall, and they are hereby directed and required to give or leave Notice in Writing unto and for the Clerk for the Time being to the ſaid Commiſſioners of Sewers, at his uſual or laſt Place of Abode, of their Intention to have any ſuch new or additional Grates, made or placed over any Sewer or Sewers within the Limits aforeſaid, or to have any ſuch Reparation or Alteration of the old Grates therein, or to have any ſuch Sewer or Drain made new, repaired, altered, cleanſed, or emptied, as the Caſe may be; and the ſaid Clerk is hereby directed and required, immediately after the Delivery of any and every ſuch Notice, as aforeſaid, to ſummon Six or more of the ſaid Commiſſioners of Sewers, who ſhall be inhabiting or dwelling in or near the Borough of Southwark, Three whereof ſhall be of the Quorum, to ſurvey the Grates, Sewers, and Drains, mentioned and ſpecified in ſuch Notice, within Ten Days next after the Receipt thereof; and they the ſaid Commiſſioners are hereby required and directed to ſurvey the ſame within the Time before limited; and after ſuch Survey ſhall be had and made, to cauſe ſuch Grates, Sewers, and Drains, to be forthwith made new, corrected, repaired, amended, altered, cleanſed, emptied, or reformed, as the Caſe ſhall require, and by the Oaths of a Jury to enquire what Perſon or Perſons are or ought to contribute to the Charges and Expences thereof in each Diviſion, and to tax, aſſeſs, charge, diſtrain, and puniſh, all and every ſuch Perſon and Perſons, for the Redreſs and Reformation thereof, by ſuch Ways and Means, and in ſuch Manner and Form, as to the ſaid Commiſſioners ſhall ſeem fit to be done and ordained, according to and in purſuance of the ſeveral Powers and Authorities veſted in them the ſaid Commiſſioners by their Commiſſion, or by virtue of the ſaid Act of Parliament of the Twenty-third Year of the late King Henry the Eighth, or any other Act or Acts of Parliament, made and now in Force, relating to the Power and Authority of the ſaid Commiſſioners of Sewers, or for the Purpoſe of executing their Commiſſion.

The Clerk to ſummon them to ſurvey Defects, &c. on Notice.

Commiſſioners of Sewers directed to ſurvey the ſame, and to cauſe Grates, Sewers, and Drains, to be reformed, and to enquire by a Jury who ought to be contributary to the Expence, &c.

Where Two Parts in Three of Monies are to be collected.

IV. Provided always, and be it further enacted by the Authority aforeſaid, That Two Parts in Three (the Whole into Three equal Parts being to be divided) of the Monies to be raiſed and collected by the Inquiry and Aſſeſſment aforeſaid, ſhall be, and the ſame is hereby directed to be raiſed and collected upon the Owners and Occupiers of all the Meſſuages, Lands, Tenements, and Hereditaments, ſituate and being within the Levels or Diſtricts, commonly called or known by the Name or Names of Bridge Houſe Sluice, Green Bank Mill Stream, Battle Bridge Mill Stream, Saint John of Jeruſalem Sluice, Bare Sluice, Boars-head Sluice, Black Lyon Sluice, and Whitewall Sluice, in the County of Surrey, and which are lying, being, or adjoining to any Part or Parts of any other Sluice, Common Sewer, or Stream, running in or through any of the Streets, Lanes, or Places compriſed in the ſaid recited Act of the Sixth Year of His preſent Majeſty; and that the other or remaining Third Part of the ſaid Monies ſhall be, and the ſame is hereby directed to be raiſed and collected upon the Owners and Occupiers of Meſſuages, Lands, Tenements, and Hereditaments, ſituate, lying, and being in all the other Levels or Diſtricts within the Limits, under the Cognizance and Juriſdiction of the ſaid Commiſſioners of Sewers, and not otherwiſe, or in any other Manner.

Commiſſioners to cauſe Grates and Sewers to be repaired;

V. And be it further enacted by the Authority aforeſaid, That in caſe the ſaid Commiſſioners of Sewers ſhall neglect or refuſe to cauſe any ſuch Grate, Sewer, or Drain to be made new, corrected, repaired, amended, altered, cleanſed, or emptied, as the Caſe ſhall require, for the Space of Fourteen Days after the Delivery of every ſuch Notice as aforeſaid; that then it ſhall and may be lawful to and for any Five or more of the ſaid Commiſſioners, who are or ſhall be authoriſed to put the ſaid recited Act of the Sixth Year of His preſent Majeſty in Execution, to cauſe every ſuch Grate, Sewer, and Drain, whereof ſuch Notice ſhall be given or left as aforeſaid, to be made new, corrected, repaired, amended, altered, cleanſed, emptied, and reformed, as the Caſe may require, or ſo much thereof as ſhall be neglected to be finiſhed by the ſaid Commiſſioners of Sewers, the Charges and Expences whereof ſhall be paid by the Commiſſioners authoriſed to put the ſaid laſt-mentioned Act in Execution, who ſhall be reimburſed the ſame by the Clerk or Expenditor General for the Time being to the ſaid Commiſſioners of Sewers; and in caſe the ſaid Clerk or Expenditor to the ſaid Commiſſioners of Sewers ſhall neglect or refuſe to pay what ſhall have been ſo paid and diſburſed, within Three Months next after Notice thereof ſhall be left at the Dwelling-houſe or laſt Place of Abode of ſuch Clerk or Expenditor, (which Notice ſhall be in Writing, and ſigned by the Clerk to the Commiſſioners authoriſed to put the ſaid laſt-mentioned Act in Execution, and annexed to a Bill containing an Account of ſuch Charges and Expences), it ſhall and may be lawful for any Five or more of the ſaid laſt-mentioned Commiſſioners, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name of their Clerk for the Time being, againſt ſuch Clerk or Expenditor of the ſaid Commiſſioners of Sewers for the Time being, and to recover upon any ſuch Action or Actions all and every of ſuch Sum and Sums of Money as ſhall have been expended by the Commiſſioners for putting the ſaid laſt-mentioned Act in Execution, for the Purpoſes aforeſaid; in which Action or Actions, no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

and to keep Accounts of Monies to be collected by Aſſeſſments.

VI. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners of Sewers ſhall, and they are hereby directed and required, from and immediately after the paſſing of this Act, to keep, for the future, ſeparate and diſtinct Accounts of all Monies to be raiſed or collected by virtue of any Rates or Aſſeſſment which ſhall be made or allowed by the ſaid Commiſſioners, in each and every Level or Diſtrict within the Limits aforeſaid; and that ſuch Monies ſhall be, from Time to Time, paid, applied, diſburſed, and expended by the ſaid Commiſſioners, in and towards the new-making, altering, amending, repairing, cleanſing, and reforming the ſeveral Sluices, Sewers, Drains, and Grates, within each and every ſuch Level or Diſtrict wherein the ſaid Monies ſhall be raiſed or collected, at the rateable or proportionable Part of ſuch Level or Diſtrict, for and towards the General Charges and Expences attending the Execution of the ſaid Commiſſion, and not otherwiſe; and that ſuch ſeparate Accounts ſhall and may be inſpected by any Perſon or Perſons charged to the Payment of any ſuch Rate or Aſſeſſment, who ſhall be intitled to have Copies of ſuch Accounts, or any Part thereof, upon Payment of Sixpence for every One hundred Words contained therein.

Commiſſioners of Sewers to make new or additional Grates.

VII. And whereas ſome Doubts have ariſen, whether the ſaid Commiſſioners of Sewers are authoriſed or impowered to make any new or additional Grates over any Sewer or Sewers, or to repair or alter any of the old Grates therein, or to caſt, cleanſe, make new, repair, and alter the Common Sewers within their Juriſdiction, at the Coſts and Charges of their Commiſſion: It is therefore enacted by the Authority aforeſaid, That the ſaid Commiſſioners of Sewers ſhall be, and they are hereby authoriſed and impowered for the future, to make new or additional Grates over any Sewer or Sewers, and to repair and alter any of the old Grates therein, and to caſt, cleanſe, make new, repair, and alter all and every of the Common Sewers, ſituate and being in the ſeveral Levels or Diſtricts within the Limits aforeſaid, as the Caſe may require, and, from Time to Time, to aſſeſs and levy the Charges and Expences thereof, by an Aſſeſſment on all the Owners and Occupiers of all or any Meſſuages, Lands, Tenements, or Hereditaments, within the ſame Levels or Diſtricts, as to them ſhall ſeem meet to be done; the Right or Claim of any ſuch Owners or Occupiers now ſet up, or hereafter to be ſet up, by Preſcription or otherwiſe, for making new or additional Grates over any ſuch Sewer or Sewers, or for repairing or altering any of the old Grates therein, or for caſting, cleanſing, repairing, or altering the ſame Common Sewers, at their own private Coſts Charges; any Law, Uſage, or Cuſtom to the Contrary notwithſtanding.

Commiſſioners to aſſeſs Pariſh Churches.

VIII. And whereas by the ſaid recited Act it is enacted, That it ſhall be lawful for the ſaid Commiſſioners, at their Diſcretion, and they are hereby required, from Time to Time, to rate and aſſeſs, for the Purpoſes of the ſaid Act, all Pariſh Churches, Church-yards, Chapels, Meeting-houſes, Schools, Warehouſes, Hoſpitals, Priſons, and all other publick Buildings whatſoever, and all dead Walls and void Spaces of Ground, ſituate and being within the ſaid Streets and other Places, at a Rate to be ſettled by the ſaid Commiſſioners, not exceeding Sixpence for every ſquare Yard belonging to every ſuch Pariſh Church, Church-yards, Chapel, Meeting-houſe, School, Warehouſe, Hoſpital, Priſon, and other publick Building whatſoever, dead Wall and void Space of Ground: And whereas the ſaid Commiſſioners have, under the Authority of the ſaid Act, rated and aſſeſſed ſome Churches, Church-yards, publick Buildings, dead Walls, and void Spaces of Ground, within the ſaid Streets and Places, by the ſquare Yard, for the whole Content thereof, and others only for the Content of the Street or Ground lying before the ſame; be it therefore further enacted by the Authority aforeſaid, That the Commiſſioners appointed, and hereafter to be appointed, to put the ſaid recited Act in Execution, ſhall, from and after the paſſing of this Act, and they are hereby required, from Time to Time, to rate and aſſeſs, for the Purpoſes of the ſaid recited Act, all Pariſh Churches, Church-yards, Chapels, Meeting-houſes, Schools, Hoſpitals, Priſons, and all other publick Buildings whatſoever, and all dead Walls and void Spaces of Ground, ſituate and being within any of the ſaid Streets and other Places, in an equal Manner, by the ſquare Yard, not exceeding the Rate of Sixpence for every ſquare Yard, lying between the ſaid Fences and the Middle of the Carriage-way lying before ſuch Pariſh Churches, Church-yards, Chapels, Meeting-houſes, Schools, Hoſpitals, Priſons, publick Buildings, dead Walls, and void Spaces of Ground, and not otherwiſe: Provided that no Owner or Proprietor, Owners or Proprietors, of any ſuch publick Buildings, as aforeſaid, ſhall be liable to pave or repair the Pavement before ſuch publick Buildings reſpectively; any Thing in the ſaid former Act contained to the Contrary notwithſtanding.

Commiſſioners appointed to put the recited Act in Execution.

Commiſſioners Names.

IX. And be it further enacted by the Authority aforeſaid, That Herbert Thomas and Richard Ruſſel, Eſquires; Beriah Hills, William Biley, Joſeph Collyer, Richard Bodman, Amos Angles, William Maſon, John Davis, Francis Holmes, Henry Whittel, William Browning, Nathaniel Nichols, John Varnham, Richard Carpenter Smith, Richard Tomley, Richard Norfolk, Richard Toye, George Lane, William Baldwin junior, Daniel Morgan, James Wadham, William Holmer, Thorold Lowdell, Joſeph Bratt, Richard Miles, Richard Bennet, Gentlemen, ſhall be, and they are hereby nominated and appointed Commiſſioners for putting in Execution the ſaid recited Act of the Sixth Year of His preſent Majeſty, for paving the Streets and Lanes within the Town and Borough of Southwark, and Parts adjacent, in the ſaid County of Surrey, together with the reſt of the Commiſſioners nominated and appointed by the ſame Act; and ſhall be, and are hereby authoriſed and impowered to execute all and every the Powers thereby, or by this preſent Act granted and allowed, as fully, to all Intents and Purpoſes, as if they had been nominated and appointed in the ſaid recited Act.

Limitation of Actions.

General Iſſue.

Treble Coſts.

X. And be it enacted by the Authority aforeſaid, That if any Suit or Action ſhall be brought or proſecuted againſt any Perſon or Perſons for any Thing done, or to be done, in purſuance or under the Authority of this preſent Act, every ſuch Action or Suit ſhall be commenced within Six Months next after the Fact committed, and not afterwards, and ſhall be laid and brought in the County where the Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants, in ſuch Action or Suit, may plead the General Iſſue, not Guilty, and give this preſent Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be laid in any other County or Place; that then, and in ſuch Caſe or Caſes, the Jury ſhall find a Verdict for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuited, or ſuffer a Diſcontinuance of his, her, or their Action or Actions, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and have the like Remedy for the ſame as any Defendant or Defendants hath or have for Coſts of Suit in any other Caſes by Law.

Publick Act.

XI. And be it further enacted by the Authority aforeſaid, That this Act ſhall be taken and allowed in all Courts of Juſtice as a Publick Act; and all Judges, Juſtices, and others, are hereby required to take Notice thereof as ſuch, without the ſame being ſpecially pleaded.

CAP. XVIII.

An Act to indemnify Perſons who have omitted to qualify themſelves for Offices and Employments, and to indemnify Juſtices of the Peace, and others, who have omitted to regiſter their Qualifications, within the Time limited by Law; and for giving further Time for thoſe Purpoſes. EXP.

CAP. XIX.

An Act for amending certain of the Mile-ways leading to *Oxford*; for making a commodious Entrance through the Pariſh of *Saint Clement*; for rebuilding or repairing *Magdalen Bridge*; for making commodious Roads from the ſaid Bridge, through the Univerſity and City, and the Avenues leading thereto; for cleanſing and lighting the Streets, Lanes, and Places, within the ſaid Univerſity and City, and the Suburbs thereof, and the ſaid Pariſh of *Saint Clement*; for removing Nuiſances and Annoyances therefrom, and preventing the like for the future; for impowering Colleges and Corporations to alienate their Eſtates there; for removing, holding, and regulating Markets within the ſaid City; and for other Purpoſes.

Preamble.

Act 18 *Eliz.* found inſufficient.

WHEREAS ſuch of the ſeveral Roads near the Univerſity and City of *Oxford*, uſually called the *Mile-ways*, as are not Part of any Turnpike Road, are in a very bad State and Condition; and the annual Payments directed or mentioned to be paid in lieu of every Yard-land within Five Miles of the ſaid Univerſity and City of *Oxford*, or the Franchiſes of the ſame, by an Act made in the Eighteenth Year of the Reign of Queen *Elizabeth*, intituled, *An Act for the repairing and amending of the Bridges and Highways near unto the City of* Oxford, have been found inſufficient to keep the ſaid Bridges and Roads in Repair, although conſiderable Sums of Money have been raiſed and added thereto by private Contribution: And whereas the Bridge called *Magdalen Bridge*, over the River *Cherwel*, near *Magdalen College* in the Univerſity, is in a decayed and very ruinous State; by reaſon whereof and of its Narrowneſs, and the Difficulty of Acceſs thereto through the ſaid Pariſh of *Saint Clement*, it is very incommodious and dangerous to Travellers: And whereas the Roads from the ſaid Bridge, through the ſeveral Streets in the ſaid Univerſity and City, to the great Roads lying on the North, South, and Weſt Sides of the ſaid Univerſity and City, are in many Parts ſo very narrow and incommodious, and ſo greatly obſtructed by Nuiſances and Annoyances, as well as by various Incroachments and Projections, as to render the ſaid Roads inconvenient and dangerous to Travellers: And whereas the ſaid Univerſity and City, and the Suburbs thereof, and the Pariſh of *Saint Clement*, are not properly cleanſed or lighted; and are much annoyed by Projections and Incroachments, and ſubject to many Nuiſances: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the following Magiſtrates and Officers, for the Time being, of the Univerſity of Oxford, and of the Colleges and Halls therein, to wit, the Vice-chancellor, his Aſſeſſor, or Deputy in the Univerſity Court, all Heads or Governors of Colleges and Halls, the Canons of the Cathedral Church of Chriſt, the ſeveral Royal Profeſſors, and all other Univerſity Profeſſors and Prelectors, the Proctors of the Univerſity, the Publick Orator, the Bodleian and Radclivian Librarians, the Keepers of the Univerſity Archieves, the Maſters of the Streets, the Regiſter of the Univerſity, and the Vice-principals of the ſeveral Halls; and alſo the Mayor, Recorder, Aldermen, Aſſiſtants, Bailiffs, Town-clerk, and Solicitor of the City of Oxford for the Time being, and ſuch other of the Citizens of Oxford as have now or hereafter ſhall have ſerved the Office of Bailiff of the ſaid City; together with the Right Honourable Charles Spencer, commonly called Lord Charles Spencer; the Right Honourable Robert Spencer, commonly called Lord Robert Spencer; the Right Honourable the Lord Viſcount Wenman, in the Kingdom of Ireland; the Right Honourable George Simon Harcourt, commonly called Lord Viſcount Nuneham; the Honourable William Harcourt, the Honourable George Lane Parker, the Honourable Robert Lee, the Honourable Peregrine Bertie, the Honourable Richard Wenman, the Honourable Thomas Wenman, the Honourable John Tracy, Sir Roger Newdigate, Sir James Daſhwood, Sir Charles Cotterell Dormer, Sir Banks Jenkinſon, Sir William Stonehouſe, Sir John Peſhal, Sir Francis Knollys, Sir Gregory Turner, Sir Thomas Stapleton, Baronets; Sir William Henry Aſhhurſt, Sir William Blackſtone, Sir George Nares, Sir Thomas Mundy, Knights; Francis Page Eſquire, Phanuel Bacon, Henry Barton, Edward Bentham, Thomas Bray, Richard Browne, Benjamin Buckler, Daniel Burton, Ralph Cawley, John Chalmers, Thomas Chapman, John

Clark, Richard [illegible], William Denison, George Dixon, David Durell, Edward Edwards, Thomas Fry, Thomas Fothergill, William Gower, George Huddesford, George Horne, Richard Hutchinſon, Thomas Hunt, Benjamin [illegible], Joſeph Hoare, John Cheſher Heyborne, John Jefferys, Benjamin Kennicott, Theophilus Leigh, John Long, John Moore, Tredway Naſh, Thomas Nowell, Henry Parker, Gilbert Parker, Charles [illegible], Francis Randolph, Thomas Randolph, John Ratcliffe, Chriſtopher Robinſon, John [illegible], William Sharpe, Thomas Sharpe, John Tottie, Aſhton Thorpe, Francis Webber, Thomas [illegible], Nathan Wetherell, Thomas Wincheſter, George Windham, Benjamin Wheeler, [illegible], **Doctors in Divinity;** Thomas Bever, Richard Brown, William Seward, Samuel Forſter, Joſeph Smith, James Stonehouſe, **Doctors of Law;** Swithin Adee, John Foulkes, John Kelly, William Lewis, Humphrey Sibthorpe, Walter Ruding, John Smith, William Vivian, **Doctors of Phyſick;** [illegible], John Aubrey, Richard Aubrey, Charles Barrow, Thomas Blackall, [illegible], [illegible], Edward Dandridge, William Draper, John Folliot, James Hargreaves, [illegible], [illegible], Benjamin Holloway, Charles Jenkinſon, William Ledwell, John Morton, [illegible], [illegible], Alexander Popham, John Parker, Giles Rooke, George Auguſtus Schutz, [illegible], [illegible], James Turner, Robert Vanſittart, Thomas Walker, Francis Waſtie, [illegible], George White, William Wykeham, Richard Woddeſon, John Fane, Joſeph Bullock, [illegible], [illegible], Stuckley Bayntun, James Lamb, Thomas Paynton, Sayer, [illegible], William Lenthall, John Lenthall, Robert Fettyplace, Thomas Rollinſon, Lock Rollinſon, [illegible], Richard Lowndes, John Skynner, William Skynner, James Jones, William [illegible], William Lowndes, Francis Fane, Henry Maſon, Philip Powis, Philip Lybbe Powis, **Eſquires;** John [illegible], Henry Blackſtone, Richard Bowles, Thomas Cooke, John Cooke, Samuel Cooke, Clayton Cracherode, John Cox, John Chaundler, John Davey, Richard Davis, Thomas Griffith, Thomas Hawkins, Benjamin Holloway, Thomas Hornſby, Lionel Kirkham, John Lowry, Charles Mortimer, John Napleton, Richard Nicoll, Ralph Nicholſon, John Noel, Stephen Pemberton, Francis Rowden, Edward Smallwell, Thomas Treacher, Phipps Weſton, Edward Whitmore, Thomas Warton, William Wright, Roger Watkin, Thomas Gregory, James Reading, Paulo Tookie, Martin Stapleton, Chriſtopher Marſhall, **Clerks;** William Applebee, John Auſtin, James Burrows, Thomas Burrows, James Clarke, Charles Collins, John Curtis, Samuel Culley, John Dewe, Henry Drought, William Drought, James Etty, Richard Finch, James Fletcher, William Fletcher, Joſeph Fortnom, Samuel Fox, John Fowle, Samuel Glaſs, John Groſvenor, Giles Hall, Nicholas Halſe, Richard Holloway, John Holman, John Horſman, William Huddesford, William Jackſon, Ralph Kirby, Samuel Kilner, Robert Langford, Iſaac Lawrence, Edward Lock, John Leaſingby, Samuel Malbon, Richard Madge, Richard Martin, James Matthews, Joſeph Meyſey, Charles Moore, James Morrell, James Morten, Charles Nourſe, Sackville Parker, John Philips, Daniel Prince, Archdale Rooke, Vincent Shortland, James Stout, Deodatus Stone, John Stevens, Thomas Sayer, Thomas Spencer, William Elias Taunton, Richard Tawney, Joſeph Tyrrell, Edward Tawney, William Thorpe, John Treacher, Thomas Tredwell, George Tonge, William Tomkins, Henry Towſey, John Townſend, Philip Ward, Benjamin Watſon, John Watſon, Richard Way, John Walker, Thomas Wood, Richard Bew, Anthony Sawyer, Samuel Benwell, Gentlemen; and One Perſon for each and every of the Colleges and Pariſhes in the ſaid Univerſity and City, and the Suburbs thereof, and the ſaid Pariſh of Saint Clement, to be elected in Manner hereafter mentioned, and their Succeſſors, ſhall be and they are hereby appointed Commiſſioners for putting this Act in Execution.

Commiſſioners for the Colleges.

II. And be it further enacted, That it ſhall and may be lawful to and for the Head or Governor of each College within the ſaid Univerſity, and the Maſters of Arts, and Perſons of ſuperior Academical Degree, reſident for the Time being within ſuch College, and on the Foundation thereof, to meet together in their common Dining Hall, or ſome other publick Place, between the Hours of Nine and Twelve in the Forenoon of the Third Tueſday after the paſſing of this Act, or as ſoon after as conveniently may be, and the major Part of ſuch Perſons then reſident, and there aſſembled, ſhall and may proceed to elect One of the Fellows, or Maſters of Arts, or Perſons of ſuperior Degree on the Foundation of ſuch their reſpective College, to be a Commiſſioner for ſuch reſpective College: And in caſe of an Equality of Votes in the Election of a Commiſſioner for any ſuch College reſpectively, the Head or Governor, or, in his Abſence, his Deputy, or in their Abſence, the ſenior Fellow preſent of ſuch College ſhall have the caſting Voice; and ſuch Perſon ſo elected ſhall and may continue to act and be a Commiſſioner for putting in Execution the Powers in this Act contained, during the Time he ſhall actually remain a Fellow of ſuch College, or on the Foundation thereof: Provided that when and as often as any of the ſaid Commiſſioners, to be choſen by their reſpective Colleges, as aforeſaid, ſhall happen to die, reſign, or refuſe to act, or his Fellowſhip, Studentſhip, or other Place on the Foundation, ſhall become vacant, it ſhall and may be lawful, within One Month after ſuch Diſqualification, Death, Reſignation, Refuſal, or Vacancy, for the ſeveral Voters in the College of which ſuch Commiſſioner was a Member, to proceed to elect another Commiſſioner, in Manner above mentioned, and ſo toties quoties, as Occaſion ſhall be or require.

Commiſſioners for the Pariſhes.

III. And be it further enacted, That the Pariſhioners in each and every of the ſaid reſpective Pariſhes before mentioned, having a Right to vote in the Election of Churchwardens, ſhall and may meet together in the Church or Veſtry-room belonging to each Pariſh reſpectively, between the Hours of Nine and Twelve in the Forenoon, on the ſaid Third Tueſday next after the paſſing of this Act, or as ſoon after as conveniently may be, and the major Part of ſuch Pariſhioners, then and there aſſembled, ſhall and may proceed to the Election of One Perſon to be a Commiſſioner as aforeſaid for ſuch reſpective Pariſh: And that in caſe of an Equality of Votes in the Election of a Commiſſioner for any ſuch Pariſh, the Churchwarden ſtanding firſt upon the Liſt of Pariſh Officers then preſent, or in caſe no Churchwarden ſhall be preſent, the Perſon then preſent who ſhall ſtand higheſt rated to the Poors Rate in the ſaid Pariſh, ſhall have the caſting Voice; and the Name of every ſuch Perſon ſo elected a Commiſſioner for each reſpective Pariſh ſhall be entered in a Book, to be provided and kept for that Purpoſe by each reſpective Pariſh in their publick Cheſt.

Continuance of Pariſh Commiſſioners.

IV. And be it further enacted by the Authority aforeſaid, That the Perſons ſo elected for the ſaid reſpective Pariſhes ſhall continue Commiſſioners until Eaſter Tueſday, One thouſand ſeven hundred and ſeventy-four, and no longer; and upon the ſaid Eaſter Tueſday, in the Year One thouſand ſeven hundred and ſeventy-four, or within Fourteen Days afterwards, new Commiſſioners ſhall reſpectively be elected in Manner aforeſaid, by the ſaid Pariſhioners of each and every of the Pariſhes before mentioned; and that from thenceforth new Commiſſioners ſhall for ever after be annually elected in Manner aforeſaid.

Qualification of Commiſſioners.

V. Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be, in his own Right, or in Right of his Wife, in the actual Poſſeſſion or Receipt of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, or poſſeſſed of or intitled to a Perſonal Eſtate of Eight hundred Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager at Law, or more than One Imparlance, ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, on Proof given of his having acted as a Commiſſioner in the Execution of this Act.

Penalty on acting not being duly qualified.

Commiſſioners dying or refuſing to act, others to be appointed.

VI. Provided always, and be it further enacted by the Authority aforeſaid, That when and as often as any of the ſaid laſt-mentioned Commiſſioners, who do not derive their Power from the paſt or preſent Enjoyment of any Office, or from the Election of any College or Pariſh, ſhall die, or refuſe to act; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſurviving or remaining Commiſſioners, whether official, elective, or other, or any Five or more of them, at a Meeting to be held for that Purpoſe, to elect another Perſon or Perſons in the Room of him or them ſo dying or refuſing to act; and every Perſon ſo elected ſhall have the ſame Powers and Authorities for putting this Act in Execution, as the Perſon in whoſe Stead he ſhall be elected was veſted with.

No Retailer of Ale or Spirituous Liquors capable of holding any Office.

VII. And be it further enacted by the Authority aforeſaid, That no Perſon who ſhall ſell Ale, Wine, or any Spirituous or Fermented Liquors, by Retail, ſhall be capable of acting as a Commiſſioner, or executing any Office under this Act.

Firſt Meeting of Commiſſioners

Future Meetings.

VIII. And be it further enacted by the Authority aforeſaid, That the Commiſſioners nominated and appointed by or elected in purſuance of this Act, or any Seven or more of them, may and ſhall meet and aſſemble in the Town Hall in the ſaid City on the Fourth Tueſday after the paſſing of this Act, between the Hours of Nine and Twelve in the Forenoon, in order to put this Act in Execution; and ſhall then, and from Time to Time afterwards, adjourn themſelves to and meet at the ſame Place, or at any other convenient Place within the ſaid Univerſity or City, as they or the major Part of them preſent at ſuch Meeting ſhall appoint: And if it ſhall happen that there ſhall not appear at any Meeting which ſhall be appointed to be held by the ſaid Commiſſioners a ſufficient Number thereof to act, and to adjourn to another Day, (Two Commiſſioners being always deemed ſufficient for the Purpoſe of adjourning), or if they ſhall omit or neglect to adjourn; then, and in every ſuch Caſe, their Clerk, or any Three or more of the ſaid Commiſſioners, ſhall and may call a Meeting, at the Place where the laſt Meeting was appointed to be held, on that Day Three Weeks, between the Hours of Nine and Twelve in the Forenoon, Notice thereof being given as hereafter is directed.

Two Days Notice to be given before ſubſequent Meetings.

IX. Provided always, and be it enacted by the Authority aforeſaid, That previous to any Meeting of the ſaid Commiſſioners in purſuance of this Act, ſubſequent to ſuch firſt Meeting as aforeſaid, Notice ſhall be given by the Clerk of the ſaid Commiſſioners, and fixed at the South Gate of the Schools of the ſaid Univerſity, and alſo at the Gate of the Town Hall in the ſaid City, ſignifying the Time and Place of every ſuch Meeting, Two Days at leaſt before every ſuch Meeting.

Commiſſioners not to act where intereſted; and at all Meetings to defray their own Expences.

X. Provided always, and be it further enacted by the Authority aforeſaid, That no Commiſſioner hereby appointed, or hereafter to be appointed, as aforeſaid, ſhall be capable of acting or voting as ſuch during the Time he ſhall enjoy any Office of Profit under, or be concerned in any Contract made by virtue of this Act, or in any Caſe wherein he ſhall be perſonally intereſted: And that at all Meetings to be held in purſuance of this Act, the Commiſſioners ſhall defray their own Expences.

Commiſſioners may act as Juſtices.

XI. Provided always, That it ſhall and may be lawful to and for ſuch of the ſaid Commiſſioners as ſhall be in the Commiſſion of the Peace, to act as Juſtices in the Execution of this Act, within their ſeveral and reſpective Juriſdictions, notwithſtanding their being Commiſſioners.

Commiſſioners may erect Turnpikes and Toll-houſes.

XII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Nine or more of them, ſhall cauſe to be erected One or more Gate or Gates, Turnpike or Turnpikes, in or acroſs any Part or Parts of the ſaid [illegible] Streets, or Roads hereby directed to be repaired and amended, as to them ſhall ſeem moſt proper; and alſo a Toll-houſe or Toll-houſes adjoining to each of the ſame reſpectively; and the reſpective Tolls following ſhall be demanded and taken [illegible] of the Perſon or Perſons attending any Cattle or Carriage herein after mentioned, before ſuch Cattle or Carriage ſhall be permitted to paſs through the ſame, or any of them; that is to ſay,

For every Coach, Chariot, Berlin, Chaiſe, Calaſh, or other Carriage, drawn by Six Horſes or other Cattle, the Sum of One Shilling and Sixpence;

For every Coach, Chariot, Berlin, Chaiſe, or other Carriage as aforeſaid, drawn by Four Horſes or other Cattle, the Sum of One Shilling;

For every Coach, Chaiſe, Berlin, Chariot, or other Carriage, drawn by Two Horſes, the Sum of Sixpence;

For every Chaiſe or other Carriage, drawn by One Horſe or other Beaſt, the Sum of Threepence;

For every [illegible] Carriage, being a Common Stage Waggon, [illegible] the Sum of [illegible]

For each Horſe or other Beaſt, drawing in any Waggon, Cart, Wain, or Carriage, not travelling for Hire, or employed in Huſbandry, the Sum of One Penny.

And for every other Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of One Penny.

For every Drove of Oxen or Neat Cattle, Fivepence per Score; and ſo in proportion for any greater or leſs Number.

Which Sums reſpectively ſhall be demanded in the Name of and as a Toll, and ſhall be and are hereby veſted in the ſaid Commiſſioners, and the ſame and every Part thereof ſhall be paid and applied in ſuch Manner as is herein after mentioned and directed; and it ſhall and may be lawful to and for ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Five or more of them, under their Hands and Seals, ſhall from Time to Time nominate and appoint, to demand and take the Tolls or Duties hereby granted and made payable; and alſo to levy the ſame upon any Perſon or Perſons liable to pay the ſame, who ſhall, after Demand thereof made, neglect or refuſe to pay ſuch Tolls or Duties as aforeſaid, by Diſtreſs of any Carriage or Carriages, or Cattle upon which ſuch Tolls or Duties are by this Act impoſed, or by Diſtreſs of any other of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing as aforeſaid, whereſoever the ſame may be found, and to detain and keep ſuch Goods and Chattels ſo diſtrained until ſuch Tolls and Duties, with the reaſonable Charges of ſuch Diſtreſs and Keeping, ſhall be paid; and ſuch Perſon or Perſons ſo diſtraining, after the Space of Four Days after ſuch Diſtreſs made and taken, ſhall and may ſell the Goods or Chattels ſo diſtrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after ſuch Tolls and Duties, and the reaſonable Charges for diſtraining, keeping, and ſelling the ſame, ſhall be deducted and paid.

Half Toll for Carriages with Corn on Market Days.

XIII. Provided nevertheleſs, That no more than One Half of the Tolls aforeſaid ſhall be demanded or taken for any Horſe or other Cattle drawing in any Waggon, Cart, Wain, or other Carriage, laden with Corn only, coming into the ſaid City through any Turnpike Gate or Turnpike Gates to be erected by the Authority of this Act, upon either of the weekly Market Days there.

Tolls to be paid but once in Twenty-four Hours.

XIV. Provided always, and be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall have paid the Tolls by this Act granted and aſcertained, for the paſſing of any Cattle or Carriage through any Turnpike erected by virtue of this Act, ſuch Perſon or Perſons, upon producing a Note or Ticket of the Day denoting ſuch Payment, ſhall be permitted to paſs and repaſs through the ſame Turnpike, and alſo through all other Turnpikes erected by virtue of this Act, with the ſame Cattle or Carriage, Toll-free, at any Time or Times during the ſame Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next Night; which ſaid Note or Ticket the Collectors of the ſaid Tolls are hereby required to give gratis (if demanded) on Receipt of ſuch Tolls.

Exemption.

XV. Provided always, and be it further enacted, That no Perſon or Perſons ſhall be charged with any of the Tolls or Duties aforeſaid, for paſſing through any of the Turnpikes to be erected by virtue of this Act, with any Cattle or Carriage going empty for, or drawing or carrying, or returning empty, after having drawn or carried any Materials for repairing the ſaid Roads or Streets; or any Hay or Corn in the Straw, to be laid up in the Houſes, Outhouſes, Barns, or Yards, belonging to the reſpective Inhabitants of the ſaid Univerſity, City, and Suburbs thereof, or the ſaid Pariſh of Saint Clement; or any Manure or Compoſt to be laid upon Lands or Gardens, or with any Ploughs, Harrows, or other Implements of Huſbandry, or with any Horſes or other Cattle going to or returning from Paſture or Watering Places in any of the Pariſhes in Oxford aforeſaid, or in the ſaid Pariſh of Saint Clement, or going to be ſhod or otherwiſe farried, or returning therefrom; or with any Horſes or Carriages drawing or carrying the Poſt Mail or Packet; or attending any Soldiers in their March, or laden with their Arms or Baggage; or travelling with Vagrants ſent by legal Paſſes; or going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of Oxford, or of a Burgeſs or Burgeſſes for the ſaid Univerſity, or of a Citizen or Citizens, for the ſaid City of Oxford, on the Day or Days of ſuch Election.

Penalty on claiming Exemptions fraudulently.

XVI. Provided always, That if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, ſuch Perſon ſhall forfeit and pay the Sum of Forty Shillings for each Offence.

Penalty on Perſons avoiding the Tolls.

XVII. And be it further enacted, That if any Perſon or Perſons ſhall go or paſs with any Cattle or Carriage through or over any Land, Ground, or Place, lying by the Side of or near to the ſaid Roads, the ſame not being a publick Highway, in order or with Intent to avoid the Payment of the Tolls by this Act granted, or any Part thereof; or ſhall forge, counterfeit, or alter, or ſhall deliver to or receive of any other Perſon or Perſons, any Note or Ticket, with Intent to avoid the Payment of any or any Part of the ſaid Tolls; or if any Perſon or Perſons owning or occupying any Lands, Ground, or Place, not being a publick Highway, ſhall knowingly and wittingly permit or ſuffer any other Perſon or Perſons to go or paſs with any Cattle or Carriage through or over ſuch Land, Ground, or Place, in order or with Intent that the Payment of any of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſon or Perſons ſhall do any other Act in order or with Intent to avoid the Payment of the ſaid Tolls, or any Part thereof; ſuch Perſons, and every of them, ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds, over and beſides ſuch Damages and Puniſhments as they ſhall be otherwiſe liable to by Law; to be levied and recovered by ſuch Means, and in ſuch Manner as are herein-after mentioned and provided for the levying and recovering of Penalties and Forfeitures impoſed by this Act; One Moiety whereof, when raiſed, ſhall be paid to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the other Penalties and Forfeitures are herein-after directed to be applied.

Commiſſioners may reduce or raiſe the Tolls.

XVIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Fifteen or more of them, at a Meeting to be called for that Purpoſe, (whereof Fourteen Days Notice ſhall be given in ſome publick News-paper, and alſo fixed on the Turnpike Gate or Gates to be erected by Authority of this Act), from Time to Time, as they ſhall ſee Occaſion, to vary, leſſen, and reduce the Tolls by this Act granted, and afterwards raiſe the ſame again, ſo as not to exceed the Sums hereby granted; and ſuch Tolls ſo varied, leſſened, and reduced, ſhall be collected, recovered, and applied in ſuch Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Mile-way Monies to be collected by the Clerk of the Commiſſioners.

XIX. And whereas it will be moſt convenient for the Publick, and alſo for the ſaid Univerſity and City, that the Expenditure of all ſuch annual Sums as now remain payable to the Vice-chancellor and Mayor, (and are not diſpoſed of by any former Turnpike Act), for or towards the repairing the ſaid Mile-ways, ſhould be under the Direction and Management of the Commiſſioners for putting this Act in Execution; be it therefore enacted, That from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-one, the Clerk of the ſaid Commiſſioners for the Time being ſhall be, during the Continuance of this Act, and he is hereby conſtituted and appointed the Deputy of the ſaid Vice-chancellor and Mayor, for collecting the ſaid annual Sums; and the ſaid Clerk for the Time being ſhall and may demand and receive the ſaid reſpective Sums of the Surveyor or Surveyors of the Highways for the Time being of each reſpective Pariſh and Townſhip; and in Default of Payment thereof, ſhall and may levy the ſame by Diſtreſs and Sale of the Goods of ſuch Surveyor or Surveyors, returning the Overplus (if any be) upon Demand, after deducting thereout the Charges of ſuch Diſtreſs and Seizure: And it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, who ſhall have paid ſuch Sums, or on whom ſuch Diſtreſs ſhall have been made, to reimburſe themſelves ſuch Sums ſo paid or diſtrained for, by collecting the ſame of the Perſons whoſe Eſtates have uſually been chargeable therewith, or by any other Means whereby, according to the Laws now in being, Surveyors of Highways are to be reimburſed the Monies by them expended in buying Materials for amending the Highways; and the ſaid Clerk of the ſaid Commiſſioners ſhall pay the Sums ſo received by him to the Treaſurer of the ſaid Road for the Time being, to be applied to the Repairs of the ſaid Mile-ways, and to the other Purpoſes of this Act.

Commiſſioners impowered to borrow Money,

and mortgage the Tolls for Repayment thereof.

XX. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven or more of them, at their Firſt or any ſubſequent Meeting to be held in purſuance of this Act, to borrow and take up at Intereſt, upon the Credit of the Tolls ariſing by virtue of this Act, ſuch Sum or Sums of Money as they, or any Seven or more of them, ſhall think fit; and may and are hereby impowered to demiſe or mortgage the ſaid Tolls, or any Part or Parts thereof, and the Gates, Turnpikes, and Toll-houſes for collecting the ſame, (the Coſts and Charges of ſuch Mortgages to be paid out of ſuch Tolls), as a Security to any Perſon or Perſons, or their Truſtees, who ſhall advance ſuch Sum or Sums of Money, by the following Words, under their Hands, or by any other Words, to the ſame or the like Effect; viz.

BY virtue of an Act, made in the Eleventh Year of the Reign of His Majeſty King *George* the Third, *for the more effectual amending ſuch of the Roads as belong to and are Part of the Mile-ways leading to the Unniverſity and City of* Oxford, *and other Purpoſes:* We of the Commiſſioners, in conſideration of the Sum of to the Treaſurer of the ſaid Turnpikes in Hand paid, do grant, bargain, ſell, and demiſe unto *A. B.* his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, and of the Gates, Turnpikes, and Toll-houſes for collecting the ſame, as the ſaid Sum of doth or ſhall bear to the whole Sum advanced, or to be advanced, on the Credit thereof~~; to be~~ had and holden from this Day of in the Year of our Lord for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with Intereſt, at the Rate of *per Centum per Annum*, ſhall be ſooner repaid and ſatisfied.

And Copies of all ſuch Mortgages ſhall be entered in the Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Commiſſioners; but no Money ſhall be borrowed upon the Credit of the ſaid Tolls after ſuch firſt Meeting, unleſs Notice be for that Purpoſe fixed in Writing upon all the Turnpikes acroſs the ſaid Road, at leaſt Twenty-one Days before the borrowing thereof.

Manner of Transfer.

XXI. And be it further enacted, That all Perſons to whom any ſuch Mortgage ſhall be made as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, may, from Time to Time, aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit, to the ſaid Mortgages, and the ſaid Principal and Intereſt thereby ſecured, to any Perſon or Perſons whatſoever, indorſing on the Back of ſuch Security, with or without a Witneſs, the following Words, or Words to the like Effect:

I Do transfer this Mortgage, with all my Right and Title to the Principal hereby ſecured, and to all the Intereſt now due upon the ſame, unto his Executors, Adminiſtrators, and Aſſigns. Dated this Day of *G. H.*

And ſuch Transfer and Aſſignment ſhall intitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon; and ſuch Aſſignee may, in like Manner, aſſign or transfer the ſame again, and ſo toties quoties; and it ſhall not be in the Power of ſuch Perſon or Perſons who ſhall have made ſuch Aſſignment reſpectively to make void, releaſe, or diſcharge the original Security, or any Monies thereby due, or any Part thereof; and all Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made, as aforeſaid, ſhall be, in proportion to the Sum or Sums therein mentioned, Creditors on ſuch Tolls, on the Credit whereof ſuch Sum or Sums are advanced, in equal Degree One with another, and ſhall have no Preference in reſpect of the prior Advancement of any ſuch Money, or prior Date of any ſuch Mortgage.

XXII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Fifteen or more of them, at any Meeting, may and are hereby impowered, upon Fourteen Days Notice being given in ſome publick News-paper uſually circulated within the ſaid City, to leaſe or farm the Tolls by this Act granted, or any Part or Parts thereof, to any Perſon or Perſons, at and for the largeſt yearly Sums that can be got for the ſame; provided that ſuch Lettings and Agreements be made in Writing, and ſigned by the Perſon or Perſons taking or farming any ſuch Tolls, and by the Commiſſioners that let the ſame, and be not made for more than Three Years at a Time; and that the Money which ſhall be ſo agreed to be paid for the ſaid Tolls ſhall be made payable, and ſhall be paid to the Treaſurer for the Time being, or to ſuch Perſon or Perſons as they, or any Fifteen or more of them, ſhall appoint, by quarterly Payments: And if any Letting or Agreement for the ſaid Tolls, or any Part or Parts thereof, ſhall be made, and any Default ſhall be made in paying the Money agreed to be paid, contrary to the true Meaning of this Act, then every ſuch Letting and Agreement ſhall be void, and the Perſon or Perſons to whom the ſaid Tolls ſhall be ſo let ſhall be liable to account for the ſame, and to have the ſame levied and recovered upon and of him, her, or them, by ſuch Ways and Means, and in the ſame Manner, as is by this Act directed concerning the accounting for other Monies by the Collectors or Receivers thereof, and the levying and recovering the ſame.

Commiſſioners may farm out the Tolls by the Year.

The Leaſe or Agreement to be void, in caſe of any Default of Payment of Money, and the Leſſee accountable.

XXIII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, ſhall and may, at their Firſt or any ſubſequent Meeting, appoint One or more Clerk or Clerks, and Treaſurer or Treaſurers, and Collector or Collectors of the Tolls, Surveyor or Surveyors, and ſuch other Officer or Officers, for the Execution of this Act, as they the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper; and from Time to Time remove him or them, and appoint others in the Room of ſuch of them as ſhall be ſo removed, or ſhall die, or ſhall otherwiſe relinquiſh or diſcontinue ſuch Office; and out of the Monies to be raiſed by virtue of this Act make ſuch Allowances to the ſaid Officers, and to all other Perſons by them the ſaid Commiſſioners employed in the Execution of this Act, as they, or any Seven or more of them, ſhall think reaſonable; and the ſaid Commiſſioners, or any Seven or more of them, ſhall and may take ſuch Security from their Treaſurer and other Officers, for the due Execution of their reſpective Offices, as the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper: And all ſuch Officers and Perſons ſhall, under their Hands (at ſuch Time and Times, and in ſuch Manner, as the ſaid Commiſſioners, or any Seven or more of them, ſhall direct) deliver to ſuch Commiſſioners, or ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act; and alſo of all the Monies which ſhall have been by ſuch Officer or Officers, and Perſon or Perſons reſpectively, received by virtue of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Commiſſioners, or any Seven or more of them, or ſuch Perſon or Perſons as they ſhall appoint: And all the ſaid Officers and Perſons ſo accounting as aforeſaid, ſhall, upon Oath, if thereunto required by the ſaid Commiſſioners, or any Seven or more of them, (which Oath the ſaid Commiſſioners, or any Two or more of them, are hereby impowered and required to adminiſter) verify their ſaid Accounts: And if any ſuch Officer or Perſon ſhall not make and render, or ſhall refuſe to verify upon Oath any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid; then, and in any of the Caſes aforeſaid, ſuch Commiſſioners, or any Seven or more of them, may, and are hereby authoriſed and impowered to bring, or cauſe to be brought, an Action or Actions, in the Names of ſuch Commiſſioners, or in the Name or Names of any Two or more of them, againſt the Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing as aforeſaid, in order for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons reſpectively; or if Complaint ſhall be made by the ſaid Commiſſioners, or by any Seven or more of them, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to any Two or more of the Juſtices of the Peace for the ſaid County or City, ſuch Juſtices may and are hereby authoriſed and required, by a Warrant or Warrants under their Hands and Seals, to cauſe ſuch Officer or Officers, Perſon or Perſons, ſo refuſing and neglecting, to be brought before them, and upon his and their appearing, or not being to be found, to hear and determine the Matter in a ſummary Way: And if, upon the Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, it ſhall appear to ſuch Juſtices that any of the Monies that ſhall have been collected or raiſed by virtue of this Act ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtices may and are hereby authoriſed and required, upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels of ſuch Officer or Officers, Perſon or Perſons, can be found ſufficient to anſwer and ſatiſfy the ſaid Money, and the Charges of diſtraining for the ſame; then, and in any of the Caſes aforeſaid, ſuch Juſtices ſhall commit every ſuch Offender to the Common Gaol or Houſe of Correction for the ſaid County or City, there to remain without Bail or Mainprize until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Commiſſioners, or any Seven or more of them, and ſhall have paid ſuch Compoſition, in ſuch Manner as they ſhall appoint; which Compoſition the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered to make.

Commiſſioners may appoint Officers,

and take Security.

Officers to deliver in written Accounts to Commiſſioners;

and verify the ſame upon Oath.

on Refuſal, may be ſued by Commiſſioners, &c.

or brought before Two or more Juſtices.

For want of Diſtreſs, Officers may be committed.

XXIV. Provided always, That as often as any Collector of the Tolls ſhall die, reſign his Office, or be incapable of performing his Duty, it ſhall be lawful for any Seven or more of the ſaid Commiſſioners, (of whom the Vice-chancellor and Mayor, or their Deputies, to be always Two), though not aſſembled at any Meeting purſuant to this Act, by any Writing

Collector dying or incapable, another Perſon to be appointed, under their Hands, to appoint another Perſon to collect ſuch Tolls, and ſuch Perſon ſhall continue to collect the ſame, until the Commiſſioners ſhall, at a Meeting to be held in purſuance of this Act, appoint a Collector; any Thing herein contained to the Contrary notwithſtanding.

Officers not to take Fee or Reward, other than their Salaries,

nor to be intereſted in any Contract, *&c.* under the Penalty of 50 *l.*

XXV. And be it further enacted by the Authority aforeſaid, That if any Perſon who ſhall be employed as a Clerk, Treaſurer, Collector, or Surveyor, or any other Officer or Servant who ſhall be any ways employed by the ſaid Commiſſioners in putting this Act, or any of the Powers thereof, in Execution, ſhall exact, take, or accept any Fee or Reward whatſoever, other than ſuch Salaries, Allowances, and Rewards, as ſhall be appointed, allowed, and approved of by the ſaid Commiſſioners, or any Seven or more of them, for or on Account of any Thing done, or to be done, by virtue of this Act, or on any Account whatſoever, relative to the putting this Act in Execution; or ſhall any ways be concerned or intereſted in any Bargain or Contract made, or to be made, by the ſaid Commiſſioners, or any of them, for the Purpoſes of putting this Act in Execution; every ſuch Perſon ſo offending ſhall be incapable of ever ſerving or being employed under this Act; and ſhall, over and above, forfeit the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, within Six Calendar Months after the Offence committed; in which ſaid Suit, no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Tolls how to be applied.

XXVI. And be it further enacted, That out of the Firſt Money ariſing by the Tolls and Duties which ſhall be collected by virtue of this Act, or out of the Money which ſhall be borrowed on the Credit thereof, and out of the Rates or Aſſeſſments herein-after directed to be made, the ſaid Commiſſioners, or any Five or more of them, ſhall, in the Firſt Place, pay and diſcharge all the Expences and Charges of procuring and paſſing this Act; and ſhall apply the Remainder of the Money ſo raiſed in erecting a Gate or Gates, Turnpike or Turnpikes, and Toll-houſe or Toll-houſes, and in repairing, widening, turning, or altering the ſeveral Mile-ways not included in any Turnpike Act; in rebuilding or repairing and widening the ſaid Bridge; in repairing and paving the Roads and Streets which lead from Magdalen Bridge to the Two great Roads on the North Side of the City of Oxford, leading reſpectively, the One to Birmingham and Worceſter, the other to Banbury; and alſo to the great Road on the Weſt Side of the ſaid City, leading to Glouceſter and Bath; and alſo to the great Road on the South Side of the ſaid City, leading to Abingdon, Newbury, and Southampton; which ſaid Roads and Streets are particularly enumerated and deſcribed in the Schedule hereto annexed, intituled, The Firſt Schedule, in purchaſing ſuch Ground, Houſes, Buildings, and other Erections, as ſhall be found neceſſary or wanting for the widening, turning, or altering all or any Parts of either of the ſaid Mile-ways, or the ſaid Roads and Streets ſo directed to be paved and repaired, as aforeſaid; and in defraying the neceſſary Coſts, Charges, and Expences, attending the Execution of the Powers relating thereto; and to ſuch other Purpoſes as are herein directed, and to no other Uſe or Purpoſe whatſoever.

Commiſſioners impowered to widen the Roads, *&c.*

XXVII. And be it further enacted, That the ſaid Commiſſioners, or any Fifteen or more of them, ſhall have full Power and Authority to treat for and purchaſe the Houſes, Gates, Shambles, Buildings, Grounds, and Eſtates, within or near the ſaid Univerſity, City, and Suburbs, and the Pariſh of Saint Clement, mentioned and deſcribed in the Schedule to this Act annexed, intituled, The Second Schedule, in order to widen, turn, and alter the ſaid Mile-ways, Roads, or Streets, hereby directed to be repaired, paved, and amended; and to make ſuch Satiſfaction as they ſhall think reaſonable for any the Loſs or Damage the Owners, Proprietors, Occupiers, and Perſons intereſted, or any of them, ſhall ſuſtain by ſuch widening, turning, or altering any of the ſaid Mile-ways, Roads, or Streets; and alſo to order and direct the ſaid Bridge, called Magdalen Bridge, to be pulled down, widened, repaired, or rebuilt, and the ſaid Mile-ways, Roads, or Streets, to be amended, paved, raiſed, ſunk, altered, or repaired, when, and in ſuch Manner, as they ſhall think fit.

Eight Days previous Notice being given of a Meeting for that Purpoſe.

XXVIII. Provided always, and be it further enacted, That the ſaid Commiſſioners ſhall not have Power to purchaſe any ſuch Houſes, Gates, Shambles, Buildings, Ground, and Eſtates, within or near the ſaid Univerſity, City, or Suburbs, or the ſaid Pariſh of Saint Clement, by virtue of this Act, unleſs Eight Days publick Notice be previouſly given in the Oxford Journal, or ſome other publick Paper, and alſo at the Schools and Town Hall, of a Meeting to be held for that Purpoſe; nor ſhall any Gates, Houſes, Shambles, or other Buildings, be pulled down, or Grounds or Eſtates be thrown open, in conſequence of any Order for that Purpoſe, unleſs Three Months Notice (at the leaſt) ſhall be given to the Owners and Occupiers of the ſame reſpectively, to enable them to provide themſelves accordingly.

Owners of Houſes, Gates, Shambles, Stalls, *&c.* impowered to ſell the ſame.

XXIX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for all Perſons whatſoever, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, who are or ſhall be ſeiſed or intitled in their own Right, Truſtees and Feoffees in Truſt, Femes-covert, Guardians, and Committees for Lunaticks and Idiots, Executors and Adminiſtrators, and Guardians whatſoever, not only in Behalf of themſelves, their Heirs and Succeſſors, but alſo for and in Behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes-covert, or other Perſons whatſoever, who are or ſhall be ſeiſed or poſſeſſed of or intereſted in any ſuch Houſes, Gates, Shambles, Buildings, Grounds, or Eſtates, to contract for, ſell, convey, or ſurrender to the ſaid Commiſſioners, or any Fifteen or more of them, or to any Perſon or Perſons they ſhall appoint in Truſt for them, all or any ſuch Houſes, Gates, Shambles, Buildings, Grounds, or Eſtates, or any Part thereof, or any Term for Years, or any Eſtate or Intereſt therein; and that all ſuch Contracts, Agreements, Bargains, Sales, Aſſignments, Surrenders, and other Conveyances which ſhall be ſo made as aforeſaid, ſhall be good and valid in Law to all Intents and Purpoſes whatſoever, not only to convey the Eſtate of the Perſon or Perſons conveying, but alſo all Right, Eſtate, Intereſt, Uſe, Property, Claim, and Demand whatſoever, of their ſeveral and reſpective Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes-covert, or other Perſons whatſoever, and all Perſons claiming or to claim by, from, or under them; any Law, Statute, or Uſage to the Contrary thereof in any-wiſe notwithſtanding.

Proprietors refuſing to treat with the Commiſſioners, a Jury to determine Differences.

XXX. And be it further enacted by the Authority aforeſaid, That if any ſuch Bodies Corporate or Collegiate, or other Perſon or Perſons as aforeſaid, intereſted in ſuch Houſes, Gates, Shambles, Buildings, Grounds, or Eſtates, upon Notice to them given or left in Writing at the Dwelling Houſe or Houſes, or Place of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politick, Corporate or Collegiate, or at the Houſe of the Tenant or Tenants in Poſſeſſion of the Houſes, Gates, Shambles, Buildings, Grounds, or Eſtates, ſo to be taken in and made into Part of the ſaid Mile-ways, Roads, or Streets, ſhall, by the Space of One Calendar Month next after ſuch Notice given, or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating; then, and in every or any ſuch Caſe, the ſaid Commiſſioners, or any Fifteen or more of them, ſhall cauſe it to be inquired into, and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the ſaid County of Oxford, (which Oath any Juſtice of the Peace for the ſaid County or City of Oxford is hereby impowered to adminiſter), what Recompence and Satisfaction ſhall be made to ſuch Owner or Owners, Occupier or Occupiers, or Proprietors, or other Perſons, for or on account of the ſaid Houſes, Gates, Shambles, Buildings, Grounds, or Eſtates taken into or for the widening the ſaid Mile-ways, Roads, or Streets; and, in order thereto, the ſaid Commiſſioners, or any Fifteen or more of them, are hereby required and impowered, from Time to Time, as often as Occaſion ſhall be, to ſummon and call before the ſaid Jury, and examine upon Oath, all and every Perſon or Perſons whatſoever who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes, touching or concerning the Premiſes, (which Oath any Juſtice of the Peace for the ſaid County or City of Oxford is hereby required to adminiſter); and they ſhall alſo order and cauſe the ſaid Jury to view the ſaid Premiſes in queſtion, if there be Occaſion, and uſe all other lawful Ways and Means, as well for their own as for the ſaid Jury's better Information in the Premiſes, as they the ſaid Commiſſioners, or any Fifteen or more of them, ſhall think fit: And after the ſaid Jury ſhall ſo have inquired of, and aſcertained and ſettled the Recompence or Value, they the ſaid Commiſſioners, or any Fifteen or more of them, ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the Owners or Proprietors of, or Perſons intereſted in the ſaid Houſes, Gates, Shambles, Buildings, Grounds, or Eſtates, according to the Verdict of the ſaid Jury; which ſaid Verdict, Judgement, Order, or Determination ſo had and made, ſhall be final and concluſive to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming in Poſſeſſion, Remainder, or Expectancy, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes-covert, Idiots, Lunaticks, Ceſtuique Truſts, and Perſons under any Diſability whatſoever, Bodies Politick, Corporate, or Collegiate, as well as all and every other Perſon whomſoever; and all and every ſuch Owners, Occupiers, and Proprietors, and all and every Perſon or Perſons any ways intereſted in ſuch Houſes, Gates, Shambles, Buildings, Grounds, or Eſtates, ſhall, upon Payment or Tender of the Sum or Sums of Money ſo aſſeſſed as aforeſaid, be thereby, and from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, or Property of, in, to, or out of the ſame.

Commiſſioners may iſſue Warrants to impanel a Jury.

XXXI. And be it further enacted by the Authority aforeſaid, That, for the ſummoning and returning ſuch Jury or Juries, the ſaid Commiſſioners, or any Fifteen or more of them, are hereby impowered to iſſue out their Warrant or Warrants to the Sheriff of the ſaid County of Oxford, thereby requiring him to impanel, ſummon, and return an indifferent Jury of Twenty-four Perſons, to appear before the ſaid Commiſſioners, or any Fifteen or more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, ſummon, and return Twenty-four ſuch Perſons as aforeſaid; and out of the Perſons ſo impanelled and returned, or out of ſuch of them as ſhall appear according to ſuch Summons, the ſaid Commiſſioners, or any Fifteen or more of them, ſhall cauſe to be ſworn before a Juſtice of the Peace for the County or City of Oxford aforeſaid, Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and for Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Depties, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to the Number of Twelve.

Perſons concerned may challenge any of the Jury.

XXXII. Provided always, and be it further enacted, That all Perſons concerned ſhall have their lawful Challenges, from Time to Time, againſt any of the Jurymen when they come to be ſworn; and that the ſaid Commiſſioners, or any Fifteen or more of them, acting in the Premiſes, ſhall have Power, from Time to Time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff or Sheriffs, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury not appearing, or refuſing to be ſworn on the ſaid Jury, or being ſworn, refuſing to give, or not giving their Verdict concerning the ſame, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act: And if any Perſon or Perſons, who being required to give Evidence before the ſaid Jury touching the ſaid Premiſes, ſhall refuſe to be examined, or to give Evidence touching the ſame, the ſaid Commiſſioners, or any Fifteen or more of them, ſhall and may impoſe ſuch Fine or Fines, Penalty or Penalties, not exceeding the Sum of Five Pounds on each Perſon, as the ſaid Commiſſioners, or any Fifteen or more of them, ſhall think fit; to be levied, recovered, and applied, in Manner herein-after mentioned.

Perſons refuſing to give Evidence to forfeit 5 l.

Money agreed for chargeable upon the Tolls.

XXXIII. And be it further enacted, That all and every ſuch Sum and Sums of Money, Conſideration, or Satisfaction, to be agreed for, as aforeſaid, ſhall be, and is and are hereby charged and chargeable upon the Monies which ſhall be received, raiſed, or borrowed, by virtue of, or upon the Credit of the ſaid Tolls, and ſhall be paid thereout accordingly to the Perſons reſpectively intitled thereto, or to their Agents; and that upon Payment, or Tender thereof, to ſuch Perſons, or their Agents, and Refuſal to accept the ſame, then, upon leaving the ſame in the Hands of the Clerk or Treaſurer to the ſaid Commiſſioners, and after Three Calendar Months Notice thereof given to ſuch Perſons, or their Agents, to receive ſuch Monies, Conſideration, or Satiſfaction, it ſhall be lawful for the ſaid Commiſſioners, or any Nine or more of them, their Surveyors, Workmen, or Agents, to take into the ſaid Mile-ways, Roads, or Streets, the Ground whereon ſuch Houſes, Gates, Shambles, or Buildings, are now ſtanding, and alſo the ſaid Grounds or Eſtates ſo to be purchaſed, and do every Act with relation thereto, as they, or any Nine or more of them, ſhall think fit; and after the ſaid Purchaſe of the ſaid Houſes, Gates, Shambles, Buildings, Grounds, or Eſtates, and Tender of Payment as aforeſaid, the ſame ſhall be laid or made into, and deemed to be, a Part of the ſaid Mile-ways, Roads, or Streets, for ever after, and ſhall be repaired, and kept in Repair, by ſuch Ways, Means, and Methods, and in all Reſpects in ſuch Manner as the ſaid Commiſſioners, or any Nine or more of them, ſhall think fit and expedient: And in caſe any Part of the Land conſtituting the former Roads compriſed within this Act ſhall become uſeleſs and unneceſſary for the Purpoſes of a common or publick Highway, the ſame ſhall be veſted in, and ſhall and may be exchanged or ſold by the ſaid Commiſſioners, or any Nine or more of them, for the beſt Price that can be gotten for the ſame; and the Money ariſing by ſuch Sale ſhall be applied and diſpoſed of for the repairing of the ſaid Road, and other the Purpoſes of this Act; and the Conveyance to be made of ſuch Land being executed by the ſaid Commiſſioners, or any Nine or more of them, and inrolled with the Clerk of the Peace for the ſaid County of Oxford, ſhall be good and effectual in the Law to all Intents and Purpoſes whatſoever.

Old Road may be ſold.

Application of the Money ariſing by ſuch Sale.

Expences of the Juries and Witneſſes how to be paid.

XXXIV. And be it further enacted by the Authority aforeſaid, That in caſe any Jury or Juries, to be ſummoned and ſworn purſuant to the Authority of this Act, ſhall give in and deliver a Verdict or Aſſeſſment for more Monies, as a Recompence or Satiſfaction for the Right, Intereſt, or Property, of any Perſon or Perſons in any ſuch Houſes, Gates, Shambles, Buildings, Grounds, or Eſtates, than what ſhall have been agreed to, and offered by the ſaid Commiſſioners, or any Fifteen or more of them, before the ſummoning and maintaining the Jury and Witneſſes concerning the aſcertaining and determining the Value of any ſuch Right, Property, or Intereſt, in any ſuch Premiſes, all the Expences attending the hearing and determining the ſame ſhall be borne and paid by the ſaid Commiſſioners, or any Fifteen or more of them, out of the Monies to be collected by virtue of this Act; but if any Jury or Juries, ſo to be ſummoned and ſworn as aforeſaid, ſhall give in and deliver a Verdict or Aſſeſſment for no more, or for leſs Monies than ſhall have been agreed to, and offered by the ſaid Commiſſioners, or any Fifteen or more of them, (before the ſummoning and returning the ſaid Jury or Juries), as a Recompence or Satiſfaction for any ſuch Right, Intereſt, or Property, in any ſuch Premiſes, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining ſuch Difference, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Commiſſioners ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences the Juſtices, in their Quarter-ſeſſions to be held in and for the ſaid County of Oxford, ſhall have Power to tax, ſettle, and aſcertain, for the Benefit of either Party, who ſhall eventually be intitled to the ſame, and ſhall be either added to or deducted out of the Conſideration to be paid for ſuch Purchaſe.

Part of *Saint Clement*'s Churchyard may be taken into the Road.

XXXV. And whereas the Churchyard of the Pariſh of *Saint Clement* aforeſaid is ſo inconveniently ſituated, as to render the Road very narrow, incommodious, and dangerous to Travellers, and it may therefore become neceſſary and expedient, in the Execution of this Act, to take away and lay open Part thereof; be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Fifteen or more of them, according to their Diſcretion, to take in and lay open ſuch Part of the ſaid Churchyard as ſhall be thought neceſſary to be laid open and allotted to the ſaid publick Road, they the ſaid Commiſſioners, in caſe they ſhall take in and lay open any Part of the ſaid Churchyard, purchaſing (which they are hereby impowered to do) out of the Monies ariſing from the ſaid Tolls, and making an Allotment of Ground adjacent to the ſaid preſent Churchyard, at leaſt One-third more in Quantity than what ſhall be ſo taken away; which Ground ſo to be purchaſed by the ſaid Commiſſioners for the Purpoſes aforeſaid, ſhall be thereafter uſed as a Churchyard or Burying-ground for the ſaid Pariſh of Saint Clement, and ſhall be veſted, by virtue of this Act, in the Rector of the ſaid Pariſh, and his Succeſſors; and he and they ſhall be ſeiſed thereof, as in his and their Demeſne, as of Fee, in Right of the Pariſh Church of Saint Clement aforeſaid; and ſhall have and be intitled to ſuch Burial or other Fees (if any) in reſpect thereof, as have been uſually and of Right accuſtomarily paid for and in reſpect of ſuch Part of the ſaid Churchyard as ſhall be laid open and allotted to the ſaid Road.

XXXVI. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Nine or more of them, ſhall and may open and make a temporary Road or Way near Magdalen Bridge aforeſaid, to communicate with the Mile-way, and may alſo erect and build a temporary Bridge or Bridges, (which ſaid temporary Bridge or Bridges, and Roads, are to be made uſe of by all Paſſengers with Carriages and Cattle, as a publick Highway, while the ſaid Bridge is building or repairing, and until the ſame is compleated: Provided that ſuch Satiſfaction ſhall be made to the Owners or Occupiers of ſuch Grounds reſpectively, through, over, or along, which ſuch Road ſhall be made, for the Damages which ſuch Owners or Occupiers reſpectively ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Commiſſioners, or any Nine or more of them: and in caſe any Difference ſhall happen between ſuch Owners or Occupiers and the ſaid Commiſſioners, touching ſuch Damages, that then it ſhall and may be lawful to and for the Juſtices of the Peace, at their next General Quarter-ſeſſions of the Peace, or at their Second General Quarter-ſeſſions at the fartheſt, to be holden for the ſaid County of Oxford.

ford, to hear, ſettle, adjudge, and finally determine the ſame, and direct the Payment thereof accordingly.

XXXVII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully and maliciouſly burn, blow up, pull down, remove, take away, or otherwiſe damage or deſtroy, any of the ſaid Bridges, or any Part thereof; or ſhall wilfully and maliciouſly remove, take away, damage, or deſtroy, any Works or Materials to the ſaid Bridges, or of any them belonging or provided for the building or repairing of the ſame, and ſituate, lying, or being in, near, or upon, the ſaid Bridges or River, or any of them; or ſhall wilfully or maliciouſly direct or procure the ſame to be burnt, blown up, pulled down, removed, taken away, or otherwiſe damaged or deſtroyed; every ſuch Offender, being lawfully convicted thereof, ſhall be judged guilty of Felony, and ſhall be liable to be tranſported for Seven Years.

Perſons maliciouſly damaging the Bridges, or Works belonging to them,

guilty of Felony.

XXXVIII. And it is hereby further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, ſhall have full Power and Authority, from Time to Time, to ſell and diſpoſe of all or any Part of the old Bridge, Pavement, or other Materials, to ſuch Perſon or Perſons as ſhall be willing to purchaſe the ſame, and to apply the Purchaſe-money to the Purpoſes of this Act.

Commiſſioners may ſell old Pavement and other Materials.

XXXIX. And be it enacted by the Authority aforeſaid, That from and after the ſaid Fourth Tueſday after the paſſing this Act, the Office of Surveyor of the Highways for any Pariſh or Pariſhes within the ſaid Univerſity and City, or the Suburbs thereof, having no publick Roads or Highways but what are hereby directed to be paved and repaired under the Care of the ſaid Commiſſioners, ſhall ceaſe and determine.

Time when Office of Surveyor of the Highways is to ceaſe.

XL. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, may, and are hereby impowered, from Time to Time, at any of their ſaid Meetings, as Occaſion ſhall require, to contract with any Perſon or Perſons for rebuilding or repairing the ſaid Bridge, and making or amending any of the ſaid Roads, and for paving and keeping in Repair the ſaid Streets hereby directed to be paved and repaired; which Contract and Contracts ſhall ſpecify the ſeveral Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſaid Works ſhall be compleated, and the Penalties to be ſuffered in caſe of Nonperformance thereof, and ſhall be ſigned by the ſaid Commiſſioners, or any Seven or more of them, and by the Perſon or Perſons contracting to perform ſuch Works; but, previous to the making of any ſuch Contract, Fourteen Days Notice ſhall be given in the Oxford Journal, or other publick News-paper uſually circulated in the ſaid City and County of Oxford, expreſſing the Intention of ſuch Contract, in order that any Perſons willing to undertake the ſame may make Propoſals for that Purpoſe, to be offered and preſented to the ſaid Commiſſioners at a certain Time and Place in ſuch Notice to be mentioned.

Commiſſioners may make Contracts.

XLI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby directed to cauſe all and every the Works done in purſuance of this Act to be inſpected by their Surveyor or Surveyors, or by ſuch other Perſon or Perſons as they ſhall, from Time to Time, appoint; and in caſe the ſame ſhall not be well and ſufficiently performed, according to the true Senſe and Meaning of ſuch Contract or Contracts, or ſhall not be finiſhed and compleated at or within the Time or Times that the ſame are agreed to be compleated by the ſaid Contract or Contracts, the ſaid Commiſſioners ſhall and may, in their own Names, or in the Names of any Two of them, bring an Action in any of His Majeſty's Courts of Law at Weſtminſter againſt any Perſon or Perſons ſo contracting, and neglecting to perform ſuch Contract or Contracts, and for any Penalty or Penalties, Damage or Damages, which ſhall be contained in ſuch Contract or Contracts; and upon proving the Signing of the ſaid Contract or Contracts, and Nonperformance thereof, at the Time or Times for the Purpoſes therein mentioned, the ſaid Commiſſioners ſhall be intitled to and ſhall recover ſuch Penalty or Penalties, Damage or Damages, which, when recovered, ſhall be applied for the Purpoſes of this Act.

Surveyors may inſpect the Works.

XLII. And be it further enacted, That the ſaid Commiſſioners, or their Surveyor, or ſuch other Perſon or Perſons as they or he ſhall employ and appoint, having an Order in Writing under the Hands of the ſaid Commiſſioners, or any Five or more of them, for that Purpoſe, may, and is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for the raiſing and repairing the ſaid Streets, and for making and repairing the ſaid Roads, out of and from any waſte Ground or Common, River or Brook, in any Pariſh, Town, or Place, in or within Three Miles of which any Part of the ſaid Road or Streets do lie, without paying any Thing for the ſame, ſuch Surveyor or other Perſons filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and alſo the ſaid Surveyor, or other Perſons as aforeſaid, may, by Order of the ſaid Commiſſioners, or any Five or more of them, ſearch for, dig, gather, take, and carry away, any ſuch Materials as aforeſaid, in, upon, or out of, from and over the Lands of any Perſon or Perſons, (not being a Yard, Garden, Park, Paddock, planted Walk, or Avenue to any Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees), paying or tendering to the Owners and Occupiers of ſuch Lands for the ſame, and for the Damage done to ſuch private Lands over which any Materials gotten in any waſte Ground, Common, River, or Brook, or private Ground, ſhall be conveyed, ſuch Equivalent in Money as the ſaid Commiſſioners, or any Five or more of them, ſhall adjudge reaſonable: And in caſe of any Difference between the ſaid Commiſſioners, Surveyor or Surveyors, or other Perſon or Perſons appointed and employed as aforeſaid, and the ſaid Owners or Occupiers, or any of them, concerning ſuch Payments and Damages as aforeſaid, the Juſtices of the Peace, at their next General Quarter-ſeſſion, or at the Second General Quarter-ſeſſion at the fartheſt, to be holden in and for the County wherein ſuch Difference ſhall ariſe, on Six Days Notice thereof being given in Writing by either Party to the other, ſhall hear, ſettle, and determine the

Surveyors impowered to dig Gravel, and get Materials,

filling up the Pits, &c.

Matter of ſuch Payments and Damages; and the Judgement or Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties.

Penalty for interrupting Workmen.

XLIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall at any Time or Times obſtruct, hinder, or moleſt, any Surveyor or Surveyors, or other Officer or Officers, Workmen, Perſon or Perſons whatſoever, who is or ſhall be employed by virtue of this Act, (in the Performance or Execution of their Duty), every ſuch Perſon ſo offending ſhall, for the Firſt Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for every other Offence the Sum of Three Pounds.

Expence of paving the Streets how to be borne.

XLIV. And be it further enacted by the Authority aforeſaid, That from and immediately after the paſſing of this Act, the ſaid Commiſſioners, or any Seven or more of them, ſhall have full Power and Authority, and are hereby required, from Time to Time, yearly and every Year, during the Continuance of this Act, to rate and aſſeſs the Sum of Sixpence, (and no more), upon all Colleges, Halls, Pariſh Churches, Church-yards, Chapels, and other publick Buildings whatſoever; as alſo all Meeting-houſes, dead Walls, and all void Spaces of Ground, and upon the Owners or Proprietors of all Houſes, Yards, Gardens, Lands, Tenements, or Hereditaments, ſituated on the Sides of, or which form the ſaid Streets hereby directed to be paved and repaired, for every Yard, running Meaſure, of the Front or Fronts, Length or Lengths, of ſuch Colleges, Halls, Pariſh Churches, Church-yards, Chapels, and other publick Buildings, Meeting-houſes, dead Walls, void Spaces of Ground, Houſes, Yards, Gardens, Lands, Tenements, or Hereditaments; which ſaid Rate or Aſſeſſment ſhall be in lieu of the Repairs heretofore done by or chargeable upon ſuch Colleges, Halls, Pariſh Churches, Church-yards, Chapels, and other publick Buildings, Meeting-houſes, dead Walls, void Spaces of Ground, Houſes, Yards, Gardens, Lands, Tenements, or Hereditaments; and ſhall be applied in Aid of the Tolls hereby granted, for the ſeveral Purpoſes to which ſuch Tolls are hereby directed to be applied, and to no other Uſe or Purpoſe.

By whom Expence of paving the Fronts of Colleges, &c. to be paid.

XLV. And be it further enacted, That the E[illegible] ſaid Pavement to be laid upon any publi[illegible] Univerſity or City, ſhall be paid to the Coll[illegible] appointed by the ſaid Commiſſioners, or any Seven or mor[illegible] by the Vice-chancellor and Mayor reſpectively; and the Rates or Aſſeſſ[illegible] to be laid upon any College or Hall, ſhall be reſpectively paid, as aforeſaid, by their reſpective Burſars, or other Officers employed in or uſually receiving the Rent of their reſpective Colleges; and the Rates or Aſſeſſments to be laid upon any Pariſh Church, Chapel, or Church-yard, ſhall be paid, as aforeſaid, by the reſpective Church or Chapel Wardens; and the Rates or Aſſeſſments to be laid upon any Meeting-houſes ſhall be paid, as aforeſaid, by the Miniſter and Deacons, or other Perſons uſually officiating therein: And if ſuch Vice-chancellor, Mayor, Burſar, or other Officer, or ſuch Church or Chapel Warden, Miniſter, Deacon, or other Perſon, ſhall refuſe or neglect to pay the ſame upon Demand; then, and in every ſuch Caſe, ſuch Rates or Aſſeſſments ſhall and may be recovered of and from the Perſon or Perſons ſo required to pay the ſame, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, to be commenced and proſecuted by and in the Name of the ſaid Commiſſioners, or any Two or more of them, or in the Name of their Treaſurer; in which Action or Suit no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Expences paid by Tenants to be deducted out of their Rents.

XLVI. And be it further enacted by the Authority aforeſaid, That the ſaid Rates or Aſſeſſments to be borne and defrayed by the ſaid Owners and Proprietors of Houſes, Yards, Gardens, Lands, Tenements, or Hereditaments, ſhall be paid to the Collector for the Time being, appointed by the ſaid Commiſſioners, or any Seven or more of them, by the Tenants or Occupiers of the ſaid Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments; and ſuch Tenants and Occupiers ſhall be at Liberty, and they are hereby impowered to deduct and retain, out of his, her, or their Rent or Rents, ſuch Sum or Sums of Money as they ſhall reſpectively pay on account thereof, for the Owners or Proprietors of the ſaid Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, who are hereby required to allow ſuch Deductions and Payments upon the Receipt of the Reſidue of their Rents: And if any Tenant or Occupier of any Houſe, Building, Yard, Garden, Land, Tenement, or Hereditament, in the ſaid Univerſity and City, or Suburbs, ſhall neglect or refuſe to pay ſuch Rates or Aſſeſſments within Ten Days after Demand thereof, by Notice in Writing, under the Hand of the ſaid Collector, to be delivered to or left at the Dwelling-houſe or uſual Place of Abode of ſuch Tenant or Occupier, the ſame ſhall and may be levied on every ſuch Tenant or Tenants, Occupier or Occupiers, by Diſtreſs and Sale of his, her, or their Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Juſtice or Juſtices of the Peace for the ſaid County or City of Oxford, returning the Overplus (if any) of the Monies to be raiſed by ſuch Diſtreſs and Sale, after deducting all Coſts and Charges attending the ſame, to the Owner or Owners of ſuch Goods and Chattels ſo diſtrained, on Demand: And where any Houſe, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, ſhall be let or demiſed to more than One Tenant or Tenants, Occupier or Occupiers, any One or more ſuch Tenant or Tenants, Occupier or Occupiers, ſhall be deemed the Tenant or Tenants, Occupier or Occupiers, for the Purpoſes of this Act; and the ſaid Rates or Aſſeſſments ſhall be levied by Diſtreſs and Sale of all or any of the Goods or Chattels in ſuch Houſe, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament: And in caſe any Tenant or Tenants, Occupier or Occupiers, ſhall remove out of ſuch Houſe, Building, Yard, Garden, Land, Tenement, or Hereditament, before ſuch Rates or Aſſeſſments ſhall be paid by him, her, or them, or if the Goods and Chattels of ſuch Tenant or Tenants, Occupier or Occupiers, ſhall be deficient to defray ſuch

Houſes let to more than One Tenant, any One deemed the Occupier.

Tenants removing before Charges paid,

ſuch Rates or Aſſeſſments; or if it ſhall happen any of the ſaid Houſes, Buildings, Yards, Gardens, Tenements, and Hereditaments, in the ſaid Univerſity and City, and the Suburbs thereof, ſhall be empty or untenanted; then, and in every ſuch Caſe, ſuch Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, ſhall be, and the ſame are hereby made a Security for, and chargeable with, all ſuch Rates or Aſſeſſments; and the ſame ſhall and may be levied by Diſtreſs and Sale (by Warrant as aforeſaid) of any Goods or Chattels which ſhall after be found in or upon the ſame Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, or of the Goods and Chattels of the Owner or Owners of ſuch Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, in caſe ſuch Owner or Owners ſhall neglect or refuſe to pay the ſame for the Space of Twenty Days next after the ſame ſhall be demanded of him, her, or them, by Notice in Writing, under the Hand of the ſaid Collector, to be delivered to or left at the Dwelling-houſe or uſual Place of Abode of ſuch Owner or Owners, in caſe ſuch Owner or Owners ſhall live within the ſaid City or Suburbs; and in caſe ſuch Owner or Owners ſhall not live within the ſaid City or Suburbs, then under the Hand and Seal, or Hands and Seals, of any One or more Juſtice or Juſtices of the Peace for the County, City, Borough, Town, Diviſion, or Place, where ſuch Owner or Owners ſhall reſide: And in caſe any Tenant or Tenants, Occupier or Occupiers, ſhall pay to the ſaid Collector any more Money on account of the ſaid Rates or Aſſeſſments than ſhall be due from him, her, or them, for the Rent of his, her, or their Houſe, Building, Yard, Garden, Land. Tenement, or Hereditament, the Overplus thereof ſhall and may be levied on the Owner or Owners of ſuch Houſe, Building, Yard, Garden, Land, Tenement, or Hereditament, by Diſtreſs and Sale of the Goods and Chattels of ſuch Owner or Owners, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Juſtice or Juſtices of the Peace for the County, City, Borough, Town, Diviſion, or Place, where ſuch Goods and Chattels ſhall be, ſuch Owner or Owners having refuſed or neglected to pay the ſame for the Space of Ten Days after Demand made thereof by ſuch Tenant or Tenants, Occupier or Occupiers, his or their Attorney or Agent for that Purpoſe appointed.

Premiſes, &c. to be a Security for the ſame.

Tenant paying more for Charges than ſhall be due for Rent, the Overplus to be made good by the Landlord.

XLVII. And whereas ſome Doubts may hereafter ariſe, who ſhall be deemed the Owner or Owners of the ſeveral Houſes, Buildings, Yards, Lands, Tenements, and Hereditaments, in the ſaid Univerſity, City, and Suburbs, and the ſaid Pariſh of *Saint Clement*, for the Purpoſes. and within the true Intent and Meaning of this Act: For removing whereof, be it further enacted, That neither the Chancellor, Maſters, and Scholars of the Univerſity, nor any College or Hall, nor the Mayor, Bailiffs, and Commonalty of the City of Oxford, or any other Perſon or Perſons ſhall, on account of any Ground-rent, or other Acknowledgement, Sum or Sums of Money, in Nature of a Ground-rent, or Rents certain, iſſuing out of, or payable for any Meſſuage, Yard, Garden, Land, Tenement, or Hereditament, in the ſaid Univerſity, City, and Suburbs, and the ſaid Pariſh of Saint Clement, or on account of their Reverſion or Intereſt of or in the Meſſuage, Yard, Garden, Land, Tenement, or Hereditament, for which ſuch Ground-rent, Acknowledgement, Sum or Sums of Money, ſhall be payable, be conſidered, deemed, taken, or adjudged, to be the Owner or Owners, Proprietor or Proprietors, of ſuch Meſſuage, Yard, Garden, Lands, Tenements, or Hereditaments; but the Leſſee or Leſſees of the ſaid Chancellor, Maſters, and Scholars of the ſaid Univerſity, or of any College or Hall, or of the ſaid Mayor, Bailiffs, and Commonalty, or of ſuch other Perſon or Perſons, or their Aſſigns, ſhall, during the Exiſtence of the Term for which ſuch Meſſuage, Yard, Garden, Lands, Tenements, or Hereditaments, ſhall be demiſed, be conſidered, deemed, taken, and adjudged, for all and every the Purpoſes of this Act, to be the Owner or Owners, Proprietor or Proprietors of ſuch Meſſuage, Yard, Garden, Lands, Tenements, or Hereditaments; and ſhall, during ſuch Term, bear and pay all Expences and Impoſitions whatſoever, by Force or Virtue hereof to be borne or defrayed by the Owner or Owners, Proprietor or Proprietors, of the ſaid Meſſuage, Yard, Garden, Lands, Tenements, or Hereditaments; any Thing in this Act contained to the Contrary thereof in anywiſe notwithſtanding.

Who ſhall be deemed Owners.

XLVIII. Provided always, and be it further enacted by the Authority aforeſaid, That nothing in this Act contained ſhall be deemed or taken to make void any Contract, Covenant, or Agreement, between any Landlord and Tenant, or between any Bodies Politick or Corporate, and any other Perſon or Perſons, touching or concerning the paving or repairing the ſaid Streets, or any Part of them, or either of them; but that every Perſon, Body Politick or Corporate, who is or are now, by virtue of any ſuch Contract or Agreement, obliged to pave, or keep in Repair any Part of the ſaid Streets, or either of them, ſhall, in lieu thereof, be obliged to pay the Sums of Money hereby directed to be paid and levied, or ſo much thereof as ſhall, by the ſaid Commiſſioners, or any Seven or more of them, be deemed juſt and reaſonable, according to the true Meaning of ſuch Contract, Covenant, or Agreement, for and during ſuch Time as ſuch Contract, Covenant, or Agreement, ſhall remain in Force; and in caſe any Diſpute ſhall ariſe concerning ſuch Covenant, Contract, or Agreement, the ſaid Commiſſioners, or any Seven or more of them, ſhall have Power, and they are hereby required to hear and finally determine the ſame.

Agreement between Landlord and Tenant, &c. touching the Pavement not vacated.

XLIX. And be it further enacted by the Authority aforeſaid, That from and after the paſſing this Act, the ſaid Commiſſioners, or any Seven or more of them, ſhall have full Power and Authority, from Time to Time, to cauſe, order, and direct, not only the ſaid Bridge, Roads, or Streets, herein-before directed to be paved and repaired, but alſo all other the publick Streets, Lanes, Ways, Paſſages, and Places, within the ſaid Univerſity, City, or Suburbs, and the ſaid Pariſh of Saint Clement, to be cleanſed and lighted in ſuch Manner as they ſhall think neceſſary; and that for defraying the Charges and Expences attending the cleanſing and lighting thereof, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, in every Year, after the paſſing of this Act, or oftener, if they, or any Seven or more of them, ſhall

Charges of cleanſing and lighting Streets, &c. to be borne by Occupiers.

ſhall think it neceſſary, (the firſt Year to be computed from the Feaſt Day of Saint John the Baptiſt next after the paſſing of this Act, and every ſucceeding Year from the ſaid Day in every Year reſpectively), to make One or more Rate or Rates, Aſſeſſment or Aſſeſſments, upon all Colleges, Halls, Pariſh Churches, Church-yards, Chapels, and other publick Buildings whatſoever; as alſo upon all Meeting-houſes, dead Walls, and void Spaces of Ground; and upon the Tenants or Occupiers of all Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, in the ſaid Univerſity, City, and Suburbs thereof, and the ſaid Pariſh of Saint Clement, ſo as ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, do not exceed in the Whole, in any One Year, to be computed as aforeſaid, the Sum of Eighteen-pence for every Yard running Meaſure of the Front or Fronts, Length or Lengths, of ſuch Colleges, Halls, Pariſh Churches, Church-yards, Chapels, and other publick Buildings, Meeting-houſes, dead Walls, and void Spaces of Ground, Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments reſpectively, as are next to ſuch Streets, Lanes, Ways, Paſſages, and Places; which Rate or Rates, Aſſeſſment or Aſſeſſments, laid upon any Colleges, Halls, Pariſh Churches, Church-yards, Chapels, and other publick Buildings, and Meeting-houſes, ſhall be paid by the ſeveral and reſpective Perſons, in ſuch Manner, and with the like Remedies in caſe of Nonpayment, as are herein before directed for and in reſpect of the Pavement chargeable on Colleges, Halls, Pariſh Churches, Church-yards, Chapels, and other publick Buildings, and Meeting-houſes reſpectively; and which Rate or Rates, Aſſeſſment or Aſſeſſments, hereby directed to be laid or charged upon the Tenants or Occupiers of all Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, ſhall and may, in caſe of Nonpayment, be levied and recovered in ſuch Manner, and with the like Remedies as are herein-before directed, for and in reſpect of the Pavement chargeable on the Owners or Proprietors of Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, on the Sides of, or which Form the Streets hereby directed to be paved and repaired as aforeſaid.

Nothing in this Act to extend to any College Courts.

L. Provided always, and be it further enacted by the Authority aforeſaid, That nothing herein contained ſhall extend to the Inſide of any Court or other Place within any College or Hall in the ſaid Univerſity of Oxford, or other publick Building, or to the Pariſh of Binſey, within the Suburbs of the ſaid City.

Appeal allowable againſt the Rates.

LI. Provided always, and be it enacted by the Authority aforeſaid, That if any Perſon or Perſons, Bodies Politick or Corporate, ſhall think himſelf, herſelf, or themſelves, aggrieved by any Rate or Rates, Aſſeſſment or Aſſeſſments, made in purſuance of this Act, ſuch Perſon or Perſons, Bodies Politick or Corporate, ſhall apply for Relief to the ſaid Commiſſioners, at any Meeting to be held within Twenty-one Days next after Demand made of ſuch Rate or Rates, Aſſeſſment or Aſſeſſments; and the ſaid Commiſſioners, or any Seven or more of them, are hereby authoriſed and impowered, if they ſhall think ſuch Perſon or Perſons aggrieved, to give ſuch Relief in the Premiſes as to them ſhall ſeem neceſſary; and if ſuch Perſon or Perſons, Bodies Politick or Corporate, ſhall not be ſatisfied with the Determination of ſuch Commiſſioners, he, ſhe, or they, ſhall be obliged to pay ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, and to comply with ſuch Order of the ſaid Commiſſioners, and then ſhall and may appeal to the Quarter-ſeſſion of the Peace to be holden for the ſaid County or City of Oxford, within Six Months next after ſuch Determination of the ſaid Commiſſioners, ſuch Appellant firſt giving, or cauſing to be given, Eight Days Notice at the leaſt, in Writing, of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk of the ſaid Commiſſioners, and within Four Days next after ſuch Notice, entering, or cauſing a Recognizance to be entered into, before ſome Juſtice of the Peace for ſuch County or City, by Two ſufficient Perſons or Sureties conditioned to try ſuch Appeal, and to abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter-ſeſſion; and the ſaid Juſtices of ſuch Quarter-ſeſſion, upon due Proof of ſuch Notice being given, as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing, or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Juſtices, at their Quarter-ſeſſions, ſhall be final, binding, and concluſive.

Poor to be exempted.

LII. Provided always, and be it further enacted by the Authority aforeſaid, That no Rate or Aſſeſſment for ſweeping, cleanſing, or lighting, ſhall be charged upon any Perſon or Perſons who, by Reaſon of his, her, or their Poverty or Inability only, is, are, or ſhall be excuſed and left out of the Rates made for the Relief of the Poor of any Pariſh in the ſaid City or Suburbs, or Pariſh of Saint Clement, wherein he, ſhe, or they ſhall reſide.

Footpaths ſwept every Day except *Sundays.*

Penalty.

LIII. And be it further enacted by the Authority aforeſaid, That all and every Perſon or Perſons inhabiting within the ſaid Univerſity, City, Suburbs, and Pariſh of Saint Clement, ſhall, from and after the Fourth Tueſday next after the paſſing of this Act, ſweep and clean, or cauſe to be ſwept and cleanſed, the Foot-paths, extending at leaſt Four Feet before their reſpective Houſes, Buildings, and Walls, between the Hours of Six and Ten in the Forenoon, Sundays excepted, upon Pain of forfeiting Five Shillings for every Neglect therein.

Streets to be ſwept Twice a Week.

LIV. And be it further enacted by the Authority aforeſaid, That the Perſon or Perſons contracted with for cleanſing the ſaid Streets, Lanes, Paſſages, and all other publick Places, ſhall ſweep, clean, and carry away, or cauſe to be ſwept, cleanſed, and carried away, the Dirt and Soil in and out of all the Streets, Lanes, and Paſſages, and all other publick Places, within the ſaid Univerſity and City, and Suburbs, and Pariſh of Saint Clement, Twice in every Week, on ſuch Days as ſhall be appointed by the Commiſſioners, or any Seven or more of them, upon Pain of forfeiting Twenty Shillings for every Neglect therein.

Penalty on Perſons carrying away Soil, except the Contractor.

LV. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall take or carry away, or cauſe to be taken or carried away, any Aſhes, Duſt, Dirt, Muck, Dung, or Manure, which ſhall be made in any or either of the ſaid Streets, Lanes, Paſſages, or other publick Places in the ſaid Univerſity, City, and Suburbs, and Pariſh of Saint Clement, out of the ſame, beſides the Perſons ſo to be contracted with or appointed as aforeſaid for ſuch Purpoſe by the ſaid Commiſſioners, upon Pain of forfeiting and paying the Sum of Twenty Shillings for every ſuch Offence.

Perſons at Liberty to diſpoſe of Dung made within their Houſes or Yards.

LVI. Provided always, and be it further enacted by the Authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to any Aſhes, Duſt, Dirt, Filth, Dung, or Rubbiſh, which any of the Inhabitants of the ſaid Univerſity, City, or Suburbs, or Pariſh of Saint Clement, ſhall occaſion and think fit to preſerve and keep within their own reſpective Houſes, Yards, or Gardens; but the ſame ſhall reſpectively belong to the Perſon or Perſons ſo reſerving the ſame, ſo as ſuch Aſhes, Duſt, Dirt, Filth, Soil, Dung, or Rubbiſh, be not laid down or placed in any or either of the ſaid Streets, Lanes, or publick Paſſages, and Places in the ſaid Univerſity, City, or Suburbs, or the ſaid Pariſh of Saint Clement, for any longer Time than ſhall be neceſſary for the loading and carrying away the ſame, nor ſuffered to annoy the Neighbour or Neighbours of ſuch Perſon or Perſons; but in caſe the Perſon or Perſons ſo reſerving ſuch Aſhes, Duſt, Dirt, Filth, Soil, Dung, or Rubbiſh, ſhall thereby annoy his or their Neighbour or Neighbours, and ſhall continue to keep and preſerve the ſame for the Space of Three Days, after Notice in Writing given to him, her, or them, under the Hands of the ſaid Commiſſioners, or any Five or more of them, or left at ſuch Perſon's Dwelling-houſe, to remove the ſame, ſuch Perſon or Perſons ſhall forfeit and pay the Sum of Ten Shillings a Day for every Day ſuch Annoyances ſhall be permitted to remain, next after ſuch Notice given as aforeſaid.

Penalty not to extend to Rubbiſh occaſioned by building.

LVII. Provided always, That no Perſon ſhall be ſubject to the laſt-mentioned Penalty of Ten Shillings for any Rubbiſh or Dirt in the ſaid Streets, Lanes, Paſſages, or publick Places, or any of them, before the Houſe or Tenement of ſuch Perſon occaſioned by the building, pulling down any Building, rebuilding, or repairing, any ſuch Houſe or Tenement, ſo as there be convenient Room left in the ſame Street, Lane, Paſſage, or Place, where ſuch Rubbiſh or Dirt ſhall lie, for Carriages to paſs and repaſs, and a ſufficient Way kept clean for Foot-paſſengers, by the Perſon laying or occaſioning ſuch Dirt or Rubbiſh to be laid; nor for the making up any Lime into Mortar in any of the ſaid Streets, Lanes, Paſſages, or Places, ſo as ſuch Room be left for Foot-paſſengers and Carriages, and ſo as ſuch Lime be incloſed before ſuch Houſe or Building about which the ſame is to be uſed, and ſo as the Owner or Owners of ſuch Houſe or Tenement before which ſuch Rubbiſh or Lime ſhall lie ſhall cauſe the ſame to be removed out of the ſaid Street, Lane, Paſſage, or Place, at his, her, or their own Coſts and Charges, within a reaſonable Time, or upon Notice to be given to him, her, or them, or left at his, her, or their ſaid Houſe, where ſuch Rubbiſh or Lime ſhall lie, for that Purpoſe, in Writing, to be ſigned by the ſaid Commiſſioners, or any Five or more of them, and ſo as that whilſt the ſame ſhall be lying in the ſaid Street, Lane, Paſſage, or Place, ſuch Owner or Owners ſhall ſet up and maintain a ſufficient Light upon or againſt the ſame every Night, during the whole Night, from the Time it becomes dark, to prevent any Miſchief happening to Paſſengers, which might otherwiſe be occaſioned thereby.

Scavengers may lodge Dirt in the Streets, &c. by Conſent of Commiſſioners.

LVIII. Provided always, and be it further enacted by the Authority aforeſaid, That the Perſon or Perſons contracted with for cleanſing the ſaid Streets, Lanes, publick Paſſages, and Places, or any Part or Parts thereof, ſhall have Liberty, by the Approbation and Order of Five or more of the Commiſſioners, to lodge their Dirt, Duſt, Aſhes, or other Filth, in ſuch vacant and publick Places in or near the ſaid Streets, Lanes, Paſſages, and other Places, as ſhall not appear to be intended to be built upon, and as ſhall be thought convenient by the ſaid Commiſſioners, they the ſaid Perſons ſo contracted with giving ſuch Satiſfaction to the Owners and Occupiers of ſuch vacant Places, as the ſaid Commiſſioners, or any Five or more of them, ſhall direct.

Penalty for extinguiſhing or damaging Lamps by matriculated Perſons.

LIX. And be it further enacted by the Authority aforeſaid, That if any matriculated Perſon or Perſons, or Member of the ſaid Univerſity, ſhall wilfully break, throw down, or otherwiſe damage, any of the Lamps which ſhall be erected by virtue of this Act, or any of the Poſts, Irons, or other Furniture thereof, or extinguiſh any of the ſaid Lamps, it ſhall and may be lawful to and for the Vicechancellor of the Univerſity, or his Deputy on account of Abſence, commonly called The Pro-Vicechancellor, or his Aſſeſſor in the Univerſity Court, and they are hereby required, upon Oath made of the Commiſſion of any ſuch Offence, which Oath the ſaid Vicechancellor, or his ſaid Deputy, or his ſaid Aſſeſſor, or any of them, is and are hereby impowered and required to adminiſter to any Perſon or Perſons offering to make the ſame, to iſſue a Warrant or Warrants for apprehending the Party or Parties accuſed; or it ſhall be lawful for any Perſon or Perſons whatſoever, who ſhall ſee ſuch Offence committed, to apprehend, as alſo for any other Perſon or Perſons to aſſiſt in apprehending the Offender or Offenders, and, by Authority of this Act, to convey him or them before the ſaid Vicechancellor, Deputy, or Aſſeſſor, to be dealt with as herein-after is directed; and the Party or Parties ſo accuſed being brought before the ſaid Vicechancellor, Deputy, or Aſſeſſor, or Oath being made before him, or either of them, that ſuch Party or Parties cannot be found and apprehended, which Oath the ſaid Vicechancellor, Deputy, or Aſſeſſor, is and are hereby alſo required and impowered to adminiſter, the ſaid Vicechancellor, Deputy, or Aſſeſſor, ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear, or be produced, to give Information touching ſuch Offence; and if the Party or Parties accuſed ſhall be convicted of ſuch Offence, either by his or their own Confeſſion, or upon ſuch Information, as aforeſaid, he or they ſo convicted ſhall, for the Firſt Offence reſpectively, forfeit and pay, to be applied to the Purpoſes of this Act, a Sum not exceeding Ten Shillings, nor under Five Shillings, for each Lamp ſo broken or thrown down, damaged or extinguiſhed, as aforeſaid; for the Second Offence the Sum of Fifteen Shillings, and for the Third, and every other ſubſequent Offence, the Sum of Twenty Shillings; and full Satiſfaction ſhall alſo be made to the ſaid Commiſſioners, or their Surveyor, by ſuch Offender or Offenders, for the Damage ſo by him or them done, as aforeſaid: And in caſe the Offender or Offenders ſhall refuſe or neglect to pay the ſaid Penalties, and make ſuch Satiſfaction to the ſaid Commiſſioners, as aforeſaid, it ſhall and may be lawful for the ſaid Commiſſioners, or any Two or more of them, to proceed for and recover the ſame in the Vicechancellor's Court of the ſaid Univerſity; and alſo for the ſaid Vicechancellor, Deputy, or Aſſeſſor, ſitting in Judgement in the ſaid Court, to inflict, by way of further Puniſhment on the ſaid Offender or Offenders, all or any of the Penalties, whether pecuniary or other, which by the Statutes of the ſaid Univerſity they are impowered to inflict on matriculated Perſons convicted of Violation of publick Authority, or other Diſturbance of the Peace: And if any Perſon or Perſons (not being matriculated or a Member of the ſaid Univerſity) ſhall be guilty of any of the ſaid Offences, the ſame may be inquired into, and the like Penalties inflicted under the Authority of any Juſtice or Juſtices of the Peace acting in and for the ſaid County or City, as is herein-before directed to be done with reſpect to matriculated Perſons, under the Authority of the ſaid Vicechancellor, Deputy, or Aſſeſſor: And in caſe the reſpective Penalties ſhall not be forthwith paid, the Juſtice, before whom ſuch Offender or Offenders ſhall be convicted, is hereby required to commit him, her, or them, to the Houſe of Correction for the ſaid County or City, there to be kept to hard Labour for any Time not exceeding Three Calendar Months; and ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he, ſhe, or they ſhall be committed, unleſs ſuch Forfeiture and Satiſfaction ſhall be ſooner paid and given; and the whole of the ſaid reſpective Forfeitures, when recovered, ſhall be applied for the Purpoſes of this Act: And if any Perſon ſhall negligently or accidentally break, throw down, or otherwiſe damage any of the ſaid Lamps, or any of the Poſts, Irons, or other Furniture thereof, and ſhall not, upon Demand, make Satiſfaction to the ſaid Commiſſioners, or any Five or more of them, or to their Surveyor, for the Damages by ſuch Perſon done, as aforeſaid, it ſhall be lawful for any Juſtice of the Peace for the ſaid County or City, and he is hereby required, upon Complaint to be made by any Two or more of the ſaid Commiſſioners, or by their Surveyor, to ſummon the Party complained of, and upon his or her Appearance, or making Default to appear, (Oath being made that the Party complained of was ſerved with ſuch Summons, or that the ſame was left at his or her Dwelling-houſe, or Place of Abode, if known, or that he or ſhe could not be found), ſuch Juſtice ſhall proceed to examine the Matter of the ſaid Complaint, and upon Proof thereof, either by Confeſſion of the Party complained of, or by the Oath of One or more credible Witneſs or Witneſſes, (which Oath the ſaid Juſtice is hereby impowered and required to adminiſter), ſhall award and order ſuch pecuniary Satiſfaction to be made by the Party complained of, for the Damage ſo by him or her done, as to ſuch Juſtice ſhall appear juſt and reaſonable; and ſhall cauſe the Sum ſo awarded, in caſe the ſame be not paid forthwith upon the making ſuch Award and Order, to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, rendering to him or her the Overplus (if any be) upon Demand, after the Charges of proſecuting ſuch Complaints, and of ſuch Diſtreſs and Sale, ſhall be deducted; and in caſe ſufficient Diſtreſs cannot be found, ſuch Juſtice ſhall commit the Party complained of to the common Gaol for the ſaid County or City, until he or they ſhall pay the Sum ſo awarded, or for any Time not exceeding the Space of One Calendar Month.

Penalty on other Perſons breaking or damaging the Lamps.

For Damages done by matriculated Perſons, Complaint may be made.

LX. Provided always, That in caſe the Party who ſhall have done, through Negligence or Accident, ſuch Damage as aforeſaid, ſhall happen to be a matriculated Perſon, then ſuch Complaint as is herein laſt before directed to be made to any Juſtice of the Peace for the ſaid County or City, ſhall be made only to the ſaid Vicechancellor, or to his Aſſeſſor in the Univerſity Court, or in caſe of the Vicechancellor's Abſence, to his Pro-Vicechancellor, or his Deputy on account of Abſence, each or any of whom ſhall have full Power to examine the Matter of the Complaint, to adminiſter Oaths, to award pecuniary Satiſfaction, to levy the ſame by Diſtreſs and Sale of the Goods of the Party complained of, and to do all the other Things before mentioned, or incident thereto, in like Manner, and in the like Caſes, as may be done when the Party complained of is not a matriculated Perſon by any Juſtice of the Peace for the ſaid City or County.

No Cattle to be killed in the Streets, &c.

LXI. And be it further enacted, That if any Perſon or Perſons ſhall kill, ſlaughter, ſinge, ſcald, dreſs, or cut up, any Beaſt, Swine, Calf, Sheep, or other Cattle, or cauſe the ſame to be done, in any open or publick Street, Lane, or Way, within the ſaid Univerſity and City of Oxford, or the Suburbs thereof, or in the ſaid Pariſh of Saint Clement, or hang up, or cauſe to be hung up, any Beaſt, Swine, Calf, Sheep, or other Cattle, or any Part or Parts thereof, in any of the ſaid Streets or publick Paſſages, from and after the Market herein-after mentioned ſhall be completed, every Perſon or Perſons ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings: And if any Swine, Beaſt, or Cattle, ſhall be found wandering about the ſaid Streets, Lanes, or Ways, or any or either of them, it ſhall and may be lawful to and for any Officer or Officers of the ſaid Commiſſioners, or any other Perſon or Perſons whomſoever, to impound ſuch Swine, Beaſt, or Cattle, in either of the common Pounds in the ſaid City, or Suburbs, or Saint Clement's aforeſaid, or ſuch other Place as ſhall be appointed for that Purpoſe by the ſaid Commiſſioners, or any Five or more of them, and the ſame to detain in the ſaid Pound or Place, until the Sum of Five Shillings, and the Expence of impounding ſuch Swine, Beaſt, or Cattle, ſhall be fully paid and ſatisfied; and in caſe ſuch Penalty and Expences ſhall not be paid within Three Days after ſuch Swine, Beaſt, or Cattle, ſhall be impounded, it ſhall and may be lawful for ſuch Perſon or Perſons as ſhall be appointed by the ſaid Commiſſioners, or any Five or more of them, for that Purpoſe, to ſell, or cauſe ſuch Swine, Beaſt, or Cattle, to be ſold; and the Money ariſing from the Sale thereof ſhall be applied to ſuch and the ſame Purpoſes as the Money ariſing from the Rates or Aſſeſſments is hereby directed to be applied.

LXII. And

To prevent certain Nuiſances in the Streets.

LXII. And be it further enacted, That if any Perſon or Perſons ſhall hoop, cleanſe, waſh, or ſcald, any Caſk; or hew or ſaw, or cauſe to be hewed or ſawed, any Stone, Wood, or Timber; or bind, make, or repair, any Wheel; or ſhoe, bleed, cleanſe, or dreſs, or turn or drive looſe any Horſe; or wet, ſlack, or mix, any Lime; or wet, mix, or make any Mortar, except as herein-before mentioned; or throw at any Cock or Fowl, in the Manner called Cock-throwing, or ſet up any Cock or Fowl to be thrown at in ſuch Manner; or ſhall make, or aſſiſt in the making, any Fire or Fires, commonly called Bonfires; or ſhall ſet Fire to, or let off, or throw any Squib, Serpent, Rocket, or Fire-works whatſoever, in any of the Highways, Streets, Lanes, or publick Ways, within the ſaid Univerſity, City, or Suburbs, or in the ſaid Pariſh of Saint Clement; or ſhall ſet, place, or expoſe to Sale, or cauſe, permit, or ſuffer to be ſet, placed, or expoſed to Sale, any Goods, Chattels, Wares, or Merchandiſes whatſoever, on the Foot or Carriage Way of any Highway, Street, Lane, or publick Way, in the ſaid Univerſity and City, or Suburbs, or in the ſaid Pariſh of Saint Clement, except the ſelling of Butter and Corn in the Markets, as uſual, on Market Days; or hang up or expoſe any Goods, Wares, or Merchandiſes, or any other Matter or Thing, upon any Flap Window, or otherwiſe, ſo as to obſtruct or incommode the Paſſage of the Foot or Carriage Way of any Street, Lane, or publick Way, in the ſaid Univerſity, City, or Suburbs, or the ſaid Pariſh of Saint Clement; every Perſon ſo offending in either of the ſaid Caſes ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings, over and above ſuch Penalties as are inflicted on any or either of the ſaid Offences by any Law or Statute now in being.

Signs, &c. to be taken down.

LXIII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Nine or more of them, ſhall and may, at any Time after the paſſing of this Act, cauſe Notice to be given to the reſpective Owners or Occupiers of the ſeveral Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, in the ſaid Univerſity and City of Oxford, and the Suburbs thereof, and in the ſaid Pariſh of Saint Clement, to take down, fill up, remove, alter, or regulate all Signs, or other Emblems uſed to denote the Trade, Occupation, or Calling of any Perſon or Perſons, Sign-poſts, Sign-irons, Pent-houſes, Shew-boards, Spouts, Gutters, Stalls, Bulks, Bulk or Bow Windows, Window-ſhutters, Porches, Sheds, Butchers Gallows, Pumps, Shambles, Blocks, or Pieces of Timber, Chopping-blocks, Cellar-windows, Dwarf-walls, Pits, Saw-pits, Trees, and Poſts, projecting into, or ſtanding or being in any of the ſaid Streets, Lanes, or publick Ways, or in or upon the Waſte or other Ground lying between the Houſes near or adjoining to ſuch Streets or Highways, and all other Encroachments, Nuiſances, or Annoyances whatſoever, within the ſaid Univerſity and City, or the Suburbs thereof, and the ſaid Pariſh of Saint Clement, projecting into, or ſtanding or being in the ſaid Streets, Lanes, or publick Ways, or in or upon the Waſte or other Ground between the Houſes near or adjoining to ſuch Streets or Highways, in ſuch Manner as they ſhall think proper; and to cauſe all Signs, or other Emblems as aforeſaid, Shew-boards, Spouts, and Gutters, or ſuch Parts thereof as they ſhall think fit, to be carried away, or affixed and placed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong, or were before affixed, and not otherwiſe: And in caſe the reſpective Owners or Occupiers ſhall refuſe or neglect ſo to do for the Space of Twenty Days next after ſuch Notice ſhall be given to him or them reſpectivively (which Notice ſhall be given in Writing under the Hand of the Clerk to the ſaid Commiſſioners for the Time being, and delivered or left at the Dwelling-houſe or uſual Place of Abode of ſuch Owner or Occupier), it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, to cauſe ſuch Signs, Emblems, Sign-poſts, Sign-irons, Pent-houſes, Shew-boards, Spouts, Gutters, Stalls, Bulks, Bulk or Bow-windows, Window-ſhutters, Porches, Sheds, Butchers Gallows, Pumps, Shambles, Blocks, or Pieces of Timber, Chopping-blocks, Cellar-windows, Dwarf-walls, Pits, Saw-pits, Trees, and Poſts, and all other Encroachments, Nuiſances, or Annoyances whatſoever, to be taken down, carried away, filled, removed, altered, and regulated, in ſuch Manner as they ſhall think proper; and ſhall cauſe all ſuch Signs, or other Emblems as aforeſaid, Shew-boards, Spouts, and Gutters, or ſuch Parts thereof as they ſhall think fit, to be removed and carried away, or affixed and placed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong, or were before affixed, and not otherwiſe; and ſhall return, or cauſe to be returned, to their reſpective Owners, or to be left on the Spot, or as near as conveniently may be for ſuch Owner or Owners, ſo much of ſuch Signs or other Emblems, Sign-poſts, or other Poſts, Sign-irons, Pent-houſes, Shew-boards, Spouts, Gutters, Stalls, Bulks, Bulk or Bow Windows, Window-ſhutters, Porches, Sheds, Butchers Gallows, Pumps, Shambles, Blocks, Chopping-blocks, Cellar-windows, Dwarf-walls, Trees, and Poſts, or other Encroachments, Nuiſances, or Annoyances whatſoever, as ſhall not be affixed or put up, or otherwiſe made uſe of in the Alterations directed by this Act, and the Charges and Expences attending the ſame ſhall and may be recovered of the Owners or Occupiers thereof reſpectively, in the ſame Manner as the Charges and Expences of cleanſing and lighting the ſaid Streets are directed to be recovered under this Act: And if any Perſon or Perſons ſhall, at any Time or Times thereafter, hang, place, erect, build, or make, any Sign, Sign-poſt, or other Poſt, Sign-iron, Pent-houſe, Shew-board, Spout, Gutter, Stall, Bulk, Bulk or Bow Window, Window-ſhutter, Porch, Shed, Butchers Gallows, Pound for Cattle, Pump, Cellar-window, or Dwarf-wall, Shamble, Block, or Piece of Timber, Chopping-block, Pit, Saw-pit, Poſt, or other Encroachment, Nuiſance, or Annoyance whatſoever, or cauſe the ſame to be done contrary to the Directions aforeſaid; every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings and the further Sum of Ten Shillings for every Day ſuch Offence ſhall continue; and the Maſter Workmen employed to erect, build, do, or perform the ſame, ſhall forfeit and pay the Sum of Forty Shillings: And it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to order the ſame to be taken down, removed, carried away, altered, or regulated, in ſuch Manner as they, or any Five or

Penalty on Owners refuſing to remove Signs, &c.

more of them, ſhall think proper; and the Perſon or Perſons ſo ordered ſhall and may take down, remove, carry away, alter, or regulate the ſame accordingly, without any Notice or Warning to be given to the Owner or Owners, Tenant or Occupier, to take down, remove, carry away, alter, or regulate the ſame.

No Encroachment to be made by Builders, &c.

LXIV. And be it further enacted, That no Head Builder, Maſter Carpenter, Maſon, or Workman, ſhall, in rebuilding, or new-fronting any old Building ſituate in or near any Street, Lane, or publick Way, bring the Foundation thereof forward beyond the old Foundations, or the ancient Story-poſts ſupporting the Fronts thereof, ſo as to obſtruct or narrow the Paſſage through the ſame, upon Pain of forfeiting, for every ſuch Offence, the Sum of Ten Pounds; and the Owner of ſuch Building ſhall forfeit and pay the Sum of Forty Shillings for every Month ſuch Obſtruction or Encroachment ſhall remain by the Foundation of ſuch Building being brought forwards, as aforeſaid; and it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to order the ſame to be taken down, altered, or regulated, in ſuch Manner as they, or any Five or more of them, ſhall think proper.

No Cart, &c. to be left, in any Street, &c.

LXV. And it is hereby further enacted, That if, after the paſſing of this Act, any Cart, Waggon, Dray, or other Carriage, ſhall be left to ſtand or continue in any Street, Lane, or publick Way, in the ſaid City or Suburbs, or the ſaid Pariſh of Saint Clement, or in any Part or Parts thereof, with or without Horſes or other Cattle, other than for the neceſſary loading or unloading thereof; or if any Common Stage-waggon or Cart ſhall be left to ſtand or continue in either or any of the principal Streets mentioned in the ſaid Schedule hereto annexed, for the Purpoſe of loading or unloading, more than the Space of One Hour at any One Time; or if any Timber, Bricks, Stones, Slates, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Goods, Wares, Merchandiſes, Materials, or Things whatſoever, ſhall be laid or placed, and left in any ſuch Street or publick Way longer than ſhall be neceſſary for the houſing or removing the ſame, except in ſuch Caſes as are herein before provided for; then, and in every ſuch Caſe, the Owner or Owners of every ſuch Cart, Waggon, Dray, or other Carriage, or of any ſuch Timber, Bricks, Goods, Wares, Merchandiſes, Materials, or Things, ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings, and the ſame ſhall moreover be deemed Nuiſances; and any One of the ſaid Commiſſioners, or any One of their Officers, or any other Perſon, without any Peace-officer or other Perſon preſent, ſhall and may, either in the Day or by Night, ſeize, or cauſe to be ſeized, the Cart, Waggon, Dray, or other Carriage, ſo placed or ſuffered to ſtand or continue contrary to the true Meaning of this Act, together with the Horſe or Horſes thereunto belonging or affixed, (if any), or the Timber, Bricks, Stones, Slates, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Goods, Wares, Merchandiſes, Materials, or Things, ſo laid or placed as aforeſaid, and remove the ſame, or cauſe the ſame to be removed, to any Pound within the ſaid City or Suburbs, or to ſuch other Place as ſhall be appointed for that Purpoſe by the ſaid Commiſſioners, or any Five or more of them, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants ſhall claim the ſame, and pay to the Perſon or Perſons in whoſe Cuſtody the ſame ſhall then be, the Sum of Ten Shillings, together with the Charges of removing and keeping the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Sum of Ten Shillings and Charges paid, within the Space of Six Days next after ſuch Seizure, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to cauſe the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied to the ſame Uſes and Purpoſes as the Monies ariſing from the Rates or Aſſeſſments are hereby directed to be applied.

Owners of Carts, &c. not impounded, to forfeit 10 s.

LXVI. Provided, That if any Cart, Waggon, Dray, or other Carriage, ſhall be ſo placed or ſuffered to ſtand or continue as aforeſaid, or any Timber, Bricks, Goods, Wares, Merchandiſes, Materials, or Things, ſhall be ſo laid and placed as aforeſaid, and the ſame ſhall not be ſeized and impounded as aforeſaid, the Owner or Owners of ſuch Cart, Waggon, Dray, or other Carriage, or of ſuch Timber, Bricks, Goods, Wares, Merchandiſes, Materials, or Things, ſhall nevertheleſs forfeit and pay the Sum of Ten Shillings for every Offence by ſuch Cart, Waggon, Dray, or other Carriage, being ſo placed or ſuffered to ſtand or continue, or ſuch Timber, Bricks, Goods, Wares, Merchandiſes, Materials, or Things, being ſo laid or placed, or left as aforeſaid.

Annoyances by Hogſties, &c. to be removed.

LXVII. And be it further enacted, That in caſe any Hogſtye, Neceſſary-houſe, Fleſh, Dung, Carrion, Blood, Offal, Soil, or Filth, Aſhes, Cinders, or Rubbiſh, or any other noiſome Matter whatſoever, in or near any of the ſaid principal Streets within the ſaid City or Suburbs, mentioned in the Schedule hereto annexed, ſhall be offenſive to any of the Inhabitants, or other Perſon or Perſons, the ſame ſhall be deemed a Nuiſance and an Offence againſt this Act; and it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, upon Complaint thereof made to them by any ſuch Inhabitant, or other Perſon or Perſons, by Notice in Writing under the Hands of the ſaid Commiſſioners, or any Five or more of them, or under the Hand of the Clerk to the ſaid Commiſſioners for the Time being, to order any ſuch Nuiſance or Offence to be removed; and in caſe the ſame ſhall not be removed within Three Days after ſuch Notice given to the Perſon or Perſons who ought to remove the ſame, ſuch Perſon or Perſons ſhall forfeit and pay the Sum of Five Shillings daily, for every Day that the ſame ſhall continue unremoved, after the Expiration of the ſaid Three Days.

No Wheels, &c. to be driven on Foot pavements.

LXVIII. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time after the paſſing of this Act, run, drive, or cauſe to be run, driven, or drawn, on any Foot-pavements within the ſaid City or Suburbs, any Wheel or Wheels, Sledge, Wheelbarrow, or Carriage whatſoever, or ſhall roll any Caſk, or wilfully ride, drive, or lead, or cauſe to be rode, driven, or led, any Horſe or other Cattle, on any of the ſaid Foot-pavements, other than in Caſes of abſolute Neceſſity; ſuch Perſon or Perſons ſhall forfeit and pay, for the Firſt Offence, the Sum of Five Shillings; for the Second Offence, the Sum of Ten Shillings; and for the Third, and every other Offence, the Sum of Twenty Shillings.

LXIX. Provided, That no Perſon or Perſons ſhall be liable to ſuch Penalties for rolling any Cask on the ſaid Foot-pavements, unleſs the ſame ſhall have been rolled thereon for the Space of Twenty Yards, or upwards.

Proviſo.

LXX. And be it further enacted, That if any Cellar-window or Windows ſhall be left open in the Evening, or in the Night, without the ſame being ſufficiently lighted, to prevent Accidents happening therefrom, the Occupier or Occupiers of ſuch Houſe or Cellar ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings.

Cellar-windows at Night to be ſufficiently lighted.

LXXI. And whereas there are Pipes placed under the Pavements in ſeveral of the ſaid Streets, Lanes, and publick Ways, for the Purpoſe of conveying Water for the Uſe of the Inhabitants, and great Inconveniencies may ariſe from the breaking up the Pavement, in order to repair the ſame, and from the burſting or breaking the ſaid Pipes, if ſuch Pavement be not properly relaid: For Remedy whereof, be it further enacted by the Authority aforeſaid, That when and ſo often as any Part of the Pavements of any of the Streets or Places which ſhall be begun to be paved by virtue of this Act ſhall be damaged by the burſting or breaking of the ſaid Pipes, or taken up by any Perſon or Perſons for the Purpoſes of making, repairing, or altering any of the ſaid Pipes, or any Vault or Drain, or for any other Purpoſe whatſoever; the Perſon or Perſons to whom the ſame belong, or ſo taking up ſuch Pavement or Pavements, ſhall immediately give Notice thereof to the Surveyor or Surveyors employed by the ſaid Commiſſioners for putting this Act in Execution, in order that the ſame may, with all convenient Speed, be laid down and repaired, under the Inſpection of the ſaid Surveyor or Surveyors, and the Charges and Expences thereof ſhall be paid by the ſaid Commiſſioners, and they ſhall be reimburſed the ſame by the Owner or Owners, Proprietor or Proprietors of the Water-works, or other Perſon or Perſons who ſhall take up, or cauſe or procure to be taken up, the ſaid Pavement or Pavements, or any Part or Parts thereof; and in caſe any ſuch Owner or Owners, Proprietor or Proprietors of Water-works, or other Perſon or Perſons, ſhall neglect or refuſe to pay what the ſaid Commiſſioners ſhall have ſo paid and diſburſed, within Ten Days next after Notice thereof, to be left by the Receiver or Receivers appointed or to be appointed by the ſaid Commiſſioners, at the Dwelling-houſe or uſual Place of Abode of ſuch Owner or Owners, Proprietor or Proprietors, of ſuch Water-works, or other Perſon or Perſons, which Notice ſhall be in Writing, and ſigned by the Clerk to the Commiſſioners for putting this Act into Execution, by Order of the ſaid Commiſſioners, or any Two or more of them, and annexed to the Bill, containing an Account of the Expences of ſuch Repair; it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name or Names of their Treaſurer or Treaſurers for the Time being, for the Recovery of ſuch Sum or Sums of Money as they ſhall have ſo expended for the relaying and repairing ſuch Pavement or Pavements taken up in Manner as aforeſaid: And in caſe ſuch Perſon or Perſons, hereby directed to give ſuch Notice to the Surveyor or Surveyors as before directed, ſhall neglect ſo to do for the Space of Twenty-four Hours after ſuch Pavement or Pavements be ſo taken up, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

Power of repairing Pavements damaged by the burſting or breaking of Water-pipes.

LXXII. And be it further enacted by the Authority aforeſaid, That all the Acts, Orders, and Proceedings, of the ſaid Commiſſioners, from Time to Time, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſigned by the Clerk of ſuch Commiſſioners for the Time being, and ſhall be deemed and taken to be original Acts, Orders, and Proceedings; and ſuch Book or Books ſhall and may be produced and read in Evidence in all Courts whatſoever; and ſhall alſo be open, at all ſeaſonable Times, for the Reading or Inſpection of all and every the ſaid Commiſſioners, without Fee or Reward.

Proceedings to be entered in a Book.

LXXIII. And it is hereby further enacted by the Authority aforeſaid, That the Treaſurer of the ſaid Commiſſioners for the Time being ſhall and may, and he is hereby authoriſed and required, out of the Monies collected and paid into his Hands, to pay all Sums of Money which the ſaid Commiſſioners ſhall, from Time to Time, draw upon him for, or order him to pay; and the ſaid Treaſurer for the Time being ſhall, and he is hereby required to keep regular and clear Entries in a Book or Books, to be for that Purpoſe by him provided and kept, of all and ſingular his Receipts and Payments, on account or in purſuance of this Act; to which Book or Books, and all others kept for the Purpoſes of this Act, every Perſon liable to the Payment of the ſaid Rates ſhall and may have free Acceſs, at all convenient Times, with full Liberty to inſpect the ſame without Fee or Reward: And alſo, that the ſaid Treaſurer for the Time being ſhall, Twice in every Year, have the ſaid Accounts audited and paſſed, and allowed by the ſaid Commiſſioners, or any Seven or more of them.

Treaſurers to pay all Sums of Money by Order of the Commiſſioners, and make Entries.

LXXIV. And it is hereby further enacted by the Authority aforeſaid, That if any Collector or Collectors ſhall happen to die, or to become Bankrupt, before he or they ſhall have fully paid and ſatisfied all the Monies by him or them received by virtue of this Act, or made ſuch Compoſition for the ſame as the ſaid Commiſſioners ſhall agree to accept; then, and in every ſuch Caſe, the Executors or Adminiſtrators, Executrix or Adminiſtratrix, or other legal Repreſentative or Repreſentatives of ſuch Collector or Collectors, or the Aſſignee or Aſſignees of his or their Eſtate and Effects, or other Perſon or Perſons poſſeſſing the ſame, ſhall, in the firſt Place, out of ſuch Eſtate and Effects, pay unto the Treaſurer of the ſaid Commiſſioners for the Time being, all ſuch Sums of Money as were in the Hands of ſuch Collector or Collectors at the Time of his or their Death, or at the Time of ſuing out any Commiſſion of Bankruptcy againſt him or them, or ſo much thereof as the ſaid Eſtate or Effects ſhall extend to pay, and the Receipt of the ſaid Treaſurer will be a good Diſcharge for the ſaid Money; and every Executor and Adminiſtrator, Aſſignee or Aſſignees, or other Perſon as aforeſaid, may, to any Action or Suit commenced or brought againſt him or them, plead or give in Evidence the Payment of the ſame, and ſhall be allowed ſuch Payment out of the Eſtate or Effects of ſuch Collector or Collectors prior to any other Debt or Demand whatſoever; and in caſe of Nonpayment of the ſame by the Space of One Calendar Month after the ſame ſhall be demanded, it ſhall and may be

Collector dying or becoming Bankrupt, his Eſtate liable to Payment.

lawful to and for the ſaid Commiſſioners, or any Two or more of them, to commence and proſecute One or more Action or Actions for the ſame, in any of His Majeſty's Courts of Record, againſt ſuch Executors or Adminiſtrators, Aſſignee or Aſſignees, or other Perſon as aforeſaid.

No Act valid unleſs at a publick Meeting.

LXXV. Provided always, and be it enacted by the Authority aforeſaid, That no Act of the Commiſſioners ſhall be valid, unleſs made or done at ſome publick Meeting held by virtue of this Act.

All Power veſted in Commiſſioners to be executed by the major Part of thoſe who are preſent.

LXXVI. Provided alſo, and it is hereby enacted and declared by the Authority aforeſaid, That all the Powers and Authorities by this Act granted to or veſted in ſuch Commiſſioners, ſhall and may, from Time to Time, be exerciſed by the major Part of thoſe who ſhall attend at any publick Meetings, to be holden as herein-before mentioned; ſuch major Part not being leſs than the Number by this Act authoriſed to do ſuch Buſineſs; and that in all Caſes the ſaid Commiſſioners do vote by Ballot, in caſe the ſame is deſired by any Two or more of the ſaid Commiſſioners; and that the Chairman ſhall have a caſting Voice in all Caſes of Equality.

Commiſſioners may compound for Penalties, &c.

LXXVII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, to compound and agree with any Perſon or Perſons, againſt whom any Action or Actions, Suit or Suits, ſhall be brought or proſecuted, for any Penalty or Penalties, in any Contract or Contracts hereafter to be entered into, on account of any Breach or Nonperformance of any ſuch or Contract or Contracts, for ſuch Sum or Sums of Money as they, or any Seven or more of them, ſhall think proper; and alſo to mitigate, compound, or leſſen, any other the Forfeitures incurred under this Act, ſo as the Sum ſo compounded or agreed for be not leſs than the Injury or Damage ſuſtained by the Breach or Nonperformance of ſuch Contract or Contracts, and all the Coſts, Charges, and Expences, which ſhall be occaſioned thereby, and ſo as the Mitigation of the other Forfeitures, as aforeſaid, do not extend to remit above One Moiety of the ſaid Forfeitures reſpectively.

Colleges and Corporations impowered to ſell Houſes, &c.

LXXVIII. And whereas many Houſes, Edifices, Shops, and Warehouſes, within the ſaid Univerſity and City, and the Suburbs thereof, and the ſaid Pariſh of *Saint Clement*, belong to Bodies Corporate, and are irregularly built, and by reaſon of their contingent Tenure are frequently ſuffered to fall in a ruinous State; be it therefore enacted, That it ſhall and may be lawful for any Body Corporate or Collegiate, whether of Univerſity or City, Aggregate or Sole, to alienate and ſell for ever any Tenements or Hereditaments, and the Scite thereof, with their Appurtenances, ſtanding or being within the Univerſity and City of Oxford, or the Suburbs thereof, or the ſaid Pariſh of Saint Clement, provided that all and every Sum and Sums of Money to be paid to ſuch College or Corporation for the the Purchaſe of ſuch Tenement or Hereditament be lodged in any of the publick Funds, in the Name and Names of the Three Regius Profeſſors of Divinity, Law, and Phyſick, in Truſt, for the Uſe of the ſaid Colleges, or Corporation, for Houſes belonging to the College or the Univerſity; and for Houſes belonging to the City, in the Names of the Mayor, Recorder, and Town-clerk, to be by them laid out in the Purchaſe of Lands and Hereditaments without the Univerſity, City, and Suburbs, of Oxford, or otherwiſe ſettled and appropriated for ſuch Uſes and Truſts, as the Houſes and Tenements ſo ſold by ſuch Corporation or College were ſettled and limited at the Time of ſuch Sale ſo made.

Money to be laid out in purchaſing of Lands, &c.

LXXIX. And be it further enacted by the Authority aforeſaid, That all and every Sum and Sums of Money to be paid to any Perſon, Body Corporate or Collegiate, Corporation Aggregate or Sole, Feoffee or Feoffees in Tail, Guardian, Committee, or other Truſtee or Truſtees, in purſuance of this Act, ſhall be by them reſpectively laid out in the Purchaſe of Lands, Tenements, and Hereditaments, and ſettled to, upon, and ſubject to, ſuch Titles, Uſes, Truſts, Limitations, Remainders, and Contingencies, as the ſaid Lands and Premiſes, ſo to be purchaſed by the ſaid Commiſſioners as aforeſaid, were ſettled, limited, and aſſured, at the Time of ſuch Sale ſo made reſpectively, or as near as the ſame can be ſettled, limited, and aſſured, and ſhall and may be held and enjoyed accordingly.

Continuance of the Tolls.

LXXX. And be it further enacted by the Authority aforeſaid, That ſo much of this Act as relates to the Tolls hereby granted, and to widening, altering, and repairing, the Roads and Bridge herein mentioned, ſhall take place from and after the ſaid Fourth Tueſday after paſſing of this Act, and ſhall continue in Force for the Term of Twenty-one Years, and to the End of the then next Seſſion of Parliament, and no longer; and that from the Expiration, or ſooner Determination thereof, the ſaid Mile-ways and Bridge ſhall be repaired, from Time to Time, in ſuch and the ſame Manner as the ſame were or ought to have been repaired before the paſſing of this Act, or as they would or could have been, in caſe the ſame had not been made.

Proviſo for determining the Tolls ſooner.

LXXXI. Provided always, That if the ſeveral Purpoſes, to which the ſaid Tolls are hereby directed to be applied, ſhall be effected and completed before the Expiration of the ſaid Term hereby granted, and the Principal Money borrowed and ſecured upon the Credit thereof be repaid and ſatisfied, then, and from thenceforth, all the Tolls hereby impoſed ſhall abſolutely ceaſe and determine.

Power to remove the Market, and erect another.

LXXXII. And whereas the holding of a Market as heretofore accuſtomed for ſelling of Meat, Fiſh, and Garden Stuff, in the *High Street* and *Butcher Row*, in the ſaid City, hath been found very inconvenient, by reaſon of the great Number of Coaches, Carts, and other Carriages, and Travellers, paſſing and repaſſing through the ſame, to and from the Roads above mentioned; And whereas it is neceſſary for the Benefit and Accommodation of the Inhabitants of the ſaid Univerſity, City, and Suburbs, and of all Perſons reſorting thereto, that a Market ſhould be ſtill continued for the Sale of all Kinds of Meat, Fiſh, Poultry, and Garden Stuff; and the Chancellor, Maſters, and Scholars, of the ſaid Univerſity, and Mayor, Bailiffs, and Commonalty, of the ſaid City, are deſirous to erect, hold, and maintain, ſuch Market; it is hereby further enacted, That the ſaid Commiſſioners, or any Fifteen or more of them, ſhall have full Power and Authority to view, ſet out, and deſcribe, ſuch Plot or Piece of Ground, between the High Street and the Lane called Jeſus College Lane, within the ſaid City, as they ſhall adjudge moſt convenient and proper for holding the ſaid Market, and to and for making proper Avenues thereto: And it is hereby further enacted by the Authority aforeſaid, That the ſaid Chancellor, Maſters, and Scholars, of the ſaid Univerſity, and their Succeſſors, by and with the Conſent and Approbation of the ſaid Mayor, Bailiffs, and Commonalty, of the ſaid City, and their Succeſſors, ſhall have Power and Authority, and they are hereby authoriſed and impowered, to remove, or cauſe to be removed, the Markets for all Kinds of Meat, Fiſh, Poultry, and Garden Stuff, and to eſtabliſh and hold, or cauſe to be eſtabliſhed and held, within the Limits of the ſaid Plot or Piece of Ground, ſo to be ſet out and deſcribed by the ſaid Commiſſioners as aforeſaid, for the Scite of the ſaid Market; and that it ſhall and may be lawful to and for the ſaid Chancellor, Maſters, and Scholars, by and with the Conſent and Approbation of the ſaid Mayor, Bailiffs, and Commonalty, to cauſe ſuch Market to be held within the Limits aforeſaid, daily and every Day, or leſs frequently, according as the ſame ſhall to them appear neceſſary for the Convenience and Accommodation of the Inhabitants of the ſaid Univerſity, City, and Suburbs, and of Perſons reſorting thereto.

Reſervation of the Right of the Univerſity to ſuperintend and regulate the Markets, and of the City Right to Pitching-pence or Tolls.

LXXXIII. Provided, That nothing herein contained ſhall extend, or be conſtrued to extend, to take away the Right of the ſaid Chancellor, Maſters, and Scholars, to appoint or nominate One or more Clerk or Clerks of the ſaid Market, and otherwiſe to govern, regulate, and ſuperintend, the ſame, as heretofore accuſtomed with reſpect to the ancient Market Place or Places, or to take away the Right of the ſaid Mayor, Bailiffs, and Commonalty, to ſuch Pitching-pence or Tolls as have been heretofore paid to them or their Toll-gatherer, by Butchers, Gardeners, and others; but the ſame reſpectively ſhall remain and belong to the ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayor, Bailiffs, and Commonalty, ſeverally, as before the paſſing this Act; and the ſaid Chancellor, Maſters, and Scholars, and Mayor, Bailiffs, and Commonalty, reſpectively, ſhall and may preſcribe and have ſuch Remedies for the ſame in ſuch new Market, as they could have and were intitled to in the Places where the ancient Markets were uſually or commonly held.

No Meat, Fiſh, Poultry, or Garden Stuff, to be ſold elſewhere.

LXXXIV. And, for preventing any Encroachment which might hereafter be made on the ſaid Market, be it further enacted by the Authority aforeſaid, That from and after the ſame ſhall be completed and uſed as a Market, it ſhall not be lawful for any Perſon or Perſons to erect or hold any other Market within the ſaid Univerſity, City, or Suburbs, except the preſent Markets for Corn, Pigs, and Butter, or to vend or expoſe to Sale any Manner of Fleſh, or other raw Victuals, Fiſh, Poultry, Herbs, Roots, or Garden Stuff, which are uſually ſold in publick Markets in any other Place whatſoever within the ſaid Univerſity, City, or Suburbs; and every Perſon who ſhall ſo vend, or expoſe to Sale, any Manner of Fleſh, or other raw Victuals, Fiſh, Poultry, Herbs, Roots, or Garden Stuff, out of the ſaid Market, within the ſaid Univerſity, City, or Suburbs, and ſhall be convicted thereof before any One or more of His Majeſty's Juſtices of the Peace for the County or City of Oxford aforeſaid, ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds; to be recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender, rendering the Overplus, (if any there be), after deducting the Expence of ſuch Diſtreſs and Sale, to the Owners thereof; One Moiety whereof ſhall go to the Informer, and the other Moiety to the Poor of the Pariſh where the Offence or Offences ſhall be committed.

Fiſhmongers or Poulterers may ſell in their own Houſes.

LXXXV. Provided always, That nothing herein contained ſhall be conſtrued to extend to prevent Fiſhmongers or Poulterers from ſelling Fiſh or Poultry in their own Shops or Houſes, as heretofore accuſtomed in the ſaid Univerſity, City, and Suburbs.

Juſtices may mitigate Penalties.

LXXXVI. Provided alſo nevertheleſs, That it ſhall and may be lawful to and for the ſaid Juſtices, where they ſhall ſee Cauſe, to mitigate or leſſen any ſuch Penalties or Forfeitures, according to their Diſcretion.

Power to appoint a Committee of Members of each Body.

LXXXVII. And, for enabling the ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayor, Bailiffs, and Commonalty, to effect the ſeveral Purpoſes of this Act, be it further enacted, That it ſhall and may be lawful to and for the ſaid Chancellor, Maſters, and Scholars, in Convocation aſſembled, from Time to Time, to nominate, depute, and appoint, Six of the Members of Convocation reſident within the ſaid Univerſity, and for the ſaid Mayor, Bailiffs, and Commonalty, in Council aſſembled, from Time to Time, to nominate, depute, and appoint, Six of the Members of the Council of the ſaid City, reſiding within the ſaid City or Suburbs, to be a Committee, to treat and agree with the Owners and Occupiers, and all other Perſons intereſted in the Houſes and Buildings ſtanding on the ſaid Plot or Piece of Ground ſo to be ſet out as aforeſaid for the ſaid Market, and to do all Matters and Things for and in the Names of the ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayor, Bailiffs, and Commonalty, neceſſary for carrying this Act into Execution, ſo far as the ſame relates to the ſaid Market; and ſuch Committee, from Time to Time, ſo to be nominated, deputed, and appointed, by the ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayor, Bailiffs, and Commonalty reſpectively, ſhall continue to act until others ſhall be by them ſeverally nominated, deputed, and appointed, in their Stead.

Perſons intereſted impowered to ſell Houſes, &c. for the Market.

LXXXVIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for all Perſons whatſoever, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, who are or ſhall be ſeiſed or intitled in their own Right, Truſtees and Feoffees in Truſt, Guardians and Committees for Lunaticks and Idiots, Executors, Adminiſtrators, and Guardians whatſoever, not only in Behalf of themſelves, their Heirs and Succeſſors, but alſo for and in Behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes-covert, or other Perſons whatſoever, who are or ſhall be ſeiſed or poſſeſſed of or intereſted in any Meſſuages, Lands, Tenements, or Hereditaments, which ſhall be neceſſary to be purchaſed for the holding the ſaid Market, and to and for making proper Avenues thereto, to contract for, ſell, convey, or ſurrender to the ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayor, Bailiffs, and Commonalty, all or any ſuch Meſſuages, Lands, Tenements, or Hereditaments, or any Part thereof, or any Term for Years, or any Eſtate or Intereſt therein; and that

all

Jury may determine Differences.

all ſuch Contracts, Agreements, Bargains, Sales, Aſſignments, Surrenders, and other Conveyances, which ſhall be ſo made as aforeſaid, ſhall be good and valid in Law, to all Intents and Purpoſes whatſoever, not only to convey the Eſtate of the Perſon or Perſons conveying, but alſo all Right, Eſtate, Intereſt, Uſe, Property, Claim, and Demand whatſoever, of their ſeveral and reſpective Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes-covert, or other Perſons whatſoever, and all Perſons claiming or to claim by, from, or under them, any Law, Statute, or Uſage, to the Contrary thereof in any-wiſe notwithſtanding: And if it ſhall happen that any Perſon or Perſons, Bodies Politick, Corporate or Collegiate, or other Perſon or Perſons whatſoever, who are hereby enabled to convey as aforeſaid, ſhall refuſe to treat and agree with the ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayors, Bailiffs, and Commonalty; then, and in ſuch Caſe, it ſhall and may be lawful to and for the ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayor, Bailiffs, and Commonalty, before any General Quarter-ſeſſions of the Peace to be holden for the ſaid County of Oxford, or any Adjournment thereof, to give, or cauſe to be given, to ſuch Owner or Owners, or to the principal Officer or Officers of ſuch Bodies Politick, Corporate, Eccleſiaſtical or Civil, or to leave, or cauſe to be left, at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments intended to be ſo purchaſed, Twenty-one Days Notice in Writing, denoting and particularly deſcribing the ſame, and purporting that the Value of ſuch Lands or Hereditaments will be adjuſted and ſettled by a Jury at the ſaid Seſſion, or the Adjournment thereof; and the Juſtices at their ſaid Seſſion, or any Adjournment thereof, upon Proof to them made of ſuch Notice having been ſo given, or left, are hereby authoriſed and required to charge a Jury to be impanelled and returned by the Sheriff of the ſaid County, without Fee or Reward, conſiſting of Twelve honeſt, ſubſtantial, and diſintereſted Perſons, duly qualified to ſerve on Juries upon the Trial of Iſſues at Law, and cauſe them to be ſworn well and truly on their Oaths to aſſeſs the Value of the Lands or Hereditaments compriſed in the ſaid Notice, and the Damages and Recompence to be given for the ſame, to the reſpective Owner or Owners thereof, according to their reſpective Intereſts therein; which Oath the ſaid Juſtices are hereby required to adminiſter to ſuch Jury, and to which ſaid Jury the ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayor, Bailiffs, and Commonalty, and all Parties intereſted in the ſaid Lands or Hereditaments, ſhall have their lawful Challenges; and the ſaid Jury, being ſo ſworn and charged as aforeſaid, and after proper Evidence on Oath to them given concerning the Nature, Quantity, and Value, of the ſaid Lands or Hereditaments, ſhall, by their Verdict, aſſeſs the Damages and Recompence to be given for the ſaid Lands or Hereditaments to the reſpective Owner or Owners thereof, according to their reſpective Intereſts therein; which Verdict of the ſaid Jury, and the Judgement of the ſaid Juſtices upon the ſame, ſhall be finally binding and concluſive to the ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayor, Bailiffs, and Commonalty, and to all Perſons and Parties intereſted in the ſaid Lands or Hereditaments, and ſuch Verdicts, and the Judgement of the Juſtices thereupon, ſhall be fairly entered and kept amongſt the Records of the Quarter-ſeſſions for the County of Oxford, and the ſame, or true Copies thereof, ſhall be taken to be good and effectual Evidence and Proof in any Court of Law or Equity whatſoever; and all Perſons may have Recourſe to the ſame gratis, and take Copies thereof, paying Sixpence for every One hundred Words, and ſo in proportion for any greater or leſs Number of Words.

Upon Payment or Tender of the Money, Premiſes veſted in the Univerſity and City.

LXXXIX. And it is hereby further enacted and declared, That upon Payment of ſuch Sum or Sums of Money ſo to be adjudged for the Purchaſe of the ſaid Premiſes, or any Part thereof, the Perſon or Perſons intitled thereto ſhall make and execute, or procure to be made and executed, good, valid, and legal Conveyances, Aſſignments, and Aſſurances, in the Law, to the ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayor, Bailiffs, and Commonalty, of the ſaid Premiſes, for which ſuch Sum or Sums of Money were ſo awarded, and ſhall do all Acts, Matters, and Things, neceſſary or requiſite to make a good, clear, and perfect Title thereunto; and ſuch Conveyances, Aſſignments, and Aſſurances, ſhall contain all ſuch reaſonable and uſual Covenants as ſhall, on the Behalf of the ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayor, Bailiffs, and Commonalty, be required: And in caſe any Perſon or Perſons, to whom ſuch Money ſhall be awarded, as aforeſaid, ſhall not evince a Title to the ſaid Premiſes to the ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayor, Bailiffs, and Commonalty, and make, or procure to be made, good and legal Conveyances thereof, or ſhall refuſe ſo to do, being thereunto required, ſuch Sum and Sums of Money ſo awarded as aforeſaid, being ready to be paid to him, her, or them, on making ſuch Title, and tendered for that Purpoſe; or in caſe the Perſon or Perſons intitled to the Premiſes, for which ſuch Sum or Sums of Money ſhall be ſo awarded, as aforeſaid, ſhall not be known; or in caſe that, by reaſon of Diſputes depending in any Court of Law or Equity, or for Defect of Evidence, it ſhall not appear to the ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayor, Bailiffs, and Commonalty, or the Committee to be appointed as aforeſaid, what Perſon or Perſons is or are intitled to the Premiſes in queſtion; that then, and in all and every or any ſuch Caſe or Caſes, as aforeſaid, it ſhall and may be lawful to and for the ſaid Committee to order ſuch Sum or Sums of Money ſo awarded as aforeſaid, as the Value of and Purchaſe-money for the ſaid Premiſes, to be paid into the Bank of England, for the Uſe of the Parties intereſted in the ſaid Premiſes, to be paid to them, and each and every of them, according to their reſpective Eſtates and Intereſts in the ſaid Premiſes, at ſuch Times as the ſaid Committee, or any Seven or more of them, ſhall, by Warrant or Warrants under their Hands, order and direct; and the Caſhier and Caſhiers of the Bank of England, who ſhall receive ſuch Sum and Sums, is and are hereby required to give a Receipt or Receipts for ſuch Sum and Sums, mentioning and ſpecifying for what Premiſes, and for whoſe Uſe, the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay ſuch Sum or Sums into the Bank of England as aforeſaid; which Receipt or Receipts ſhall be entered on Record, and regiſtered among the Records of the Quarter-ſeſſions for the County of Oxford; and immediately on ſuch Payment and Regiſtry, all the Eſtate, Right, Title, Uſe, Truſt, Property, Equity of Redemption, Claim and Demand in Law and Equity, of all and every Perſon and Perſons for whoſe Uſe ſuch Money was paid, of, in, to, from, and out of the ſaid Premiſes, or any Part thereof, ſhall veſt in the ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayor, Bailiffs, and Commonalty; and they the ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayor, Bailiffs, and Commonalty, ſhall be deemed in Law to be in the actual Poſſeſſion thereof, and to be ſeiſed thereof in Fee-ſimple, freed and diſcharged from all Claims, Demands, and Equity of Redemption, either at Law or in Equity, to all Intents and Purpoſes, as fully and effectually as if all and every Perſon and Perſons, having any Eſtate, Right, Title, Truſt, Intereſt, or Equity of Redemption, of, in, to, from, or out of the ſaid Premiſes, had actually conveyed the ſame by Leaſe and Releaſe, Bargain and Sale inrolled, Feoffment, with Livery of Seiſin, Fine and Recovery, or any other Conveyance whatſoever; and ſuch Payment ſhall not only bar all Right, Title, Intereſt, Equity of Redemption, Claim and Demand of the Perſon or Perſons to whoſe Uſe ſuch Payment was made, but alſo ſhall extend to and be deemed and conſtrued to bar the Dower and Dowers of the Wife or Wives of ſuch Perſon or Perſons, and all Eſtates Tail, and Remainders, as fully and effectually as a Fine or Recovery would do, or would have done, if levied or ſuffered by proper Parties in due Form of Law.

Purchaſe-money or Truſt-eſtates to be laid out again.

XC. And it is hereby further enacted and declared, That all and every Sum and Sums of Money to be paid to any Body Corporate or Collegiate, Corporation Aggregate or Sole, Feoffee or Feoffees in Truſt, Guardian, Committee, or other Truſtee or Truſtees, in purſuance of this Act, ſhall be by them reſpectively laid out in the Purchaſe of Lands, Tenements, and Hereditaments, and ſettled to and upon, and ſubject to ſuch Titles, Uſes, Truſts, Limitations, Remainders, and Contingencies, as the ſaid Lands and Premiſes ſo to be purchaſed by the ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayor, Bailiffs, and Commonalty, as aforeſaid, were ſettled, limited, and aſſured at the Time of ſuch Sale ſo made reſpectively, and ſhall and may be held and enjoyed accordingly.

After Payment, the Committee impowered to convert the Premiſes into a Market.

XCI. And be it further enacted, That from and immediately after Payment made for the Lands and Hereditaments ſo to be purchaſed as aforeſaid, it ſhall and may be lawful for the ſaid Committee to enter upon the Premiſes ſo to be purchaſed, and every Part thereof, and to convert the ſame to be uſed as a Market, as aforeſaid.

If Part of a Houſe, &c. wanted, for any of the Purpoſes of this Act, the Owner may oblige the Commiſſioners, &c. to purchaſe the whole.

XCII. Provided always, and be it enacted by the Authority aforeſaid, That if any Perſon or Perſons, Body or Bodies Politick, Corporate or Collegiate, ſhall be applied to by or on Behalf of the ſaid Commiſſioners, or the ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayor, Bailiffs, and Commonalty, to treat for, ſell, diſpoſe of, or convey, for any of the Purpoſes aforeſaid, any Part or Parts of any Houſe, Warehouſe, Yard, or Ground, in the actual Occupation of One Tenant, or of ſeveral Tenants, and the Perſon or Perſons, Body or Bodies Politick, Corporate or Collegiate, ſo applied to, ſhall, by Notice in Writing to be left at the Office of the reſpective Clerks, within Fourteen Days next after ſuch Application, ſignify his, her, or their Inclination or Deſire to treat for, ſell, diſpoſe of, and convey the whole of ſuch Houſe, Warehouſe, Yard, or Ground; then, and in every ſuch Caſe, the whole of every ſuch Houſe, Warehouſe, Yard or Ground, then, and in every ſuch Caſe, the whole of every ſuch Houſe, Warehouſe, Yard, or Ground, ſhall be deemed, taken, and held to be neceſſary to be purchaſed for effecting the Purpoſes of this Act: And if it ſhall happen that the ſaid Commiſſioners, or the ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayor, Bailiffs, and Commonalty, or their Committees, ſhall not think proper or be willing to purchaſe the whole of ſuch Houſe, Warehouſe, Yard, or Ground; then, and in every ſuch Caſe, nothing in this Act contained ſhall extend, or be conſtrued to extend, to compel the Owner or Owners, Occupier or Occupiers thereof, to treat for, ſell, diſpoſe of, or convey any Part of ſuch Houſe, Warehouſe, Yard, or Ground; any Thing herein-before contained to the Contrary thereof in any-wiſe notwithſtanding.

Commiſſioners may ſell Overplus Lands, &c.

XCIII. Provided alſo, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, at any Meeting, or the ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayor, Bailiffs, and Commonalty, or any Perſon or Perſons, in whom any Houſe or Ground ſhall be veſted by virtue of this Act, to let, ſell, or diſpoſe of ſo much or ſuch Parts thereof as ſhall not be neceſſary for the opening or widening of any of the ſaid Streets, Lanes, Ways, Paſſages, or Places, or for and towards the erecting, eſtabliſhing, and holding, ſuch new Market as aforeſaid, to any Perſon or Perſons, to and for ſuch Uſe or Uſes as they ſhall think proper, giving Preference to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, and to his, her, or their Heirs, Executors, and Adminiſtrators.

Powers of raiſing Money, by borrowing, not exceeding 5000 *l.*

XCIV. And, for raiſing a Sum of Money ſufficient for the Payment of the Purchaſe of ſuch Lands and Hereditaments, and other the Purpoſes of this Act, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Committee, or any Seven or more of them, and they are hereby authoriſed and impowered to raiſe, borrow, take, and receive of and from any Perſon or Perſons whomſoever, or any Body or Bodies Corporate or Politick whatſoever, who are willing to lend and advance the ſame, any Sum or Sums of Money, not exceeding in the Whole the Sum of Five thouſand Pounds, for the Payment of ſuch Purchaſe-money, and for ſuch other Purpoſes as are herein-before and herein-after mentioned, and to ſet up and build all ſuch Sheds, Stands, Stalls, and ſuch other Erections as ſhall be found neceſſary for conſtituting the ſaid Market; or, if it ſhall be found to be more convenient and beneficial to let out ſuch Grounds upon a Building Leaſe or Leaſes for the Purpoſes aforeſaid, it ſhall and may be lawful for the ſaid Univerſity or City, and they are hereby authoriſed and impowered to ſet and let out ſuch Ground for the beſt Rent that can be gotten for the ſame, payable quarterly, at or upon the Four moſt uſual Feaſts or Days of Payment in the Year, upon a Leaſe or Leaſes, for any

or by granting Building Leaſes,

Term or Terms not exceeding Sixty-one Years, to any Perſon or Perſons who ſhall be willing to contract for and take the ſame, with proper Covenants binding him or them to build and ſet up all neceſſary Erections thereupon for converting the ſame into a Market as aforeſaid; or, it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay into the Hands of the ſaid Committee, or any Seven or more of them, or ſuch Perſon or Perſons as they ſhall appoint, for the Uſes before mentioned, any Sum or Sums of Money not exceeding in the Whole the Sum of Five thouſand Pounds, for the abſolute Purchaſe of One or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of ſuch Contributors reſpectively, or the natural Life of ſuch other Perſons as ſhall be nominated, by and on the Behalf of ſuch reſpective Contributors, at the Time of Payment of their reſpective Contribution-monies; which Annuity or Annuities ſhall not exceed the Rate of Eight Pounds per Centum per Annum for every One hundred Pounds, and ſo in proportion for any greater or leſs Sum to be advanced and paid as aforeſaid; which Annuities ſhall be payable and paid in ſuch Place in the ſaid Univerſity or City as the ſaid Committee, or any Seven or more of them, ſhall for that Purpoſe appoint, by Four equal quarterly Payments, the Firſt Payment to begin and be made to the reſpective Purchaſers and their Aſſigns, at the Expiration of the Firſt Quarter of a Year after Payment of their reſpective Purchaſe-monies; which Annuities ſhall be publickly ſold by the ſaid Committee, or any Seven or more of them.

or by granting Annuities.

Books to be provided, and Names of the Annuitants entered.

XCV. And it is hereby enacted, That there ſhall be provided by the ſaid Committee a Book or Books, in which ſhall be fairly written in Words at Length the Names and Surnames, with the proper Additions and Places of Abode, of all ſuch Perſons who ſhall be Proprietors of any of the Annuities aforeſaid; and of all Perſons by whoſe Hands the ſaid Purchaſers ſhall pay in any Sum or Sums of Money upon the Credit of this Act; and alſo the Sum ſo paid for the purchaſe of ſuch Annuities, and the reſpective Days of Payment thereof; to which Book and Books it ſhall be lawful for the ſaid reſpective Purchaſers and their Aſſigns, and to and for any Perſon or Perſons liable to the Payment of Rates and Aſſeſſments in the ſaid Pariſh, at all ſeaſonable Times, to have Recourſe and inſpect the ſame without Fee or Reward.

Annuities to be for the Lives of Contributors, or ſuch Perſons as they ſhall nominate.

XCVI. And it is hereby further enacted, That all and every the Contributor and Contributors upon the Credit of this Act, duly paying the Conſideration or Purchaſe Money at the Rate aforeſaid, for any ſuch Annuity or Annuities as aforeſaid, or ſuch Perſon or Perſons as he, ſhe, or they ſhall appoint, his, her, or their reſpective Aſſigns, ſhall have, receive, and enjoy the reſpective Annuity or Annuities ſo to be purchaſed, during the Term of the natural Life of the Perſon to be nominated by each ſuch Purchaſer or Contributor as above mentioned; and that all and every ſuch Purchaſer and Purchaſers, and their Aſſigns reſpectively, ſhall have good, ſure, abſolute, and indefeaſible Eſtates and Intereſt in the Annuities ſo by them reſpectively to be purchaſed, according to the Tenor and true Meaning of this Act; and that none of the ſaid Annuities ſhall be ſubject or liable to any Tax aſſeſſed upon Land by Authority of Parliament; and that every Contributor upon this Act for the Purchaſe of any ſuch Annuity or Annuities as aforeſaid, his, her, or their Aſſigns, upon Payment of the Conſideration or Purchaſe Money for the ſame, at the Rate aforeſaid, or any Part or Proportion thereof, into the Hands of the Committee, or ſuch Perſon or Perſons as they ſhall appoint, ſhall have One or more Receipt or Receipts, importing the Receipt of ſo much Purchaſe-money as ſhall be paid; and upon Payment of all the Purchaſe-money for any ſuch Annuity or Annuities, every ſuch Contributor, his, her, or their Aſſigns reſpectively, ſhall have an Order on Parchment or Vellum for Payment of the ſaid Annuity or Annuities, for and during the natural Life of ſuch Perſon as ſhall be nominated by ſuch Contributor or Purchaſer as aforeſaid; which Order ſhall be ſigned by the ſaid Committee, or any Seven or more of them; and after ſigning thereof, the ſame ſhall be firm, good valid, and effectual in Law, according to the Purport and Meaning thereof, and of this Act.

Annuities may be aſſigned.

XCVII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Purchaſer or Purchaſers of any ſuch Annuity or Annuities as aforeſaid, and his, her, and their Executors, Adminiſtrators, and Aſſigns, at any Time or Times, by Writing under his, her, or their Hands and Seals, without any Stamp thereupon, to aſſign ſuch Annuity or Annuities, or any Part thereof, or any Intereſt therein, to any Perſon or Perſons whomſoever, and ſo toties quoties; and a Memorandum or Entry of all ſuch Aſſignments ſhall be made in a Book, which is hereby required to be kept for that Purpoſe by or under the Inſpection of the ſaid Committee, which Entry or Memorandum ſhall be made gratis.

Annuities payable out of the Rents of the Market.

XCVIII. And be it further enacted by the Authority aforeſaid, That all and every the Annuities ſo to be purchaſed under and by virtue of this Act, ſhall be, and are hereby charged upon, and ſhall be paid and payable, from Time to Time, upon all Monies ariſing by the Rents and Profits of the Sheds, Stalls, Stands, and all other Buildings and Erections to be ſet up in and upon the ſaid Plot or Piece of Ground to be ſet out and appointed for the Scite of the ſaid Market: And if the ſame ſhall prove deficient to pay the Annuities charged thereupon as aforeſaid; then, and in ſuch Caſe, the ſaid Deficiency ſhall, from Time to Time, be equally paid and ſupplied by the ſaid Chancellor, Maſters, and Sholars, and the ſaid Mayor, Bailiffs, and Commonalty.

Market veſted in the Univerſity and City in Truſt to pay all Debts incurred on account thereof, and afterwards equally between them.

XCIX. And be it further enacted by the Authority aforeſaid, That the Houſes, Buildings, and Ground, to be purchaſed by virtue and under the Authority of this Act, for the Scite of the ſaid Market as aforeſaid, and all Sheds, Stalls, Standings, and other Erections, to be built or ſet thereupon, and the Rents and Profits ariſing from the ſame, ſhall be, and are hereby veſted in the ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayor, Bailiffs, and Commonalty, and their Succeſſors, for ever; and that they ſhould ſtand ſeiſed thereof, in Truſt, for the ſeveral Uſes, Intents, and Purpoſes hereinafter mentioned and declared, of and concerning the ſame; (that is to ſay), The ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayor, Bailiffs, and Commonalty, or the ſaid Committee, or any Seven or more of them, ſhall, out of the Firſt Monies to be borrowed or ariſing by granting of Leaſes, or the Sale of Annuites, as aforeſaid, or by any other Ways and Means under the Authority of this Act, pay off and diſcharge all Debts that ſhall be incurred by the Purchaſes of the ſaid Plot or Piece of Ground, and the Houſes and Buildings thereon, for the Erection of the ſaid Market, and all ſuch Charges and Expences as ſhall neceſſarily attend the erecting and conſtituting the ſame; and the Rents and Profits ariſing thereby ſhall be applied in paying the Annuity or Annuities to be granted to ſuch Purchaſer or Purchaſers as aforeſaid, ſo long as any of them ſhall live; and all ſuch Savings as ſhall, from Time to Time, be made by the Death of any ſuch Annuitants, ſhall, after the Diſcharge of all Debts accrued on Account of the ſaid Market, be veſted in the ſaid Chancellor, Maſters, and Scholars, and the Mayor, Bailiffs, and Commonalty, equally, and the Savings, together with the Rents and Profits of the ſaid Markets, after the Death of all ſuch Annuitants, ſhall be and remain an Eſtate for the Uſe and Benefit of the ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayor, Bailiffs, and Commonalty, and their Succeſſors, for ever, equally, Share and Share alike.

Writings to be without Stamps.

C. And be it further enacted, That no Nomination, Appointment, Information, Depoſition, Order, Judgement, Conviction, Warrant, Leaſe, Mortgage, Aſſignment, Transfer, or other Security, for the borrowing of Money, or any other Writing whatſoever, under the Hand and Seal, or Hands and Seals of, or only ſigned by, any Commiſſioner or Commiſſioners for putting this Act in Execution, or any Leſſee or Leſſees of the ſaid Tolls or Duties, or any Owner of any of the Securities aforeſaid, or any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any Power or Authority hereby veſted in them, or any of them, reſpectively, ſhall be charged or chargeable with any Stamp or Duty whatſoever.

Method of recovering the Penalties impoſed by this Act, where no Method is before pointed out.

CI. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed, the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed, ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any One Juſtice of the Peace for the ſaid County or City of Oxford, which Warrant ſuch Juſtice is hereby impowered to grant, upon the Confeſſion of the Party or Parties, or upon the Information of any One or more credible Witneſs or Witneſſes upon Oath, which Oath ſuch Juſtice is hereby impowered to adminiſter; and the Penalties and Forfeitures, when recovered, ſhall be paid to the Treaſurer, or ſuch other Perſon as the ſaid Commiſſioners, at any Meeting, ſhall appoint for that Purpoſe, and be applied towards the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authoriſed and required, by Warrant under his Hand and Seal, to cauſe the Offender or Offenders to be committed to the common Gaol or Houſe of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, nor leſs than Fourteen Days, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner fully paid and ſatisfied.

Diſtreſs not irregular for want of Form.

CII. And be it further enacted, That when any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs ſhall not be deemed to be unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Defect or want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall afterwards be done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage, in an Action upon the Caſe: Provided that no Plaintiff or Plaintiffs ſhall recover in any Action or Actions for ſuch Irregularity, unleſs a Notice in Writing ſhall be given Twenty-one Days before ſuch Action ſhall be commenced, of ſuch intended Action, ſigned by the Attorney for the Plaintiffs, ſpecifying the Cauſe of ſuch Action; nor ſhall the Plaintiffs recover in ſuch Action, if ſufficient Tender of Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before ſuch Action brought.

Satisfaction for ſpecial Damage.

Proceedings not to be quaſhed for want of Form, or removable by *Certiorari*.

CIII. And be it further enacted, That no Order, Verdict, Aſſeſſment, Judgement, or other Proceeding made, touching or concerning any of the Matters aforeſaid, or touching or concerning the Conviction or Convictions of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; any Law or Statute to the Contrary thereof in anywiſe notwithſtanding.

Perſons aggrieved may appeal to the Quarter-ſeſſions on Notice.

CIV. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, for which no particular Method of Relief hath been already mentioned, ſuch Perſon may appeal to the Juſtices of the Peace, at any General Quarter Seſſions of the Peace to be held for the County or Place wherein the Cauſe of Complaint ſhall ariſe, and within Six Calendar Months after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving Eight Days Notice at leaſt in Writing of his or her Intention to bring ſuch Appeal, and of the Matters thereof, to the Clerk or Treaſurer to the ſaid Commiſſioners, and within Four Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for ſuch County or Place, with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter-ſeſſions; and the ſaid Juſtices, at ſuch Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſes and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter-ſeſſions ſhall be final, binding, and concluſive, to all Intents and Purpoſes.

Limitation of Actions. CV. Provided always, and be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, by Order of the ſaid Commiſſioners or Committee, or ſuch competent Number of them as is herein required, until Twenty-one Days Notice ſhall be thereof given to the Clerk or Clerks to the ſaid Commiſſioners or Committee, or after ſufficient Satiſfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months after the Fact committed; and every ſuch Action or Suit ſhall be laid or brought in the County or Place where the Matter ſhall ariſe, and not elſewhere; and the Defendant and Defendants, in every ſuch Action or Suit, ſhall or may, at his or their Election, plead ſpecially, or plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to be ſo done, or if ſuch Action or Suit ſhall be brought before Twenty-one Days Notice ſhall be thereof given as aforeſaid, or after a ſufficient Satiſfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes of Law.

General Iſſue.

Treble Coſts.

Saving Clauſe. CVI. Provided alſo, and it is hereby further enacted, That nothing in this Act ſhall extend, or be deemed or conſtrued to extend, to take away, diminiſh, or impede the Exerciſe of any Privilege or Right whatſoever of the ſaid Univerſity, or of any of the Magiſtrates, Officers, Miniſters, or Servants thereunto belonging, or of any Privilege or Right whatſoever of the ſaid City, or of any of the Magiſtrates, Officers, or Servants, thereunto belonging.

Publick Act. CVII. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whatſoever, without being ſpecially pleaded.

The Firſt SCHEDULE *to which this Act refers, containing an Account of the Ways and Streets to be paved, widened, and repaired, excluſive of the* Mile-ways.

THE Street or Way leading from *Magdalen Bridge* to *Eaſt Gate*, called *Bridge Street*.

The Street or Way called the *High Street*, leading from thence to *Carfax*.

The Street or Way leading from *Carfax* to the new Turnpike Road to *Witney*, called the *Butcher Row*.

The Street or Way leading from the *High Street* near *All Souls College* to *Broad Street*.

The Street or Way called *Broad Street*, and the Street or Way leading from thence to the North Side or End of *Baliol College*.

The ſeveral Streets or Ways leading from the Roads on both Sides of *Saint Giles*'s Church to *Folly Bridge*, and which are commonly called *Saint Giles*'s, the *Corn Market*, *Fiſh Street*, and *Saint Toll*'s; or by whatſoever other Name or Names the ſaid Streets or Ways, or any or either of them, is or are called or known.

The Second SCHEDULE *to which this Act refers.*

IN order to make good and convenient Roads of ſufficient Width to the Eaſt End of *Magdalen Bridge*, to purchaſe ſuch Houſes, Buildings, Land, or Ground, near or adjoining to the *Mile-ways* there, as ſhall be neceſſary for that Purpoſe.

In order to rebuild and widen *Magdalen Bridge*,

To take down a Malt-houſe, or other Buildings, and the ſeveral Houſes built upon or ſituate on the South and North Sides of the ſaid Bridge, and ſuch other Buildings as ſhall be neceſſary for rebuilding the ſaid Bridge, and widening the Avenues leading thereto, and to purchaſe ſuch Ground as ſhall be neceſſary for carrying off the Water from the ſaid Bridge.

In order to open the *Bridge Street*, from the Weſt End of *Magdalen Bridge* to the Eaſt End of the *High Street*,

To take down the Houſe and other Buildings in the *Phyſick Garden*, and ſuch other Houſes, Buildings, and Walls, near *Magdalen College*, as ſhall be neceſſary for that Purpoſe.

To take down the *Eaſt Gate*, and ſuch Houſes and Buildings near or adjoining to it, on the South and North Sides of the ſaid Street, and to purchaſe ſuch Ground as ſhall be neceſſary to render the Street of an equal Width with the *High Street*.

In order to open the Street near *Carfax*,

To take down *Carfax Conduit*.

In order to open *Butcher Row Street*,

To take down ſuch of the Houſes and Buildings near to *Carfax* Church, on the North and South Sides, and alſo the Shambles in the Middle of the ſaid Street, and purchaſe ſuch Ground as ſhall be neceſſary for widening the ſaid Street.

In order to open the Street at the North End of the *Corn Market*,

To take down the *North Gate*, and ſo much of the Priſon called *Bocardo*, and ſuch Houſes and other Buildings on both Sides of the ſaid Street, near *Saint Michael*'s Church, and purchaſe ſuch Ground as ſhall be neceſſary to widen the ſaid Street.

In order to widen the Street from *North Gate* to *Saint Giles*'s,

To take down the Houſes and other Buildings ſtanding in the Middle of the Street on the North and South Sides of *Saint Mary Magdalen* Church, together with the Pound near the ſaid Church.

In order to widen the Street at the End of *Broad Street*,

To take down the Wall on the South Side of *Baliol College*, and take in ſuch Part of the Garden as ſhall be neceſſary.

CAP. XX.

An Act to enable Lunaticks intitled to renew Leaſes, their Guardians and Committees, to accept of Surrenders of Old Leaſes, and grant New Ones.

Preamble.

WHEREAS by the Laws now in Force, Lunaticks, or their Guardians or Committees, have not any Power or Authority, upon a Surrender of any Leaſe of Lands, Tenements, or Hereditaments, for the Life or Lives of One or more Perſon or Perſons, or for Terms of Years abſolute or determinable on the Death of One or more Perſon or Perſons, to make a ſure or effectual Renewal of ſuch Leaſe or Leaſes, which is frequently to the Detriment of ſuch Lunaticks and their Families, and always to the Prejudice of the Perſon or Perſons intitled to ſuch Renewal: Be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-one, in all Caſes where any Lunatick is or ſhall be intitled, or has Right to renew any Leaſe or Leaſes made or granted, or to be made or granted, for the Life or Lives of One or more Perſon or Perſons, or for any Term or Number of Years, abſolute or determinable on the Death of One or more Perſon or Perſons, or otherwiſe, it ſhall and may be lawful to and for ſuch Lunatick, or his or her Guardian or Guardians, Committee or Committees, of his Eſtate, in his, her, or their Name or Names, by the Direction of the Lord High Chancellor of Great Britain, or the Lord Keeper or Lords Commiſſioners of the Great Seal of Great Britain for the Time being, ſignified by an Order made on hearing all Parties concerned, upon Petition, in a ſummary Way, from Time to Time, to accept of a Surrender or Surrenders of ſuch Leaſe or Leaſes; and to make and execute to any Perſon or Perſons, Bodies Politick, or Corporate or Collegiate, Aggregate or Sole, a new Leaſe or Leaſes of the Premiſes compriſed in ſuch Leaſe or Leaſes ſo to be ſurrendered by virtue of this Act, for and during ſuch Number of Lives, or for ſuch Term or Terms of Years, determinable upon ſuch Number of Lives, or for ſuch Term or Terms of Years abſolute, as was or were mentioned or contained in ſuch Leaſe or Leaſes ſo ſurrendered, at the making thereof, or otherwiſe, as the Lord High Chancellor of Great Britain, or the Lord Keeper or Lords Commiſſioners of the Great Seal of Great Britain for the Time being, by any ſuch Order, ſo to be obtained as aforeſaid, ſhall direct.

From *March* 25, 1771, Lunaticks, their Guardians, *&c.*

may accept of Surrenders, and make new Leaſes.

Leaſes ſo executed, declared valid and effectual.

II. And be it further enacted and declared by the Authority aforeſaid, That all and every ſuch Leaſe or Leaſes ſo to be made or executed as aforeſaid, ſhall be and be deemed as good and valid, and effectual in the Law, to all Intents and Purpoſes, as if ſuch Lunatick was, at the Time of making or executing thereof, of ſane Mind, and had executed the ſame in his or her own proper Perſon; any Thing in this Act, or any former Law, to the Contrary thereof in any-wiſe notwithſtanding.

Premiums paid on renewing Leaſes (Charges deducted) to go to the Guardians of Lunaticks.

III. Provided always, and be it further enacted by the Authority aforeſaid, That all Fines, Premiums, Foregifts, and Sums of Money, which ſhall or may be had, received, or paid, for or on account of the renewing of any ſuch Leaſe or Leaſes as aforeſaid, ſhall (after a Deduction of all neceſſary incident Charges and Expences) be paid to the Guardian or Guardians, Committee or Committees, of the ſaid Lunatick, and be applied and diſpoſed of for the Benefit of ſuch Lunatick, in ſuch Manner as the Lord High Chancellor of Great Britain, or the Lord Keeper or Lords Commiſſioners of the Great Seal of Great Britain, ſhall direct: But, upon the Death of ſuch Lunatick or Lunaticks, all ſuch Sum and Sums of Money as ſhall ariſe by ſuch Fines, Premiums, or Foregifts, or ſo much as ſhall remain unapplied for the Benefit of ſuch Lunatick or Lunaticks, at his, her, or their Death, ſhall, as between the Repreſentatives of the real and perſonal Eſtates of all ſuch Lunaticks, be conſidered as real Eſtate, unleſs ſuch Lunatick or Lunaticks ſhall be Tenant for life only; and then the ſame ſhall be conſidered as perſonal Eſtate.

On Death of Lunaticks, Money ariſing by ſuch Fines to be conſidered real Eſtate, unleſs ſuch Lunaticks ſhall be Tenant for Life only.

CAP. XXI.

An Act for paving *Wapping Street*, in the County of *Middleſex*, and the ſeveral Streets and Paſſages leading into the ſame; and for removing all Incroachments and Obſtructions therefrom, and preventing the like for the future; and for opening a Paſſage from *Hermitage Street* into *Nightingale Lane*; and paving ſuch Paſſage, and for the Eaſt Side of *Nightingale Lane*.

Preamble.

WHEREAS the Pavement of the Street leading from the *Hermitage Bridge*, in the Pariſh of *Saint John* of *Wapping*, in the County of *Middleſex*, to a Place called *New Crane*, in the Pariſh of *Saint Paul Shadwell*, in the County aforeſaid, which is commonly called *Wapping Street*, and the ſeveral Streets, Lanes, and Paſſages, opening into the ſame, are in a very ruinous Condition; and the ſaid Streets and Places are likewiſe rendered very incommodious, and the Paſſage through the ſame greatly obſtructed by Poſts and Projections, and other Nuiſances, and annoyed by Spouts, Signs, and Gutters; and the ſaid Street, called *Wapping Street*, is rendered incommodious, for want of a convenient Paſſage out of the ſame at the Weſt End thereof; and the preſent Methods preſcribed by Law are found ineffectual for removing the ſaid Annoyances and Obſtructions, and for the proper paving of ſuch Streets, Lanes, and Places, and keeping ſuch Pavement in ſufficient Repair: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Mayor, Aldermen, and Recorder of the City of London, and the Preſidents and Treaſurers of Saint Bartholomew's Hoſpital, Chriſt's Hoſpital, Bridewell Hoſpital, and Saint Thomas's Hoſpital, for the Time being; alſo the ſeveral Perſons herein-after named, being Inhabitants reſiding within the ſaid ſeveral Streets, Lanes, Paſſages, and Places aforeſaid, (and which compriſe the Diſtrict compriſed in this Act, or Landlords or Owners of Tenements within the ſaid Diſtrict, (to wit; Nathaniel Allen, William Brackſtone, John Boddy, Stephen Beck, Thomas Bennett, Joſeph Curtis, William Camden, John Camden, John Curties, Samuel Curties, Timothy Curtis, Henry Cock, Barnabas Campbell, Thomas Coxhead, Benjamin Dixon, Philip Devereux, Jonathan Eade, George Elliott, Edward Ewer, John Hartſhorne, James Healy, Thomas Hammond, James Herbert, Edward Hore,

Commiſſioners Names.

John Horſley, Samuel Hulme, Thomas Lawton, Richard Martin, Daniel Martin, Robert Mangles, Peter Meſtear, Peter Mallard, Richard Martyn, John Miller, George Oliver, Joel Oſeland, John Pepwell, James Potts, Fell Parker, Hugh Roberts Eſquire, Hugh Roberts, John Rimes, Thomas Reaveley, Arthur Silverſide, Thomas Smith Shipwright, Samuel Sorrell, Nathaniel Serjeant, Joſeph Sheppard, Richard Smith Hatter, William Taylor, Joſeph Tinkler, John Thompſon, William Wilſon Eſquire, Lewis Weſton, William Wilton, William Waugh, Thomas Willis, Thomas Wilkinſon, John Walker, and Griffith Williams, ſhall be, and they and their Succeſſors, to be elected in Manner hereinafter mentioned, are hereby appointed Commiſſioners for putting this Act in Execution: And in caſe of the Death of any of the above Commiſſioners, particularly deſcribed by Name, or Refuſal to act, or neglecting to attend at the Meetings of the ſaid Commiſſioners which ſhall be held in purſuance of this Act, for the Space of Twelve Months, unleſs prevented by Sickneſs, or other unavoidable Occaſion, it ſhall be lawful for the ſurviving or remaining Commiſſioners, or any Nine or more of them, from Time to Time, by Writing under their Hands and Seals, to elect One other Perſon inhabiting within the ſaid Diſtrict to be a Commiſſioner, in the Room and Stead of ſuch Commiſſioner ſo deceaſed, removed, or refuſing to act, or neglecting to attend within the Time aforeſaid, Ten Days publick Notice of the Time and Place of Meeting for every ſuch Election being given, by affixing the ſame in Writing upon the principal Door of the aforeſaid Pariſh Church of Saint John of Wapping; and every Perſon ſo elected ſhall be and is hereby veſted with the ſame Powers for putting this Act in Execution, as the Perſon in whoſe Place he ſhall be elected was veſted with.

On Death, &c. of Commiſſioners, others to be choſen,

and Notice to be given of ſuch Election.

Qualification of Commiſſioners.

Penalty on acting if not qualified.

II. And be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall then be, in his own Right, or in Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds; or poſſeſſed of or intitled to a perſonal Eſtate of the Value of One thouſand Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record by Action of Debt or on the Caſe, or by Bill, or Suit, or Information, together with Coſts of Suit, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed, and wherein the Proof of Qualification ſhall lie on the Perſon proſecuted; and it ſhall be ſufficient on the Part of the Proſecutor to prove, that the Perſon ſo proſecuted had acted as a Commiſſioner in the Execution of this Act.

Victuallers incapable of acting as Commiſſioners.

III. Provided always, and be it further enacted by the Authority aforeſaid, That no Victualler, or Perſon who ſhall ſell Ale, Wine, or other Spirituous Liquors by Retail, ſhall be capable of acting as a Commiſſioner under this Act.

Time and Place of Commiſſioners firſt Meeting; who may adjourn,

and in Default thereof, the Clerk may appoint a Meeting,

and give Notice in Writing.

In caſe of the Clerk's Death, or Refuſal to appoint, Commiſſioners to appoint a Meeting, with like Notice.

No Order valid but of the Meetings.

Commiſſioners to pay their own Expences.

Not to act where intereſted.

IV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall meet together at the Veſtry-room of the Pariſh Church of the Pariſh of Saint John of Wapping aforeſaid, the Second Monday after the paſſing of this Act, and ſhall then and there proceed to the putting of this Act in Execution: And they the ſaid Commiſſioners, or any Two or more of them, being the Whole or major Part of the Commiſſioners appearing at ſuch Meeting, are hereby impowered to adjourn themſelves from Time to Time, to meet at the ſame or other convenient Place within the Diſtrict aforeſaid, as they ſhall think proper, for putting this Act in Execution: And if at any Meeting, ſo appointed, there ſhall not appear a ſufficient Number of Commiſſioners to act, or to adjourn to another Day, or in caſe the ſaid Commiſſioners ſhall at any Time omit, neglect, or refuſe to adjourn themſelves; then, and in every ſuch Caſe, the Commiſſioners Clerk ſhall appoint a Meeting of the ſaid Commiſſioners at the ſame Place, by publick Notice in Writing, to be affixed at leaſt Six Days before the Time appointed by ſuch Notice for ſuch Meeting, on the principal Door of the Pariſh Church aforeſaid: And in caſe the ſaid Clerk ſhall die, or be incapable of acting, before the Appointment of ſuch Meeting, or ſhall refuſe or neglect to make ſuch Appointment when required by any Two or more of the ſaid Commiſſioners, then any Five or more of the ſaid Commiſſioners ſhall and may, by the like publick Notice, appoint the ſaid Commiſſioners to meet at the Place where the laſt Meeting was held; and that all Orders and Determinations of the ſaid Commiſſioners (ſave the above Appointment) ſhall be made at a Meeting held in purſuance of this Act, and not otherwiſe; and that no ſuch Order or Determination ſhall be valid, unleſs the Majority of the Commiſſioners preſent ſhall concur therein: And the ſaid Commiſſioners, at all their Meetings, ſhall defray their own Expences; but no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of any of the Powers hereby granted, during the Time he ſhall hold or enjoy any Office of Profit under this Act, or have any Share or Intereſt in any Contract relating to the Execution hereof.

They may appoint Officers,

remove them, and appoint others; and allow Salaries.

Officers to give Security.

Rates to be paid to the Collectors.

V. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall and may, by Writing under their Hands and Seals, at their Firſt or any ſubſequent Meeting held in purſuance of this Act, appoint One or more Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors, Receiver or Receivers of the Rates or Aſſeſſments, Surveyor or Surveyors, and ſuch other Officer or Officers for the Execution of this Act, as they the ſaid Commiſſioners, or any Five or more of them, ſhall think proper; and are hereby impowered, from Time to Time, to remove him or them, and appoint others, as they ſhall find neceſſary or convenient; and by and out of the Monies to be raiſed by virtue of this Act may and are hereby impowered to appoint and pay ſuch Salaries and Allowances to ſuch Officers, and to all other Perſons by them the ſaid Commiſſioners employed in the Execution of this Act, as they ſhall think reaſonable; and the ſaid Commiſſioners, or any Five or more of them, ſhall and may take ſuch Security for the due Execution of the reſpective Offices by ſuch Perſon and Perſons as aforeſaid, as the ſaid Commiſſioners, or any Five or more of them, ſhall think proper; and ſuch Perſon or Perſons as is or are hereby made liable to pay the ſeveral Rates or Sums of Money hereby granted, ſhall pay the ſame to ſuch Perſon or Perſons as ſhall, from Time to Time, be ſo appointed to collect and receive the ſame, according to the true

Meaning of this Act; and all ſuch Officers and Perſons ſo to be appointed as aforeſaid, ſhall, under their Hands, at ſuch Time and Times, and in ſuch Manner as the ſaid Commiſſioners, or any Five or more of them, ſhall direct, deliver to ſuch Commiſſioners, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, true and perfect Accounts, in Writing, of all Matters and Things committed to their Charge by virtue of this Act; and alſo of all the Monies which ſhall have been, by ſuch Officer or Officers, and Perſon or Perſons reſpectively, received by virtue and for the Purpoſes of this Act; and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint; and all the ſaid Officers and Perſons, ſo accounting as aforeſaid, ſhall, upon Oath, if thereunto required, (which Oath the ſaid Commiſſioners, or any Two or more of them, are hereby impowered and required to adminiſter) verify their ſaid Accounts: And if any Officer or Perſon, Officers or Perſons, ſhall not make and render, or ſhall refuſe to verify upon Oath any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid; or ſhall not deliver to the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint, within Ten Days after being thereunto required by any Five or more of ſuch Commiſſioners, by Notice in Writing given to, or left at the laſt or uſual Place of Abode of any ſuch Officer or Perſon, and all Books, Papers, and Writings, in his or their Cuſtody or Power relating to the Execution of this Act; or ſhall refuſe or neglect to pay ſuch Monies as, upon the Balance of any Account or Accounts, ſhall appear to be in his or their reſpective Hands, to the ſaid Commiſſioners, or any Five or more of them, or as they ſhall direct or appoint; then, and in either of the Caſes aforeſaid, ſuch Commiſſioners, or any Five or more of them, may, and are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Names of ſuch Commiſſioners, or in the Names of any Three or more of them, in any of His Majeſty's Courts of Record at Weſtminſter, againſt the Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing as aforeſaid, in order for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons reſpectively, with Coſts of Suit; or if Complaint ſhall be made by the ſaid Commiſſioners, or by any Two or more of them, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to any One or more of the Juſtices of the Peace for the County or Place wherein ſuch Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing, ſhall be and reſide, ſuch Juſtice or Juſtices may, and is and are hereby authoriſed and required, by a Warrant or Warrants under his or their Hands and Seals, to cauſe the Officer or Officers, Perſon or Perſons, ſo refuſing or neglecting, to be brought before him or them; and upon his or their appearing (or not being to be found) to hear and determine the Matter in a ſummary Way: And if upon the Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, it ſhall appear to ſuch Juſtice or Juſtices that any of the Monies that ſhall have been collected or raiſed by virtue of this Act ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons; ſuch Juſtice or Juſtices may, and is and are hereby authoriſed and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons, offending in the Premiſes reſpectively: And if no Goods or Chattels of ſuch Officer or Officers, Perſon or Perſons, can be found ſufficient to anſwer and ſatisfy the ſaid Money, and Charges of diſtraining and ſelling the ſame; or in caſe it ſhall appear to ſuch Juſtice or Juſtices, by the Confeſſion of the ſaid Party ſo offending, or by the Teſtimony of any credible Witneſs upon Oath, that any Books, Papers, or Writings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of any ſuch Officer or Officers, Perſon or Perſons, and he or they ſhall refuſe to deliver the ſame as aforeſaid; then, and in either of the ſaid Caſes, ſuch Juſtice or Juſtices ſhall commit every ſuch Offender to the Common Gaol of the County or Place where ſuch Offender ſhall be and reſide, there to remain without Bail or Mainprize until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Commiſſioners, or any Five or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint, (which Compoſition the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to make), and until he or they ſhall deliver up ſuch Books, Papers, and Writings, as aforeſaid, or give Satiſfaction in reſpect thereof to the ſaid Commiſſioners, or any Five or more of them.

Officers to account, &c.

pay Monies in Hand, and deliver up Books when required,

and in caſe of Neglect or Refuſal,

Actions may be brought;

or may proceed by Diſtreſs and Sale of the Offender's Goods.

And for want of Goods the Offender may be committed.

VI. Provided always, That no Perſon who ſhall be committed on account of his having no Goods or Chattels, ſhall be detained in Priſon for any Term longer than Six Months.

Proviſo.

VII. And be it enacted by the Authority aforeſaid, That in caſe of the Death of any ſuch Officer, or other Perſon to be appointed as aforeſaid, or of his becoming Bankrupt, before he ſhall have paid and delivered up all the Monies he ſhall have received by virtue of this Act; then, and in every ſuch Caſe, the Executor or Executors, Adminiſtrator or Adminiſtrators, Aſſignee or Aſſignees, of his Eſtate and Effects, or other Perſon or Perſons poſſeſſing the ſame, or in whom the ſame have or hath veſted, ſhall, in the firſt Place, and in Preference to all other Creditors, pay the ſaid Monies remaining unpaid or delivered up, as aforeſaid, out of his ſaid Eſtate and Effects, or as far as the ſame will extend, to the ſaid Commiſſioners under this Act, or to any Perſons appointed by them, or any Five or more of them, and alſo all Books, Papers, Writings, and other Things concerning his Office, or relating to the Execution of this Act: And every Executor or Adminiſtrator, Aſſignee, or other Perſon or Perſons poſſeſſed of ſuch Effects as aforeſaid, may plead ſuch Payment in any Action or Suit that may be brought againſt him, her, or them, on account of the ſaid Eſtate or Effects, or give the ſame in Evidence: And in caſe

On Death of Officers, or becoming inſolvent, Executors, &c. to account.

caſe of Nonpayment of ſuch Monies, or Nondelivery of ſuch Books, Papers, Writings, or Things, by the Space of Ten Days after the ſame ſhall be demanded, it ſhall and may be lawful for the Perſon to be appointed by the ſaid Commiſſioners as aforeſaid, or any Five or more of them, and he is hereby required to commence and bring, and authoriſed to maintain, One or more Action or Actions, in any of His Majeſty's Courts of Record at Weſtminſter, againſt ſuch Executor or Adminiſtrator, Aſſignee, or other Perſon or Perſons poſſeſſing the Eſtate and Effects which did belong to ſuch deceaſed Perſon or Bankrupt, for Recovery thereof, together with Coſts of Suit, or of Damages, in lieu of ſuch Books, Papers, Writings, and Things.

Officers taking any Reward other than their Salaries, or being intereſted in any Bargain made by the Commiſſioners, are diſqualified, and ſhall forfeit 100 *l.*

VIII. And be it further enacted, That if any Perſon who ſhall be employed as a Clerk, Treaſurer, Collector, Receiver, or Surveyor, or any other Officer or Servant, who ſhall be anywiſe employed by the ſaid Commiſſioners in putting this Act, or any the Powers thereof, in Execution, ſhall exact, take, or accept any Fee or Reward whatſoever, other than ſuch Salaries, Allowances, and Rewards, as ſhall be appointed, allowed, and approved of by the Commiſſioners, or any Five or more of them, for or on account of any Thing done, or to be done, by virtue of this Act, or on any Account whatſoever relative to the putting this Act in Execution; or ſhall anywiſe be concerned or intereſted in any Bargain or Contract made, or to be made, by the ſaid Commiſſioners, or any of them, for the Purpoſes of putting this Act in Execution; every ſuch Perſon, ſo offending, ſhall be incapable of ever ſerving or being employed under this Act, and ſhall over and above forfeit the Sum of One hundred Pounds to any Perſon or Perſons who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, within Six Calendar Months after the Offence committed; in which ſaid Action no Eſſoin, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed.

Commiſſioners impowered to pave and alter Streets, *&c.* therein named;

IX. And be it further enacted by the Authority aforeſaid, That from and after the Second Monday from the paſſing of this Act, the ſaid Commiſſioners, or any Five or more of them, are hereby authoriſed and impowered, from Time to Time, to cauſe, order, and direct the ſaid Street, called Wapping Street, and a Lane opening into the ſaid Street, called Brewhouſe Lane, as far as a Lane called Old Gravel Lane, and a Street called Little Hermitage Street, which opens into Wapping Street aforeſaid at the Weſt End thereof; and the Street which is hereby authoriſed to be made and opened from Little Hermitage Street aforeſaid into Nightingale Lane, in the County aforeſaid; and alſo the South End of Nightingale Lane aforeſaid, as far as the End of Burr Street, or any of them, to be paved, repaired, ſunk, or altered, in ſuch Manner as they ſhall think fit.

and may contract for paving the Streets.

X. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, may, and are hereby impowered, from Time to Time, at any of the ſaid publick Meetings, as Occaſion ſhall require, to contract by Deed or Deeds, in Writing, with any Perſon or Perſons, for paving and keeping in Repair the ſaid Streets, Lanes, and Places, authoriſed to be paved as aforeſaid, or any of them; which Contract and Contracts ſhall ſpecify the ſeveral Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſaid Works ſhall be completed, and the Penalties to be ſuffered, in caſe of Nonperformance thereof, and ſhall be ſigned by the ſaid Commiſſioners, or any Five or more of them, and by the Perſon or Perſons contracting to perform ſuch Works; but previous to the making of any ſuch Contract, Ten Days Notice ſhall be given in One or more publick News-papers, expreſſing the Intention of the intended Contract, in order that any Perſon or Perſons willing to undertake the ſame may make Propoſals for that Purpoſe, to be offered and preſented to the ſaid Commiſſioners at a certain Time and Place in each Notice to be mentioned.

Surveyors to inſpect the Works;

and if Contract not performed, Action to be brought thereon.

XI. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, and they are hereby directed, to cauſe all and every the Works done in purſuance of this Act to be inſpected by their Surveyor and Surveyors, or by ſuch other Perſon or Perſons as they ſhall, from Time to Time, appoint: And in caſe the ſame ſhall not be well and ſufficiently performed, according to the true Senſe and Meaning of ſuch Contract or Contracts, or ſhall not be finiſhed and completed at or within the Time or Times that the ſame are agreed to be completed by the ſaid Contract or Contracts, the ſaid Commiſſioners ſhall and may, in their own Names, or in the Names of any Five or more of them, bring an Action in any of His Majeſty's Courts of Record at Weſtminſter againſt any Perſon or Perſons ſo contracting, and neglecting to perform ſuch Contract or Contracts, and for any Penalty or Penalties, Damage or Damages, which ſhall be contained in ſuch Contract or Contracts; and upon the proving the Signing of the ſaid Contract and Contracts and Nonperformance thereof, at the Time or Times for the Purpoſe therein mentioned, the ſaid Commiſſioners ſhall be intitled to, and ſhall recover ſuch Penalty or Penalties, Damage or Damages; which, when recovered, ſhall be applied for the Purpoſes of this Act.

Materials may be dug out of, or brought into the Streets, *&c.*

XII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall alſo have full Power and Authority to cauſe to be dug, carted, and carried out of, and brought into the ſaid Streets and Places, authoriſed to be paved as aforeſaid, ſuch Gravel, Stones, and other Materials, and to employ ſuch Artificers, Workmen, Labourers, Carters, and others, and to iſſue ſuch Money on thoſe Accounts, and to do all and every ſuch other Acts and Things, as the ſaid Commiſſioners, or any Five or more of them, ſhall judge neceſſary, or conducive to the accompliſhing the Ends and Deſigns of this Act.

Property of all Materials veſted in the Commiſſioners.

Penalty on ſtealing or injuring the Materials.

XIII. And be it further enacted by the Authority aforeſaid, That the Property of the Pavements of the ſaid Streets and Places to be paved, and of all other Materials and Things which ſhall be provided and made uſe of for the Purpoſes of this Act, ſhall be, and the ſame are hereby veſted in the Commiſſioners for the Time being; and they, or any Five or more of them, are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name or Names of any Two or more of them, or to prefer, and order and direct the preferring of Indictments againſt any Perſon or Perſons who ſhall ſteal, take, or carry away any Part of ſuch Materials or Things, or diſturb them in the Poſſeſſion thereof.

Penalty on interrupting Workmen.

XIV. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, at any Time or Times, obſtruct, hinder, or moleſt, any Surveyor or Surveyors, or other Officer or Officers, Workmen, Perſon or Perſons whatſoever, who is, are, or ſhall be employed, by virtue of this Act, in the Performance or Execution of his or their Duty, every ſuch Perſon ſo offending ſhall, for the Firſt Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third, and every other Offence, the Sum of Three Pounds.

Commiſſioners may ſell the old Materials.

XV. And it is hereby further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power and Authority, from Time to Time, to ſell and diſpoſe of all or any Part of the old Pavement, or other Materials, to ſuch Perſon or Perſons as ſhall be willing to purchaſe the ſame, and to apply the Purchaſe-money to the Purpoſes of this Act.

Notice to be given to Surveyors of taking up Pavement, or repairing Vaults,

Commiſſioners to relay it, and be reimburſed the Expences.

XVI. And be it further enacted by the Authority aforeſaid, That when and ſo often as any Part of the Pavement within the Diſtrict aforeſaid ſhall be taken up for the Purpoſe of making, repairing, altering, cleanſing, or emptying any Sewer, Vault, or Drain, or of laying, altering, or amending any Water-pipe or Plug, or for any other Purpoſe whatſoever; the Perſon or Perſons ſo taking up ſuch Pavement ſhall immediately give Notice thereof to the Surveyor to the Commiſſioners for putting this Act in Execution, in order that the ſame may, with all convenient Speed, be laid down and repaired, under the Inſpection of the ſaid Surveyor, and the Charges and Expences thereof ſhall be paid by the ſaid Commiſſioners; and they ſhall be reimburſed the ſame by the Companies of Water-works, or Commiſſioners of Sewers, on whoſe Account, or by whoſe Order, the ſaid Pavements, or any Part or Parts thereof, ſhall be taken up; but if ſuch Pavement ſhall not be taken up on their Account, then ſuch Expence ſhall be reimburſed by the Occupier or Owner of the Vault or Drain, or other Place, on which Account ſuch Pavement ſhall be taken up, or other Perſon or Perſons taking up, or cauſing the ſame to be taken up.

Commiſſioners may compound with the Companies of Sewers;

XVII. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners for putting this Act in Execution, or any Five or more of them, from Time to Time, to compound and agree with the ſaid Companies or Commiſſioners of Sewers, or other Perſon or Perſons reſpectively, for a certain Sum of Money by the Foot or other Meaſure, as the ſaid Commiſſioners for putting this Act in Execution, or any Five or more of them, ſhall think reaſonable, in lieu and in ſtead of laying down or repairing ſuch Pavement as ſhall be neceſſarily taken up for any the Purpoſes aforeſaid.

On Refuſal of Payment,

an Action may be brought for the Money.

XVIII. And be it further enacted by the Authority aforeſaid, That in caſe ſuch Companies of Water-works, or Commiſſioners of Sewers, Owner, Occupier, or Perſon or Perſons aforeſaid reſpectively, ſhall neglect or refuſe to pay what the ſaid Commiſſioners ſhall have ſo paid and diſburſed, or what ſhall be due upon ſuch Contract or Compoſition as aforeſaid, within Six Days next after Notice thereof, to be left by the Surveyor or Clerk appointed, or to be appointed, by the ſaid Commiſſioners appointed by this Act, at the Dwelling-houſe, or laſt Place of Abode of ſuch Perſon or Perſons, or of the Secretary or Secretaries, Clerk or Clerks, of ſuch Companies of Water-works, or Commiſſioners of Sewers reſpectively; which Notice ſhall be in Writing, and ſigned by the Clerk to the Commiſſioners for putting this Act in Execution, by Order of the ſaid Commiſſioners, or any Five or more of them, and annexed to the Bill containing an Account of the Expence of ſuch Repair, or Money due upon ſuch Compoſition; it ſhall and may be lawful to and for the ſaid laſt-mentioned Commiſſioners, or any Five or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, commenced, and proſecuted, in the Name of ſuch Perſon or Perſons as they ſhall appoint, any Action or Actions for the Recovery of ſuch Sum or Sums of Money reſpectively, with Coſts of Suit; but as to the Monies that ſhall become payable as aforeſaid from the Companies of Water-works and Commiſſioners of Sewers, ſuch Action or Actions ſhall be brought againſt the reſpective Treaſurers, or other Perſon or Perſons holding, poſſeſſing, or having the Management of any Monies belonging to ſuch Companies and Commiſſioners, in any One of His Majeſty's Courts of Record at Weſtminſter, in Debt, Caſe, or otherwiſe, by Bill, Plaint, or Information, in which Action or Suit no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed: And in caſe ſuch Perſon or Perſons, hereby directed to give ſuch Notice to the Surveyor or Clerk to the Commiſſioners for putting this Act in Execution, as is before directed, ſhall neglect ſo to do for the Space of Six Hours after ſuch Pavement ſhall be ſo taken up, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

Commiſſioners to pay for altering Pipes.

XIX. And be it further enacted by the Authority aforeſaid, That if, for the Purpoſes of this Act, it ſhall at any Time be found neceſſary to raiſe, ſink, or otherwiſe alter the Poſition of any of the Pipes or Plugs laid down or placed by the ſaid Companies, or of any of the Leaden or other Pipes which ſhall be laid into or from any of the ſaid Companies Pipes; which the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to cauſe to be done as often, and in ſuch Places, as they ſhall think proper; and the ſame ſhall be paid for out of the Monies ariſing by virtue of this Act, and ſhall be done with as little Detriment or Inconvenience to the ſaid Companies and other Perſons, as the Circumſtances of the Caſe will admit of.

Water Companies Pipes breaking, Notice to be given to ſuch Companies,

XX. And be it further enacted by the Authority aforeſaid, That when and ſo often as it ſhall happen that any Pipe or Pipes belonging to any Water Company ſhall break or burſt within the Diſtrict aforeſaid, it ſhall and may be lawful to and for the Surveyor to the ſaid Commiſſioners for the Time being, or ſuch other Perſon as the ſaid Commiſſioners, or any Five or more of them, ſhall appoint for that Purpoſe, to give immediate Notice thereof to the Pavior of the Water Company to whom he apprehends ſuch Pipe or Pipes does, or do, or may belong, and require him to take up the Pavement, and open the Ground, at or near the Place where the Water ſhall or may iſſue by reaſon of ſuch Pipe or Pipes breaking or burſting, within Two Days next after ſuch Notice given to ſuch Pavior, or left at his laſt or uſual Place of Abode: And if, upon taking up the Pavement, and opening the Ground, it ſhall appear that the Pipe or Pipes ſo broke or burſt do or doth not belong to the Water Company whoſe Pavior ſhall have taken up ſuch Pavement, and opened ſuch Ground; that then, and in ſuch Caſe, the Surveyor, or other Perſon as aforeſaid, ſhall give immediate Notice to the Pavior of that Company, to whom it ſhall appear that the ſaid Pipe or Pipes do or doth belong; ſuch Notice to be given or left with ſuch Pavior, or at his laſt or uſual Place of Abode; and the Pavior of the Company to whom ſuch Pipe or Pipes ſhall belong is hereby required to repair the ſame, and fill in the Ground, within Two Days after ſuch Notice given or left as aforeſaid; and alſo, within Six Hours after ſuch Pipes ſhall be repaired, and the Ground filled in, to give Notice thereof to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor or other Perſon appointed by the ſaid Commiſſioners for that Purpoſe; which Notice may be left at his or their laſt or uſaul Place of Abode: And in caſe it ſhall happen that the Pavior who firſt receives Notice to take up the Pavement, and open the Ground for the Purpoſes aforeſaid, ſhall take up ſuch Pavement and open ſuch Ground, and it ſhall then be diſcovered, that the Pipe or Pipes which is, are, or ſhall be burſt or broke doth or do not belong to the Company to whom he is a Pavior; that then, and in ſuch Caſe, the Pavior of the Company to whom ſuch Pipe or Pipes do or doth belong ſhall make Satiſfaction to the Pavior who ſo took up ſuch Pavement, and opened ſuch Ground, for ſuch Work: And in caſe the Pavior to whom ſuch Notices ſhall be ſo given to take up ſuch Pavement and open ſuch Ground, ſhall neglect or refuſe to do the ſame, within the ſaid Two Days after ſuch Notice given, he ſhall, for the Firſt Offence, forfeit and pay the Sum of Twenty Shillings, and for the Second Offence the Sum of Forty Shillings, and for the Third, and every other Offence, the Sum of Three Pounds: And in caſe the Pavior of the Company to whom ſuch Pipe or Pipes ſo broke or burſt ſhall belong, ſhall neglect to repair and amend the ſame, and fill in the Ground ſo taken up, for the Space of Two Days next after ſuch Notice given; or ſhall neglect to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor to the ſaid Commiſſioners, or to ſuch Perſons as aforeſaid; ſuch Pavior ſhall, for the Firſt Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third, and every other Offence, the Sum of Three Pounds: And if the Perſon or Perſons contracting with the ſaid Commiſſioners to relay ſuch Pavement, ſo broke or taken up for the Reaſons aforeſaid, ſhall neglect or refuſe to relay ſuch Pavement, in a good, ſufficient, and effectual Manner, within Two Days after Notice given to him as aforeſaid; or if the Surveyor or other Perſon to whom ſuch Notice ſhall be given ſhall neglect to acquaint the Pavior or Contractor of ſuch Notice; then, and in every ſuch Caſe, the Perſon or Perſons ſo offending ſhall, for the Firſt Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third, and every other Offence, the Sum of Three Pounds.

when repaired Notice to be given to Commiſſioners' Paviors.

Pipes not belonging to the Company who firſt opens the Ground are to be paid their Charges by the Company to whom they belong.

Paviors to Water Companies to give Notice to the Surveyor, *&c.* of their Names and Abode.

XXI. And be it further enacted by the Authority aforeſaid, That the ſeveral and reſpective Perſons now appointed Paviors to the ſeveral and reſpective Water Companies, who ſhall have any Pipe or Pipes laid in, through, or under any of the Streets, Lanes, or Places within the Diſtrict compriſed in this Act, ſhall, and each ſuch Perſon is hereby required, within Fourteen Days next after the paſſing of this Act, and each ſuch Pavior hereafter to be appointed as aforeſaid is hereby required, within the Space of Three Days next after he ſhall be appointed Pavior to any ſuch Company, to give Notice in Writing to the Surveyor or Clerk for the Time being to the ſaid Commiſſioners, of their the ſaid Paviors reſpective Names and Places of Abode, and to what Company they are reſpectively Paviors: And in caſe any ſuch Pavior ſhall neglect or refuſe to give ſuch Notice as is above required, he ſhall forfeit the Sum of Twenty Shillings; and alſo the like Sum of Twenty Shillings every Time he ſhall remove from ſuch Place of Abode, and omit to give the like Notice within Two Days after every ſuch Removal.

No Alteration to be made in the Pavement without Commiſſioners Conſent.

XXII. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall make, or cauſe to be made, any Alteration in the Form of the Pavement or Pavements of the ſaid Streets, Lanes, or Places, within the Diſtrict aforeſaid, or of any Part thereof, without the Conſent or Direction of the ſaid Commiſſioners, or any Five or more of them, under their Hands and Seals, upon Pain of forfeiting, for every ſuch Offence, the Sum of Five Pounds, over and above all Expences incurred, or to be incurred, in reinſtating the ſame.

Courſe of Gutters may be turned,

and Grates altered, *&c.*

XXIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, to direct and cauſe the Courſe of any Gutter or Channel, running in or through the ſaid Streets, Lanes, or Places, within the ſaid Diſtrict, or any of them, to be turned or altered in ſuch Manner as they ſhall think proper; and to direct the Grates already placed, or hereafter to be placed, over any Sewers, to be removed and replaced in ſuch Manner, and at ſuch Place and Places, as they ſhall think moſt proper; ſo as the ſame be not detrimental or prejudicial to the publick Sewers, and be from Time to Time done at the Expence of the ſaid Commiſſioners, and paid for out of the Money ariſing by virtue of this Act; any Law, Uſage, or Cuſtom, to the Contrary notwithſtanding.

Where it ſhall be neceſſary to make new Grates, or repair old ones, Notice to be given to Commiſſioners of Sewers, *&c.*

XXIV. And be it further enacted by the Authority aforeſaid, That when and ſo often as there ſhall be Occaſion to make new or additional Grates over any Sewer or Sewers within the ſaid Diſtrict, or to repair, alter, cleanſe, or amend any of the ſaid Sewers, or the Grates over the ſame, the Clerk for the Time being of the Commiſſioners for the ſaid Sewers ſhall, at the Requeſt in Writing of the Surveyor for the ſaid Commiſſioners of Pavement, or other Perſon or Perſons authoriſed by them for that Purpoſe, forthwith ſummons the ſaid Commiſſioners of Sewers to meet, in order to take the Premiſes under

Conſideration, which they are hereby authoriſed and required to do, at ſuch Meeting; and alſo at the ſame Meeting, or any adjourned or other Meeting, to exerciſe the ſeveral Powers and Authorities with which they are inveſted, in order that the ſaid ſeveral Works may be ſpeedily and effectually done, compleated, and finiſhed.

Penalty of laying Aſhes, &c. in the Streets.

XXV. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons whatſoever ſhall throw, caſt, or lay, or cauſe or permit or ſuffer to be thrown, caſt, or laid, any Aſhes, Duſt, Dirt, Soil, or other Filth whatſoever, before his, her, or their Dwelling-houſe, Shop, Stable, Wall, or other Building in the ſaid Diſtrict, or in any of the Streets, Lanes, Alleys, Paſſages, or Places within the Diſtrict compriſed in this Act; but ſhall keep, or cauſe the ſame to be kept, in their reſpective Houſes or Yards, until ſuch Time as the Perſon or Perſons contracted with or employed to carry away ſuch Aſhes, Duſt, Dirt, Filth, or Soil, do come by or near their Houſes, Doors, or Places where they dwell, with a Cart or Carts, or other Conveniency, for carrying away the ſame; upon Pain of forfeiting, for the Firſt Offence the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third, and every other Offence, the Sum of Three Pounds.

Penalty on obſtructing the Streets, &c. by Carriages, Timber, or other Materials.

XXVI. And be it further enacted by the Authority aforeſaid, That from and after the Second Monday next after the paſſing of this Act, if any Timber, Stones, or other Materials, Goods, Merchandiſe, or other Things whatſoever, are ſet out, placed, or laid in any of the ſaid Streets, Lanes, Alleys, Paſſages, or Places, or Diſtrict aforeſaid, ſo as to obſtruct the Free Paſſage thereof; or if any Coach or other Carriage (except Hackney Coaches, which ſhall and may ſtand in ſuch Part or Parts of the ſaid Streets, Lanes, or Places, or ſome of them only, as ſhall be appointed by the ſaid Commiſſioners, or any Five or more of them) ſhall be placed or ſuffered to ſtand, remain, or continue in any of the ſaid Streets, Lanes, or Paſſages aforeſaid, ſo as to obſtruct, endanger, or incommode, any Perſon or Perſons, Carriage or Carriages whatſoever; or in caſe any Cart, Waggon, Dray, or other Carriage, ſhall be placed or ſuffered to ſtand any longer than is needful and neceſſary for loading or unloading thereof reſpectively; or if any ſuch Cart, Dray, Waggon, or other Carriage, ſhall be placed or ſet acroſs any Part of the ſaid Streets or Places within the ſaid Diſtrict, or any of them, for any Purpoſe whatſoever; it ſhall and may be lawful, in any of the ſaid Caſes, for any One of the ſaid Commiſſioners, or any One of their Officers, or Perſon to be appointed by them, or any One of them, to remove Nuiſances, to ſeize, or cauſe to be ſeized, the ſaid Cart, Waggon, Dray, Coach, or other Carriage, ſo placed or ſuffered to ſtand contrary to the true Meaning of this Act, together with the Horſe or Horſes thereunto belonging, or the Goods, Materials, Matters, and Things reſpectively, making or occaſioning ſuch Annoyance, Nuiſance, or Obſtruction, and remove the ſame, or cauſe the ſame to be removed, taken, carried away, and depoſited in ſuch Place or Places as the ſaid Commiſſioners, or any Five or more of them, ſhall direct or appoint; there to remain until the Offender or Offenders ſhall have paid and diſcharged all Coſts, Charges, and Expences attending the carrying away and depoſiting the ſame as aforeſaid, as alſo a Sum not exceeding Twenty Shillings for each ſuch Offence: And in caſe the ſame ſhall not be claimed, and the ſaid Sum of Twenty Shillings and Charges paid within Three Days next after ſuch Seizure, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, or the Perſon or Perſons to be by them appointed for that Purpoſe, to cauſe the ſame to be appraiſed and ſold, and the Monies ariſing therefrom ſhall be applied to the Purpoſes of this Act.

Penalty on driving, Wheels, &c. on the Foot Pavements.

XXVII. And be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall run, drive, draw, or cauſe to be run, driven, or drawn, on any Part of the Foot-pavements of the ſaid Streets, Lanes, or Places, or any or either of them, any Wheel or Wheels, Sledge, Wheel-barrow, or any Carriage or other Thing whatſoever; ſuch Perſon or Perſons ſhall forfeit, for the Firſt Offence, the Sum of Five Shillings, for the Second Offence the Sum of Ten Shillings, and for the Third, and every other Offence, the Sum of Twenty Shillings: And it ſhall and may be lawful for any Perſon or Perſons whatſoever to take the Perſon or Perſons ſo offending into Cuſtody, and take him or them to a Juſtice or Juſtices of the County or Place where ſuch Offence ſhall be committed, to be dealt with as herein-after is directed.

Hoards, &c. may be made for building and repairing with Leave.

XXVIII. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall be lawful for any Perſon or Perſons to erect or ſet up, or cauſe to be erected or ſet up, in any of the ſaid Streets, Lanes, or Places compriſed within the Diſtrict aforeſaid, any Incloſure, Poſts, Bars, or Rails, or other Matters or Things, for the Purpoſe of making Mortar, and depoſiting Bricks, Lime, or other Materials for Building or repairing any Houſes, Buildings, or other Works; every ſuch Perſon or Perſons firſt obtaining Leave, under the Hand of the Surveyor or Clerk for the Time being to the ſaid Commiſſioners, for thoſe Purpoſes reſpectively, which he is hereby impowered to give by their Permiſſion: But if any Perſon or Perſons ſhall erect, ſet up, or cauſe to be erected and ſet up, any ſuch Incloſures, Poſts, Bars, or Rails, or any other Matter or Thing for the Purpoſes aforeſaid, without ſuch Leave firſt had and obtained; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay a Sum not exceeding Twenty Shillings for every Day ſuch Incloſure, Matter, or Thing as aforeſaid, ſhall remain and continue.

Foot Pavements to be ſwept every Day (except *Sundays*).

XXIX. And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons inhabiting within the ſaid Diſtrict ſhall, from and after the ſaid Second Monday next after the paſſing of this Act, ſweep and clean, or cauſe to be ſwept and cleanſed, the Foot-paths before their reſpective Houſes, Buildings, and Walls, once in every Day, between the Hours of Six and Nine in the Forenoon, (Sundays excepted) under Pain of forfeiting Five Shillings for every Neglect therein.

Houſes to be numbered, and Names of the Streets, &c. to be fixed on the Corner Houſes.

XXX. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, may order and direct the Houſes within the ſaid Streets, Lanes, and Places, or any of them, to be numbered with Figures placed or painted on the Doors thereof, or on ſuch other Part of the ſaid Houſes reſpectively as they the ſaid Commiſſioners, or any Five or more of them, ſhall think proper; and may alſo order and direct

to

Penalty on defacing the Names, &c.

to be engraved, painted, or otherwiſe deſcribed, on a conſpicuous Part of ſome Houſe or other Building, at or near the End or Corner of each Street, Lane, Court, Yard, Alley, Paſſage, or Place adjoining to, or being near the ſaid Streets, Lanes, or Places hereby authoriſed to be paved reſpectively, the Names by which ſuch reſpective Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places ſo adjoining is uſually or properly called or known: And if any Perſon or Perſons ſhall wilfully or maliciouſly deſtroy, injure, obliterate, or deface any ſuch Number, Figure, Name, or Deſcription, or any Part thereof, or cauſe or procure the ſame to be done, and ſhall be convicted thereof by his or their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, before One or more Juſtice or Juſtices of the Peace acting in and for the County or Place where ſuch Offence ſhall be committed; every ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds.

Signs, &c. to be regulated.

XXXI. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Second Monday next after the paſſing of this Act, the ſaid Commiſſioners, or any Five or more of them, ſhall or may cauſe all Signs which then, or at any Time after, ſhall be placed or hung in any Part of the ſaid Streets, Lanes, or Places within the Diſtrict aforeſaid, to be fixed or placed on the Fronts of ſuch Houſes reſpectively whereunto the ſame ſhall belong; and alſo ſhall and may cauſe all Sign-irons, Sign-poſts, Boards, Spouts, Gutters, Pent-houſes, Poſts, Rails, or other Things occaſioning any Obſtruction or Annoyance in the ſaid Streets or Places to be removed or altered in ſuch Manner as the ſaid Commiſſioners, or any Five or more of them, ſhall think moſt proper and convenient; and that for the future all Signs, Boards, Spouts, or Gutters, ſhall be placed or fixed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings whereunto they reſpectively belong, and not otherwiſe: And if any Perſon or Perſons ſhall at any Time hereafter hang, place, erect, or build, any Sign, Sign-poſt or Iron, Board, Spout, or Gutter, or cauſe the ſame to be done, in any other Manner than as aforeſaid; or ſhall place Poſts or Rails, or in any other Manner occaſion any Incroachment, Nuiſance, or Annoyance to be made in the ſaid Streets, Lanes, or Places, or any of them, compriſed within the Diſtrict aforeſaid, or permit or ſuffer any Nuiſance to remain or continue therein; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds.

Signs, &c. unuſed, to be returned.

XXXII. Provided always, and be it further enacted by the Authority aforeſaid, That if any, or any Part of any ſuch Sign, Sign-iron, or Poſt, Board, Gutter, Spout, Pent-houſe, or other Projection or Incroachment, ſhall remain unuſed after the Alteration made thereto, as before directed, the ſame ſhall be returned to, and be the Property of the Perſon to whom the ſame belonged before ſuch Removal or Alteration.

Steps, &c. projecting too far, to be removed.

XXXIII. And whereas the ſaid Streets, Lanes, Alleys, and Places within the Diſtrict aforeſaid, are, in ſome Parts thereof, greatly obſtructed, and made dangerous to Foot-paſſengers, by Steps being brought out or projecting from Houſes, and by Steps and Doors going down into Cellars, Vaults, and other Places, and by Shew-glaſſes, Shew-boards, and other Matters or Things projecting from Shops or Houſes, over and beyond the Area belonging to ſuch Houſes, or into the Foot-ways; be it therefore enacted by the Authority aforeſaid, That from and after the ſaid Second Monday next after the paſſing of this Act, all ſuch Steps projecting into the Foot-ways of the ſaid Streets, Lanes, Alleys, and Places, and all Steps and Doors going down out of the Foot-ways into any Cellars, Vaults, or other Places belonging to any Houſe, Shop, Warehouſe, or Tenement, as likeways all Shew-glaſſes or Shew-boards projecting over and beyond the Area, or into the Foot-ways, and all and every other Material, Matter, or Thing, belonging to any Houſe, Workhouſe, Shop, Cellar, or other Building, which do or ſhall cauſe or occaſion any Nuiſance, Annoyance, Incroachment, or Obſtruction in the ſaid Streets, Lanes, and Places, or any of them, within the Diſtrict aforeſaid, (either in the Foot or Carriage Way thereof), ſhall and may be, at the Expence of the ſaid Commiſſioners, from Time to Time, removed, fixed, placed, or altered, in ſuch Manner and Form as ſhall be approved of by the ſaid Commiſſioners, or any Five or more of them, or their Surveyor by their Direction.

Pavement of Streets, and opening into thoſe to be paved to be repaired on Notice from the Commiſſioners;

XXXIV. And whereas it is apprehended that the Pavements of the ſaid ſeveral Streets, Lanes, Alleys, Courts, and Paſſages immediatley opening into the ſaid Streets, Lanes, and Places before named and authoriſed to be paved, and which are within the Diſtrict compriſed in this Act, might be kept in much better Order and Condition than they have hitherto been, without new-paving the ſame, if further Powers were given unto the ſaid Commiſſioners appointed by this Act; be it therefore enacted by the Authority aforeſaid, That the Surveyor for the Time being to the ſaid Commiſſioners, or other Perſon or Perſons by them appointed, ſhall, from Time to Time, view the State and Condition of the Pavement of the ſaid Streets, Lanes, and other Places, and all Defects and Wants of Repair, and to preſent the ſame to the ſaid Commiſſioners upon Oath, (which Oath they, or any Two or more of them, are hereby impowered to adminiſter), and the ſaid Commiſſioners, or any Five or more of them, ſhall thereupon ſend Notice, in Writing, to the Tenant, Occupier, or Owner of the Houſe or Houſes, or other Building or Tenement, oppoſite to which ſuch defective or bad Pavement ſhall be, (to be left at his, her, or their Houſe, or uſual Place of Abode), requiring the ſame to be amended within Six Days; and if the ſame ſhall not be done according to ſuch Notice, the ſaid Surveyor, or other Perſon appointed for that Purpoſe by the ſaid Commiſſioners, or any Five or more of them, ſhall cauſe the ſame to be forthwith amended, and he ſhall be reimburſed and paid for the ſame by ſuch Tenant, Occupier, or Owner, immediately after delivering in a Bill or Account containing the Particulars thereof: And in caſe of Nonpayment thereof after ſuch Delivery, it ſhall and may be lawful for the ſaid Surveyor, or Perſon aforeſaid, to make Complaint thereof to any Juſtice or Juſtices of the Peace for the County or Place where the Perſon or Perſons ſo neglecting or refuſing to pay ſhall be or reſide; and ſuch Juſtice or Juſtices may, and is and are hereby authoriſed and required to iſſue a Warrant, under his or their Hand and Seal, or Hands and Seals, to cauſe the Party or Parties to be brought before him or them; and upon the Party or Parties appearing, or not being to be found

and in Default thereof the Surveyor may do it, and oblige the Owner to pay the Expence.

found after due Enquiry, and Proof thereof by the Oath of the Party making ſuch Enquiry, to hear and determine the Matter in a ſummary Way: And if, upon the Confeſſion of the Party or Parties, or by the Oath of One or more credible Witneſs or Witneſſes, it ſhall appear to ſuch Juſtice or Juſtices that ſuch Charges and Expences have been incurred by ſuch Surveyor or Perſon, and not paid or ſatisfied by the Party or Parties aforeſaid, or any Part thereof; then ſuch Juſtice or Juſtices may, and he or they is and are hereby authoriſed and required to iſſue a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, for levying the ſame, or ſo much thereof as ſhall appear to him or them to be reaſonably due, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties: And if after Payment of the Monies to be levied as aforeſaid, together with all Charges attending ſuch Diſtreſs and Sale, there ſhall be an Overplus, then the ſame ſhall be paid to the Owner or Owners of ſuch Goods and Chattels, upon Demand.

Not to make void any Contract, &c. between Landlord and Tenant.

Tenant may deduct Expence of paving out of his Rent.

XXXV. Provided always, That nothing herein contained ſhall be deemed or taken to make void any Cuſtom, Uſage, Contract, Covenant, or Agreement, between Landlord and Tenant, touching or concerning the keeping in Repair ſuch Pavement: And in all Caſes where the Landlord is required to keep ſuch Pavement in Repair, it ſhall and may be lawful for the Tenant or Tenants, Occupier or Occupiers, to deduct the reaſonable Expence incurred by paving or repairing of Pavement, or ſo much Monies as he, ſhe, or they ſhall have paid for defraying the Expence of any ſuch Pavement, out of his, her, or their Rent due, or to grow due, to ſuch Landlord or Landlords; who is and are hereby required to allow ſuch Deductions and Payments in Part of the Rent then due; and every ſuch Tenant or Tenants ſhall be acquitted and diſcharged of ſo much of the ſaid Rent as the Money ſo paid as aforeſaid ſhall amount to.

Rates not to exceed 1*s.* 6*d.* in the Pound

XXXVI. And, for defraying the Charges and Expences of paving and repairing the ſaid Streets, Lanes, and Places, which the ſaid Commiſſioners are hereby authoriſed and impowered to pave, and for removing Annoyances and Incroachments therein, and for other the Purpoſes of this Act, be it enacted by the Authority aforeſaid, That, from and after the paſſing of this Act, One or more Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall, Twice in every Year, or oftener, if it ſhall be thought needful by the ſaid Commiſſioners, or any Seven or more of them, be made, laid, and aſſeſſed by the ſaid Commiſſioners, or any Seven or more of them, of and upon all and every Perſon and Perſons who do or ſhall inhabit, hold, or occupy any Land, Houſe, Shop, Warehouſe, Wharf, Dock-yard, or other Yards, Cellar, Vault, or other Tenement, within the ſaid laſt-mentioned Streets, Lanes, and Places reſpectively, or adjoining to or opening into the ſame, and in ſuch competent Sum and Sums of Money as the ſaid Commiſſioners, or any Seven or more of them, ſhall yearly and every Year order and direct; ſo as ſuch Rates, or Aſſeſſments do not exceed in the Whole the Sum of One Shilling and Sixpence in the Pound, in any One Year, of the yearly Rent or yearly Value of ſuch Lands, Houſes, Shops, Warehouſes, Wharfs, Dock-yards, or other Yards, Cellars, Vaults, or other Tenements as aforeſaid.

One-third Part of Rates to be allowed by Landlords, the other Two-thirds to be paid by the Tenants.

XXXVII. And be it enacted by the Authority aforeſaid, That One-third Part of the ſaid reſpective Rates is and are hereby required to be allowed by the Landlord or Landlords of any Houſes, Shops, Wharfs, Dock-yards, or other Yards, Warehouſes, or other Buildings and Tenements ſituate in the ſaid Streets and Places to be rated as aforeſaid, to the Tenant or Tenants, Occupier or Occupiers thereof, who ſhall pay the ſame; and ſuch Payment ſhall be adjudged and conſidered in Law as Money actually paid for Rent due, or to become due, to ſuch Landlord or Landlords of the ſame Eſtates reſpectively; and the other Two-third Parts thereof ſhall be borne and ſuſtained by the Tenant or Tenants, Occupier or Occupiers, of ſuch Eſtate or Eſtates.

Rates to be ſigned by Two Juſtices, who are to grant Warrants to collect and levy the ſame.

Manner of Recovery

XXXVIII. And be it further enacted by the Authority aforeſaid, That all Rates made by virtue of this Act, ſhall be allowed and ſigned by Two Juſtices of the Peace acting in and for the ſaid County or Place; who are alſo hereby impowered and required to grant a Warrant or Warrants for collecting thereof, as alſo for levying of the ſame, by ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Five or more of them, ſhall nominate or appoint; and which Warrants ſhall be ſufficient Authorities to the reſpective Perſons thereby authoriſed for the Purpoſes therein mentioned; and the ſaid Rates, after the ſame ſhall be ſo allowed and ſigned by the ſaid Juſtices, ſhall be collected Half-yearly, or oftener, if the ſaid Commiſſioners, or any Seven or more of them, ſhall think it neceſſary, by the Collector or Collectors, or other Perſon or Perſons to be appointed by the ſaid Commiſſioners as aforeſaid for that Purpoſe: And if any Perſon or Perſons ſhall refuſe, neglect, or omit to pay the Sum or Sums of Money which he, ſhe, or they ſhall be rated or aſſeſſed at by virtue of this Act, for the Space of Ten Days after perſonal Demand made thereof, or Demand in Writing left at the Place of Abode or Occupation of ſuch Perſon or Perſons; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Perſon and Perſons who ſhall be required by ſuch Warrant as aforeſaid, and he and they is and are hereby authoriſed and required to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting, refuſing, or omitting to pay the ſame: And in caſe no ſuch Goods or Chattels can be found to be ſo diſtrained, or in caſe ſuch Goods or Chattels ſhall be locked up or ſecured, or removed from the Perſon or Perſons authoriſed to diſtrain, as aforeſaid, ſo that he or they cannot diſtrain the ſame; then, and in either of the ſaid Caſes, upon Information thereof given to the ſaid Juſtices, or any Two Juſtices of the Peace for the ſaid County or Place where the Perſon or Perſons ſo rated and aſſeſſed as aforeſaid ſhall then reſide, it ſhall and may be lawful for ſuch Juſtices, and they are hereby required to commit the Offender or Offenders to the common Gaol or Houſe of Correction for the County or Place where ſuch Offence ſhall be committed; there to remain without Bail or Mainprize for any Time not exceeding the Space of Six Months, or until the Payment of ſuch Rate or Aſſeſſment, and reaſonable Charges occaſioned by the Nonpayment thereof.

XXXIX. And whereas many Houſes within the ſaid Streets, Lanes, and Places, hereby authoriſed to be paved, are or may by the ſeveral Owners or Proprietors thereof be let out in Lodgings or Tenements to divers Tenants, whereby it will be difficult to rate and aſſeſs ſuch Houſes, or to recover ſuch Rates and Aſſeſſments when made: For Remedy whereof, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, and at all Times when they meet to make a Rate in purſuance of this Act, to rate and aſſeſs the Owner or Owners of ſuch Houſes or Tenements as ſhall be let to or occupied by Two or more Tenants; which Rate and Aſſeſſment ſhall be paid by One or more of the Tenants or Occupiers of any Part or Parts of ſuch Houſes: And in caſe any Occupier or Occupiers of any Part of ſuch Houſes or Tenements ſhall refuſe or neglect to pay the ſame, for the like Space of Ten Days after ſuch Demand as aforeſaid, the ſaid Rate and Aſſeſſment ſhall, in like Manner, be levied by Diſtreſs and Sale of the Goods of him, her, or them, ſo refuſing to pay the ſame as aforeſaid; and ſuch Occupier or Occupiers of ſuch Tenements reſpectively is and are hereby required and authoriſed to pay ſuch Sum and Sums of Money as ſhall be ſo rated or aſſeſſed on the Owner or Owners of ſuch Houſes, in purſuance of this Act, and to deduct the ſame out of the Rent thereof; and the Owner or Owners, Proprietor or Proprietors thereof, are hereby required to allow ſuch Deductions and Payments upon the Receipt of the Reſidue of their Rents: And every ſuch Tenant paying ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be acquitted and diſcharged for ſo much Money as the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall amount unto, as if the ſame had been actually paid to ſuch Perſon or Perſons to whom his, her, or their Rent ſhould have been or ſhall be due and payable.

Where Houſes are let out in Tenements, Owners are to be aſſeſſed, but Tenants to pay; who may deduct it out of their Rents.

XL. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Nine or more of them, from Time to Time, to compound with the Owner or Owners, Proprietor or Proprietors, of any ſuch Houſes, or any other Houſes, within the ſaid Streets and Places to be rated as aforeſaid, the annual Rent or Value whereof ſhall be under Ten Pounds, for the Rate by this Act authoriſed to be laid upon ſuch Houſes; ſo as in ſuch Compoſitions there be not remitted to ſuch Owner or Owners, Proprietor or Proprietors reſpectively, more than One-third of the Rate by this Act laid upon ſuch Houſes reſpectively.

Commiſſioners may compound with the Owner for the Rates of Houſes, &c. under 10 *l.* a Year.

XLI. And be it further enacted by the Authority aforeſaid, That in caſe it ſhall ſo happen that any of the Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, Wharfs, Dock-yards, or other Yards, or other Tenements, or any Part or Parts thereof, within the ſaid Streets and Places to be rated as aforeſaid, or any or either of them, ſhall, at any Time from and after the making of the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, be empty, untenanted, or unoccupied; that then, and in every ſuch Caſe, One Half of the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, or One Half of ſuch other Rates as may be aſſeſſed by virtue of this Act, ſhall be paid by the Owners or Proprietors of ſuch Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements: And in caſe of Nonpayment thereof, ſuch Lands, Houſes, Shops, Warehouſes, Vaults, Cellars, or other Tenements, ſhall be, and the ſame are hereby made a Security for, and chargeable with, ſuch Arrears; or any Action or Actions may be commenced and proſecuted againſt the Landlord or Landlords, or Owner or Owners thereof, for the Recovery thereof, with Coſts of Suit, in the Name of ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Five or more of them, ſhall order and direct.

Where Houſes ſhall be unoccupied, Owners ſhall be charged One Half of the Rates; and the Premiſes remain a Security.

XLII. And it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby required, at ſuch Times as the Rates hereby directed ſhall be made, to rate and aſſeſs, for the Purpoſes aforeſaid, all Churches, Churchyards, Meeting-houſes, and other Places of publick Worſhip, or intended for that Purpoſe, with the Ground belonging thereunto, Hoſpitals, Priſons, and all other publick Buildings whatſoever, and all void Spaces of Ground fenced in, or otherwiſe ſituate and being in or adjoining to the ſaid Streets, Lanes, and other Places, to be rated as aforeſaid, at ſuch Rate as the ſaid Commiſſioners, or any Seven or more of them, ſhall judge reaſonable; but not exceeding Sixpence for every Square Yard belonging to every ſuch Church, Churchyard, Meeting-houſe, and other Place of publick Worſhip, with the Ground thereunto belonging, Priſon, and other publick Building, dead Wall, and void Space of Ground: And ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſo to be from Time to Time made, ſhall be paid by the reſpective Perſons following; that is to ſay, For every Church and Churchyard by the Churchwardens thereof; for every dead Wall and vacant Piece of Ground, by the Owner or Owners, or Proprietor or Proprietors thereof; for every Meeting-houſe and other Place of publick Worſhip, with the Ground thereunto belonging, by the Proprietor or Proprietors, Truſtee or Truſtees, or their Treaſurer, Miniſter, or Deacon, or other Perſon officiating therein; and for every Hoſpital, Priſon, or other publick Building, by the Perſon or Perſons who are now liable to pay for paving or keeping in Repair the Pavements in the Front thereof: And in caſe any of the Perſons aforeſaid ſhall refuſe or neglect to pay the ſaid laſt-mentioned Rates to the ſaid Collector or Collectors, upon perſonal Demand thereof made, or in Writing, left at the uſual Place of Abode of the Perſon or Perſons required to pay the ſame; then, and in every ſuch Caſe, the ſame ſhall and may be recovered of the Perſon or Perſons ſo required to pay the ſame, by any Action in any of His Majeſty's Courts of Record at Weſtminſter, or other inferior Courts, together with Coſts of Suit, to be commenced or proſecuted in the Name or Names of the Collector or Collectors who ſhall have ſo demanded the ſame; in which Action or Suit no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Churches, Churchyards, Meeting-houſes, dead Walls, and void Spaces of Ground, &c. may be rated.

XLIII. And be it enacted by the Authority aforeſaid, That all Landlords or Owners, Tenants or Occupiers, of any waſte or vacant Piece of Ground, or Scite of any Houſe or Tenement, lying in or adjoining to any of the Streets, Lanes, or Places, compriſed in this Act, which ſhall lie open to and unfenced from the ſame, or where the Fence ſhall be in a ruinous Condition, or out of Repair, ſhall, within Ten Days after Notice delivered to him, her, or them, or any or either of them, by the Order of the ſaid Commiſſioners, or any Five or more of them, well and ſufficiently fence in the Premiſes mentioned in ſuch

Vacant Grounds to be fenced in at the Expence of the Owner.

Notice, or cauſe the old Fence (if any) to be well and ſufficiently repaired within the Time aforeſaid: And in caſe ſuch Works ſhall not be completely finiſhed within the Time aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to order and cauſe the ſame to be done, completed, and finiſhed; and the Tenant or Occupier thereof, or other Perſon in Poſſeſſion thereof, or ſeiſed thereof, to whom ſuch Notice as aforeſaid ſhall have been given, ſhall pay the Expence thereof upon Demand of the Perſon authoriſed by the ſaid Commiſſioners, or any Five or more of them, to receive the ſame: And in caſe of Refuſal or Neglect to pay the ſame, it ſhall and may be lawful for ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Five or more of them, ſhall authoriſe, appoint, order, or direct, for that Purpoſe, to bring, commence, and proſecute One or more Actions or Suits for the Recovery of ſuch Expence, together with Coſts of Suit, from the Perſon or Perſons ſo neglecting or refuſing to pay as aforeſaid.

Tenants and Occupiers to pay the Rates.

XLIV. And, to the End the ſaid Rates may be more effectually collected and received, be it further enacted, That all and every Tenant or Tenants, Occupier or Occupiers, of Lands, Houſes, Shops, Warehouſes, Wharfs, Cellars, Docks, Dock-yards, or other Yards, Vaults, or other Tenements, are and ſhall be liable to pay all and every the Rates and Aſſeſſments that ſhall have been rated and aſſeſſed by virtue of this Act, for or in reſpect of the Tenement or Tenements by him, her, or them reſpectively occupied, and all Arrears thereof accruing and becoming due while the ſaid Tenements were empty and unoccupied, when no Compoſition ſhall have been made as aforeſaid, to the Collector or Collectors, or other Perſon or Perſons appointed by the ſaid Commiſſioners as aforeſaid; and ſhall be ſubject to ſuch Diſtreſs and Impriſonment as aforeſaid in caſe of Nonpayment thereof as aforeſaid: And in caſe of ſuch Payment, ſuch Tenant or Tenants, and Occupier or Occupiers, ſhall be at Liberty, and is and are hereby authoriſed to deduct and detain, out of his, her, and their Rent, ſuch Proportion of ſuch Rates, as he, ſhe, or they ſhall reſpectively pay for on account of the ſeveral Owner or Owners, Proprietor or Proprietors, Landlord or Landlords of ſuch Lands, Houſes, Shops, Warehouſes, Cellars, Wharfs, Docks, Dock-yards, or other Yards, Vaults, or other Tenements.

Occupiers quitting without paying Rates, may be followed.

XLV. And be it further enacted by the Authority aforeſaid, That when any Perſon or Perſons, who have or hath been rated and aſſeſſed by virtue of this Act, ſhall quit his, her, or their Dwelling-houſe, Warehouſe, Wharf, Shop, Vault, Cellar, Dock, Dock-yard, or other Yard, or Tenement, whereupon ſuch Rate or Aſſeſſment has been made, before he, ſhe, or they ſhall have paid the ſame, and ſhall afterwards refuſe to pay the ſame when due, and demanded as aforeſaid, by the Perſon or Perſons authoriſed and appointed to collect and receive the ſame; that then, and in every ſuch Caſe, it ſhall and may be lawful to and for ſuch Perſon or Perſons as ſhall be appointed by the ſaid Commiſſioners, or any Five or more of them, and every or any of them, by Warrant under the Hand and Seal of any One or more Juſtices of the Peace acting in and for the ſaid County or Places (which Warrant the ſaid Juſtice or Juſtices is and are hereby authoriſed and required to grant) into any Place within their reſpective Juriſdictions, or out of the Limits thereof, ſuch Warrant being firſt backed or counterſigned by ſome Magiſtrate in the County, City, or Liberty, where the Diſtreſs is to be made, to diſtrain the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing, and the ſame to ſell, rendering the Overplus (if any ſuch ſhall be) after deducting the reaſonable Charges and Expences of ſuch Diſtreſs and Sale to the Owner of ſuch Goods and Chattels demanding the ſame.

Commiſſioners, with Two Juſtices, impowered to mitigate or remit Rates.

XLVI. Provided always, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, with Two or more Juſtices of the Peace of the County or Place aforeſaid, and they are hereby impowered, upon the Complaints of any Perſon or Perſons ſubject to the Payment of any Rate or Rates, Aſſeſſment or Aſſeſſments, to be made by virtue of this Act, who ſhall think himſelf, herſelf, or themſelves aggrieved thereby, to mitigate, reduce, or leſſen the ſame, as they, in their Diſcretion, ſhall think juſt and reaſonable; and alſo to remit or excuſe the Payment thereof, by any Perſon or Perſons hereby made ſubject to the Payment thereof, for or on account of the Poverty or Indigence of ſuch Perſon or Perſons, or Inability to pay: And the ſaid Commiſſioners, or any Five or more of them, ſhall appoint, or order the Time and Place of hearing ſuch Complaints; and Notice thereof, left in Writing with, or at the Place of Abode of, the Perſon or Perſons neglecting or refuſing to pay ſuch Rates, after Demand made thereof as aforeſaid, ſhall be ſufficient; and ſuch Juſtices are hereby required to attend, upon Notice to them thereof given, by Order of any Three or more of the ſaid Commiſſioners.

Perſons paying this Rate, exempted from all other Expences of Paving.

XLVII. And be it further enacted, That all and every Perſon or Perſons paying the Rates and Aſſeſſments of this Act laid, within the Streets, Lanes, and Places to be paved as aforeſaid, ſhall be, and they and every of them is and are hereby exempted and diſcharged from all other Charges and Expences of paving the ſame Streets, Lanes, and Places, or any Part or Parts thereof, and alſo from all Penalties which may or might be incurred by reaſon or means of their neglecting to pave the ſame reſpectively; any Law, Statute, or Uſage to the Contrary notwithſtanding.

Agreement between Landlord and Tenant not vacated, &c

XLVIII. Provided always, and be it further enacted by the Authority aforeſaid, That nothing in this Act contained ſhall be conſtrued, deemed, or taken to impeach, alter, or make void any Agreement made between Landlord and Tenant, either expreſſed or implied, in any Leaſe now granted, or to be expreſſed or implied in any Leaſe hereafter to be made, purſuant to any Contract or Agreement for a Leaſe, now ſubſiſting, touching, or concerning the paving the ſaid Streets, Lanes, and Places to be rated as aforeſaid, or any Part of them, or either of them; but that every Perſon or Perſons, who, by virtue of any Leaſe already granted, or any Leaſe hereafter to be made, purſuant to any Contract or Agreement for a Leaſe now ſubſiſting, is, are, or ought to be obliged or liable to pave and keep in Repair any Part of the ſaid Streets, Lanes, and Places, or any of them, ſhall, in Lieu thereof, be obliged to pay the Rates hereby directed to be made and aſſeſſed, or ſo much thereof as ſhall, by the ſaid Commiſſioners, or any Seven or more of them, be deemed juſt and reaſonable, according to the true Meaning of ſuch Leaſe, Contract, or Agreement, for and during ſuch Time as ſuch Leaſe, Contract, or Agreement ſhall remain in Force, or ought to have Continuance; any Thing in this Act contained to the Contrary thereof in anywiſe notwithſtanding.

Penalty on Collectors refuſing to execute the Office.

XLIX. And be it further enacted by the Authority aforeſaid, That in caſe any Perſon who ſhall be appointed to the Office or Duty of Collector of the ſaid Rates and Aſſeſſments, or any Part thereof, ſhall refuſe or neglect to take ſuch Office and Duty upon him, within the Space of Six Days next after ſuch Rate or Aſſeſſment as aforeſaid ſhall be made, and delivered or tendered to him; every Perſon ſo refuſing or neglecting, and alſo every ſuch Perſon who ſhall be negligent in the Performance or Execution of his Duty, ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Pounds.

None liable to ſerve above once in Three Years.

L. Provided nevertheleſs, That no Perſon ſhall be obliged to ſerve the ſaid Office of Collector oftener than once in Three Years.

In caſe of Collectors becoming inſolvent, the Monies to be again aſſeſſed.

LI. And it is hereby further enacted, That in caſe any Collector of the ſaid Rates or Aſſeſſments ſhall become inſolvent, or ſhall imbezzle or make away with, detain, or miſapply, any Sum or Sums of Money ſo collected by him for the Purpoſes aforeſaid, or ſhall die poſſeſſed of any Sum or Sums of Money by him or them collected by virtue of this Act, or ſo as the ſame cannot be obtained by the Time the ſaid Commiſſioners ſhall ſtand in need thereof for the Purpoſes for which the ſame was collected; then, and in every ſuch Caſe, ſuch Sum and Sums of Money ſhall be again rated and aſſeſſed by the ſaid Commiſſioners, or any Seven or more of them, in the Streets, Lanes, and Places, for which ſuch Perſon ſhall have been appointed Collector, in ſuch Proportion and Manner as the Rates are directed to be made by this Act; and ſhall be collected, levied, and diſtrained in ſuch Manner, and under ſuch Penalties, as are herein provided for collecting and levying the Rates due and payable by this Act.

Collectors diſqualified from acting as Commiſſioners.

LII. Provided always, and be it enacted, That none of the Commiſſioners herein named, or who ſhall be hereafter choſen by virtue of this Act, ſhall act as Commiſſioners, during ſuch Time as he or they ſhall execute the Office of Collector or Collectors of the Rates to be raiſed and levied purſuant to this Act.

Pavements liable to be repaired by any Pariſh, &c. are to be repaired at their Expence by the Commiſſioners Paviors.

LIII. And be it further enacted by the Authority aforeſaid, That where any Part or Parts of the Pavements of the ſaid Streets, Lanes, Alleys, or other Places within the Diſtrict as aforeſaid, hath or have been accuſtomed, or ought to be paved and repaired by any particular Pariſh or Pariſhes, Bodies Politick or Corporate, and not by the Owners or Occupiers of the Houſes or other Buildings adjoining to the Pavements of the ſaid Streets, Lanes, Alleys, and Places reſpectively; the ſame ſhall be paved and repaired at the Expence of the reſpective Pariſh or Pariſhes, Bodies Politick or Corporate, by the Pavior or Paviors contracting with or employed by the ſaid Commiſſioners.

The Commiſſioners may compound with ſuch Pariſhes.

LIV. Provided always, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, from Time to Time to compound and agree for the ſame with any ſuch Pariſh or Pariſhes, or Bodies Politick or Corporate, for a certain Sum of Money by the Foot, or other Meaſure, as the ſaid Commiſſioners, or any Five or more of them, ſhall think reaſonable.

7000 *l.* may be advanced for the Purchaſe of Annuities.

LV. And whereas the Money to be collected, by virtue of the Rates to be made in purſuance of this Act, will not be ſufficient for the ſpeedy carrying into Execution the Purpoſes aforeſaid; be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay into the Hands of the ſaid Commiſſioners, or any Five or more of them, for the Uſes and Purpoſes in this Act mentioned, any Sum or Sums of Money not exceeding in the Whole the Sum of Seven thouſand Pounds, for the abſolute Purchaſe of One or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of ſuch Contributor or Contributors reſpectively, or the natural Life of ſuch other Perſon or Perſons as ſhall be nominated by or on the Behalf of ſuch Contributor or Contributors reſpectively, at the Time of Payment of his, her, or their reſpective Contribution-money, ſo as the ſaid Annuity or Annuities do not exceed the Rate of Ten Pounds by the Hundred, and ſo in proportion for any greater or leſs Sum, to be paid as aforeſaid.

Annuities to be charged upon the Rates,

LVI. And be it further enacted, That all and every the Annuity or Annuities, ſo to be purchaſed under and by virtue of this Act, ſhall be and are hereby charged upon, and ſhall be paid and payable from Time to Time out of, the Monies ariſing by the Rates and Aſſeſſments as aforeſaid; and all and every the Contributor and Contributors upon the Credit of this Act, duly paying the Contribution or Purchaſe Money for any ſuch Annuity or Annuities as aforeſaid, or his, her, or their reſpective Executors, Adminiſtrators, or Aſſigns, ſhall have, receive, and enjoy, and be intitled, by virtue of this Act, to have, receive, and enjoy, the reſpective Annuity or Annuities ſo to be purchaſed, out of the ſaid Rates or Aſſeſſments by this Act appointed for the Payment thereof as aforeſaid, during the Term of the natural Life of the Perſon to be nominated by each ſuch Purchaſer or Contributor, as before mentioned; and that all and every ſuch Purchaſer and Purchaſers, and their Executors, Adminiſtrators, or Aſſigns, ſhall have good, ſure, abſolute, and indefeaſible Eſtates and Intereſt in the Annuity or Annuities ſo by him or them reſpectively to be purchaſed, according to the Tenor and true Meaning of this Act; and that none of the ſaid Annuities ſhall be ſubject or liable to the Tax charged, or to be charged, upon Land by Authority of Parliament; and that every Contributor upon this Act for the Purchaſe of any ſuch Annuity or Annuities as aforeſaid, his, her, or their Aſſigns, upon Payment of the Conſideration or Purchaſe Money, ſhall have a Receipt or Receipts for the ſame, and alſo an Order on Parchment (which may be made without any Stamps) for Payment of the ſaid Annuity or Annuities for and during the natural Life of the Perſon who ſhall be ſo nominated as aforeſaid, by Four quarterly Payments in the Year; which Order ſhall be ſigned by the ſaid Commiſſioners, or any Five or more of them; and after ſigning thereof, the ſame ſhall be firm, valid, and of good Effect in the Law, according to the true Purport and Meaning of this Act.

and deemed indefeaſible Eſtates,

not chargeable to the Land Tax.

Receipts and Orders for Payment to be ſigned, and given to the Contributors.

LVII. And be it further enacted, That it ſhall and may be lawful to and for any Purchaſer or Purchaſers of any ſuch Annuity or Annuities as aforeſaid, and his, her, or their Executors, Adminiſtrators, or Aſſigns, at any Time or Times, by Writing under his, her, or their Hand and Seal, or Hands and Seals, to aſſign ſuch Annuity or Annuities, or any Part thereof, or Intereſt therein, to any Perſon or Perſons whatſoever, and ſo toties quoties; and a Memorandum or Entry of all ſuch Orders and Aſſignments ſhall be made in the Book to be kept, as hereafter mentioned, at the Charge of the ſaid Commiſſioners; for which Entry or Memorandum the Sum of Two Shillings and Sixpence ſhall be paid, and no more; and no ſuch Aſſignment ſhall be deemed valid, unleſs ſuch Memorandum or Entry ſhall be firſt made as aforeſaid.

Annuities may be aſſigned *toties quoties*.

LVIII. And be it enacted by the Authority aforeſaid, That all Houſes and Buildings hereafter to be built or new-fronted, or any Part thereof, within the Diſtrict aforeſaid, ſhall, for the effectual and abſolute Prevention of all Manner of Projections, Annoyances, and Inconveniencies thereby, riſe perpendicularly from the Foundation: And if any Perſon or Perſons ſhall, at any Time or Times hereafter, preſume to build or new-front any Houſe or other Building, or any Part thereof, within the Diſtrict aforeſaid, or cauſe the ſame to be done, or riſe otherwiſe than perpendicularly from ſuch Foundation, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, under their Hands and Seals, to cauſe the ſame to be pulled down and removed by any Perſon, Workmen, or Perſons they ſhall think fit; the Coſts and Charges whereof ſhall be paid and reimburſed to the ſaid Commiſſioners, or any Five or more of them, or their Order, by the Owner or Owners of ſuch Houſes or Buildings, or other Perſon or Perſons ordering or directing the ſame: And in caſe of ſuch Refuſal or Neglect in paying or reimburſing the ſame to the ſaid Commiſſioners, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint to receive the ſame, it ſhall and may be lawful for any Five or more of them to cauſe any Action or Actions to be brought in the Name of any of their Officers, for the Recovery thereof, with Coſts of Suit.

Houſes, &c. to riſe perpendicularly, when new-built, or new-fronted.

LIX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Receiver or Receivers of the Rates or Aſſeſſments, or for any other Perſon or Perſons authoriſed by the ſaid Commiſſioners, or any Five or more of them, at all convenient Times, (firſt having an Order under the Hands of the ſaid Commiſſioners, or any Five or more of them, for that Purpoſe), to inſpect the Books of Aſſeſſments of the Land-tax, and alſo the Books or Rates made for raiſing Money for the Relief and Maintenance of the Poor, of all or any of the Pariſhes or Places into which the Diſtrict hereby deſcribed doth extend, or either of them, in order to aſcertain the Rates and Aſſeſſments to be raiſed by virtue hereof; and alſo to take Copies thereof, or make Extracts therefrom; and likewiſe to inſpect and take Copies of, or Extracts out of or from, any Book or Books kept by any Pariſh Officer or Officers, or other Officer or Officers appointed by Authority of Parliament within the Cities of London or Weſtminſter, or County of Middleſex, for the paving, cleanſing, or lighting any Square, Street, Lane, Place, or Diſtrict, in London, Weſtminſter, or Middleſex; which Inſpection, Copies, and Extracts, the Veſtry Clerk or Veſtry Clerks, or other Officer or Officers of the reſpective Pariſhes and Places, or other Officer or Officers, Perſon or Perſons, having the Cuſtody of ſuch Book, Aſſeſſment, and Rate, Books, Aſſeſſments, and Rates, are hereby required to permit and ſuffer to be made, without Fee or Reward, by ſuch Receiver or Receivers, or other Perſon or Perſons appointed as aforeſaid, on their producing an Order under the Hands of the ſaid Commiſſioners, or any Five or more of them, for that Purpoſe: And in caſe any ſuch Veſtry Clerk, or other ſuch Officer or Officers, or Perſon or Perſons, ſhall neglect or refuſe ſo to do, within Three Days after ſuch Order ſhall be produced and ſhewn to him or them, or a Copy thereof left at his or their laſt or moſt uſual Place of Abode; then, and in every ſuch Caſe, he or they ſo refuſing or neglecting, ſhall, for the Firſt Offence, forfeit the Sum of Twenty Shillings, and for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence, the Sum of Three Pounds.

Receiver, or other Perſon authoriſed by the Commiſſioners, are to be allowed to inſpect and take Copies of or Extracts from the Books of Land-tax, and of Poors Rates, &c. in the ſeveral Pariſhes, *gratis*, in order to aſcertain the ſaid Aſſeſſments.

Penalty for Refuſal.

LX. Provided always, That as ſuch Annuitant or Annuitants ſhall die off, and ſuch Rates or Aſſeſſments can be lowered and reduced, the ſame ſhall be ſo done, in equal Proportions, from Time to Time.

As Annuitants die, the Rates to be lowered.

LXI. And be it further enacted by the Authority aforeſaid, That all Monies raiſed or collected, by virtue or by Means, or under the Authority of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners; and all Monies raiſed or collected by virtue of this Act, ſhall be applied for the Purpoſes of this Act, and to and for no other Uſe or Purpoſe whatſoever.

Monies raiſed veſted in the Commiſſioners, to be applied for the Purpoſes of this Act.

LXII. Provided always, and be it further enacted by the Authority aforeſaid, That the Charges and Expences of procuring and paſſing this Act, ſhall be paid out of the Firſt Monies which ſhall be raiſed by virtue of this Act.

Expences of paſſing this Act to be firſt paid.

LXIII. And be it further enacted by the Authority aforeſaid, That if at any Time hereafter Two-thirds or more of the Houſeholders, and Landlords or Owners of Houſes and Tenements, within any the ſaid Streets, Lanes, Alleys, Courts, Paſſages, or Places, opening immediately into the ſaid Streets, Lanes, and Places herein before-mentioned and authoriſed to be paved, ſhall, at any Time hereafter, apply by Petition to the ſaid Commiſſioners, or any Nine or more of them, expreſſing their Deſire to have the ſame paved, and cleared of Incroachments, Nuiſances, Obſtructions, and Annoyances; that then it ſhall and may be lawful for the ſaid Commiſſioners, or any Nine of them, to cauſe the ſame to be done; and they are hereby impowered to rate and aſſeſs the Inhabitants of ſuch Street, Lane, Paſſage, Alley, Court, or Place, for the Purpoſes aforeſaid, (ſo as ſuch Aſſeſſment does not exceed One Shilling and Sixpence in the Pound), and to raiſe Monies upon Annuities for Lives, or otherwiſe, upon the Credit of ſuch Rate or Aſſeſſments, ſufficient for defraying the Expences of the ſaid Works only; and the Pavement of the ſaid Street, Lane, or other Place comprehended in ſuch Petition, ſhall, after an Order made by the ſaid Commiſſioners, or any Nine or more of them, for the Purpoſes aforeſaid, be from thenceforth veſted in the ſaid Commiſſioners appointed by this Act; and

Optional Clauſe.

The Out Streets may be paved by the Commiſſioners, upon Petition of the Tenants, &c.

and may aſſeſs the Inhabitants;

and to raiſe Monies by Annuities for Lives, to defray the Expence of ſuch Pavement.

and then ſuch Street to be comprehended in this Act.

ſuch Street or Place ſhall remain under the ſame Government, Direction, and Management of them and their Officers, or other Perſons appointed by them for that Purpoſe, as the ſaid ſeveral Streets, Lanes, and Places, firſt authoriſed to be paved; and the ſaid Commiſſioners, Officers, Servants, Workmen, and other Perſons acting under them, ſhall have the ſame Power and Authority, in, over, and through ſuch Street or Place petitioned for as aforeſaid, and the ſeveral Inhabitants, Landlords, Tenants, and Occupiers thereof, Companies, Commiſſioners, Bodies Politick and Corporate, and their Officers, Servants, and Workmen, and all and every other Perſon or Perſons whatſoever intereſted or intitled to any Privilege therein, and every Matter and Thing relating to the Premiſes, as the ſaid Commiſſioners appointed by this Act, and their Officers, Servants, and Workmen acting under them, are inveſted with by this Act, for the better Management, ordering, regulating, and rendering more commodious the ſeveral Streets and Places hereby firſt authoriſed to be paved; and every Clauſe, Matter, and Thing contained in this Act ſhall be conſtrued, adjudged, deemed, and taken to extend to every ſuch Street, Lane, and Place, petitioned for as aforeſaid, as alſo to the ſeveral Inhabitants, Landlords, Tenants, and Occupiers thereof, Companies, Commiſſioners, Bodies Politick and Corporate, their Officers, Servants, and Workmen, and all and every other Perſon and Perſons intereſted or intitled to any Privilege therein, and every Matter or Thing relating to or in any-wiſe concerning the Premiſes, in like Manner as the ſame Clauſes extend, or ſhall be adjudged or conſtrued to extend, in ſimilar Caſes, to the ſeveral Streets and Places firſt authoriſed to be paved, and the ſeveral Inhabitants, Landlords, Tenants, and Occupiers thereof, Companies, Commiſſioners, Bodies Politick and Corporate, and all and every other Perſon or Perſons whatſoever intereſted or intitled to any Privilege therein, or to any Matter or Thing relating to the Premiſes; and the like Penalties, Forfeitures, and Puniſhments, ſhall be inflicted, and for the like Cauſes, as are herein expreſſed; and ſhall be ſued for, recovered, levied, and executed in the ſame Manner.

Accounts of ſuch Pavement, with the Buſineſs relating thereto, to be kept ſeparate.

LXIV. Provided always, and be it enacted by the Authority aforeſaid, That the Accounts of the Receipts and Diſburſements ariſing upon the Works to be done for the Street or Place compriſed in ſuch Petition, and all other Buſineſs and Tranſactions relating thereto, ſhall be kept ſeparate and diſtinct from the Accounts of the Receipts and Diſburſements ariſing in conſequence of the Works to be done in the ſeveral Streets and Places herein before firſt authoriſed to be paved, and other Buſineſs and Tranſactions relating thereto; but that ſuch Accounts, as alſo the Accounts of the Buſineſs ariſing in conſequence of any ſubſequent Petition, ſhall be kept ſeparate and diſtinct from each other, and in no-wiſe interfere one with the other; and the Monies, Caſh, or Fund of each Account, ſhall be applied to the Uſes only for which ſuch Account is kept, and for no other Uſe or Purpoſe whatſoever.

Commiſſioners may compound for any Penalty given by this Act, or mitigate the ſame.

LXV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, to compound and agree with any Perſon or Perſons againſt whom any Action or Actions, Suit or Suits, ſhall be brought, commenced, or proſecuted, for any Penalty or Penalties contained in this Act, or in any Contract or Contracts hereafter to be entered into, on account of any Breach or Nonperformance of any ſuch Contract or Contracts, for ſuch Sum or Sums of Money as they, or any Five or more of them, ſhall think proper; and alſo to mitigate, compound, or leſſen any other the Forfeitures incurred under this Act, ſo as the Sums ſo compounded and agreed for be not leſs than the Injury or Damage ſuſtained by the Breach or Nonperformance of any Clauſe compriſed in this Act, or of ſuch Contract or Contracts, and all the Coſts, Charges, and Expences, which ſhall be occaſioned thereby; and ſo as the Mitigation of the other Forfeitures as aforeſaid do not extend to remit above One Moiety of the ſaid Forfeitures reſpectively.

Commiſſioners may contract for the Purchaſe of Lands, *&c.* out of *Little Hermitage Street.*

LXVI. And, as the rendering of *Wapping Street* more commodious will be of great Advantage to all thoſe that are concerned or intereſted in the Trade or Merchandiſe brought into the River *Thames*, by reaſon of its Affinity to and immediate Communication with the ſaid River, as well as to the Inhabitants thereof, and the Publick in general; be it therefore enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Nine or more of them, ſhall have full Power and Authority to contract and agree for the Purchaſe of any Houſes, Shops, or Warehouſes, or any Part thereof, or any Lands, Grounds, or other Tenements or Hereditaments, with the Owners and Occupiers thereof, and all other Perſons intereſted therein reſpectively, as the ſaid Commiſſioners, or any Nine or more of them, ſhall think neceſſary to be purchaſed, for making and opening a Street, not exceeding Thirty Feet wide, out of the ſaid Street called Little Hermitage Street, into the ſaid Street or Lane called Nightingale Lane aforeſaid; and alſo for rendering Wapping Street aforeſaid more uſeful and commodious, and for clearing the ſame from Projections and other Obſtructions; and upon Payment of the Sum or Sums agreed upon for ſuch Purchaſe or Purchaſes, to cauſe ſuch Houſes or other Buildings to be pulled down, and ſuch Grounds, or ſo much thereof as they ſhall adjudge neceſſary, to be laid into the ſaid Street intended to be made, and the ſaid Street called Wapping Street, for the Purpoſes aforeſaid; and to pay the Purchaſe-money, and all Expences attending ſuch Purchaſes, out of any Monies ariſing by virtue of this Act.

Corporations, *&c.* may contract for the Sale of Lands, *&c.*

LXVII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Truſtees, and Feoffees in Truſt, Guardians, and Committees for Lunaticks and Idiots, Executors, Adminiſtrators, Guardians, and Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes-covert, or other Perſons whatſoever, and to and for all Femes-covert who are or ſhall be ſeiſed in their own Right, and to and for all and every Perſon and Perſons whatſoever who are or ſhall be ſeiſed or poſſeſſed of or intereſted in any of the ſaid Lands, Tenements, or Hereditaments, to ſell and convey all or any of the ſaid Lands, Tenements, or Hereditaments, Eſtates and Intereſts, or any Part thereof, to the ſaid Commiſſioners, or any

Five or more of them; and that all Contracts, Agreements, Bargains, Sales, and Conveyances, which ſhall be made by ſuch Perſons as aforeſaid, ſhall be good and valid in Law to all Intents and Purpoſes, not only to convey the Eſtate and Intereſt of the Perſon and Perſons conveying, but alſo to convey all Right, Title, Intereſt, Uſe, Property, Claim, and Demand whatſoever, of their ſeveral and reſpective Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes-covert, or other Perſons whomſoever, and all claiming, or to claim by, from, or under them; any Law, Statute, Uſage, or any other Matter or Thing whatſoever, to the Contrary thereof in any-wiſe notwithſtanding: And all ſuch Perſons ſo conveying as aforeſaid ſhall be and are hereby indemnified for what they ſhall do by virtue or in purſuance of this Act, notwithſtanding any Omiſſion or Miſtake of Matter of Form whatſoever: And if it ſhall happen that any Perſon or Perſons, Bodies Politick, Corporate or Collegiate, or other Perſon or Perſons ſeiſed or poſſeſſed of or intereſted in any Lands, Tenements, or Hereditaments, as aforeſaid, ſituate between the ſaid Street called Little Hermitage Street and the ſaid Street or Lane called Nightingale Lane, or in a certain Meſſuage or Tenement ſituate on the North Side of Wapping Street aforeſaid, at the Weſt Corner of an Alley opening into the ſaid Street, commonly called or known by the Name of Milk Alley, now or lately occupied by Dupree, and containing in Front Thirteen Feet Six Inches, or thereabouts, from Eaſt to Weſt, and Twenty-ſeven Feet and Six Inches, or thereabouts, from South to North, ſhall refuſe to treat or agree for the Sale and Conveyance of their reſpective Eſtates and Intereſts therein reſpectively with the ſaid Commiſſioners, or any Nine or more of them, or with any Perſon or Perſons authoriſed by them, or any Nine or more of them, or ſhall not produce and evince a clear Title to the Premiſes they are in Poſſeſſion of, or to the Intereſt they claim, to the Satisfaction of the ſaid Commiſſioners, or of the Perſon or Perſons ſo authoriſed by them; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, and they are hereby authoriſed and impowered to iſſue a Warrant or Warrants, Precept or Precepts, directed to the Sheriff of the County of Middleſex, who is hereby authoriſed, directed, and required accordingly to impanel, ſummon, and return a competent Number of ſubſtantial and diſintereſted Perſons qualified to ſerve on Juries, not leſs than Forty-eight, nor more than Seventy-two; and out of ſuch Perſons ſo impanelled, ſummoned, and returned, a Jury of Twelve Men ſhall there be drawn by ſome Perſon to be by the ſaid Commiſſioners, or any Five or more of them, appointed, in ſuch Manner as Juries for Trials of Iſſues joined in His Majeſty's Courts at Weſtminſter, by an Act made in the Third Year of the Reign of King George the Second, intituled, An Act for the better Regulation of Juries, are directed to be drawn; which Perſons ſo to be impanelled, ſummoned, and returned, as aforeſaid, are hereby required to come and appear before the ſaid Commiſſioners, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants, Precept or Precepts, ſhall be directed and appointed; and all Parties concerned ſhall and may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not be at Liberty to challenge the Array: And the ſaid Commiſſioners, or any Five or more of them, are hereby authoriſed and impowered, by Precept or Precepts, from Time to Time, as Occaſion ſhall require, to call before them all and every Perſon and Perſons whomſoever who ſhall be thought proper or neceſſary to be examined as a Witneſs or Witneſſes before them, on their Oath or Oaths, touching and concerning the Premiſes; and the ſaid Commiſſioners, or any Five or more of them, if they think fit, ſhall and may likewiſe authoriſe the ſaid Jury to view the Place or Places in Queſtion, in ſuch Manner as they ſhall direct: And the ſaid Commiſſioners, or any Five or more of them, ſhall have Power to adjourn ſuch Meeting from Day to Day, as Occaſion ſhall require, and to command ſuch Jury, Witneſſes, and Parties, to attend, until all ſuch Affairs for which they were ſummoned ſhall be concluded: And the ſaid Jury, upon their Oaths, (which Oaths, as alſo the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to adminiſter), ſhall inquire of and aſſeſs the Value of ſuch Lands, Tenements, and Hereditaments, and the Damages that will be ſuſtained thereby, and of the proportionable Value of the reſpective Eſtates and Intereſts claimed therein, or in any Part thereof: And the ſaid Commiſſioners, or any Five or more of them, ſhall and may give Judgement, that the Sum or Sums of Money, ſo to be aſſeſſed, be the Value of ſuch Lands, Tenements, or Hereditaments, and of ſuch reſpective Eſtates and Intereſts therein, and Damages ſuſtained; which ſaid Verdict or Verdicts, and the ſaid Judgement thereupon (Notice in Writing being given to the Perſon or Perſons intereſted, or claiming ſo to be, at leaſt Fourteen Days before the Time of the Meeting of the ſaid Commiſſioners and Jury, by leaving ſuch Notice at the Dwelling-houſe of ſuch Perſon or Perſons, or at his or their uſual Place or Places of Abode, or with ſome Tenant or Occupier of ſome of the ſaid Lands, Tenements, or Hereditaments, intended to be valued and aſſeſſed, in caſe ſuch Party cannot otherwiſe be found out to be ſerved with ſuch Notice) ſhall be binding and concluſive, as to Value and Damages, as well againſt the King's Majeſty, His Heirs and Succeſſors, as againſt every other Perſon or Perſons, Bodies Politick and Corporate, and againſt all other Perſons whomſoever, claiming any Eſtate, Right, Title, Truſt, Uſe, or Intereſt, in, to, or out of the ſaid Lands, Tenements, Hereditaments, and Premiſes, whether in Poſſeſſion, Reverſion, Remainder, or Expectancy.

Bodies Politick, &c. refuſing to treat for the Sale of their Eſtates or Intereſts,

Commiſſioners to iſſue a Warrant to the Sheriff, &c. to ſummon a Jury,

who are to be drawn as the Act 3 *Geo.* II. directs.

Jurors may be challenged.

Witneſſes may be examined on Oath.

Jury to aſſeſs the Damages,

Commiſſioners to give final Judgement thereon.

Previous Notice to be given to Parties intereſted.

Upon Payment of the Sums aſſeſſed, Premiſes to be conveyed to the Commiſſioners.

LXVIII. And be it further enacted and declared, That upon Payment of the Sum or Sums of Money ſo to be awarded or adjudged to the Perſon or Perſons to whom the ſame ſhall be awarded, for the Purchaſe of the ſaid Lands, Tenements, or Hereditaments, or for the Purchaſe of any Eſtate or Intereſt therein, ſuch Perſon or Perſons ſhall make and execute, or procure to be made or executed, good, valid, and legal Conveyances, Aſſignments, and Aſſurances in the Law, to the ſaid Commiſſioners, or any Five or more of them, of the ſaid Lands, Tenements, and Hereditaments, or of ſuch Eſtate or Intereſt for which ſuch Sum or Sums of Money ſhall be ſo awarded; and

ſhall

Where a good Title cannot be made, or legal Conveyance executed, *&c.*

or the Parties not to be found, *&c.*

Money to be lodged in the Bank of *England.*

ſhall procure all neceſſary Parties to execute ſuch Conveyances, Aſſignments, and Aſſurances; and ſhall do all Acts, Matters, and Things, neceſſary to make a good, clear, and perfect Title to the ſaid Commiſſioners: And in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be awarded as aforeſaid ſhall not be able to evince their Title to the Premiſes, to the Satisfaction of the ſaid Commiſſioners, or any Nine or more of them, and to make, or procure to be made, good, valid, and legal Conveyances thereof, or ſhall refuſe ſo to do being thereto required, and the Sum or Sums ſo aſſeſſed and awarded being produced and tendered to be paid to him, her, or them, on their making ſuch Title, and executing, or procuring to be executed, ſuch Conveyances, Aſſignments, or Aſſurances as aforeſaid; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded cannot be found; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, to order the ſaid Sum or Sums of Money ſo aſſeſſed and awarded as the Value of, and Purchaſe-money for, the ſaid Lands, Tenements, and Hereditaments, as aforeſaid, to be paid into the Bank of England, in the Name and with the Privity of the Accountant-general of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments, (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court of Chancery, on the Application of any Perſon or Perſons making Claim to ſuch Sum, or any Part thereof, by Motion or Petition, ſhall be, and is hereby impowered, in a ſummary Way of Proceeding, or otherwiſe, as to the ſame Court ſhall ſeem meet, to order Diſtribution thereof according to the reſpective Eſtate or Eſtates, Title, or Intereſt, of the Perſon or Perſons making Claim thereunto, of, in, or to ſuch Lands, Tenements, and Hereditaments, to be made appear to, and to be declared by the ſaid Court, and according to the Value thereof aſſeſſed, as aforeſaid; and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of England, who ſhall receive ſuch Sum and Sums, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums, mentioning and ſpecifying for what Premiſes, and for whoſe Uſe, the ſame is or are received, to ſuch Perſon as ſhall pay any ſuch Sum or Sums into the Bank of England, as aforeſaid.

Verdicts, *&c.* to be regiſtered.

Copies good Evidence.

On ſuch Payment, Premiſes to veſt in the ſaid Commiſſioners.

LXIX. And be it further enacted, That a Memorial of all ſuch Verdicts, Judgements, Sentences, Decrees, and Orders, of the ſaid Commiſſioners and Juries, as relate to or concern any ſuch Lands, Tenements, or Hereditaments, ſo to be purchaſed, ſhall be entered in the Office appointed for regiſtering Deeds, Conveyances, Wills, and other Incumbrances, within the County of Middleſex; and the ſaid Verdicts, Judgements, Sentences, Decrees, and Orders, ſhall be deemed and taken to be Records to all Intents and Purpoſes whatſoever; and the ſame, or true Copies thereof, ſhall be deemed and taken to be a good and effectual Evidence and Proof in any Court or Courts of Law or Equity whatſoever; and all Perſons ſhall and may have Recourſe to the ſame *gratis*, and take Copies thereof, paying for every Copy not exceeding Two hundred Words Sixpence, and ſo proportionably for any greater or leſſer Number of Words: And immediately after ſuch Verdicts, Judgements, Sentences, Decrees, and Orders of the ſaid Commiſſioners and Juries, and Payment into the Bank as aforeſaid, all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand in Law and Equity, of the Perſon or Perſons (to whoſe Credit ſuch Money ſhall be paid) in, to, and out of the ſaid Lands, Tenements, Hereditaments, and Premiſes, ſhall veſt in the ſaid Commiſſioners, and they ſhall be deemed in Law to be in the actual Poſſeſſion thereof to all Intents and Purpoſes whatſoever, as fully and effectually as if every Perſon having any Eſtate in the Premiſes had actually conveyed the ſame by Leaſe and Releaſe, Bargain and Sale inrolled, Feoffment with Livery and Seiſin, Fine and Recovery, or any other Conveyance whatſoever; and ſuch Payment ſhall not only bar all Right, Title, Intereſt, Claim, and Demand, of the Perſon or Perſons to whoſe Credit ſuch Payment ſhall have been made, but alſo ſhall extend to, and be deemed and conſtrued to bar the Dower and Dowers of the Wife or Wives of ſuch Perſon or Perſons, and all Eſtates Tail, in Reverſion, or Remainder, and the Iſſue or Iſſues of ſuch Perſon or Perſons, and every Perſon claiming under them, as effectually as a Fine or Recovery would do, if levied or ſuffered by the proper Parties in due Form of Law.

Commiſſioners may inveſt Money in the publick Funds, *&c.*

LXX. Provided always, and be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, before ſuch Payment into the Bank as aforeſaid, and before any Application in reſpect thereof to the ſaid Court of Chancery, at the Petition of any Perſon or Perſons in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments, to place out or inveſt, or cauſe to be placed out or inveſted, ſuch Sum or Sums of Money, or any Part thereof, in ſome of the publick Funds, or Government Securities, at Intereſt, in the Name of any Perſon or Perſons authoriſed and appointed by the ſaid Commiſſioners, or any Five or more of them, for that Purpoſe, in Truſt, to transfer and aſſign the ſame to the Perſon or Perſons to whom the Premiſes belong, on their executing proper Conveyances thereof; and, in the mean Time, in Truſt, to pay the Intereſt and Dividends ariſing therefrom to the Perſon or Perſons who was or were in Poſſeſſion of the ſaid Premiſes at the Time of the ſaid Payment into the Bank.

Commiſſioners to order the ſame to be paid accordingly.

LXXI. Provided alſo, and be it further enacted, That all and every Perſon and Perſons who ſhall be intitled to recover the meſne Profits of the Premiſes againſt the Perſon or Perſons in Poſſeſſion, in caſe the ſame had not been ſo conveyed to or veſted in the ſaid Commiſſioners, as aforeſaid, ſhall be intitled to receive the Sum or Sums to ariſe from ſuch Intereſt and Dividends as aforeſaid, by Action of Debt, or otherwiſe, againſt the Perſon or Perſons who ſhall receive the ſame; and the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to make ſuch Order as aforeſaid on the Bank, for the Payment of ſuch Sum or Sums of Money, or any Part thereof, as ſhall be neceſſary, in order to the ſame being ſo inveſted in publick Securities; and the ſaid Commiſſioners ſhall be quieted in the Poſſeſſion of the Lands, Tenements, and Hereditaments, for which ſuch Money ſhall be ſo paid as aforeſaid, and ſhall not be anſwerable or accountable, in any Court of Law or Equity, for the Money ſo depoſited and placed out as aforeſaid, any otherwiſe than according to the Tenor, Purport, and true Meaning of this Act.

If Money not tendered, the Verdict and Judgment not to be binding.

LXXII. Provided always, and be it further enacted, That in caſe the ſaid Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, and ordered and adjudged by the ſaid Commiſſioners to be paid to the Owners, Occupiers, and others, for their reſpective Intereſts in the Premiſes aforeſaid, ſhall not be paid, tendered, or depoſited by the ſaid Commiſſioners, as herein directed, within Six Calendar Months after the ſame ſhall have been ſo aſſeſſed, ordered, and adjudged; then, and in ſuch Caſe, the Verdict of the ſaid Jury, and the Order and Adjudication of the ſaid Commiſſioners, ſhall not be binding upon the ſaid Parties; any Thing herein contained to the Contrary notwithſtanding.

Purchaſe-monies of Premiſes held in Truſt, to be reinveſted in other Purchaſes to the ſame Uſes.

LXXIII. And be it further enacted by the Authority aforeſaid, That the Principal Money ariſing from the Sale of any Houſes, Edifices, Lands, Tenements, or Hereditaments, which ſhall be purchaſed for the Purpoſes contained in this Act, of any Bodies Corporate or Collegiate, Corporation Aggregate or Sole, Feoffees in Truſt, Guardians, Committees, or other Truſtees, or from any Feme-covert, ſhall be paid to ſuch Perſon or Perſons as they ſhall reſpectively nominate to receive the ſame, in Truſt, with all convenient Speed, then afterwards to be reinveſted in the Purchaſe of other Meſſuages, Lands, Tenements, and Hereditaments, to be conveyed and ſettled to and upon, and ſubject to the like Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Houſes, Edifices, Lands, Tenements, and Hereditaments, which ſhall be purchaſed of them reſpectively by the ſaid Commiſſioners as aforeſaid, were reſpectively limited or aſſured at the Time of ſuch Purchaſe, or ſo many thereof as, at the Time of making ſuch Conveyances and Settlements, ſhall be exiſting, and capable of taking Effect.

Conveyances by Femes-covert inrolled, to be effectual:

LXXIV. And be it further enacted, That the Conveyance of any ſuch Eſtate or Intereſt of any Feme-covert to the ſaid Commiſſioners, or any Perſon or Perſons in Truſt for them, by Bargain and Sale acknowledged by ſuch Feme-covert, and to be inrolled in the ſaid Office appointed for regiſtering Deeds, Conveyances, Wills, and other Incumbrances within the County of Middleſex, within Six Calendar Months after the making thereof, ſhall as effectually and abſolutely convey the Eſtate and Intereſt of ſuch Feme-covert in the Premiſes, as any Fine or Fines, Recovery or Recoveries, would or could do, if levied or ſuffered thereof in due Form of Law: And further, that all Bargains and Sales whatſoever to be made of any ſuch Lands, Tenements, and Hereditaments, as ſhall be purchaſed by the ſaid Commiſſioners, by virtue of and for the Purpoſes of this Act, ſhall have the Force, Effect, and Operation in Law, to all Intents and Purpoſes, which any Fine or Fines, Recovery or Recoveries whatſoever, would have, if levied or ſuffered by the Bargainer or Bargainers, or any Perſon or Perſons ſeiſed of any Eſtate in the Premiſes, in Truſt for or to the Uſe of ſuch Bargainer or Bagainers, in any legal Manner or Form whatſoever.

And ſo all other Bargains and Sales for the Purpoſes of this Act.

Perſons having any Right, &c. in Lands ſo purchaſed, to enter their Claims within a limited Time, or be debarred:

LXXV. And be it further enacted, That all and every Perſon and Perſons whomſoever, having any Right, Title, Intereſt, Uſe, Property, Claim, or Demand whatſoever, whether in Poſſeſſion, Reverſion, Remainder, or Expectancy, in, to, or out of any Lands, Tenements, or Hereditaments, which, by virtue and for the Purpoſes of this Act, ſhall be purchaſed by, and conveyed or mentioned, or intended to be conveyed to the ſaid Commiſſioners, by any ſuch Bargain and Sale as aforeſaid, ſhall, within the Space of Five Years, to be computed from the Date of the Inrolment of ſuch Bargain and Sale, enter a Memorial of ſuch their Right, Title, Intereſt, Uſe, Property, Claim, and Demand, in a Book to be for that Purpoſe prepared and kept by the Clerk appointed by the ſaid Commiſſioners; which Book ſuch Clerk is hereby required to prepare and keep accordingly; and for which Entry he ſhall be intitled to ſuch Fee, and no other, as the Regiſter of the County of Middleſex is by Law intitled to for the Regiſtry of a Memorial containing the ſame Number of Words: And all and every Perſon and Perſons whomſoever, not entering ſuch Right, Claim, and Demand, within ſuch Time, and in ſuch Manner, as aforeſaid; or having ſo entered the ſame, and not proſecuting ſuch their Right, Claim, and Demand, with Effect, within the Space of Five Years, to be computed from the Time of ſuch Entry, ſhall be for ever barred of all Right, Title, Uſe, Equity, Property, Claim, or Demand whatſoever, whether in Poſſeſſion, Reverſion, Remainder, or Expectancy, in, to, upon, or out of the ſaid Premiſes, and every Part thereof; and the ſaid Commiſſioners, and thoſe claiming by, from, or under them, ſhall be quieted in the Poſſeſſion of all ſuch Lands, Tenements, Hereditaments, and Premiſes; any Law, Statute, Uſage, Matter, or Thing, whatſoever, to the Contrary notwithſtanding.

But at Liberty to recover the Purchaſe-money from Perſons receiving the ſame.

LXXVI. Provided nevertheleſs, and be it further enacted, That any Perſon or Perſons barred of any Right, Title, Eſtate, Intereſt, Claim, or Demand whatſoever, in, to, or out of the ſaid Lands, Tenements, and Hereditaments, by virtue of this Act, ſhall be at Liberty to bring any Action or Actions of Debt, for Money had and received to his or their Uſe, againſt any Perſon or Perſons, or the legal Repreſentative of any Perſon or Perſons who received the Purchaſe-money ariſing from ſuch Sale of the ſaid Lands, Tenements, Hereditaments, and Premiſes aforeſaid; and that in every ſuch Caſe the reſpective Plaintiffs, on Proof of ſuch Title as would have enabled them to recover ſuch Lands, Tenements, or Hereditaments, or any Part thereof, or any Eſtate or Intereſt in the ſame, ſhall recover the ſaid Purchaſe-money, or ſo much thereof as ſhall be equivalent to their Intereſt in the ſaid Premiſes, together with ſuch Intereſt as ſhall be equivalent to the meſne Profits of the Premiſes which they ſhould have been intitled to recover, in caſe this Act had not been made.

After Purchaſe, Tenants to deliver Poſſeſſion within Six Months after Notice.

LXXVII. And be it further enacted, That all and every Tenant at Will, or Leſſee for a Year, or other Perſon or Perſons in Poſſeſſion of any Lands, Tenements, or Hereditaments and Premiſes, or any Part thereof, which ſhall be purchaſed by the ſaid Commiſſioners as aforeſaid, and who ſhall have no greater Intereſt in the Premiſes than as Tenants at Will, or as Leſſee by Parole for a Year, or from Year to Year, ſhall, at the Expiration of Six Calendar Months after Notice in Writing left upon the Premiſes, or ſo ſoon after as he or they ſhall be required, peaceably and quietly deliver up the Poſſeſſion of the ſaid Premiſes to the ſaid Commiſſioners, or any Perſon authoriſed by them, or any Five or more of them, to take Poſſeſſion thereof: And in caſe any ſuch Perſon or Perſons ſhall refuſe to give ſuch Poſſeſſion, then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to iſſue their Precept or Precepts to the Sheriff of the County of Middleſex, to deliver Poſſeſſion of the Premiſes to ſuch Perſon or Perſons as ſhall, in ſuch Precept or Precepts, be nominated to receive the ſame; and the ſaid Sheriff is hereby required to deliver Poſſeſſion accordingly of the ſaid Premiſes, and to levy ſuch Coſts as ſhall accrue from the Iſſuing and Execution of ſuch Precept or Precepts on the Perſon or Perſons ſo refuſing to give Poſſeſſion as aforeſaid, by Diſtreſs and Sale of his, her, or their Goods.

On Refuſal, Commiſſioners to iſſue a Precept to the Sheriff to deliver Poſſeſſion.

Mortgagees, on Tender of Principal and Intereſt, to convey:

LXXVIII. And be it further enacted, That all and every Perſon and Perſons who ſhall have any Mortgage or Mortgages on ſuch Lands, Tenements, and Hereditaments, now being in Poſſeſſion thereof by virtue of ſuch Mortgage or Mortgages, ſhall, on the Tender of the Principal Money and Intereſt due thereon, together with Six Months Intereſt of the ſaid Principal Money, by the ſaid Commiſſioners, or any Five or more of them, or by ſuch Perſon or Perſons as they ſhall appoint, immediately aſſign ſuch Mortgage or Mortgages to the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint, in Truſt for them; or in caſe ſuch Mortgagee or Mortgagees ſhall have Notice in Writing from the ſaid Commiſſioners, or any Five or more of them, that they will pay off and diſcharge the Principal and Intereſt which ſhall be due on the ſaid Mortgage or Mortgages at the End or Expiration of Six Calendar Months, to be computed from ſuch Notice given, that then, at the End of the ſaid Six Calendar Months, on Payment of the Principal and Intereſt ſo due, ſuch Mortgagee or Mortgagees ſhall aſſign his, her, or their Intereſt in the Premiſes to the ſaid Commiſſioners, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, in Truſt for them: And in caſe ſuch Mortgagee or Mortgagees ſhall refuſe to aſſign as aforeſaid on ſuch Tender or Payment, that then all Intereſt on every ſuch Mortgage ſhall ceaſe and determine.

On Refuſal, Intereſt to ceaſe.

Premiſes to veſt in the Commiſſioners.

LXXIX. And be it further enacted, That upon Payment of the Principal Money and Intereſt due upon any Mortgage as aforeſaid into the Bank, at the End of Six Calendar Months from ſuch Notice as aforeſaid, for the Uſe of the Mortgagee or Mortgagees, the Caſhier or Caſhiers of the Bank ſhall give a Receipt or Receipts for the ſaid Money, in like Manner as is herein-before directed in caſe of other Payments into the Bank; and thereupon all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand, of the ſaid Mortgagee or Mortgagees, and of every Perſon or Perſons in Truſt for him or them, ſhall veſt in the ſaid Commiſſioners, and they ſhall be deemed to be in the actual Poſſeſſion of the Premiſes compriſed in ſuch Mortgage or Mortgages, to all Intents and Purpoſes whatſoever.

Monies to be paid or tendered before Uſe made of the Premiſes.

LXXX. And be it further enacted, That all Sums of Money to be paid purſuant to any ſuch Agreement or Verdict as aforeſaid, or on any ſuch Mortgage, ſhall be and are hereby charged and chargeable upon all Monies which ſhall be raiſed or received for the Purpoſes of this Act, and ſhall be tendered to the Party or Parties intitled to the ſame; and in caſe of Refuſal to accept the ſame, ſhall be paid into the Bank of England in the Names of any Perſon or Perſons appointed by the ſaid Commiſſioners, or any Five or more of them, for that Purpoſe, in Truſt for ſuch Perſon or Perſons as ſhall be intitled to receive the ſame, before the ſaid Commiſſioners ſhall proceed to pull down any Houſe or Houſes, or other Erections or Buildings, or to uſe the Ground for any of the Purpoſes of this Act.

Power to fine Sheriff, &c. for not attending.

LXXXI. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall have Power, from Time to Time, to impoſe any reaſonable Fine, not exceeding the Sum of Ten Pounds, on the ſaid Sheriff, or his Deputy or Deputies, Bailiffs, or Agents reſpectively, making Default in the Premiſes; and on any of the Perſons who ſhall be ſummoned and returned on any ſuch Jury or Juries, who ſhall not appear, or who ſhall refuſe to be ſo ſworn on the ſaid Jury or Juries, or being ſo ſworn, ſhall not give his or their Verdict; and alſo on any Perſon or Perſons who ſhall be ſummoned to give Evidence touching any of the Matters aforeſaid, and ſhall not attend, or ſhall refuſe to be ſworn, or who, being ſworn, ſhall refuſe to give his, her, or their Evidence; and on any other Perſon or Perſons who ſhall, in any other Matter, wilfully neglect his, her, or their Duty in the Premiſes, contrary to the true Intent and Meaning of this Act; and, from Time to Time, to levy ſuch Fine or Fines, by Order of the ſaid Commiſſioners, or any Five or more of them, by Diſtreſs and Sale of the Offender's Goods, together with the reaſonable Charges of every ſuch Diſtreſs and Sale, returning the Overplus (if any) to the Owner; and all ſuch Fines ſhall be applied for the Purpoſes of this Act.

Commiſſioners may ſell Lands purchaſed;

or any waſte Ground, and Court or Yard that the new Street may go through, ſo as not to obſtruct any Lights or Paſſage.

LXXXII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to let, ſell, or diſpoſe of ſo much or ſuch Part of ſuch Lands, Tenements, and Hereditaments, ſo purchaſed by them as aforeſaid, as ſhall not be neceſſary for the Purpoſes aforeſaid; as alſo of the Land or Ground of any Court, Yard, or Alley, through which the ſaid Street intended to be made from Little Hermitage Street to Nightingale Lane aforeſaid ſhall go, in order to build on, or convert the ſame to any other private Uſe, ſo as ſuch Building or Converſion does not obſtruct, hinder, or prejudice the Lights and free Paſſage that any Perſon or Perſons hath or have heretofore had, held, and enjoyed, to and from his, her, and their Lands, Tenements, and Hereditaments, ſituate in or adjoining to ſuch Court, Yard, or Alley; and the ſaid Commiſſioners are hereby veſted with the Fee-ſimple and Inheritance of the waſte Lands, Grounds, or Tenements, of any ſuch Court, Yard, or Alley, which they are hereby impowered to ſell, at the Time of executing any Conveyance thereof, to Purchaſer; which Conveyance may be made in the Names of the ſaid Commiſſioners, or any Five or more of them, who are hereby impowered to execute the ſame; and all Conveyances of the ſaid Premiſes ſhall be adjudged ſufficient to veſt ſuch Eſtate in the Purchaſer as ſhall have been agreed for, or ſhall be expreſſed, or meant and intended to be granted or conveyed, by ſuch Conveyance; and the Purchaſe-money, or other Monies ariſing under any ſuch Conveyance, ſhall be applied by the ſaid Commiſſioners to the Purpoſes of this Act.

Commiſſioners who are Juſtices for *Middleſex*, and the Liberty of the *Tower Without*, may act.

LXXXIII. And be it further enacted, That it ſhall and may be lawful to and for any of the Juſtices of the Peace for the County of Middleſex, or for any of the Juſtices for the Liberty of the Tower Without, within the ſaid County, although ſuch Juſtices ſhall be Commiſſioners for the Purpoſes of this Act, to hear and determine any of the Offences ariſing within their reſpective Juriſdictions, which are made ſubject to, and puniſhable by any pecuniary Penalty directed to be levied by virtue of this Act.

Perſons aggrieved may appeal to Quarter-ſeſſions on Notice.

LXXXIV. Provided always, and be it further enacted by the Authority aforeſaid, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be held for the County or Place wherein the Cauſe of Complaint ſhall ariſe, and within Six Calendar Months after the Cauſe of ſuch Complaint ſhall have ariſen; ſuch Appellant firſt giving, or cauſing to be given, Twenty-one Days Notice at the leaſt, in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk to the ſaid Commiſſioners, and within Two Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for ſuch County or Place, with Two ſufficient Sureties, conditioned to try ſuch Appeal at, and abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter-ſeſſions: And the ſaid Juſtices, at ſuch Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter-ſeſſions ſhall be final, binding, and concluſive, to all Intents and Purpoſes.

Penalties and Forfeitures how to be recovered and applied.

LXXXV. And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed, (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed), ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of One Juſtice of the Peace acting in and for the ſaid County or Places, and within his proper Juriſdiction; which Warrant ſuch Juſtice is hereby impowered and required to grant upon the Confeſſion of the Party or Parties, or upon the Information of One or more credible Witneſs or Witneſſes upon Oath; and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be, upon Demand) to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, (the Charges of ſuch Diſtreſs and Sale being firſt deducted), ſhall be paid to the Treaſurer to the ſaid Commiſſioners for the Time being, and applied towards the Purpoſes of this Act: And in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authoriſed and required, by Warrant under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the common Gaol or Houſe of Correction of ſuch County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, nor leſs than Fourteen Days, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner fully paid and ſatisfied.

Commiſſioners may reward Informers.

LXXXVI. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, if they ſhall ſee Cauſe, to pay and apply ſuch Part of the ſaid Penalties and Forfeitures, or any of them, as they ſhall think proper, not exceeding One Moiety of them, or any of them, to and for the Uſe of the Informer or Informers, or any of them; any Thing herein contained to the Contrary notwithſtanding.

Juſtices may adminiſter Oaths.

LXXXVII. And be it further enacted by the Authority aforeſaid, That in all Caſes where Cognizance is given to any Juſtice or Juſtices of the Peace by this Act, it ſhall be lawful for ſuch Juſtice or Juſtices to adminiſter an Oath to any Perſon, for his or their more certain Information in the Matter then depending.

Books to be kept for entering Commiſſioners Names, &c.

LXXXVIII. And be it further enacted, That a Book or Books ſhall be prepared and kept by the ſaid Commiſſioners, or by ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, wherein ſhall be fairly entered, from Time to Time, the Names of ſuch Perſons as they, or any Five or more of them, ſhall nominate and appoint to put in Execution the Purpoſes of this Act, and Copies of all Orders and Proceedings relating thereto; and alſo an Account of what Monies have been aſſeſſed, raiſed, levied, and paid, by virtue of this Act, and how the ſame ſhall have been applied; and the Names of the Annuitant or Annuitants, and what Sum or Sums he, ſhe, or they paid for ſuch Annuity or Annuities reſpectively, and what he, ſhe, or they is or are to receive for the ſame; which Book or Books the ſaid Annuitants, or any of them, and all Perſons contributing to the ſaid Rates or Aſſeſſments may, at all convenient Times, peruſe and inſpect, without Fee or Reward.

which may be inſpected *gratis*.

Diſtreſs not to be deemed unlawful for want of Form;

LXXXIX. And be it further enacted by the Authority aforeſaid, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Default or Want of Form in any Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed

a Treſpaſſer

nor the Party be deemed a Treſpaſſer *ab initio*.

a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity, may recover full Satiſfaction for the Special Damage in an Action on the Caſe.

Plaintiff not to recover if Tender of Amends be made.

XC. Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity, Treſpaſs, or other Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, any ſuch Irregularity, Treſpaſs, or wrongful Proceedings, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants, in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall ſee fit; whereupon ſuch Proceedings, or Orders, and Judgements, ſhall be had, made, and given in and by ſuch Court, as in other Actions, where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

XCI. And be it further enacted by the Authority aforeſaid, That no Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals of, or only ſigned by any Commiſſioner or Commiſſioners, or Juſtice or Juſtices of the Peace, or exhibited before them, under the Hand and Seal, or Hands and Seals of, or only ſigned by, any other Perſon or Perſons whatſoever, relating to the Execution of this Act, ſhall be chargeable with any Stamp-duty whatſoever.

Proceedings to be entered in a Book.

XCII. And be it further enacted by the Authority aforeſaid, That all Orders and Proceedings of the ſaid Commiſſioners, at their Meetings, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings, ſo entered, ſhall be ſigned by the Clerk or Clerks at any Meeting of any Five or more of the ſaid Commiſſioners aſſembled, as the Caſe ſhall require; and ſuch Orders ſhall be deemed and taken to be original Orders; which ſaid Book or Books ſhall and may be produced and read in Evidence in all Courts whatſoever.

Proceedings not to be quaſhed for want of Form, or removable by *Certiorari*.

XCIII. And be it further enacted by the Authority aforeſaid, That no Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or other Matter or Thing to be done or tranſacted, in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form, or be removed by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; any Law or Statute to the Contrary notwithſtanding.

Limitation of Actions.

XCIV. And be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Twenty Days Notice ſhall be thereof given in Writing to the Clerk to the ſaid Commiſſioners, or after ſufficient Satiſfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought; and every ſuch Action ſhall be brought, laid, and tried in the County or Place where ſuch Matters and Things reſpectively ſhall be committed or done, and not in any other County or Place; and the Defendant or Defendants in ſuch Actions and Suits, and every of them, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which ſhall be had thereupon; and that the Matter or Thing for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by the Authority of this Act: And if the ſaid Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Suit was brought before Twenty Days Notice thereof given as aforeſaid, or that ſufficient Satiſfaction was made or tendered as aforeſaid, or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid; then the Jury or Juries ſhall find for the Defendant or Defendants therein: And if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, or if upon any Demurrer or Demurrers in ſuch Action or Actions, Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts; and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants may have for his, her, or their Coſts, in any other Caſes by Law.

General Iſſue.

Treble Coſts.

Publick Act.

XCV. And be it further enacted by the Authority aforeſaid, That this Act ſhall be taken and allowed in all Courts of Juſtice as a Publick Act; and all Judges, Juſtices, and others, are hereby required to take Notice thereof as ſuch, without the ſame being ſpecially pleaded.

CAP. XXII.

An Act to amend and render more effectual ſeveral Acts made relating to paving, cleanſing, and lighting the Squares, Streets, Lanes, and other Places, within the City and Liberty of *Weſtminſter*, and Parts adjacent.

2 Geo. III. *c.* 21.
3 Geo. III. *c.* 23.
4 Geo. III. *c.* 39.
5 Geo. III. *c.* 50.
6 Geo. III. *c.* 54.
See 7 Geo. III. *c.* 37.

WHEREAS an Act of Parliament was made in the Second Year of the Reign of His preſent Majeſty, *for paving, cleanſing, and lighting the Squares, Streets, and Lanes, within the City and Liberty of* Weſtminſter, *the Pariſhes of* Saint Giles in the Fields, Saint George the Martyr, Saint George Bloomſbury, *thoſe Parts of the Pariſh of* Saint Andrew, Holborn, *which lie in the County of* Middleſex, *the ſeveral Liberties of the* Rolls *and* Savoy, *and that Part of the Duchy of* Lancaſter *which lies in the County of* Middleſex, *and for preventing Annoyances therein, and for other Purpoſes therein mentioned*; and ſeveral other Acts were made in the Third, Fourth, Fifth, and Sixth Years of His ſaid preſent Majeſty, for amending the firſt-mentioned Act, or for enabling the Commiſſioners thereby appointed more effectually to carry the Purpoſes of the ſaid Acts into Execution; and great Progreſs hath been made in the Works by the ſaid Acts directed to be performed; but the Commiſſioners are unable to complete the ſame without further Aid: And whereas it is apprehended that it would forward the good Purpoſes of the ſaid Acts, and be a great Eaſe to the preſent Commiſſioners, if an additional Number of Commiſſioners were to be elected and appointed by each Pariſh, Precinct, and Place, to act with the preſent Commiſſioners; and alſo if a certain Number of the Inhabitants within each Pariſh, Precinct, and Place, were to be elected and appointed as Committees to aſſiſt in carrying the ſaid Acts into Execution, within their reſpective Pariſhes, Precincts, and Places: And whereas ſome further Powers and Authorities are neceſſary to be given, and ſome further Regulations made, in order to effect the Purpoſes aforeſaid; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Veſtrymen of the ſeveral Pariſhes of Saint James, Saint Margaret, Saint John the Evangeliſt, Saint Martin in the Fields, Saint George Hanover Square, and Saint Paul Covent Garden, within the City and Liberty of Weſtminſter, and of the Pariſhes of Saint Giles in the Fields, and Saint George Bloomſbury, in the County of Middleſex, and the Inhabitants who have a Right to aſſemble in Veſtry, or other publick Meetings of the ſeveral Pariſhes of Saint Anne, within the Liberty of Weſtminſter aforeſaid, and of Saint Clement Danes, and Saint Mary le Strand, as well within as without the Liberties of the ſaid City and the Precinct of the Savoy, and of the Pariſhes of Saint Andrew Holborn above the Bars, and Saint George the Martyr, and of the Liberty of Saffron Hill, Hatton Garden, and Ely Rents, in the ſaid County of Middleſex, (except ſuch Part of the laſt-mentioned Liberty as has been paved, lighted, and cleanſed, by virtue of an Act of Parliament, intituled, An Act for the better paving, cleanſing, and enlightening the City of *London*, and the Liberties thereof, and for preventing Obſtructions and Annoyances within the ſame, and for other Purpoſes therein mentioned; and for repealing an Act, made in the Sixth Year of His preſent Majeſty's Reign, for thoſe Purpoſes), ſhall, and they are hereby reſpectively impowered and required to meet and aſſemble in the Veſtry-rooms, or other uſual Places of Meeting for tranſacting the publick Buſineſs of ſuch Pariſhes, Precincts, and Places, upon the Second Thurſday after the paſſing of this Act, or within Eight Days afterwards, between the Hours of Ten in the Morning and Two in the Afternoon, and to elect and appoint an additional Number of Commiſſioners for carrying the ſaid Acts, and this Act, into Execution, as herein-after mentioned; (that is to ſay), Three Perſons for the Pariſh of Saint Margaret, Weſtminſter; Three Perſons for the Pariſh of Saint John the Evangeliſt; Three Perſons for the Pariſh of Saint Martin in the Fields; Three Perſons for the Pariſh of Saint George, Hanover Square; Three Perſons for the Pariſh of Saint James; Three Perſons for the Pariſh of Saint Anne; Three Perſons for the Pariſh of Saint Paul, Covent Garden; Three Perſons for the Pariſh of Saint Clement Danes, and ſo much of the Duchy of Lancaſter as lies in the ſaid Pariſh of Saint Clement Danes; Three Perſons for the Pariſh of Saint Mary le Strand, and ſo much of the Duchy of Lancaſter as lies in the ſaid Pariſh of Saint Mary le Strand; Three Perſons for the Pariſh of Saint Giles in the Fields; Three Perſons for the Pariſh of Saint George, Bloomſbury; Three Perſons for ſuch Part of the Pariſh of Saint Andrew, Holborn, as lies in the Liberty above the Bars; and Three Perſons for the Liberty of Saffron Hill, Hatton Garden, and Ely Rents; Three Perſons for the Pariſh of Saint George the Martyr; and One Perſon for the Precinct of the Savoy; which ſaid Perſons, ſo to be elected and appointed as aforeſaid, ſhall be, and are hereby joined with the Commiſſioners appointed or elected, or to be elected by virtue of the ſaid Act of the Second Year of his preſent Majeſty, for putting the ſaid ſeveral before-mentioned Acts, and this Act, in Execution, and ſhall be veſted with the like Powers and Authorities, in all Reſpects whatſoever, as thoſe Commiſſioners are veſted with.

Veſtrymen and Inhabi- [illegible] with their reſpective [illegible] with the preſent Commiſſioners.

II. Provided always, That no Perſon ſhall be capable of being elected or appointed a Commiſſioner by virtue of this Act, or of acting as ſuch, who ſhall not be a Houſeholder, and reſident within ſuch Part of the Pariſh, Precinct, or Place, for which he ſhall be elected or appointed, as ſhall be within the Limits of the ſaid former Acts, and this Act; And when any of the Commiſſioners to be elected or appointed by virtue of this Act ſhall die, reſign, refuſe to act, or ſhall ceaſe to be Houſeholders and Reſidents, as aforeſaid; that then, and as often as either of the ſaid Caſes ſhall happen, the ſaid Veſtrymen reſpectively, or other Inhabitants having a Right to aſſemble in Veſtry, or publick Meetings where there is no ſelect Veſtry, in and for ſuch Pariſhes, Precincts, and Places, ſhall, from Time to Time, elect and appoint One other Commiſſioner, in the Place of every Commiſſioner ſo dying, reſigning, or refuſing to act, or being incapable of acting.

Additional Commiſſioners to be Houſeholders reſident within their Pariſh.

III. And, for the better effecting the Purpoſes of the ſaid ſeveral Acts, and this Act, be it further enacted, That the Veſtrymen, or other Inhabitants having a Right to aſſemble as aforeſaid within the ſeveral Pariſhes, Precincts, or Places aforeſaid, ſhall aſſemble in the Veſtry-rooms, or other Places of Meeting as afore mentioned, upon the Second Thurſday after the paſſing this Act, or within Eight Days then after; and alſo on the Second Thurſday in the Month of February, annually afterwards, between the Hours of Ten in the Morning and Two in the Afternoon, and ſhall elect and appoint any Number of Perſons, being Houſeholders, reſident in ſuch Pariſh, Precinct, or Place, not exceeding Twenty-one, nor leſs than Seven; and the Perſons ſo elected and appointed ſhall be, and are hereby conſtituted a Committee for the better carrying the ſeveral Purpoſes of the ſaid Acts, and this Act, into Execution, within their reſpective Pariſhes, Precincts, and Places, and for ſuperintending and inſpecting all or any of the Works carrying on or performed by virtue of the ſaid former Acts, and this Act, within their reſpective Pariſhes, Precincts, and Places, and for examining the ſeveral Bills relative thereto, and for certifying to the Commiſſioners ſuch Bills and other Allowances for Payment as they ſhall find to be fair and juſt, or objecting to the Payment of ſuch as ſhall be found otherwiſe, (the Salaries allowed by the Commiſſioners to their Officers, and the contingent Expences of the Commiſſion only excepted); on which Certificates for Payment, but not without, (except as aforeſaid), the ſaid Commiſſioners, or any Three or more of them, ſhall, from Time to Time, when they have approved of ſuch Bills, order the ſame to be paid.

Veſtrymen and Inhabitants to chuſe Committee-men to aſſiſt in the Execution of this Act.

IV. And be it further enacted, That no Perſon elected and appointed a Commiſſioner by virtue of this Act ſhall be capable of acting as ſuch, unleſs he ſhall be, in his own Right, in the actual Poſſeſſion or Receipt of Rents and Profits of Lands, Tenements, or Hereditaments, either Freehold or Copyhold, of the clear yearly Value of Three hundred Pounds, or poſſeſſed of or intitled unto a perſonal Eſtate to the Amount or Value of Ten thouſand

Qualification of Commiſſioners.

thouſand Pounds, or be Heir-apparent of a Peer or Lord of Parliament; and that no Perſon elected or appointed a Committee-man by virtue of this Act ſhall be capable of acting as ſuch, unleſs he ſhall be then reſident and an Houſeholder in the ſaid Pariſh or Place, and ſeiſed and poſſeſſed of a real or perſonal Eſtate, or real and perſonal Eſtates together, of the Value of Two thouſand Pounds.

Commiſſioners ſhall not be concerned in any Contract, &c.

V. Provided always, and be it enacted, That no Perſon already appointed, or hereafter to be elected a Commiſſioner, by virtue of all or any of the before-recited Acts, or of this Act, ſhall be capable of acting as ſuch, who ſhall hold any Office of Profit, or have any Share, or be any way intereſted or concerned in any Contract or Work to be done in or about the Execution of any of the Powers of the ſaid former Acts, or of this Act, nor ſhall any Perſon to be elected a Committee-man as aforeſaid, be capable of acting as a Committee-man, who ſhall hold any Office of Profit, or have any Share, or be any way intereſted or concerned in any Contract or Work to be done by virtue or in purſuance of this preſent Act; but every ſuch Commiſſioner and Committee-man ſhall, in any or either of ſuch Caſes, be thenceforth for ever diſqualified to act as a Commiſſioner or Committee-man; any Thing herein contained to the Contrary notwithſtanding: And in caſe any ſuch Perſon not being qualified, or ſo diſqualified, as aforeſaid, for a Commiſſioner, ſhall nevertheleſs preſume to act as a Commiſſioner in the Execution of the ſaid former Acts, or this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Five hundred Pounds to any Perſon or Perſons who will ſue for the ſame; and in caſe any ſuch Perſon not being qualified, or ſo diſqualified, as aforeſaid, for a Committee-man, ſhall nevertheleſs preſume to act as a Committee-man, every ſuch Perſon ſhall, for every Offence, forfeit and pay the Sum of One hundred Pounds to any Perſon or Perſons who will ſue for the ſame; ſuch reſpective Forfeitures to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, Wager of Law, or more than One Imparlance, ſhall be allowed; and every ſuch Perſon ſo proſecuted ſhall prove he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid reſpective Penalties, upon Proof given of his having acted as a Commiſſioner or Committee-man, as the Caſe may be, in the Execution of the ſaid Acts, or of this Act.

Commiſſioners acting without being qualified, to forfeit 500*l.*

except the Maſter of the Rolls and Dean of *Weſtminſter.*

VI. And be it further enacted by the Authority aforeſaid, That the Right Honourable the Maſter of the Rolls for the Time being, and the Dean of Weſtminſter for the Time being, ſhall be Commiſſioners for putting the ſaid former Acts, and this Act, in Execution, and that their being ſuch ſhall be a ſufficient Qualification to them; any Thing in the ſaid former Acts, or this Act, to the Contrary notwithſtanding.

Committees may meet and adjourn.

Duty of Committee-men.

VII. And be it further enacted, That the ſaid Committees ſhall meet in the Veſtry-rooms, or other Places of Meeting as aforementioned, within Fourteen Days after they ſhall have been choſen as aforeſaid, and may adjourn from Time to Time, and meet there, or at any other Place or Places within the ſaid Pariſhes, Precincts, or Places reſpectively, as often as they ſhall think fit; and they, or any Five or more of them, ſhall have Authority, and are hereby impowered to ſee that all Contracts heretofore made and entered into for any Works to be done within their reſpective Pariſhes, Precincts, and Places, are well and duly performed and executed, according to the Terms and Conditions of all ſuch Contracts; and they are alſo to examine into, and to hear all Complaints which ſhall be made to or brought before them by any of the Inhabitants, or any other Perſon or Perſons, againſt any Contractor or Contractors, by Examination of Witneſſes upon Oath, (which Oath the Committee, or any Three or more of them, are hereby authoriſed and impowered to adminiſter); and the ſaid reſpective Committees, or any Three or more of them, ſhall ſurvey the Works, or enquire into the Matters which are the Subject of the Complaint, and report the ſame, and the Examinations ſo taken, to the ſaid Commiſſioners at their next or Second Meeting after ſuch Complaint made, and Survey taken, or Enquiry made; and upon ſuch Report being made to the ſaid Commiſſioners, they the ſaid Commiſſioners ſhall and are hereby required, from Time to Time, to impoſe a Fine or Fines upon every ſuch Contractor, for Nonperformance of his Contract, as they are authoriſed and impowered by the ſaid former Acts, any or either of them, to do, according to the Nature and Degree of the Offence: And if it ſhall happen that there ſhall not appear Three or more of ſuch Committee-men at any Meeting which ſhall be appointed to be had or held; then, and in ſuch Caſe, the Clerk to ſuch Committees reſpectively ſhall, and is hereby required to ſummon the whole Committee to meet at the Place where the laſt Meeting was appointed, within Eight Days then next following; and ſuch Committees ſhall, at all their Meetings, bear their own Expences; but no Act of any ſuch Committee ſhall be valid, unleſs made or done at ſome Meeting to be held in purſuance of this Act, at which Meeting not leſs than Three, Five, or more Committee-men, as required by this Act, ſhall be preſent; and all the Powers and Authorities by this Act granted to or veſted in ſuch Committees ſhall and may, from Time to Time, be exerciſed by the major Part of the Committee-men who ſhall attend at any publick Meeting to be holden as herein-before mentioned, the Number of ſuch Committee-men preſent at ſuch Meeting not being leſs than Three or Five, as required by this Act; and all the Orders and Proceedings of the major Part of ſuch Committee-men ſo aſſembled ſhall have the ſame Force and Effect as if done or made by all the Committee-men for the Time being.

Committees may appoint Officers.

VIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid reſpective Committees, not leſs than Five Committee-men being preſent at any Meeting or Meetings to be held in purſuance of this Act, to appoint a Clerk, and alſo to appoint One or more Superviſor or Superviſors, Collector or Collectors, Inſpector or Inſpectors, and ſhall take ſuch Security for the due Execution of ſuch of their reſpective Offices as the ſaid reſpective Committees ſhall think proper, and may likewiſe, from Time to Time, remove all ſuch Clerks, Superviſors, Collectors, or Inſpectors, and appoint others in the Room of ſuch of them as ſhall be ſo removed, or that ſhall die, and appoint ſuch Salaries and other Allowances to them, for and in conſideration of his and their Trouble in executing his or their Office and Offices reſpectively, and alſo ſuch Allowances to ſuch other Perſon or Perſons as ſhall be aiding and aſſiſting in and about the Execution of this Act, as the ſaid reſpective Committees ſhall think reaſonable; all which Salaries and Allowances ſhall be paid, from Time to Time, as the ſame ſhall become due and payable in Manner herein-after directed; and every ſuch Committee may diſcontinue and not fill up the Vacancy to be occaſioned by the Death or Removal of any Superviſor or Inſpector, whenever any of the ſaid Committees reſpectively ſhall think ſuch Officer unneceſſary for them; but if any Perſon ſo appointed Clerk, Superviſor, Collector, or Inſpector, ſhall exact, take, or accept any Fee or Reward whatſoever, other than ſuch Salaries and Allowances as ſhall be appointed, allowed, and approved of by the reſpective Committees, for or on account of any Thing done, or to be done, by virtue of this Act, or on any account whatſoever relative to putting the ſaid Acts, or this Act, in Execution, or ſhall be any-wiſe concerned in Intereſt in any Bargain made, or to be made, relative to every ſuch Perſon ſo offending in any ſuch Caſe, ſhall be incapable of ever ſerving under this Act, and ſhall, over and above, forfeit the Sum of One hundred Pounds, to any Perſon or Perſons who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, within Six Calendar Months next after the Offence committed; in which Suit no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed: Provided always, That the Inſpector or Inſpectors ſhall be elected annually, and that the Salary of each ſuch Inſpector ſhall be allowed and confirmed by the Commiſſioners, or any Five or more of them, at any of their Meetings; and that the Office of Superviſor in each of the ſaid Pariſhes, Precincts, and Places, ſhall be diſcontinued when and as ſoon as all the ſaid Squares, Streets, Lanes, and Places in each and every ſuch Pariſh, Precinct, and Place reſpectively, ſhall be new paved, purſuant to this Act.

who ſhall not be concerned in Contracts, &c.

Proceedings of the Committees to be entered in Books.

IX. And be it further enacted by the Authority aforeſaid, That all the Acts, Orders, and Proceedings of the ſaid Committees ſhall, from Time to Time, be entered in Books to be kept for thoſe Purpoſes by the Clerks to the ſaid Committees, and ſhall be ſigned by the Chairman of each reſpective Committee, at their next Meeting; and all ſuch Orders ſo ſigned ſhall be deemed and taken to be original Orders, and ſhall and may be produced and read in Evidence in all Courts whatſoever; but no Act or Order of any of the Committees ſhall be valid, unleſs done or made at ſome Meeting to be held in purſuance of this Act; and all ſuch Books and Proceedings of the ſaid reſpective Committees ſhall and may be peruſed and inſpected, at all ſeaſonable Times, by the ſaid Commiſſioners, or by their Clerk for the Time being, or by ſuch other Perſon or Perſons as the ſaid Commiſſioners ſhall appoint for that Purpoſe, who may alſo take Copies thereof, or Extracts therefrom, without Fee or Reward.

Commiſſioners may order what Streets ſhall be paved, &c. and how, ſignifying the ſame to the Committees.

X. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall have Authority, and are hereby impowered, from Time to Time, to order and direct in what Manner, and with what Materials, all or any of the Squares, Streets, Lanes, and Places within the reſpective Pariſhes and Liberties aforeſaid, ſhall be new-paved or repaired, and what Number of Lamps ſhall be put up and kept lighted therein, and how the ſame ſhall be placed, and how often the ſame Squares, Streets, Lanes, and Places, ſhall be cleanſed, (having reſpect to the Abilities of the Inhabitants of the Places to be ſo paved, lighted, and cleanſed, and the Monies which by virtue of the Powers of this Act can be raiſed therein), and ſhall ſignify ſuch their Orders and Directions in Writing to the ſaid Committees reſpectively, by cauſing a Copy or Copies of every ſuch Order and Direction to be delivered to or left for the Clerk of each reſpective Committee, who ſhall and is hereby required to lay the ſame before every ſuch Committee at the next Meeting.

Committees are to advertiſe for Contractors;

XI. And be it further enacted, That every Committee, as ſoon as conveniently may be, and, at fartheſt, within One Calendar Month after any ſuch Order or Direction ſhall be laid before them, ſhall cauſe Notice to be given by Advertiſement in ſome or One of the publick News-papers, Six ſeveral Days at the leaſt, that ſuch Committee will meet at a Time and Place to be expreſſed in ſuch Advertiſement, at the Diſtance of Fourteen Days or more from the Time of the firſt Publication of ſuch Advertiſement, to receive Propoſals from any Perſon or Perſons willing to contract for paving or repairing, lighting, and cleanſing the particular Squares, Streets, Lanes, or other Places ſo ordered and directed by the ſaid Commiſſioners to be paved or repaired, lighted, and cleanſed, agreeable to ſuch Orders and Directions; and the ſaid Committees reſpectively (not leſs than Five Committee-men being preſent) ſhall and may, and they are hereby impowered, to make any Contract or Contracts in Writing with any fit Perſon or Perſons, for repairing, or for paving and keeping in Repair, lighting, and cleanſing all or any ſuch Squares, Streets, Lanes, or Places, ſo ordered and directed to be repaired, paved, lighted, and cleanſed, every ſuch Contract to ſpecify the ſeveral Works to be done, the Prices to be paid for the ſame, and the Time or Times when or within which the ſaid Works are to be completed, and the Forfeitures or Penalties to be borne or ſuffered for the Nonperformance thereof; and being ſigned by Five or more Committee-men, and by the Perſon or Perſons contracting to perform ſuch Works, ſhall, together with a true Copy of every ſuch Contract, atteſted by the Clerk, and alſo with the original Propoſals and Copies of all Minutes and other Proceedings of the Committee relative thereto, be tranſmitted to and laid before the Commiſſioners at their next Meeting; which Contract or Contracts being by them, or any Five or more of them, at that or ſome other ſubſequent Meeting, within One Month then next, confirmed by ſome proper Subſcription at the Foot thereof, or to be indorſed thereon, and ſigned by Five or more of the ſaid Commiſſioners, if they ſhall ſo think fit, ſuch Contract, and the Propoſal on which the ſame is founded, ſhall be returned to the Clerk to the reſpective Committees within Seven Days from the Time of ſuch Confirmation; and if ſuch Contract or Contracts ſhall be ſo confirmed, then, and not otherwiſe, the ſame ſhall be valid and effectual in Law, and carried into Execution, and the Performance thereof ſhall and may be enforced by Action at Law, or otherwiſe, by and in the Name or Names, and at the Suit of or againſt the Committee for the Time being, and the Contractor or Contractors, his or her Executors or Adminiſtrators, according

and to enter into Contracts for paving, &c.

Contracts ſhall be binding after being confirmed by Commiſſioners.

to the Tenor and true Meaning thereof; but every ſuch Contract not ſo confirmed within the Time laſt aforeſaid ſhall be void, and the Parties thereto ſhall thenceforth be abſolutely diſcharged of and from the ſame, and every Covenant, Promiſe, and Engagement therein contained, both at Law and in Equity, as if the ſame had never been made; and the Committee making ſuch Contract or Contracts ſo not confirmed, as ſoon after as the ſame ſhall ſo become void, and ſo toties quoties, ſhall and may again advertiſe for Propoſals in Manner aforeſaid, and make any freſh Contract or Contracts, and tranſmit the ſame, with the Copy or Copies thereof, for Confirmation, in Manner aforeſaid, together with all the Propoſals and Proceedings of the Committees relative thereto; and ſuch Contract or Contracts ſhall and may be confirmed or made void in Manner aforeſaid, at the Diſcretion of the ſaid Commiſſioners, in the ſame or like Manner as before enacted or directed.

How Streets, &c which lie in Two Pariſhes ſhall be paved.

XII. And be it further enacted by the Authority aforeſaid, That wherever it ſhall be found that any of the Squares, Streets, Lanes, or Places, ſubjected to the Powers of this Act, are lying in Two or more Pariſhes, Precincts, or Liberties, the Commiſſioners for the Time being ſhall and may, and are hereby impowered to order and direct the whole of any ſuch Square, Street, Lane, or Place, to be paved or repaired, lighted, and cleanſed, by and under the Direction of the Committee of any or either of the ſaid Pariſhes, Precincts, or Liberties, and to order and direct what Sum in Groſs ſhall be paid by the Committee or Committees of the other of the ſaid Pariſhes, Precincts, or Liberties, towards and in reſpect of the Charges of paving and ſetting up Lamp-irons, removing Obſtructions, and other incidental Expences; and alſo what annual, quarterly, or other Sums ſhall be paid by ſuch other Committee or Committees, towards and in reſpect of the repairing and keeping in Repair, lighting, and cleanſing the ſame, to the Committee by whom, or under whoſe Directions ſuch Square, Street, Lane, or Place, ſhall be ſo paved or repaired, or kept in Repair, lighted, and cleanſed; and that ſuch groſs Sum ſhall be paid accordingly, by and out of the Monies to be raiſed by the additional Rate; and ſuch annual, quarterly, or other Sums, ſhall be paid accordingly, by and out of the other Rate or Aſſeſſment hereby directed to be made and aſſeſſed, for the Purpoſes of repairing, cleanſing, and lighting, by the Committee or Committees, by whom the ſame ſhall be ſo directed to be paid.

How Payments for ſubſiſting Contracts ſhall be made.

XIII. Provided always, and it is hereby enacted and declared, That for and in reſpect of all ſuch Contracts as have been heretofore made and entered into by the Commiſſioners appointed by virtue of the ſaid former Acts, to and with any Perſon or Perſons, for repairing, lighting, or cleanſing, any of the Squares, Streets, Lanes, and Places aforeſaid, for any Time or Term not yet ending, and not expired, the Committees to be choſen in and for every the Pariſhes, Precincts, and Places reſpectively, in which the Squares, Streets, Lanes, and Places to be repaired, lighted, and cleanſed, in purſuance of every ſuch ſubſiſting Contract lies, ſhall, and are hereby impowered and required (a true Copy of every ſuch Contract, ſigned by the Clerk to the ſaid Commiſſioners, being firſt laid before them) to direct, order, and cauſe the Monies which ſhall be collected by virtue of the Rates or Aſſeſſments herein and hereby directed to be made, (the ſaid additional Rate and Rates only excepted), or ſo much thereof as ſhall be neceſſary and ſufficient for that Purpoſe, to be paid to the Treaſurer or Treaſurers of the ſaid Commiſſioners, for the enabling the ſaid Commiſſioners to apply, and to be by them applied, in Payment and Satiſfaction of the future growing Payments to become due and payable upon, and by virtue of ſuch ſubſiſting Contracts.

When ſubſiſting Contracts expire, Committees may advertiſe for freſh Contracts.

XIV. And be it enacted by the Authority aforeſaid, That when and as often as the Time for the doing all or any Part of the Work or Buſineſs to be done, or finding and providing Materials to be provided, by and in purſuance of ſuch now-ſubſiſting Contract or Contracts, ſhall expire; then, and from thenceforth, the Committee to be choſen in and for the Pariſh, Precinct, or Place, in which the Squares, Streets, Lanes, and Places, do lie, which are compriſed in, and to be repaired, lighted, or cleanſed, under and by virtue of ſuch Contract or Contracts, ſhall and may, by Order of the Commiſſioners, advertiſe for, and receive Propoſals, and make any Contract or Contracts, ſubject to the Controul and Confirmation of the ſaid Commiſſioners, either for repairing, cleanſing, and lighting, or for new-paving, cleanſing, and lighting, the Squares, Streets, Lanes, and Places, compriſed in ſuch expired Contract or Contracts, theretofore contracted to be repaired, cleanſed, and lighted, as aforeſaid, in the ſame or like Manner as the ſaid Committees reſpectively are herein-before directed and enabled to advertiſe for Propoſals, and make original Contracts for paving, or for repairing, lighting, and cleanſing, any ſuch Squares Streets, and Lanes, as have not been hitherto paved, lighted, and cleanſed, by virtue of any of the Acts of Parliament herein-before recited.

All Contracts to be made between Firſt *January* and Firſt *July*.

XV. And be it further enacted by the Authority aforeſaid, That no Contract ſhall, at any Time, be made or entered into, in any Year, by virtue of this Act, but between the Firſt Day of January and the Firſt Day of July, except in Caſes of Death of the Contractors, or in Caſes of Failure of Contract; any Thing contained in any of the before-mentioned Acts to the Contrary hereof notwithſtanding.

The Buſineſs of the Surveyor and of the Inſpectors.

XVI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Surveyor or Inſpector, appointed or to be appointed by the ſaid Commiſſioners for the Time being, to ſurvey, view, and inſpect, within all and every the Squares, Streets, Lanes, and Places, hereby ſubjected to the Powers of this Act, and alſo to and for the Superviſor or Inſpector, to be appointed by each and every of the ſeveral Committees reſpectively, to view and inſpect, within the ſeveral and reſpective Pariſhes, Precincts, and Places, in and for which every ſuch Superviſor or Inſpector ſhall have been appointed, as well all and every the Works done, or begun to be done, as alſo to view the Condition of the Pavements of the ſaid ſeveral Squares, Streets, Lanes, and Places, not begun or contracted to be done, in purſuance of this Act, and to and for the ſaid Surveyor to the Commiſſioners to preſent upon Oath to the ſaid Commiſſioners, and alſo to and for ſuch Superviſors or Inſpectors, appointed by the ſeveral Committees, to preſent upon Oath to the ſaid Committees reſpectively, (which Oath the ſaid Commiſſioners, or Three or more of them, and the ſaid Committees reſpectively, or any Three Committee-men, are hereby impowered to adminiſter), all defective and bad Pavements within the ſaid Squares, Streets, Lanes, and Places, not paved, nor begun to be new-paved, under the Powers of the ſaid Acts, or this Act; and thereupon, or upon the reaſonable Complaint and Requeſt of any Three or more Houſeholders dwelling in any Square, Street, Lane, or Place, wherein Cauſe of Complaint ſhall be, in Writing under their Hands, every ſuch reſpective Committee ſhall thereupon give Notice thereof to the ſaid Commiſſioners, in Writing, and ſhall and may cauſe all and every ſuch Pavements not under Contract to be well and ſufficiently repaired forthwith, or as ſoon as conveniently may be, and the Expence thereof to be defrayed by and out of any Monies to ariſe by any Rate or Rates hereby directed to be made, for the Purpoſes of repairing, cleanſing, and lighting; and in caſe ſuch Pavements ſo preſented or complained of ſhall be under Contract made by or with any ſuch Committee to be paved or repaired, and the paving and repairing thereof ſhall not be well and ſufficiently performed, according to the Intent and Meaning of ſuch Contract or Contracts, or ſhall not be finiſhed and completed at or within the Time or Times that the ſame are or is agreed to be completed by the Contractor or Contractors, the Superviſor or Inſpector appointed by each Committee reſpectively ſhall report the ſame to ſuch Committee at their next Meeting, and the ſaid Surveyor or Inſpector to the Commiſſioners for the Time being ſhall and may report the ſame to the ſaid Commiſſioners at their next or other ſubſequent Meeting; and ſuch Committee ſhall and may, in the joint Names of any Two or more of them, bring, inſtitute, commence, and proſecute an Action of Debt in any of His Majeſty's Courts of Law at Weſtminſter, againſt any Perſon or Perſons ſo contracting, and not performing any ſuch Contract or Contracts, for any or all the Penalty and Penalties contained in ſuch Contract or Contracts, within One Month next after ſuch Report made to the ſaid Committee: And if the ſaid Committee ſhall not, within One Month next after ſuch Report made to them, bring, inſtitute, and commence ſuch Action; then, and at any Time then after, it ſhall and may be lawful to and for the Commiſſioners for the Time being, if they ſhall ſo think fit, in the joint Names of any Two or more of them, or in the Name of any Perſon appointed by them, or any Three or more of them, for that Purpoſe, to bring, inſtitute, commence, and proſecute, an Action or Actions of Debt againſt the Contractor or Contractors, in ſuch Court, for ſuch Penalty and Penalties, and in ſuch Manner, as the Committees reſpectively are herein-before directed or enabled to do; and on Proof of the ſigning the ſaid Contract or Contracts, and Nonperformance thereof, at the Time or Times therein for that Purpoſe mentioned, the Plaintiffs, in every ſuch Action, ſhall be intitled to, and ſhall recover ſuch Penalty or Penalties, which, when received, ſhall be applied for the Purpoſes of this Act, within the Pariſh, Precinct, or Place, in which the Cauſe of Action aroſe, and not otherwiſe or elſewhere.

Streets, &c. belonging to Palaces exempted.

XVII. Provided always, and it is hereby further enacted and declared, That nothing in this Act, or any of the ſaid former Acts contained, ſhall authoriſe or require the ſaid Commiſſioners, or Committee of any Pariſh, Precinct, or Place, to pave, repair, cleanſe, or light, the Streets, Lanes, Courts, Yards, or any other Place or Places, ſituated before or belonging to any Royal Palace, Ground, or Building, which now belongs, or hereafter ſhall belong, to His Majeſty, His Heirs or Succeſſors; any Thing in this Act, or in any of the former Acts contained, to the Contrary notwithſtanding.

Alſo Squares and Places which are under particular Acts.

XVIII. And be it enacted, That nothing in this Act contained ſhall exetnd, or be conſtrued to extend, to Golden Square, Red Lion Square, or to any other Square, Street, or Place, now paved, cleanſed, and lighted, under any particular Act of Parliament.

A certain Part of *Saint Margaret* and *Saint John* exempted, until the Inhabibitants are of Ability to contribute towards paving, &c.

XIX. And whereas there are ſeveral Streets and Places within the united Pariſhes of *Saint Margaret* and *Saint John the Evangeliſt*, where the Inhabitants are not of Ability to raiſe Money ſufficient to defray the Expence of new-paving or repairing, cleanſing, and lighting, ſuch Streets and Places, under the Regulations of this Act; be it therefore enacted and declared, That it ſhall not be lawful for the ſaid Commiſſioners appointed to put this Act in Execution to order or direct any of the Streets or Places within the ſaid Pariſhes of Saint Margaret and Saint John the Evangeliſt to be new-paved or repaired, cleanſed or lighted, except the ſeveral Streets and Places herein-after mentioned; (that is to ſay), Parliament Street, Darby Street, Downing Street, King Street, Fluyder Street, Crown Street, Crown Court, Charles Street, New Charles Street, Duke Street, Delahay Street, Great George Street, Little George Street, Canon Row, Brewers Yard, Dorſet Court, Mancheſter Buildings, The Fiſh Market, New Court, Bridge Street, Little Bridge Street, Union Street, Saint Margaret Street, Abingdon Street, Little Abingdon Street, Milbank Street to the Horſe Ferry, Market Street, to the High Road near the Burial Ground, Great Queen Street, Little Queen Street, Princes Court, Park Proſpect, Long Ditch, Broken Croſs, Great Sanctuary, Little Sanctuary, Old Tothil Street, Dartmouth Street, Dartmouth Row, Broad Way, the Street leading from the Broad Way to Queen Square, Queen Square, Petty France, and James Street, and ſuch other Streets and Places, or Parts of Streets and Places, as are already new-paved, cleanſed, and lighted, under the Direction of the Commiſſioners appointed by the ſaid former Acts; nor ſhall any Rate or Aſſeſſment be made by virtue of this Act for the Purpoſes of paving, repairing, cleanſing, or lighting, any Part of the ſaid Pariſhes, other than as herein-before mentioned; any Thing in this Act, or in any former Act, to the Contrary hereof in any-wiſe notwithſtanding.

Proviſo.

XX. Provided nevertheleſs, That if at any Time hereafter any Streets or Places within the Limits which are exempted from being paved, repaired, lighted, and cleanſed, as aforeſaid, ſhall become ſo advanced in Rents as that the Inhabitants thereof ſhall, in the Opinion of the Commiſſioners, be of Ability to contribute a reaſonable Sum to the paving, repairing, lighting, and cleanſing the ſame, under the Authority of this Act, then, and from thenceforth, ſuch particular Streets and Places ſhall be ſubject to be paved, repaired, lighted, and cleanſed, in ſuch Manner, and by ſuch Ways and Means, as the ſeveral Squares, Streets, Lanes, and other Places, which are under the Direction of the ſaid Commiſſioners or Committee-men, can or may be paved, repaired, lighted, and cleanſed.

Such Parts of the ſaid Pariſhes ſo exempted to remain under former Acts of Parliament.

XXI. And be it further enacted, That all the Streets and Places within any of the ſaid Pariſhes of Saint Margaret and Saint John the Evangeliſt, not ſubject to be paved, repaired, cleanſed, or lighted, as aforeſaid, ſhall ſtill remain ſubject to the Powers and Proviſions of ſuch former Acts of Parliament, as do now, or did before the making of this Act, extend to ſuch other Streets and Places; any Thing contained in this preſent Act to the Contrary hereof in any-wiſe notwithſtanding.

Inhabitants liable to be charged for paving, &c. by this Act, exempted from former Laws.

XXII. And be it further enacted, That all and every the Inhabitants, Owners, and Occupiers, of all and every or any Lands, Grounds, Houſes, Shops, Warehouſes, Wharfs, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, in all and every the Squares, Streets, Lanes, and Places, hereby directed to be paved, or to be repaired, lighted, and cleanſed, ſhall, from and after the Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-one, be abſolutely exonerated, diſcharged, and indemnified, from and againſt the Execution and Service of the Office of Scavenger, in and for the ſeveral Pariſhes, Precincts, and Places, wherein ſuch Squares, Streets, Lanes, and Places are ſituate and lying, and of and from the hanging out Lights in ſuch Squares, Streets, Lanes, and Places, and all Preſentments and Returns of any Annoyance Jurors, Conſtables, or other Officers, (other than and except the Inſpectors hereby directed to be appointed), for and in reſpect of dangerous or defective Pavements, Defaults of Lighting, and all Annoyances in, Obſtructions of, and Incroachments upon, all or any of the ſaid Squares, Streets, Lanes, and Places, and all Pains, Penalties, Duties, and Services, for or concerning any ſuch Annoyances, Obſtructions, Incroachments, or dangerous or defective Pavements, and Defaults of Lighting; and that the ſeveral Acts of Parliament, made in the Second and Third Years of Their late Majeſties King William and Queen Mary, of the Nineteenth Year of His late Majeſty King George the Second, and of all and every other Act and Acts of Parliament whatſoever, ſo far as the ſame, or any or either of them, do or does concern any ſuch Annoyances, Obſtructions, Incroachments, dangerous or defective Pavements, and hanging out Lights in any of the Squares, Streets, Lanes, and Places, hereby directed to be paved, or to be repaired, lighted, and cleanſed; and alſo ſo much of the before-recited Act of the Third Year of His preſent Majeſty, as relates to and impowers the Surveyor to the ſaid Commiſſioners, or any other Perſon or Perſons to be by them appointed for that Purpoſe, to view the Condition of the Squares, Streets, and Lanes, within the ſeveral Pariſhes, Precincts, and Places, intended to be ſubject to, and within the Powers of this preſent Act, and to preſent on Oath all or any defective and bad Pavements therein, and to give Notice thereof as therein mentioned, and the repairing the ſame, and the charging the Expence of ſuch Reparations on any ſuch Inhabitants, Occupiers or Owners of any Houſes or other Buildings, as therein expreſſed; and all Pains, Penalties, and Charges, which ſuch Inhabitants, Occupiers or Owners, ſhall or may be liable to by Force of the ſaid ſeveral Acts of the Third and Fourth of William and Mary, and Twenty-ninth of George the Second, and of that Part and ſo mnch of the Third of His ſaid preſent Majeſty, as is herein-before recited; and alſo ſo much and ſuch Part of all or every of the herein recited or any other Act or Acts of Parliament, as directs or veſts the Power of paving, repairing, lighting, or cleanſing all or any of the Squares, Streets, Lanes, or Places, hereby ſubject to the Powers of this Act, to be in the Commiſſioners appointed by or in purſuance of the before-recited Acts, or any of them, or veſts in them the Property of all or any Stones or other Materials of or in any of the ſaid Squares, Streets, Lanes, and Places laſt-mentioned, in the ſaid Commiſſioners, ſhall be, and are and is hereby repealed.

All former Acts, ſo far as they reſpect Places under this Act, are repealed.

Old Pavements, and all Materials, old and new, veſted in the Committee.

XXIII. And be it further enacted by the Authority aforeſaid, That from and after the paſſing this Act, any Thing in the herein-before recited Acts, or any or either of them, contained to the Contrary notwithſtanding, the Property of all and every the Pavements in all and every the Squares, Streets, Lanes, and Places, within each and every of the Pariſhes, Precincts, and Places, ſubjected to the Powers of this Act, and the Lamps, Iron, Timber, and all other Materials and Things, which ſhall be made uſe of for the Purpoſes of this Act, and alſo the Property of all and every the Stones, Poſts, and old Materials of every Kind, belonging to the old or preſent Pavements, as well of the Carriage-ways as of the Foot-ways, within each and every the ſaid Pariſhes, Precincts, aad Places, (except in ſuch Streets and Places as have been paved by virtue of a Clauſe in the ſaid Act of the Fifth Year of His preſent Majeſty's Reign, commonly called The Optional Clauſe), ſhall be, and is and are hereby veſted in the Committee for the Time being of each and every ſuch Pariſh, Precinct, and Place reſpectively; and the Committee of every ſuch Pariſh, Precinct, and Place reſpectively, or the major Part of ſuch of them as ſhall be aſſembled at any of their Meetings, ſhall and may, if they ſhall ſo think fit, authoriſe and impower any Perſon or Perſons with whom ſuch Committee ſhall contract, in Manner herein mentioned and directed, to take all or any ſuch old Stones, Poſts, or other Materials, at a Price or Prices to be ſpecified in any Contract or Contracts ſo to be made, and to make uſe of ſuch of the ſaid Stones or other Materials, as ſhall, by ſuch Contract or Contracts, be deemed proper and fit for Uſe, in or about the new-paving or repairing, or other Works contracted to be done within the ſame Pariſh, Precinct, and Place, ſuch Price or Prices to be allowed to the Contractor or Contractors for and in Payment of the Monies to be paid to him or them, or otherwiſe, ſuch major Part of every ſuch Committee ſhall and may, and are hereby impowered, from Time to Time, to ſell and diſpoſe of any ſuch Stones, or other old Materials, or any Part or Parts thereof, to any Perſon or Perſons who ſhall be willing to purchaſe the ſame, and to apply the Monies ariſing by ſuch Sale in Manner herein-after mentioned; and if any Perſon or Perſons, to whom any ſuch Stones or other Materials ſhall be ſold, ſhall refuſe or neglect to pay for the ſame for the Space of Ten Days after the Sale thereof, or other Time limited for Payment of ſuch Purchaſe-money, it ſhall and may be lawful for the ſaid Committee, or any Three or more of them, to di-

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reſt and cauſe an Action or Actions to be brought and proſecuted, in the Names of any Two or more of them, againſt any the Purchaſer or Purchaſers of any ſuch Materials, for Recovery of the Monies due and payable for any ſuch Materials ſo ſold, in which Action or Actions, no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and ſuch major Part of every ſuch Committee ſhall and may, and are hereby alſo impowered, from Time to Time, if they ſhall ſo judge fit and expedient, to hire or take at a Rent any Piece of Ground to carry to, lay, and diſpoſe of, all or any of the ſaid Stones or other Materials, during ſuch Time, and until there ſhall be Occaſion to make uſe of, or a fit Opportunity to make uſe of, or to ſell and diſpoſe of the ſame; and in caſe any Perſon or Perſons ſhall, without the Conſent or Authority of ſuch major Part of ſuch Committee, take, carry away, or convert to his, her, or their own Uſe or Uſes, or ſhall ſteal any or any Part of ſuch Stones, Poſts, or other Materials, or any other Stones, Lamps, Iron, Timber, or other Materials or Things, the Property whereof is hereby veſted in the Committee for the Time being of any of the Pariſhes, Precincts, and Places, ſubjected to the Powers of this Act, it ſhall and may be lawful to and for the major Part of ſuch Committee as ſhall be aſſembled at any of their Meetings, to bring, or cauſe to be brought, any Action or Actions, in the Name or Names of any Two or more of them, or to prefer, or cauſe, direct, or order, the preferring of any Indictment or Indictments, againſt any Perſon or Perſons who ſhall take or carry away, or or ſhall ſteal any or any Part of any ſuch Materials or Things; and if any Perſon or Perſons ſhall wilfully or maliciouſly break, deſtroy, or otherwiſe damage or ſpoil, any of the ſaid Materials or Things, or any Works done, or begun to be done, in purſuance of this Act, or take up any Pavement, under any Pretence whatſoever, without the Conſent of the ſaid Committee, or any Three or more of them, (except in Caſes of Fire, or Alarms of Fire), every Perſon ſo offending, and being thereof convicted by the Oath of One or more Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace for the County of Middleſex, or for the City and Liberty of Weſtminſter, as the Caſe ſhall be, ſhall, for the Firſt Offence, forfeit any Sum not more than Forty Shillings, nor leſs than Ten Shillings; and for the Second, and every other Offence, any Sum not exceeding Three Pounds, nor leſs than Twenty Shillings; to be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made, every ſuch Forfeiture and every the Sum and Sums of Money to be recovered by, or in every or any ſuch Action and Actions, to be brought, as aforeſaid, and every Sum and Sums of Money to ariſe by the Sale of all or any ſuch Materials ſo ſold, as aforeſaid, when received, ſhall be paid into the Hands of the Banker or Bankers, to be choſen and approved of as herein-after mentioned, or into the Bank of England, to the Account of the Pariſh, Precinct, or Place, in which the Offence was committed, or by Order of whoſe Committee the ſame was recovered or received; and the ſame, and every Part thereof, ſhall be iſſued, paid, and applied, for and towards repairing, lighting, and cleanſing the Squares, Streets, Lanes, and Places, within the ſaid Pariſh, Precinct, or Place, and in Aid of the Rates to be made for thoſe Purpoſes: And in caſe any Perſon or Perſons ſo offending and convicted ſhall have no Goods or Chattels whereon any of the Forfeitures laſt-mentioned can be levied; then, and in that Caſe, it ſhall and may be lawful to and for One or more ſuch Juſtice or Juſtices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Offender or Offenders convicted to the Houſe of Correction, there to remain for any Time not exceeding One Calendar Month, nor leſs than Ten Days, to be expreſſed in ſuch Warrant, to be reckoned from and excluſive of the Day of Commitment, and not to be diſcharged unleſs upon Payment of the full Sum forfeited, until the Expiration of the Time ſo to be expreſſed.

Committees to meet annually, and make Rates for the Purpoſes of the Act.

XXIV. And be it further enacted, That the ſaid reſpective Committees, not leſs than Five Perſons being preſent, within their reſpective Pariſhes, Precincts, and Places, ſhall, and they are hereby authoriſed and impowered to meet, and ſhall meet in the Veſtry-rooms, or other uſual Places afore-mentioned, upon the ſecond Thurſday in June next, and alſo upon the ſecond Thurſday in June in every Year afterwards, and at any other Time or Times, as often as Occaſion ſhall require; and they, or the major Part of them, ſhall make one or more Rate or Rates, Aſſeſſment or Aſſeſſments, upon all and every Perſon and Perſons who do or ſhall inhabit, hold, uſe, occupy, poſſeſs, or enjoy any Land, Ground, Houſe, Shop, Wharf, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament whatſoever, within ſuch Parts of the ſaid reſpective Pariſhes, Precincts, and Places, (the Occupiers of Land, Ground, Houſes, Shops, Wharfs, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, in ſuch Squares, Streets, Lanes, and Places, as have been paved under and by virtue of the ſaid Optional Clauſe only excepted), for the Purpoſes of repairing, cleanſing, and lighting, the ſeveral Squares, Streets, Lanes, and other Places, within the ſaid reſpective Pariſhes, Precincts, and Places, as are not by any or either of the ſaid former Acts exempted from the Juriſdiction of the Commiſſioners, and for defraying the Expence of removing all Annoyances and Obſtructions therefrom, and all other the neceſſary Purpoſes of the ſaid former Acts, and this Act, (except as to new-paving), ſo as no ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, within any Square, ſhall exceed in the Whole the Sum of One Shilling and Three-pence in the Pound; and within any Street, Lane, or other Place, the Sum of One Shilling in the Pound, in any One Year, according to ſuch Proportion of the yearly Rent or Value as the ſame was aſſeſſed to the Rates for the Relief of the Poor, in the Year One thouſand ſeven hundred and ſeventy, within the ſaid reſpective Pariſhes, Precincts, and Places.

Houſes hereafter to be built, how to be rated.

XXV. Provided always, That all Houſes, or other Buildings, which ſhall hereafter be erected or built within the Limits aforeſaid, ſhall be rated and aſſeſſed for the Purpoſes of this Act, in the ſame Manner and Proportions as other Houſes or Buildings ſhall be then aſſeſſed.

XXVI. Provided

Committees may make an additional Rate of 6*d.* if neceſſary.

XXVI. Provided always nevertheleſs, and be it further enacted, That from and after the ſaid Twenty-fifth Day of March, the ſaid reſpective Committees, not leſs than Seven Perſons being preſent, within their reſpective Pariſhes, Precincts, and Places, ſhall, and they are hereby authoriſed and impowered, annually, or oftener, as Occaſion ſhall require, to make a further Rate or Aſſeſſment, in Manner aforeſaid, not exceeding Sixpence in the Pound in any One Year, within all ſuch Squares, Streets, Lanes, and other Places, or ſuch Parts thereof as ſhall, at the Time of making any ſuch Rate, be paved by virtue of the ſaid former Acts, and this Acts, or any of them, (except ſuch Streets, Lanes, and Places, as have been paved under and by virtue of the ſaid Clauſe, called The Optional Clauſe), and ſo in like Manner within all other the Squares Streets, Lanes, and Places, within the Limits of the ſaid former Acts, as ſoon as the Pavements thereof reſpectively, or any Part thereof, ſhall be completed, ſo far as the Pavements ſo completed ſhall extend.

Commiſſioners may borrow Money on the Credit of the Rate.

XXVII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Committees within their reſpective Pariſhes, Precincts, and Places, not leſs than Seven Perſons being preſent, and they are hereby impowered, from Time to Time, when they ſhall judge it neceſſary, to borrow and take up at Intereſt ſuch Sum or Sums of Money as any Perſon or Perſons ſhall be willing to lend and advance upon the Credit of Five-ſixth Parts of the ſaid additional Rate or Aſſeſſment; and, by any Writing or Writings upon Vellum or Parchment, ſigned by the ſaid Committees reſpectively, not leſs than Seven Perſons, to aſſign the ſaid Five-ſixth Parts of the ſaid additional Rate or Aſſeſſment to any Perſon or Perſons who ſhall advance and lend ſuch Money thereon, as a Security or Securities for the ſeveral Sums ſo borrowed, with legal or lower Intereſt for the ſame, which Intereſt ſhall be payable and paid half-yearly, upon Certificates of the Committees, and by Order of the Commiſſioners, in the ſame or like Manner as other Monies and Payments are herein-after directed to be paid and made, out of the Monies to ariſe by or from the ſaid additional Rate or Aſſeſſment; and the remaining Sixth Part ſhall be depoſited in the Bank of England, as a Sinking Fund, for the Purpoſes of paying off the Monies borrowed, or for future new-paving, as the Committee ſhall think fit.

Money received by the Committee to be depoſited in the Bank.

XXVIII. And be it further enacted by the Authority aforeſaid, That ſuch Sum or Sums of Money, when ſo received by the ſaid Committees, ſhall be by them depoſited in the Bank of England, and placed to the Account of the Pariſh, Precinct, or Place, by whoſe Committee the ſame was borrowed or raiſed, and in which it is to be applied, in the Name of the Commiſſioners for the new-paving, cleanſing, and lighting, the City and Liberty of *Weſtminſter*, and Places adjacent, and ſhall be iſſued and applied by the ſaid Commiſſioners, or any Five or more of them, for the new-paving any Square, Street, Lane, or Place, ſubjected to the Powers of this Act, in Manner herein-after mentioned, and not otherwiſe.

Securities to be entered in Books.

XXIX. And be it further enacted, That there ſhall be entered in a Book or Books, to be for that Purpoſe provided and kept by the Clerk or Clerks to the ſaid Committees, all Securities for Monies ſo borrowed, and all Aſſignments or Transfers thereof, expreſſing, in Words at Length, the Names, Surnames, Additions, Places of Abode, and other Deſcriptions, of all ſuch Perſons as ſhall, from Time to Time, be intitled to ſuch Securities, and the Sums received upon ſuch Securities, to which Book or Books the Perſons intitled thereto, or intereſted therein, ſhall, at all ſeaſonable Times, have Acceſs, with free Liberty to inſpect the ſame, without Fee or Reward: And if any Sum or Sums of Money ſhall at any Time remain from the ſaid Rate or Aſſeſſment, over and above what ſhall be ſufficient to pay the Intereſt hereby charged thereupon, then ſuch Sum or Sums of Money ſhall be applied for or towards paving other Parts of every the Pariſh, Precinct, or Place, wherein the ſame was raiſed; and when the Whole of ſuch Pariſh, Precinct, or Place, ſhall be paved, then, and not before, all the Remainder of ſuch Surplus ſhall be applied for or towards paying off the Principal ſo borrowed as aforeſaid, and for that Purpoſe ſhall remain in the Bank of England, until the ſame ſhall amount to the Sum of Five hundred Pounds, or One full and equal Eighth Part of the whole Monies borrowed on the Security of the ſaid additional Rate or Aſſeſſment, which Sum ſhall be applied for and towards the Payment of the Money lent and advanced on ſuch additional Rate; and no Preference, either in the Payment of Intereſt or Principal, ſhall be given to any Perſon or Perſons whatſoever, on account of the Priority of advancing any ſuch Sum or Sums, but that each Perſon ſhall be a Creditor in equal Degree, according to the Sum or Sums ſo by him, her, or them, lent and advanced, as aforeſaid.

Surplus of Rates to be applied in reducing the Debts.

XXX. And, to the End ſuch Surplus-money laſt mentioned may be ſo applied for or towards diſcharging or reducing the principal Monies to be borrowed as aforeſaid, be it further enacted, That when and as often as there ſhall remain in the Bank of England, of the Monies depoſited or paid in as aforeſaid, a Surplus of the ſaid additional Rate laid or aſſeſſed on any of the ſaid Pariſhes, Precincts, or Places, to the Amount of Five hundred Pounds, or One-eighth Part of the whole principal Monies borrowed, as aforeſaid, the Commiſſioners are hereby impowered, and on Requeſt to them for that Purpoſe made and ſignified by Writing, ſigned by the major Part of not leſs than Seven of the Committee of the Pariſh, Precinct, or Place, to which ſuch Surplus belongs, or from whence it aroſe, may and ſhall cauſe Notice in Writing to be given to or left for each of the Creditors or Lenders of all the Mortgage-monies to be ſo diſcharged or reduced, or their perſonal Repreſentatives or Aſſigns, at his, her, or their laſt or uſual Place of Abode, of the Commiſſioners Intention to apply ſuch Surplus-money in Diſcharge, or part Diſcharge, as the Caſe ſhall be, of ſuch Mortgage-monies, at the Expiration of Three Months next after the Date of ſuch Notice; and every ſuch Creditor or Lender, his, her, or their Repreſentatives or Aſſigns, having had ſuch Notice given to or left for him, her, or them, ſhall be obliged to accept his or her Share or Proportion thereof at the Expiration of the Time to be expreſſed in ſuch Notice, or in Failure of Acceptance thereof, all Intereſt of ſuch Share ſhall from thenceforth ceaſe and not be payable.

XXXI. And it is hereby further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons intitled to any of the Securities aforeſaid, and his, her, or their Executors, Adminiſtrators, or Aſſigns, at any Time or Times, by Writing under his, her, or their Hand or Hands reſpectively, to aſſign or transfer ſuch Securities, by Indorſement on the Back thereof, or otherwiſe, to any Perſon or Perſons whatſoever, and witneſſed by Two Witneſſes, and ſo toties quoties; and ſuch Aſſignments and Transfers, after they ſhall be reſpectively entered in the Book or Books of the ſaid Committees, in Manner aforeſaid, ſhall intitle the Perſon or Perſons to whom they ſhall be reſpectively made, and his, her, and their reſpective Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security or Securities ſo aſſigned, or transferred and entered.

Creditors may aſſign their Securities.

XXXII. Provided alſo, and be it further enacted by the Authority aforeſaid, That no Rate or Aſſeſſment ſhall be made or collected by virtue of this Act upon any Land, Houſe, Tenement, or Hereditament, ſituate on the Outſide of any Turnpike-gate, as the ſame is now fixed, whereat Toll is, by the ſaid recited Act, paſſed in the Fifth Year of his preſent Majeſty, authoriſed to be taken, or in any Road or Place not repaired or lighted by virtue of the ſaid former Acts, or this Act, or ſuch other Places as in the Opinion of the reſpective Committees, not leſs than Three Perſons, ſhall not be within the true Intent and Meaning of this Act.

Houſes ſituated beyond Turnpikes, exempted from Rates.

XXXIII. And be it further enacted by the Authority aforeſaid, That the firſt Rate or Rates, Aſſeſſment or Aſſeſſments, directed to be made as aforeſaid. ſhall commence from the Twenty-ſixth Day of March, One thouſand ſeven hundred and ſeventy-one; and every future Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall commence from the Time that the laſt preceding Rate or Rates, Aſſeſſment or Aſſeſſments, ended, and not otherwiſe; and the Monies therein and thereby charged and aſſeſſed ſhall be payable and recoverable quarterly, in Manner herein-after directed.

Firſt Rate to commence *March* 25, 1771.

XXXIV. And be it further enacted, That where any of the Lands, Houſes, Shops, Warehouſes, Wharfs, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, within the reſpective Pariſhes and Places aforeſaid, ſhall, at the Time of making any of the ſaid Rates or Aſſeſſments, be empty, untenanted, or unoccupied; then, and in all ſuch Caſes, it ſhall and may be lawful for the ſaid reſpective Committees to rate and aſſeſs ſuch Premiſes at One Half of the Rates or Aſſeſſments herein-before granted, during ſuch Time only as ſuch Premiſes, after making any ſuch Rate or Rates, Aſſeſſment or Aſſeſſments reſpectively, ſhall be empty, untenanted, or unoccupied; and One Half only of ſuch Rate or Aſſeſſment ſhall be charged on ſuch Premiſes reſpectively for and during ſo long Time as the ſame ſhall be empty, untenanted, or unoccupied; and in any of the Caſes aforeſaid, the ſaid Rates or Aſſeſſments, and all Arrears due thereon reſpectively, ſhall be paid by the Owners, Proprietors, or Leſſors, or by the firſt or any other Tenants or Occupiers thereof; and ſuch Tenants or Occupiers ſhall and may, and is and are hereby reſpectively authoriſed to deduct and detain the ſame out of their Rent, and the Landlords or Owners of ſuch Premiſes is and are hereby required to allow ſuch Deductions and Payments upon Receipt of the Reſidue of their reſpective Rents; and the ſaid reſpective Tenants or Occupiers ſhall be and are hereby acquitted and diſcharged of and from ſo much of their reſpective Rents as the Rates or Aſſeſſments, and all Arrears due thereon, and ſo paid by them reſpectively, ſhall amount unto.

How empty Houſes ſhall be aſſeſſed.

XXXV. And whereas there are many Houſes, Buildings, Lands, Grounds, Tenements, Hereditaments, and Premiſes, within the Limits aforeſaid, which are taken on Leaſes for Years, or otherwiſe, and by the Leſſees or Tenants, and alſo by Landlords or Owners thereof, are let out in Parts, or ſeparate Apartments to Under-tenants, and other Houſes and Premiſes let ready-furniſhed to Lodgers; be it therefore enacted by the Authority aforeſaid, That the ſeveral Leſſors, Landlords, Owners, or Proprietors of all ſuch Houſes, Buildings, Lands, Grounds, Tenements, or Hereditaments, ſo let out, or which ſhall hereafter be let out in Parts or ſeparate Apartments, or ready-furniſhed to a Lodger or Lodgers, ſhall reſpectively be deemed and taken as the Occupier thereof, and ſhall be liable and ſubject to the Payment of the Rates or Aſſeſſments directed by this Act to be made, raiſed, and levied, according to the yearly Rent or Value of ſuch Premiſes.

Under-tenants, &c. liable to the Rates.

XXXVI. And, for the more eaſy Recovery of ſuch Rates or Aſſeſſments reſpectively, be it further enacted by the Authority aforeſaid, That each and every Perſon ſo renting or occupying any ſuch Part or ſeparate Apartment as aforeſaid, ſhall be liable and compellable to the Payment of the ſaid Rates or Aſſeſſments, and all Arrears due thereon, to be recovered in Manner herein-after directed; and the reſpective Occupiers who ſhall pay ſuch Rates or Aſſeſſments, or any Arrears due thereon, or from whom the ſame ſhall be recovered in purſuance of this Act, ſhall and may deduct the ſame from and out of the next Rent, or any other Rent due and payable from him, her, or them, to ſuch reſpective Leſſor or Landlord, Owner or Proprietor; and the Receipt for ſuch Payment ſhall be a ſufficient Diſcharge for all and every ſuch Tenant or Tenants, Occupier or Occupiers, to his, her, or their Landlord, for ſo much Money as he, ſhe, or they ſhall pay, or ſhall be levied on the Goods and Chattels of him, her, or them reſpectively, by virtue of this Act.

How thoſe Rates ſhall be recovered.

XXXVII. And be it further enacted by the Authority aforeſaid, That every Rate, Tax, or Aſſeſſment, which ſhall be made, laid, or aſſeſſed, by virtue of this Act, for or in reſpect of any Houſes, Buildings, Lands, Grounds, Tenements, Hereditaments, or Premiſes, which any Ambaſſador or Reſident, Agent, or other publick Miniſter of any foreign Prince or State, or the Servant of any ſuch Ambaſſador, Reſident, Agent, or publick Miniſter, or other Perſon not liable by Law to pay ſuch Rate or Aſſeſſment, now doth, or hereafter ſhall inhabit, ſhall be paid by the Landlords, Leſſors, Owners, or Proprietors of all ſuch Houſes, Buildings, Lands, Grounds, Tenements, Hereditaments, or Premiſes reſpectively, who ſhall be liable and compellable to the Payment thereof, and the ſame ſhall be recovered in Manner herein-after directed.

Rates for Houſes of Ambaſſadors, &c. to be paid by Landlords, &c.

XXXVIII. And foraſmuch as it is reaſonable that all publick Buildings, dead Walls, and void Spaces of Ground, ſhould be rated and aſſeſſed for the Purpoſes of this Act; be it therefore further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Committees,

How publick Buildings and dead Walls ſhall be aſſeſſed.

Committees, within their reſpective Pariſhes, Precincts, or Places, and they are hereby required, from Time to Time, to rate and aſſeſs all Pariſh Churches, Church-yards, Chapels, Meeting-houſes, Schools, Inns of Court and Chancery, Halls, Societies, Markets, Warehouſes, Wharfs, void Spaces of Ground, and all other publick Buildings whatſoever, ſituate, ſtanding, lying, and being within their reſpective Pariſhes, Precincts, or Places, at a Rate not exceeding Sixpence in any One Year for every ſquare Yard of Pavement paved or repaired, cleanſed and lighted, under and by virtue of this Act, or any other the ſaid former Acts belonging to ſuch Pariſh Church, Church-yard, Chapel, Meeting-houſe, Inn of Court and Chancery, School, Hall, Society, Market, Warehouſe, Wharf, dead Wall, void Space of Ground, and other publick Buildings reſpectively whatſoever, and which are not charged by virtue of this Act by the Pound Rate, or otherwiſe, which Rate or Rates, Aſſeſſment or Aſſeſſments, to be laid upon ſuch Pariſh Churches, Chapels, and Church-yards, ſhall be paid by the reſpective Church or Chapel Wardens; and the Rate or Rates, Aſſeſſment or Aſſeſſments, to be laid upon ſuch Meeting-houſes, Schools, Inns of Court and Chancery, Halls, Societies, Markets, Warehouſes, Wharfs, dead Walls, void Spaces of Ground, and publick Buildings, ſhall be paid by the Owner or Owners, Proprietor or Proprietors thereof reſpectively; all which Rates or Aſſeſſments ſhall be recovered and applied as the other Rates hereby made payable are to be recovered and applied.

How Rates and Aſſeſſments in general ſhall be recovered.

XXXIX. And, for the better and more effectual recovering the ſaid reſpective Rates and Aſſeſſments, be it further enacted by the Authority aforeſaid, That in caſe any Inhabitant, Occupier, Owner, or Proprietor, or the Leſſee of any Land, Ground, Houſe, Shop, Warehouſe, Wharf, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament, within the Limits aforeſaid, (and liable to pay any Rate or Aſſeſſment by virtue of this Act), ſhall refuſe or neglect to pay the Money rated and aſſeſſed upon him, her, or them reſpectively, and all Arrears due thereon, it ſhall and may be lawful to and for the reſpective Collectors of the ſaid Rates or Aſſeſſments to collect and levy ſuch Rates or Aſſeſſments, by Warrant under the Hands and Seals of any Two of His Majeſty's Juſtices of the Peace for the ſaid County of Middleſex, or City and Liberty of Weſtminſter, as the Caſe ſhall be, and all Arrears due thereon, by Diſtreſs and Sale of the Goods and Chattels of the Party ſo neglecting or refuſing to pay the ſame, which ſhall be found either within the ſaid Pariſh, Precinct, or Place, or elſewhere; and if within Five Days next after ſuch Diſtreſs ſhall be made, the ſaid reſpective Rates or Aſſeſſments, and all Arrears due thereon, ſhall not be paid, together with the reaſonable Charges of taking and keeping the ſame, the ſaid reſpective Collectors ſhall cauſe the ſaid Goods and Chattels to be ſold, or ſuch Part thereof as ſhall be ſufficient to pay the ſaid Rates or Aſſeſſments, together with all Arrears due thereon, and the reaſonable Charges of making ſuch Diſtreſs and Sale, returning the Overplus, and the Goods and Chattels remaining, (if any be), to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold.

Collectors to account for Rates.

XL. And be it further enacted by the Authority aforeſaid, That the reſpective Collectors of the ſaid Rates and Aſſeſſments within the ſaid reſpective Pariſhes, Precincts, or Places, ſhall, Once in every Week, or oftener, if the reſpective Committee ſhall ſo direct, pay all the Money which they ſhall from Time to Time collect and receive into the Bank of England, or to ſuch Banker or Bankers as the ſaid Committees reſpectively, with the Approbation of the ſaid Commiſſioners, or any Five or more of them, ſhall direct, (except only ſo much and ſuch Parts thereof as are herein directed to be paid to the Commiſſioners, or their Treaſurer, for Payment of the Monies agreed to be by the ſaid Commiſſioners paid upon and purſuant to any and every the Contracts by them heretofore made and now ſubſiſting, for repairing, lighting, and cleanſing, any of the Squares, Streets, Lanes, and Places aforeſaid).

Collector to account upon Oath.

XLI. And be it further enacted by the Authority aforeſaid, That the ſaid Collector ſhall, as often as thereunto required by any of the ſaid Committees, not leſs than Three Perſons reſpectively, make up true and perfect Accounts of all Money by ſuch Collectors reſpectively received and paid in purſuance of this Act, and deliver all ſuch Accounts to the reſpective Committees, and verify the ſame upon Oath, (which Oath any Three Committee-men are hereby impowered to adminiſter); and every ſuch Collector refuſing or neglecting to make up and render ſuch Account to the Committee requiring the ſame, as aforeſaid, and to verify the ſame upon Oath, as aforeſaid, or to pay over all ſuch Monies as ſhall be remaining in his Hands, ſhall and may, by Warrant under the Hands and Seals of Two of His Majeſty's Juſtices of the Peace for the City and Liberty of Weſtminſter, or for the ſaid County of Middleſex, as the Caſe ſhall be, upon Complaint to them made by any Three or more of the ſaid Committee-men, and Proof thereof by the Oaths of Two or more credible Witneſſes, (which Oath the ſaid Juſtices are hereby authorized and impowered to adminiſter), be committed to the common Gaol of the ſaid City and Liberty, or of the ſaid County, as the Caſe ſhall be, there to remain without Bail or Mainprize, until he the ſaid Collector ſhall have made a fair and true Account, and until ſuch Money as upon ſuch Account ſhall appear to be remaining in his Hands ſhall be paid over by ſuch Collector, or his Surety or Sureties, to ſuch Perſon or Perſons as ſhall be by ſuch Three or more Committee-men making ſuch Complaint appointed to receive the ſame; but the Commitment of ſuch Collector to Gaol ſhall not acquit or diſcharge any Surety or Sureties, Security or Securities, that ſhall or may have been taken by or given to any Committee for the due and faithful Execution of the Office of Collector, or Payment of Monies, to be by ſuch Collector received by virtue of his ſaid Office, or any Action, Suit, or Proceſs, commenced, or to be commenced, for Recovery of any Monies ſo received.

If Committees neglect to make Rates, then the Commiſſioners may do it.

XLII. And be it further enacted and declared by the Authority aforeſaid, That if the Committee for any or either of the Pariſhes, Precincts, or Places included in this Act, ſhall omit or neglect to make any Rate or Aſſeſſment herein-before authorized and directed to be made, and to raiſe the Money by this Act directed in Manner before mentioned, within ſuch Pariſh, Precinct, or Place reſpectively, for the Space of Three Calendar Months, then the Commiſſioners for putting the ſaid former Acts, and this Act, in Execution,

cution, may and ſhall make ſuch Rates or Aſſeſſments, which ought to have been made by any ſuch Committee as aforeſaid, and cauſe the ſame to be collected and recovered, and Money raiſed thereupon, in ſuch Manner as the ſaid Committees might or ought to have done; any Thing herein-before contained to the Contrary notwithſtanding.

Perſons having an Order from the Commiſſioners or Committees to inſpect Poor's Rates.

XLIII. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for any Perſon or Perſons, having an Order under the Hands of the Commiſſioners, or any Two or more of them, or of Three or more Committee-men of each reſpective Pariſh, Precinct, or Place, for that Purpoſe, to inſpect and take Copies or Extracts of any Books or Rates made for raiſing Money for Relief and Maintenance of the Poor within any Pariſh, Precinct, or Place, compriſed in this Act; which Inſpection, Copies, and Extracts, the Perſon or Perſons having the Cuſtody of ſuch Books or Rates reſpectively are hereby required to permit and ſuffer to be made without Fee or Reward, by ſuch Perſon or Perſons appointed as aforeſaid, upon his or their producing ſuch Order; and in caſe any Perſon or Perſons, having the Cuſtody of any Book or Rate, ſhall neglect or refuſe ſo to do within Two Days after ſuch Order ſhall be ſo produced, and ſhewn to him or them, or a Copy thereof left at his or their laſt moſt uſual Place of Abode, he or they ſhall, for the Firſt Offence, forfeit the Sum of Forty Shillings, for the Second Offence the Sum of Three Pounds, and for the Third and every other Offence the Sum of Five Pounds; to be levied and recovered in like Manner as Penalties and Forfeitures are, by the ſaid Act of the Fourth Year of His preſent Majeſty's Reign, to be levied and recovered, and ſhall be applied by the Committees for the Purpoſes of this Act, within the reſpective Pariſh, Precinct, or Place, in which every ſuch Forfeiture ſhall be incurred.

So much of former Acts as impowers the Commiſſioners to make Rates, repealed.

XLIV. And be it further enacted, That from and after the ſaid Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-one, ſo much of the before-mentioned Act, made in the Second Year of the Reign of His preſent Majeſty, and of all or any other of the before-mentioned Acts, as authoriſes or impowers the ſaid Commiſſioners to make any Rate or Rates, Aſſeſſment or Aſſeſſments, upon any Lands, Houſes, Shops, Wharfs, Warehouſes, Cellars, or any other Tenements or Hereditaments, within the ſeveral Pariſhes aforeſaid, or to appoint Collectors of all or any ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, and alſo as authoriſes and impowers any Collector or Collectors by them, or any of them, appointed or employed to collect or levy any Rate or Rates, Aſſeſſment or Aſſeſſments whatſoever, within any of the Pariſhes, Precincts, and Places aforeſaid, (except as herein is excepted), ſhall be and is hereby repealed.

Collectors appointed by the Commiſſioners may continue to collect Arrears of former Rates.

XLV. Provided always, That the Collector or Collectors to the ſaid Commiſſioners ſhall and may, nevertheleſs, continue to collect and levy all Arrears of any Rate or Rates, Aſſeſſment or Aſſeſſments, already rated or aſſeſſed by virtue of the ſaid recited Acts, or any of them, by ſuch and the ſame Ways and Means, and in ſuch and the ſame Manner, as they could or might have done in caſe this Act had not been made; and that the Money to ariſe by ſuch Arrears ſhall, from Time to Time, be paid, applied, and diſpoſed of, for diſcharging all Debts, Charges, and Expences, incurred by the Commiſſioners before and until the Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-one, for the Purpoſes of the ſaid former Acts; and if any Surplus ſhall then after ariſe, the ſame ſhall be applied to the ſame Uſes and Purpoſes as the Monies hereby directed to be rated and aſſeſſed within ſuch Pariſhes, Precincts, and Places reſpectively, are herein directed to be applied and diſpoſed of, and to no other Uſe or Purpoſe whatſoever.

How Arrears of Scavengers Rates ſhall be collected.

XLVI. Provided always, and it is hereby enacted and declared, That all and every the Arrears and growing Payments of all and every the Rate and Rates heretofore made for raiſing Money for or towards paying the Charges and Expences of any Scavenger or Scavengers, for ſweeping and cleanſing the Streets, Lanes, and Paſſages, and for carrying away the Dirt, Soil, and Aſhes, ariſing or to ariſe, or to be made within any of the Pariſhes, Precincts, and Places ſubjected to the Powers of this Act, which now are or hereafter ſhall be or become due or payable until and at or upon the Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-one, ſhall and may be collected and levied by ſuch Perſon and Perſons, and in ſuch Manner, and by ſuch Ways and Means, and ſhall and may be applied and diſpoſed of to ſuch Uſes and Purpoſes, as the ſame might or could have been collected or applied and diſpoſed of in caſe this Act had not been made; any Thing herein contained to the Contrary notwithſtanding.

Intereſt of Money and all other Payments ſhall be certified by the Committees to the Commiſſioners.

XLVII. And be it further enacted by the Authority aforeſaid, That all and every the Payments of Intereſt of Monies borrowed, and all Payments to be made upon and for all and every Contract and Contracts herein and hereby directed to be made, and all Salaries, Payments, and Allowances, Charges, and Expences whatſoever, to be made and given for any Thing to be done or contracted for, by each and every the ſaid Committees, to be choſen as aforeſaid, ſhall be firſt certified to the ſaid Commiſſioners by each of the ſaid Committees reſpectively, by Writing under the Hands of Three or more of the Committee-men, and delivered to the ſaid Commiſſioners, or their Clerk, at the next or ſome other ſubſequent Meeting of the ſaid Commiſſioners, with the ſeveral Bills of Particulars relating thereto, and thereupon the ſaid Commiſſioners, (not having any juſt and reaſonable Cauſe to the contrary), ſhall, and are hereby directed and required, within Twenty-one Days after the Delivery of every ſuch Certificate, to make an Order for Payment of the Sum and Sums of Money to be ſpecified in ſuch Certificate, and ſign a Draught or Order on the proper Caſhier or Officer of the Bank of England, for Payment thereof at Sight; every ſuch Order to be ſigned by Three or more of the ſaid Commiſſioners.

Perſons may recover Money certified by the Committees, unleſs ſome juſt Cauſe to the contrary.

XLVIII. And be it further enacted by the Authority aforeſaid, That if, for and upon any Sum or Sums of Money which ſhall become due and payable for Intereſt of Monies to be borrowed as aforeſaid, or for or on account of any Contract or Contracts to be made by any of the ſaid Committees, and confirmed by the ſaid Commiſſioners as aforeſaid, or for any incidental Charges and Expences relating to the putting in Execution any of the Powers of this Act, or to or for any Salaries, or other Payments or Allowances to be made and given purſuant to this Act, such Certificate for Payment thereof being ſo made and delivered as aforeſaid, the ſaid Commiſſioners (not having and declaring ſome juſt and reaſonable Cauſe to the contrary) ſhall not, within Twenty-one Days next after the Delivery of ſuch Certificate, make and ſign an Order for Payment of the Monies to be ſpecified or expreſſed in ſuch Certificate, it ſhall and may be lawful to and for the Perſon or Perſons to whom the Monies in and by ſuch Certificate are expreſſed to be due or payable, to commence, maintain, and proſecute an Action or Actions in any of His Majeſty's Courts of Record at Weſtminſter, againſt any Two or more of the ſaid Commiſſioners, but not againſt the Committee, or any of them; and in ſuch Action no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Commiſſioners ſhall not be charged with more Money from any Pariſh than they ſhall have received from ſuch Pariſh.

XLIX. Provided always, and it is hereby further enacted and declared, That nothing herein contained ſhall extend, or be conſtrued to extend, to charge the ſaid Commiſſioners with or for any Monies to be paid to any Perſon or Perſons upon the Certificate or Certificates of the Committee of any of the Pariſhes, Precincts, or Places ſubjected to the Powers of this Act, more than and beyond the Amount of what ſhall have been paid into and remaining in the Bank of England, in the Name of the Commiſſioners, by and on the Account of the Committee or Committees of the particular Pariſh, Precinct, or Place, for which the Monies mentioned in ſuch Certificate or Certificates ſhall be payable; any Thing herein contained to the Contrary notwithſtanding.

The Commiſſioners ſhall keep ſeparate Accounts of Money received from each Pariſh.

L. And be it further enacted, That the ſaid Commiſſioners ſhall, and are hereby required, from Time to Time, to cauſe ſeparate and diſtinct Accounts to be kept of all Monies paid into the Bank of England, or to the Treaſurer to the ſaid Commiſſioners, by the Collectors of each reſpective Pariſh, Precinct, or Place, ſubjected to the Powers of this Act, and of all other Monies depoſited or paid into the Bank of England, in the Names, and in the Manner aforeſaid, on the Account of every ſuch Pariſh, Precinct, or Place, and how and to what particular Uſes the ſame have been applied; and ſuch Accounts ſhall be made up Once in every Year, and a true Copy or Copies thereof, ſigned by the Clerk to the ſaid Commiſſioners, ſhall be tranſmitted to the Veſtry Clerk of each reſpective Pariſh, Precinct, or Place, between Chriſtmas and Lady-day in every Year, to be by him laid before the Veſtry at their next Veſtry Meeting; and all the Monies raiſed, collected, borrowed, and received, within the ſaid Pariſhes, Precincts, and Places reſpectively, ſhall, from Time to Time, be laid out and expended for the Purpoſes of the ſaid recited Acts, and this Act, within each reſpective Pariſh, Precinct, or Place, where ſuch Monies ſhall be raiſed, collected, borrowed, or received, and not elſewhere; except as is herein-before directed, and except alſo the Salaries of the proper Officers of the ſaid Commiſſioners, and the contingent Expences of the ſaid Commiſſion.

Committees to tranſmit to Commiſſioners once a Year the true Amount of all Monies rated within each Pariſh.

LI. And be it further enacted, That the ſaid Committees reſpectively ſhall, and are hereby required, at Lady-day and Michaelmas in every Year, or within One Month then next following, to tranſmit to the ſaid Commiſſioners, Abſtracts, or Extracts, ſigned by their Clerks reſpectively, containing the true Amount of all Monies by the ſaid Committees reſpectively rated and aſſeſſed, and at how much in the Pound, and of the Amount of ſo much of all and every ſuch Rates as ſhall appear to them to be collected and received, and in Arrear and unreceived, and of all Monies borrowed on the Securities of every the ſaid additional Rates.

Salaries of the Commiſſioners Officers, and the Expences of the Commiſſion, how to be paid.

LII. And in order to the aſcertaining and paying the ſeveral Proportions of every the Salaries of the Officers of the Commiſſioners, and other contingent Expences of the Commiſſion, be it enacted, That the ſaid Commiſſioners ſhall, and they are hereby directed, annually, or oftener, by Writing ſigned by their Clerk, to ſignify and inform all and every the ſeveral Committees to be choſen as aforeſaid, of the right and true Proportion to be paid by each of the ſaid Pariſhes, Precincts, and Places reſpectively, to make good the ſaid Salaries and contingent Expences, in proportion and according to the Amount of all the Monies to be raiſed by the Rates to be made by virtue of this Act, for repairing, lighting, and cleanſing; ſuch Writing to be delivered to or left for the reſpective Clerks to each and every the ſaid Committees, and by ſuch Clerks laid before the reſpective Committees at their next Meeting, after the ſame ſhall be ſo delivered or left; and thereupon each and every of the ſeveral Committees reſpectively, within Fourteen Days next after every ſuch Writing ſhall be ſo laid before them, ſhall, and are hereby required to cauſe their Certificate or Allowance in Writing, ſigned by Three or more of them, to be tranſmitted to the Commiſſioners, or their Clerk, ſignifying the Conſent of the ſaid Committee, that the Commiſſioners may make an Order or Draught to or upon the Bank of England, or Banker to be appointed as aforeſaid, as the Caſe ſhall be, for Payment of the reſpective Proportion or Share ſo aſcertained out of the Monies ariſen by the Rates as laſt aforeſaid; and ſuch Share or Proportion ſo certified may be paid by virtue of ſuch Certificate or Allowance, and Order, ſo made and ſigned, and not otherwiſe.

Saint Margaret and *Saint John* to be one Pariſh for the ſeveral Purpoſes of the Act;

LIII. Provided always, and be it enacted and declared, That, for the ſeveral Purpoſes of this Act, the Pariſhes of Saint Margaret and Saint John the Evangeliſt ſhall, in all Reſpects, be conſidered as One Pariſh only, and that Three-fifths, as near as may be, of the Committee-men to be choſen and appointed for the ſaid united Pariſhes, ſhall be Inhabitants reſiding within the ſaid Pariſh of Saint Margaret; and the remaining Part of them ſhall be Inhabitants reſiding within the ſaid Pariſh of Saint John the Evangeliſt; and that the Committee-men ſo choſen for the ſaid united Pariſhes ſhall be conſidered as one Committee only, who are to meet and act in Conjunction for the ſaid united Pariſhes; and that all Meetings of the ſaid Committee-men ſhall, from Time to Time, be held in the Veſtry-room of the ſaid Pariſh of Saint Margaret, and at no other Place.

and the Committee-men for thoſe Pariſhes are jointly to make Rates.

LIV. And be it further enacted, That all the ſaid Committee-men to be choſen and appointed for the ſaid united Pariſhes ſhall, and they are hereby authoriſed and required, from Time to Time, to make all ſuch Contracts as ſhall be directed to be made by the ſaid Commiſſioners for the Purpoſes of this Act, within the ſaid united Pariſhes, and alſo all Rates and Aſſeſſments which ſhall be neceſſary to be made within the ſaid united Pariſhes for paving, repairing, lighting, and cleanſing the Squares, Streets, Lanes, and other Places therein, and all other the neceſſary Purpoſes of the ſaid former Acts, or of this Act; and the ſaid Committee-men ſhall have full Power and Authority to do and perform all other Matters and Things which any other Committee-men are by this Act authoriſed to do and perform, within any of the Pariſhes and Places within the Limits of this Act; and the ſaid Rates and Aſſeſſments, when raiſed or levied, together with all Monies which the ſaid united Pariſhes may hereafter be intitled to, for the better carrying on and compleating the ſeveral Works to be done by virtue of this Act, ſhall be added together, and made One common Stock or Fund, and be iſſued and applied for the Benefit of the ſaid united Pariſhes, as the ſaid Committee-men, at any of their Meetings to be held as aforeſaid, ſhall, from Time to Time, think fit to order and direct; and the ſaid Committee-men are hereby authoriſed and required, in the Appointment of their Officers, to conſider the ſaid united Pariſhes as One Pariſh only, for the Purpoſes of this Act; any Thing in this Act contained to the Contrary thereof in any-wiſe notwithſtanding.

How Commiſſioners and Committee-men ſhall be choſen for *Saint Giles* and *Saint George Bloomſbury*.

LV. And, for the better and more effectually carrying the ſaid former Acts, and this Act, into Execution, within the ſaid Pariſhes of *Saint Giles in the Fields* and *Saint George Bloomſbury*, it is hereby enacted and declared, That for and notwithſtanding any Thing herein contained to the Contrary thereof, the Commiſſioners and Committee-men to be elected or choſen in and for the ſaid reſpective Pariſhes, ſhall, at all Times hereafter, be elected or choſen by the reſpective Veſtry-men of the ſaid Pariſhes, at diſtinct Meetings to be held in their ſeparate Veſtry-rooms; and the Committees, when elected or choſen as aforeſaid, ſhall, from Time to Time, aſſemble and meet together in the Veſtry-room of the ſaid Pariſh of Saint Giles in the Fields, to and for the Purpoſes of making all and every the ſaid Rates or Aſſeſſments, and for every Purpoſe concerning the repairing, cleanſing, and lighting the ſeveral Squares, Streets, Lanes, and other Places within the ſaid reſpective Pariſhes, and for exerciſing all and every other the Powers and Authorities hereby granted, except as herein-after is mentioned; and that with reſpect to the Rate or Rates, Aſſeſſment or Aſſeſſments, herein-before directed to be made, for the Purpoſes of repairing, cleanſing, and lighting the ſeveral Squares, Streets, Lanes, and other Places within the ſaid reſpective Pariſhes, and for all and every other the Purpoſes of this Act, and the ſaid former Acts, the ſaid Two Pariſhes ſhall be deemed and taken to be One Pariſh, and the Committees thereof ſhall act in Conjunction, and be conſidered as One Committee, to all Intents and Purpoſes whatſoever, except as herein-after is mentioned.

Rates in *Saint Giles* and *Saint George* to be placed to the ſeparate Account of each Pariſh.

LVI. Provided nevertheleſs, and it is hereby further enacted, That the ſeveral Sums of Money to be raiſed by the additional or further Rate or Rates, Aſſeſſment or Aſſeſſments, within each of the ſaid Pariſhes of Saint Giles in the Fields and Saint George Bloomſbury, ſhall be placed to the ſeparate Account of the Pariſh in which the ſame ſhall be collected or received, to and for the Uſes for which the ſame was ſo rated or aſſeſſed; and each of the ſaid reſpective Committees ſhall have full Power and Authority, at Meetings to be held at their reſpective Veſtry-rooms, to aſſign ſo much of the ſaid additional Rate or Rates, Aſſeſſment or Aſſeſſments, as ſhall be laid, rated, or aſſeſſed within their ſeparate Pariſh, as a Security or Securities for the ſeveral Sum or Sums to be by them reſpectively borrowed or taken up at Intereſt, by virtue of the Powers hereby granted, and according to the Directions herein-before contained; which ſaid Sum or Sums, and all other Monies which the ſaid reſpective Pariſhes ſhall or may raiſe, collect, or receive, by virtue of the ſaid additional Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be depoſited in the Bank of England, and placed to the ſeparate and diſtinct Account of the reſpective Pariſh whereon the ſame was, were, or ſhall be borrowed, rated, or aſſeſſed; and after Payment of the Intereſt of the Money to be ſo borrowed, the Reſidue of the Money ariſing by the ſaid additional Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be, by the ſaid reſpective Committees, at Meetings to be held at their reſpective Veſtry-rooms, ſeparately, diſtinctly, and without the Interpoſition of each other, applied in and about the new-paving any Part or Parts of their ſaid reſpective Pariſh, according to the Powers and Directions of this Act.

So much of the Pariſh of *Saint Andrew, Holborn*, above the Bars, and *Saint George the Martyr*, to be united for the Purpoſes of this Act.

LVII. Provided always, and be it enacted and declared, That, for the ſeveral Purpoſes of this Act, ſo much of the Pariſh of Saint Andrew, Holborn, as lies above the Bars, in the County of Middleſex, and the Pariſh of Saint George the Martyr, in the ſaid County, ſhall, in all Reſpects, be conſidered as One Pariſh only; and that the Committee-men to be choſen and appointed for ſuch Part of the ſaid Pariſh of Saint Andrew, Holborn, as lies above the Bars, ſhall be Inhabitants reſiding within that Part of the ſaid Pariſh, and the Committee-men to be choſen and appointed for the Pariſh of Saint George the Martyr, ſhall be Inhabitants reſiding within the ſaid Pariſh of Saint George the Martyr; and that the ſaid Committee-men, ſo to be choſen as aforeſaid, ſhall be conſidered as One Committee only, and ſhall meet, and, at all Times hereafter, act in Conjunction, for ſo much of the ſaid Pariſh of Saint Andrew, Holborn, as lies above the Bars, and for the ſaid Pariſh of Saint George the Martyr; and that all Meetings of the ſaid Committee-men ſhall, from Time to Time, be held at the Work-houſe belonging to ſuch Part of the ſaid Pariſh of Saint Andrew, Holborn, as lies above the Bars, and at no other Place.

How the Committee-men within Pariſhes ſhall make their Rates.

LVIII. And be it further enacted, That all the ſaid Committee-men to be choſen and appointed for the ſaid united Pariſhes, ſhall, and they are hereby authoriſed and required, from Time to Time, to make all ſuch Contracts as ſhall be directed to be made by the ſaid Commiſſioners for the Purpoſes of this Act, within the ſaid united Pariſhes, and alſo all Rates and Aſſeſſments which ſhall be neceſſary to be made within the ſaid united Pariſhes, for paving, repairing, lighting, and cleanſing the Squares, Streets, Lanes, and other Places therein, and all other the neceſſary Purpoſes of the ſaid former Acts, or of this Act; and the ſaid Committee-men ſhall have full Power and Authority to do and perform all the Matters and Things which any other Committee-men are by this Act authoriſed to do and perform, within any of the Pariſhes and Places within the Limits of this Act; and the ſaid Rates and Aſſeſſments, when raiſed or levied, together with all Monies which the ſaid united Pariſhes may hereafter be intitled to, for the better carrying on and compleating the ſeveral Works to be done by virtue of this Act, ſhall be added together, and made One common Stock or Fund, and be iſſued and applied for the Benefit of the ſaid united Pariſhes, as the ſaid Committee-men, at any of their Meetings to be held as aforeſaid, ſhall, from Time to Time, think fit to order and direct; and the ſaid Committee-men are hereby authoriſed and required, in the Appointment of their Officers, to conſider the ſaid united Pariſhes as One Pariſh only, for the Purpoſes of this Act; any Thing in this Act contained to the Contrary thereof in any-wiſe notwithſtanding.

This Act not to extend to the optional Streets.

LIX. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to any Square, Street, or Place, which has been paved, cleanſed, and lighted, under the Clauſes in the ſaid Act made in the Fifth Year of His preſent Majeſty, impowering the Inhabitants of any particular Square, Street, or Place, to raiſe a Sum ſufficient to new-pave the ſame, and enabling the Commiſſioners to aſſign the Rates or Aſſeſſments made upon ſuch Square, Street, or Place, as a Security for the Repayment of ſuch Money, with Intereſt; but that all ſuch Squares, Streets, and Places, ſhall continue under the Direction of the ſaid former Act, in the ſame Manner as if this Act had not been made.

The Liberty of the *Rolls* included.

LX. And whereas the Liberty of the *Rolls* is included within the Proviſions of the ſaid former Acts, and ought to be included in this Act; be it therefore further enacted by the Authority aforeſaid, That the Commiſſioners appointed and elected, or to be appointed and elected, by virtue of the ſaid former Acts, any or either of them, and of this Act, ſhall, over and above the Powers given by the ſaid former Acts, have full Power and Authority to pave and repair, light and cleanſe the Streets, Lanes, and Places, within the ſaid Liberty of the Rolls, and to make, collect, and recover the like Rates or Aſſeſſments, and to put this Act in Execution therein, as fully and effectually as the ſame can be done by the Commiſſioners or Committees appointed to put this Act in Execution within the ſeveral Pariſhes, Precincts, and Places included in this Act; and the ſaid Liberty of the Rolls ſhall bear a due Proportion with the ſaid Pariſhes of the Expences to be provided for by this Act.

The South Side of *Heming's Row* to be paved.

LXI. And whereas the Street or Place called *Heming's Row*, in the ſaid Pariſh of *Saint Martin in the Fields*, is a great Thoroughfare, the Paſſage through Part whereof having been hitherto narrow, inconvenient, and dangerous, by means of a Wall and ſome Buildings belonging to the ſaid Pariſh, which have lately been pulled down, in order to the building a new Houſe for the Reception and Maintenance of the Poor of the ſaid Pariſh, which new Houſe hath been ſet back from where the ſaid Wall ſtood at the Diſtance of Ten Feet, or thereabouts; and in order to the widening the ſaid Street called *Heming's Row*, and rendering the ſame commodious for the future, it hath been propoſed, on the Behalf of the Vicar, Churchwardens, and Inhabitants of the ſaid Pariſh, in Veſtry aſſembled, that the ſaid Ground, and other the Ground belonging to them, being Two hundred and five Feet long, and Ten Feet wide, or thereabouts, now lying near to, and appearing to be Part of, the ſaid Street, ſhall, for ever hereafter, be Part of the ſaid Street; be it therefore enacted by the Authority aforeſaid, That from and after the paſſing this Act, the Ground laſt mentioned ſhall thenceforth for ever lie open to and be deemed and taken to be Part of the ſaid Street, and ſhall be paved or repaired, lighted and cleanſed, as ſuch, under and by virtue of the Powers of this Act; and that the Churchwardens and Overſeers of the Poor of the ſaid Pariſh ſhall thenceforth for ever be exempted and diſcharged from all Expences of repairing, paving, lighting, and cleanſing the ſaid Street or Place called Heming's Row, and of and from all and every Rate and Rates hereafter to be made in purſuance of any of the ſaid recited Acts, or this Act, for and in reſpect of the ſaid Street or Place called Heming's Row.

Churchwardens exempted from contributing.

Proviſo.

LXII. Provided nevertheleſs, That nothing herein contained ſhall exempt any other Perſon or Perſons whomſoever from the Payment of all or any of the Rate or Rates to be made as laſt aforeſaid, for and in reſpect of any Part or Parts of the ſaid Street called Heming's Row.

The Poſts in *Church Paſſage* not to be taken away;

LXIII. And whereas at the North and South Ends of a certain Paſſage or Place in the ſaid Pariſh of *Saint James*, leading out of *Piccadilly* into *Jermyn Street*, commonly called or known by the Name of *Church Paſſage*, there are Poſts ſet up to prevent the Admiſſion or paſſing of Carriages (One Side of the ſaid Paſſage being Part of the Cœmetery or Burial Ground belonging to the ſaid Pariſh); be it therefore enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to authoriſe or impower the ſaid Commiſſioners or Committees, or either of them, or any other Perſon or Perſons by them employed, to take up or remove all or any of the Poſts which now are or hereafter may be ſet up, either at the North or South End of the ſaid Paſſage, by Order of the Veſtry of the ſaid Pariſh of Saint James; but that the ſame ſhall, at all Times hereafter, be and remain in ſuch Manner as the ſaid Veſtry ſhall direct, provided the ſame do not obſtruct Paſſengers on Foot.

nor the Poſts and Porters Block near *Savile Row*;

LXIV. And be it further enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to impower the ſaid Commiſſioners or Committees, or either of them, or any other Perſon or Perſons by them employed, to take down or remove the Porters Block, or to take up or remove the Poſts belonging thereto, or any the Poſts now ſtanding and being at or near a Place called Vigo Lane, leading from the Top of Sackville Street to Saville Row.

nor thoſe in *King's Square, Court Paſſage.*

LXV. And be it further enacted, That nothing in this Act, or any or either of the ſaid former Acts contained, ſhall extend to authoriſe or impower the ſaid Commiſſioners, or the Committee of the Pariſh of Saint Anne within the Liberty of Weſtminſter, or any of them, or any Perſon or Perſons by them employed, to take up or remove the Poſts which are now ſtanding at the North End of a Paſſage leading from the Weſt End of King's Square Court to Chapel Street, in the ſaid Pariſh of Saint Anne, or which may hereafter be there ſet up, ſo as the ſame do not obſtruct or prevent Perſons paſſing on Foot through the ſaid Paſſage; any Thing in this Act, or any or either of the ſaid former Acts, contained to the Contrary thereof in any-wiſe notwithſtanding.

Two Commiſſioners may put up Chains, *&c.* at certain Times in *Maddox Street* and *Mill Street.*

LXVI. And whereas, by reaſon of the great Concourſe of Coaches and other Carriages in *Maddox Street* and *Mill Street*, within the Pariſh of *Saint George, Hanover Square*, upon *Sundays*, and Great Holidays, it frequently happens that the Inhabitants and Pariſhioners are very much diſturbed and interrupted in the Time of Divine Service; be it further enacted, That the ſaid Commiſſioners, or any Two or more of them, may order and direct any Bars or Chains to be erected and placed acroſs the ſaid Streets called Maddox Street and Mill Street, during the Time of Divine Service, and for the Space of One Hour before and One Hour after, or may take any other Method for preventing the paſſing and repaſſing of Coaches, during ſuch Time as they ſhall think fit and proper.

Commiſſioners veſted with Powers to remove Annoyances in Streets not paved.

LXVII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall have, and they are hereby veſted with, all the Powers and Authorities for removing Nuiſances, Annoyances, and Obſtructions, and otherwiſe regulating the ſeveral Squares, Streets, Lanes, and Places, within the Limits of the ſaid recited Acts, which have not been already new-paved or completed by virtue of the ſaid Acts, as by the ſaid Act, paſſed in the Second Year of His preſent Majeſty, they are veſted with, in the Squares, Streets, Lanes, and Places, that have been new-paved or completed under their Direction.

To prevent taking away Night Soil but between certain Hours.

LXVIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever ſhall come with any Cart or Carts, or begin to empty any Boghouſe or Boghouſes, or to take away any Night Soil from any Houſe or Houſes within the Limits aforeſaid, before the Hour of Twelve of the Clock at Night, or ſhall continue to take away the ſame after the Hour of Six in the Morning, from Michaelmas to Lady-day, or after the Hour of Five of the Clock from Lady-day to Michaelmas; or if any Perſon ſhall put or caſt, or cauſe to be put or caſt, out of any Cart, Tub, or otherwiſe, in or near any of the Squares, Streets, Lanes, Courts, Yards, Mews, Alleys, Paſſages, and Places, within the Limits aforeſaid, or within Half a Mile thereof, any ſuch Night Soil, it ſhall and may be lawful to and for any Conſtable, Beadle, or Watchman, (and they are hereby ſtrictly required and directed ſo to do), or any other Perſon or Perſons whatſoever, to apprehend and carry him or them guilty of either of the ſaid Offences to ſuch Watch-houſe as they ſhall think moſt convenient, there to be kept, and from thence conducted, as ſoon as conveniently may be, before ſome Juſtice of the Peace for the ſaid County or City and Liberty of Weſtminſter, as the Caſe ſhall be, who, upon Oath made of ſuch Offence or Offences as aforeſaid, (which Oath ſuch Juſtice is hereby impowered and required to adminiſter), ſhall and may commit ſuch Perſon or Perſons guilty of any of the ſaid Offences to the Houſe of Correction for the ſaid County or City and Liberty of Weſtminſter, for any Time not exceeding Three Months, nor leſs than Ten Days, there to be kept to hard Labour: And it ſhall and may be lawful to and for the ſaid Commiſſioners, at any Meeting to be held in purſuance of this Act, to order any Sum not exceeding Twenty Shillings, nor leſs than Five Shillings, to be paid to the Perſon who ſhall detect, apprehend, and convey before any ſuch Juſtice or Juſtices of the Peace, any ſuch Perſon or Perſons guilty as aforeſaid, to be paid out of the Rates to be raiſed by virtue of this Act.

Contingent Expences incurred, how to be defrayed.

LXIX. And, for as much as it may ſometimes happen, that as well the ſaid Commiſſioners as the ſaid Committees may be neceſſarily and unavoidably put unto, bear and ſuffer, ſome Coſts, Charges, and Expences, not provided for by any of the ſaid former Acts, or this Act, in and about the enforcing the Performance of Contracts, and otherwiſe; be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, by virtue of any Certificate or Allowance of the Committee of the Pariſh, Precinct, or Place, wherein or in reſpect of which any ſuch Coſts, Charges, or Expences, ſhall have been incurred, (the ſaid Committee, or Five or more of them, at any of their publick Meetings, being the Majority of the Committee-men then met) to be ſigned as aforeſaid, to make an Order or Draught on the Bank of England, or Banker as aforeſaid, for Payment of all or any ſuch Coſts, Charges, and Expences, by and out of the Monies depoſited or paid into the Bank, or to the Banker, on the Account of ſuch reſpective Pariſh, Precinct, or Place.

Charges of obtaining this Act, and of certain Applications to Parliament in the laſt Seſſion, how to be paid.

LXX. And be it further enacted by the Authority aforeſaid, That the Commiſſioners appointed by and in purſuance of all or any of the before-recited Acts, by and out of any Monies in the Hands of their Treaſurer, (other than and except ſuch Monies as have ariſen from or by Means of the ſaid Clauſe, commonly called The Optional Clauſe), ſhall and may defray and ſatisfy the Charges and Expences by them incurred in and about the obtaining and paſſing this Act; and that every the ſeveral Committees to be choſen purſuant to the Directions of this Act, by and out of the Firſt Monies to be by them ſeverally and reſpectively aſſeſſed and raiſed within their ſeveral and reſpective Pariſhes, Precincts, and Places, ſhall and may defray and ſatisfy the Share or Proportion of every the ſaid Pariſhes, Precincts, and Places, of the Charges and Expences which ſuch Pariſhes, Precincts, and Places reſpectively, have borne, ſuſtained, or been put unto, in or about their ſeveral and reſpective Applications to the Honourable Houſe of Commons, touching this preſent Act, and alſo touching any Bill or Bills, which, in the laſt Seſſion of Parliament, was or were brought into the ſaid Houſe by any or either of the ſaid ſeveral Pariſhes, Precincts, and Places, to the Intent to enable certain Commiſſioners to be appointed in and for ſuch Pariſhes ſeperately, and excluſively of all others, to pave, light, and cleanſe their own Pariſhes only.

Proceedings not to be charged with Stamp Duty.

LXXI. And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Aſſignment, Transfer, or other Security for the borrowing of Money, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals, of, or only ſigned by any Committee or Committees, Commiſſioner or Commiſſioners, for putting the ſaid former Acts, or any of them, or this Act, in Execution, or by any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any of the Powers or Authorities thereby or hereby veſted in ſuch Committee or Committees, Commiſſioner or Commiſſioners, or Juſtice or Juſtices of the Peace, or any of them, or Transfer or Aſſignment of any of the Securities aforeſaid, made by any Perſon or Perſons, ſhall be charged or chargeable with any Stamp Duty whatſoever.

Appeal may be made.

LXXII. Provided always, and be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Rate or Rates, Aſſeſſment or Aſſeſſments, made in purſuance of this Act, every ſuch Perſon or Perſons may and ſhall firſt apply for Relief to the Committee of the Pariſh, Precinct, or Liberty wherein the Cauſe of Complaint is ſuppoſed to have ariſen, at the Firſt or

Second Meeting of the ſaid Committee next after Demand made of ſuch Rate or Rates, Aſſeſſment or Aſſeſſments; and the ſaid Committees reſpectively are hereby authoriſed and impowered, if they ſhall ſee Cauſe ſo to do, to give ſuch Relief, or make ſuch other Order in the Premiſes, as to them ſhall ſeem meet; and in caſe the Party or Parties ſo applying for Relief ſhall not be ſatisfied with the Order and Determination of the ſaid Committee, he, ſhe, or they, ſhall and may apply and appeal for Relief to the Commiſſioners at their Firſt or Second Meeting next after ſuch Determination of the ſaid Committee in the Premiſes, giving to the ſaid Committee, or their Clerk, Six Days Notice of ſuch Appeal; and the ſaid Commiſſioners ſhall and may, and are hereby enabled and impowered thereupon, to hear, determine, and make ſuch Order therein, as to them ſhall ſeem meet; and if the Party or Parties appealing ſhall be diſſatisfied with the Order and Determination of the ſaid Commiſſioners, yet nevertheleſs he, ſhe, or they, ſhall be obliged to pay the Rate or Aſſeſſment complained of, according to the Order of the ſaid Commiſſioners in the Premiſes, and ſhall and may thereafter, and not before, appeal to the Quarter Seſſion of the Peace to be holden in and for the ſaid County of Middleſex, or City and Liberty of Weſtminſter, as the Caſe ſhall be, within Three Months next after ſuch Determination of the ſaid Commiſſioners, ſuch Appellant firſt giving, or cauſing to be given, Six Days Notice at leaſt in Writing of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk to ſuch Committee, and within Four Days next after ſuch Notice entering into Recognizance before ſome Juſtice of the Peace for ſuch County or City and Liberty of Weſtminſter, with Two ſufficient Sureties conditioned to try ſuch Appeal, and to abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſion; and the ſaid Juſtices, at ſuch Quarter Seſſion, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing, or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Juſtices, at their Quarter Seſſion, ſhall be final, binding, and concluſive.

Diſtreſs not deemed unlawful for want of Form.

LXXIII. And be it further enacted by the Authority aforeſaid, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Default or want of Form in any Proceedings relating thereto; nor ſhall the Party or Parties be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the ſpecial Damage only, in an Action on the Caſe.

Proceedings not to be quaſhed for want of Form.

LXXIV. And be it further enacted by the Authority aforeſaid, That no Rate or Rates, Aſſeſſment or Aſſeſſments, or any Proceeding to be had touching any Order made, or any other Matter or Thing to be done or tranſacted in or relating to any ſuch Complaint or Appeal, or any Order or Determination thereon, ſhall be quaſhed or vacated for want of Form, or be removed into any of His Majeſty's Courts of Record at Weſtminſter, by Certiorari, or by any other Writ or Proceſs whatſoever; any Law, Statute, or Uſage to the Contrary notwithſtanding.

Plaintiff ſhall not recover, if ſufficient Amends be tendered.

LXXV. Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity, Treſpaſs, or other Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, every or any ſuch Irregularity, Treſpaſs, or wrongful Proceeding, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants, in any Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall ſee fit, whereupon ſuch Proceedings or Order and Judgement ſhall be had, made, or given, in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LXXVI. And be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced againſt any Commiſſioner or Commiſſioners, or any other Perſon or Perſons acting under them, or againſt any Committee-man or Committee-men, or other Perſon or Perſons acting under any of the ſaid Committees, for any Thing done in purſuance of this Act, until the Expiration of Twenty-one Days next after Notice thereof ſhall be given in Writing to the Clerk of the ſaid Commiſſioners, or Clerk to the ſaid Committee, as the Caſe ſhall be, or after ſufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, for which ſuch Action or Actions, Suit or Suits, ſhall be brought; and every ſuch Action ſhall be brought, laid, and tried in the County of Middleſex, and not elſewhere; and that the Defendant or Defendants, and every of them, in every ſuch Action and Suit, may plead the General Iſſue, and give the Special Matter in Evidence, at any Trial or Trials to be had thereupon; and that the Matter or Thing for which ſuch Action or Suit ſhall be ſo brought was done in purſuance and by the Authority of this Act: And if the ſaid Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Suit was brought before the Expiration of Twenty-one Days after Notice thereof given as aforeſaid, or that ſufficient Satisfaction was made or tendered as aforeſaid, or if ſuch Action or Suit was not commenced within the Time before limited for that Purpoſe, or ſhall be laid in any County or Place other than the ſaid County of Middleſex; then the Jury ſhall find for the Defendant or Defendants therein: And if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs in ſuch Action or Suit, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Suit; or if, upon any Demurrer in ſuch Action or Suit, Judgement ſhall be given for the Defendant or Defendants; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts,

General Iſſue.

Treble Coſts.

Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants may have for his, her, or their Coſts, in any other Caſes by Law.

Publick Act.

LXXVII. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and all other Perſons whatſoever, without ſpecially pleading the ſame, or giving the ſame in Evidence.

CAP. XXIII.

An Act for paving and regulating *Roſemary Lane*, from the Pariſh of *Saint Botolph*, *Aldgate*, to *Cable Street*; alſo the ſaid *Cable Street*, the Foot-path in *Back Lane*, Part of the Precinct of *Well Cloſe*, the Street leading from *Nightingale Lane* to *Ratcliff Croſs*, *Butcher Row*, and *Brook Street*, and the ſeveral Streets, Lanes, and Paſſages opening into the ſame; and for removing all Obſtructions and Annoyances therefrom, and preventing the like for the future.

Preamble.

WHEREAS the ſeveral Streets, Lanes, and Part of the Precincts herein-after mentioned, (that is to ſay) *Roſemary Lane*, from the Boundary of the Pariſh of *Saint Botolph*, *Aldgate*, to *Cable Street*, the ſaid Street called *Cable Street*, the Foot-path of the *Back Lane* to the Turnpike Gate in *Cannon Street Road*, Part of the Precinct of *Well Cloſe*, the Street leading from *Nightingale Lane*, in *Eaſt Smithfield* to *Ratcliff Croſs*, the Street called *Butcher Row*, and *Brook Street*, in the Hamlet of *Ratcliff*, all which are in the *Tower Hamlets*, and County of *Middleſex*; and alſo the ſeveral Streets, Lanes, Paſſages, and Places, opening immediately into the above-mentioned Streets, Lanes, and Precinct, are very ill paved, and the Paſſage through the ſame greatly obſtructed by Poſts, Projections, and other Nuiſances, and annoyed by Spouts, Signs, and Gutters; and the preſent Methods preſcribed by Law are found ineffectual for removing ſuch Annoyances and Obſtructions and for the proper paving of ſuch Streets, Lanes, Precinct, Paſſages, and Places, and keeping ſuch Pavements in ſufficient Repair: And whereas there is a Doubt whether ſome Part of *Roſemary Lane* is comprehended within a certain Act of Parliament, made and paſſed this preſent Seſſion, intituled, *An Act for better paving the Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, in that Part of* Goodman's Fields *which lies in the Pariſh of* Saint Mary Matfellon, *otherwiſe* Whitechapel, *in the County of* Middleſex, *and alſo* Red Lyon Street *and* White Lyon Street, *lying contiguous to the ſaid Fields, and for removing and preventing Nuiſances, Annoyances, and Obſtructions therein*; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, That John Shakeſpear, Robert Pill, Samuel Dickenſon, William Wilſon, Charles Bowles, James Savage, Claus Heide, Jens Pederſen, Edward Hawkins, John Sherwood, Charles Merry, Eſquires; Robert Brownſon, William Moor, Richard Maddock, Robert Clark, Joſeph Cox, David Bland, Robert Lackland, Joſeph Hall, Abraham Peakes, Henry Ripp, Henry Mayo, William Blackmore, Abial Home, Theophilus Pretzler, Thomas Quintin, Charles Jerdein, James Thwaites, John Briſtow, Joſeph Jellands, Philip Splidt, William Pell, James Caney, John Robinſon, James Aſpinal, John Pain, Thomas Bradſhaw, James Robinſon, Robert Heathcote, William Saunders, William Cooke, Joſeph Bird, Daniel Bott, David Trinder, John Fleming, Richard Cole, James Henley, John Matthews, Samuel Patten, John Philipps, Matthew Whiteing, Thomas Burrow, Henry Goodwin junior, Samuel Hawkins, William Hill, Carſten Rhode, Major Rhode, Richard Ruſſell ſenior, Richard Ruſſell junior, Thomas Cogan, Daniel Jenkinſon, John Jenkinſon, William Robinſon, George Dehorne, Richard Vaux, William Harvey, Robert Calendar, Charles Hillar, Joſeph Dizington, and Aaron Clinker, Gentlemen; ſhall be, and they and their Succeſſors, to be elected in Manner herein-after mentioned, are hereby appointed Commiſſioners for putting this Act in Execution: And in caſe of the Death of any of the above-named Commiſſioners, or Refuſal to act, or neglecting to attend at the Meetings of the ſaid Commiſſioners, which ſhall be held in purſuance of this Act, for the Space of Twelve Months, (unleſs prevented by Sickneſs, or other unavoidable Occaſion), it ſhall be lawful for the ſurviving or remaining Commiſſioners, or any Nine or more of them, from Time to Time, by Writing under their Hands and Seals, to elect One other Perſon, inhabiting within the ſaid Diſtrict, to be a Commiſſioner, in the Room and Stead of ſuch Commiſſioner ſo deceaſed, removed, or refuſing to act, or neglecting to attend within the Time aforeſaid, Ten Days publick Notice of the Time and Place of Meeting for every ſuch Election being given, by affixing the ſame in Writing on the principal Doors of the reſpective Pariſh Churches following; (that is to ſay), Of Saint Mary, Whitechapel; Saint George, Saint Paul, Shadwell; and Saint Dunſtan, Stepney, in the County aforeſaid; and ſuch other Places within the Diſtrict aforeſaid as the ſaid Commiſſioners, or any Five or more of them, ſhall direct; and every Perſon ſo elected ſhall be, and is hereby veſted with the ſame Powers for putting this Act in Execution, as the Perſon in whoſe Place he ſhall be elected was veſted with.

Commiſſioners Names.

On Death, &c. of Commiſſioners, others be to choſen;

Ten Days Notice being given of ſuch Election.

Qualification of Commiſſioners.

Penalty on acting if not qualified is 50*l.*

II. And be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall then be in his own Right, or in Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, or poſſeſſed of or intitled to a perſonal Eſtate of the Value of One thouſand Pounds: And if any Perſon not being ſo qualified ſhall preſume to act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, or Suit, or Information, together with Coſts of Suit, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed, and wherein the Proof of Qualification ſhall lie on the Perſon proſecuted; and it ſhall be ſufficient on the Part of the Proſecutor to prove, that the Perſon ſo proſecuted had acted as a Commiſſioner in the Execution of this Act.

Victuallers Incapable of acting as Commiſſioners.

III. Provided always, and be it further enacted by the Authority aforeſaid, That no Victualler, or Perſon who ſhall ſell Ale, Wine, or other Spirituous Liquors by Retail, ſhall be capable of acting as a Commiſſioner under this Act.

Time and Place of Commiſſioners firſt Meeting; who may adjourn,

or in Default thereof, the Clerk may appoint a Meeting,

giving Notice in Writing.

In caſe of the Clerk's Death, or Refuſal, two Commiſſioners to appoint a Meeting, with like Notice.

No Order valid but at Meetings.

Commiſſioners to pay their own Expences, and not to act where intereſted.

IV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall meet together at the Houſe known by the Name or Sign of The White Swan, oppoſite Old Gravel Lane, in Ratcliff Highway, within the Diſtrict aforeſaid, on the Second Monday next after the paſſing of this Act, and proceed to put this Act in Execution; and they, or any Two or more of them, (being the whole or major Part of the Commiſſioners appearing) at ſuch Meeting, are hereby impowered to adjourn themſelves from Time to Time, to meet at the ſame or other convenient Place within the Diſtrict aforeſaid, as they ſhall think proper, for putting this Act in Execution: And if at any Meeting ſo appointed there ſhall not appear a ſufficient Number of Commiſſioners to act, or to adjourn to another Day, or if the ſaid Commiſſioners ſhall at any Time omit, neglect, or refuſe to adjourn themſelves; then, and in every ſuch Caſe, the Commiſſioners Clerk ſhall appoint a Meeting of the ſaid Commiſſioners at the ſame Place, by publick Notice in Writing, to be affixed at leaſt Six Days before the Time appointed by ſuch Notice for ſuch Meeting on the principal Doors of the reſpective Pariſh Churches aforeſaid: And in caſe the ſaid Clerk ſhall die, or be incapable of acting, before the Appointment of ſuch Meeting, or ſhall refuſe or neglect to make ſuch Appointment, when required by any Two or more of the ſaid Commiſſioners, then any Two or more of the ſaid Commiſſioners ſhall and may, by the like publick Notice, appoint the ſaid Commiſſioners to meet at the Place where the laſt Meeting was held; and that all Orders and Determinations of the ſaid Commiſſioners (ſave the above Appointment, and except as after mentioned) ſhall be made at a Meeting held in purſuance of this Act, and not otherwiſe; and that no ſuch Order or Determination ſhall be valid, unleſs the Majority of the Commiſſioners preſent ſhall concur therein; and the ſaid Commiſſioners, at all their Meetings, ſhall defray their own Expences; but no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of any of the Powers hereby granted, during the Time he ſhall hold or enjoy any Office of Profit under this Act, or have any Share or Intereſt in any Contract relating to the Execution hereof.

Commiſſioners may appoint Officers,

and remove them, and appoint others;

and allow Salaries.

Notice to be given to each Commiſſioner of ſuch Election.

Officers to give Security.

Rates to be paid to the Collectors.

Officers to account, &c.

to pay Money in Hand, and deliver up Books, when required;

and in caſe of Neglect or Refuſal,

Actions may be brought;

V. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall and may elect and chuſe, and, by Writing under their Hands and Seals, at any Meeting held in purſuance of this Act, appoint One or more Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors, Receiver or Receivers, of the Rates or Aſſeſſments, Surveyor or Surveyors, and ſuch other Officer or Officers for the Execution of this Act, as they the ſaid Commiſſioners, or any Five or more of them, ſhall think proper; and are hereby impowered, from Time to Time, to remove him or them, and appoint others, as they ſhall find neceſſary or convenient; and by and out of the Monies to be raiſed by virtue of this Act, may, and are hereby impowered to appoint and pay ſuch Salaries and Allowances to ſuch Officers, and to all other Perſons by them the ſaid Commiſſioners employed in the Execution of this Act, as they ſhall think reaſonable, Six Days Notice in Writing having been firſt given to each Commiſſioner, or left at his laſt or uſual Place of Abode, of the intended Election of any ſuch Clerk, Treaſurer, Collector, Receiver, or Surveyor; and the ſaid Commiſſioners, or any Five or more of them, ſhall and may take ſuch Security for the due Execution of the reſpective Offices by ſuch Perſon and Perſons as aforeſaid, as the ſaid Commiſſioners, or any Five or more of them, ſhall think proper; and ſuch Perſon or Perſons as is or are hereby made liable to pay the ſeveral Rates or Sums of Money hereby granted, ſhall pay the ſame to ſuch Perſon or Perſons as ſhall, from Time to Time, be ſo appointed to collect and receive the ſame, according to the true Meaning of this Act; and all ſuch Officers and Perſons ſo to be appointed as aforeſaid, ſhall, under their Hands, at ſuch Time and Times, and in ſuch Manner as the ſaid Commiſſioners, or any Five or more of them, ſhall direct, deliver to ſuch Commiſſioners, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, true and perfect Accounts, in Writing, of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all the Monies which ſhall have been, by ſuch Officer or Officers, and Perſon or Perſons reſpectively, received by virtue and for the Purpoſes of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint; and all the ſaid Officers and Perſons, ſo accounting as aforeſaid, ſhall, upon Oath, if thereunto required, (which Oath the ſaid Commiſſioners, or any Two or more of them, are hereby impowered and required to adminiſter), verify their ſaid Accounts: And if any ſuch Officer or Perſon, Officers or Perſons, ſhall not make and render, or ſhall refuſe to verify upon Oath, any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid; or ſhall not deliver to the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint, within Ten Days after being thereunto required by any Five or more of ſuch Commiſſioners, by Notice in Writing given to, or left at the laſt or uſual Place of Abode of any ſuch Officer or Perſon, and all Books, Papers, and Writings, in his or their Cuſtody or Power relating to the Execution of this Act; or ſhall refuſe or neglect to pay ſuch Monies as, upon the Balance of any Account or Accounts, ſhall appear to be in his or their reſpective Hands, to the ſaid Commiſſioners, or any Five or more of them, or as they ſhall direct or appoint; then, and in either of the Caſes aforeſaid, ſuch Commiſſioners, or any Five or more of them, may, and are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Names of ſuch Commiſſioners, or in the Names of any Three or more of them, in any of His Majeſty's Courts of Record at Weſtminſter, againſt the Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing as aforeſaid, in order for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons reſpectively, with Coſts of Suit; or if Complaint ſhall be made by the ſaid Commiſſioners, or any Five or more of them, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to any One or more of the Juſtices of the Peace for the County or Place wherein ſuch Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing, ſhall be and reſide, ſuch Juſtice or Juſtices may, and is and are hereby authoriſed and required, by a Warrant or Warrants under his or their Hands and Seals, to cauſe the Officer or Officers, Perſon or Perſons, ſo refuſing or neglecting, to be brought before him or them; and upon his and their appearing (or not being to be found) to hear and determine the Matter in a ſummary Way: And if upon the Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, it ſhall appear to ſuch Juſtice or Juſtices that any of the Monies that ſhall have been collected or raiſed by virtue of this Act ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice or Juſtices may, and is and are hereby authoriſed and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons, offending in the Premiſes reſpectively: And if no Goods or Chattels of ſuch Officer or Officers, Perſon or Perſons, can be found, ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſame; or in caſe it ſhall appear to ſuch Juſtice or Juſtices, by the Confeſſion of the ſaid Party ſo offending, or by the Teſtimony of any credible Witneſs upon Oath, that any Books, Papers, or Writings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of any ſuch Officer or Officers, Perſon or Perſons, and he or they ſhall refuſe to deliver the ſame as aforeſaid; then, and in either of the ſaid Caſes, ſuch Juſtice or Juſtices ſhall commit every ſuch Offender to the Common Gaol of the County or Place where ſuch Offender ſhall be and reſide, there to remain, without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Commiſſioners, or any Five or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint, (which Compoſition the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to make), and until he ſhall deliver up ſuch Books, Papers, and Writings, as aforeſaid, or give Satisfaction in reſpect thereof to the ſaid Commiſſioners, or any Five or more of them: Provided always, That no Perſon who ſhall be committed on account of his having no Goods or Chattels ſhall be detained in Priſon for any Term longer than Six Months.

or may proceed by Diſtreſs and Sale.

If no Goods, Offenders may be committed.

VI. And it is hereby further enacted, That in caſe of the Death of any ſuch Officer, or other Perſon to be appointed as aforeſaid, or of his becoming Bankrupt, before he ſhall have paid and delivered up all the Monies he ſhall have received by virtue of this Act; then, and in every ſuch Caſe, the Executor or Executors, Adminiſtrator or Adminiſtrators, Aſſignee or Aſſignees, of his Eſtate and Effects, or other Perſon or Perſons poſſeſſing the ſame, or in whom the ſame have or hath veſted, ſhall, in the firſt Place, and in Preference to all other Creditors, pay the ſaid Monies remaining unpaid or delivered up as aforeſaid out of the ſaid Eſtate and Effects, or as far as the ſame will extend, to the ſaid Commiſſioners under this Act, or to any Perſon appointed by them, or any Five or more of them, and alſo all Books, Papers, Writings, and other Things concerning his Office, or relating to the Execution of this Act: And every Executor or Adminiſtrator, Aſſignee, or other Perſon or Perſons poſſeſſed of ſuch Effects as aforeſaid, may plead ſuch Payment in any Action or Suit that may be brought againſt him, her, or them, on account of the ſaid Eſtate and Effects, or give the ſame in Evidence: And in caſe of Nonpayment of ſuch Monies, or Non-delivery of ſuch Books, Papers, Writings, and Things, by the Space of Ten Days after the ſame ſhall be demanded, it ſhall and may be lawful for the Perſon to be appointed by the ſaid Commiſſioners as aforeſaid, or any Five or more of them, and he is hereby required to commence and bring, and authoriſed to maintain, One or more Action or Actions, in any of His Majeſty's Courts of Record at Weſtminſter, againſt ſuch Executor, Adminiſtrator, Aſſignee, or other Perſon or Perſons poſſeſſing the Eſtate and Effects which did belong to ſuch deceaſed Perſon or Bankrupt, for Recovery thereof, together with Coſts of Suit, or of Damages, in lieu of ſuch Books, Papers, Writings, and Things.

On Death of Officers, or becoming inſolvent, Executors, *&c.* to account.

VII. And be it further enacted, That if any Perſon who ſhall be employed as a Clerk, Treaſurer, Collector, Receiver, or Surveyor, or any other Officer or Servant, who ſhall be any-wiſe employed by the ſaid Commiſſioners in putting this Act, or any the Powers thereof, in Execution, ſhall exact, take, or accept any Fee or Reward whatſoever, other than ſuch Salaries, Allowances, and Rewards, as ſhall be appointed, allowed, and approved of by the ſaid Commiſſioners, or any Five or more of them, for or on account of any Thing done, or to be done, by virtue of this Act, or on any Account whatſoever relative to the putting this Act in Execution; or ſhall any-wiſe be concerned or intereſted in any Bargain or Contract made, or to be made, by the ſaid Commiſſioners, or any of them, for the Purpoſes of putting this Act in Execution; every ſuch Perſon ſo offending ſhall be incapable of ever ſerving or being employed under this Act, and ſhall over and above forfeit the Sum of One hundred Pounds to any Perſon or Perſons who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, within Six Calendar Months after the Offence committed; in which ſaid Action, no Eſſoin, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed.

Officers taking any Reward other than their Salaries,

or being intereſted in any Bargain made by the Commiſſioners, are diſqualified from being employed, and forfeit 100. *l.*

VIII. And be it enacted by the Authority aforeſaid, That, from and after the Second Monday after the paſſing of this Act, the ſaid Commiſſioners, or any Five or more of them, are hereby authoriſed and impowered, from Time to Time, to cauſe, order, and direct the ſeveral Streets, Lanes, and Places following, which are in the Diſtrict aforeſaid, videlicet, Roſemary Lane, from the Boundary of the Pariſh of Saint Botolph, Aldgate, aforeſaid, to Cable Street aforeſaid, or ſo much thereof as ſhall or may not be comprehended within the Deſcription of a certain Act, intituled, An Act for better paving the Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, in that Part of *Goodman's Fields* which lies in the Pariſh of *Saint Mary Matfellon*, otherwiſe *Whitechapel*, in the County of *Middleſex*, and

Commiſſioners impowered to pave and alter Streets, *&c.*

and alſo *Red Lyon Street* and *White Lyon Street*, lying contiguous to the ſaid Fields, and for removing and preventing Nuiſances, Annoyances, and Obſtructions therein, the ſaid Street called Cable Street, the Foot-path of the Back Lane to the Turnpike-gate in Cannon Street Road aforeſaid, Well Cloſe Square, Parſons Street, Shorter Street, Neptune Street, the Foot-paths of Grace's Alley, North-eaſt Paſſage, and Ship Alley, within the ſaid Precinct of Well Cloſe, the Street leading from Nightingale Lane aforeſaid to Ratcliff Croſs aforeſaid, and that Part of Eaſt Smithfield opening into the ſaid laſt-mentioned Street, which lies between the Precinct of Saint Catharine and Nightingale Lane aforeſaid, the ſaid Streets called Butcher Row and Brook Street, or any of them, to be paved, repaired, ſunk, or altered, in ſuch Manner as they ſhall think fit.

To what Part of *Roſemary Lane* this Act ſhall extend.

IX. Provided always, and be it further enacted by the Authority aforeſaid, That neither this Act, or any Thing herein contained, ſhall be conſtrued, deemed, or taken to comprehend or include ſuch Part of the ſaid Lane called Roſemary Lane, (if any) or any other Part of the Diſtrict comprehended within the ſaid Act for better paving the Streets, Squares, Lanes, Courts, Alleys, Ways, and other publick Paſſages, in that Part of Goodman's Fields which lies in the Pariſh of Saint Mary Matfellon, otherwiſe Whitechapel, in the County of Middleſex, and alſo Red Lyon Street and White Lyon Street, lying contiguous to the ſaid Fields, and for removing and preventing Nuiſances, Annoyances, and Obſtructions therein; any Thing herein contained to the Contrary in any-wiſe notwithſtanding.

Roſemary Lane to be paved with flat Stones.

X. Provided always, and be it further enacted, That ſo much of the ſaid Lane called Roſemary Lane as lies within the Diſtrict compriſed in this Act, ſhall be paved with Stones of a flat Surface, in like Manner as the Weſt End of the ſaid Lane is already paved.

Commiſſioners may contract for paving the Streets.

XI. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, may, and are hereby impowered, from Time to Time, as Occaſion ſhall require, to contract, by Deed or Deeds in Writing, with any Perſon or Perſons, for paving and keeping in Repair the ſaid Streets, Lanes, and Places, authoriſed to be paved as aforeſaid, or any of them; which Contract and Contracts ſhall ſpecify the ſeveral Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſaid Works ſhall be completed, and the Penalties to be ſuffered in caſe of Nonperformance thereof, and ſhall be ſigned by the ſaid Commiſſioners, or any Five or more of them, and by the Perſon or Perſons contracting to perform ſuch Works; but previous to the making of any ſuch Contract, Ten Days Notice ſhall be given in One or more publick News-papers, expreſſing the Intention of the intended Contract, in order that any Perſon or Perſons willing to undertake the ſame may make Propoſals for that Purpoſe, to be offered and preſented to the ſaid Commiſſioners, at a certain Time and Place in each Notice to be mentioned.

Surveyor to inſpect the Works;

and if Contract not performed, Action to be brought thereon.

XII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, and they are hereby directed to cauſe all and every the Works done in purſuance of this Act to be inſpected by their Surveyor or Surveyors, or by ſuch other Perſon or Perſons as they ſhall from Time to Time appoint; and in caſe the ſame ſhall not be well and ſufficiently performed, according to the true Senſe and Meaning of ſuch Contract or Contracts, or ſhall not be finiſhed and completed at or within the Time or Times that the ſame are agreed to be completed by the ſaid Contract or Contracts, the ſaid Commiſſioners ſhall and may, in their own Names, or in the Names of any Five or more of them, bring an Action in any of His Majeſty's Courts of Record at Weſtminſter againſt any Perſon or Perſons ſo contracting and neglecting to perform ſuch Contract or Contracts, and for Penalty or Penalties, Damage or Damages, which ſhall be contained in ſuch Contract or Contracts; and upon the proving the Signing of the ſaid Contract or Contracts, and Nonperformance thereof at the Time or Times for the Purpoſes therein mentioned, the ſaid Commiſſioners ſhall be intitled to, and ſhall recover ſuch Penalty or Penalties, Damage or Damages, which, when recovered, ſhall be applied for the Purpoſes of this Act.

Materials may be dug out of, or brought into the Streets, *&c.*

XIII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners acting under theſe Preſents, or any Five or more of them, ſhall alſo have full Power and Authority to cauſe to be dug, carted, and carried out of, or brought into the ſaid Streets, Lanes, and Places, authoriſed to be paved as aforeſaid, ſuch Gravel, Stones, and other Materials, and to employ ſuch Artificers, Workmen, Labourers, Carters, and others, and to iſſue ſuch Money on thoſe Accounts, and to do all and every ſuch other Acts and Things as the ſaid Commiſſioners, or any Five or more of them, ſhall judge neceſſary or conducive to the accompliſhing the Ends and Deſigns of this Act.

Property of all Materials veſted in the Commiſſioners.

Penalties on ſtealing or injuring Materials.

XIV. And be it further enacted by the Authority aforeſaid, That the Property of the Pavements of the ſaid Streets, Lanes, and Places to be paved, and of all other Materials and Things which ſhall be provided and made uſe of for the Purpoſes of this Act, ſhall be, and the ſame are hereby veſted in the Commiſſioners for the Time being; and they, or any Five or more of them, are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name or Names of any Two or more of them, or to prefer, and order and direct the preferring of Indictments againſt any Perſon or Perſons who ſhall ſteal, take, or carry away any Part of ſuch Materials or Things, or diſturb them in the Poſſeſſion thereof.

Penalty on interrupting Workmen.

XV. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, at any Time or Times, obſtruct, hinder, or moleſt, any Surveyor or Surveyors, or other Officer or Officers, Workmen, Perſon or Perſons whatſoever, who is, are, or ſhall be employed, by virtue of this Act, in the Performance or Execution of his or their Duty, every ſuch Perſon ſo offending ſhall, for the Firſt Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds.

Commiſſioners may ſell old Materials, and apply the Money, *&c.*

XVI. And it is hereby further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power and Authority, from Time to Time, to ſell and diſpoſe of all or any Part of the old Pavement, or other Materials, to ſuch Perſon or Perſons as ſhall be willing to purchaſe the ſame, and to apply the Purchaſe-money to the Purpoſes of this Act.

Notice to be given to Surveyor of taking up Pavement for repairing any Vault, &c.

Commiſſioners to relay it, and be reimburſed the Expences.

XVII. And be it further enacted by the Authority aforeſaid, That when and ſo often as any Part of the Pavement within the Diſtrict aforeſaid ſhall be taken up for the Purpoſe of making, repairing, altering, cleanſing, or emptying any Sewer, Vault, or Drain, or laying, altering, or amending any Water-pipe or Plug, or for any other Purpoſe whatſoever, the Perſon or Perſons ſo taking up ſuch Pavement ſhall immediately give Notice thereof to the Surveyor to the Commiſſioners for putting this Act in Execution, in order that the ſame may, with all convenient Speed, be laid down and repaired, under the Inſpection of the ſaid Surveyor, and the Charges and Expences thereof ſhall be paid by the ſaid Commiſſioners; and they ſhall be reimburſed the ſame by the Companies of Water-works, or Commiſſioners of Sewers, on whoſe Account, or by whoſe Order, the ſaid Pavement, or any Part or Parts thereof, ſhall be taken up; but if ſuch Pavement ſhall not be taken up on their Account, then ſuch Expences ſhall be reimburſed by the Occupier or Owner of the Vault, Drain, or other Place, on which Account ſuch Pavements ſhall be taken up, or other Perſon or Perſons taking up, or cauſing the ſame to be taken up.

Commiſſioners may contract with the Companies, &c. for relaying ſuch Pavements.

XVIII. Provided always, and be it further enacted by the Authority aforeſiad, That it ſhall be lawful for the ſaid Commiſſioners for putting this Act in Execution, or any Five or more of them, from Time to Time, to compound and agree with the ſaid Companies or Commiſſioners of Sewers, or other Perſon and Perſons reſpectively, for a certain Sum of Money by the Foot or other Meaſure, as the ſaid Commiſſioners for putting this Act in Execution, or any Five or more of them, ſhall think reaſonable, in lieu and in ſtead of laying down or repairing ſuch Pavement as ſhall be neceſſarily taken up for any the Purpoſes aforeſaid.

On Refuſal of Payment,

XIX. And be it further enacted by the Authority aforeſaid, That in caſe ſuch Companies of Water-works, or Commiſſioners of Sewers, Owner, Occupier, or Perſon or Perſons aforeſaid reſpectively, ſhall neglect or refuſe to pay what the ſaid Commiſſioners ſhall have ſo paid and diſburſed, or what ſhall be due upon ſuch Contract or Compoſition as aforeſaid, within Fourteen Days next after Notice thereof, to be left by the Surveyor or Clerk appointed, or to be appointed, by the ſaid Commiſſioners appointed by this Act, at the Dwelling-houſe or laſt Place of Abode of ſuch Perſon or Perſons, or of the Secretary or Secretaries, Clerk or Clerks, of ſuch Companies of Water-works, or Commiſſioners of Sewers reſpectively; which Notice ſhall be in Writing, and ſigned by the Clerk to the Commiſſioners for putting this Act in Execution, by Order of the ſaid Commiſſioners, or any Five or more of them, and annexed to the Bill containing an Account of the Expence of ſuch Repair, or Money due upon ſuch Compoſition; it ſhall and may be lawful to and for the ſaid laſt-mentioned Commiſſioners, or any Five or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, commenced, and proſecuted, in the Name of ſuch Perſon or Perſons as they ſhall appoint, any Action or Actions for the Recovery of ſuch Sum or Sums of Money reſpectively, with Coſts of Suit; but as to the Monies that ſhall become payable as aforeſaid from the Companies of Water-works and Commiſſioners of Sewers, ſuch Action or Actions ſhall be brought againſt the reſpective Treaſurers, or other Perſon or Perſons holding, poſſeſſing, or having the Management of any Monies belonging to ſuch Companies and Commiſſioners, in any One of His Majeſty's Courts of Record at Weſtminſter, on Debt, Caſe, or otherwiſe, by Bill, Plaint, or Information, in which Action or Suit no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed: And in caſe ſuch Perſon or Perſons, hereby directed to give ſuch Notice to the Surveyor or Clerk to the Commiſſioners for putting this Act in Execution as is before directed, ſhall neglect ſo to do for the Space of Six Hours after ſuch Pavement ſhall be ſo taken up, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

Action to be brought for the Money,

Commiſſioners to pay for altering Pipes.

XX. And be it further enacted by the Authority aforeſaid, That if, for the Purpoſes of this Act, it ſhall at any Time be found neceſſary to raiſe, ſink, or otherwiſe alter the Poſition of any of the Pipes or Plugs laid down or placed by the ſaid Companies, or of any of the Leaden or other Pipes which ſhall be laid into or from any of the ſaid Companies Pipes; which the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to cauſe to be done as often, and in ſuch Places, as they ſhall think proper; and the ſame ſhall be paid for out of the Monies ariſing by virtue of this Act, and ſhall be done with as little Detriment or Inconvenience to the ſaid Companies, and other Perſons, as the Circumſtances of the Caſe will admit.

Where any of the Water Companies Pipes break, Notice to be given to ſuch Companies;

XXI. And be it further enacted by the Authority aforeſaid, That when and ſo often as it ſhall happen that any Pipe or Pipes belonging to any Water Company ſhall break or burſt within the Diſtrict aforeſaid, it ſhall and may be lawful to and for the Surveyor to the ſaid Commiſſioners for the Time being, or any ſuch other Perſon as the ſaid Commiſſioners, or any Five or more of them, ſhall appoint for that Purpoſe, to give immediate Notice thereof to the Pavior of the Water Company to whom he apprehends ſuch Pipe or Pipes does, or do, or may belong, and require him to take up the Pavement, and open the Ground, at or near the Place where the Water ſhall or may iſſue by reaſon of ſuch Pipe or Pipes breaking or burſting, within Two Days next after ſuch Notice given to ſuch Pavior, or left at his laſt or uſual Place of Abode: And if, upon taking up the Pavement, and opening the Ground, it ſhall appear that the Pipe or Pipes ſo broke or burſt do or doth belong to the Water Company whoſe Pavior ſhall have taken up ſuch Pavement, and opened ſuch Ground; that then, and in ſuch Caſe, the Surveyor, or other Perſon as aforeſaid, ſhall give immediate Notice to the Pavior of that Company to whom it ſhall appear that the ſaid Pipe or Pipes do or doth belong; ſuch Notice to be given or left with ſuch Pavior, or at his laſt or uſual Place of Abode; and the Pavior of the Company to whom ſuch Pipe or Pipes ſhall belong is hereby required to repair the ſame, and fill in the Ground, within Two Days after ſuch Notice given or left as afore-

When completed Notice to be given to Commiſſioners Paviors.

If it proves that the Pipe does not belong to the Company who firſt opened the Ground, they are to be paid their Charges by the Company to whom it does belong.

ſaid; and alſo, within Six Hours after ſuch Pipe ſhall be repaired, and the Ground filled in, to give Notice thereof to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor or other Perſon appointed by the Commiſſioners for that Purpoſe; which Notice may be left at his or their laſt or uſual Place of Abode: And in caſe it ſhall happen that the Pavior who firſt receives Notice to take up the Pavement, and open the Ground, for the Purpoſes aforeſaid, ſhall take up ſuch Pavement and open ſuch Ground, and it ſhall then be diſcovered that the Pipe or Pipes which is, are, or ſhall be burſt or broke, doth or do not belong to the Company to whom he is Pavior; that then, and in ſuch Caſe, the Pavior of the Company to whom ſuch Pipe or Pipes do or doth belong ſhall make Satisfaction to the Pavior who ſo took up ſuch Pavement, and opened ſuch Ground, for ſuch Work: And in caſe the Pavior to whom ſuch Notice ſhall be ſo given to take up ſuch Pavement, and open ſuch Ground, ſhall neglect or refuſe to do the ſame within the ſaid Two Days after Notice given, he ſhall, for the Firſt Offence forfeit and pay the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds: And in caſe the Pavior of the Company to whom ſuch Pipe or Pipes ſo broke or burſt ſhall belong ſhall neglect or refuſe to repair and amend the ſame, and fill in the Ground ſo taken up, for the Space of Two Days next after ſuch Notice given; or ſhall neglect to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor to the ſaid Commiſſioners, or to ſuch other Perſons as aforeſaid; ſuch Pavior ſhall, for the Firſt Offence forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds: And if the Perſon or Perſons contracting with the ſaid Commiſſioners to relay ſuch Pavement, ſo broken or taken up for the Reaſons aforeſaid, ſhall neglect or refuſe to relay ſuch Pavement, in a good, ſufficient, and effectual Manner, within Two Days after Notice given to him as aforeſaid; or if the Surveyor or other Perſon to whom ſuch Notice ſhall be given ſhall neglect to acquaint the ſaid Pavior or Contractor of ſuch Notice; then, and in every ſuch Caſe, the Perſon or Perſons ſo offending ſhall, for the Firſt Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds.

Paviors to Water Companies to give Notice to the Surveyor or Clerk of their Names and Abode.

XXII. And be it further enacted by the Authority aforeſaid, That the ſeveral and reſpective Perſons now appointed Paviors to the ſeveral and reſpective Water Companies, who ſhall have any Pipe or Pipes laid in, through, or under any of the Streets, Lanes, or Places, within the Diſtrict compriſed in this Act, ſhall, and every ſuch Perſon is hereby required, within Eight Days after the paſſing of this Act, and ſuch Pavior hereafter to be appointed as aforeſaid is hereby required within the Space of Three Days next after he ſhall be appointed Pavior to any ſuch Company, to give Notice in Writing to the Surveyor or Clerk for the Time being to the ſaid Commiſſioners of their the ſaid Paviors reſpective Names and Places of Abode, and to what Company they are reſpectively Paviors: And in caſe any ſuch Paviors ſhall neglect or refuſe to give ſuch Notice as is above required, he ſhall forfeit the Sum of Twenty Shillings; and alſo the like Sum of Twenty Shillings every Time he ſhall remove from ſuch Place of Abode and omit to give the like Notice within Three Days after every ſuch Removal.

No Alterations to be made in the Form of the Pavement without Commiſſioners Conſent.

XXIII. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall make, or cauſe to be made, any Alteration in the Form of the Pavement or Pavements of the ſaid Streets, Lanes, or Places, within the Diſtrict aforeſaid, or of any Part thereof, without the Conſent and Direction of the ſaid Commiſſioners, or any Five or more of them, under their Hands and Seals, upon Pain of forfeiting, for every ſuch Offence, the Sum of Five Pounds, over and above all Expences incurred, or to be incurred, for reinſtating the ſame.

Courſe of Gutters to be turned if neceſſary, and Grates altered, &c.

XXIV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, to direct and cauſe the Courſe of any Gutter or Channel, running in or through the ſaid Streets, Lanes, or Places, within the ſaid Diſtrict, or any of them, to be turned or altered in ſuch Manner as they ſhall think proper; and to direct the Grates already or hereafter to be placed over any Sewers, to be removed and replaced in ſuch Manner, and at ſuch Place and Places, as they ſhall think moſt proper, ſo as the ſame be not detrimental or prejudicial to the publick Sewers, and be from Time to Time done at the Expence of the ſaid Commiſſioners, and paid for out of the Money ariſing by virtue of this Act, any Law, Uſage, or Cuſtom, to the Contrary notwithſtanding.

That when any Sewers, or the Grates over them want cleanſing, repairing, or altering, the Clerk to the Paving Commiſſioners ſhall give Notice to the Commiſſioners of Sewers.

XXV. And be it further enacted by the Authority aforeſaid, That when and ſo often as there ſhall be Occaſion to make new or additional Grates over any Sewer or Sewers within the ſaid Diſtrict, or to repair, alter, cleanſe, or amend, any of the ſaid Sewers, or the Grates over the ſame, the Clerk for the Time being of the Commiſſioners of the ſaid Sewers ſhall, at the Requeſt in Writing of the Surveyor for the ſaid Commiſſioners of Pavements, or other Perſon or Perſons authoriſed by them for that Purpoſe, forthwith ſummon the ſaid Commiſſioners of Sewers to meet, in order to take the Premiſes under Conſideration, which they are hereby authoriſed and required to do at ſuch Meeting; and alſo at the ſame Meeting, or any adjourned or other Meeting, to exerciſe the ſeveral Powers and Authorities with which they are inveſted, in order that the ſaid ſeveral Works may be ſpeedily and effectually done, completed, and finiſhed.

Penalty of laying Aſhes, &c. in the Streets.

XXVI. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons whatſoever ſhall throw, caſt, or lay, or cauſe or permit or ſuffer to be thrown, caſt, or laid, any Aſhes, Duſt, Dirt, Soil, or other Filth whatſoever, before his, her, or their Dwelling-houſe, Shop, Stable, Wall, or other Building in the ſaid Diſtrict, or in any of the Streets, Lanes, Alleys, Paſſages, or Places, within the Diſtrict compriſed in this Act, but ſhall keep, or cauſe the ſame to be kept, in their reſpective Houſes or Yards, until ſuch Time as the Perſon or Perſons contracting with, or employed to carry away ſuch

Aſhes, Duſt, Dirt, Filth, or Soil, do come by or near their Houſes, Doors, or Places where they dwell with a Cart or Carts, or other Conveniencies, for carrying away the ſame, upon Pain of forfeiting, for the Firſt Offence, the Sum of Five Shillings, for the Second Offence the Sum of Ten Shillings, and for the Third and every other Offence the Sum of Twenty Shillings.

Penalty on obſtructing the Streets, &c. by Carriages, Timber, or other Materials.

XXVII. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Second Monday next after the paſſing of this Act, if any Timber, Stone, or other Materials, Goods, Merchandiſe, or other Things whatſoever, are ſet out, placed, or laid in any of the ſaid Streets, Lanes, Alleys, Paſſages, Places, or Diſtrict aforeſaid, ſo as to obſtruct the free Paſſage thereof; or if any Coach or other Carriage (except Hackney Coaches, which ſhall and may ſtand in ſuch Part or Parts of the ſaid Streets, Lanes, or Places, or ſome of them only, as ſhall be appointed by the ſaid Commiſſioners, or any Five or more of them) ſhall be placed or ſuffered to ſtand, remain, or continue, in any of the ſaid Streets, Lanes, or Paſſages aforeſaid, ſo as to obſtruct, endanger, or incommode, any Perſon or Perſons, Carriage or Carriages whatſoever; or in caſe any Cart, Waggon, Dray, or other Carriages, ſhall be placed or ſuffered to ſtand any longer than is needful and neceſſary for loading or unloading thereof reſpectively; or if any ſuch Cart, Dray, Waggon, or other Carriage, ſhall be placed or ſet acroſs any Part of the ſaid Streets or Places within the ſaid Diſtrict, or any of them, for any Purpoſe whatſoever; it ſhall and may be lawful, in any of the ſaid Caſes, for any One of the ſaid Commiſſioners, or any One of their Officers, or Perſon to be appointed by them, or any of them, to remove Nuiſances, to ſeize, or cauſe to be ſeized, the ſaid Cart, Waggon, Dray, Coach, or other Carriage, ſo placed or ſuffered to ſtand contrary to the true Meaning of this Act, together with the Horſe or Horſes thereunto belonging, or the Goods, Materials, Matters, and Things reſpectively, making or occaſioning ſuch Annoyance, Nuiſance, or Obſtruction, and remove the ſame, or cauſe the ſame to be removed, taken, carried away, and depoſited in ſuch Place or Places as the ſaid Commiſſioners, or any Five or more of them, ſhall direct or appoint; there to remain until the Offender or Offenders ſhall have paid and diſcharged all Coſts, Charges, and Expences, attending the carrying away and depoſiting the ſame as aforeſaid, as alſo a Sum, not exceeding Twenty Shillings, for each ſuch Offence: And in caſe the ſame ſhall not be claimed, and the ſaid Sum of Twenty Shillings and Charges paid, within Three Days next after ſuch Seizure, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, or the Perſon or Perſons to be by them appointed for that Purpoſe, to cauſe the ſame to be appraiſed and ſold, and the Monies ariſing therefrom ſhall be applied for the Purpoſes of this Act.

Penalty for driving Wheels, &c. on Foot-pavements.

XXVIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall run, drive, or draw, or cauſe to be run, driven, or drawn, on any Part of the Foot-pavements of the ſaid Streets, Lanes, or Places, or either of them, any Wheel or Wheels, Sledge, Wheel-barrow, or any Carriage or other Thing whatſoever, ſuch Perſon or Perſons ſhall forfeit, for the Firſt Offence, the Sum of Five Shillings, for the Second Offence the Sum of Ten Shillings, and for the Third and every other Offence the Sum of Twenty Shillings: And it ſhall and may be lawful for any Perſon or Perſons whatſoever to take the Perſon or Perſons ſo offending into Cuſtody, and take him or them to a Juſtice or Juſtices of the County or Place where ſuch Offence ſhall be committed, to be dealt with as herein-after is directed.

Hoards, &c. may be made for building and repairing with Leave.

XXIX. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon or Perſons to erect or ſet up, or cauſe to be erected or ſet up, in any of the ſaid Streets, Lanes, or Places, compriſed within the Diſtrict aforeſaid, any Incloſure, Poſts, Bars, or Rails, or other Matters or Things, for the Purpoſe of making Mortar, and depoſiting Bricks, Lime, or other Materials, for building or repairing any Houſes, Buildings, or other Works; every ſuch Perſon or Perſons firſt obtaining Leave, under the Hand of the Surveyor or Clerk for the Time being to the ſaid Commiſſioners for thoſe Purpoſes reſpectively, which he is hereby impowered to give by their Permiſſion: But if any Perſon or Perſons ſhall erect or ſet up, or cauſe to be erected and ſet up, any ſuch Incloſures, Poſts, Bars, or Rails, or any other Matter or Thing for the Purpoſes aforeſaid, without ſuch Leave firſt had and obtained; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay a Sum not exceeding Twenty Shillings for every Day ſuch Incloſure, Matter, or Thing as aforeſaid, ſhall remain and continue.

Foot-pavements to be ſwept every Day (except *Sundays*).

XXX. And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons inhabiting within the ſaid Diſtrict ſhall, from and after the ſaid Second Monday next after the paſſing of this Act, ſweep and clean, or cauſe to be ſwept and cleanſed, the Foot-paths of their reſpective Houſes, Buildings, and Walls, once in every Day, between the Hours of Six and Nine in the Forenoon, (Sundays excepted), upon Pain of forfeiting Two Shillings and Sixpence for every Neglect therein.

Houſes to be numbered, and the Names of Streets, &c. to be fixed on the Corner Houſes.

XXXI. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, may order and direct the Houſes within the ſaid Streets, Lanes, and Places, or any of them, to be numbered with Figures, placed or painted on the Doors thereof, or on ſuch other Part of the ſaid Houſes reſpectively as they the ſaid Commiſſioners, or any Five or more of them, ſhall think proper; and may alſo order and direct to be engraved, painted, or otherwiſe deſcribed, on a conſpicuous Part of ſome Houſe or other Building at or near the End or Corner of each Street, Lane, Court, Yard, Alley, Paſſage, or Place adjoining to or being near the ſaid Streets, Lanes, or Places hereby authoriſed to be paved reſpectively, the Names by which ſuch reſpective Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places ſo adjoining is uſually or properly called or known: And if any Perſon or Perſons ſhall wilfully or maliciouſly deſtroy, injure, obliterate, or deface any ſuch Number, Figure, Name, or Deſcription, or any Part thereof, or cauſe or procure the ſame to be done, and ſhall be convicted thereof by his or their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, before One or more Juſtice or Juſtices of the Peace acting in or for the County or Place where ſuch Offence ſhall be committed; every ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds.

Signs, &c. to be regulated.

XXXII. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Second Monday next after the paſſing of this Act, the ſaid Commiſſioners, or any Five or more of them, ſhall or may cauſe all Signs which then, or at any Time after, ſhall be placed or hung in any Part of the ſaid Streets, Lanes, or Places within the Diſtrict aforeſaid, to be fixed or placed on the Fronts of ſuch Houſes reſpectively whereto the ſame ſhall belong; and alſo ſhall and may cauſe all Sign-irons, Sign-poſts, Boards, Spouts, Gutters, Pent-houſes, Poſts, Rails, or other Things occaſioning any Obſtruction or Annoyance in the ſaid Streets, Lanes, and Places, to be removed or altered in ſuch Manner as the ſaid Commiſſioners, or any Five or more of them, ſhall think moſt proper and convenient: And that for the future all Signs, Boards, Spouts, or Gutters, ſhall be placed or fixed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings whereunto they reſpectively belong, and not otherwiſe: And if any Perſon or Perſons ſhall at any Time hereafter hang, place, erect, or build, any Sign, Sign-poſt, or Iron, Board, Spout, or Gutter, or cauſe the ſame to be done, in any other Manner than as aforeſaid; or ſhall place Poſts or Rails, or in any other Manner occaſion any Incroachment, Nuiſance, or Annoyance to be made in the ſaid Streets, Lanes, or Places, or any of them, compriſed within the Diſtrict aforeſaid, or permit or ſuffer any Nuiſance to remain or continue therein; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds.

Signs, &c. unuſed, to be returned.

XXXIII. Provided always, and be it further enacted by the Authority aforeſaid, That if any or any Part of any ſuch Sign, Sign-iron, or Poſt, Board, Gutter, Spout, Pent-houſe, or other Projection or Incroachment, ſhall remain unuſed after the Alteration made thereto as before directed, the ſame ſhall be returned to and be the Property of the Perſon to whom the ſame belonged before ſuch Removal or Alteration.

Steps, &c. projecting too far, to be removed.

XXXIV. And whereas the ſaid Streets, Lanes, Alleys, and Places within the Diſtrict aforeſaid, are, in ſome Parts thereof, greatly obſtructed, and made dangerous to Foot-paſſengers, by Steps being brought out or projecting from the Houſes, and by Steps and Doors going down into Cellars, Vaults, and other Places, and by Shew-glaſſes, Shew-boards, and other Matters or Things projecting from Shops or Houſes, over and beyond the Area belonging to ſuch Houſes, or into the Footways; be it therefore enacted by the Authority aforeſaid, That from and after the ſaid Second Monday next after the paſſing of this Act, all ſuch Steps projecting into the Footways of the ſaid Streets, Lanes, Alleys, and Places, and all Steps and Doors going down out of the Footways into any Cellars, Vaults, or other Places, belonging to any Houſe, Shop, Warehouſe, or Tenement, as likewiſe all Shew-glaſſes or Shew-boards projecting over and beyond the Area, or into the Footways, and all and every other Material, Matter, or Thing, belonging to any Houſe, Warehouſe, Shop, Cellar, or other Building, which do or ſhall cauſe or occaſion any Nuiſance, Annoyance, Incroachment, or Obſtruction in the ſaid Streets, Lanes, and Places, or any of them, within the Diſtrict aforeſaid, (either in the Foot or Carriage Way thereof), ſhall and may be, at the Expence of the ſaid Commiſſioners, from Time to Time, removed, fixed, placed, or altered, in ſuch Manner and Form as ſhall be approved of by the ſaid Commiſſioners, or any Five or more of them, or their Surveyor by their Direction, ſave and except the Right which any Proprietor or Owner has or may have in or to any Bar or Bars placed acroſs any of the ſaid Streets.

Rates not to exceed 1 *s.* 6 *d.* in the Pound;

XXXV. And, for defraying the Charges and Expences of paving and repairing the ſaid Streets, Lanes, and Places, which the ſaid Commiſſioners are hereby authoriſed and impowered to pave, and for removing Annoyances and Incroachments therein, and for other the Purpoſes of this Act, be it further enacted by the Authority aforeſaid, That when and ſo ſoon as any of the ſaid Streets, Lanes, and Places, ſhall be new-paved by the ſaid Commiſſioners by virtue of this Act, One or more Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall, Twice in every Year, or oftener, if it ſhall be thought needful by the ſaid Commiſſioners, or any Nine or more of them, be made, laid, and aſſeſſed by the ſaid Commiſſioners, or any Nine or more of them, of and upon all and every Perſon and Perſons who do or ſhall inhabit, hold, or occupy any Land, Houſe, Shop, Warehouſe, Wharf, Cellar, Vault, or other Tenement, within the ſaid laſt-mentioned Streets, Lanes, and Places reſpectively, and in ſuch competent Sum and Sums of Money as the ſaid Commiſſioners, or any Nine or more of them, ſhall yearly and every Year order and direct, ſo as ſuch Rates or Aſſeſſments do not exceed in the Whole the Sum of One Shilling and Sixpence in the Pound, in any One Year, of the yearly Rent or yearly Value of ſuch Lands, Houſes, Shops, Warehouſes, Wharfs, Cellars, Vaults, or other Tenements within the ſaid ſeveral Streets, Lanes, and Places authoriſed as aforeſaid, to be paved throughout; and ſo as ſuch Rates or Aſſeſſments do not exceed Sixpence in the Pound in any One Year, of the yearly Value of ſuch Tenements as are ſituate in any of the ſaid Streets, Lanes, Courts, Alleys, or other Paſſages, the Foot-paths whereof ſhall be new-paved.

and where only a Foot-path, not to exceed 6 *d.* in the Pound.

No Perſon to be rated for any Building behind his Dwelling-houſe, or in his Occupation, unleſs ſuch be ſituate in ſome Place to be paved.

XXXVI. And whereas it may happen that the ſame Perſon or Perſons may hold or occupy a Dwelling-houſe, Warehouſe, Shop, or other Premiſes, ſituate in ſome or One of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other publick Paſſages, and may alſo hold and occupy Warehouſes or other Premiſes ſituate and lying behind the firſt-mentioned Houſe, Shop, Warehouſe, or other Premiſes, and in Places which are not liable to be aſſeſſed by virtue of this Act; be it further enacted, That no Perſon ſhall be ſubject or liable to be rated or aſſeſſed for any ſuch Warehouſes or other Premiſes, unleſs the ſame ſhall be ſituate in ſome Street, Square, Lane, or other publick Paſſage, to be paved by virtue or in purſuance of this Act.

Landlords to allow One-third Part of the Rates as Rent, the other Two-thirds to be borne by the Tenants.

XXXVII. And be it further enacted by the Authority aforeſaid, That One-third Part of the ſaid reſpective Rates is hereby required to be allowed by the Landlord or Landlords of any Houſes, Shops, Wharfs, Warehouſes, or other Buildings and Tenements, ſituate in the ſaid Streets and Places to be rated as aforeſaid, to the Tenant or Tenants, Occupier or Occupiers thereof, who ſhall pay the ſame; and ſuch Payments ſhall be adjudged and conſidered in Law as Money actually paid for Rent due, or to become due to ſuch Landlord or Landlords of the ſame Eſtates reſpectively; and the other Two-third

Parts thereof ſhall be borne and ſuſtained by the Tenant or Tenants, Occupier or Occupiers, of ſuch Eſtate or Eſtates.

Rates to be ſigned by Two Juſtices, who are to grant Warrants to collect and levy the ſame by Diſtreſs and Sale.

XXXVIII. And be it further enacted by the Authority aforeſaid, That all Rates made by virtue of this Act ſhall be allowed and ſigned by Two Juſtices of the Peace acting in and for the ſaid County or Place; who are alſo hereby impowered and required to grant a Warrant or Warrants for collecting thereof, as alſo for levying the ſame by ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Five or more of them, ſhall nominate or appoint; and which Warrants ſhall be ſufficient Authorities to the reſpective Perſons thereby authoriſed for the Purpoſes therein mentioned; and the ſaid Rates, after the ſame ſhall be ſo allowed and ſigned by the ſaid Juſtices, ſhall be collected Half-yearly, or oftener, if the ſaid Commiſſioners, or any Nine or more of them, ſhall think it neceſſary, by the Collector or Collectors, or other Perſon or Perſons to be appointed by the ſaid Commiſſioners as aforeſaid for that Purpoſe: And if any Perſon or Perſons ſhall refuſe, neglect, or omit to pay the Sum or Sums of Money, which he, ſhe, or they ſhall be rated or aſſeſſed at by virtue of this Act for the Space of Ten Days after perſonal Demand thereof, or Demand in Writing left at the Place of Abode or Occupation of ſuch Perſon or Perſons; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Perſon or Perſons who ſhall be required by ſuch Warrant as aforeſaid, and he and they is and are hereby authoriſed and required to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting, refuſing, or omitting to pay the ſame: And in caſe no ſuch Goods or Chattels can be found to be ſo diſtrained; or in caſe ſuch Goods and Chattels ſhall be locked up or ſecured, or removed from the Perſon or Perſons authoriſed to diſtrain as aforeſaid, ſo that he or they cannot diſtrain the ſame; then, and in either of the ſaid Caſes, upon Information thereof given to the ſaid Juſtices, or any Two Juſtices of the Peace for the ſaid County or Place where the Perſon or Perſons ſo rated and aſſeſſed as aforeſaid ſhall then reſide, it ſhall and may be lawful for ſuch Juſtices, and they are hereby required to commit the Offender or Offenders to the common Gaol or Houſe of Correction for the County or Place where ſuch Offences ſhall be committed, there to remain without Bail or Mainprize for any Time not exceeding the Space of Six Months, or until the Payment of ſuch Rate or Aſſeſſment, and reaſonable Charges occaſioned by the Nonpayment thereof.

Where Houſes are let out in Tenements, Owners are to be aſſeſſed, but Tenants to pay;

XXXIX. And whereas many Houſes within the ſaid Streets, Lanes, and Places hereby authoriſed to be paved, are or may, by the ſeveral Owners or Proprietors thereof, be let out in Lodgings or Tenements to divers Tenants, whereby it will be difficult to rate and aſſeſs ſuch Houſes, or to recover ſuch Rates and Aſſeſſments when made: For Remedy whereof, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, from Time to Time, and at all Times when they meet to make a Rate in purſuance of this Act, to rate and aſſeſs the Owner or Owners of ſuch Houſes or Tenements as ſhall be let to or occupied by Two or more Tenants; which Rate and Aſſeſſment ſhall be paid by One or more of the Tenants or Occupiers of any Part or Parts of ſuch Houſes: And in caſe any Occupier or Occupiers of any Part of ſuch Houſes or Tenements ſhall refuſe or neglect to pay the ſame for the like Space of Ten Days after ſuch Demand, as aforeſaid, the ſaid Rate and Aſſeſſment ſhall, in like Manner, be levied by Diſtreſs and Sale of the Goods of him, her, or them, ſo refuſing to pay the ſame, as aforeſaid; and ſuch Occupier or Occupiers of ſuch Tenements reſpectively is and are hereby required and authoriſed to pay ſuch Sum and Sums of Money as ſhall be ſo rated or aſſeſſed on the Owner or Owners of ſuch Houſes, in purſuance of this Act, and to deduct the ſame out of the Rent thereof; and the Owner or Owners, Proprietor or Proprietors thereof, are hereby required to allow ſuch Deductions and Payments upon the Receipt of the Reſidue of their Rents: And every ſuch Tenant paying ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be acquitted and diſcharged for ſo much Money as the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall amount unto, as if the ſame had been actually paid to ſuch Perſon or Perſons to whom his, her, or their Rent ſhould have been, or ſhall be due and payable.

and to deduct the Money out of their Rent.

Rates for Houſes under 10 *l. per Annum* may be compounded for.

XL. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Nine or more of them, from Time to Time, to compound with the Owner or Owners, Proprietor or Proprietors, of any ſuch Houſe, or any other Houſes within the ſaid Streets, Lanes, and Places to be rated as aforeſaid, the annual Rent or Value whereof ſhall be under Ten Pounds, for the Rate by this Act authoriſed to be laid upon ſuch Houſes; ſo as, in ſuch Compoſition, there be not remitted to any ſuch Owner or Owners, Proprietor or Proprietors reſpectively, more than One-third of the Rate by this Act laid upon ſuch Houſes reſpectively

Where Houſes ſhall be unoccupied,

XLI. And be it further enacted by the Authority aforeſaid, That in caſe it ſhall happen that any of the Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements, or any Part or Parts thereof, within the ſaid Streets, Lanes, and Places, to be rated as aforeſaid, or any or either of them, ſhall, at any Time, from and after the making of the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, be empty, untenanted or unoccupied; that then, and in every ſuch Caſe, One-third of the ſaid Rate or Rates, Aſſeſſment or Aſſeſſment, or One-third of ſuch other Rates as may be aſſeſſed by virtue of this Act, ſhall be paid by the Owners or Proprietors of ſuch Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements: And in caſe of Nonpayment thereof, ſuch Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements, ſhall be, and the ſame are hereby made a Security for, and chargeable with, ſuch Arrears; or any Action or Actions may be commenced and proſecuted againſt the Landlord or Landlords, or Owner or Owners thereof, for the Recovery thereof, with Coſts of Suit, in the Name of ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Five or more of them, ſhall order or direct.

Owners to be charged only One-third of the Rates; and the Premiſes remain a Security.

Churches, Church-yards, Meeting-houſes, &c. may be rated.

XLII. And it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, and they are hereby required, at ſuch Times as the Rates hereby directed ſhall be made, to rate and aſſeſs, for the Purpoſes aforeſaid, all Churches, Church-yards, Meeting-houſes, and other Places of publick Worſhip, or intended for that Purpoſe, with the Ground belonging thereunto, Hoſpitals, Priſons, and all other publick Buildings whatſoever, and all dead Walls, void Spaces of Ground fenced in, or otherwiſe ſituate and being in or adjoining to the ſaid Streets, Lanes, and other Places, to be rated as aforeſaid, at ſuch Rate as the ſaid Commiſſioners, or any Nine or more of them, ſhall adjudge reaſonable; but not exceeding Sixpence for every Square Yard belonging to every ſuch Church, Church-yard, Meeting-houſe, and other Place of publick Worſhip, with the Ground thereunto belonging, Priſons, and other publick Buildings, dead Wall, and void Space of Ground: And ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſo to be from Time to Time made, ſhall be paid by the reſpective Perſons following; that is to ſay, For every Church and Church-yard, by the Churchwardens thereof; for every dead Wall, or vacant Piece of Ground, by the Owner or Owners, Proprietor or Proprietors thereof; for every Meeting-houſe and other Place of publick Worſhip, with the Ground thereunto belonging, by the Proprietor or Proprietors, Truſtee or Truſtees, or their Treaſurer, Miniſter or Deacon, or other Perſon officiating therein; and for every Hoſpital, Priſon, or other publick Building, by the Perſon or Perſons who are now liable to pay for paving or keeping in Repair the Pavement in the Front thereof: And in caſe any of the Perſons aforeſaid ſhall refuſe or neglect to pay the ſaid laſt-mentioned Rates to the ſaid Collector or Collectors, upon perſonal Demand thereof made, or in Writing, left at the uſual Place of Abode of the Perſon or Perſons required to pay the ſame; then, and in every ſuch Caſe, the ſame ſhall and may be recovered of the Perſon or Perſons ſo required to pay the ſame, by any Action in any of His Majeſty's Courts of Record at Weſtminſter, or other inferior Courts, together with Coſts of Suit, to be commenced and proſecuted in the Name or Names of the Collector or Collectors who ſhall have ſo demanded the ſame; in which Action or Suit, no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Vacant Ground to be fenced in at the Expence of the Owners.

XLIII. And be it further enacted by the Authority aforeſaid, That all Landlords, Owners, Tenants, or Occupiers, of any waſte or vacant Piece of Ground, or Scite of any Houſe or Tenement, lying in or adjoining to any of the Streets, Lanes, or Places compriſed in this Act, which ſhall lie open and unfenced from the ſame, or where the Fence ſhall be in a ruinous Condition, or out of Repair, ſhall, within Six Days after Notice delivered to him, her, or them, or any or either of them, by Order of the ſaid Commiſſioners, or any Five or more of them, well and ſufficiently fence in the Premiſes mentioned in ſuch Notice, or cauſe the old Fence (if any) to be well and ſufficiently repaired within the Time aforeſaid: And in caſe ſuch Works ſhall not be completely finiſhed within the Time aforeſaid, it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, to order and cauſe the ſame to be done, completed, and finiſhed; and the Tenant or Occupier thereof, or other Perſon in Poſſeſſion thereof, or ſeiſed thereof, to whom ſuch Notice as aforeſaid ſhall have been given, ſhall pay the Expence thereof, upon Demand of the Perſon authoriſed by the ſaid Commiſſioners, or any Five or more of them, to receive the ſame: And in caſe of Refuſal or Neglect to pay the ſame, it ſhall and may be lawful for ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Five or more of them, ſhall authoriſe, appoint, order, or direct for that Purpoſe, to bring, commence, and proſecute One or more Actions or Suits for the Recovery of ſuch Expence, together with Coſts of Suit, from the Perſon or Perſons ſo neglecting or refuſing to pay, as aforeſaid.

Tenants and Occupiers to pay the Rates.

XLIV. And, to the End the ſaid Rates may be more effectually collected and received, be it further enacted, That all and every Tenant or Tenants, Occupier or Occupiers, of Lands, Houſes, Shops, Warehouſes, Wharfs, Cellars, Vaults, or other Tenements, are and ſhall be liable to pay all and every the Rates and Aſſeſſments that ſhall have been rated and aſſeſſed by virtue of this Act, for or in reſpect of the Tenement or Tenements by him, her, or them reſpectively occupied, and all Arrears thereof accruing and becoming due while the ſaid Tenements were empty and unoccupied, when no Compoſition ſhall have been made, as aforeſaid, to the Collector or Collectors, or other Perſon or Perſons appointed by the ſaid Commiſſioners as aforeſaid; and ſhall be ſubject to ſuch Diſtreſs and Impriſonment as aforeſaid, in caſe of Nonpayment thereof as aforeſaid: And in caſe of ſuch Payment, ſuch Tenant or Tenants, and Occupier or Occupiers, ſhall be at Liberty, and is and are hereby authoriſed to deduct and detain, out of his, her, and their Rent, ſuch Proportion of ſuch Rates, as he, ſhe, or they ſhall reſpectively pay for or on account of the ſeveral Owner or Owners, Proprietor or Proprietors, Landlord or Landlords of ſuch Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements.

Occupiers quitting without paying Rates, may be followed.

XLV. And be it further enacted by the Authority aforeſaid, That when any Perſon or Perſons, who hath or have been rated and aſſeſſed by virtue of this Act, ſhall quit his, her, or their Dwelling-houſe, Warehouſe, Wharf, Shop, Vault, Cellar, or Tenement, whereupon ſuch Rate or Aſſeſſment has been made, before he, ſhe, or they ſhall have paid the ſame, and ſhall afterwards refuſe to pay the ſame when due, and demanded as aforeſaid, by the Perſon or Perſons authoriſed and appointed to collect and receive the ſame; that then, and in every ſuch Caſe, it ſhall and may be lawful to and for ſuch Perſon or Perſons as ſhall be appointed by the ſaid Commiſſioners, or any Five or more of them, and every or any of them, by Warrant under the Hand and Seal of One or more Juſtices of the Peace acting in and for the ſaid County or Place, (which Warrant the ſaid Juſtice or Juſtices is and are hereby authoriſed and required to grant), into any Place within the reſpective Juriſdictions, or out of the Limits thereof, ſuch Warrant being firſt backed or counterſigned by ſome Magiſtrate in the County, City, or Liberty, where the Diſtreſs is to be made, to diſtrain the Goods and Chattles of ſuch Perſon or Perſons ſo neglecting or refuſing, and the ſame to ſell, rendering the Overplus, (if any ſuch ſhall be) after deducting the reaſonable Charges and Expences of ſuch Diſtreſs and Sale, to the Owner of ſuch Goods and Chattels demanding the ſame.

XLVI. Provided always, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, with Two or more Juſtices of the Peace of the County or Place aforeſaid, and they are hereby impowered, upon the Complaint of any Perſon or Perſons ſubject to the Payment of any Rate or Rates, Aſſeſſment or Aſſeſſments, to be made by virtue of this Act, and alſo to remit or excuſe the Payment thereof by any Perſon or Perſons, hereby made ſubject to the Payment thereof, for or on account of the Poverty or Indigence of ſuch Perſon or Perſons, or Inability to pay: And the ſaid Commiſſioners, or any Five or more of them, ſhall appoint or fix the Time and Place of hearing ſuch Complaints; and any Two Juſtices of the Peace for the County or Place aforeſaid are hereby required to attend on the Buſineſs aforeſaid, on being requeſted thereunto by Writing, under the Hands of any Five or more of the ſaid Commiſſioners, who ſhall alſo cauſe Notice thereof to be left in Writing with, or at the Place of Abode of, the Perſon or Perſons neglecting or refuſing to pay ſuch Rates, after Demand made as aforeſaid, which Notice ſhall be ſufficient.

Commiſſioners with Two Juſtices, impowered to mitigate or remit Rates.

XLVII. And be it further enacted, That all and every Perſon or Perſons paying the Rates and Aſſeſſments by this Act laid, within the Streets, Lanes, and Places to be paved as aforeſaid, ſhall be, and they and every of them is and are hereby exempted and diſcharged from all other Charges and Expences of paving the ſame Streets, Lanes, and Places, or any Part or Parts thereof, and alſo from all Penalties which may or might be incurred by reaſon or means of their neglecting to pave the ſame reſpectively; any Law, Statute, or Uſage to the Contrary notwithſtanding.

Perſons paying [illegible] exempted from any other Expences of Paving.

XLVIII. And it is hereby further enacted, That in caſe any Collector of the ſaid Rates or Aſſeſſments ſhall become inſolvent, or ſhall imbezzle or make away with, detain or miſapply, any Sum or Sums of Money ſo collected by him for the Purpoſes aforeſaid, or ſhall die poſſeſſed of any Sum or Sums of Money by him or them collected by virtue of this Act, or ſo as the ſame cannot be obtained by the Time the ſaid Commiſſioners ſhall ſtand in Need thereof for the Purpoſes for which the ſame was collected; then, and in every ſuch Caſe, ſuch Sum and Sums of Money ſhall be again rated and aſſeſſed by the ſaid Commiſſioners, or any Nine or more of them, in the Streets, Lanes, and Places, for which ſuch Perſon ſhall have been appointed Collector, in ſuch Proportion and Manner as the Rates are directed to be made by this Act; and ſhall be collected, levied, and diſtrained in ſuch Manner, and under ſuch Penalties, as are herein provided for collecting and levying the Rates due and payable by this Act.

In caſe of Collectors becoming inſolvent, the Money to be again aſſeſſed.

XLIX. Provided always, and be it enacted, That none of the Commiſſioners herein named, or who ſhall be hereafter choſen by virtue of this Act, ſhall act as a Commiſſioner during ſuch Time as he or they ſhall execute the Office of Collector or Collectors of the Rates to be raiſed and levied purſuant to this Act.

Collectors diſqualified from acting as Commiſſioners.

L. And be it further enacted by the Authority aforeſaid, That where any Part or Parts of the Pavements of the ſaid Streets, Lanes, Alleys, or other Places within the Diſtrict aforeſaid, hath or have been accuſtomed, or ought to be paved and repaired by any particular Pariſh or Pariſhes, Bodies Politick or Corporate, and not by the Owner or Owners of the Houſes or other Buildings adjoining to the Pavement of the ſaid Streets, Lanes, Alleys, and Places reſpectively, the ſame ſhall be paved and repaired at the Expence of the reſpective Pariſh or Pariſhes, Bodies Politick or Corporate, by the Pavior or Paviors contracting with or employed by the ſaid Commiſſioners.

Pavements liable to be repaired by any Pariſh, &c. are to be repaired at their Expence by the Commiſſioners Paviors.

LI. Provided always, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, to compound and agree for the ſame with any ſuch Pariſh or Pariſhes, or Bodies Politick or Corporate, for a certain Sum of Money by the Foot or other Meaſure, as the ſaid Commiſſioners, or any Five or more of them, ſhall think reaſonable.

Commiſſioners may compound.

LII. And, for the more effectually enabling the ſaid Commiſſioners to execute the Purpoſes of this Act in the moſt expeditious Manner, it is hereby further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Nine or more of them, and they are hereby impowered, from Time to Time, when they ſhall judge it neceſſary for the Purpoſes aforeſaid, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding Six thouſand Pounds, upon the Credit of the Rates or Aſſeſſments to be made by virtue of this Act, and by any Writing or Writings, upon Vellum or Parchment, ſigned by the ſaid Commiſſioners, or any Five or more of them, to aſſign the ſaid Rates and Aſſeſſments, or a competent Part thereof, to any ſuch Perſon or Perſons who ſhall advance or lend ſuch Money thereon, as a Security or Securities for the ſeveral Sums ſo borrowed, with legal or lower Intereſt for the ſame; which Intereſt ſhall be payable and paid by the ſaid Commiſſioners out of the Monies to ariſe by or from the Rates or Aſſeſſments to be made by virtue of this Act.

Not exceeding 6000*l.* may be borrowed on the Credit of the Rates;

LIII. And whereas many Perſons may chuſe to advance Money for the Purchaſe of Annuities, to be ſecured upon and payable out of the ſaid Rates and Aſſeſſments; be it therefore further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay into the Hands of the ſaid Commiſſioners, or any Nine or more of them, or ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, for the Uſes and Purpoſes of this Act, any Sum or Sums of Money, not exceeding in the Whole the Sum of Six thouſand Pounds, for the abſolute Purchaſe of One or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of every ſuch Contributor or Contributors reſpectively, or the natural Life of ſuch other Perſon or Perſons as ſhall be nominated by or on Behalf of ſuch Contributor or Contributors reſpectively, at the Time of Payment of his, her, or their reſpective Contribution-money, ſo as the ſaid Annuity or Annuities do not exceed the Rate of Nine Pounds by the Hundred by the Year; and ſo in proportion for any greater or leſſer Sum, to be paid as aforeſaid; and ſo as the ſaid Annuities, to be purchaſed in purſuance of this Act, do not, at any Time, exceed in the Whole the Sum of One thouſand Pounds.

which Sum may be advanced to the Commiſſioners for Purchaſe of Annuities.

LIV. Provided always, and it is hereby further enacted, That, the better to enable the ſaid Commiſſioners to raiſe Money to pay the Money borrowed on the ſaid Rates, and until

Annuitants dying, Perſons may purchaſe Annuities from Commiſſioners, not exceeding 1000 *l.*

til the ſaid Sum of Six thouſand Pounds, firſt mentioned to be borrowed by virtue of this Act, ſhall be fully paid and ſatisfied, that when and as often as any ſuch Annuitant or Annuitants ſhall die, it ſhall and may be lawful for any Perſons to purchaſe of the ſaid Commiſſioners One or more Annuity or Annuities, in the Room of ſuch Annuitant or Annuitants ſo dying, upon the Life of ſuch Perſon or Perſons, upon ſuch Terms and Conditions, and payable in ſuch Manner, as above mentioned, ſo that the Sum or Sums to be contributed for the Purchaſe of any Annuity or Annuities to be granted by virtue of this Act ſhall at no One Time exceed the ſaid Sum of One thouſand Pounds.

Annuities charged upon the Rates,

and deemed indefeaſible Eſtates,

not chargeable to the Land-tax.

Receipts and Orders for Payment to be ſigned, and given to the Contributors.

LV. And be it further enacted, That all and every the Annuity or Annuities, ſo to be purchaſed under and by virtue of this Act, ſhall be and are hereby charged upon, and ſhall be paid and payable, from Time to Time, out of the Monies ariſing by the Rates and Aſſeſſments as aforeſaid; and all and every the Contributor or Contributors upon the Credit of this Act, duly paying the Contribution or Purchaſe Money for any ſuch Annuity or Annuities as aforeſaid, or his, her, or their reſpective Executors, Adminiſtrators, or Aſſigns, ſhall have, receive, and enjoy, and be intitled, by virtue of this Act, to have, receive, and enjoy, the reſpective Annuity or Annuities ſo to be purchaſed, out of the ſaid Rates or Aſſeſſments by this Act appointed for the Payment thereof as aforeſaid, during the Term of the natural Life of the Perſon to be nominated by each ſuch Purchaſer or Contributor as before mentioned; and that all and every ſuch Purchaſer and Purchaſers, and their Executors, Adminiſtrators, or Aſſigns, ſhall have good, ſure, abſolute, and indefeaſible Eſtates and Intereſt in the Annuity or Annuities ſo by him, her, or them reſpectively to be purchaſed, according to the Tenor and true Meaning of this Act; and that none of the ſaid Annuities ſhall be ſubject or liable to the Tax charged or to be charged upon Land by Authority of Parliament: And that every Contributor upon this Act for the Purchaſe of any ſuch Annuity or Annuities as aforeſaid, his, her, or their Aſſigns, upon Payment of the Conſideration or Purchaſe Money, ſhall have a Receipt or Receipts for the ſame, and alſo an Order on Parchment (which may be made without any Stamps) for Payment of the ſaid Annuity or Annuities for and during the natural Life of the Perſon who ſhall be ſo nominated as aforeſaid, by half-yearly Payments; which Order ſhall be ſigned by the ſaid Commiſſioners, or any Five or more of them; and after ſigning thereof, the ſame ſhall be firm, valid, and of good Effect in the Law, according to the true Purport and Meaning of this Act.

Annuities may be aſſigned.

LVI. And be it further enacted, That it ſhall and may be lawful to and for any Purchaſer or Purchaſers of any ſuch Annuity or Annuities as aforeſaid, and his, her, or their Executors, Adminiſtrators, or Aſſigns, at any Time or Times, by Writing under his, her, or their Hand and Seal, or Hands and Seals, to aſſign ſuch Annuity or Annuities, or any Part thereof, or Intereſt therein, to any Perſon or Perſons whatſoever. and ſo toties quoties, and a Memorandum or Entry of all ſuch Orders and Aſſignments ſhall be made in the Book to be kept as hereafter mentioned, at the Charge of the ſaid Commiſſioners; for which Entry or Memorandum Two Shillings and Sixpence, and no more, ſhall be paid; and no ſuch Aſſignment ſhall be deemed valid, unleſs ſuch Memorandum or Entry ſhall be firſt made as aforeſaid.

Houſes, &c. to riſe perpendicularly, when new-built, or new-fronted.

LVII. And be it enacted by the Authority aforeſaid, That all Houſes and Buildings hereafter to be built or new-fronted, or any Part thereof, within the Diſtrict aforeſaid, ſhall, for the effectual and abſolute Prevention of all Manner of Projections, Annoyances, and Inconveniencies thereby, riſe perpendicularly from the Foundation: And if any Perſon or Perſons ſhall, at any Time or Times hereafter, preſume to build or new-front any Houſe or other Building, or any Part thereof, within the Diſtrict aforeſaid, or cauſe the ſame to be done, or riſe otherwiſe than perpendicularly from ſuch Foundation, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, under their Hands and Seals, to cauſe the ſame to be pulled down and removed by any Perſon, Workmen, or Perſons they ſhall think fit; the Coſts and Charges whereof ſhall be paid and reimburſed to the ſaid Commiſſioners, or any Five or more of them, or their Order, by the Owner or Owners of ſuch Houſes or Buildings, or other Perſon or Perſons ordering or directing the ſame: And in caſe of ſuch Refuſal or Neglect in paying or reimburſing the ſaid Commiſſioners, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint to receive the ſame, it ſhall and may be lawful for any Five or more of them to cauſe an Action to be brought in the Name of any of their Officers, for the Recovery thereof, with Coſts of Suit.

As Annuitants die, the Rates to be lowered.

LVIII. Provided always, and be it enacted, That as ſuch Annuitant or Annuitants ſhall die off, and ſuch Rates or Aſſeſſments can be lowered and reduced, the ſame ſhall be ſo done, in equal Proportions, from Time to Time.

Monies raiſed veſted in the Commiſſioners.

LIX. And be it further enacted by the Authority aforeſaid, That all Monies raiſed or collected by virtue, or by Means, or under the Authority of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners; and all Monies raiſed or collected by virtue of this Act ſhall be applied for the Purpoſes of this Act, and to and for no other Uſe or Purpoſe whatſoever.

Expences of the Act to be firſt paid.

LX. Provided always, and be it further enacted by the Authority aforeſaid, That the Charges and Expences of procuring and paſſing this Act ſhall be paid out of the Firſt Monies which ſhall be raiſed by virtue of this Act.

Out-Streets may be paved by the Commiſſioners, upon Petition of Four-fifths of the Tenants or Landlords.

LXI. And be it further enacted by the Authority aforeſaid, That if at any Time hereafter Four-fifths or more in Number and Value of the Houſeholders, and alſo Four-fifths or more in Number and Value of the Landlords or Owners of Houſes and Tenements, within any the ſaid Streets, Lanes, Alleys, Courts, Paſſages, or Places, opening immediately into the ſaid Streets, Lanes, and Places herein-before mentioned and authoriſed to be paved, ſhall, at any Time hereafter, apply by Petition under their Hands to the ſaid Commiſſioners, or any Nine or more of them, expreſſing their Deſire to have the ſame paved, and cleared of Incroachments, Nuiſances, Obſtructions, and Annoyances; that then it ſhall and may be lawful for the ſaid Commiſſioners, or any Nine or more of them, to cauſe the ſame to be done; and they are hereby impowered to rate and aſſeſs the

Inhabitants of ſuch Street, Lane, Paſſage, Alley, Court, or Place, for the Purpoſes aforeſaid, ſo as ſuch Aſſeſſment does not exceed One Shilling and Sixpence in the Pound for the Foot and Carriage-way, and Sixpence in the Pound for the Foot-way only; and to raiſe Monies upon Annuities for Lives, or otherwiſe, upon the Credit of ſuch Rates or Aſſeſſments, for defraying the Expences of the ſaid Works, or any Matter or Thing relating thereunto; and the Pavement of the ſaid Street, Lane, or other Place comprehended in ſuch Petition, ſhall, after an Order made by the ſaid Commiſſioners, or any Nine or more of them, for the Purpoſes aforeſaid, be from thenceforth veſted in the ſaid Commiſſioners appointed by this Act; and ſuch Street or Place ſhall remain under the ſame Government, Direction, and Management of them and their Officers, or other Perſons appointed by them for that Purpoſe, as the ſaid ſeveral Streets, Lanes, and Places firſt authoriſed to be paved; and the ſaid Commiſſioners, Officers, Servants, Workmen, and other Perſons acting under them, ſhall have the ſame Power and Authority, in, over, and through ſuch Street or Place petitioned for as aforeſaid, and the ſeveral Inhabitants, Landlords, Tenants, and Occupiers thereof, Companies, Commiſſioners, Bodies Politick and Corporate, and their Officers, Servants, and Workmen, and all and every other Perſon or Perſons whatſoever, intereſted or intitled to any Privilege therein, and every Matter and Thing relating to the Premiſes, as the ſaid Commiſſioners appointed by this Act, and their Officers, Servants, and Workmen acting under them, are inveſted with by this Act, for the better Management, ordering, regulating, and rendering more commodious the ſeveral Streets, Lanes, and Places hereby firſt authoriſed to be paved; and every Clauſe, Matter, and Thing contained in this Act, ſhall be conſtrued, adjudged, deemed, and taken to extend to every ſuch Street, Lane, and Place, petitioned for as aforeſaid, as alſo to the ſeveral Inhabitants, Landlords, Tenants, and Occupiers thereof, Companies, Commiſſioners, Bodies Politick and Corporate, their Officers, Servants, and Workmen, and all and every other Perſon or Perſons intereſted or intitled to any Privilege therein, and every Matter or Thing relating to or in any-wiſe concerning the Premiſes, in like Manner as the ſame Clauſes extend, or ſhall be adjudged or conſtrued to extend, in ſimilar Caſes, to the ſeveral Streets, Lanes, and Places firſt authoriſed to be paved, and the ſeveral Inhabitants, Landlords, Tenants, and Occupiers thereof, Companies, Commiſſioners, Bodies Politick and Corporate, and all and every other Perſon or Perſons whatſoever intereſted or intitled to any Privilege therein, or to any Matter or Thing relating to the Premiſes; and the like Penalties, Forfeitures, and Puniſhments, ſhall be inflicted, and for the like Cauſes, as are herein expreſſed; and ſhall be ſued for, recovered, levied, and executed, in the ſame Manner.

Monies may be raiſed by Annuities for Lives for repairing Out Streets, the Pavement of which to be veſted in the Commiſſioners, &c.

Accounts of ſuch Pavement, with the Buſineſs relating thereto, to be kept ſeparate.

LXII. Provided always, and be it further enacted by the Authority aforeſaid, That the Accounts of the Receipts and Disburſements ariſing upon the Works to be done for the Street or Place compriſed in ſuch Petition, and all other Buſineſs and Tranſactions relating thereto, ſhall be kept ſeparate and diſtinct from the Accounts of the Receipts and Disburſements ariſing in conſequence of the Works to be done in the ſeveral Streets, Lanes, and Places herein-before firſt authoriſed to be paved, and other Buſineſs and Tranſactions relating thereto; but that ſuch Accounts, as alſo the Accounts of the Buſineſs ariſing in conſequence of any ſubſequent Petition, ſhall be kept ſeparate and diſtinct from each other, and in no-wiſe interfere one with the other; and the Monies, Caſh, or Fund of each Account, ſhall be applied to the Uſes only for which ſuch Account is kept, and for no other Uſe or Purpoſe whatſoever.

Penalties may be mitigated.

LXIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, to compound and agree with any Perſon or Perſons againſt whom any Action or Actions, Suit or Suits, ſhall be brought, commenced, or proſecuted, for any Penalties contained in this Act, or in any Contract or Contracts hereafter to be entered into, on account of any Breach or Nonperformance of any ſuch Contract or Contracts, for ſuch Sum or Sums of Money as they, or any Five or more of them, ſhall think proper; and alſo to mitigate, compound, or leſſen any other the Forfeitures incurred under this Act, ſo as the Sums ſo compounded and agreed for be not leſs than the Injury or Damage ſuſtained by the Breach or Nonperformance of any Clauſe compriſed in this Act, or of ſuch Contract or Contracts, and all the Coſts, Charges, and Expences, which ſhall be occaſioned thereby; and ſo as the Mitigation of the Forfeitures as aforeſaid do not extend to remit above One Moiety of the ſaid Forfeitures reſpectively.

Commiſſioners who are Juſtices for *Middleſex*, and the Liberty of the *Tower of London*, may act.

LXIV. And be it further enacted, That it ſhall and may be lawful to and for any of the Juſtices of the Peace for the County of Middleſex, or for any of the Juſtices for the Liberty of His Majeſty's Tower of London, although ſuch Juſtices ſhall be Commiſſioners for the Purpoſes of this Act, to hear and determine any of the Offences ariſing within their reſpective Juriſdictions, which are made ſubject to and puniſhable by any pecuniary Penalty directed to be levied by virtue of this Act.

Perſons injured may appeal to the Quarter Seſſions.

LXV. Provided always, and be it further enacted by the Authority aforeſaid, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be held for the County or Place wherein the Cauſe of Complaint ſhall ariſe, and within Three Calendar Months after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving, or cauſing to be given, Twenty-one Days Notice at the leaſt, in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk to the ſaid Commiſſioners, and within Two Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for ſuch County or Place, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter-ſeſſions: And the ſaid Juſtices, at ſuch Seſſion, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter-ſeſſions ſhall be finally binding and concluſive to all Intents and Purpoſes.

Penalties and Forfeitures how to be recovered and applied.

LXVI. And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed, (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed), ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of One Juſtice of the Peace acting in and for the ſaid County or Places, and within his proper Juriſdiction; which Warrant ſuch Juſtice is hereby impowered and required to grant upon the Confeſſion of the Party or Parties, or upon the Information of One or more credible Witneſs or Witneſſes upon Oath; and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) upon Demand to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, (the Charges of ſuch Diſtreſs and Sale being firſt deducted), ſhall be paid to the Treaſurer to the ſaid Commiſſioners for the Time being, and be applied towards the Purpoſes of this Act: And in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authoriſed and required, by Warrant under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of ſuch County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, nor leſs than Fourteen Days, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner fully paid and ſatisfied.

Commiſſioners may reward Informers.

LXVII. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, if they ſhall ſee Cauſe, to pay and apply ſuch Part of the ſaid Penalties and Forfeitures, or any of them, as they ſhall think proper, not exceeding One Moiety of them, or any of them, to and for the Uſe of the Informer or Informers, or any of them; any Thing herein contained to the Contrary notwithſtanding.

Juſtices may adminiſter Oaths.

LXVIII. And be it further enacted by the Authority aforeſaid, That in all Caſes where Cognizance is given to any Juſtice or Juſtices of the Peace by this Act, it ſhall be lawful for ſuch Juſtice or Juſtices to adminiſter an Oath to any Perſon, for his, her, or their more certain Information in the Matter then depending.

Books to be kept for entering Perſons Names appointed by Commiſſioners, *&c.* and for the Names of Annuitants,

LXIX. And be it further enacted, That a Book or Books ſhall be prepared and kept by the ſaid Commiſſioners, or by ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, wherein ſhall be fairly entered, from Time to Time, the Names of ſuch Perſons as they, or any Five or more of them, ſhall nominate and appoint to put in Execution the Purpoſes of this Act; and Copies of all Orders and Proceedings relating thereto; and alſo an Account of what Monies have been aſſeſſed, raiſed, levied, and paid, by virtue of this Act, and how the ſame ſhall have been applied; and the Names of the Annuitant or Annuitants, and what Sum or Sums he, ſhe, or they paid for ſuch Annuity or Annuities reſpectively, and what he, ſhe, or they is or are to receive for the ſame; which Book or Books the ſaid Annuitants, or any of them, and all Perſons contributing to the ſaid Rates or Aſſeſſments, may, at all convenient Times, peruſe and inſpect without Fee or Reward.

which may be inſpected *gratis.*

Diſtreſs not to be deemed unlawful for Want of Form, nor the Party be deemed a Treſpaſſer *ab initio.*

LXX. And be it further enacted by the Authority aforeſaid, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Default or Want of Form in any Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be hereafter done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the Special Damage in an Action on the Caſe.

Plaintiff not to recover if Tender of Amends hath been made.

LXXI. Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity, Treſpaſs, or other Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, any ſuch Irregularity, Treſpaſs, or wrongful Proceedings, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants, in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall ſee fit; whereupon ſuch Proceedings or Orders, and Judgements, ſhall be had, made, and given in and by ſuch Court, as in other Actions, where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

LXXII. And be it further enacted by the Authority aforeſaid, That no Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals of, or only ſigned by any Commiſſioner or Commiſſioners, or Juſtice or Juſtices of the Peace, or exhibited before them, or under the Hand and Seal, or Hands and Seals of, or only ſigned by, any other Perſon or Perſons whatſoever, relating to the Execution of this Act, ſhall be chargeable with any Stamp-duty whatſoever.

Proceedings to be entered in a Book.

LXXIII. And be it further enacted by the Authority aforeſaid, That all Orders and Proceedings of the ſaid Commiſſioners, at their Meetings, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings, ſo entered, ſhall be ſigned by the Clerk or Clerks at any Meeting of any Five or more of the ſaid Commiſſioners aſſembled, as the Caſe ſhall require; and ſuch Orders ſhall be deemed and taken to be original Orders; which ſaid Book or Books ſhall and may be produced and read in Evidence in all Courts whatſoever.

Proceedings not to be quaſhed for Want of Form, or removeable by *Certiorari.*

LXXIV. And be it further enacted by the Authority aforeſaid, That no Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or other Matter or Thing to be done or tranſacted, in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form, or be removed by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; any Law or Statute to the Contrary notwithſtanding.

Limitation of Actions.

LXXV. And be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Twenty Days Notice ſhall be thereof given in Writing to the Clerk to the ſaid Commiſſioners, or after ſufficient Satiſfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact is committed, for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought; and every ſuch Action ſhall be brought, laid, and tried in the County or Place where ſuch Matters and Things reſpectively ſhall be committed or done, and not in any other County or Place; and the Defendant or Defendants in ſuch Actions and Suits, and every of them, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which ſhall be had thereupon; and that the Matter or Thing, for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by the Authority of this Act: And if the ſaid Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Suit was brought before Twenty Days Notice thereof given as aforeſaid, or that ſufficient Satiſfaction was made or tendered as aforeſaid, or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid; then the Jury or Juries ſhall find for the Defendant or Defendants therein: And if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, or if upon any Demurrer or Demurrers in ſuch Action or Actions Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants may have for his, her, or their Coſts, in any other Caſes by Law.

General Iſſue.

Treble Coſts.

Publick Act.

LXXVI. And be it further enacted by the Authority aforeſaid, That this Act ſhall be taken and allowed in all Courts of Juſtice as a Publick Act; and all Judges, Juſtices, and others, are hereby required to take Notice thereof as ſuch, without the ſame being ſpecially pleaded.

CAP. XXIV.

An Act for licenſing an additional Number of Hackney Coaches, and applying the Monies ariſing thereby.

Moſt Gracious Sovereign,

Preamble.

Act 9 *Annæ.*

WHEREAS it is found convenient that a greater Number of Hackney Coaches than are allowed by an Act, made in the Ninth Year of the Reign of Her late Majeſty Queen *Anne*, intituled, *An Act for licenſing and regulating Hackney Coaches and Chairs; and for charging certain new Duties on Stampt Vellum, Parchment, and Paper; and on Cards and Dice; and on the Exportation of Rock Salt for* Ireland; *and for ſecuring thereby and by a weekly Payment out of the Poſt Office, and by ſeveral Duties on Hides and Skins, a yearly Fund of One hundred eighty-ſix thouſand ſix hundred and ſeventy Pounds, for thirty-two Years, to be applied to the Satiſfaction of ſuch Orders as are therein mentioned, to the Contributors of any Sum not exceeding Two Millions, to be raiſed for carrying on the War, and other Her Majeſty's Occaſions*; ſhould be licenſed to be employed within the Cities of *London* and *Weſtminſter*, and within the Weekly Bills of Mortality: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Commiſſioners for licenſing and regulating Hackney Coaches for the Time being, or the major Part of them, ſhall have Power and Authority, and are hereby impowered and required, under their Hands and Seals, or the Hands and Seals of the major Part of them, over and above the Number of Eight hundred Hackney Coaches, authoriſed to be licenſed by the ſaid Act, to licenſe, in like Manner, at any Time or Times, from and after the paſſing of this Act, any additional Number of Hackney Coaches, not exceeding Two hundred, to be employed for Hire within the Cities and Limits aforeſaid, ſo that the Number of all the ſaid Hackney Coaches licenſed, or to be licenſed, by virtue of the ſaid former and this preſent Act, ſhall not at any One Time exceed One thouſand; and that upon every one of the ſaid Licences to be granted in purſuance of this Act there ſhall be reſerved and made payable unto His Majeſty, His Heirs and Succeſſors, the like weekly Sum of Five Shillings of lawful Money of Great Britain, to be paid from the Commencement of every ſuch Licence, during the Continuance thereof reſpectively, in like Manner, and with like Penalties, Covenants, Conditions, and Proviſoes, therein to be inſerted, for the more effectual Payment thereof, as in other Licences granted in purſuance of the before-mentioned Act; and that the ſame Hackney Coaches, and the Perſons to be licenſed to drive or keep the ſame, ſhall, in reſpect thereof, have the ſame Rates and Benefits, and be ſubject and liable to all the ſame Orders, Rules, Regulations, Bye-laws, Penalties, Matters, and Things, as are or were lawfully preſcribed in relation to any Perſons licenſed to keep or drive Hackney Coaches, and the Renters of ſuch Licences, and Drivers of ſuch Coaches, before the making of this preſent Act: And that all Perſons who ſhall preſume to drive or let to Hire by the Hour or Day, or otherwiſe, any Hackney Coach or Coach Horſes, or to carry any Perſon or Perſons for Hire in any Hackney Coach, within the Cities of London and Weſtminſter, or the Suburbs of the ſame, or within any of the Pariſhes or Places compriſed within the Weekly Bills of Mortality, without ſuch Leave or Licence as aforeſaid, ſhall be liable to all ſuch Forfeitures and Penalties as he, ſhe, or they would have incurred for ſo doing, if this Act had not been made.

Commiſſioners may licenſe, over the Number 800, any Number of Hackney Coaches, not exceeding 200, to be employed for Hire within the Cities and Liberties of *London* and *Weſtminſter*, at 5 *s. per* Week, payable from the Commencement of ſuch Licence.

Drivers of Coaches without Licence liable to former Penalties.

Monies ariſing by the additional Number of Coaches to be applied as former Rents were appropriated.

II. And it is hereby declared and enacted by the Authority aforeſaid, That all the Monies to ariſe by Rents of the ſaid additional Number of Hackney Coaches, to be licenſed in purſuance of this Act, ſhall be ſubject and applicable to the like Uſes and Purpoſes, and under the like Penalties, as the other Rents upon Hackney Coaches are applicable and appropriated by Parliament.

Commiſſioners of the Treaſury to defray Expences for licenſing and other Incidents.

III. Provided always, and it is hereby enacted by the Authority aforeſaid, That out of the Monies to ariſe by Rents of Hackney Coaches, it ſhall and may be lawful to and for any Three or more of the Commiſſioners of the Treaſury, or the High Treaſurer for the Time being, to reward the ſaid Commiſſioners for licenſing and regulating Hackney Coaches, and the Clerks, Officers, and others, that ſhall and may be employed by and under them, for their Labour and Pains, and to diſcharge ſuch incident Expences as ſhall neceſſarily attend the Execution of this Act, in ſuch Manner as any Three or more of the ſaid Commiſſioners of the Treaſury, or the High Treaſurer for the Time being, ſhall, from Time to Time, think fit and reaſonable in that Behalf; any Thing in this Act, or any other Law, Statute, or Uſage, to the Contrary notwithſtanding.

Perſons ſued may plead the General Iſſue.

IV. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, the Defendant or Defendants, in any ſuch Action or Suit, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear ſo to have been done, a Verdict ſhall be recorded for the Defendant or Defendants: And if the Plaintiff ſhall be nonſuited, or diſcontinue his Action, after the Defendant or Defendants ſhall have appeared, or if Judgement ſhall be given upon any Verdict or Demurrer againſt the Plaintiff, the Defendant or Defendants ſhall and may recover Double Coſts, and have the like Remedy for the ſame, as any Defendant or Defendants hath or have in other Caſes by Law for Recovery of his or their Coſts.

Double Coſts.

CAP. XXV.

An Act for raiſing a certain Sum of Money, by Loans or Exchequer Bills, for the Service of the Year One thouſand ſeven hundred and ſeventy-one. 1,800,000*l.*

CAP. XXVI.

An Act for further continuing the Tolls upon *London Bridge*, for the Purpoſes therein mentioned; and for impowering the Mayor, Aldermen, and Commons of the City of *London*, in Common Council aſſembled, in certain Caſes, to grant Licences to Perſons poſſeſſed of Terms for Years, of and in Houſes deſcribed in an Act of the Seventh Year of His preſent Majeſty, to build upon and incloſe Part of the Ground and Soil of the Streets in the Front of their ſaid Houſes.

Preamble. Act 7 *Geo* III. for completing *Blackfriars Bridge.*

WHEREAS by an Act, made in the Seventh Year of the Reign of His preſent Majeſty, intituled, *An Act for completing the Bridge croſs the River* Thames, *from* Blackfriars *in the City of* London *to the oppoſite Side in the County of* Surrey, *and the Avenues thereto on the* London *Side; for redeeming the Tolls on the ſaid Bridge, and on* London Bridge; *for rebuilding the Gaol of* Newgate *in the ſaid City; for repairing the* Royal Exchange *within the ſame; for embanking Part of the North Side of the ſaid River within certain Limits; and for further continuing, towards thoſe Purpoſes, the Impoſition of Sixpence* per *Chaldron, or Ton, of Coals and Culm, imported into the Port of the ſaid City, eſtabliſhed by an Act of the Fifth and Sixth Years of the Reign of King* William *and Queen* Mary; *and alſo for carrying on the new Pavements in the City and Liberties of* Weſtminſter, *and Pariſhes adjacent, and in the Town and Borough of* Southwark; *and for other Purpoſes therein mentioned*; the Sum of Thirty thouſand Pounds was granted and directed to be applied to and for the Redemption of the preſcriptive Tolls, to which the Paſſage over *London Bridge* was then ſubject, and to and for the Purchaſe of the Leaſe thereof; the Reſidue, after ſuch Purchaſe, to be placed out at Intereſt, upon ſuch Government or real Securities, or laid out in the Purchaſe of Lands, Tenements, and Hereditaments, as to the Mayor, Aldermen, and Commons of the ſaid City, in Common Council aſſembled, ſhould ſeem meet, in Truſt, for or towards the Uſes, Intents, and Purpoſes, which the ſaid Tolls, or the Rents and Fines then payable in reſpect thereof, were then applicable: And it was thereby enacted, That the Mayor and Commonalty, and Citizens of the City of *London*, ſhould pay to the Perſons, and for the Uſes therein mentioned, certain Annuities of Eight hundred Pounds, and Four hundred and eighty Pounds, redeemable as therein mentioned: And it was thereby further enacted, That all and every the Tolls which then were or ſhould be payable by virtue of any Act of Parliament, or Preſcription, for the Paſſage over the ſaid Bridge, or for the Paſſage over the then intended Bridge at *Blackfriars*, ſhould have Continuance, and be paid and payable to the ſaid Mayor and Commonalty, and Citizens, until they ſhould, by and out of the neat Produce thereof, to ariſe and accrue from and after the Twenty-ninth of *September*, One thouſand ſeven hundred and ſeventy, (after deducting the Charges of the Collection thereof, and the Charges which would attend the making and executing the Bonds thereby directed to be given for ſecuring the Payment of the ſaid Annuities, and the Charges of obtaining and paſſing the ſaid Act), receive and be reimburſed all ſuch Sum and Sums of Money as they ſhould have advanced in Payment of the ſaid Annuities, or for the Redemption thereof, together with Intereſt for the Money ſo advanced, at and after the Rate of Four Pounds *per Centum per Annum*; but that, from and immediately after ſuch Reimburſement ſhould have been made and completed, the ſaid Tolls ſhould ceaſe and determine, and be no longer paid or payable, any Law, Statute, or Preſcription to the Contrary thereof in any-wiſe notwithſtanding: And whereas the ſaid Mayor and Commonalty, and Citizens, did, on or about the ſaid Twenty-ninth Day of *September*, One thouſand ſeven hundred and ſeventy, treat with the Leſſee of the ſaid Tolls upon *London Bridge*, for the Purchaſe of his ſaid Leaſe, wherein there were then Fifteen Years and three Quarters to come and unexpired, but found his Demand, grounded upon the Increaſe of the ſaid Tolls ſince the paſſing of the ſaid Act, ſo high, as being deducted out of the ſaid Sum of Thirty thouſand Pounds, would not leave ſufficient for the Purchaſe or Redemption of the Reverſion and Inheritance thereof: And whereas it is computed that, in order to reimburſe the ſaid Mayor and Commonalty, and Citizens, what they are directed by the ſaid Act to advance in Payment of the ſaid Annuities of Eight hundred Pounds, and Four hundred and eighty Pounds, or for the Redemption thereof, with Intereſt as aforeſaid, and the ſaid Charges, which they are by the ſaid in-part recited Act authoriſed to deduct, the ſaid Tolls upon both the ſaid Bridges muſt have Continuance until *Lady-day*, One thouſand ſeven hundred and ſeventy-nine, or thereabouts; and that the ſaid Tolls upon *London Bridge*, if continued till *Lady-day*, One thouſand ſeven hundred

dred and eighty-two, would, together with the ſaid Sum of Thirty thouſand Pounds, and the Intereſt or Produce thereof in the mean Time, after making good and completing ſuch Reimburſement, be a ſufficient Fund for purchaſing the then remaining Term of the ſaid Leaſe of the Tolls for the Paſſage over *London Bridge*, and the Reverſion and Inheritance thereof: May it therefore pleaſe Your Majeſty, upon the Petition of the ſaid Mayor, Aldermen, and Commons, in Common Council aſſembled, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and every the Tolls, which are now payable by Preſcription, for the Paſſage over London Bridge, ſhall, from and after the Time in and by the ſaid in-part recited Act limited for the Continuance thereof, have further Continuance, and be paid and payable to the ſaid Mayor and Commonalty, and Citizens, until the Twenty-fifth Day of March, One thouſand ſeven hundred and eighty-two, and no longer; any Thing in the ſaid Act contained, or any other Law, Uſage, or Preſcription, to the Contrary thereof in any-wiſe notwithſtanding.

Tolls now payable by Preſcription to be continued till *March* 25, 1782.

II. And be it further enacted, That the ſaid Mayor and Commonalty, and Citizens, ſhall, as ſoon as conveniently may be after the paſſing of this Act, cauſe the ſaid Thirty thouſand Pounds to be laid out and inveſted in the Purchaſe of ſome of the publick Funds, or placed out at Intereſt upon Government or real Securities; and from Time to Time, until ſuch Reimburſement to the ſaid Mayor and Commonalty, and Citizens, as aforeſaid, ſhall be completed, pay and apply the Dividends, Intereſt, and Proceed thereof, to the Purpoſes to which the ſaid Tolls are appropriated by the ſaid in in-part recited Act.

The Mayor to cauſe the 30,000 *l.* to be inveſted in the publick Funds;

III. And be it further enacted, That the ſaid Mayor and Commonalty, and Citizens, ſhall, on or before the ſaid Twenty-fifth Day of March, One thouſand ſeven hundred and eighty-two, by, with, or out of the net Produce of the Funds or Securities in or upon which the ſaid Thirty thouſand Pounds ſhall be then veſted or placed, and the Intereſt, Dividends, or Proceed thereof, which ſhall then have ariſen or accrued, from and after ſuch Reimburſement to the ſaid Mayor and Commonalty, and Citizens, as aforeſaid, purchaſe the then remaining Term of and in the ſaid Leaſe of the Tolls, and keep, place, or lay out the Reſidue thereof at Intereſt upon Government or real Securities, or in the Purchaſe of the Freehold and Inheritance of ſuch Lands, Tenements, or Hereditaments, as to the ſaid Mayor, Aldermen and Commons, in Common Council aſſembled, ſhall ſeem meet, in Truſt, for the Uſes, Intents, and Purpoſes, to which the ſaid Tolls were applicable before the paſſing of the ſaid in-part recited Act.

and, before *March* 25, 1782, purchaſe the remaining Term of the Leaſe of the Tolls.

IV. And whereas, after reciting that it might, for the greater Regularity or Beauty of the Streets, Ways, or Paſſages, to be improved by virtue of the ſaid Act, as of the Twenty-ninth Year of King *George* the Second, be proper to build Houſes, or Parts of Houſes, on ſome Part of the Ground and Soil of the ſaid Streets, Ways, or Paſſages, or on ſome Part of the former Channel of *Bridewell Dock*, it is, by the ſaid Act of the Seventh Year of His preſent Majeſty, enacted, That it ſhould and might be lawful to and for the ſaid Mayor, Aldermen, and Commons, in Common Council aſſembled, for and in conſideration of ſuch Sum and Sums of Money, or yearly Rent or Rents, to be paid into the Receipt of the Chamber of the ſaid City of *London*, as they ſhould think reaſonable, to grant to the Owner or Owners of the Freehold and Inheritance of the Houſe or Houſes, fronting any ſuch Street, Way, or Paſſage, Licence or Licences, under the Common Seal of the ſaid City, to build upon and incloſe ſo much of the Ground and Soil, in the Front of the ſaid reſpective Houſe or Houſes, as they ſhould think fit to be built upon, for the Reaſons aforeſaid; and that the Ground and Soil ſo built upon, in purſuance of ſuch Licence or Licences, ſhould for ever, or for and during the Time or Term to be expreſſed in ſuch Licence or Licences reſpectively, be annexed to and enjoyed with the adjoining Freehold; any Law, Uſage, or Cuſtom to the Contrary notwithſtanding: And whereas it has happened, and may happen, that the Owner or Owners of the Freehold and Inheritance of the Houſe or Houſes fronting ſome of the ſaid Streets, Ways, or Paſſages, cannot be found, or is or are unwilling to build, and the Tenants of ſuch Ground, having Leaſes thereof for long Term of Years, would be willing to build upon the Ground and Soil in the Front thereof, if they might obtain ſuch Licences, and be ſecured in the free Enjoyment of the ſaid Ground and Soil, during the Term for which they reſpectively hold their ſaid Houſes, whereby the Regularity and Beauty of the ſaid Streets, Ways, and Paſſages, would be ſooner accompliſhed; be it further enacted, That it ſhall and may be lawful to and for the ſaid Mayor, Aldermen, and Commons, in Common Council aſſembled, for ſuch Conſiderations as aforeſaid, to grant ſuch Licence or Licences to the Tenant or Tenants of the Houſe or Houſes fronting any of the ſaid Streets, Ways, or Paſſages, having Leaſes for long Terms, of which there ſhall be at leaſt Thirty-five Years then to come and unexpired; and that the Ground and Soil which ſhall be built upon by Order or in purſuance of ſuch Licence or Licences, together with the Dwellings and Buildings thereon, ſhall for ever be annexed to and enjoyed with the Houſe or Houſes thereunto reſpectively adjoining, by the ſeveral Perſons intereſted therein, according to their ſeveral Eſtates and Intereſts in the ſame; any Law, Uſage, or Cuſtom, to the Contrary thereof in any-wiſe notwithſtanding.

Clauſe in Act 7 *Geo.* III.

Mayor, &c. may grant Licences to Tenants, on certain Conſiderations.

V. Provided always, and be it further enacted, That nothing in this, or in the ſaid former Act contained, ſhall give to any Perſon or Perſons whomſoever, except the Owner or Owners of the Freehold and Inheritance of the ſaid Houſe or Houſes, or the Leſſee or Leſſees thereof, who ſhall have ſuch Terms remaining therein as aforeſaid, any Right or Power to build on the ſaid Ground lying before the ſaid Houſes reſpectively; any Thing herein or in the ſaid former Act contained, to the Contrary thereof in any-wiſe notwithſtanding.

Nothing herein, or in the former Act contained, ſhall give Right to any Perſon to build, except Owners.

VI. And be it further enacted, That all and every ſuch Sum and Sums of Money as ſhall be paid for any Licence or Licences, to be granted by virtue or in purſuance of this Act, ſhall be, and the ſame is and are hereby appropriated to the Uſes, Intents, and Purpoſes to which the Monies and Rents payable for the Licences mentioned in the ſaid in-part recited Act are thereby appropriated, and to or for no other Uſe, Intent, or Purpoſe whatſoever.

Sums paid for Licences, how to be appropriated.

VII. And it is hereby further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance or by virtue of this

General Iſſue.

Treble Coſts.

Act, the Defendant or Defendants, in ſuch Action or Suit, and every of them, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which ſhall be had thereupon; and if the Plaintiff or Plaintiffs, in ſuch Action or Suit, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, or if Judgement ſhall be given for the Defendant or Defendants therein; then, and in any of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants may have for his, her, or their Coſts, in any other Caſes by Law.

Publick Act.

VIII. And it is hereby further enacted, by the Authority aforeſaid, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act; and be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

CAP. XXVII.

An Act for regulating and improving the Fiſheries in the River *Tweed*, and the Rivers and Streams running into the ſame; and alſo within the Mouth or Entrance of the ſaid River.

Preamble.

Perſons killing Salmon, Gilſe, Salmon Trout, or Whitling, between *Oct.* 10. and *Jan.* 10. or between 12 o'Clock on *Saturday* Night and 2 o' Clock on *Monday* Morning, ſhall forfeit 10 *s.* for every ſuch Fiſh.

WHEREAS Salmon, Gilſes, Salmon Trouts, and Whitlings, and the Spawn or Fry thereof, are frequently killed, taken, and deſtroyed, at improper Seaſons in the River *Tweed*, and the Rivers andStreams which run into the ſame, and alſo within the Mouth or Entrance of the ſaid River, to the great Detriment of the Owners and Occupiers of the Fiſheries, and Loſs to the Publick: For Remedy whereof, and for the Improvement of the Fiſheries in the ſaid River, may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by Authority of the ſame, That from and after the Twelfth Day of May, One thouſand ſeven hundred and ſeventy-one, if any Perſon or Perſons ſhall take or kill any Salmon, Gilſe, Salmon Trout, or Whitling, or take, kill, or deſtroy the Spawn, Fry, or young Brood of any ſuch Fiſh, in the ſaid River Tweed, or in any River, Rivulet, Brook, or Stream, or in any Mill-pool, Mill-lead, Sluice, or Cut, which communicates with the ſaid River Tweed, or within the Limits of the Mouth or Entrance of the ſaid River Tweed, or at any Time or Times between the Tenth Day of October and the Tenth Day of January, or between Ten of the Clock on Saturday Night and Two of the Clock on Monday Morning, every ſuch Perſon and Perſons, ſhall forfeit and pay the Sum of Ten Shillings for every Salmon, Gilſe, Salmon Trout, or Whitling, ſo taken or killed, and alſo the Sum of Ten Shillings for every Parcel or Quantity of the Spawn, Fry, or young Brood of any ſuch Fiſh ſo taken, killed, or deſtroyed.

Limits of the Mouth or Entrance of the River *Tweed*.

II. And whereas Diſputes may ariſe touching the Limits of the Mouth or Entrance of the River *Tweed*, be it therefore further enacted, That, for the Purpoſes of this Act, the Limits of the Mouth or Entrance of the River Tweed ſhall for the future be deemed and taken to be and extend Three Miles from a Pier called Queen Elizabeth's Pier, and Two Miles from a Rock called Hood's Head Rock.

Any Perſon who ſhall kill, or have in his Poſſeſſion any of the Spawn, Fry, or young Brood of Fiſh, between *April* 1. and *June* 1. ſhall forfeit 10 *s.* for every Parcel thereof.

III. And be it further enacted, That from and after the ſaid Twelfth Day of May, One thouſand ſeven hundred and ſeventy-one, if any Perſon or Perſons ſhall place, lay, ſet, continue, or draw any Net, Creel, Hamper, Engine, or other Device whatſoever, in the ſaid River Tweed, or in any River, Rivulet, Brook, or Stream, or in any Mill-pool, Mill-lead, Sluice, or Cut, which communicates with the ſaid River Tweed, or within the Mouth or Entrance thereof, in order to kill or take any Spawn, Fry, or young Brood of any Salmon, Gilſe, Salmon Trout, or Whitling, or ſhall take, kill, or deſtroy, or have in his, her, or their Cuſtody or Poſſeſſion any Spawn, Fry, or young Brood of any ſuch Fiſh, as aforeſaid, between the Firſt Day of April and the Firſt Day of June, every ſuch Perſon and Perſons ſhall forfeit and pay the Sum of Ten Shillings for every Parcel of Spawn, Fry, or young Brood of any ſuch Fiſh which ſhall be found in his, her, or their Poſſeſſion, between the ſaid Firſt Day of April and the ſaid Firſt Day of June.

If any Perſon ſhall beat the Water, or in any other Manner prevent the Fiſh entering the River, &c. he ſhall forfeit any Sum not more than 5 *l.* nor leſs than 10 *s.*

IV. And be it further enacted, That from and after the ſaid Twelfth Day of May, One thouſand ſeven hundred and ſeventy-one, if any Perſon or Perſons ſhall beat the Water, or place or ſet any white Object, or any other Thing whatſoever in the ſaid River Tweed, or in any River, Rivulet, Brook, Stream, Mill-pool, Mill-lead, Sluice, or Cut, which communicates with the ſaid River Tweed, or in the Mouth or Entrance of the ſaid River, or in, over, or acroſs the ſaid River Tweed, or any River, Rivulet, Brook, Stream, Mill-pool, Mill-lead, Sluice, or Cut, or in the Mouth or Entrance of the ſaid River Tweed, in order to prevent the ſaid Fiſh from entering the ſaid River Tweed, or from going up and down the ſaid River, or any River, Rivulet, Brook, Stream, Mill-pool, Mill-lead, Sluice, or Cut aforeſaid, or ſhall by any other Ways, or in any other Manner, prevent the Fiſh from entering the ſaid River, and going up and down the ſaid Rivers and Waters before deſcribed, every Perſon ſo offending ſhall, for every Offence, forfeit any Sum not exceeding Five Pounds, nor leſs than Ten Shillings.

Perſons may angle at certain Times in their own Fiſheries.

V. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the Owner or Owners of any Fiſhery in the ſaid River Tweed, or for the Owner or Owners of any Fiſhery in any River which runs into the River Tweed, and for all and every Perſon or Perſons having his, her, or their Authority, Licence, or Leave, ſo to do, to angle or fiſh with Rods and Lines at any Time or Times, between the ſaid Tenth Day of January and the Tenth Day of October, in any Year, for any Kind or Sort of Fiſh, in his, her, or their own Fiſhery or Fiſheries, notwithſtanding the ſame ſhall be let to any Perſon or Perſons; and alſo to take, carry away, and make uſe of the Fiſh ſo taken; and no ſuch Owner or Perſon, having ſuch Authority, Licence, or Leave, ſhall be liable, on account of any ſuch Angling, to any Penalty inflicted by this Act; any Thing herein contained to the Contrary thereof in any-wiſe notwithſtanding.

Laying Dirt, &c. in the River, the Forfeiture 20*s.*

VI. And be it enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever ſhall, at any Time or Times after the ſaid Twelfth Day of May, One thouſand ſeven hundred and ſeventy-one, lay or place any Dirt or Rubbiſh in the ſaid River Tweed below High-water Mark, every ſuch Perſon ſhall forfeit and pay the Sum of Twenty Shillings for every ſuch Offence.

Perſons killing Salmon, &c. in the Entrance of the Tweed to forfeit 10*s.* for each Fiſh;

VII. And whereas of late Perſons have made a Practice of fiſhing in the Mouth or Entrance of the River *Tweed*, by which Practice the Fiſh are diſturbed and hindered from entering the ſaid River, be it therefore further enacted by the Authority aforeſaid, That from and after the ſaid Twelfth Day of May, One thouſand ſeven hundred and ſeventy-one, if any Perſon or Perſons whatſoever ſhall, at any Time or Times, fiſh for, take, or kill any Salmon, Gilſe, Salmon Trout, or Whitling, within the Mouth or Entrance of the ſaid River Tweed, every ſuch Perſon or Perſons ſhall forfeit the Sum of Ten Shillings for every Salmon, Gilſe, Salmon Trout, or Whitling, ſo taken or killed, together with the Boats, Tackle, Nets, Engines, and all other Devices made uſe of in taking or killing the ſame, and alſo the Fiſh ſo killed or taken; and all ſuch Boats Tackle, Nets, Engines, and other Devices ſo forfeited, ſhall be cut to Pieces, burnt, or otherwiſe deſtroyed; or if any Perſon or Perſons ſhall buy or ſell, or offer to Sale, or have in his, her, or their Cuſtody or Poſſeſſion, any Salmon, Gilſe, Salmon Trout, or Whitling, knowing the ſame to have been killed or taken within the Mouth or Entrance of the ſaid River, every Perſon offending in any of the Caſes aforeſaid ſhall forfeit the Sum of Ten Shillings for every ſuch Salmon, Gilſe, Salmon Trout, or Whitling, ſo bought, ſold, or which ſhall be in his, her, or their Cuſtody or Poſſeſſion.

and buying or ſelling, or having ſuch Fiſh in their Poſſeſſion, knowing the ſame to be ſo killed, to forfeit 10*s.*

Perſons having a Right may fiſh in the Entrance of the River by the Regulations herein-before mentioned.

VIII. Provided always, That nothing herein contained ſhall any-wiſe prejudice or affect the Right of the Owners or Proprietors of Fiſheries, or the Right of any other Perſon or Perſons who now are, or at any Time hereafter ſhall or may be ſeiſed, poſſeſſed of, or intitled to, any Manors, Seigniories, or Royalties, within the Mouth or Entrance of the ſaid River Tweed, as the ſame is herein-before deſcribed; but that all and every ſuch Owners and Proprietors, and other Perſon or Perſons, as laſt are mentioned, ſhall have and enjoy all ſuch Right of Fiſhery within the ſaid Mouth or Entrance of the ſaid River Tweed, as they have hitherto lawfully exerciſed or enjoyed, or could or might have lawfully exerciſed or enjoyed, in caſe this Act had not been made, (ſo as ſuch Right be uſed and exerciſed at ſuch Times and Seaſons only, under ſuch Regulations, and ſubject to ſuch Penalties and Forfeitures, as are herein-before directed concerning the Fiſheries within the ſaid River Tweed, and within the Mouth or Entrance thereof); any Thing in this Act contained to the Contrary in any-wiſe notwithſtanding.

Penalties, &c. how to be recovered and applied.

IX. And be it further enacted by the Authority aforeſaid, That the Penalties or Forfeitures for Offences againſt this Act may be levied and recovered by Diſtreſs and Sale of the Offenders Goods and Chattels, upon Proof of the Offence or Offences, before any One or more Juſtice or Juſtices of the Peace within that Part of Great Britain called England, the Town of Berwick upon Tweed, or the Bounds and Liberties thereof, or before any Juſtice or Juſtices of the Peace, or Sheriff-depute, within that Part of Great Britain called Scotland, for the County, Shire, Liberty, or Place where the Offender or Offenders ſhall be or reſide, either by the Confeſſion of the Party or Parties, or upon the Oath or Oaths of One or more Witneſs or Witneſſes, by Warrant or Warrants under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices in that Part of Great Britain called England, the Town of Berwick upon Tweed, or the Bounds and Liberties thereof, or by Warrant or Warrants in due Form of Law, of ſuch Juſtice or Juſtices, or Sheriff-depute in that Part of Great Britain called Scotland, (all which Warrants ſuch Juſtice or Juſtices, or Sheriff-depute, is and are hereby authoriſed and required to grant, and to adminiſter ſuch Oath or Oaths); and the Penalties and Forfeitures which ſhall be ſo levied and paid, ſhall, from Time to Time, be applied, One Moiety to the Informer or Informers, and the other Moiety to the Poor of the Pariſh or Place where the Offender or Offenders ſhall be or reſide; and the Overplus remaining, (if any), after ſuch Penalties and Forfeitures, and all Charges attending the levying and recovering thereof, are deducted, ſhall on Demand be returned to the Owner or Owners of the Goods and Chattels ſo diſtrained; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be forthwith paid, that then it ſhall and may be lawful for ſuch Juſtice or Juſtices, or Sheriff-depute, and he and they is and are hereby reſpectively authoriſed and impowered to commit every ſuch Offender or Offenders to the common Gaol or Houſe of Correction, for any Time not exceeding Three Months, nor leſs than One Month, as the ſaid Juſtice or Juſtices, or Sheriff-depute, upon Conſideration of the Circumſtances, ſhall think fit.

Convictions ſhall be in the following Form.

X. And be it further enacted by the Authority aforeſaid, That the Conviction or Convictions of all and every Offender or Offenders againſt this Act, within that Part of Great Britain called England, the Town of Berwick upon Tweed, or the Bounds and Liberties thereof, ſhall be certified by the Juſtice or Juſtices of the Peace, by or before whom the ſame ſhall be made, to the next General Quarter Seſſions of the Peace to be held for the County or Place where the Offender ſhall be convicted, and ſhall be filed amongſt the Records of the ſaid Seſſions; and ſuch Conviction ſhall be in the following Form of Words, or to the like Effect; (that is to ſay),

Form of Conviction for Offenders.

To wit. } BE it remembered, That on the Day of in the Year *A. B.* was, upon the Complaint of *C. D.* convicted before me, [*or* us, *as the Caſe ſhall happen*], in purſuance of an Act paſſed in the Eleventh Year of the Reign of His Majeſty King *George* the Third, *for regulating and improving the Fiſheries in the River* Tweed, *and the Rivers and Streams running into the ſame, and alſo within the Mouth or Entrance of the ſaid*

ſaid River. Given under my [*or* our] Hand and Seal [*or* Hands and Seals, *as the Caſe ſhall happen*], the Day and Year above written.

Which ſaid Conviction ſhall be good and valid in the Law to all Intents and Purpoſes, and ſhall not be quaſhed, ſet aſide, or judged void or inſufficient for want of Form only; and ſhall not be liable to be removed by Certiorari into His Majeſty's Court of King's Bench, but ſhall be deemed and taken to be final to all Intents and Purpoſes whatſoever.

Perſons Puniſhed for Offences by this Act not to be liable to be proſecuted upon any other Act.

XI. Provided always, That where any Offender ſhall be puniſhed for any Offence by virtue of this Act, ſuch Offender ſhall not again be proſecuted, nor incur any Penalty by virtue of any other Law or Statute, or be liable to any other Puniſhment for the ſame Offence; and no Perſon ſhall incur any Penalty, or ſuffer any Puniſhment, for any Offence committed againſt this Act, unleſs the Proſecution of the ſame ſhall be commenced within Six Months after ſuch Offence committed.

Perſons aggrieved by the Act of any Juſtice may appeal to the next Quarter Seſſions;

and thoſe aggrieved by the Judgement of any Sheriff-depute may appeal to the Lords of Juſticiary, in the next Circuit Court.

XII. And be it enacted by the Authority aforeſaid, That all and every Perſon and Perſons who ſhall think himſelf, herſelf, or themſelves aggrieved, by any Judgement of any Juſtice or Juſtices of the Peace, in any of the Caſes aforeſaid, may appeal to the Juſtices of the Peace for the County, Shire, Liberty, or Place, where ſuch Judgement ſhall be given, at their then next General Quarter Seſſions; but no ſuch Appeal ſhall be received, heard, or determined, unleſs the Appellant or Appellants ſhall firſt give, or cauſe to be given, Fourteen Days Notice in Writing to the Juſtice or Juſtices from whoſe Judgement, Sentence, or Determination, he, ſhe, or they, ſhall appeal, of his, her, or their Intention to bring ſuch Appeal; and ſhall alſo enter into a Recognizance, with Two ſufficient Sureties conditioned to try ſuch Appeal; and the ſaid Juſtices, at their ſaid Seſſions, upon due Proof of ſuch Notice given, as aforeſaid, ſhall hear and determine every ſuch Appeal in a ſummary Way, and ſhall award and order to the Party for whom and in whoſe Behalf ſuch Appeal ſhall be determined, ſuch Coſts and Charges as they, in their Diſcretion, ſhall think reaſonable and juſt to be paid by the Party or Parties againſt whom ſuch Appeal ſhall be determined and in caſe ſuch Coſts and Charges ſhall not be paid within the Space of Six Days, the ſame ſhall and may be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ordered to pay the ſame; and if the Perſon or Perſons ordered to pay ſuch Coſts ſhall happen to remove or go into any County, Shire, Liberty, or Place, out of the Juriſdiction of the ſaid Court where ſuch Appeal ſhall be brought or heard, it ſhall and may be lawful for any Juſtice of the Peace of or for the County, Shire, Liberty, or Place, wherein ſuch Perſon ſhall inhabit or be found; and every ſuch Juſtice of the Peace is hereby required, upon Requeſt to him for that Purpoſe to be made, and a true Copy of the Order for the Payment of ſuch Coſts and Charges produced, and proved by ſome credible Witneſs upon Oath, (which Oath ſuch Juſtice is hereby impowered to adminiſter), by Warrant in due Form of Law, to cauſe the Money mentioned in that Order to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon that is ordered and ought to pay the ſame; and the Determination of the ſaid Juſtices, at ſuch Quarter Seſſion, ſhall be binding and concluſive to all Intents and Purpoſes whatſoever; and no Proceeding to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or other Matter or Thing to be done or tranſacted in or relating to the Execution of this Act ſhall be vacated or quaſhed for want of Form, or be removed by Certiorari, or any other Writ or Proceſs whatſoever: And that all and every Perſon and Perſons who ſhall think himſelf, herſelf, or themſelves aggrieved, by any Judgement of any Sheriff-depute in any of the Caſes aforeſaid, may appeal to the Lords of Juſticiary in the next Circuit Court of the Circuit wherein ſuch County or Shire ſhall lie, in the Way, Manner, and Form, and under and upon the Limitations and Conditions preſcribed by and contained in an Act of Parliament, paſſed in the Twentieth Year of the Reign of His late Majeſty, for taking away and aboliſhing the Heritable Juriſdictions in that Part of *Great Britain* called *Scotland*, and for other Purpoſes therein mentioned.

Limitation of Actions.

General Iſſue.

Treble Coſts.

XIII. And be it further enacted by the Authority aforeſaid, That no Action at Law ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done, or to be done, by virtue of this Act, within that Part of Great Britain called England, the Town of Berwick upon Tweed, or the Bounds and Liberties thereof, until after Fourteen Days Notice thereof in Writing ſhall be given to the Perſon or Perſons againſt whom ſuch Action ſhall be intended to be ſo brought, or left at his or their laſt or uſual Place of Abode, ſetting forth the Cauſe of ſuch Action; and that every Action brought for any Thing done, or to be done, as aforeſaid, ſhall be brought within the Space of Six Calendar Months next after the Cauſe of Complaint ſhall ariſe, and ſhall be laid and tried in the County or Place where the Fact was committed, and not elſewhere; and the Defendant or Defendants therein may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done by virtue hereof: And if, on the Trial of ſuch Action, it ſhall appear, that the ſame was brought before the Expiration of Fourteen Days next after ſuch Notice ſhall have been ſo given or left as aforeſaid, or after the End of Six Calendar Months next after the Cauſe thereof ſhall have ariſen, or if ſuch Action ſhall be brought or laid in any other County or Place than as aforeſaid, or after ſufficient Tender of Amends ſhall have been made to the Party or Parties aggrieved; that then, and in any of the Caſes aforeſaid, the Jury ſhall find for the Defendant or Defendants therein; and in all Caſes where any Verdict ſhall be found for any Defendant or Defendants in ſuch Action, or if the Plaintiff or Plaintiffs ſhall diſcontinue the ſame after the Defendant or Defendants ſhall have appeared, or ſhall be nonſuited; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants in ſuch Action ſhall have Treble Coſts, and have the like Remedies for recovering the ſame, as Defendants have for recovering their Coſts in other Caſes by Law.

And

XIV. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

CAP. XXVIII.

An Act for puniſhing Offences committed by Hackney Coachmen and Chairmen, within certain Diſtricts and Places therein mentioned; and for renewing the Regiſtry of Carts and Carriages.

Preamble.

Act 9 *Annæ*.

WHEREAS Doubts have ariſen whether Offences committed by Hackney Coachmen and Chairmen, within certain Places, which, by reaſon of the great Increaſe of Buildings, are now become the Suburbs of the Cities of *London* or *Weſtminſter*, are cognizable under an Act made in the Ninth Year of the Reign of Her late Majeſty Queen *Anne*, in regard ſuch Places were not the actual Suburbs of either of the ſaid Cities at the Time of paſſing the ſaid Act, and that ſome of them are not compriſed within the weekly Bills of Mortality: For Remedy whereof, may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-one, all and every the new Squares, Buildings, and Streets, within the ſeveral Pariſhes of Saint Mary le Bone; Saint George, Hanover Square; Saint George the Martyr, Queen Square, and Saint George, Bloomſbury, within the County of Middleſex, and alſo all the ſeveral Burying Grounds within Five Miles of the Cities of London or Weſtminſter, belonging to any of the Pariſhes within the ſaid Cities of London or Weſtminſter, or the Pariſhes herein-before mentioned, ſhall be deemed, conſtrued, and adjudged to be within the Cities of London or Weſtminſter, or the Suburbs thereof, according to the true Intent and Meaning of the ſaid Act; and that the Juriſdiction and Authorities of the Commiſſioners for licenſing Hackney Coaches and Chairs, and of Juſtices of the Peace, and all the Proviſions, Penalties, and Forfeitures therein contained, ſhall extend, and be deemed, conſtrued, and adjudged to extend, to all and every the ſaid new Squares, Buildings, and Streets, and alſo to the ſeveral Burying Grounds belonging to any of the Pariſhes within the Cities of London or Weſtminſter, or any of the ſeveral other Pariſhes herein-before particularly mentioned.

After *June* 24, 1771, the Pariſhes of *Saint Mary le Bone, St. George the Martyr, Saint George Hanover Square, Saint George Bloomsbury, &c.* with all Burying Grounds within Five Miles of *London* and *Weſtminſter*, deemed to be within the Limits of the ſaid Cities.

II. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Commiſſioners for licenſing and regulating Hackney Coaches and Chairs to order and direct the ſeveral Perſons who take out Licences for uſing Hackney Coaches, that they do provide, for the better Accommodation of the Publick, Cheque Strings or Wires, to be placed in ſuch convenient Part of every ſuch Coach as to the ſaid Commiſſioners ſhall ſeem moſt convenient; and every Hackney Coachman plying for Hire without ſuch Cheque String or Wire, ſhall forfeit and pay, for every ſuch Offence, the Sum of Five Shillings; to be levied and recovered in ſuch Manner as other Penalties and Forfeitures are, by any Law now in being, relating to Hackney Coaches, directed to be levied and recovered.

Commiſſioners to order Cheque Strings to every Hackney Coach; and every Coachman plying without ſuch ſhall forfeit 5 *s.*

III. And whereas, in purſuance of the Directions of ſeveral former Acts for that Purpoſe, a very conſiderable Number of Carts, Cars, Drays, Fiſh Machines, and other Carriages, have, from Time to Time, been entered with the ſaid Commiſſioners; which ſaid Entries were, by the late Fire which happened in the Hackney Coach Office, entirely conſumed, and alſo all the Books of Entries of ſuch Numbers, were totally deſtroyed; by Means whereof the Publick will be deprived of the Benefit intended by the ſaid ſeveral Acts, unleſs ſome Proviſion be made to compel the Owners of ſuch Carts, Cars, Drays, Fiſh Machines, and other Carriages, which had been entered at the ſaid Office, and were in Uſe at the Time the ſaid Fire happened, to make Entries of ſuch Numbers as they were then poſſeſſed of, together with their Names, and reſpective Places of Abode; be it therefore further enacted, That all and every Perſon or Perſons who was or were poſſeſſed of any Cart, Car, Dray, Fiſh Machine, or other Carriages, on the Sixteenth Day of November, One thouſand ſeven hundred and ſeventy, being the Day on which the ſaid Fire happened, and which had been reſpectively entered with the ſaid Commiſſioners, in purſuance of the ſaid former Acts, ſhall, and they are hereby reſpectively required to make a new Entry of every ſuch Cart, Car, Dray, Fiſh Machine, or other Carriage, with the ſaid Commiſſioners, on or before the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-one; and for that Purpoſe the Owner or Owners of ſuch Cart, Car, Dray, Fiſh Machine, or other Carriage, ſhall make out and deliver, or cauſe to be made out and delivered, in Writing, to the ſaid Commiſſioners, at the Office for licenſing Hackney Coaches, within the Time aforeſaid, the true and real Number and Numbers of every ſuch Cart, Car, Dray, Fiſh Machine, or other Carriage, ſo entered as aforeſaid, which was or were in uſe, or which might lawfully have been uſed and employed on the ſaid Sixteenth Day of November, together with the Name and Place of Abode of the Owner thereof; and thereupon the ſaid Commiſſioners ſhall, and they are hereby authoriſed and required, without Fee or Reward, to make an Entry or Entries of every ſuch Cart, Car, Dray, Fiſh Machine, or other Carriage, together with the reſpective Number thereof, and the Name and the Place or Places of Abode of the reſpective Owners thereof, in Books to be by them provided for that Purpoſe.

All Perſons poſſeſſed of Carts, Cars, Drays, *&c.* entered before *Nov.* 16, 1770, to make new Entries before *Sept.* 29, 1771.

IV. And be it further enacted by the Authority aforeſaid, That in caſe any Perſon or Perſons ſhall neglect or refuſe to make ſuch Entry or Entries, as aforeſaid, with the ſaid Commiſſioners, within the Time herein-before limited, every ſuch Perſon ſo neglecting or refuſing to make ſuch Entry or Entries ſhall be deemed and taken to have and be poſſeſſed of no ſuch Number or Numbers, nor to have made any Entry or Entries whatſoever with the ſaid Commiſſioners; and ſhall be ſubject and liable to all and every the Penalties and Forfeitures incurred by all or any of the ſeveral Acts heretofore

Perſons neglecting to make ſuch Entries, ſhall be ſubject to all former Penalties.

made for that Purpoſe, in the ſame Manner, and to all Intents and Purpoſes, as if no ſuch Entry or Entries had been ever made; any Thing in any former Act or Acts to the Contrary thereof notwithſtanding.

In all Actions commenced, Defendants may plead the General Iſſue.

Double Coſts.

V. And be it enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, the Defendant or Defendants in any ſuch Action or Suit may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if it ſhall appear ſo to have been done, a Verdict ſhall be recorded for the Defendant or Defendants; and if the Plaintiff ſhall be nonſuited, or diſcontinue his Action, after the Defendant or Defendants ſhall have appeared; or if Judgement ſhall be given, upon any Verdict or Demurrer, againſt the Plaintiff, the Defendant or Defendants ſhall and may recover Double Coſts, and have the like Remedy for the ſame, as any Defendant or Defendants hath or have in other Caſes by Law for Recovery of his or their Coſts.

CAP. XXIX.

An Act for conſolidating, extending, and rendering more effectual the Powers granted by ſeveral Acts of Parliament, for making, enlarging, amending, and cleanſing the Vaults, Drains, and Sewers, within the City of *London*, and Liberties thereof; and for paving, cleanſing, and lighting the Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, and Places; and preventing and removing Obſtructions and Annoyances within the ſame.

Preamble.
Act 19 Car. II.
Act 22 and 23 Car. II.
Act 7 Annæ.
Act 8 Geo. III.
inſufficient to anſwer the Purpoſes intended.

WHEREAS by an Act of Parliament, made and paſſed in the Nineteenth Year of the Reign of His late Majeſty King *Charles* the Second, intituled, *An Act for rebuilding the City of* London, it was, amongſt other Things, enacted, That the Number and Places for all Common Sewers, Drains, and Vaults, within the City of *London*, and Liberties thereof, ſhould be deſigned and ſet out by ſuch and ſo many Perſons as the Mayor, Aldermen, and Commonalty, of the ſaid City, in Common Council aſſembled, ſhould, from Time to Time, authoriſe and appoint under their Common Seal, or the major Part of them; to which Perſons ſeveral Powers and Authorities are thereby given for making new Vaults, Drains, or Sewers, or for cutting into any Drain or Sewer already made; and for altering, enlarging, amending, cleanſing, and ſcouring of any old Vaults, Sinks, or Common Sewers: And whereas, by another Act, made in the Twenty-ſecond and Twenty-third Years of the ſame Reign, the ſaid Clauſe, or Branch of the ſaid in-part recited Act, was made perpetual, and the Powers and Authorities thereby given were directed to be for ever thereafter put in Execution, according to the Purport and Effect of the ſaid former Act; and for defraying the Charges thereof, the ſaid Perſons ſo to be appointed as aforeſaid, or any Seven or more of them, were impowered, from Time to Time, to impoſe and levy a reaſonable Tax or Aſſeſſment upon the ſeveral Wards within the ſaid City and Liberties, in Manner therein mentioned, to be aſſeſſed as well upon the Tenants or Occupiers of Houſes, Shops, or other Tenements or Hereditaments, as upon the Owners or others intereſted in ſuch Houſes, Tofts, or Ground, unbuilt, and other Hereditaments whereof there ſhould be no preſent Occupier: And whereas, by another Act, made in the Seventh Year of Her late Majeſty Queen *Anne*, it was, amongſt other Things, enacted, That the ſaid Perſons, ſo to be appointed as aforeſaid, ſhould execute, within the ſaid City and Liberties, all and every the Powers and Authorities given to or veſted in any Commiſſioners of Sewers in any other County or Place, by force or virtue of any the Laws and Statutes of this Kingdom, or of any Commiſſion to them granted purſuant to the ſame, and ſhould be deemed and taken to be Commiſſioners of Sewers within the Limits aforeſaid, ſubject nevertheleſs to the Limitations and Directions of the ſaid firſt in-part recited Statute: And whereas, by another Act, made in the Eighth Year of His preſent Majeſty's Reign, intituled, *An Act for the better paving, cleanſing, and enlightening the City of* London, *and Liberties thereof, and for preventing Obſtructions and Annoyances within the ſame, and for other Purpoſes therein mentioned; and for repealing an Act made in the Sixth Year of His preſent Majeſty's Reign, for thoſe Purpoſes*;) the ſole Power and Authority of pitching, paving, cleanſing, and enlightening the Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, and Places, within the ſaid City and Liberties, are veſted in the ſaid Mayor and Commonalty, and Citizens, to be executed by ſuch Perſons as by the ſaid Mayor, Aldermen, and Commons of the ſaid City, in Common Council aſſembled, by virtue and in purſuance of the ſaid in-part recited Acts of the Twenty-ſecond and Twenty-third Years of His Majeſty King *Charles* the Second, then were, or thereafter, from Time to Time, ſhould be authoriſed and appointed to be Commiſſioners of the Sewers for the ſaid City and Liberties, or by any Seven or more of them; which ſaid Perſons ſo from Time to Time authoriſed and appointed to be Commiſſioners of the Sewers for the ſaid City and Liberties, were thereby conſtituted Commiſſioners for carrying the ſaid Act of the Eighth Year of the Reign of His preſent Majeſty into Execution: And whereas the Powers given and granted in and by the ſaid ſeveral in-part recited Acts have been found defective, and inſufficient to anſwer the good Purpoſes thereby intended: And whereas ſeveral of the Streets and Places within the ſaid City and Liberties, for want of proper Sewers, Drains, or Vaults, are frequently annoyed, the Houſes and Buildings therein weakened and rendered of leſs Uſe, and the Health of His Majeſty's Subjects greatly affected: And whereas the Rates and Aſſeſſments which the Perſons ſo appointed by the ſaid Mayor, Aldermen, and Commons, in Common Council aſſembled, are, by the ſaid Act of the Eighth Year of the Reign of His preſent Majeſty, authoriſed and impowered to raiſe and levy, for paving, cleanſing, and lighting the ſaid City and Liberties, will be ſufficient, by Degrees, alſo to defray the Expence of making new Sewers, and publick Drains and Vaults, where wanted, and of enlarging and altering old ones, where neceſſary, and the Expence of repairing and cleanſing all the ſaid Sewers, Drains, and Vaults, ought to be defrayed by the Landlords or Proprietors of the Houſes and Lands within the ſaid City and Liberties: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing this Act, the ſole Power of ordering, deſigning, making, enlarging, widening, deepening, raiſing, altering, removing, repairing, cleanſing, and ſcouring, of all Common Sewers, Drains, and Vaults; and of paving, cleanſing, and lighting, the ſeveral Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, and Places, within the ſaid City of London, and Liberties thereof, ſhall be, and the ſame is hereby veſted in the Mayor and Commonalty and Citizens of the ſaid City, to be executed by ſuch Perſons as by the Mayor, Aldermen, and Commons of the ſaid City, in Common Council aſſembled, ſhall, from Time to Time, be nominated, and, under the Common Seal of the ſaid Mayor and Commonalty and Citizens, be appointed for that Purpoſe; which ſaid Perſon ſo from Time to Time to be nominated and appointed, ſhall be, and they are hereby conſtituted Commiſſioners for carrying this Act into Execution.

The Recorder and Common Serjeant ſhall be Commiſſioners.

II. Provided always, and it is hereby further enacted, That the Authority of the ſaid Commiſſioners for the Time being ſhall nowiſe be ſuſpended or taken away, ſave by the Appointment, from Time to Time, of new Commiſſioners for the ſaid City and Liberties: Provided alſo, That the Recorder and Common Serjeant of the ſaid City of London for the Time being ſhall be, and they are hereby conſtituted and appointed Two of the Commiſſioners for carrying this Act into Execution.

The Powers to be exerciſed by the major Part of the Commiſſioners.

III. Provided alſo, and it is hereby further enacted and declared, That all the Powers and Authorities by this Act granted to or veſted in the ſaid Commiſſioners hereby conſtituted as aforeſaid, ſhall and may, from Time to Time, be exerciſed by the major Part of ſuch of them as ſhall attend at any publick Meeting of the ſaid Commiſſioners, to be holden as herein-after mentioned, the Number of the ſaid Commiſſioners preſent at ſuch publick Meeting not being leſs than Seven, (except for the Purpoſe of adjourning); and all Acts, Orders, and Proceedings, of the ſaid Commiſſioners, preſent at ſuch publick Meeting, ſhall have the ſame Force and Effect as if done or made by all the Commiſſioners conſtituted by this Act.

Firſt publick Meeting.

IV. And it is hereby further declared and enacted, That the Firſt publick Meeting of the ſaid Commiſſioners, to be had by virtue of and under this Act, ſhall be at ſuch Time and Place, within the ſaid City and Liberties, as the Mayor of the ſaid City ſhall think proper to order and appoint: And the ſaid Mayor is hereby directed to order and appoint ſuch Firſt publick Meeting to be held on or before the Firſt Day of June next, and to cauſe the ſaid Commiſſioners to be ſummoned to attend the ſame.

Power to adjourn.

V. And it is hereby further enacted and declared, That it ſhall and may be lawful to and for the major Part of the ſaid Commiſſioners, preſent at ſuch publick Meeting, or at any ſubſequent publick Meeting of the ſaid Commiſſioners, (the Number ſo attending not being leſs than Three), to adjourn ſuch publick Meeting to any future Day and Time, and to any Place within the ſaid City and Liberties: Provided always, That every Commiſſioner ſhall have Notice to attend at ſuch adjourned publick Meeting, by Summons from the Clerk to the ſaid Commiſſioners for the Time being.

Mayor to appoint a publick Meeting.

VI. Provided alſo, and it is hereby further enacted and declared, That it ſhall and may be lawful to and for the Mayor of the ſaid City for the Time being, from Time to Time, to appoint a publick Meeting of the ſaid Commiſſioners, at any Time and Place within the ſaid City or Liberties which he ſhall judge proper, for the Execution of this Act, notwithſtanding any Adjournment or Nonadjournment of the ſaid Commiſſioners; and ſhall cauſe the ſaid Commiſſioners to be ſummoned to attend the ſame.

Commiſſioners to appoin Clerks.

VII. And it is hereby further enacted, That the ſaid Commiſſioners ſhall and may, from Time to Time, at any of their ſaid publick Meetings, elect and appoint One or more Clerk or Clerks, and One or more Surveyor or Surveyors, and alſo ſuch and ſo many other Officers as they ſhall find neceſſary for the due Execution of this Act, (Fourteen Days Notice of their Intention to proceed to ſuch Election or Appointment having been firſt printed and publiſhed in Two or more of the Daily News-papers, and Notice thereof being alſo expreſſed in the Summons for ſuch publick Meeting); and the ſaid Commiſſioners ſhall take ſuch Security as they ſhall think proper for the due Execution of ſuch reſpective Offices; and ſhall and may, from Time to Time, remove any of the ſaid Officers at their Will and Pleaſure, and appoint others in the Room of ſuch as ſhall die, or be removed, as aforeſaid: And the ſaid Commiſſioners ſhall and may, out of the Monies ariſing or to ariſe by virtue of this Act, appoint and pay ſuch Salaries, Gratuities, and Allowances, as they ſhall judge reaſonable, to ſuch Officers, and to all ſuch other Perſons as ſhall have been or ſhall be employed in, or aiding and aſſiſting about, the Execution of this Act.

Clerks, &c. ſhall not take Fee.

VIII. And it is hereby further enacted, That if any Clerk, Surveyor, or other Officer or Servant, who ſhall be employed by the ſaid Commiſſioners in the Execution of this Act, or any Part thereof, ſhall exact, demand, take, or accept any Fee, Gratuity, or Reward whatſoever, (other than ſuch Salaries, Allowances, and Rewards, as ſhall be appointed, allowed, and approved of by the ſaid Commiſſioners), for or on account of any Thing done or to be done by virtue of this Act, or for forbearing to do any Thing hereby or by the ſaid Commiſſioners directed to be done, on any Account whatſoever, relative to the Execution or Nonexecution of this Act, or ſhall any way be concerned in Intereſt in any Bargain made, or to be made, by the ſaid Commiſſioners, for any of the Purpoſes intended by this Act, every Perſon ſo offending ſhall, from thenceforth for ever be incapable of being employed under this Act; and ſhall, over and above, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record at Weſtminſter, or within the ſaid City, by Action of Debt, Bill, Plaint, or Information, to be commenced within Six Calendar Months next after the Offence committed; in which Action no Suit nor

Protection, Eſſoin, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Proceedings to be entered.

IX. And it is hereby further enacted, That all the Acts, Orders, and Proceedings, of the ſaid Commiſſioners, at their ſaid publick Meetings, from Time to Time, ſhall be entered in a Book or Books to be kept for that Purpoſe by the ſaid Commiſſioners, and ſhall be ſigned by their Clerk for the Time being; and ſuch Entries ſhall be deemed and taken to be the original Orders and Proceedings of the ſaid Commiſſioners; and ſuch Book or Books ſhall and may be produced and read in Evidence in all Courts whatſoever.

Perſons not free of the City may be employed.

X. And it is hereby further enacted, That the ſaid Commiſſioners may, and they are hereby authoriſed and impowered, from Time to Time, to employ under them any fit Perſon or Perſons, whether free of the ſaid City or not, in or about all or any of the Works which they ſhall cauſe to be performed by virtue or in purſuance of this Act, and to contract for the Performance of ſuch Works, or any of them, with any Perſon or Perſons whatſoever, in ſuch Manner as the ſaid Commiſſioners ſhall think fit: And that no Perſon or Perſons who ſhall be ſo employed or contracted with, nor any Perſon or Perſons to be ſet to work by, or under them, or any of them, ſhall, for any Act done, or to be done, in or about any of the Works aforeſaid, be ſubject or liable to any Action, Indictment, or Information, upon the Statute made in the Fifth Year of Her late Majeſty Queen Elizabeth, intituled, An Act containing divers Orders for Artificers, Labourers, Servants of Huſbandry, and Apprentices, or be liable to be ſued for any Breach of the Cuſtom of London, or for any Penalty inflicted by any Bye-law of the ſaid City.

Notice of Contracts to be given.

XI. Provided always, That previous to the making of any ſuch Contract, Notice ſhall be given in ſome of the Daily News-papers, that the ſaid Commiſſioners do intend to make ſuch Contract, and that all Perſons willing to engage therein may make Propoſals to the ſaid Commiſſioners, at a certain Time and Place in every ſuch Notice to be ſpecified; and all Contracts made, or to be made, in conſequence of ſuch Notice, ſhall ſpecify the ſeveral Works to be done, and the Price or Prices to be paid for the ſame, and the Time or Times when the ſaid Works are to be completed, together with the Penalties to be incurred in caſe of the Nonperformance thereof, and the ſame ſhall be ſigned by the Clerk for the Time being of the ſaid Commiſſioners, as alſo by the Perſon or Perſons contracting to perform ſuch Works reſpectively, and ſhall be entered in a Book or Books to be kept for that Purpoſe by the ſaid Commiſſioners.

No Member of the Common Council to be concerned in any Contract.

XII. Provided alſo, and it is hereby further enacted, That no Perſon being a Member of the Court of Common Council of the ſaid City ſhall be, directly or indirectly, intereſted or concerned in any Contract which ſhall be made or entered into by or on Behalf of the ſaid Commiſſioners, for or concerning any of the ſaid Works to be carried on or performed in purſuance of this Act, or for or concerning any Materials to be uſed or employed therein, upon Pain that every ſuch Contract ſhall be null and void; and that the Perſon who, being a Member of the ſaid Court, ſhall be ſo intereſted or concerned therein, ſhall, for every ſuch Offence, forfeit and pay the Sum of One hundred Pounds to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record at Weſtminſter, or in the ſaid City, by Action of Debt, Bill, Plaint, or Information, to be commenced within Six Calendar Months next after the Offence committed, in which Action or Suit, no Protection, Eſſoin, or Wager of Law, or more than One Imparlance, ſhall be allowed; and every Perſon againſt whom the ſaid Penalty ſhall be recovered, ſhall for ever thereafter be diſabled from being elected a Member of the ſaid Court of Common Council.

Sewers, *&c.* to be made, and the Streets to be paved, by the Commiſſioners.

XIII. And it is hereby further enacted, That the ſaid Commiſſioners may cauſe ſuch and ſo many new Sewers, Drains, and Vaults, as they ſhall think proper to be dug and made, in, along, or croſs any of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, and Places, within the ſaid City and Liberties, and alſo any of the Sewers, and publick Drains and Vaults, which now are, or hereafter ſhall be, within the ſaid City and Liberties, to be enlarged, widened, deepened, raiſed, altered, removed, repaired, cleanſed, or ſcoured, when and as often as to them ſhall ſeem meet; and alſo may cauſe all or any of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, and Places, to be new-paved or repaired, when, and as often, and in ſuch Manner, and with ſuch Materials, as the ſaid Commiſſioners ſhall think fit; and for any of the ſaid Purpoſes may, from Time to Time, cauſe to be dug, carted, and carried out of, or brought into the ſaid Streets or Places, or any of them, ſuch Gravel, Stones, Bricks, and other Materials, as they ſhall judge neceſſary, and may likewiſe cauſe the Ground thereof to be raiſed or lowered, the Courſe of the Channel running in, into, or through the ſame, to be turned or altered, and the Water-pipes which now lie, or hereafter ſhall be laid under Ground, to be taken up and new laid, in ſuch Places, Manner, and Form, as they the ſaid Commiſſioners ſhall judge beſt; and may cauſe ſuch Poſts, Bars, and Chains, as they ſhall think uſeleſs or inconvenient, to be taken away or removed; all likewiſe all Steps, Bulks, Shew-glaſſes, Shew-boards, Balconies, Windows, Window-frames, and Stall-boards, encroaching upon or extending over the Foot-ways, and alſo all Steps and Doors opening or leading from the Foot-ways into Vaults or Cellars to be taken away, removed, or altered; any Thing contained in the Act of the Nineteenth Year of the Reign of King Charles the Second, for rebuilding the City of London, to the Contrary thereof in any-wiſe notwithſtanding.

Not to extend to the Drains belonging to *Saint Paul's* Cathedral.

XIV. Provided always, and it is hereby further enacted and declared, That no new Sewer, Drain, or Vault, ſhall be made, nor ſhall any common Sewer, publick Drain, or Vault, which is already made, be enlarged, widened, deepened, raiſed, or altered, in any Manner, by virtue of this Act, ſo as to communicate with, or any-wiſe injure, prejudice, or affect any Sewer, Drains, Wydraught, or Vault, now belonging to the Cathedral Church of Saint Paul in London, and which is ſituate, lying, and being in the Church-yard of the ſaid Cathedral Church, as well without as within the Rails thereof, and which hath been made for the Uſe or Benefit of the ſaid Cathedral, and have been and now are kept in Repair by the Order, and under the Direction of the Lord Archbiſhop of Canterbury, the Lord Biſhop of London, and Lord Mayor of London for the Time being, as Truſtees for the Fabrick of the ſaid Cathedral Church, without the Conſent of the ſaid Truſtees, or the major Part of them, and of the Dean and Chapter of the ſaid Cathedral Church for the Time being, firſt had and obtained in Writing for that Purpoſe.

Signs, *&c.* to be taken down or removed by the Commiſſioners.

XV. And it is hereby further enacted, That the ſaid Commiſſioners ſhall and may cauſe all Signs, or other Emblems uſed to denote the Trade, Occupation, or Calling of any Perſon or Perſons, Sign-poſts, Sign-irons, Balconies, Pent-houſes, Shew-boards, Spouts, and Gutters, projecting into any of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, or Places, and all other Incroachments, Projections, and Annoyances whatſoever, within the ſaid City or Liberties, to be taken down and removed, and ſhall cauſe all Signs, or other Emblems as aforeſaid, Shew-boards and Gutters, or ſuch Parts thereof as they ſhall think fit, to be affixed or placed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong, or were before affixed, and not otherwiſe; and ſhall return, or cauſe to be returned, to their reſpective Owners, ſo much of ſuch Signs or other Emblems, Sign-poſts, or other Poſts, Sign-irons, Shew-boards, Spouts, and Gutters, as ſhall not be affixed or put up, or otherwiſe made uſe of in the Alterations directed by this Act; and that for the future, all Signs, Sign-boards, and Gutters, ſhall be placed or fixed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, to which they reſpectively belong, and not otherwiſe; and if any Perſon or Perſons ſhall, at any Time hereafter, hang, place, erect, or build, any Sign, Sign-poſt, or other Poſt, Sign-iron, Balcony, Pent-houſe, Shew-board, Spout, Gutter, or other Projection, Obſtruction, or Annoyance, or cauſe the ſame to be done, contrary to the Direction aforeſaid, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds, and the further Sum of Twenty Shillings for every Day ſuch Offence ſhall continue.

Cranes to be kept cloſe to the Walls of Warehouſes.

XVI. Provided always, and it is hereby further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons to keep any Crane or Cranes already fixed up againſt any Warehouſe or Warehouſes, within the ſaid City and Liberties thereof, or to affix any Crane or Cranes, to ſuch Warehouſe or Warehouſes, and to make uſe of ſuch Crane or Cranes, ſo as ſuch Crane or Cranes be turned and kept cloſe to the Walls of ſuch Warehouſe or Warehouſes when not in actual Uſe; any Thing in this Act, or any former Law, Cuſtom, or Statute to the Contrary thereof in any-wiſe notwithſtanding.

Waggons ſhall not ſtand in the Street above One Hour.

XVII. And, for the more ſpeedy Removal of ſundry Nuiſances and Obſtructions within the ſaid City and Liberties, it is hereby further enacted, That if, after the paſſing of this Act, any common Stage Waggon or other Waggon, or any Cart, Dray, or other Carriage, ſhall, for the Purpoſe of loading or unloading the ſame, or any Part thereof, be ſuffered to ſtand or continue in any of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, or Places, above the Space of One Hour at any One Time; or if any Cart, Waggon, Dray, or other Carriage, ſhall be placed and ſuffered to ſtand athwart or acroſs any ſuch Street, Lane, Square, Yard, Court, Alley, Paſſage, or Place, for the loading or unloading thereof, or for any other Purpoſe whatſoever; or if any ſuch Cart, Waggon, Dray, or other Carriage, ſhall be ſuffered to ſtand or continue in any Part of any ſuch Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, or Places, longer than is neceſſary for the loading or unloading thereof; or if any Goods, Materials, or Things whatſoever, ſhall be laid or placed, and left in any ſuch Street, Lane, Square, Yard, Court, Alley, Paſſage, or Place, ſo as to obſtruct the free Paſſage thereof; then, and in every ſuch Caſe, any One of the ſaid Commiſſioners, or any One of their Officers, to be by them appointed to remove Nuiſances, ſhall and may ſeize, or cauſe to be ſeized, the Stage Waggon, Cart, Waggon, Dray, or other Carriage, ſo placed or ſuffered to ſtand or continue, contrary to the true Meaning of this Act, together with the Horſe or Horſes thereunto belonging, or the Goods, Materials, or Things, ſo laid or placed, and left as aforeſaid, and remove the ſame, or cauſe the ſame to be removed, to the common Pound of the ſaid City, commonly called The Green Yard, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants, ſhall and do claim the ſame, and pay to the Perſon or Perſons in whoſe Cuſtody the ſame ſhall then be the Sum of Twenty Shillings, together with the Charges of removing and keeping the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Sum of Twenty Shillings and Charges paid, within the Space of Three Days next after ſuch Seizure, it ſhall and may be lawful to and for the ſaid Commiſſioners to cauſe the ſame, or a competent Part thereof, to be appraiſed and ſold for Payment of the ſaid Penalty and Charges, returning to ſuch Owner or Owners, upon Demand, the Goods and Things not ſold, together with the Overplus (if any) of the Monies ariſing by ſuch Sale.

Continuance of Hoards in the Streets how to be prevented.

XVIII. And it is hereby further enacted, That if any Perſon or Perſons whatſoever ſhall erect or build, or cauſe to be erected or built, any Poſts, Bars, Rails, Boards, or other Things, by Way of Incloſure, for the Purpoſe of making Mortar, or depoſiting Bricks, Lime, or other Materials, for building or repairing any Houſe or Houſes, Building or Buildings, or other Works, within the ſaid City or Liberties, in any other Manner, or ſhall ſuffer the ſame to remain for any longer Time than ſhall be neceſſary for ſuch Building or Repairs, or ſhall lay any Rubbiſh within ſuch Incloſure, or in any publick Street, Paſſage, or Place, within the ſaid City or Liberties, or cauſe the ſame to be done, and Complaint thereof ſhall be made to the ſaid Commiſſioners by any Two Houſeholders of the ſaid City or Liberties, and the ſaid Commiſſioners ſhall, upon View, or other due Proof of the Matter of the ſaid Complaint, find the ſame to be true; then, and in every ſuch Caſe, the Perſon or Perſons erecting and building ſuch Incloſure, and ſuffering the ſame to remain longer than ſhall be neceſſary as aforeſaid, ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings; and moreover, it ſhall and may be lawful to and for the ſaid Commiſſioners to cauſe ſuch Incloſure or Erection to be pulled down and removed, and the Materials thereof, as alſo all Bricks, Mortar, Lime, or other valuable Things contained within the ſame, or thereto belonging, to be depoſited in The Green Yard aforeſaid, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants, ſhall and do pay to the Perſon or Perſons in whoſe Cuſtody the ſame ſhall be the Charges of pulling down and removing the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Charges paid, within the Space of Eight Days next after ſuch Seizure thereof, it ſhall and may be lawful to and for the ſaid Commiſſioners to order the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act; and the ſaid Commiſſioners are further authoriſed to remove ſuch Rubbiſh to ſuch Place as they ſhall think convenient, and every Perſon laying ſuch Rubbiſh, or cauſing or procuring the ſame to be laid, within, or on the Outſide, or near to ſuch Incloſure, or in any publick Street, Paſſage, or Place, within the ſaid City or Liberties, ſhall forfeit and pay the Sum of Twenty Shillings, together with the Expence of removing the ſame.

No Lime to be ſlacked in the Streets, &c.

XIX. And it is hereby further enacted, That no Perſon or Perſons whatſoever ſhall ſlake Lime in the Foot-way or Carriage-way of any of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, or Places, or in any Houſe or Houſes within the ſame, upon Pain that every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Bricklayers or Plaſterers may ſlake in the Cellars of Houſes new building or repairing.

XX. Provided always, That nothing herein contained ſhall be conſtrued to reſtrain any Bricklayer or Plaſterer from ſlaking Lime within the Yards or Cellars of Houſes which ſhall be new-building or repairing, or within the Yards or Cellars belonging to the Dwelling-houſe of any ſuch Bricklayer or Plaſterer, ſo that the Steam of ſuch Lime be conveyed into and through the Chimney of ſuch Houſe reſpectively; and that no Lime be ſlaked in any Cellar or Yard after the Hour of Seven of the Clock in the Morning, from Lady-day to Michaelmas, nor after the Hour of Eight of the Clock in the Morning, from Michaelmas to Lady-day; and if any Lime ſhall be ſlaked contrary to the Directions of this Act, every Perſon ſo offending ſhall, for each Offence, forfeit and pay the Sum of Forty Shillings.

Damage being done to the Foot-pavement,

XXI. And be it further enacted, That if any Perſon or Perſons ſhall for the future carry, run, drive, roll, or draw, or cauſe to be carried, run, driven, rolled, or drawn, any Bier, or any Wheel or Wheels, empty Caſk or Caſks, Sledge, Wheelbarrow, or other Carriage whatſoever; or ſhall ride, lead, or drive, any Horſe, Aſs, Mule, or other Cattle, Coach, or other Carriage whatſoever, along any Part of the ſaid Foot Pavements; then, and in any of the ſaid Caſes, and ſo often as they or any of them ſhall happen, it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, who ſhall ſee any ſuch Offence committed, to ſeize, and alſo for any other Perſon or Perſons to aſſiſt in ſeizing, ſuch Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to convey or deliver him, her, or them, into the Cuſtody of a Peace Officer, in in order to be ſecured and conveyed before ſome Juſtice of the Peace of the ſaid City; and the Party or Parties accuſed being brought before him, ſuch Juſtice ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear or be produced to give Information touching ſuch Offence, (which Oath the ſaid Juſtice is hereby authoriſed and required to adminiſter), and if the Party or Parties accuſed ſhall be convicted of any ſuch Offence, either by his, her, or their own Confeſſion, or upon ſuch Information as aforeſaid, he, ſhe, or they, ſo convicted, ſhall forfeit and pay the Sum of Ten Shillings for the Firſt Time of offending; the Sum of Twenty Shillings for the Second Time of offending; and the Sum of Forty Shillings for the Third, and every other Time of offending.

Offenders to forfeit, for Firſt Offence, 10*s.* &c.

Names of Streets, &c. to be fixed up.

XXII. And it is hereby further enacted, That the ſaid Commiſſioners ſhall and may cauſe to be painted, engraved, or deſcribed in Stone, or otherwiſe, and to be affixed in a conſpicuous Part of One or more Houſe or Houſes, Building or Buildings, at or near each End, Corner, or Entrance, of each of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, or Places, the Name by which each reſpective Street, Lane, Square, Yard, Court, Alley, Paſſage, or Place, is or ſhall be properly or uſually called or known; and may alſo cauſe every Houſe, Shop, or Warehouſe, in each of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, and Places, to be marked or numbered in ſuch Manner as they ſhall judge moſt proper for diſtinguiſhing the ſame; and if any Perſon or Perſons ſhall wilfully or maliciouſly deſtroy, pull down, obliterate, or deface, any ſuch Names, Deſcriptions, Marks, or Numbers, or any Part thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Penalty on deſtroying, &c. the ſame.

The Form of the Pavement of the Streets, not to be altered.

XXIII. And it is hereby further enacted, That no Perſon or Perſons ſhall, without Authority from the ſaid Commiſſioners, alter, or cauſe to be altered, the Form of the Pavement of any of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, or Places, or in any Way incroach thereupon, upon Pain that every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds, over and above the Expence of relaying and reinſtating the ſame, according to the Directions of the ſaid Commiſſioners; the ſaid Forfeitures and Expences to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, in the Name of the ſaid Mayor and Commonalty and Citizens of the ſaid City of London, to be commenced within Six Calendar Months next after the Commiſſion of ſuch Offence; in which Action or Suit no Protection, Eſſoin, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Bad Pavements to be repaired.

XXIV. And it is hereby further enacted, That from and after the paſſing of this Act, if any Two Houſekeepers within the ſaid City and Liberties ſhall make Complaint in Writing, under their Hands, to the ſaid Commiſſioners, of any Defect or Want of Repair in any of the Pavements of any of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, or Places, either before or after the ſame ſhall have been new paved or repaired by virtue of this Act; then, and in every ſuch Caſe, the ſaid Commiſſioners ſhall forthwith cauſe the Pavement ſo complained of to be inſpected by their Surveyor; and if the ſame ſhall by him be found defective, and ſo reported to be to the ſaid Commiſſioners, unleſs ſuch Defect ſhall appear to ariſe from a Defect in the Water-pipes under ſuch Pavement, they the ſaid Commiſſioners ſhall forthwith give Orders to their Contractor or Contractors, Pavior or Paviors, to repair the ſame: And if the Contractor or Pavior of the ſaid Commiſſioners, to whom ſuch Order ſhall be given, ſhall not, within Four Days next after Receipt thereof, repair the ſaid defective Pavement; then, and in every ſuch Caſe, the ſaid Contractor or Pavior ſhall forfeit and pay the Sum of Twenty Shillings for every Day that the ſaid defective Pavement ſhall remain unrepaired, after the Expiration of the ſaid Four Days.

Pavement; when the Water-pipes are broken, by whom to be taken up.

XXV. And it is hereby further enacted, That when and ſo often as any Pipe or Pipes, belonging to any of the Water Companies, who furniſh any Part of the ſaid City and Liberties with Water, and which now lie, or ſhall hereafter be laid under Ground, in any of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, or Places, ſhall happen to break, burſt, or decay, ſo as to require Reparation, the Surveyor of the ſaid Commiſſioners for the Time being, or ſuch other Perſon or Perſons as the ſaid Commiſſioners ſhall appoint for that Purpoſe, ſhall forthwith give, or cauſe to be given, Notice thereof, in Writing to the Pavior of the Water Company to whom he apprehends the ſaid Pipe or Pipes do belong, who is hereby required to take up the Pavement, and open the Ground, at or near the Place where ſuch Reparation ſhall appear to be wanting; and if the ſaid Pavior ſhall, upon taking up ſuch Pavement, and opening ſuch Ground, diſcover that the Pipe or Pipes ſo broken, burſt, or decayed, does not or do not belong to the Water Company whoſe Pavior he is; then, and in every ſuch Caſe, he ſhall forthwith give, or cauſe to be given, Notice thereof in Writing, to the Pavior of the Company to whom the ſaid Pipe or Pipes ſhall appear to belong, in which Caſe, ſuch laſt-mentioned Pavior is hereby required, upon Demand, to make Satiſfaction for the taking up ſuch Pavement, and opening ſuch Ground, to the Pavior giving Notice as aforeſaid; and the Pavior of ſuch Water Company, to whom the ſaid Pipe or Pipes ſhall belong, is hereby required to cauſe or procure the ſaid Pipe or Pipes to be repaired, and afterwards to fill up the ſaid Ground, and ram down the ſame, within Two Days next after ſuch Notice to him given; and as ſoon as ſuch Pipe ſhall have been ſo repaired, and the Ground ſo filled up and rammed down, he ſhall give, or cauſe to be given, Notice thereof, in Writing, to the Pavior or Contractor for the Time being of the ſaid Commiſſioners: And if the Pavior of any of the ſaid Water Companies to or for whom ſuch Notice ſhall be given, or left at his laſt Place of Abode, ſhall, by the Space of Two Days next after the giving or leaving ſuch Notice as aforeſaid, refuſe or neglect to take up ſuch Pavement, and open ſuch Ground; or, if upon diſcovering that the Pipe or Pipes ſo broken, burſt, or decayed, doth not or do not belong to the Company whoſe Pavior he is, he ſhall refuſe or neglect to give immediate Notice thereof in Writing to the Pavior of the Company to whom the ſaid Pipe or Pipes doth or do belong; or if the Pavior of the Water Company to whom the ſaid Pipe or Pipes ſhall belong ſhall, by the Space of Two Days next after ſuch Notice given to him, or left at his laſt Place of Abode, refuſe or neglect to cauſe or procure ſuch Pipe or Pipes to be amended and repaired, or afterwards to fill up the Ground ſo taken up, or to give ſuch immediate Notice of his having ſo done, to the Pavior or Contractor of the ſaid Commiſſioners for the Time being; then, and in every ſuch Caſe, the Perſon or Perſons ſo reſpectively refuſing or neglecting, ſhall, for every ſuch Offence, ſeverally forfeit and pay the Sum of Five Pounds: And if any Pipe or Pipes, not belonging to any of the Water Companies, ſhall happen to break, burſt, or decay, as aforeſaid, in any of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, or Places; then, and in every ſuch Caſe, the reſpective Owner or Owners thereof ſhall forthwith cauſe the Ground over the ſame to be opened, and ſuch Pipe or Pipes to be repaired, and Notice thereof in Writing to be given to the Clerk for the Time being of the ſaid Commiſſioners; or, in caſe of Refuſal or Neglect ſo to do, ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds: And if any Pavement ſhall be broken or taken up for the Purpoſe of making, repairing, or altering any Vault or Drain, or for any other Purpoſe whatſoever; then, and in every ſuch Caſe, the Perſon or Perſons ſo breaking or taking up the ſaid Pavement, or cauſing the ſame to be ſo broken or taken up, ſhall, as ſoon as the Nature of the Work will permit, cauſe the Ground to be filled up, and Notice thereof in Writing to be given to the Clerk for the Time being of the ſaid Commiſſioners; or, in caſe of Refuſal or Neglect ſo to do, ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings; and the ſaid Clerk of the ſaid Commiſſioners ſhall forthwith, upon every ſuch Notice as aforeſaid given to him, or left at the Office of the ſaid Commiſſioners, at the Guildhall of the ſaid City, tranſmit ſuch Notice, or cauſe the ſame to be tranſmitted to the Pavior or Contractor of the ſaid Commiſſioners for the Time being: And if the ſaid Clerk ſhall refuſe or neglect, by the Space of Two Days next after any ſuch Notice as aforeſaid given to him, or left at his laſt Place of Abode, to tranſmit ſuch Notice, or cauſe ſuch Notice to be tranſmitted to the ſaid Pavior or Contractor for the Time being of the ſaid Commiſſioners, or if ſuch Pavior or Contractor, to whom any ſuch Notice as aforeſaid ſhall be ſo tranſmitted ſhall, by the Space of Two Days next after the tranſmitting of ſuch Notice to him as aforeſaid, refuſe or neglect to relay and repair the Pavement ſo broken up; then, and in every ſuch Caſe, the Perſon ſo refuſing or neglecting ſhall forfeit and pay the Sum of Twenty Shillings for every Day ſuch Pavement ſhall continue unrelayed or unrepaired, after the Expiration of the ſaid Two Days.

Proviſo.

XXVI. Provided always, That if it ſhall happen that at any Time there ſhall be no regular or fixed Appointment of a Pavior of any of the Water Companies, in that Caſe ſuch Notice as aforeſaid ſhall be delivered to, or left at the Office of the Clerk or Secretary of ſuch Company reſpectively; who ſhall in every ſuch Caſe be ſubſtituted in the Room of ſuch Pavior, to all the Intents and Purpoſes aforeſaid.

XXVII. And

Paviors of the Water Companies to give Notice of their Names, &c.

XXVII. And it is hereby further enacted, That the ſeveral and reſpective Paviors now employed, or hereafter to be employed by the ſaid Water Companies reſpectively, within the ſaid City or Liberties thereof, ſhall within the Space of Thirty Days next after the paſſing of this Act, or within Three Days next after they ſhall be reſpectively appointed Paviors to ſuch Company or Companies, give Notice in Writing to the Clerk for the Time being of the ſaid Commiſſioners, of their reſpective Names and Places of Abode, and of the Names of the reſpective Company whoſe Paviors they are, and of the reſpective Diſtrict to which they are appointed; and, in like Manner, the Clerk for the Time being of the ſaid Commiſſioners ſhall, within the reſpective Times aforeſaid, give Notice to the reſpective Paviors of the ſaid ſeveral Water Companies, of the Names and Places of Abode of the Pavior or Paviors, Contractor or Contractors, for the Time being, of the ſaid Commiſſioners; and if any of the ſaid Paviors, or the Clerk of the ſaid Commiſſioners for the Time being, ſhall neglect to give ſuch Notice within the reſpective Times aforeſaid, each of them ſhall, for every ſuch Offence, ſeverally forfeit and pay the Sum of Twenty Shillings.

Water Companies to pay the Expence of new-laying Pavement when the Pipes are broken, &c.

XXVIII. Provided always, and it is hereby further enacted and declared, That the Charges and Expences of relaying the Pavement, which ſhall be broken or taken up, for the Purpoſes of repairing or amending any ſuch Pipe or Pipes, ſhall be reimburſed and paid to the ſaid Commiſſioners, or to ſuch Perſon as they ſhall appoint to receive the ſame, by the Clerk or Treaſurer for the Time being of the reſpective Water Companies to whom ſuch Pipe or Pipes ſhall belong; or if the ſame ſhall not belong to any of the ſaid Water Companies, then by the reſpective Owner or Owners thereof, and the Charges and Expences of relaying the Pavement which ſhall be broken or taken up for the Purpoſes of repairing, cleanſing, or emptying any Sewer, publick Drain, or Vault, or of making any new or additional Grates, or of repairing and altering any old Grates belonging to ſuch Sewer, publick Drain, or Vault, ſhall be defrayed and paid by and out of the Rates to be raiſed under this Act, for the Purpoſes of repairing and cleanſing the ſaid Sewers, publick Drains and Vaults: And if ſuch Clerk or Treaſurer to any of the ſaid Water Companies, or the reſpective Owner or Owners of ſuch Pipe or Pipes, liable to reimburſe and pay ſuch Charges and Expences, ſhall refuſe or neglect to pay the ſame within Ten Days next after Demand thereof in Writing, ſigned by the Clerk of the ſaid Commiſſioners, and left at their reſpective Dwelling-houſes, or laſt Places of Abode, together with a Bill to be annexed to ſuch Demand, containing an Account of ſuch Charges and Expences; then, and in every ſuch Caſe, the Money ſo expended ſhall and may be recovered by the ſaid Commiſſioners, of and from the Perſon or Perſons ſo liable thereto, by Action or Actions of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, in the Name of the Mayor and Commonalty and Citizens of the ſaid City of London, to be commenced within Three Calendar Months next after ſuch Demand reſpectively; in which Action or Actions, Suit or Suits reſpectively, no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Expence of altering of the Pipes to be defrayed out of the Monies of this Act.

XXIX. Provided nevertheleſs, and it is hereby further enacted, That if at any Time it ſhall be found neceſſary, for the Purpoſes of making, enlarging, widening, deepening, raiſing, altering, repairing, or removing any Sewer or Drain within the ſaid City or Liberties, or of new-paving or altering the Pavement of any of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, or Places, to raiſe, ſink, or any otherwiſe alter the Poſition of any of the Pipes or Plugs laid down or placed by any of the ſaid Water Companies, or by any other Perſon or Perſons whatſoever, the Charges attending the ſame ſhall be paid out of the Monies ariſing or to ariſe by virtue of this Act, for the Purpoſes of paving, cleanſing, and lighting the ſaid City and Liberties, and making, enlarging, widening, deepening, altering, and removing the Sewers, publick Drains, and Vaults, within the ſame.

For procuring Water in Times of Fire.

Names of the Turncocks to be delivered in, under Forfeiture of 40 s.

XXX. And, for the more eaſily obtaining of Water in Caſes of Fire, it is hereby further enacted, That the ſeveral Water Companies, who ſhall ſupply any of the Inhabitants of the ſaid City with Water, ſhall, from Time to Time, within the Space of Fourteen Days after the paſſing of this Act, or within Seven Days after the Appointment of any Turncock or Turncocks, give Notice in Writing to the ſaid Commiſſioners of the Names and Places of Abode of their reſpective Turncocks, diſtinguiſhing the Diſtricts to which they reſpectively belong; and if any of the ſaid Companies ſhall neglect to give ſuch Notice within the Times aforeſaid, they ſhall, for every ſuch Neglect, forfeit and pay the Sum of Forty Shillings; and the ſaid Commiſſioners ſhall, and they are hereby required, yearly, to cauſe to be printed, and diſtributed through every Ward within the ſaid City and Liberties, to and amongſt the ſeveral Houſeholders within the ſame, a Liſt of the Names and Places of Abode of the ſeveral Turncocks of the Diſtrict or Diſtricts within which every ſuch Ward reſpectively ſhall lie.

The Streets to be watered.

XXXI. And it is hereby further enacted, That the ſaid Commiſſioners ſhall have full Power and Authority to cauſe the ſaid Streets to be watered as often as they ſhall think fit, and alſo to cauſe any Well or Wells to be dug and ſunk in ſuch Places as they ſhall think proper; and alſo any Pump or Pumps to be erected in or near ſuch Places, and alſo any Pumps now ſtanding for the Purpoſe of watering the ſaid Streets, or for any other Purpoſe, to be removed, or altered, and to defray the Expences thereof out of the Monies to be raiſed by virtue of this Act, for the Purpoſes of paving, cleanſing, and lighting the ſaid City and Liberties, and making, enlarging, widening, deepening, altering, and removing the Sewers, publick Drains and Vaults, within the ſame.

Duſt-holes, &c. how to be made.

XXXII. And, for the more effectually cleanſing, and keeping clean, the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, or Places, it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to cauſe any Number of moveable or fixed Duſt-boxes, Duſt-holes, or Conveniencies wherein Duſt and Aſhes may be depoſited for the Scavengers or Rakers, to be erected and placed in ſuch of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, and Places, as ſhall judge neceſſary; and the Occupier or Occupiers of Houſes or Tenements within the ſaid City and Liberties are hereby required, daily, and every Day, to cauſe all their Duſt and Aſhes to be depoſited in the ſaid Duſt-boxes, Duſt-holes, or other Conveniencies, where any ſuch ſhall be; or, in Default thereof, to keep all ſuch Duſt and Aſhes in their reſpective Houſes or Tenements, or the Appurtenances thereof, until the ſame ſhall be removed and carried away by the reſpective Rakers to be in this Behalf appointed: And in caſe any ſuch Perſons ſhall depoſit, or cauſe or permit to be depoſited, any Aſhes or Duſt, in any Part of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, and Places, except in ſome of the ſaid Duſt-holes, Duſt-boxes, or other Conveniencies, where any ſuch ſhall be; or if any Perſon or Perſons ſhall lay or depoſit, or cauſe to be laid or depoſited, in the ſaid Duſt-holes or Duſt-boxes, or any of them, any Dirt, Dung, or Filth, other than Duſt or Aſhes; or ſhall lay or depoſit, or cauſe or permit to be laid or depoſited, any Dirt, Dung, or Filth, in any of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, or Places; every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings.

Foot-ways to be cleanſed.

XXXIII. And it is hereby further enacted, That every Occupier of any Houſe or Tenement within the ſaid City and Liberties, and (in reſpect of Houſes let to Inmates) every Houſe-owner ſhall, Once in every Day, before the Hour of Ten of the Clock in the Forenoon, ſcrape, ſweep, and cleanſe the Foot-way all along the Front of their reſpective Houſes or Tenements, or cauſe the ſame to be ſcraped, ſwept, and cleanſed; and in Default thereof ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Shillings.

Streets, &c. how to be lighted.

XXXIV. And, for the better lighting the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, and Places, be it hereby further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, from Time to Time, to cauſe ſuch and ſo many Lamps to be ſet up in ſuch Places within the ſaid City and Liberties thereof, and to be placed in ſuch Manner, and at ſuch Diſtances, as they ſhall judge neceſſary; and the ſaid Commiſſioners ſhall order and direct at what Time the Lights within the ſame ſhall be lighted, and how long they ſhall continue lighted; and ſhall, from Time to Time, give ſuch other Orders and Directions in the Premiſes as they ſhall think needful for the well and ſufficient lighting the ſaid City and Liberties thereof.

Penalty on Perſons damaging Lamps.

XXXV. And it is hereby further enacted, That if any Perſon or Perſons ſhall wilfully take away, break, or throw down, or damage any Lamp that now is, or hereafter ſhall be, ſet up for lighting any of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, and Places, or wilfully extinguiſh the Light or Lights within the ſame, or damage the Irons or other Furniture thereof, it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, who ſhall ſee ſuch Offence committed, to ſeize, as alſo for any other Perſon or Perſons to aſſiſt in ſeizing, the Offender or Offenders, and, by Authority of this Act, and without any other Warrant, to convey him, her, or them, or to deliver him, her, or them, to the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace of the ſaid City; and ſuch Juſtice ſhall proceed to examine upon Oath any credible Witneſs or Witneſſes who ſhall appear to be produced to give Information touching ſuch Offence, (which Oath the ſaid Juſtice is hereby authoriſed and required to adminiſter); and if the Party or Parties accuſed ſhall be convicted of ſuch Offence, either by his, her, or their own Confeſſion, or upon ſuch Oath as aforeſaid, he, ſhe, or they, ſo convicted, ſhall forfeit and pay the Sum of Twenty Shillings for each ſuch Lamp ſo broken, thrown down, or damaged, or for every Light ſo extinguiſhed, as aforeſaid; and, moreover, ſhall make full Satisfaction to the ſaid Commiſſioners, or to ſuch Perſon as they ſhall appoint to receive the ſame, for the Damage ſo by him, her, or them done, as aforeſaid: And in caſe ſuch Offender or Offenders ſhall not, on Conviction, pay ſuch Forfeiture, and make ſuch Satisfaction, as aforeſaid, ſuch Juſtice is hereby required to commit him, her, or them, to the Bridewell of the ſaid City, there to be kept to hard Labour for any Space of Time not exceeding One Calendar Month; and ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he, ſhe, or they, ſhall be ſo committed, unleſs ſuch Forfeiture and Satisfaction ſhall be ſooner paid and given.

Perſons careleſsly or accidentally breaking or damaging Lamps, to make Satiſfaction.

XXXVI. And it is hereby further enacted, That in caſe any Perſon or Perſons ſhall careleſsly or accidentally break, throw down, or damage, any of the ſaid Lamps ſo ſet up, or hereafter to be ſet up, as aforeſaid, or the Irons or other Furniture thereof, and ſhall not immediately, upon Demand, make Satisfaction for the Damage done thereto; then, and in every ſuch Caſe, it ſhall and may be lawful to and for any One Juſtice of the Peace of the ſaid City, upon Complaint to him made by One or more credible Perſon or Perſons upon Oath, (which Oath ſuch Juſtice is hereby impowered and required to adminiſter), to ſummon before him the Party or Parties who ſhall be complained of for doing ſuch Damage; and, upon hearing the Allegations and Proofs upon Oath touching the ſame, or upon the Non-appearance of the Party or Parties ſo complained of and ſummoned, to award ſuch Sum or Sums of Money, by way of Satisfaction for ſuch Damage, as ſuch Juſtice ſhall think reaſonable; and in caſe of Refuſal or Neglect of the ſaid Party or Parties to pay the Sum or Sums of Money ſo awarded within Three Days next after Demand thereof, to cauſe the ſame to be levied by Diſtreſs and Sale of his, her, or their Goods or Chattels, the Surplus (if any) ariſing by ſuch Diſtreſs and Sale to be paid to him, her, or them.

Lamps how to be placed.

XXXVII. And be it further enacted, That all Lamps which are or ſhall be put up in any of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, or Places, by any Perſon or Perſons, at his or their own private Expence, ſhall, from and after the paſſing of this Act, be placed in ſuch Manner as the ſaid Commiſſioners appointed to put this Act into Execution ſhall direct.

XXXVIII. And it is hereby further enacted by the Authority aforeſaid, That the Property of the Sewers and publick Drains and Vaults, and of the Pavements, which, at

Property of the Sewers and Pavements to be veſted in the Mayor, &c.

the Time of paſſing of this Act, or at any Time or Times thereafter, ſhall be within the ſaid City and Liberties, and all Materials and Things uſed, or to be uſed, in or about the making or repairing thereof, ſhall be, and the ſame are hereby veſted in the ſaid Mayor and Commonalty, and Citizens, of the ſaid City; and the ſaid Commiſſioners are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name of the ſaid Mayor and Commonalty, and Citizens, or to prefer, or order the preferring of Indictments againſt any Perſon or Perſons who ſhall ſteal, take, or carry away, any, or any Part of ſuch Materials or Things; and if any Perſon or Perſons ſhall wilfully or maliciouſly deſtroy, or otherwiſe damage or ſpoil, any of the ſaid Materials or Things, or any of the Works done in purſuance of this Act, or any Part or Parts thereof, every Perſon or Perſons ſo offending therein, and being thereof convicted, by the Oath or Oaths of One or more credible Witneſs or Witneſſes, before any Juſtice of the Peace, (which Oath or Oaths ſuch Juſtice is hereby required to adminiſter), ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings for the Firſt Time of offending, and the Sum of Forty Shillings for the Second, and the Sum of Five Pounds for every other Time of offending, together with all Coſts, Charges, and Expences, in reſpect of ſuch Damage or Spoil as the ſaid Commiſſioners ſhall be put unto; ſuch Coſts, Charges, and Expences, to be recovered in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, Bill, Plaint, or Information, in the Name of the principal Clerk to the ſaid Commiſſioners for the Time being, in which Action or Suit no Protection, Eſſoin, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Private Drains not to be made without Licence;

XXXIX. And be it further enacted, That no Perſon or Perſons ſhall, without the Leave or Licence of the ſaid Commiſſioners, make or branch any Drain or Drains into any of the ſaid publick Sewers, Drains, or Vaults, made, or to be made, by virtue of this Act, upon Pain that every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Pounds; to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, in the Name of the principal Clerk to the ſaid Commiſſioners for the Time being, in which Action or Suit no Protection, Eſſoin, or Wager of Law, or more than One Imparlance, ſhall be allowed.

and cleanſed at the Expence of the Owners.

XL. And be it further enacted, That all private Drains, which now are, or by Permiſſion of the ſaid Commiſſioners ſhall hereafter be made, within any of the publick Streets or Paſſages within the ſaid City or Liberties, and which do or ſhall iſſue into any of the publick Sewers, Drains, or Vaults, ſhall be repaired and cleanſed under the Inſpection and Direction of the Surveyor, or other proper Officer of the ſaid Commiſſioners, at the Coſts and Charges of the Owner or Owners, Occupier or Occupiers, of the Lands or Tenements to which the ſaid private Drains do or ſhall reſpectively belong.

Rates for Sewers and Pavement.

XLI. And be it further enacted, That, for defraying the Expence of paving, cleanſing, and lighting the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, and Places, and preventing Annoyances therein, and of making, enlarging, widening, deepening, altering, and removing, all or any the Common Sewers, publick Drains, and Vaults, within the ſaid City and Liberties, One or more Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall, at ſuch Time or Times as the ſaid Commiſſioners ſhall think fit to order and direct, by Writing under their Hands and Seals, or the Hands and Seals of any Seven or more of them, be made, laid, and aſſeſſed, in the ſeveral Wards of the ſaid City, by the Aldermen, or their Deputies reſpectively, and the major Part of the Common Councilmen of each Ward, upon all and every Perſon and Perſons who do or ſhall inhabit, hold, occupy, poſſeſs, or enjoy, any Land, Houſe, Shop, Warehouſe, Cellar, Vault, or other Tenement or Hereditament within the ſaid ſeveral Wards, and who, by the Laws now in being, are, or ſhall be, liable to be rated towards the Relief of the Poor in the reſpective Pariſhes where he, ſhe, or they, ſhall reſpectively live or reſide, for raiſing ſuch competent Sum and Sums of Money as the ſaid Commiſſioners ſhall, from Time to Time, judge needful, and direct, ſo as ſuch Rates or Aſſeſſments do not in any One Year exceed, in the Whole, the Sum of One Shilling and Sixpence in the Pound of the yearly Rents of ſuch of the ſaid Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements or Hereditaments reſpectively, as ſhall be ſituate in any Street, Lane, Square, Yard, Court, Alley, Paſſage, or Place, actually begun to be new-paved by virtue and in purſuance of this Act, or of any former Act of Parliament, and One Shilling in the Pound of the yearly Rents of ſuch of the Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, Tenements, or Hereditaments reſpectively, as ſhall not be ſo ſituate; ſuch Rates reſpectively to be, from Time to Time, aſcertained by the Rates at which ſuch reſpective Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements or Hereditaments, ſhall be, from Time to Time, aſſeſſed towards the Land-tax.

Major Part of the Common Council may compound for Rates on Houſes, &c.

XLII. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the major Part of the Common Council of each reſpective Ward, from Time to Time, to compound with the Owner or Owners, Landlord or Landlords, of any Houſe or Houſes within the ſaid Streets and Places to be rated as aforeſaid, the annual Rent or Value whereof ſhall be under Ten Pounds, for the Rate or Aſſeſſment by this Act authoriſed to be laid upon ſuch Houſe or Houſes, ſo as in ſuch Compoſition there be not remitted to any ſuch Landlord or Landlords, Owner or Owners reſpectively, more than One Half of the Rate to be laid upon ſuch Houſe or Houſes reſpectively.

Leſſees of Markets to pay the Rates.

XLIII. Provided alſo, and whereas the Farmers or Leſſees of the publick Markets within the ſaid City and Liberties were, by their Leaſes thereof, or otherwiſe, bound and liable to pave, cleanſe, and light the ſaid Markets; and whereas the Expence of paving, cleanſing, and lighting the ſaid Markets, greatly exceeds the Rate of One Shilling and Sixpence in the Pound of the reſpective Rents at which the ſaid Markets ſtand rated towards the Land-tax; be it further enacted, That the ſaid Farmers or Leſſees, their Executors, Adminiſtrators, or Aſſigns, ſhall, from Time to Time, upon Demand of the ſaid Commiſſioners, or their principal Clerk for the Time being, pay into the Chamber of London all ſuch Sum or Sums of Money as the ſaid Commiſſioners ſhall actually expend in or about the paving, cleanſing, and lighting, the ſaid Markets reſpectively; which ſaid Sum or Sums of Money ſhall or may, from Time to Time, in caſe of Refuſal or Neglect to pay the ſame, be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or within the ſaid City, in the Name of the ſaid principal Clerk for the Time being; any Thing herein-before contained to the Contrary thereof in any-wiſe notwithſtanding.

The Farmers and Leſſees of Markets may be compounded with.

XLIV. Provided nevertheleſs, That it ſhall and may be lawful to and for the ſaid Commiſſioners, from Time to Time, to compound and agree with the Farmers or Leſſees of the ſaid Markets for a certain Sum of Money, in lieu and ſtead of the Sums to be rated and aſſeſſed by virtue of this Act, the Account of which Compoſition ſhall be entered in a Book or Books to be kept for that Purpoſe.

How empty Houſes ſhall be aſſeſſed.

XLV. And it is hereby further enacted, That if it ſhall happen that any of the Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements, within the ſaid City and Liberties, ſhall, at the Time of making any of the ſaid Rates or Aſſeſſments, be empty, untenanted, or unoccupied; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the Aldermen of the Ward where ſuch Premiſes ſhall lie, or his Deputy, with the major Part of the Common Councilmen of the ſaid Ward, to rate and aſſeſs the ſaid Premiſes at the Times the ſaid Commiſſioners ſhall direct as aforeſaid; and in ſuch Caſe, as well as in caſe the ſaid Premiſes ſhall, after the making ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, become empty, untenanted or unoccupied, One half of every ſuch Rate or Aſſeſſment ſhall be charged on ſuch Premiſes reſpectively, and be paid by the firſt Tenant or Occupier thereof, who ſhall and may, and is hereby authoriſed to deduct and detain the ſame out of his or her Rent, and the Landlord or Owner or Owners of ſuch Premiſes is and are hereby required to allow ſuch Deductions and Payments upon Receipt of the Reſidue of his, her, or their reſpective Rents, and the ſaid Tenant or Occupier ſhall be, and is hereby acquitted and diſcharged of and for ſo much of his or her Rent, as the Rate or Aſſeſſments, ſo paid by him or her, ſhall amount unto.

Houſes let out in Lodgings how to be aſſeſſed.

XLVI. And whereas many Houſes in ſeveral of the Wards of the ſaid City are, by the ſeveral Landlords or Owners thereof, let out to poor Tenants, or in Lodgings or Tenements to divers Tenants, whereby it will be difficult to rate or aſſeſs the ſaid Tenants in reſpect of ſuch Houſes, or to recover ſuch Rates and Aſſeſſments when made: For Remedy whereof, be it enacted, That from and after the paſſing of this Act, it ſhall and may be lawful to and for the Aldermen of each reſpective Ward, or his Deputy, with the major Part of the Common Councilmen of the ſaid Ward, at the Times the ſaid Commiſſioners ſhall direct as aforeſaid, to rate and aſſeſs, in every ſuch Rate or Aſſeſſment, the Owner or Owners of all ſuch Houſes or Tenements as ſhall be ſo let for a leſs Rent than Ten Pounds per Annum, or occupied by Two or more Tenants, which Rate or Aſſeſſment ſhall be paid by the Occupier or Occupiers of any ſuch Houſes or Tenements, or of any Part or Parts thereof, and the Occupier or Occupiers of any ſuch Houſes or Tenements, or of any Part or Parts thereof, and the Occupier or Occupiers of whom the ſame ſhall be demanded, is and are hereby authoriſed and required to pay ſuch Sum and Sums of Money as ſhall be ſo rated or aſſeſſed upon the Owner or Owners thereof, and to deduct the ſame out of his, her, or their reſpective Rents, and the Landlord and Landlords, or Owner or Owners of ſuch Houſes or Tenements, is, and are hereby required to allow ſuch Deductions and Payments, upon the Receipt of the Reſidue of his, her, or their Rents; and every ſuch Occupier paying ſuch Aſſeſſment or Aſſeſſments, ſhall be acquitted and diſcharged for ſo much of his, her, or their Rent or Rents, as the ſaid Aſſeſſment or Aſſeſſments, ſo paid by him or her, ſhall amount unto, as if the ſame had been actually paid to the Perſon or Perſons to whom his or her Rent ſhall be due and payable; and in Default of Payment of the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, the ſame ſhall be and remain a Charge upon the ſaid Premiſes, and ſhall and may be recovered of and from the Landlord or Landlords, Owner or Owners thereof reſpectively, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or within the ſaid City, to be commenced and proſecuted by the ſaid Commiſſioners, in the Name of their Principal Clerk for the Time being; in which Action or Suit, no Protection, Eſſoin, or Wager of Law, or more than One Impariance, ſhall be allowed.

Owners of large Warehouſes, &c. may be relieved by Commiſſioners.

XLVII. And whereas ſeveral Manufactures, Trades, Occupations, and Callings, neceſſarily take up and require great Room, by reaſon whereof the Perſons concerned therein are obliged to pay large Rents, and it may be a great and intolerable Hardſhip upon ſuch Perſons to be rated to the full Extent of their reſpective Rents, towards the Purpoſes of this Act; and whereas it may be reaſonable to excuſe ſome Perſons from the Payment of the aforeſaid Rates and Aſſeſſments, in the Whole, or in Part, on account of their Poverty: For Relief therefore in ſuch Caſes, it is hereby further enacted and declared, That in any of the Caſes aforeſaid, any Perſon or Perſons may apply to the ſaid Commiſſioners by Petition, in Writing, ſetting forth the Circumſtances of his, her, or their Caſe, giving Notice to the Alderman of the Ward wherein ſuch Rate or Aſſeſſment ſhall have been made, or his Deputy; and ſuch Petition ſhall be taken into Conſideration by the ſaid Commiſſioners, at their next publick Meeting, of which the Alderman of the Ward, or his Deputy, ſhall have ſpecial Notice; and if it ſhall then appear to the ſaid Commiſſioners, upon hearing the ſaid Petitioner or Petitioners, that the ſaid Petitioner or Petitioners is or are intitled to Relief, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authoriſed and impowered to award the ſaid Petitioner or Petitioners ſuch Relief as they the ſaid Commiſſioners ſhall think juſt and reaſonable.

XLVIII. Provided

Proviſo.

XLVIII. Provided always, That if the Alderman, or his Deputy, or the major Part of the Common Councilmen of ſuch Ward, ſhall think ſuch Award unjuſt or unreaſonable, or if the Party or Parties concerned ſhall think him, or herſelf, or themſelves aggrieved by ſuch Award, it ſhall and may be lawful to and for any of them to appeal from ſuch Award to the Court of Mayor and Aldermen of the ſaid City, who ſhall finally determine whether the ſaid Petitioner or Petitioners is or are intitled to any, and what Relief in the Premiſes.

Wharfs, &c. how to be aſſeſſed.

XLIX. Provided always, and it is hereby further enacted, That no Perſon or Perſons ſhall, in reſpect of any Wharf, or of any Warehouſe, Vault, or Cellar, upon any Wharf, not fronting any Street or Lane, be rated or aſſeſſed, or be liable to pay more than Two-thirds of the Rates or Aſſeſſments herein-before directed to be rated and aſſeſſed on Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, and other Tenements, within the ſeveral Wards of the ſaid City of London; but the Alderman of the Ward where any Ground, which ſhall be claimed to be a Wharf, ſhall lie, or his Deputy, and the Common Councilmen of ſuch Ward, or the major Part of them, ſhall, and they are hereby directed and impowered to conform to and purſue ſuch Determination as they ſhall reſpectively receive from the ſaid Commiſſioners, and which the ſaid Commiſſioners are hereby impowered and required to ſignify by their principal Clerk for the Time being, in Writing, as to what Part of the ſaid Ground ought to be deemed a Wharf, within the Intent and Meaning hereof, and ſhall rate and aſſeſs the ſame accordingly; any Thing herein-before contained to the Contrary thereof in anywiſe notwithſtanding.

Books relating to the Poors Rates to be examined.

L. And in order to enable the ſeveral Aldermen of the ſaid City, or their reſpective Deputies, and alſo the ſaid Commiſſioners, to form proper Judgement of any Rate or Rates made, or to be made, in purſuance of this Act, and to grant proper Relief, be it further enacted, That the ſaid Aldermen, or their reſpective Deputies, and alſo the ſaid Commiſſioners, ſhall and may, and they are hereby authoriſed and impowered to cauſe any of the Books of the Aſſeſſment of the Land Tax within the ſaid City or Liberties, and alſo any of the Books of the Aſſeſſments of the Rates towards the Relief of the Poor within any of the Pariſhes within the ſame, to be brought before them, or any of them, and to take Copies of ſuch Books, or any Part thereof, as they, or any of them, ſhall think fit, without Fee or Reward; and if any Perſon or Perſons in whoſe Cuſtody or Power any of the ſaid Books ſhall be ſhall refuſe or neglect to attend the ſaid Aldermen, or their Deputies reſpectively, or their ſaid Commiſſioners, with ſuch Book or Books, or to permit them, or any of them, to take Copies thereof, as aforeſaid; then, and in every ſuch Caſe, every Perſon who ſhall ſo refuſe or neglect, ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Churches and publick Buildings, Meeting-houſes, and void Spaces of Ground, to be aſſeſſed.

LI. And foraſmuch as it is reaſonable that all publick Buildings, (Hoſpitals excepted), and all dead Walls, and void Spaces of Ground, ſhould be rated and aſſeſſed in a due Proportion towards the paving, cleanſing, and lighting the ſaid City and the Liberties thereof, and the making and altering the publick Sewers, Drains, and Vaults, within the ſame, it is hereby further enacted, That it ſhall and may be lawful to and for the Aldermen of each Ward within the ſaid City and Liberties, or his Deputy, with the major Part of the Common Councilmen of ſuch Ward, and they are hereby required, at ſuch Time as the Rates and Aſſeſſments, herein-before directed to be made by them, by Order of the Commiſſioners, ſhall, from Time to Time, be made, to rate and aſſeſs towards the ſaid Purpoſes, all Pariſh Churches, Church-yards, Chapels, Meeting-houſes, and other publick Buildings whatſoever, not charged to the Land Tax, and all void Spaces of Ground, ſituate, lying, and being within their Ward, other than and except the Cathedral Church of Saint Paul in London, and the Church-yards and Ground within the Iron Rails encompaſſing the ſaid Cathedral Church, at ſuch Rate as the Commiſſioners, by Writing under their Hands and Seals, or the Hands and Seals of any Seven or more of them, ſhall order and direct, for every ſquare Yard of ſuch Churches, Church-yards, Chapels, Meeting-houſes, publick Buildings, and void Spaces of Ground, not exceeding the Rate of Four-pence per ſquare Yard; and alſo to rate and aſſeſs all dead Walls within their Wards, towards the Purpoſes aforeſaid, at ſuch Rate as the ſaid Commiſſioners ſhall order and direct, in Manner aforeſaid, for every Yard running Meaſure of ſuch dead Walls, not exceeding the Rate of Sixpence per Yard; ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſo to be from Time to Time made upon any Pariſh Church, Church-yard, or Chapel, to be paid by their reſpective Church or Chapel Wardens; and the Rate or Rates, Aſſeſſment or Aſſeſſments, ſo to be made from Time to Time upon any Meeting-houſe within the ſaid City or Liberties, to be paid by the Miniſter or Deacons, or other Perſon uſually officiating therein: And if ſuch Church or Chapel Wardens, Miniſter, Deacons, or other Perſon, ſhall refuſe or neglect to pay the ſame upon Demand; then, and in every ſuch Caſe, ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall and may be recovered of and from the Perſon or Perſons ſo required to pay the ſame, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or within the ſaid City, to be commenced and proſecuted in the Name of the principal Clerk to the ſaid Commiſſioners for the Time being, in which Action or Suit no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed: And in Default of Payment of ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, by the Miniſter or Deacons of ſuch Meeting-houſe, or the Perſon or Perſons officiating therein, the ſame ſhall be and remain a Charge upon ſuch Meeting-houſes, and ſhall and may be recovered by ſuch Action, Bill, Plaint, or Information, as aforeſaid, againſt the Landlord or Landlords, Owner or Owners thereof; and ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſo to be from Time to Time made upon any publick Building, (not being a Hoſpital), or upon any dead Wall or void Space of Ground, ſhall be paid by the reſpective Owner or Owners, Proprietor or Proprietors thereof; and in caſe the Owner or Owners, Proprietor or Proprietors, of any ſuch void Space of

Ground, ſhall not be known, or cannot be found, then the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, to be thereon made, ſhall be advanced by the Chamberlain of the City of London for the Time being, out of the Caſh of the ſaid City in his Hands, and the ſaid Grounds ſhall be and remain a Security to the ſaid Chamberlain and his Succeſſors for Repayment of all Rates ſo to be by him advanced.

Tenants to Hoſpitals to be aſſeſſed.

LII. Provided always, and whereas ſeveral Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements or Hereditaments, within the ſaid City and Liberties, belonging to ſome of the publick Hoſpitals thereof, are or may be by Law exempted from being aſſeſſed towards the Land Tax, in reſpect of the Rents payable to the ſaid Hoſpitals; be it enacted, That at all Times after the paſſing of this Act, the Tenants or Occupiers of all ſuch Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, and other Tenements and Hereditaments, ſhall be aſſeſſed, and pay towards the Purpoſes of this Act, at ſuch Rates reſpectively, in the ſame Proportion, and to the full Extent, as other Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, and other Tenements and Hereditaments within the ſaid City and Liberties are or ſhall be aſſeſſed, without any Exemption or Deduction in reſpect of the Rent or Rents which is, are, or ſhall be payable to the ſaid Hoſpitals, or the Governors thereof; any Thing herein-before contained, or any other Law or Uſage to the Contrary thereof, in any-wiſe notwithſtanding.

The Pavements belonging to the Cadral Church of *Saint Paul* to be aſſeſſed.

LIII. And whereas, before the paſſing of the ſaid Act of the Eighth Year of His preſent Majeſty, the Pavement then lying between the Fence of the Church-yard belonging to the Cathedral Church of *Saint Paul*, in the ſaid City of *London*, and the Channels of the ſeveral Streets and Ways adjoining to and ſurrounding the ſaid Church, contained Two thouſand two hundred and forty ſquare Yards, and the Charges and Expences of repairing, cleanſing, and lighting the ſame, was then paid out of the Intereſt and yearly Produce of the Surplus-money of certain Duties on Coals, granted by divers Acts of Parliament, and veſted in the Lord Archbiſhop of *Canterbury*, Lord Biſhop of *London*, and Lord Mayor of the City of *London* for the Time being; be it hereby further enacted, That it ſhall and may be lawful to and for the Alderman of the Ward of Caſtlebaynard, or his Deputy, with the major Part of the Common Council of the ſaid Ward, and they are hereby required, when, and at ſuch Times as the Rates and Aſſeſſments herein-before directed to be made ſhall, from Time to Time, be made, to rate and aſſeſs the ſaid Cathedral Church towards the paving, cleanſing, and lighting the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, and Places, and of making, enlarging, widening, deepening, altering, and removing the common Sewers, publick Drains and Vaults, within the ſaid City and Liberties, at ſuch Rate as the ſaid Alderman, or his Deputy, with the major Part of the Common Council of the ſaid Ward, ſhall judge reaſonable, not exceeding the Rate of One Shilling and Three-pence by the Year for every ſquare Yard of the ſaid Pavement now kept in Repair, out of the Intereſt of ſuch Truſt-monies as aforeſaid; and that ſuch Rates or Aſſeſſments, ſo to be from Time to Time made on the ſaid Cathedral Church as aforeſaid, ſhall be paid by the Lord Archbiſhop of Canterbury, Lord Biſhop of London, and Lord Mayor of the ſaid City of London for the Time being, or their Treaſurer, or other proper Officer, out of the Intereſt and Produce of the ſaid Surplus-monies ſo veſted in them, upon the Truſts and for the Purpoſes aforeſaid.

The Ground, Area or Space, in the Weſt Front of *Saint Paul's* Church, may be laid into the publick Street.

LIV. And whereas it would be a great Accommodation to the Publick, without any Diminution of the Grandeur or Beauty of the ſaid Cathedral Church of *Saint Paul*, if the Ground, Area, or Space, in the Weſt Front thereof, now incloſed with an Iron Rail or Fence, or ſome Part thereof, was to be opened, and laid into the Street; be it therefore enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners under this Act to treat and agree with the Lord Archbiſhop of Canterbury, Lord Biſhop of London, and Lord Mayor of the ſaid City for the Time being, Truſtees for the Fabrick of the ſaid Cathedral Church, or any Two of them, and with the Dean and Chapter of the ſaid Cathedral Church for the Time being, (who are hereby ſeverally authoriſed and impowered to contract with the ſaid Commiſſioners accordingly), for opening and laying into the ſaid publick Street, all or any Part of the ſaid Ground, Area, or Space, lying Weſtward of the great Steps leading up to the ſaid Church, (except that Part encompaſſed with an Iron Rail, whereon the Statue of the late Queen Anne is erected), and the ſaid Commiſſioners are hereby authoriſed and impowered, by and out of the Monies ariſing from the Rates and Aſſeſſments to be made by virtue of this Act, for paving, lighting, and cleanſing the ſaid City and Liberties, to make ſuch Compenſation for the ſame to the ſaid Truſtees as ſhall be agreed for; and thereupon to cauſe the ſaid Ground, Area, or Space, (except as before excepted), or ſo much thereof as ſhall be ſo agreed for, to be opened and laid into the publick Street; any Law or Preſcription to the Contrary thereof in any-wiſe notwithſtanding.

Inns of Court ſhall be rated.

LV. And be it further enacted, That it ſhall and may be lawful to and for the Alderman of Farringdon Ward Without for the Time being, or his Deputy, with the major Part of the Common Councilmen of the ſaid Ward, and they are hereby required, from Time to Time, to rate and aſſeſs, in every ſuch Rate and Aſſeſſment as aforeſaid, the ſeveral Inns of Court and Chancery herein-after named, in the ſeveral and reſpective Sums herein-after mentioned, as a Compoſition for the Repairs of the Pavements which they have reſpectively ſuſtained; that is to ſay, The Inner Temple, in the Sum of Two Pounds Two Shillings per Annum; the Middle Temple, in the Sum of Six Pounds Six Shillings per Annum; Serjeants Inn in Chancery Lane, in the Sum of Ten Pounds per Annum; and alſo to rate and aſſeſs the ſeveral Inns of Chancery herein-after named in the ſeveral and reſpective Sums herein-after mentioned; that is to ſay, Staple's Inn, in the Sum of Fourteen Pounds per Annum; Furnival's Inn, in the Sum of Twenty Pounds per Annum; Bernard's Inn, in the Sum of Six Pounds per Annum; Clifford's Inn, in the Sum of Two Pounds Two Shillings per Annum; which Rates or Aſſeſſments ſhall be paid by the Treaſurer, Principal, or other proper Officer of the ſaid Inns of Court and Inns of Chancery reſpectively; and in Default of Payment, may be ſued for and recovered in like Manner as the Rates and Aſſeſſments upon

Pariſh Churches, Church-yards, and Chapels, are herein-before directed to be levied and recovered.

Streets in building may be compounded for.

LVI. And whereas there are, and hereafter may be, ſeveral new Streets and Places, which are not paved, Part of which are or may be built, and in building, and ſmall Pieces or Parcels of Ground in ſeveral of the Streets, Lanes, Squares, Courts, Yards, Alleys, Paſſages, or Places, within the ſaid City and Liberties, unbuilt, which are neither paved, cleanſed, or lighted: And whereas it would be a Means of greatly forwarding the good Purpoſes intended by this Act, if Builders or others, Owners of Lands or Houſes in ſuch new Streets or Places, were to pay ſuch Sum or Sums of Money towards the new-paving the ſame, as is hereinafter directed, to the ſaid Commiſſioners; be it therefore enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to view and inſpect any ſuch Street, Lane, Square, Yard, Court, Alley, Paſſage, or Place, which now is, or hereafter may be built upon, or building upon; and if, upon ſuch View, they ſhall be of Opinion, that the ſame, or any Part or Parts thereof, is or are fit and proper to be paved, the ſaid Commiſſioners, at any Meeting after ſuch View, ſhall and may order their Surveyor or Surveyors, or other Perſon or Perſons by them appointed for that Purpoſe, to give Notice to the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, of any Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Tenement, or Hereditament, in any ſuch Street, Lane, Square, Yard, Court, Alley, Paſſage, or Place, or leave the ſame at his, her, or their laſt or uſual Place of Abode, or with his, her, or their known Servant or Servants, or if no ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, can be found, then ſuch Notice ſhall be ſtuck againſt the ſaid Premiſes, or any conſpicuous Part thereof; which Notice ſhall require ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, to meet ſuch Commiſſioners at the Time and Place therein mentioned, not being leſs than Fourteen Days from the Date of ſuch Notice, to compound for the paving thereof, at any Sum not exceeding Three Shillings for every ſquare Yard of ſuch Pavement, whether Carriage-way or Foot-way, which Compoſition the ſaid Commiſſioners, at their publick Meeting, are hereby authoriſed to make: And if ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, ſhall not attend, or ſhall not compound or agree with the ſaid Commiſſioners, as aforeſaid; then it ſhall and may be lawful to and for the ſaid Commiſſioners, at their publick Meeting, to order the ſame to be paved as ſoon as conveniently can be, and all the Charges and Expences attending ſuch Paving ſhall be paid by the reſpective Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or within the ſaid City, in the Name of the principal Clerk to the ſaid Commiſſioners for the Time being, in which Action or Suit no Protection, Eſſoin, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Not to vacate any Agreement between Landlord and Tenant.

LVII. Provided always, and it is hereby further enacted, That nothing in this Act contained ſhall be deemed or taken to make void any Contract, Covenant, or Agreement between Landlord and Tenant, touching or concerning any Matter or Thing to be done or performed in purſuance of this Act; and in caſe any Diſpute ſhall ariſe concerning ſuch Contract, Covenant, or Agreement, the ſaid Court of Mayor and Aldermen ſhall have Power to hear and finally determine the ſame.

Commiſſioners may compound with Perſons for Breach of Contract.

LVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, from Time to Time, and at all Times hereafter, to compound and agree with any Perſon or Perſons againſt whom the ſaid Commiſſioners ſhall bring, or cauſe to be brought, any Action or Actions, Suit or Suits, for any Penalty or Forfeiture contained in any Contract or Contracts hereafter to be made or entered into in purſuance of this Act, on account of any Breach or Nonperformance of any ſuch Contract or Contracts, for ſuch Sum or Sums of Money as they ſhall think proper, ſo as the Sum ſo compounded and agreed for be not leſs than the Injury or Damage ſuſtained by the Breach or Nonperformance of ſuch Contract or Contracts, and all Coſts, Charges, and Expences, which ſhall be occaſioned thereby, and ſo as ſuch Compoſition doth not extend to remit more than One Half of the ſaid Penalty or Forfeiture.

Perſons refuſing or neglecting to attend after Notice to forfeit 20 *s.*

LIX. And be it further enacted, That if any Perſon or Perſons againſt whom Complaint ſhall be made to any One of the ſaid Aldermen, touching any Offence or Offences to be committed againſt this Act, ſhall neglect or refuſe, after Three Days Notice ſerved upon him, her, or them, for that Purpoſe, to attend ſuch Alderman, at the Time and Place for which he, ſhe, or they ſhall have Notice to attend, every ſuch Perſon or Perſons ſo offending ſhall, upon the Oath of any One or more credible Witneſs or Witneſſes, (which Oath any One of the ſaid Aldermen is hereby authoriſed and required to adminiſter), forfeit and pay the Sum of Twenty Shillings.

Recovery of Rates againſt any Perſons who ſhall be liable to pay the ſame, becoming Bankrupts.

LX. And be it further enacted, That if any Perſon or Perſons who ſhall be liable to pay any Rate or Aſſeſſment to be made by virtue or in purſuance of this Act ſhall become a Bankrupt or Bankrupts before he, ſhe, or they, ſhall have fully paid and ſatisfied all the Money then due and owing for ſuch Rates and Aſſeſſments; then, and in every ſuch Caſe, the Aſſignee or Aſſignees of his, her, or their Eſtate and Effects, or other Perſon or Perſons poſſeſſing the ſame, ſhall, out of ſuch Eſtate and Effects, after paying to the petitioning Creditor or Creditors his, her, or their Coſts of ſuing out and proſecuting the Commiſſion againſt any ſuch Bankrupt or Bankrupts, in the next Place, pay unto the Chamberlain of the ſaid City of London for the Time being all ſuch Sums of Money as were due for ſuch Rates and Aſſeſſments at the Time of the ſuing out any ſuch Commiſſion againſt him, her, or them reſpectively, or ſo much thereof as the ſaid Eſtate and Effects will extend to pay; and the Receipt of the ſaid Chamberlain ſhall be a good Diſcharge for the ſaid Money; and every Aſſignee and Aſſignees, or other Perſon, as aforeſaid, may, to any Action or Suit commenced or brought againſt him, her, or them, plead or give in Evidence the Payment of the ſame, and ſhall be allowed ſuch Payment out of the Eſtate or Effects of ſuch Bankrupt or Bankrupts, prior to any other Debt or Demand whatſoever, (except as before is excepted); and in caſe of Nonpayment of the ſame by the Space of One Calendar Month after the ſame ſhall be demanded, it ſhall and may be lawful to and for the ſaid Commiſſioners to commence and proſecute One or more Action or Actions, Suit or Suits, for the ſame, in the Name of the principal Clerk of the ſaid Commiſſioners for the Time being, in any of His Majeſty's Courts of Record at Weſtminſter, or within the ſaid City, againſt ſuch Aſſignee or Aſſignees, or other Perſons, as aforeſaid.

Duplicates of Rates how to be made.

LXI. And it is hereby further enacted, That the Alderman, or his Deputy, and the major Part of the Common Councilmen for the Time being, in each Ward, within the ſaid City or Liberties, are hereby required to ſet down in Writing, and ſign Two Duplicates of the Rates and Aſſeſſments which they ſhall from Time to Time make by virtue of this Act, for the Purpoſes aforeſaid; in which ſhall be expreſſed the Names of the Collectors who ſhall be appointed to collect the ſame; One of which Duplicates ſhall, within Ten Days next after the making thereof, be depoſited by the Beadle of the ſaid Ward in the Office of the Chamberlain of the ſaid City of London, where the ſame ſhall remain; and every Citizen of London, liable to be rated by virtue of this Act, ſhall and may have free Acceſs thereto at all convenient Times, and be permitted to inſpect the ſame without Fee or Reward; and the Perſon or Perſons neglecting to depoſit ſuch Duplicates, in the Manner, or within the Time aforeſaid, or refuſing to permit ſuch Inſpection as aforeſaid, ſhall, for every ſuch Offence reſpectively, forfeit and pay the Sum of Five Pounds.

Collectors, how to be appointed.

LXII. And, to the End that the ſaid ſeveral Rates and Aſſeſſments may be fully and completely raiſed and paid for the Purpoſes aforeſaid, it is hereby further enacted, That it ſhall and may be lawful to and for the Alderman, or his Deputy, with the major Part of the Common Councilmen of each Ward, at the Court of Wardmote to be holden upon or near the Feaſt-day of Saint Thomas the Apoſtle, for the Choice of Ward Officers, to return to the ſaid Wardmote the Names and Places of Abode of a competent Number of ſubſtantial Inhabitants of ſuch Ward, of whom ſo many as the ſaid Alderman, or his Deputy, and the major Part of the ſaid Common Councilmen, ſhall think fit and direct, not exceeding Half the Number of Perſons ſo returned, ſhall be choſen and appointed at the ſaid Wardmote to be Collectors of the ſaid Rates and Aſſeſſments for One whole Year, from the ſaid Feaſt-day of Saint Thomas the Apoſtle to the ſame Feaſt-day then next following, and ſo yearly, and from Year to Year: And the ſaid Collectors for the Time being are hereby authoriſed and required, in the reſpective Wards for which they ſhall be ſo choſen Collectors, to collect and receive, from Time to Time, ſuch of the ſaid Rates, Aſſeſſments, and Sums of Money, as ſhall be due and payable by virtue of this Act, of and from all Perſons liable to pay the ſame; and all Perſons who, by virtue of this Act, ſhall be charged therewith, or be liable thereunto, are hereby required to pay ſuch Rates or Aſſeſſments unto ſuch reſpective Collectors for the Time being accordingly; ſuch Collectors from Time to Time giving Receipts for the ſame gratis, if thereunto required, and which they are hereby enjoined to do, upon Requeſt:

Collectors to take an Oath.

And every ſuch Collector who ſhall be ſo choſen ſhall, at the Wardmote at which he ſhall be choſen as aforeſaid, or within the Space of Twenty Days then next enſuing, before the Alderman of the Ward for which he ſhall be ſo choſen Collector, or his Deputy, take and ſubſcribe the following Oath; or, being One of the People called Quakers, make and ſubſcribe the following ſolemn Affirmation, for the true and faithful Execution of the ſaid Office:

The Oath.

I *A. B.* do ſwear, (or ſolemnly affirm), that I will, according to the beſt of my Skill and Knowledge, well and truly perform and execute the Office of a Collector within the Ward of   according to the Directions and true Intent of an Act, made in the Eleventh Year of the Reign of His Majeſty King *George* the Third, *for conſolidating, extending, and rendering more effectual, the Powers granted by ſeveral Acts of Parliament, for making, enlarging, amending, and cleanſing the Vaults, Drains, and Sewers, within the City of* London *and Liberties thereof, and for paving, cleanſing, and lighting the Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, and Places, and preventing and removing Obſtructions and Annoyances within the ſame.*

Which Oath or Affirmation ſhall be adminiſtered without Fee or Reward by the Alderman of each reſpective Ward for the Time being, or his Deputy: And if any Collector choſen in purſuance of this Act ſhall refuſe or neglect to take the ſaid Oath, or (being One of the Perſons called Quakers) to make the ſaid Affirmation, or to take upon himſelf the ſaid Office, or after having taken upon himſelf the ſaid Office, ſhall refuſe or neglect to ſerve and execute the ſame, according to the true Intent and Meaning of this Act, he ſhall, for every ſuch Refuſal or Neglect, forfeit and pay the Sum of Fifty Pounds; and ſhall, nevertheleſs, continue liable to be choſen into the ſaid Office again the Year following, or at any other Time, and ſhall be liable to the like Penalty ſo often as he ſhall thereupon refuſe or neglect to take upon him, and duly to execute the ſame.

In caſe of Refuſal or Neglect to take the Office, the Alderman, &c. of the Ward, &c. may appoint others.

LXIII. And it is hereby further enacted, That when and as often as any Perſon ſhall refuſe or neglect to take upon him the ſaid Office, or to execute the ſame when choſen, or ſhall die, or remove out of the Ward in and for which he ſhall be ſo choſen and appointed, before he has finiſhed his Collection; then, and in every or any ſuch Caſe, it ſhall and may be lawful to and for the Alderman of ſuch Ward for the Time being, or his Deputy, with the major Part of the Common Councilmen of the ſaid Ward, by Appointment under their Hands and Seals, to nominate and appoint ſome other fit and proper Perſon within ſuch Ward to collect the ſaid Rates therein, or ſuch Sum or Sums of Money as ſhall remain due and unpaid thereof: And if ſuch other Perſon ſo appointed ſhall refuſe or neglect to take and ſubſcribe the ſaid Oath, or (being One of the Perſons called Quakers) to make the ſaid Affirmation, or to ſerve and execute the ſaid Office; then, and in every ſuch laſt-mentioned Caſe, every Perſon ſo refuſing or neglecting ſhall be liable to the like Penalty of Fifty Pounds, as if he had been choſen into the ſaid Office at the Wardmote as aforeſaid.

Perſons not to ſerve who are by Law exempted.

LXIV. Provided always, and it is hereby further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to oblige any Perſon or Perſons to ſerve the ſaid Office of Collector, who, by the Laws now in being, is or are exempted from ſerving any Ward Office.

On Refuſal or Neglect of Aldermen to do any Act, Commiſſioners impowered to execute the ſame.

LXV. Provided alſo, and it is hereby further enacted, That if the Alderman of any Ward of the ſaid City, or his Deputy, and the major Part of the Common Councilmen of ſuch Ward, ſhall at any Time refuſe or neglect to do and perform all or any of the Matters and Things which they are hereby reſpectively directed or impowered to do or perform, within the Space of Fourteen Days next after they ſhall reſpectively be ordered or required to do or perform the ſame by the ſaid Commiſſioners, in purſuance of this Act; or if any Matter or Thing ſo directed to be done or performed, ſhall not or cannot legally be done within the ſaid Fourteen Days; then, and in any ſuch Caſe, ſo often as the ſame ſhall happen, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authoriſed, impowered, and directed to do and perform all ſuch Matters and Things, as fully and effectually as the Aldermen of the reſpective Wards, or their Deputies, and the major Part of the Common Council of ſuch Wards, might or could do or perform the ſame, any Thing herein contained to the Contrary thereof in any-wiſe notwithſtanding.

If no Collector be appointed, Commiſſioners to appoint.

LXVI. Provided alſo, and it is hereby further enacted, That in caſe it ſhall at any Time or Times hereafter happen that no Collector, or ſufficient Number of Collectors of the Rates and Aſſeſſments, ſhall be choſen and appointed in any Ward of this City, in Manner herein-before directed; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authoriſed, impowered, and directed, to nominate and appoint fit and able Perſons, being Inhabitants of ſuch Ward, to collect and receive the ſaid Rates and Aſſeſſments; which Perſons, to be nominated and appointed by the ſaid Commiſſioners, ſhall, and they are hereby impowered and enjoined to collect and pay the ſame into the ſaid Chamber of London, and to do and perform all other Matters and Things which the Collectors nominated and appointed by, or at the Wardmote of ſuch Ward, are hereby before authoriſed to do or perform, and ſhall be ſubject and liable to the ſame Penalties for Neglect of Duty as ſuch laſt-mentioned Collectors are herein-before made ſubject or liable to; any Thing herein contained to the Contrary thereof in any-wiſe notwithſtanding.

Time for Night-carts, &c. limited.

LXVII. And be it further enacted, That if any Perſon or Perſons ſhall come with any Night Cart or Carts, or begin to empty any Bog-houſe or Bog-houſes, or to take away any Night-ſoil from any Houſe or Houſes within any of the Streets, Lanes, Squares, Courts, Yards, Alleys, Paſſages, and Places, within the ſaid City and Liberties, before the Hour of Eleven of the Clock in the Night, or ſhall continue to take away ſuch Soil after the Hour of Five in the Morning; or if any Perſon or Perſons ſhall put or caſt any ſuch Soil, or wilfully or negligently permit the ſame to run out of any Cart, Tub, or Pail, or otherwiſe, into any of the ſaid Streets, Lanes, Squares, Courts, Yards, Alleys, Paſſages, or Places; then, and in every ſuch Caſe, it ſhall and may be lawful to and for any Conſtable, Beadle, or Watchman, (and they, and each and every of them, is hereby required and enjoined ſo to do), and to and for every or any other Perſon or Perſons whomſoever, to apprehend the Perſon or Perſons ſo offending, and to carry him, her, or them, to One of the Compters of the ſaid City, the Keepers whereof reſpectively are hereby required to take ſuch Offender or Offenders into Cuſtody, and thereafter, as ſoon as conveniently may be, convey him, her, or them, before One or more of the Aldermen of the ſaid City, who, upon Oath made of ſuch Offence or Offences reſpectively, (which Oath ſuch Alderman or Aldermen is and are hereby impowered and required to adminiſter), ſhall and may commit ſuch Offender or Offenders to the Bridewell of the ſaid City for any Time not exceeding One Month, nor leſs than Ten Days, there to be kept to hard Labour; and the ſaid Commiſſioners are hereby authoriſed to order any Sum, not exceeding Twenty Shillings, nor leſs than Five Shillings, to be paid out of the ſaid Rates to be raiſed by virtue of this Act to the Perſon or Perſons by whom the ſaid Offender or Offenders ſhall be ſo detected, apprehended, and conveyed to One of the ſaid Compters.

Penalty on Sugar-bakers and Soap-boilers throwing Lime or Clay into the Streets.

LXVIII. And be it further enacted, That if any Sugar-baker, Sugar-refiner, Soap-boiler or Soap-maker, or any other Perſon or Perſons, ſhall depoſit, or cauſe to be depoſited, any Lime or Clay uſed in his, her, or their Trade, in any of the publick Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, or Places, within the ſaid City, or Liberties thereof, and ſuffer the ſame to remain for any longer Time than is neceſſary for the Purpoſe of loading or carting away the ſame; or ſhall depoſit or throw, or permit or ſuffer to be depoſited or thrown, any ſuch Lime or Clay in or into any of the Channels within the ſaid City or Liberties; then, and in every ſuch Caſe, every ſuch Sugar-baker, Sugar-refiner, Soap-boiler, Soap-maker, or other Perſon or Perſons ſo offending, ſhall, for the Firſt Offence, forfeit and pay the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and, for the Third and every other Offence the Sum of Five Pounds.

Rate for repairing and cleanſing and keeping in Repair Sewers and Drains.

LXIX. And be it further enacted, That for defraying the Expence of repairing and cleanſing the publick Sewers, Drains, and Vaults, which now are or hereafter ſhall be within the ſaid City and Liberties, it ſhall and may be lawful to and for the ſaid Commiſſioners, by Writing under their Hands and Seals, or the Hands and Seals of Seven or more of them, to make, lay, and aſſeſs, One or more Rate or Rates, Aſſeſſment or Aſſeſſments, upon all and every Perſon and Perſons who do or ſhall inhabit, hold, occupy, poſſeſs, or enjoy any Land, Houſe, Shop, Warehouſe, Cellar, Vault, or other Tenements or Hereditaments, within the ſaid City or Liberties, for raiſing ſuch competent Sum or Sums of Money as the ſaid Commiſſioners ſhall, from Time to Time, think needful; ſo as ſuch Rates or Aſſeſſments do not, in any One Year, exceed the Sum of

Four-pence in the Pound of the real yearly Rack Rents of the ſaid Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements or Hereditaments reſpectively: And the ſeveral and reſpective Tenant or Tenants, Occupier or Occupiers, of all ſuch Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, Tenements, or Hereditaments, who ſhall be rated for the Purpoſe laſt above mentioned, are hereby required and authoriſed to pay ſuch Sum and Sums of Money as ſhall be rated upon him, her, or them, in reſpect of ſuch Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements or Hereditaments reſpectively, to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall, from Time to Time, appoint to collect and receive the ſame, and to deduct the ſame out of his, her, or their Rent; and the Landlord or Landlords, mediate and immediate, according to their reſpective Intereſts, are hereby required to allow ſuch Deductions and Payments, upon Receipt of the Reſidue of their Rents.

Commiſſioners to appoint Collectors.

LXX. And to the End that the ſaid laſt-mentioned Rates and Aſſeſſments may be fully rated and paid, it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby directed, from Time to Time, to nominate and appoint a ſubſtantial Perſon or Perſons to collect the ſaid Rates and Aſſeſſments; and ſhall and may allow unto ſuch Collector or Collectors ſuch reaſonable Recompence or Satisfaction for his or their Trouble therein as to the ſaid Commiſſioners ſhall ſeem meet.

Commiſſioners to repair and cleanſe Sewers, &c. in certain Places out of the Liberties of the City.

LXXI. And whereas there are ſeveral Places within the ſaid City and Liberties which are not ſubject to the Juriſdiction thereof, but in which the Commiſſioners of Sewers for the ſaid City and Liberties have exerciſed the Power of repairing and cleanſing the publick Sewers, Vaults, and Drains, and of aſſeſſing the Inhabitants and Occupiers of Lands, Houſes, Shops, Warehouſes, Cellars, and other Hereditaments, towards the Expence thereof, in the ſame Manner as the Inhabitants of the ſaid City and Liberties have been aſſeſſed; be it enacted, That from and after the paſſing of this Act, it may be lawful to and for the ſaid Commiſſioners, from Time to Time, and they are hereby authoriſed and impowered, at any publick Meeting, to order and direct the repairing and cleanſing all and every the publick Sewers, Vaults, and Drains, within the Places aforeſaid, when and as often as the ſaid Commiſſioners ſhall judge fit and neceſſary, and alſo to make ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, as aforeſaid, for defraying the Expences thereof, on the ſeveral Tenants or Occupiers of Lands, Houſes, Shops, Cellars, Warehouſes, and other Tenements and Hereditaments, within the ſaid ſeveral Places, to be in like Manner deducted by and allowed to them by their reſpective Landlord or Landlords.

Sugar-bakers, &c. not to throw Lime into the Sewers.

LXXII. And be it further enacted, That if any Sugar-baker or Sugar-refiner, Soap-boiler or Soap-maker, or any other Perſon or Perſons whatſoever, ſhall convey, throw, or cauſe, or permit, or ſuffer to be conveyed or thrown, any Lime or Clay uſed in his, her, or their Trade, into any of the publick Sewers, Drains, or Vaults, which now are, or hereafter may be made, within the ſaid City and Liberties, or into any publick Sewer, Drain, or Vault, without the ſaid Liberties, which have been, or now are, or ſhall hereafter be under the Management or Direction of the ſaid Commiſſioners, every ſuch Sugar-baker or Sugar-refiner, Soap-boiler or Soap-maker, or other Perſon or Perſons ſo offending, ſhall, for the Firſt Offence, forfeit and pay the Sum of Forty Shillings, for the Second Offence the Sum of Five Pounds, and for the Third and every other Offence the Sum of Ten Pounds; and ſhall alſo pay all ſuch Coſts, Charges, Damages, and Expences, which the ſaid Commiſſioners ſhall or may be put unto for or on account of the opening, ſcouring, cleanſing, cloſing up, and paving over the Sewer or Sewers, Drain or Drains, Vault or Vaults, into which the ſame ſhall be by him, her, or them, conveyed or thrown into, as aforeſaid; to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or within the ſaid City, in the Name of the principal Clerk to the ſaid Commiſſioners for the Time being; in which Action or Suit no Protection, Eſſoin, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Account to be kept for cleanſing and repairing Sewers, &c.

LXXIII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall, and they are hereby required to keep a ſeparate and diſtinct Account of all the Money raiſed for the Purpoſes of cleanſing and ſupporting of all publick Sewers, Vaults, and Drains, and the Expenditure thereof.

The Collectors impowered to diſtrain in caſe of Non-payment.

LXXIV. And it is hereby further enacted and declared, That if any Perſon or Perſons, who ſhall be rated or aſſeſſed by virtue or in purſuance of this Act, ſhall, by the Space of Ten Days next after his, her, or their reſpective Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be due and demanded by the Collector or Collectors authoriſed and appointed to collect and receive the ſame, (ſuch Demand being either perſonally made to the reſpective Perſon or Perſons ſo charged, or left in Writing at his, her, or their reſpective Houſe or Houſes, or Place or Places of Abode); then, and in every ſuch Caſe, it ſhall and may be lawful to and for ſuch Collector or Collectors, every or any of them, having a Warrant or Warrants under the Hand and Seal of the ſaid Commiſſioners, or any Three of them, (which Warrant or Warrants the ſaid Collector and Collectors is and are hereby required to apply for, and the ſaid Commiſſioners, or any Three of them, are hereby authoriſed and required to grant), and, with the Aſſiſtance of a Conſtable, or other Peace-officer of the Ward, County, City, or Liberty, where the Perſon or Perſons ſo refuſing or neglecting ſhall reſide, to enter his, her, or their Houſe or Houſes, Apartment or Apartments, and then and there to diſtrain his, her, or their Goods and Chattels; and if the ſame ſhall not be replevied, or ſuch Rate or Aſſeſſment paid, within Five Days next after ſuch Diſtreſs made, together with the Coſts and Charges thereof, then to appraiſe and ſell ſo much and ſuch Part of the ſaid Goods and Chattels as ſhall be ſufficient to pay the ſaid Rate or Aſſeſſment, with the Coſts and Charges attending ſuch Diſtreſs and Sale, returning the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels; the ſaid Coſts and Charges to be ſettled and allowed by the ſaid Commiſſioners, or any Three or more of them, who ſhall have granted ſuch Warrant or Warrants reſpectively, Warrants of Diſtreſs to be backed.

LXXV. Provided always, That no ſuch Diſtreſs ſhall, by virtue of this Act, be made out of the Limits of the ſaid City and Liberties thereof, unleſs ſuch Warrant or Warrants reſpectively ſhall be firſt backed or counterſigned by ſome Magiſtrate of the County, City, or Liberty, where ſuch Diſtreſs is propoſed to be made; which Warrant or Warrants any Magiſtrate who ſhall be applied to for that Purpoſe ſhall forthwith back or counterſign, without Fee or Reward.

Diſtreſs not to be deemed unlawful for want of Form, nor the Party be deemed a Treſpaſſer *ab initio*.

LXXVI. And be it further enacted, That where any ſuch Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Default or want of Form in any Proceedings relating thereto, nor ſhall the Party or Parties be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties deſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satiſfaction for the Special Damage by an Action on the Caſe.

Plaintiff not to recover if Tender of Amends is made.

LXXVII. Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for ſuch Irregularity, Treſpaſs, or other Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, any ſuch Irregularity, Treſpaſs, or wrongful Proceedings, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall think fit, whereupon ſuch Proceedings or Orders and Judgements ſhall be had, made, and given in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Penalties on Perſons neglecting their Duty in granting or executing any Warrant.

LXXVIII. And it is hereby further enacted, That if any ſuch Collector or Collectors ſhall refuſe or neglect to apply for ſuch Warrant or Warrants as aforeſaid, or to make ſuch Diſtreſs and Sale purſuant to the Directions of this Act, except in Caſes where ſuch Diſtreſs ſhall be diſpenſed with by the Alderman, or his Deputy, and the major Part of the Common Councilmen of each reſpective Ward, by Writing under their Hands, in reſpect of the Poverty of the Party or Parties aſſeſſed, ſuch Collector or Collectors ſhall, for every ſuch Refuſal or Neglect, forfeit and pay the Sum of Five Pounds; and if any Juſtice of the Peace, upon ſuch Application to him made, to back or counterſign ſuch Warrant or Warrants as aforeſaid, ſhall refuſe or neglect ſo to do, ſuch Juſtice ſhall, for every ſuch Refuſal or Neglect, forfeit and pay the Sum of Five Pounds; and if any Conſtable, being called upon by any Collector or Collectors, having ſuch Warrant or Warrants, ſhall refuſe or neglect to aid and aſſiſt him or them in making ſuch Diſtreſs and Sale, he ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Freemen not paying the Rates incapable of voting at Elections.

LXXIX. And, for the more effectual enforcing the Payment of the ſaid Rates and Aſſeſſments for the Purpoſes aforeſaid, it is hereby further enacted, That if any Freeman of London, liable to pay the ſaid Rates and Aſſeſſments, or any Re-aſſeſſments which ſhall and may be made in the Caſes herein-before or after-mentioned, ſhall have neglected or refuſed to pay the ſame, or any Part thereof, after ſuch Demand as aforeſaid; or if any ſuch Freeman ſhall, for or in reſpect of Poverty or Inability, have deſired to be excuſed, and accordingly ſhall have been excuſed, from paying any ſuch Rate, Aſſeſſment, or Re-aſſeſſment; then, and in every ſuch Caſe, every ſuch Freeman ſhall be under the ſame Incapacity of voting at Elections within the City of London as any Perſon or Perſons now is or are who do not pay their Scot and Lot to any of the yearly Rates and Aſſeſſments, to which the Citizens of London are at this Time, or ſhall hereafter become liable.

Appeal to the Commiſſioners allowed.

LXXX. Provided always, and it is hereby declared and enacted, That any Perſon or Perſons who ſhall think him, her, or themſelves aggrieved by any Rate or Aſſeſſment to be made by virtue or in purſuance of this Act, may, within the Space of Thirty Days next after ſuch Rate and Aſſeſſment ſhall have been demanded as aforeſaid, appeal to the ſaid Commiſſioners, and they are hereby authoriſed and required forthwith to appoint a Day for hearing ſuch Appeal, and the Party or Parties ſo appealing ſhall give Three Days Notice at the leaſt of the Day ſo appointed to the Alderman of the Ward in which the ſaid Aſſeſſment ſhall have been made, or to his Deputy; and ſuch Notice having been given, the ſaid Commiſſioners ſhall and may, upon the Day ſo appointed, proceed to hear and determine ſuch Appeal, and their Determination ſhall be final, and no Fees ſhall be paid on the making, hearing, or determining of ſuch Appeal.

If any Alderman neglect to aſſeſs, Commiſſioners to hear and determine Complaints of Inhabitants, upon any Deficiency of Rate, or Omiſſion.

LXXXI. Provided alſo, and it is hereby further enacted and declared, That if the Alderman of any Ward within the ſaid City of London, or his Deputy, with the major Part of the Common Councilmen of the ſaid Ward, ſhall, at any Time or Times hereafter, in any Rates or Aſſeſſments by them to be made by virtue and in purſuance of this Act, neglect or omit to rate or aſſeſs any Perſon or Perſons liable to ſuch Rates or Aſſeſſments, or ſhall neglect or omit to rate or aſſeſs any Lands, Tenements, or Hereditaments, or the Inhabitants or Occupiers thereof, within their Ward, in Proportion to the yearly Rent of ſuch Lands, Tenements, or Hereditaments reſpectively, as the ſame ſhall be aſcertained and rated in the Rate or Aſſeſſment towards the Land Tax; then, and in every ſuch Caſe, upon Complaint thereof made by any Inhabitant of the ſaid City to the ſaid Commiſſioners, they are hereby authoriſed and required forthwith to appoint a Day for hearing ſuch Complaint, and the Party or Parties complaining ſhall give Three Days Notice at the leaſt of the Day ſo appointed to the Alderman of the Ward to which ſuch Complaint ſhall relate, or to his Deputy; and ſuch Notice having been given, the ſaid Commiſſioners ſhall and may proceed to hear and determine ſuch Complaint, and for that Purpoſe ſhall and may ſummon Witneſſes before them, and examine ſuch Witneſſes upon Oath, (which Oath the ſaid Commiſſioners are hereby authoriſed and impowered to adminiſter); and if the ſaid Commiſſioners ſhall judge the Matter of ſuch Complaint to be true, they ſhall make ſuch Alterations in the ſaid Rate or Aſſeſſment as ſhall be juſt.

The Money collected to be paid into the Chamberlain's Office.

LXXXII. And it is hereby further enacted, That every Collector of the Rates and Aſſeſſments for the Purpoſes of paving, cleanſing, and lighting the ſaid City and Liberties, and for making, enlarging, widening, deepening, altering, and removing the common Sewers, publick Drains and Vaults within the ſame, ſhall, from Time to Time, pay the Monies ariſing therefrom, as he ſhall receive the ſame, to the Chamberlain of the ſaid City of London for the Time being; and, upon every ſuch Payment, the ſaid Chamberlain, or One of his Clerks, ſhall, without Fee or Reward, ſign and give Receipts in Writing to ſuch Collector, expreſſing his Name, the Sum paid, and the Name of the Ward to which the ſaid Collector ſhall belong; and if ſuch Collector ſhall, at any Time, keep and retain in his Hands, of the Monies ſo to be collected by him, the Sum of Twenty Pounds or upwards, above Two Days, (the Chamber of London being within that Time open to receive the ſame); then, and ſo often, ſuch Collector ſhall forfeit and pay the Sum of Ten Shillings for every Day he ſhall retain the ſaid Sum of Twenty Pounds or upwards beyond the ſaid Two Days.

Collectors to deliver in an Account in Writing under their Hands.

LXXXIII. And it is hereby further enacted by the Authority aforeſaid, That every Collector to be appointed by virtue or in purſuance of this Act to collect the Rates and Aſſeſſments for the paving, cleanſing, and lighting the ſaid City and Liberties, and for making, enlarging, widening, deepening, altering, and removing the common Sewers, publick Drains and Vaults within the ſame, ſhall, upon Three Days Notice, in Writing, given to or left for him, at his uſual Place of Abode, by the Alderman of the Ward to which ſuch Collector ſhall belong, or his Deputy, attend the ſaid Alderman, or his Deputy, at ſuch Time and Place, within their Ward, as he ſhall appoint, or upon Notice in Writing to be be given or left as aforeſaid by the Clerk to the ſaid Commiſſyoners, ſhall attend the ſaid Commiſſioners, at ſuch Place as they ſhall appoint in ſuch Notice, and then and there, if required, deliver to ſuch Alderman, or his Deputy, or to the ſaid Commiſſioners, upon Oath, (or if ſuch Collector be a Quaker, then upon his ſolemn Affirmation, which Oath or Affirmation ſuch Alderman, or Deputy, is, or the ſaid Commiſſioners are, hereby impowered to adminiſter), a true, exact, and perfect Account, in Writing, under the Hand of ſuch Collector, of all Sums of Money which he ſhall then have received by reaſon of the ſaid Office; and alſo a true Liſt of the Names of all Perſons within his Ward who ſhall have refuſed or neglected to pay his, her, or their ſaid Rates or Aſſeſſments, with a true Account of the ſeveral Sums of Money which ſuch Perſons ſhall reſpectively be in arrear, to the Intent that the ſame may be ſpeedily got in and recovered: And if any Collector, after ſuch reſpective Notices given as aforeſaid, ſhall refuſe or neglect to attend or deliver in his Accounts as aforeſaid, or to produce and deliver in the Vouchers relating to the ſame, or to account for any Sum or Sums of Money by him collected or received, and to pay the ſame, and every Part thereof, as is herein above directed; then, and in every ſuch Caſe, ſuch Collector ſhall, for every ſuch Refuſal or Neglect, forfeit and pay ſuch Sum of Money as the Rates and Aſſeſſments, which he ſhall have been intruſted or authoriſed to collect, ſhall amount unto, after deducting the Amount of the Sum or Sums by him actually paid to the Chamberlain of the ſaid City for the Time being; which Forfeiture ſhall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, to be commenced and proſecuted in the Name of the principal Clerk of the ſaid Commiſſioners for the Time being; in which Action or Suit ſuch Collector ſhall be held to Special Bail, and no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Collectors refuſing to account, the ſame to be levied by Diſtreſs and Sale.

LXXXIV. Provided always, and it is hereby further enacted and declared, That if any Collector or Collectors of any of the ſaid Rates and Aſſeſſments ſhall have in his or their Hands any of the ſaid Rates or Aſſeſſments, collected by him or them, and ſhall refuſe to account for and pay the ſame as aforeſaid, it ſhall and may be lawful to and for any Juſtice of the Peace for the ſaid City, by Warrant under his Hand and Seal, to cauſe ſuch Collector or Collectors to be brought before him, to hear and determine the Matter of ſuch Complaint in a ſummary Way; and if upon the Confeſſion of ſuch Collector or Collectors, or the Teſtimony of any credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice is hereby impowered and required to adminiſter), it ſhall appear to him that any of the Monies which ſhall have been collected and raiſed by virtue of this Act ſhall then be in the Hands of ſuch Collector or Collectors, and that he or they refuſeth or refuſe to pay the ſame, according to the true Intent and Meaning of this Act, the ſaid Juſtice is hereby authoriſed and required, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Collector or Collectors reſpectively; and if no Goods or Chattels of ſuch Collector or Collectors can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of ſuch Diſtreſs and Sale, then the ſaid Juſtice may and ſhall commit ſuch Collector or Collectors to One of the Compters of the ſaid City, there to be detained and kept, without Bail or Mainprize, until he or they ſhall pay the ſame, or ſuch Compoſition as the ſaid Commiſſioners ſhall agree to accept in full, which Compoſition ſuch Commiſſioners are hereby impowered to make.

Commiſſioners to ſummon and examine Collectors, upon Oath, touching any Complaint or Neglect of Duty.

LXXXV. And it is hereby further enacted, That every Collector to be appointed by virtue or in purſuance of this Act to collect the Rates and Aſſeſſments for the Purpoſes of paving, cleanſing, and lighting the ſaid City and Liberties, and for making, enlarging, widening, deepening, altering, and removing the common Sewers, publick Drains and Vaults within the ſame, ſhall, upon Three Days Notice, in Writing, given to or left for him, at his uſual Place of Abode, by the Clerk of the ſaid Commiſſioners, attend the ſaid Commiſſioners at ſuch Time and Place as ſhall be appointed in ſuch Notice, and then and there, if required, anſwer upon Oath, (or if ſuch Collector ſhall be a Quaker, then upon his ſolemn Affirmation, which Oath or Affirmation ſuch Commiſſioners, or any Two of them, are hereby impowered to adminiſter), touching any Neglect of Duty, or other Matters of Complaint againſt him; and if any ſuch Collector ſhall refuſe or neglect to attend on ſuch Notice as aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authoriſed and required, by Warrant under their Hands and Seals, or the Hands and Seals of any Three or more of them, to cauſe ſuch Collector to be brought before them, and to hear and determine the Matter of ſuch Complaint in a ſummary Way; and if ſuch Collector ſhall not ſhew good Cauſe of Excuſe, to the Satiſfaction of the ſaid Commiſſioners, for his neglecting or refuſing to attend on ſuch Notice as aforeſaid, he ſhall, for every ſuch Neglect or Refuſal, forfeit and pay the Sum of Forty Shillings; to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Collector; and if no Goods and Chattels of ſuch Collector can be found ſufficient to anſwer and ſatiſfy the ſame, and the Charges of ſuch Diſtreſs and Sale, then the ſaid Commiſſioners, by their Warrant as aforeſaid, may and ſhall commit ſuch Collector to any of the Compters of the ſaid City, there to be detained and kept for any Time not longer than One Month, nor leſs than fourteen Days.

In caſe of Collectors becoming Bankrupts, Executors or Aſſignees to pay the Money.

LXXXVI. And it is hereby further enacted, That if any Collector or Collectors, appointed in purſuance of this Act to collect the ſaid Rates and Aſſeſſments, ſhall happen to die, or become Bankrupt, before he or they ſhall have fully paid and ſatisfied all the Money by him or them received, by virtue of this Act, or ſuch Compoſition for the ſame, as aforeſaid; then, and in every ſuch Caſe, the Executors or Adminiſtrators, Executrix or Adminiſtratrix, or other legal Repreſentative or Repreſentatives of ſuch Collector or Collectors, or other Perſon or Perſons poſſeſſing his or their Eſtate and Effects, ſhall, in the Firſt Place, out of ſuch Eſtate and Effects, pay unto the Chamberlain of the ſaid City of London for the Time being all ſuch Sums of Money as were in the Hands of ſuch Collector or Collectors at the Time of his or their Death; and the Aſſignee or Aſſignees of his or their Eſtate and Effects, in caſe of Bankruptcy, ſhall, after paying to the petitioning Creditor or Creditors his, her, or their Coſts of ſuing out and proſecuting the Commiſſion againſt ſuch Bankrupt or Bankrupts, in the next Place, pay unto the ſaid Chamberlain all ſuch Sums of Money as were in the Hands of ſuch Collector or Collectors at the Time of the ſuing out of any ſuch Commiſſion of Bankruptcy againſt him or them, or ſo much thereof as the ſaid Eſtate or Effects will extend to pay, and the Receipt of the ſaid Chamberlain ſhall be a good Diſcharge for the ſaid Money; and every Executor and Adminiſtrator, Aſſignee or Aſſignees, or other Perſon as aforeſaid, may, to any Action or Suit, commenced and brought againſt him or them, plead, or give in Evidence the Payment of the ſame, and ſhall be allowed ſuch Payment out of the Eſtate and Effects of ſuch Collector or Collectors, prior to any other Debt or Demand whatſoever; and in caſe of Nonpayment of the ſame by the Space of One Month after the ſame ſhall be demanded, it ſhall and may be lawful to and for the ſaid Commiſſioners to commence and proſecute One or more Action or Actions for the ſame, in the Name of the principal Clerk of the ſaid Commiſſioners for the Time being, in any of His Majeſty's Courts of Record, againſt ſuch Executors or Adminiſtrators, Aſſignee or Aſſignees, or other Perſon as aforeſaid.

If Collectors or Receivers become inſolvent, &c. the Money to be again aſſeſſed.

LXXXVII. And to the Intent that ſubſtantial Perſons may be choſen and appointed Collectors in each Ward, it is hereby further enacted, That in caſe any ſuch Collector or Receiver ſhall become inſolvent, or ſhall embezzle or make away with, detain, or miſapply any Sum or Sums of Money, ſo collected by him, ſo that the ſame cannot be recovered, or ſhall die poſſeſſed of any ſuch Sum or Sums of Money, and the ſame ſhall not be paid by his Executors or Adminiſtrators; then, and in every ſuch Caſe, ſuch Sum and Sums of Money ſhall be again rated and aſſeſſed on the Inhabitants of the Ward for which ſuch Perſon was choſen and appointed Collector, by the Alderman of ſuch Ward, or his Deputy, with the major Part of the Common Councilmen of the ſaid Ward, in ſuch Proportion and Manner as the ſaid Rates are directed to be made by this Act, and ſhall be collected and levied in ſuch Manner, and under ſuch Penalty, as are herein provided for collecting and levying the ſaid original Rate and Aſſeſſment.

Penalty on interrupting Workmen.

LXXXVIII. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time or Times, obſtruct, hinder, or moleſt, any of the ſaid Commiſſioners, or any Surveyor or Surveyors, or other Officer or Officers, Workmen, Perſon or Perſons whomſoever, who ſhall be employed, by virtue of this Act, in the Performance or Execution of their Duty, every ſuch Perſon ſo offending ſhall, for the Firſt Offence, forfeit and pay the Sum of Five Shillings, for the Second the Sum of Twenty Shillings, and for the Third and every other Offence the Sum of Five Pounds.

Chamberlain to pay all Sums of Money by Order of the Commiſſioners, and to make Entries,

LXXXIX. And it is hereby further enacted, That the Chamberlain of the ſaid City of London for the Time being ſhall and may, and is hereby authoriſed and required, out of the Monies collected and paid into the Chamber of the ſaid City, purſuant to this Act, to pay all Sums of Money which the ſaid Commiſſioners ſhall from Time to Time, draw upon him for, or order him to pay; and the ſaid Chamberlain for the Time being ſhall, and he is hereby required to keep regular and clear Entries, in a Book or Books to be for that Purpoſe by him provided and kept, of all and ſingular his Receipts and Payments on account or in purſuance of this Act, to which Book or Books every Citizen of London, liable to the ſaid Rates, ſhall and may have free Acceſs, at all convenient Times, with full Liberty to inſpect the ſame, without Fee or Reward; and alſo that the ſaid Chamberlain for the Time being ſhall, Once in every Year, have the ſaid Accounts audited and paſſed by the ſaid Commiſſioners, and ſhall deliver Copies of the ſaid Accounts to each Houſe of Parliament, within Twenty Days after the opening of every Seſſion.

Commiſſioners impowered to borrow Money upon the Credit of the Rates.

XC. And for the more effectually enabling the ſaid Commiſſioners to execute the Purpoſes of this Act in the moſt expeditious Manner, it is hereby further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby impowered, from Time to Time, when they ſhall judge it neceſſary for the Purpoſes of paving, cleanſing, and lighting, the ſaid City and Liberties, and of making, enlarging, widening, deepening, altering, and removing, the common Sewers, publick Drains and Vaults within the ſame, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding Forty thouſand Pounds, upon the Credit of the Rates or Aſſeſſments to be made and payable for the ſaid Purpoſes, by virtue of this Act, and by any Writing or Writings, upon Vellum or Parchment, ſigned by them, to aſſign the ſaid Rates or Aſſeſſments to any ſuch Perſon or Perſons who ſhall advance or lend ſuch Money thereon, as a Security or Securities for the ſeveral Sums ſo borrowed, with legal or lower Intereſt for the ſame, which Intereſt ſhall be payable and paid half-yearly, by the Chamberlain of the ſaid City for the Time being, out of the Monies to ariſe by or from the ſaid Rates or Aſſeſſments.

Money may be borrowed by Annuities on Lives.

XCI. And whereas many Perſons may chuſe to advance Money for the Purchaſe of Annuities, to be ſecured upon, and payable out of, the ſaid Rates and Aſſeſſments, it is hereby further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay into the Hands of the ſaid Commiſſioners, for the Purpoſes of paving, cleanſing, and lighting, the ſaid City and Liberties, and of making, enlarging, widening, altering, and removing, the common Sewers, publick Drains, and Vaults, within the ſame, any Sum or Sums of Money, not exceeding in the Whole the Sum of Sixty thouſand Pounds, over and above all ſuch Sums as have been already borrowed for the Purpoſes of paving, cleanſing, and lighting the ſaid City and Liberties, for the abſolute Purchaſe of One or more Annuity or Annuities for the natural Life of ſuch Perſons, being of the Age of Forty-five Years, or upwards, as ſhall be nominated by or on Behalf of ſuch reſpective Contributors, at the Time of Payment of their reſpective Contribution-monies; which Annuity or Annuities ſhall not exceed the Rate of Eight Pounds per Centum per Annum for every One hundred Pounds, or for the abſolute Purchaſe of One or more Annuity or Annuities for the natural Life of ſuch Perſon, being of the Age of Sixty Years, or upwards, as ſhall be ſo nominated, which laſt Annuity or Annuities ſhall not exceed the Rate of Ten Pounds per Centum per Annum for every One hundred Pounds; all which Annuities, ſo to be purchaſed, ſhall be payable and paid by the ſaid Chamberlain of the ſaid City for the Time being, out of the Monies to ariſe by or from the ſaid Rates and Aſſeſſments, by Four equal quarterly Payments; the Firſt Payment to be made to the reſpective Purchaſers, or their Aſſigns, at the Expiration of the Firſt Quarter after Payment of their reſpective Purchaſe-monies, the Rate whereof ſhall be ſettled and adjuſted by a publick Sale of the ſaid Annuities by the ſaid Commiſſioners, to the beſt Bidder for the ſame.

If Annuitants die, other Perſons may purchaſe Annuities for their Lives.

XCII. Provided always, and it is hereby further enacted, That when, and as often as any of the Perſons, for whoſe Lives any Annuities have been purchaſed by virtue of or under any of the ſaid recited Acts, or for whoſe Lives any Annuities ſhall or may be purchaſed by virtue of or under this preſent Act, ſhall happen to die, it ſhall and may be lawful to and for the ſaid Commiſſioners to ſell and grant One or more Annuity or Annuities for the Lives of other Nominees, upon the Terms aforeſaid, ſo that the whole of the Monies paid for the Purchaſe of ſuch Annuities, then actually exiſting, doth not exceed the Sum of One hundred and ſeventy-five thouſand Pounds; any Thing herein before contained to the Contrary thereof in any-wiſe notwithſtanding.

Clerk to enter all Securities for Monies borrowed, or Annuities granted.

XCIII. And it is hereby further enacted, That the Clerk of the ſaid Commiſſioners for the Time being ſhall enter in a Book or Books, to be for that Purpoſe provided and kept by the ſaid Commiſſioners, all Securities for Money borrowed, or Annuities granted, by virtue or in purſuance of this Act, and all Aſſignments or Transfers thereof, expreſſing, in Words at Length, the Names, Surnames, Additions, Places of Abode, and other Deſcriptions, of all ſuch Perſons as ſhall, from Time to Time, be intitled to ſuch Securities, and the Sums received upon ſuch Securities, and alſo the Names, Surnames, Additions, Places of Abode, and other Deſcriptions of the Perſons for whoſe Lives the ſaid Annuities ſhall be reſpectively granted, and the Days whereon the ſaid Annuities ſhall reſpectively be payable; to which Book and Books the Perſon and Perſons intitled to and poſſeſſed of ſuch Annuities, and all and every the Perſon and Perſons liable to the Payment of the ſaid Rates and Aſſeſſments, ſhall, at all ſeaſonable Times, have Acceſs, with free Liberty to inſpect the ſame, without Fee or Reward.

Annuities ſhall not be liable to Taxes.

XCIV. And it is hereby further enacted, That all and every Perſon and Perſons, who ſhall purchaſe ſuch Annuity or Annuities, and ſhall duly pay the Purchaſe-monies for the ſame, at the Rates aforeſaid, and his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall have, receive, and enjoy the reſpective Annuity or Annuities ſo purchaſed, during the Term of the natural Life or Lives of the Perſon or Perſons by them reſpectively nominated at the Time of ſuch Purchaſe, and ſhall have good, ſure, abſolute, and indefeaſible Eſtates and Intereſts in the ſaid Annuities reſpectively, according to the true Tenor and Meaning of this Act; and that none of the ſaid Annuities ſhall be ſubject or liable to any Tax aſſeſſed upon Land by Authority of Parliament; and every ſuch Purchaſer ſhall, upon Payment of his or her Purchaſe-money, as aforeſaid, have an Order on Parchment or Vellum for Payment of the Annuity or Annuities ſo purchaſed by him or her, for and during the natural Life or Lives of ſuch Perſon or Perſons as ſhall be nominated by him or her as aforeſaid, which Order ſhall be ſigned by the ſaid Commiſſioners; and, after ſigning thereof, ſhall be firm, good, valid, and effectual in the Law, according to the Purport and Meaning thereof, and of this Act.

Securities may be aſſigned.

XCV. And it is hereby further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons, intitled to any of the Securities aforeſaid, and his, her, or their Executors, Adminiſtrators, or Aſſigns, at any Time or Times, by Writing under his, her, or their Hand or Hands reſpectively, to aſſign or transfer ſuch Securities, by Indorſement on the Back thereof, to any Perſon or Perſons whatſoever, and ſo toties quoties; and ſuch Aſſignments or Transfers, after they ~~ſhall~~ reſpectively be entered by the Clerk of the ſaid Commiſſioners, in Manner aforeſaid, which he is hereby required to do without Fee or Reward, ſhall intitle the Perſon or Perſons to whom they ſhall be reſpectively made, and his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security or Securities ſo aſſigned or transferred.

Perſons forging Aſſignments or Certificates, &c. deemed guilty of Felony.

XCVI. And be it further enacted, That if any Perſon or Perſons whatſoever ſhall forge or counterfeit, or procure to be forged or counterfeited, or wilfully act or aſſiſt in forging or counterfeiting, any Aſſignment of any ſuch Annuity as aforeſaid, or any Certificate of the Age, or of the Life of any Nominee, or any Order or Authority in Writing, to receive any Annuity due, or to grow due, to any Proprietor thereof, or any Part thereof; or ſhall knowingly or fraudulently demand, or endeavour to have or receive any ſuch Annuity or Annuities, or any Part thereof, by virtue of any forged or counterfeited Aſſignment, Letter of Attorney, Certificate, Inſtrument, Order, or Authority, in Writing; or ſhall falſely and deceitfully perſonate any true and real Proprietor or Proprietors of any ſuch Annuity or Annuities, or the Aſſignee of any ſuch Proprietor or Proprietors, and thereby receiving, or endeavouring to receive, the Money of any ſuch true and lawful Proprietor or Aſſignee, as if ſuch Offender were the true and lawful Owner thereof; then, and in every and any of the ſaid Caſes, all and every ſuch Perſon and Perſons ſo offending, and being thereof convicted in due Form of Law, ſhall be adjudged guilty of Felony, and ſhall ſuffer Death, without Benefit of Clergy.

Annuities to be paid out of Money borrowed on the Rates.

XCVII. And it is hereby further enacted, That all and every the Sum and Sums of Money ſo to be advanced and lent, and the Intereſt thereof, and all and every the Annuity and Annuities ſo purchaſed, and to be purchaſed, ſhall be, and they are hereby charged upon, and ſhall be paid and payable, from Time to Time, out of the Monies ariſing from the Rates and Aſſeſſments to be rated and aſſeſſed by virtue of this Act, for the Purpoſes of paving, cleanſing, and lighting, the ſaid City and Liberties, and of making, enlarging, widening, deepening, altering, and removing, the common Sewers, publick Drains, and Vaults, within the ſame; and all the Perſons who ſhall be ſo poſſeſſed of ſuch Securities ſhall be Creditors in equal Degree, without Preference in reſpect of the Priority of his, her, or their advancing the Money thereon.

Certain Places out of the Liberties to be aſſeſſed.

XCVIII. And whereas certain Parts of *Holborn*, the *Minories*, and *Alderſgate Street*, are ſuppoſed to be out of the Liberties of the ſaid City of *London*, by Means whereof the Pavements of the ſeveral Streets and Places within the ſame reſpectively cannot be completely finiſhed by the Powers hereby veſted in the ſaid Commiſſioners; wherefore, for the better and more ſpeedy Completion of the ſame, be it enacted, That the ſeveral Powers and Authorities hereby veſted in the ſaid Commiſſioners, and all the Proviſions and Regulations herein-before eſtabliſhed, declared, and provided, for the Purpoſes of paving, cleanſing, and lighting the ſaid City, and the Liberties thereof, and of making, enlarging, widening, deepening, altering, and removing, all or any of the ſaid publick Sewers, Drains, and Vaults, within the ſame, ſhall reſpectively extend, and ſhall be in Force, and in all Reſpects be executed by the ſaid Commiſſioners, within ſuch Parts of Holborn, the Minories, and Alderſgate Street, as are, or are ſuppoſed to be, out of the Liberties of the ſaid City of London, and the Courts and Alleys leading into the ſame, or communicating therewith; and the Inhabitants of the ſeveral Parts and Places aforeſaid ſhall be rated and aſſeſſed, according to the Proviſions herein-before made, by the Alderman of the Ward next adjoining to the ſame reſpectively, or by his Deputy, with the major Part of his Common Councilmen; and ſuch Rates ſhall be recovered in Manner herein-before directed, any Law, Statute, Cuſtom, Uſage, or Preſcription, to the Contrary notwithſtanding.

Proviſo.

XCIX. Provided always, and be it further enacted and declared, That nothing in this Act contained, with regard to paving, cleanſing, and lighting, ſhall extend, or be conſtrued to extend, to the Liberty of Saint Martin le Grand, belonging to the Dean and Chapter of Weſtminſter; any Thing in this Act to the Contrary in any-wiſe notwithſtanding.

Same Powers given to Commiſſioners, as to Commiſſioners of Counties.

C. And be it further enacted, That the ſaid Commiſſioners ſhall and may, at all Times hereafter, exerciſe and put in Practice all and every the Powers and Authorities given to, and veſted in, any Commiſſioners of Sewers, in any other County or Place, by force and virtue of any of the Laws and Statutes of this Kingdom, or of any Commiſſion to them granted purſuant to the ſame.

Toll to be taken on *Sundays*.

CI. And, to the End and Intent that the uſeful Purpoſes of this Act may be the better and more ſpeedily carried into Execution, and for and towards increaſing the Fund for defraying the Charges of paving, cleanſing, and lighting, the ſaid City and Liberties, and of making, widening, deepening, altering, and removing, the common Sewers, publick Drains, and Vaults, within the ſame, it is hereby further enacted, That, upon and after the firſt Sunday next after the paſſing of this Act, there ſhall be paid to the Receiver or Receivers, Collector or Collectors, to be nominated and appointed as herein-after mentioned, before any Cattle or Carriage ſhall be permitted to paſs on a Sunday through any or either of the Turnpikes herein-after mentioned, or through any Turnpike to be erected by virtue of this or any other Act or Acts of Parliament near the ſame, (videlicet), the Turnpike at Mile-End, the Turnpike at Bethnal Green, the Turnpike at Hackney, the Turnpike at Kingſland, the Turnpike at Ball's Pound or Pond, Iſlington, the Turnpike at Holloway, the Turnpike at the End of Saint John's Street, the Turnpike at the End of Goſwell Street, and the Turnpike on the new Road, commonly called The City Road, all which Turnpikes are in the County of Middleſex, the following Tolls, (videlicet):

The Tolls.

For every Coach, Chariot, Berlin, Chaiſe, Chair, Calaſh, or other Carriage, drawn by Six or more Horſes, or Mules, the Sum of Ten-pence:

For every Coach, Chariot, Berlin, Chaiſe, Chair, Calaſh, or other Carriage, drawn by Four Horſes, or Mules, the Sum of Eight-pence:

For every Coach, Chariot, Berlin, Chaiſe, Chair, Calaſh, or other Carriage, drawn by Three or Two Horſes, or Mules, the Sum of Sixpence:

For every Chaiſe, Chair, Calaſh, or other Carriage, drawn by One Horſe, or Mule, the Sum of Three-pence:

And for every Horſe, Mule, or Aſs, not drawing, the Sum of One Penny.

Which ſaid reſpective Sums of Money ſhall and may be demanded and taken for and in the Name of a Street Toll, over and above, and excluſive of, all other Tolls which are or ſhall be authoriſed to be taken and collected upon or on account of the ſaid Roads, or any of them; and the Monies ariſing therefrom ſhall be; and are hereby veſted in the ſaid Mayor and Commonalty, and Citizens, and ſhall be diſpoſed of for the Purpoſes of paving, cleanſing, and lighting, the ſaid City and Liberties, and of making, enlarging, widening, deepening, altering, and removing, the common Sewers, publick Drains, and Vaults, within the ſame: And the ſaid Commiſſioners are hereby impowered, by themſelves, or by any Perſon or Perſons by them thereto authoriſed, to levy the Toll hereby required to be paid upon any Perſon or Perſons who ſhall, after Demand thereof made, neglect or refuſe to pay the ſame as aforeſaid, or to deny or hinder any Paſſage through the ſaid Turnpikes reſpectively, until Payment thereof; which ſaid Toll ſhall and may be levied by Diſtreſs of any Horſe or Horſes, or other Cattle, upon which the Toll is by this Act impoſed, or upon any of the Goods and Chattels of ſuch Perſon or Perſons who ought to pay the ſame; and all ſuch Horſes, Cattle, or Goods, may be detained, until ſuch Toll, with the reaſonable Charges of ſuch Diſtreſs, ſhall be paid; and it ſhall and may be lawful for the Perſon or Perſons ſo diſtraining, after the Space of Four Days from the Time of making and taking ſuch Diſtreſs, to ſell the Horſe or Horſes, Cattle, Goods, or Chattels, ſo diſtrained, rendering the Owner or Owners thereof the Overplus, upon Demand, after Satisfaction of the ſaid Toll, and the reaſonable Charges in and about making ſuch Diſtreſs, keeping, and Sale, ſhall be fully paid and ſatisfied.

Tolls veſted in the Mayor and Commonalty and Citizens;

and may be levied by Diſtreſs and Sale.

CII. And it is hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners, if they ſhall think proper, at any Time or Times during the Continuance of this Act, to cauſe to be erected any Turnpike or Turnpikes, at or near all or any of the reſpective Places aforementioned, for the Purpoſes of collecting the ſeveral and reſpective Tolls hereby made payable, and alſo cauſe to be erected or provided a Toll-houſe at or near each Turnpike, and, from Time to Time, to remove or alter the ſame, as they the ſaid Commiſſioners ſhall think expedient; and the Right and Property of all the Turnpikes and Toll-houſes, to be from Time to Time erected and provided by virtue of this Act, and the Right and Property of the Materials provided for building or repairing the ſame, ſhall be, and are hereby veſted in the Mayor and Commonalty, and Citizens; and they are hereby impowered to bring, or cauſe to be brought, any Action or Actions, in the Name of the Corporation, and to prefer, or order the preferring of Indictments againſt any Perſon or Perſons who ſhall injure the ſame, or any Part thereof, or diſturb them in the Poſſeſſion thereof, or take or retain, or hold Poſſeſſion thereof, after being required by Order of the Commiſſioners to deliver up the ſame.

Commiſſioners may erect Turnpikes, &c.

Turnpikes, &c. veſted in the Mayor, &c.

CIII. Provided always, and it is hereby further enacted and declared, That it ſhall and may be lawful for the ſeveral and reſpective Receivers or Collectors, and other Perſons to be appointed by virtue of this Act, to receive and collect the ſeveral Tolls hereby made payable; and they are hereby authoriſed and impowered, for the Purpoſes of this Act, without the Let, Hinderance, or Moleſtation of any Perſon or Perſons whatſoever, to make uſe of all or any of the Gates, Turnpikes, and Toll-houſes, already erected, or hereafter to be erected or continued, by virtue of any Act or Acts of Parliament, at or near the ſeveral and reſpective Places whereat any Toll is hereby authoriſed to be taken, ſo as ſuch reſpective Receivers, Collectors, or other Perſons, do in no-wiſe hinder or interrupt the tranſacting of any Buſineſs or Purpoſe for which ſuch Turnpikes and Toll-houſes were reſpectively erected or provided.

Tolls may be collected at the Turnpikes already erected.

CIV. Provided alſo, and it is hereby further enacted, That no Perſon or Perſons ſhall be liable to pay the ſaid Street-toll more than Once for paſſing or repaſſing at any Time or Times on the ſame Day as aforeſaid, with the ſame Cattle and Carriage, but that all and every Perſon and Perſons, after having paid ſuch Toll Once, as aforeſaid, ſhall, during the Remainder of ſuch Day, paſs Toll-free, with reſpect to the ſaid Street-toll, with the ſame Cattle and Carriages, through the Gate or Turnpike at which any ſuch Toll was paid, and alſo through all other Gates and Turnpikes whereat the ſaid Tolls are hereby made payable, upon producing a Note or Ticket, denoting the Payment of ſuch Toll; which Notes or Tickets the Collectors of the ſaid Tolls are hereby required to give gratis, on Receipt of ſuch Tolls.

Tolls to be paid but once a Day.

CV. And it is hereby further enacted, That the ſaid Commiſſioners may, and they are hereby impowered, upon Ten Days Notice being given in the London Gazette, to leaſe, or farm by the Year, the Tolls by this Act granted, or any Part or Parts thereof, to any Perſon or Perſons, at or for the largeſt yearly Sums that can be got for the ſame; provided that ſuch Lettings or Agreements be made in Writing, and ſigned by the Perſon or Perſons taking or farming any ſuch Tolls, and by the ſaid Commiſſioners letting the ſame, and be not made for more than Three Years at a Time; and that the Money that ſhall be ſo agreed to be paid for the ſaid Tolls ſhall be made payable, and ſhall be paid to, the Chamberlain of the ſaid City for the Time being, by quarterly Payments; and that the Perſon or Perſons to whom the ſame ſhall be ſo let ſhall always pay One Quarter's Pay in Advance: And if any Letting, or Agreement for letting the ſaid Tolls, or any Part or Parts thereof, ſhall be made, and any Default ſhall be made in paying the Money agreed to be paid, contrary to the true Meaning of this Act; then every ſuch Letting and Agreement ſhall be void, and the Perſon or Perſons to whom the ſaid Tolls ſhall be lett ſhall be liable to account for the ſame, and to have the ſame levied and recovered upon and of him or them, in the ſame Manner as is by this Act directed for the accounting for the ſaid Tolls by the Collectors thereof, and for the levying and recovering the ſame upon and of them.

Commiſſioners may leaſe &c. the Tolls.

CVI. And it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, at any Time or Times, by any Writing or Writings under their Hands

Commiſſioners may appoint Officers.

Juſtices to inquire into the Default,

and commit the Offender until Payment or Compoſition be made.

Commiſſioners to allow Officers Salaries.

Hands and Seals, to nominate and appoint ſuch Perſon or Perſons to be Receiver or Receivers, Collector or Collectors, of the ſaid reſpective Tolls, as they ſhall think fit; and all Perſons by this Act made liable to pay the ſaid Tolls, or any of them, are hereby required to pay the ſame to ſuch Receiver or Receivers, Collector or Collectors, as aforeſaid; and all ſuch Receivers and Collectors ſhall reſpectively pay the ſame into the Office of the Chamberlain of the ſaid City, in like Manner, and under the like Regulations and Reſtrictions, as are herein-before expreſſed, of and concerning the collecting and paying the Rates and Aſſeſſments aforeſaid; and ſhall alſo, upon Oath, if thereunto required by the ſaid Commiſſioners conſtituted by this Act, (which Oath the ſaid Commiſſioners are hereby authoriſed and impowered to adminiſter), from Time to Time give unto the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, a true, exact, and perfect Account, in Writing, under their reſpective Hands, of all Monies which they, and every or any of them, ſhall to ſuch Time have received by virtue of this Act: And if ſuch Receiver or Collector ſhall not make and render, or ſhall refuſe to verify upon Oath, any ſuch Account, or to make Payment as aforeſaid; then, or in either of ſuch Caſes, it ſhall be lawful to or for One or more Juſtice or Juſtices of the Peace, and ſuch Juſtice or Juſtices, upon Complaint to him or them made, is and are hereby authoriſed and required to make Inquiry concerning ſuch Default, as well by Confeſſion of the Party as by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter, without Fee or Reward); and if any ſuch Receiver or Collector ſhall be convicted of any or either of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall commit every ſuch Offender to the common County Gaol, without Bail or Mainprize, until he ſhall give or make a true and perfect Account and Payment as aforeſaid, or until he ſhall have compounded with the ſaid Commiſſioners conſtituted by this Act, and ſhall have paid ſuch Compoſition, in ſuch Manner as they ſhall appoint, which Compoſition the ſaid Commiſſioners are hereby impowered to make; and the ſaid Commiſſioners ſhall and may, out of the Monies ariſing by the ſaid Tolls, or otherwiſe, make ſuch Allowance unto their Receivers and Collectors, and all other Perſons to be employed by or under the ſaid Commiſſioners in the Execution of this Act, for their Care and Pains in their reſpective Offices, as the ſaid Commiſſioners ſhall think fit and reaſonable.

Commiſſioners may farm the Tolls.

CVII. And it is hereby further enacted, That it ſhall and may be lawful to and for the Commiſſioners of any One of the ſaid Turnpikes for the Time being, or for any Three or more of the Commiſſioners of each of the ſaid Turnpikes, at any of their publick Meetings, to treat and agree with the Commiſſioners conſtituted by this Act, for the taking or farming any of the ſaid Tolls.

Tolls may be aſſigned as a Security.

Aſſignments to be entered in a Book.

All Creditors deemed equal in Degree.

CVIII. And it is hereby further enacted, That the ſaid Commiſſioners, at any publick Meeting, may, and they are hereby impowered to borrow, and take up at Intereſt, any Sum or Sums of Money, upon the Credit of the Tolls payable by virtue of this Act, and to aſſign over the ſame, or any Part thereof, by any Writing or Writings, under their Hands and Seals, or under the Hands and Seals of any Seven or more of them, the Charges of ſuch Aſſignments and Conveyances to be paid out of ſuch Tolls reſpectively, to any Perſon or Perſons who ſhall advance or lend their Money thereon, as a Security or Securities for the ſeveral Sums which ſhall be borrowed, and the Intereſt thereof, as aforeſaid: And Copies of all ſuch Aſſignments and Conveyances ſhall be entered in a Book or Books, to be kept for that Purpoſe by the Clerk for the Time being of the ſaid Commiſſioners; and all and every Perſon and Perſons, to whom ſuch Aſſignments ſhall be made, are hereby impowered, from Time to Time, to aſſign and transfer their Right and Intereſt, by Indorſement on the Back of their Securities, in like Manner and Form as the Securities for the Monies borrowed on the Rates and Aſſeſſments to be made and levied by virtue of this Act are before directed to be aſſigned and transferred; and all ſuch Aſſignments and Transfers ſhall be produced, notified, and entered, in like Manner as is before deſcribed, with reſpect to the producing, Notification, and Entry, of the Aſſignments and Transfers of the Securities for ſuch Rates and Aſſeſſments; and it ſhall not be in the Power of any Perſon who ſhall have made any Aſſignment or Transfer of their Securities on the ſaid Tolls to make void or diſcharge the ſame, or any Money due thereon; and no Perſon or Perſons advancing any Sums of Money on the Credit of the ſaid Tolls ſhall be intitled to any Preference with reſpect to the Priority of advancing any ſuch Sum or Sums, but all Perſons, to whom any Mortgages or Aſſignments ſhall be made as aforeſaid, ſhall be Creditors in equal Degree One with another, in Proportion to the Sums therein mentioned.

Penalty on forcibly paſſing through the Gates, *&c.* or giving or receiving Tickets, *&c.* to avoid Payment of the Tolls.

CIX. And it is hereby further enacted, That if any Perſon or Perſons ſhall forcibly or wilfully go or paſs with any Horſe, Beaſt, or Carriage, through any Turnpike whereat any Toll is by virtue of this Act to be paid, without paying ſuch Toll, or producing a Note or Ticket, as aforeſaid, at ſuch Turnpike; or ſhall knowingly or deſignedly aſſault, interrupt, or obſtruct, any or either of the Collectors or Perſons employed in the collecting or receiving any or either of the ſaid Tolls, in the Execution of his or their reſpective Office or Offices; or ſhall forge, counterfeit, or alter, or ſhall deliver to, or receive from, any other Perſon or Perſons any Note or Ticket, with an Intent to avoid the Payment of any or either of the ſaid Tolls, or any Part thereof; every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings, over and beſides ſuch Damages and Puniſhments as they and every of them reſpectively ſhall be liable to by Law; and it ſhall and may be lawful to and for the ſaid Receivers or Collectors, and for every of them, and all other Perſons required by them to aſſiſt in that Reſpect, to ſeize any Horſe or Horſes, Cattle, or Goods, belonging to, or in the Poſſeſſion, or under the Care, of any Perſon or Perſons ſo offending in the Premiſes, and to take ſuch Offenders before any Juſtice of the Peace, and before him to make Complaint of ſuch Offence or Offences; and ſuch Juſtice may, and is hereby required, to inquire into the ſame, as well by Examination of the Party or Parties, as by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice is hereby impowered to adminiſter without Fee or Reward), and, if the ſaid Juſtice ſhall ſee Cauſe to convict the Party or Parties complained of in the Penalty aforeſaid, and for Nonpayment thereof, and of the Tolls that ſhall be due, (though the ſame ſhall not be demanded), by Warrant under his Hand and Seal, to cauſe the ſaid Horſe or Horſes, Cattle, or Goods, to be ſold for Payment of the ſaid Tolls and Penalties, and the Charges of ſeizing and keeping the ſame, and of ſuch Sale, rendering the Overplus (if any there ſhall be) to the Owner or Owners of the ſaid Horſe or Horſes, Cattle, or Goods, or to the Perſon or Perſons under whoſe Care, or in whoſe Poſſeſſion, they reſpectively were when ſo ſeized as aforeſaid; and if no ſuch Seizure as aforeſaid can or ſhall be made, then the aforeſaid Penalty and Tolls ſhall be levied and recovered by ſuch Means, and applied in ſuch Manner, as herein-after mentioned: And moreover, it ſhall and may be lawful for any of the Collectors of the Rates and Tolls hereby granted, or other Officer to be appointed by virtue of this Act, who ſhall be aſſaulted, obſtructed, or interrupted in the Execution of any of their reſpective Offices, and for every of them, and all other Perſons required by them to aſſiſt in that Reſpect, to take ſuch Offender before any Juſtice of the Peace, who is hereby required to inquire into the ſame, in Manner as above directed; and, if he ſhall ſee Cauſe, to convict the Party or Parties complained of in the Penalty laſt mentioned, to be levied and recovered as hereafter directed.

Penalty on Perſons aſſaulting Collectors, *&c.*

Money raiſed by this Act veſted in the Mayor, *&c.*

CX. And it is hereby further enacted, That all the Monies to be raiſed by virtue of this Act ſhall be, and the ſame are hereby veſted in the ſaid Mayor and Commonalty, and Citizens of the ſaid City, and ſhall be applied to the Purpoſes of this Act, and to and for no other Uſe or Purpoſe whatſoever.

Writings to be without Stamps.

CXI. Provided alſo, and it is hereby further enacted, That no Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals, or only ſigned by any Commiſſioner or Commiſſioners conſtituted by this Act, or any Juſtice or Juſtices of the Peace, or exhibited before any of them, or under the Hand and Seal, or Hands and Seals, or only ſigned by any other Perſon or Perſons whatſoever, relating to the Execution of this Act, ſhall be chargeable with any Duty whatſoever.

Limiting the Number, *&c.* of Coaches at particular Stands.

CXII. And whereas it would be very convenient and beneficial to the Publick, if the Number of Hackney Coaches, which are allowed to ply for Hire in certain Streets or Places within the ſaid City and Liberties, were, in ſome Inſtances, to be limited, and their Diſtances One from the other, when ſo plying, were to be regulated and ſettled, and a proper Regiſter of the Places of Abode of the ſeveral Owners of ſuch Coaches was to be kept at the Office of the Commiſſioners under this Act, at the *Guildhall* in the ſaid City; be it therefore enacted, That, from and after the paſſing of this Act, the Number of Coaches to ſtand and ply for Hire, between the End of Freeman's Court, in Cornhill, and the End of Cornhill, eaſtward, in the ſaid City, ſhall be no more than Ten, at any One Time; and from the End of Bucklerſbury to the End of Kingſtreet, Cheapſide, no more than Five, and not to approach or continue nearer the One to the other than Twenty Feet; and that all and every other Coach, ſtanding or plying for Hire in any other Street or Place within the ſaid City and Liberties, ſhall ſo ſtand or ply, except where the Standing ſhall be againſt any Dead Wall, at the Space or Diſtance of Eight Feet at the leaſt from each other; and that all and every Coach or Coaches plying, or ſtanding for Hire, within the ſaid City and Liberties, ſhall give Way to, and make Room for, all Waggons, Drays, Carts, and other Carriages, to paſs or repaſs along or acroſs any of the ſaid Streets and Places, upon Pain that the Owner or Driver of every Hackney Coach, which ſhall ſtand or ply for Hire in any of the ſaid Places where the Number of Hackney Coaches is hereby limited, after the Number of Coaches ſo reſpectively limited ſhall be ſtanding or plying therein, or ſhall ſtand or ply for Hire nearer to any other Hackney Coach than is hereby directed, or ſhall not, upon Demand, from Time to Time, give Way, and make ſufficient Room for ſuch other Carriage to paſs or repaſs, as aforeſaid, ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings; to be recovered and levied by ſuch Ways and Methods as by the ſeveral Acts of Parliament now in Force concerning Hackney Coaches, or any of them, as all or any of the Penalties and Forfeitures incurred by Hackney Coachmen may be now recovered and levied.

Places of Abode of Hackney Coachmen to be regiſtered.

CXIII. And be it further enacted, That within Seven Days after the Owner of every Hackney Coach ſhall be licenſed by the Commiſſioners appointed for licenſing and regulating Hackney Coaches and Chairs, every ſuch Owner ſhall leave at the Office of the ſaid Commiſſioners under this Act, at the Guildhall aforeſaid, with the principal Clerk, or the Aſſiſtant Clerk, to the ſaid Commiſſioners, a true Account in Writing, of his, her, or their Place or Places of Abode, with the Figure or Number of each Coach; and the ſeveral Owners of Hackney Coaches already licenſed by the ſaid Commiſſioners, ſhall, within Sixty Days after the paſſing of this Act, leave the like true Account in Writing of their reſpective Places of Abode, Figures and Numbers, at the aforeſaid Office, with the ſaid principal Clerk, or Clerk-aſſiſtant; and ſo, from Time to Time, every licenſed Hackney Coachman ſhall, within Seven Days after his Place of Abode ſhall be changed, give the like Account, at the ſaid Office, upon Pain that the Owner or Owners of every ſuch Hackney Coach ſhall, upon every Refuſal or Neglect ſo to do, forfeit and pay the Sum of Twenty Shillings.

Proviſo.

CXIV. Provided always, That the ſaid Juſtice or Juſtices may, and they are hereby impowered, at his or their Diſcretion, to mitigate or compound any of the ſaid Forfeitures or Penalties to or for any leſſer Sum, not leſs than One Half thereof.

Offenders not paying Penalties to be committed.

CXV. And it is hereby further enacted, That in every Caſe where any Perſon ſhall, either upon his or her own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, be convicted before One or more Juſtice or Juſtices of the Peace of the ſaid City, or of the Place where ſuch Perſon ſhall be found, of any Offence by him or her committed againſt this Act, for which Offence any Forfeiture or Penalty is or are hereby enacted, the Manner of recovering whereof is not hereby particularly directed, (which

Oath ſuch Juſtice or Juſtices is and are hereby impowered to adminiſter), it ſhall and may be lawful to and for ſuch Juſtice or Juſtices, and he and they are hereby authoriſed and directed, upon the ſaid Parties Refuſal or Neglect to pay down ſuch Forfeiture or Penalty, immediately to commit him or them to One of the Compters of the ſaid City, for any Time not exceeding One Month, and not leſs than Fourteen Days, unleſs the ſaid Forfeiture or Penalty ſhall be ſooner paid; and all and every the Forfeitures and Penalties, to be recovered by virtue of this Act, ſhall be paid into the Chamber of the ſaid City, and applied to ſome of the Purpoſes to which any of the Rates or Aſſeſſments, to be raiſed by virtue hereof, are hereby directed to be applied.

Proceedings not to be quaſhed for want of Form.

CXVI. And it is hereby further enacted, That no Proceeding to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or other Matter or Thing to be done or tranſacted in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form; any Law or Statute to the Contrary notwithſtanding.

Limitation of Actions.

CXVII. And it is hereby further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Twenty-one clear Days Notice ſhall be thereof given in Writing to the Clerk for the Time being of the Commiſſioners conſtituted by this Act, or after ſufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought; and every ſuch Action ſhall be brought, laid, and tried, in the City or County where the Cauſe of Action ſhall ariſe, and not elſewhere; and that the Defendant or Defendants, in ſuch Actions or Suits, and every of them, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which ſhall be had thereupon; and that the Matter or Thing for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by the Authority of this Act: And if the ſaid Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Suit was brought before Twenty-one clear Days Notice given as aforeſaid, or that ſufficient Satisfaction was made or tendered as aforeſaid, or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid, then the Jury or Juries ſhall find for the Defendant or Defendants therein; and if the Plaintiff or Plaintiffs, in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, or if Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants may have for his, her, or their Coſts, in any other Caſes by Law.

General Iſſue.

Treble Coſts.

Act 8 *Geo.* III. repealed.

CXVIII. And it is hereby further enacted and declared, That immediately after the ſeveral Authorities, Powers, and Proviſions, herein-before given or granted, eſtabliſhed, declared, and provided, ſhall commence and take Effect reſpectively, for the Purpoſes of paving, cleanſing, and lighting, the ſaid City, and the Liberties thereof, and the other Purpoſes of this Act, according to the Tenor and true Meaning thereof, the ſaid Act, made in the Eighth Year of His preſent Majeſty's Reign, for the better paving, cleanſing, and lighting, the City of London, and the Liberties thereof, and for preventing Obſtructions and Annoyances within the ſame, and for other Purpoſes therein mentioned, and for repealing an Act, made in the Sixth Year of His preſent Majeſty, for thoſe Purpoſes, ſhall be, and the ſame is hereby repealed.

Rates under former Acts not to be annulled.

CXIX. Provided alſo, and it is hereby further enacted and declared, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to repeal, annul, or make void, any of the Rates or Aſſeſſments made or charged by virtue or in purſuance of any ſuch former Act or Acts of Parliament, which were due and payable, or in arrear, on the Twenty-fifth Day of March, in the Year One thouſand ſeven hundred and ſeventy-one, or any of the Remedies, Powers, or Proviſions, given or provided by ſuch former Act or Acts reſpectively, for the collecting, levying, or recovering the ſame; but all ſuch Rates and Aſſeſſments, and all Arrears thereof reſpectively, which were due and payable on the ſaid Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-one, and all the Remedies, Powers, and Proviſions, in and by ſuch former Act or Acts reſpectively granted, enacted, or provided, for the collecting, recovering, and levying, the ſame reſpectively, ſhall continue and be in Force; any Thing herein-before contained to the Contrary thereof in any-wiſe notwithſtanding.

Not to make void Proceedings under the ſaid Act.

CXX. Provided always, and it is hereby enacted and declared, That nothing herein contained ſhall extend, or be conſtrued to extend, to make void the Appointment of any Officers already appointed, by virtue of the ſaid Act hereby repealed, or to make void any other Proceeding already had or commenced, by virtue of, and under the Authority of the ſaid Act, or to prevent the completing of any ſuch Proceedings; but that the ſaid Commiſſioners, conſtituted by this Act, ſhall and may carry into Execution and complete all ſuch Proceedings commenced under the ſaid Act, although repealed, in the like Manner as if the ſame had been commeded under and by virtue of this Act.

Act 19, 22, & 23 *Car.* II. 2 *Gul.* & *Mariæ.* 10 *Geo.* II. 17 *Geo.* II. 33 *Geo.* II. 6 *Geo.* III. as relate to the publick Sewers, *&c.* repealed.

CXXI. Provided alſo, and it is hereby enacted aud declared, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to revive the ſaid Acts made in the Nineteenth, and Twenty-ſecond, and Twenty-third Years of the Reign of the late King Charles the Second, or the ſaid Act made in the Second Year of the Reign of Their late Majeſties King William and Queen Mary, or the ſaid Act made in the Tenth Year of the Reign of His late Majeſty King George the Second, or the ſaid Act made in the Seventeenth Year of the Reign of His ſaid late Majeſty King George the Second, or an Act made in the Thirty-third Year of the Reign of His ſaid late Majeſty, or an Act made in the Sixth Year of His preſent Majeſty's Reign; but ſuch Parts of the ſaid ſeveral Acts as reſpectively relate to the publick Sewers, Drains, Vaults, or Pavements, of the ſaid City and Liberties, ſhall, and the ſame are hereby declared to be repealed, any Thing in any of the ſaid Acts to the Contrary thereof in any-wiſe notwithſtanding.

CXXII. And it is hereby further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act; and be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

Publick Act.

CAP. XXX.

An Act for cleanſing and lighting the Streets of the Town of *South Leith*, the Territory of *Saint Anthony's*, and *Yard Heads*, thereunto adjoining, and for ſupplying the ſeveral Parts thereof with freſh Water.

Preamble.

WHEREAS it would be of great Advantage to the Town of *South Leith*, Territory of *Saint Anthony*, and *Yard Heads* of *Leith*, lying within the County of *Edinburgh*, in *North Britain*, and contribute to the Health of the Inhabitants, if the ſame were ſufficiently ſupplied with Water, and the Streets, Lanes, Ways, Avenues, and Paſſages, were properly cleanſed and lighted; and all Incroachments, Obſtructions, and Annoyances were removed therefrom, and prevented for the future: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable John Dalrymple, or the Lord Provoſt of the City of Edinburgh for the Time being; Andrew Pringle of Alemoor, and James Veitch of Elliock, Eſquires, Senators of the College of Juſtice; Major-general James Adolphus Oughton, Major-general Robert Horn Elphingſton, Archibald Cockburn of Cockpen, James Balfour of Pilrigg, Alexander Sheriff of Craigleith, Robert Keith, William Alexander, Alexander Aliſon, Henry Balfour, Walter Hamilton, William Haggarth, James Edgar, Andrew Aliſon, George Fullarton, Robert Mylne, and William Mylne, Eſquires; the Admiral and Magiſtrates of Leith for the Time being, the Town Clerk for the Time being, the Maſters of the Four Incorporations of Shipmaſters, Maltmen, Trades, and Traffickers of Leith, or preſiding Officer of theſe Incorporations reſpectively for the Time being; James Ogilvy, William Pillans, George Ritchie, Richard Scougall, and William Smith, Shipmaſters; James Cundell, William Comb, George Muckle, and William Scott Brewers; Walter Gibſon Surgeon, John Crokat Slater, James Macdonald Wright, William Bell, Alexander Bryce, John Haddaway, James Hutton, Robert Kerr, James Lindeſay, William Mitchel, David Nelſon, Alexander Ogilvy, Thomas Parker, James Pillans, James Rannie, Robert Ramſay, Charles Sheriff, Richard Tod, and Chriſtopher Wood, Merchants, all in Leith; the Bailie of Saint Anthony for the Time being; and Thomas Hadaway, and James Young, Brewers there, and their Succeſſors, to be elected in Manner herein-after mentioned, or any Seven or more of them, ſhall be, and they are hereby conſtituted and appointed Commiſſioners for putting this Act in Execution; and to be and continue as ſuch for Three Years, to be computed from the paſſing of this Act, and to continue afterwards until the Twentieth Day of December next, and immediately following the End and Determination of the ſaid Three Years.

Commiſſioners Names.

II. And be it further enacted by the Authority aforeſaid, That upon the Twentieth Day of December next, and immediately following the End and Determination of Three complete Years, to be computed from the Time of paſſing this Act, as aforeſaid, and upon every following Twentieth Day of December, (unleſs the ſame ſhall fall upon a Sunday, in which Caſe, and ſo often as it ſhall ſo happen, the Election herein-after mentioned ſhall be made upon the Day immediately following), the Magiſtrates of Leith, the Maſters of the Four Incorporations there, Six Aſſiſtants from each Incorporation, (who ſhall for the Purpoſe be choſen by the ſaid Incorporations reſpectively), and the whole Heritors, Liferenters, and the Proprietors of Lands and Tenements in the ſaid Town of Leith, ſhall meet at the Convening Houſe of the Incorporations in the Town of Leith, between the Hours of Ten and Twelve in the Forenoon, and then and there, by Majority of Voices of the Perſons preſent, and intitled to vote at the ſaid Meeting, ſhall elect and chuſe Thirty Perſons, all Heritors, Liferenters, or Inhabitants of the Town of Leith for the Time being, who, with the Admiral and other Magiſtrates of Leith, the Town Clerk, the Maſter of the Four Incorporations of Leith, and the Bailie of Saint Anthony for the Time being, and Two Commiſſioners, to be elected annually by the Heritors of the Territory of Saint Anthony's and Yard Heads, (in Manner herein-after mentioned), ſhall be, and are hereby declared to be Commiſſioners for putting this Act in Execution, and to continue as ſuch for and during the Space and Term of One full Year next and immediately following ſuch Election and Elections reſpectively.

New Commiſſioners how to be elected.

III. And be it alſo enacted, That the Bailie of the Territory of Saint Anthony for the Time being, and all the Heritors, Liferenters, and Proprietors of Lands and Tenements, in the ſaid Territory of Saint Anthony and Yard Heads of Leith, ſhall alſo, upon the ſaid Twentieth Day of December next, and immediately following the End and Determination of Three complete Years, to be computed from the Time of the paſſing of this Act, as aforeſaid, and upon every following Twentieth Day of December, unleſs the ſame ſhall fall upon a Sunday, in which Caſe, and ſo often as it ſhall ſo happen, the Election immediately herein-after mentioned ſhall be made upon the next following Day, meet in the ſaid Convening Houſe, between the Hours of Two and Four in the Afternoon, and then, and there, by Majority of Voices, elect and chuſe Two Perſons, Heritors, Liferenters, or Inhabitants, within the ſaid Territory of Saint Anthony and Yard Heads, who, with the ſaid Thirty Commiſſioners, and other Commiſſioners aforeſaid, ſhall be Commiſſioners for executing this Act for One Year, from the Time of ſuch Election as aforeſaid; and the Bailie of Saint Anthony for the Time being ſhall be Preſident of the ſaid Meeting: And in caſe of his Abſence, ſuch One of the ſaid Electors, as the major Part of the Voters at ſuch laſt-mentioned Meeting

Annual Commiſſioners.

ing ſhall appoint, ſhall be Preſident; and in caſe of Equality of Voices, the Preſident of the Meeting ſhall have a caſting and deciſive Vote, (beſides his Vote in common with the reſt), in the ſaid Election.

No Perſon ſhall act as a Commiſſioner who is intereſted.

IV. And be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, during the Time that he ſhall hold any Office of Profit under the ſaid Commiſſioners, or during ſuch Time as he ſhall enter into, be engaged in, or have the Benefit of any Contract, or ſhall have any Intereſt in any Contract whatſoever.

Firſt Meeting of the Commiſſioners.

V. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, ſhall meet at the Convening Houſe of the Incorporations within the ſaid Town of South Leith, upon the Firſt Monday in June, One thouſand ſeven hundred and ſeventy-one, and ſhall have Power, at ſuch Firſt, and at every following Meeting, to adjourn themſelves, from Time to Time, to ſuch Place or Places as to the ſaid Commiſſioners, or to the Majority of them ſo aſſembled, ſhall appear to be neceſſary, and moſt convenient for the Purpoſes of carrying this Act into Execution: And that, at ſuch Firſt and every following Meeting, the Admiral or eldeſt Magiſtrate of Leith for the Time being, and, in caſe of his Abſence, the next ſenior Magiſtrate of Leith then preſent; and if none of the ſaid Magiſtrates ſhall happen to be preſent at the Time, then ſuch One of the ſaid Commiſſioners as ſhall for that Purpoſe be choſen by the Majority of the Commiſſioners aſſembled at the Time, ſhall preſide at every ſuch Meeting and Meetings; and, beſides his Vote as an ordinary Commiſſioner, ſhall, in all Caſes of Equality of Voices, have a caſting or deciſive Voice.

For appointing General Meetings.

VI. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall at all Times be in the Power of any Seven or more of the ſaid Commiſſioners to call a General Meeting of the ſaid Commiſſioners by this Act appointed, for the Purpoſes of carrying the ſame into Execution, by a Notice or Requiſition to that Effect in Writing, ſigned by ſuch Commiſſioners, or any Seven or more of them, and ſtuck up on ſome conſpicuous Part of the ſaid Convening Houſe, at leaſt Ten Days before ſuch Meeting; and that the Meeting and Meetings ſo called ſhall be held at the Place where the General Meeting immediately preceding was held, or (in the Option of Seven or more of the ſaid Commiſſioners ſigning ſuch Notice or Requiſition as aforeſaid, and ſignifying therein), at the ſaid Convening Houſe; and that the ſaid Commiſſioners, or any Seven or more of them, aſſembled at ſuch Meeting and Meetings, ſo called as aforeſaid, ſhall have the ſame Powers and Authorities as any other General Meeting which ſhall be held purſuant to the Powers given by this preſent Act; and that no Buſineſs ſhall be done at any General Meeting, called for the Purpoſe of putting this Act in Execution, unleſs Seven Commiſſioners, at leaſt, ſhall attend, and act at the ſame; and that all Queſtions and Matters ſhall be determined by the Majority of Voices of Commiſſioners preſent at the Time.

Town of *Leith*, Territory of *Saint Anthony* and *Yard Heads*, how to be ſupplied with Water.

VII. And be it alſo enacted, That the ſaid Commiſſioners, or any Seven or more of them, at a General Meeting aſſembled, ſhall have Power, and are hereby authoriſed and impowered, from Time to Time, and at all Times hereafter, to direct, order, and appoint, in all Matters and Things reſpecting the providing, collecting, ſupplying, and diſtributing of Water to the ſaid Town of South Leith, Territory of Saint Anthony and Yard Heads of Leith, and to the Houſes and Inhabitants within the ſame, and to the cleanſing and lighting of the Streets, Lanes, Ways, Avenues, and Paſſages within the Limits aforeſaid; and alſo to nominate and appoint Treaſurers, Clerks, Collectors, Scavengers, Rakers, and Cleanſers of the Streets, and Keepers and Lighters of Lamps, and other Officers and Servants, neceſſary in the Execution of this preſent Act; and, at Pleaſure, to remove and diſplace them, or any of them reſpectively; and to limit and appoint the Salaries, Wages, and other Allowances, to be made and given to ſuch Officers and Servants; and to direct and appoint the Number of Lamps to be ſet up, and the Places to which they ſhall be affixed; and to make ſuch other and farther Orders, Rules, and Regulations, as the Nature of each particular Service ſhall ſeem to require; and, from Time to Time, to vary, alter, revoke, or make void, any of the ſaid Rules and Regulations; and to do ſuch other Acts and Things as to the ſaid Commiſſioners, or to the Majority of them, in a General Meeting aſſembled, ſhall ſeem proper and neceſſary for putting this Act into Execution.

Treaſurers, *&c.* to be appointed.

Officers to give Security.

VIII. Provided always, That all and every Officers and Servants, (other than Day Labourers), who ſhall be employed by the ſaid Commiſſioners under the Powers given by this Act, ſhall, before his or their Admiſſion into ſuch Office or Service, give ſuch Security and Securities for due and faithful Performance, as to the ſaid Commiſſioners, or to the Majority of them, in a General Meeting aſſembled, ſhall appear to be juſt and reaſonable.

Commiſſioners may take Water from Brooks, *&c.*

IX. And be it likewiſe enacted, That it ſhall be in the Power of the ſaid Commiſſioners, or of any Seven or more of them, to take, preſerve, and uſe, for the Purpoſes of ſupplying the ſaid Town of South Leith, Territory of Saint Anthony, and Yard Heads of Leith, and the Inhabitants of the ſame, with Water, all ſuch Brooks, Streams, Watercourſes, and other Supplies of Water, which the ſaid Town of South Leith, Territory of Saint Anthony and Yard Heads of Leith, or the Heritors and Inhabitants of the ſame, have Right to by virtue of their, either or any of their Charters, Grants, and original Titles; or by immemorial Poſſeſſion, as Parts and Pertinents of the ſame: And to contract and agree with the Owner and Owners of any other Brooks, Streams, Watercourſes, or other Supplies of Water, lying within the Diſtance of One Mile from the ſaid Town of South Leith, for the Uſe and Benefit of the ſame, for the Purpoſes aforeſaid; and to lay down leaden and other Pipes for the carrying and conveying the Water from all or any of the ſaid Brooks, Streams, Watercourſes, and other Supplies of Water before mentioned, unto the Reſervoir already erected within the ſaid Town of South Leith, and now belonging to, and uſed by the ſaid Town of South Leith; or to ſuch other proper Place or Places as to the ſaid Commiſſioners, or the Majority of them, at a General Meeting aſſembled, ſhall, from Time to Time, appear neceſſary and proper: And for carrying and conveying the Water from the ſaid Reſervoir, or other Place or Places aforeſaid, into the ſeveral Streets, Lanes, Ways, Avenues, and Paſſages, within the Limits aforeſaid, and to the Houſes within the ſame: And ſo often as there ſhall be Occaſion for ſo doing, to cleanſe, mend, and repair the ſaid Watercourſes and Pipes; and to erect ſuch and ſo many Fountains and Reſervoirs as ſhall, from Time to Time, appear to the ſaid Commiſſioners, or the Majority of them, at a General Meeting aſſembled, to be neceſſary, for the collecting, preſerving, and effectually diſtributing the ſaid Water, according to the true Intent and Meaning of this preſent Act.

Satisfaction to be made for Damages in laying down Pipes.

X. Provided neverthleſs, and be it further enacted, That full Indemnification ſhall be previouſly made and given by the ſaid Commiſſioners to the Owner and Owners, Leſſee and Leſſees, of all ſuch Water as ſhall be ſo taken, or of the Grounds in which the ſaid Pipes ſhall be ſo laid down as aforeſaid, for the Value of the ſaid Water, and for all Damages that ſhall be done to the ſaid Grounds, as well by the Firſt laying down of the Pipes, as by the cleanſing, mending, and repairing of the ſame from Time to Time afterwards: And that in caſe of Difference between the Parties, reſpecting the Amount of ſuch Value and Damages, the Sheriff of the County of Edinburgh ſhall have Power, and he is hereby impowered and required, in a ſummary Manner, and upon the Application of either Party, and after reaſonable Notice to the other Party, to aſcertain and determine the Amount of ſuch Value and Damages reſpectively; and that whatever the ſaid Sheriff ſhall do in the Premiſes ſhall be final and concluſive: And that afterwards, upon Payment or Tender of the Monies adjudged by the ſaid Sheriff in lieu of the Value and Damages as aforeſaid to the Perſon or Perſons intitled to receive the ſame reſpectively, the ſaid Commiſſioners, or any Seven or more ſo them, ſhall, from thenceforth, have Power, and are hereby impowered, to take and uſe the ſaid Water, and to lay down, cleanſe, mend, or repair the aforementioned Pipes, (as the the Caſes ſhall reſpectively happen to be), without being liable or anſwerable on that Account for any other or further Damage.

Right of the Town of *Leith*, &c. to Supplies of Water, by virtue of former Laws, reſerved.

XI. Provided always, That nothing in this Act ſhall extend, or be conſtrued to extend, to deprive the Inhabitants of the ſaid Town of South Leith, Territory of Saint Anthony, and Yard Heads of Leith, of any Claim or Right competent to them, for being ſupplied with Water under or by virtue of any other Statute or Statutes now in Force and Being, or to hurt or prejudice ſuch Claim and Right, or the Rights and Intereſts of the City of Edinburgh reſpecting the ſame, all which are hereby reſerved entire, in the ſame Manner as if this Act had never been made; any Thing herein contained to the Contrary notwithſtanding.

Contracts may be made for laying down Pipes to convey Water.

XII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby authoriſed and impowered to contract with any Perſon or Perſons for laying Pipes for conveying and diſtributing Water, erecting Fountains, lighting and cleanſing the Streets and other Paſſages of the ſaid Town of South Leith, Territory of Saint Anthony, and Yard Heads of Leith; and that ſuch Contract or Contracts ſhall be ſigned by the ſaid Commiſſioners, or any Seven or more them, and by the Perſon or Perſons contracting to perform ſuch Work: And that the ſaid Commiſſioners, or any Seven or more of them, are hereby further authoriſed and impowered to pay ſuch Sum or Sums as they ſhall ſo contract for, out of the Money to be raiſed for the Purpoſes of this Act, by virtue of the Powers herein-after mentioned.

Writings exempt from Stamp Duties.

XIII. Provided always, and be it further enacted, That no Nomination Appointment, Contract, Bond, or other Writing whatſoever, under the Hand or Hands of any of the ſaid Commiſſioners, touching, concerning, or in the Execution of any of the Powers and Authorities by this Act in them veſted, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Dung, &c. of the Streets may be diſpoſed of.

XIV. And be it alſo enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to let in Tack or Leaſe, for any Space not exceeding the Term of Three Years, the Dung or Fulzie of and upon the Streets, Lanes, Paſſages, Courts, Avenues, and other Places, within the ſaid Town of South Leith, Territory of Saint Anthony, and Yard Heads of Leith, to any Perſon or Perſons, on ſuch Conditions as to the ſaid Commiſſioners ſhall ſeem fit and reaſonable; and to apply the Tack-duty to the Purpoſes of putting this Act in Execution.

Dung, &c. not to be laid in the Street.

XV. And be it further enacted, That if any Perſon or Perſons ſhall throw Dung, Water, or Aſhes, out of any Door or Window within the ſaid Town of South Leith, Territory of Saint Anthony, and Yard Heads of Leith, by Night or Day; or duſt Carpets from or over any Window or Stair opening to a Street, Court, Cloſe, or Lane, within the Limits aforeſaid; or ſhall lay or cauſe to be laid down, any Dung, Aſhes, Rubbiſh, or Filth of any Kind, between the Hours of Eight in the Morning and Ten at Night; or ſhall ſift Aſhes on the Streets within the ſaid Time; ſuch Perſon or Perſons ſhall, for the firſt Commitment of every ſuch Offence reſpectively, forfeit the Sum of One Shilling Sterling; and for the Second and every ſubſequent Offence of the like Nature, Two Shillings and Sixpence Sterling: And that any Perſon or Perſons laying down Furze or Whins, or other Fuel, on the Streets, Lanes, or Paſſages, of the ſaid Town, for the Space of Six Hours, ſhall, for the Firſt Offence, forfeit the Sum of Five Shillings Sterling; and for every Day the ſame ſhall lie after the Firſt Day, the Sum of Five Shillings Sterling more: And if any Perſon or Perſons ſhall leave any Iron, Lead, Wood, Ships Anchors, Merchandiſe, or Lumber of any Kind, upon the Quays, or Shore, or any other Part of the Streets of the ſaid Town, more than Forty-eight Hours, he, ſhe, or they ſhall, for every ſuch Offence, forfeit Five Shillings Sterling: And it ſhall be lawful for the ſaid Commiſſioners, or any One of them, and they and he are and is hereby impowered to cauſe to be carried off and removed ſuch Iron, Lead, Wood,

Iron, Ships Anchors, &c. not to be left on the Quays or Shore.

Ships Anchors, Merchandiſe, or Lumber, into the Timber Buſh, or Weigh-houſe of Leith, there to lie and remain at the Riſk of the Owner or Owners, till Payment ſhall be made of the ſaid Five Shillings Sterling, and of the Expence of carrying off, removing, and keeping the ſame in the ſaid Timber Buſh, or Weigh-houſe: And that if any Perſon or Perſons ſhall leave any Coach, Cart, Chaiſe, or other Carriage, yoked or unyoked, in any of the ſaid Streets or Lanes over Night, without having ſome Perſon attending to take care of the ſame, he, ſhe, or they ſhall, for ſuch Offence, forfeit One Shilling Sterling: And every Perſon or Perſons who ſhall ſuffer any Hogs or Pigs belonging to them to ſtray looſe through the Streets, Lanes, or Paſſages of the ſaid Town of Leith, ſuch Perſon or Perſons ſhall not only forfeit the Sum of Two Shillings and Sixpence Sterling for ſuch Offence, but it ſhall alſo be lawful for the Magiſtrates of the ſaid Town, and they are hereby authoriſed and impowered, to declare the ſaid Swine and Pigs confiſcated, and to adjudge the Property to ſuch Perſon or Perſons as ſhall ſeize the ſame: And if any Perſon or Perſons ſhall lay down any Stones, Lime, or other Materials, taken from any Buildings, demoliſhed, or demoliſhing, or intended to be uſed in any Building, upon any Street, Lane, or Paſſage of the ſaid Town, without Leave firſt had from a Magiſtrate thereof in Writing, he, ſhe, or they, ſhall, for every ſuch Offence, forfeit Two Shillings and Sixpence Sterling, and the like Sum for every Day after, during which the ſaid Stones, Lime, or Rubbiſh, ſhall lie upon the ſaid Street, Lane, or Paſſage.

Signs, *&c.* to be removed.

XVI. And it is hereby further enacted, That the ſaid Commiſſioners, or any Seven or more of them, at a General Meeting aſſembled, may, if they think proper, cauſe all Signs, or other Emblems, uſed to denote the Trade, Occupation, or Calling of any Perſon or Perſons, Sign-poſts, Sign-irons, Penthouſes, Shew-boards, Spouts, and Gutters, projecting into any of the ſaid Streets, Lanes, Alleys, Avenues, or Paſſages, and all other Projections, Incroachments, and Annoyances whatſoever, within the ſeveral Limits compriſed in this Act, to be taken down and removed; and ſhall cauſe all Signs, or other Emblems, as aforeſaid, Shew-boards, and Gutters, or ſuch Parts thereof as they ſhall think fit, to be fixed or placed in the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong, or were before affixed, and not otherwiſe; and ſhall return, or cauſe to be returned, to the reſpective Owners, ſo much of ſuch Signs, or other Emblems, Sign-poſts, or other Poſts, Sign-irons, Shew-boards, Spouts, and Gutters, as ſhall not be affixed or put up, or otherwiſe made uſe of in the Alterations directed by this Act; and that for the future all Signs, Sign-boards, and Gutters, ſhall be placed or fixed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, to which they reſpectively belong, and not otherwiſe: And if any Perſon or Perſons ſhall at any Time hereafter hang, place, erect, or build any Sign-poſt, or other Poſt, Sign-iron, Penthouſe, Shew-board, Spout, Gutter, or other Projection, Obſtruction, or Annoyance, or cauſe the ſame to be done, contrary to the Directions aforeſaid, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Shillings Sterling, and the further Sum of Ten Shillings Sterling for every Day ſuch Offence ſhall continue.

Cranes may be affixed to the Sides of Houſes.

XVII. Provided always, and it is hereby further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons to keep any Crane or Cranes already fixed up againſt any Warehouſe or Warehouſes within ſuch Part or Parts of the ſaid ſeveral Diſtricts as is or are compriſed in this Act; or to affix any Crane or Cranes to ſuch Warehouſe or Warehouſes, and to make uſe of ſuch Crane or Cranes, ſo as ſuch Crane or Cranes be turned and kept cloſe to the Walls of ſuch Warehouſe or Warehouſes when not in actual Uſe; any Thing in this Act, or any former Law, Cuſtom, or Statute, to the contrary thereof in any-wiſe notwithſtanding.

To prevent deſtroying Lamps, *&c.*

XVIII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or maliciouſly break, throw down, take away, or extinguiſh, damage, or ſpoil any Lamp or Lamps to be put up by virtue of this Act; or damage the Poſts, Irons, and other Furniture thereof; or Pipes to be laid for conveying and diſtributing the Water, and Fountains to be erected, as aforeſaid; every Perſon or Perſons ſo offending ſhall forfeit, for the firſt Offence, the Sum of Twenty Shillings Sterling; for the Second Offence, Forty Shillings Sterling; and for the Third and every ſubſequent Offence, the Sum of Five Pounds Sterling, over and above the Reparation of the real Damage done.

Rates how to be made.

XIX. And, in order to raiſe a Fund for defraying the Charges and Expences of carrying this Act into Execution, be it enacted by the Authority aforeſaid, That the Stent-maſters of the Town of Leith ſhall be, and they are hereby impowered and required, at the Time of impoſing and proportioning the Land Tax or Ceſs of the ſaid Town of Leith, annually to aſſeſs and lay upon all Heritors, Liferenters, and other Proprietors of Houſes, Lands, and Tenements, within the ſaid Town of South Leith, ſubject to the Payment of the Land Tax or Ceſs, an annual Aſſeſſment not exceeding Sixpence Sterling in the Pound of valued Rent, as the ſame are now, or ſhall at any Time hereafter ſtand valued in the Ceſs or Supply Books of the ſaid Town of South Leith; which annual Aſſeſſment ſhall be payable in the ſame Proportions, and at the ſame Terms, as the Land Tax or Ceſs for each Year reſpectively is and ſhall be payable; and ſhall be levied and collected by the Collector of the Ceſs for the ſaid Town of South Leith; and the like Action and Execution ſhall be, and is hereby directed and appointed to be competent for Recovery and levying ſuch Aſſeſſment as by the Law and Practice of that Part of Great Britain called Scotland is authoriſed by Law, and uſed for levying and bringing in of the Ceſs or Land Tax; and the Collector of the Ceſs for the Town of Leith for the Time being is hereby impowered and required ſo to levy, collect, and afterwards to pay over the ſaid Aſſeſſment to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they, or any Seven of them, ſhall appoint.

Aſſeſſors to be appointed.

XX. And be it further enacted by the Authority aforeſaid, That in order for levying a like proportional Aſſeſſment within the ſaid Territory of Saint Anthony and Yard Heads of Leith, the Bailie of Saint Anthony for the Time being, and whole Heritors, Liferenters, and Proprietors of Lands and Tenements, within the ſaid Territory of Saint Anthony and Yard Heads, ſhall, on the laſt Monday in the Month of Auguſt that ſhall firſt happen after the paſſing of this Act, and on the laſt Monday in Auguſt annually thereafter, between the Hours of Three and Five in the Afternoon, meet and aſſemble in the ſaid Convening-houſe, and then and there, by the Majority of Voices of the ſaid Meeting, elect and chuſe Four Perſons as Aſſeſſors, who are hereby impowered and appointed to take up a Valuation of the Rents of the Houſes, Lands, and Tenements, in the ſaid Territories of Saint Anthony and Yard Heads, in the ſame Proportion as is or ſhall be done within the Town of Leith, and to aſſeſs and impoſe on the ſaid Lands, Houſes, and Tenements, an annual Aſſeſſment not exceeding Sixpence Sterling in the Pound of valued Rent aforeſaid; and to elect and chuſe a Collector for levying and collecting the ſaid Aſſeſſment, which ſhall be payable in the ſame Proportions, and at the ſame Terms, as the Land Ceſs for each Year reſpectively; and the like Action and Execution competent for recovering the ſame, as is provided for levying the aforeſaid Aſſeſſment in the Town of Leith; and the ſaid Collector ſo to be elected is hereby authoriſed and impowered accordingly ſo to levy, collect, and pay over the ſaid Aſſeſſment to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Seven or more of them, ſhall appoint.

Empty Houſes exempted from the Aſſeſſment.

XXI. Provided nevertheleſs, That empty or untenanted Houſes ſhall be, and are hereby declared to be free and exempted, ſo long as they ſhall reſpectively continue in that State, from the Aſſeſſment by this Act impoſed; any Thing in the ſame to the Contrary notwithſtanding.

How Proprietors may be relieved from the Aſſeſſment.

XXII. Provided always, and be it hereby enacted, That each Heritor, Liferenter, or other Proprietor, liable to the Payment of the ſaid Aſſeſſment, ſhall have Relief of and from the Tenant or Tenants of the ſaid Houſes, Lands, and Tenements, within the Limits aforeſaid, for and in reſpect of all Aſſeſſments which, under and by virtue of this Act, ſhall be paid by ſuch Heritor, Liferenter, or other Proprietor, or which ſhall be levied out of his or her Houſes, Lands, and Tenements; and that the like Action and Execution ſhall be allowed and competent to the ſaid Heritors, Liferenters, and Proprietors, for their Relief and Repayment of the ſaid Aſſeſſment, as by Law is competent to them for the levying and recovering Payment of the Rents of the ſaid Lands, Houſes, and Tenements.

Rates how to be applied.

XXIII. And be it further enacted, That the Sums ariſing from the Aſſeſſment aforeſaid, and pecuniary Penalties and Forfeitures before recited, ſhall be by the ſaid Commiſſioners, or any Seven or more of them, in the Firſt Place, applied to the defraying the Charges of paſſing this Act, and afterwards wholly and ſolely to the Uſes and Purpoſes herein-before mentioned for the putting this Act in Execution, reſpecting the cleanſing and lighting the Streets, Lanes, Avenues, and Paſſages, within the Limits aforeſaid, and for bringing in Water to the ſame, and to no other Intent, Uſe, or Purpoſe whatſoever; and that no Allowance or Allowances ſhall, any Account whatſoever, be made out of the Funds aforeſaid, to any Commiſſioner or Commiſſioners, for his or their Attendance or perſonal Labour in putting this Act in Execution.

Proceedings to be entered in a Book.

XXIV. And be it likewiſe enacted, That all and every Act and Acts of the ſaid Commiſſioners ſhall be entered in a Book, to be for that Purpoſe kept by their Treaſurer or Clerk; which ſaid Book, and all Books and Entries reſpecting the ſame, or which otherwiſe contain any Account or Accounts relative to the Purpoſes of this Act, ſhall be produced at every publick Meeting, to the End that any of the Inhabitants of the ſaid Town may, if they think proper, then inſpect and ſee the ſame, without Fee or Reward.

Accounts to be annually wrote out, and may be inſpected.

XXV. And be it further enacted, That the ſaid Commiſſioners, ſome Time between the Firſt Day of Auguſt and the Firſt Day of November yearly, ſhall cauſe a fair and juſt Account to be made and wrote out of all Money received and paid by virtue of this Act; a Copy or Duplicate of which Account, ſigned by Seven or more of the ſaid Commiſſioners, ſhall be depoſited with the Clerk of the Commiſſioners, who ſhall permit any Perſon ſo aſſeſſed as aforeſaid to inſpect the ſame at reaſonable Times, paying One Shilling Sterling for each Inſpection; and the ſaid Clerk ſhall, upon Demand, give Copies of the ſame, or any Part thereof, to ſuch Perſon, upon his paying at the Rate of Three-pence Sterling for every hundred Words, and ſo in proportion for any greater or leſſer Number of Words.

Proviſo.

XXVI. Provided always, and be it further enacted, That the Stent-maſters of the Town of Leith for the Time being may, notwithſtanding, at all Times, be and exerciſe the Office of Commiſſioners under and by virtue of this Act.

Offences how triable.

XXVII. And be it alſo enacted by the Authority aforeſaid, That all and every the Offence and Offences committed againſt, and made puniſhable by, this Act, ſhall, in the Firſt Inſtance, be tried and cognizable before the Magiſtrates of the Town of Leith for the Time being, (notwithſtanding of their being Commiſſioners for putting this Act in Execution); and that all Parties having an Intereſt ſhall be at Liberty to apply for Redreſs, in caſe of Wrong done, or apprehended to be done therein, by the ſaid Magiſtrates, in the ſame Manner, and by the like Form of Proceeding, as by the Laws now in being are allowed to be done againſt the Decrees of Magiſtrates within Boroughs in that Part of Great Britain called Scotland.

Saving of Rights to the City of *Edinburgh*.

XXVIII. Saving and reſerving to the City of Edinburgh, all Juriſdictions, Commodities, Rights, and Privileges, competent and belonging to them within the Village of Leith, and other Places mentioned in this Act, in the ſame Manner as the City and Community now have and enjoy the ſame.

Publick Act.

XXIX. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act; and of which Notice ſhall, by all Courts in the Kingdom, be judicially taken, and all Judges, Juſtices, and other Perſons, are hereby required to take Notice of it as ſuch, without ſpecially pleading the ſame.

CAP.

CAP. XXXI.

An Act for the Encouragement of the White Herring Fiſhery.

Preamble.

WHEREAS the carrying on and Improvement of the *Britiſh* White Herring Fiſheries are of great Importance to theſe Kingdoms, by increaſing the Trade and Navigation thereof; and being a Nurſery for Seamen, and otherwiſe a Means of employing and providing for great Numbers of induſtrious Poor, provided that reaſonable Encouragement be given to ſuch Perſons as are willing to carry on the ſaid Fiſheries: Therefore, and for the better Regulation of the ſaid Trade, and for preventing Frauds and Impoſitions in the Management thereof, **be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame,** That as an Encouragement to all Perſons whatſoever, as well Bodies Politick and Corporate as others, to engage in the ſaid White Herring Fiſheries, that, from and after the Twenty-ſecond Day of October, One thouſand ſeven hundred and ſeventy-one, a Bounty of Thirty Shillings per Ton ſhall be paid annually, in Manner as herein-after provided for, to the Owner or Owners of all decked Veſſels from Twenty to Eighty Tons Burthen, which ſhall be fitted out and employed in the ſaid Fiſheries, in Manner and under the Regulations herein-after mentioned, and that for the Space and Term of Seven Years, from and after the ſaid Twenty-ſecond Day of October, One thouſand ſeven hundred and ſeventy-one, and to the End of the then next enſuing Seſſion of Parliament.

Bounty of 30s. *per* Ton on the Veſſels employed in the Fiſheries.

How and when the Bounty ſhall be paid.

II. And be it alſo enacted by the Authority aforeſaid, That the ſaid Bounty of Thirty Shillings per Ton ſhall, for every Veſſel or Veſſels proceeding to the ſaid Fiſheries immediately from any Port or Place within that Part of Great Britain called England, be paid out of ſuch Monies as ſhall be produced out of His Majeſty's Cuſtoms there; and for all other Veſſels which ſhall take their Departure from any Port or Place within that Part of Great Britain called Scotland, out of the Monies which ſhall be produced out of His Majeſty's Cuſtoms or Exciſe within that Part of the united Kingdom laſt mentioned.

Proviſo.

III. Provided always, and it is hereby further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall be allowed or intitled to receive the Bounty herein-before granted for any Buſs or Veſſel which ſhall not proceed directly upon the ſaid Fiſhery from that Part of the united Kingdom to which ſuch Buſs or Veſſel ſhall belong, and where her Owners reſide; and that the Maſter and Owners of ſuch Buſs or Veſſel ſhall take out their Licence from the Collector and Comptroller of the Port where ſuch Buſs or Veſſel was bona fide manned, victualled, furniſhed, accoutred, and fitted out for that Voyage; any Thing in this Act, or any Law, Cuſtom, or Uſage to the Contrary notwithſtanding.

All Buſſes or Veſſels to be decked.

IV. And be it further enacted, That every ſuch Buſs or Veſſel which ſhall be employed in the ſaid White Herring Fiſheries, whoſe Owner or Owners ſhall be intitled to the Bounty of Thirty Shillings per Ton by virtue of this Act, ſhall be a decked Buſs or Veſſel, built in Great Britain after the Firſt Day of January, One thouſand ſeven hundred and ſixty, and ſhall proceed on the ſaid Fiſheries from ſome Port in Great Britain, manned and navigated as by the Law now in Force is directed; and before ſuch Buſs or Veſſel proceed on ſuch Voyage, or be intitled to the Benefit of this Act, ſhe ſhall be viſited by ſuch Officer or Officers of the Cuſtoms belonging to ſuch Port, who ſhall be appointed by the Commiſſioners of the Cuſtoms to examine into ſuch Buſs or Veſſel, and who ſhall take an Account of the Tonage thereof by Admeaſurement, and ſhall certify ſuch his or their Viſitation, Examination, and Admeaſurement, to the Commiſſioners of His Majeſty's Cuſtoms; and that ſhe hath on Board ſuch a Quantity of Fiſhing-nets, and other Stores, to be uſed in the ſaid Fiſhery, as herein-after mentioned, and otherwiſe is a proper Veſſel to be employed in the ſaid Fiſhery; and upon its further appearing, by the Oath of One or more Owner or Owners, or Agent appointed by them, and of the Maſter or chief Officer of ſuch Veſſel, written at the Foot of the ſaid Certificate, and made before the Collector or Comptroller of ſuch Port, who are hereby impowered and required to adminiſter the ſame, that it is really and truly their firm Purpoſe and determined Reſolution, that ſuch Buſs or Veſſel ſhall proceed reſpectively, ſo manned, furniſhed, and accoutred, either to Yarmouth in the County of Norfolk, Whitehaven in the County of Cumberland, Leith in the County of Edinburgh, Inverneſs in the County of Inverneſs, or to Braſſey Sound in Shetland, Campbeltown or Oban in Argyleſhire, or Kirkwall in Orkney, and be at the Rendezvous of the ſaid Fiſhery there on or before the Twenty-ſecond Day of June, and ſhall not ſhoot or wet their Nets before the Twenty-fourth Day of the ſaid Month of June, and ſhall continue fiſhing to the Twelfth Day of October; or ſhall proceed to Yarmouth in the County of Norfolk, Whitehaven in the County of Cumberland, Leith in the County of Edinburgh, Inverneſs in the County of Inverneſs, or to Braſſey Sound in Shetland, Campbeltown or Oban in Argyleſhire, or Kirkwall in Orkney, and be at the Rendezvous of the ſaid Fiſheries on or before the Firſt Day of October, and ſhall continue fiſhing to the Eleventh Day of January following, unleſs they ſhall have ſooner completed their Loading of Fiſh; and ſhall fiſh in an orderly and regular Manner, without impeding or obſtructing other Veſſels which ſhall be employed in the ſaid Fiſhery; and ſhall keep a Journal of their Proceedings: And if, after ſuch Certificate had, and Oath made, ſuch Owner or Owners, or their Agents, and Maſter, or chief Officer of ſuch Veſſel as aforeſaid, do alſo become bound, with Two ſufficient Sureties, unto His Majeſty, His Heirs and Succeſſors, in the Penalty of ſuch Sums as ſhall be equal to Treble the Bounty on the Tonage of his Veſſel intended by this Act, (which Bond the Collector, with the Approbation of the Comptroller, is hereby required to take, and is to be in Force for the Space of Three Years, againſt the Maſter and his Sureties, for the faithful Dealing of the ſaid Maſter and Ship Company, in regard to the ſaid

Veſſel and Voyage); then, and in ſuch Caſe, it ſhall and may be lawful for the Collector and Comptroller of ſuch Port to give and grant, and they are hereby required to give and grant to the Maſter and Owners of ſuch Buſs or Veſſel full Licence and Authority to proceed on ſuch Voyage as aforeſaid.

V. And, to prevent any Diſputes which may ariſe, whether a Veſſel be properly qualified and duly fitted out for the Herring Fiſhery, according to the true Intent and Meaning of this Act, and intitled to a Certificate from the Cuſtom-houſe Officers, it is hereby enacted, That every ſuch Veſſel ſhall be a decked Veſſel, built in Great Britain after the Firſt Day of January, One thouſand ſeven hundred and ſixty, and ſhall have on Board Twelve Wincheſter Buſhels of Salt for every Laſt of Fiſh which ſuch Veſſel is capable of holding; which Salt ſhall be barrelled up in new Barrels, and as many more new Barrels as ſuch Buſs or Veſſel is capable of carrying, and ſhall have on Board, at the Place of Rendezvous, Two hundred and fifty ſquare Yards of Netting for each Ton of Buſs Meaſurement, together with the cuſtomary Quantity of other Materials for the Equipment and Mounting of the ſaid Two hundred and fifty Yards of Netting in the Fiſhery Buſineſs; but with Liberty to make uſe of ſuch Nets in the ſame as they ſhall find beſt adapted to the ſaid Fiſheries.

Such decked Veſſel to have on Board 12 *Wincheſter* Buſhels of Salt for every Laſt of Fiſh.

VI. And be it further enacted, That every ſuch Veſſel of Twenty Tons which ſhall be employed in the ſaid Fiſhery, ſhall have on Board, at ſuch of the Places aforementioned as ſhall be appointed for their Rendezvous, not leſs than Six Men; and every Veſſel of greater Burden ſhall, over and above the Six Men aforeſaid, have One for every Five Tons which ſhe ſhall exceed Twenty Tons.

Every Veſſel of 20 Tons to have Six Men on Board.

VII. And be it further enacted by the Authority aforeſaid, That, on the Return of ſuch Veſſel into any Port of Great Britain for her Diſcharge, the chief Officer of the Cuſtoms, or ſuch other Officer of the Cuſtoms as he ſhall appoint at ſuch Port, ſhall immediately repair on Board ſuch Veſſel, and view the Condition of ſuch Veſſel and her Lading, and certify the ſame, together with their Obſervations thereon, and alſo the real Tonage of the ſaid Buſs or Veſſel; and the ſaid Officers are alſo to take an Account of the Names of the Maſter and other Perſons on Board, and to certify the ſame; and the Maſter ſhall make Oath before the Collector and Comptroller of ſuch Port, (who are hereby impowered and required to adminiſter the ſame), which ſhall be wrote on the Back of or annexed to the Licence granted as aforeſaid, and which they are hereby required to deliver up, and what they did in purſuance thereof, That ſuch Veſſel was at One of the Places before mentioned at the Time appointed by this Act, and has not ſince been on any other Voyage, or purſued any other Deſign or View of Profit; and that they did remain fiſhing according to the Directions of this Act, and had, at the Time of their Rendezvous, the Quantity of Nets and other Stores and Number of Men herein-before directed to be on Board the ſaid Veſſel; which Certificate, Schedule, Licence, and Oath, together with the Account of the Fiſh taken by the ſaid Veſſel, ſhall be tranſmitted by the Collector or Comptroller of ſuch Port, in caſe the ſaid Buſs or Veſſel departed with her Licence from any Port within that Part of Great Britain called England, to the Commiſſioners of the Cuſtoms of England; and in caſe ſuch Buſs or Veſſel departed with her Licence from any Port within that Part of Great Britain called Scotland, to the Commiſſioners of Cuſtoms or Exciſe for that Part of the united Kingdom; and ſuch Commiſſioners reſpectively, being fully ſatisfied of the faithful Dealings of the Maſter and other Perſons employed in ſuch Veſſels with reſpect to ſuch Voyage and Fiſhing, ſhall, on Demand, cauſe Payment to be made to the Owner or Owners, or to his or their Aſſigns, by the Receiver-general of the Cuſtoms or Exciſe, as the Caſe ſhall happen, the Sum of Thirty Shillings per Ton, according to the Admeaſurement of ſuch Veſſel, duly certified as aforeſaid.

Veſſels to be inſpected by Officers of the Cuſtoms.

VIII. Provided always, and it is further enacted by the Authority aforeſaid, That the Owner and Owners aforeſaid ſhall not be intitled to have and receive the Bounty of Thirty Shillings per Ton by this Act given, or allowed to Veſſels employed in the ſaid Fiſheries, in reſpect of ſuch Veſſels as ſhall return into Port with a leſs Number of Hands than ſuch Veſſel is required by this Act to have on Board at the Rendezvous, unleſs it ſhall be made appear, that ſuch Number hath been reduced by Death, or that ſuch Reduction is occaſioned by Sickneſs, or Deſertion, without any Default, Fraud, or Colluſion, on the Part of the ſaid Owner and Owners.

Owners not intitled to have the Bounty of 30*s. per* Ton, in reſpect of ſuch Veſſels as ſhall return with a leſs Number of Hands than required.

IX. And be it further enacted by the Authority aforeſaid, That the ſaid Owner and Owners ſhall not be deemed liable to forfeit, or incur a Forfeiture of, the ſaid Bounty of Thirty Shillings per Ton, ſo given to Veſſels employed in the ſaid Fiſheries, in reſpect of ſuch Buſſes as ſhall not arrive at One of the Places in and by this preſent Act appointed for the rendezvouſing of the Buſſes or Veſſels to be employed in the ſaid Fiſheries, by or on the reſpective Days appointed for the Rendezvous of ſuch Buſſes or Veſſels; provided that ſuch Buſſes or Veſſels did really and bona fide take their Departure for ſuch reſpective Places of Rendezvous, or One of them, at leaſt Five Days before the reſpective Days herein-before named and appointed for the Veſſels employed in the ſaid Fiſheries to be at ſuch reſpective Places of Rendezvous, and that ſuch Buſſes or Veſſels be fitted out in all Reſpects conformable to the Directions and Regulations herein-before provided.

Owners not deemed liable to forfeit the Bounty, if the Veſſels did depart for ſuch reſpective Places at the Time appointed.

X. And be it further enacted by the Authority aforeſaid, That in all Caſes where the reſpective Buſſes employed in the ſaid Fiſheries, and taking their Departure for ſuch reſpective Places of Rendezvous at the reſpective Times before mentioned, ſhall not arrive at the ſaid reſpective Stations at Yarmouth in the County of Norfolk, Whitehaven in the County of Cumberland, Leith in the County of Edinburgh, Inverneſs in the County of Inverneſs, or to Braſſey Sound in Shetland, Campbeltown or Oban in Argyleſhire, or Kirkwall in Orkney, or One of them, on or before the reſpective Days herein-before directed and appointed, the before-mentioned Oath, required to be made by the reſpective Maſters of ſuch Buſſes or Veſſels at their Return into Port for their Diſcharge, with reſpect to ſo much of ſuch Oath as relates to their having arrived at ſuch reſpective Places of

In caſe Buſſes do not arrive at their Rendezvous, the Oath may be varied.

Rendezvous, or One of them, on ſuch Days as is for for that Purpoſe already mentioned and appointed, or either of them, and to their having remained fiſhing, according to the Directions of this preſent Act, may and ſhall, from henceforth, be varied and made conformable to the particular Circumſtances attending ſuch reſpective Buſſes or Veſſels ſo quitting their reſpective Stations at Sea, from whence the ſaid Fiſheries are directed to be carried on, or either of them, or to their not arriving at any of the ſaid reſpective Stations of Yarmouth in the County of Norfolk, Whitehaven in the County of Cumberland, Leith in the County of Edinburgh, Inverneſs in the County of Inverneſs, or to Braſſey Sound in Shetland, Campbeltown or Oban in Argyleſhire, or Kirkwall in Orkney, herein-before appointed for the Rendezvous of ſuch Buſſes or Veſſels; and that ſuch Oath ſhall be made and taken by the Maſter, or other chief Officer of ſuch Buſs or Veſſel, ſo returning into Port for a Diſcharge.

Perſons employed in the ſaid Fiſheries to have the free Uſe of all Ports, Harbours, &c. in *Britain*, and Iſlands thereto belonging.

XI. And be it further enacted by the Authority aforeſaid, That all and every Perſon or Perſons employed in the ſaid Fiſheries may fiſh in any Part of the Britiſh Seas, and ſhall have and exerciſe the free Uſe of all Ports, Harbours, Shores, and Forelands, in Great Britain, or the Iſlands belonging to the Crown of Great Britain, below the higheſt High-water Mark, and for the Space of One hundred Yards on any waſte or uncultivated Land beyond ſuch Mark, within the Land, for landing their Nets, Casks, and other Materials, Utenſils, and Stores, and for erecting Tents, Huts, and Stages, and for the landing, pickling, curing, and reloading their Fiſh, and in drying their Nets, without paying any Foreland or other Dues, or any other Sum or Sums of Money, or other Conſideration whatſoever, for ſuch Liberty, (except as herein-after is excepted), any Law, Statute, or Cuſtom to the Contrary notwithſtanding: And if any Perſon or Perſons ſhall preſume to demand or receive any Dues, Sums of Money, or other Conſideration whatſoever, for the Uſe of any ſuch Ports, Harbours, Shores, or Forelands, within the Limits aforeſaid, or ſhall obſtruct the Fiſhermen, or other Perſons employed in the taking or curing of Fiſh, or drying their Nets, in the Uſe of the ſame, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit the Sum of One hundred Pounds; to be recovered and levied in Manner herein-after directed.

Offenders to forfeit 100 *l.*

Not to prevent Harbour Dues.

XII. Provided always, That nothing in this Act contained ſhall extend to exempt the Veſſels or Boats employed in the ſaid Fiſheries from the Payment of ſuch Harbour or Pier Duties as are, and by the Law ought to be, demanded for Ships, Veſſels, or Boats, in Piers or Harbours, which are built or artificially made, but that ſuch Harbour or Pier Dues ſhall be paid in like Manner as the ſame were liable to be paid before the paſſing of this Act.

Penalty to be determined by Bill or Information.

XIII. And be it further enacted by the Authority aforeſaid, That the Penalty herein-before mentioned ſhall and may be proſecuted and determined by Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or in the Court of Exchequer in Scotland reſpectively; wherein no Eſſoin, Protection, Privilege, Wager of Law, or more than One Imparlance, ſhall be allowed; and One Moiety of ſuch Penalty ſhall be to the Uſe of His Majeſty, and the other Moiety to ſuch Perſon or Perſons as will ſue for and proſecute the ſame.

Commiſſioners of Cuſtoms to order Payment of ſaid Bounty, according as the Veſſel, &c. ſhall have departed.

Receiver general of Cuſtoms at *Edinburgh*, not having Money to pay the Bounty, Commiſſioners to give a Certificate to the Perſons intitled to the Commiſſioners of Exciſe for Payment.

XIV. And is it hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Commiſſioners of His Majeſty's Cuſtoms for England and Scotland reſpectively to order the ſaid Bounty to be paid by the Receiver-general or Caſhier of the Cuſtoms for that Part of Great Britain from whence the Buſs or Veſſel ſhall have departed, as herein-before directed, out of any Money in the Hands of ſuch Receiver-general or Caſhier, ariſing from any of the Duties, Revenues, and Cuſtoms, under the Management of ſuch reſpective Commiſſioners; and if the Receiver-general or Caſhier of the Cuſtoms at Edinburgh ſhall not have ſufficient Money in his Hands to pay the ſaid Bounty, the Commiſſioners of His Majeſty's Cuſtoms at Edinburgh, or any Three of them, ſhall forthwith give the Perſon or Perſons intitled to receive ſuch Bounty a Certificate, certifying the ſame to the Commiſſioners of His Majeſty's Exciſe for that Part of Great Britain called Scotland; which Certificate being affixed to the Licence, and other Certificates and Documents required by Law, and being produced to the ſaid Commiſſioners of Exciſe, they the ſaid Commiſſioners are hereby authoriſed and required, on Demand, to cauſe the Money, therein certified as aforeſaid to be due, to be paid by the Receiver-general, or Caſhier of the ſaid Exciſe, out of any Money in his Hands ariſing from any of the Duties and Revenues under the Management of ſuch Commiſſioners; any Law, Cuſtom, or Uſage, to the Contrary notwithſtanding.

Perſons to whom Bounty remains unſatisfied, ſhall, after *April* 5, 1771, be intitled to Intereſt of 3 *per Cent.* for Forbearance.

XV. And whereas the Revenue in that Part of *Great Britain* called *Scotland*, hitherto applicable to the Payment of the Bounties granted for the Encouragement of the *Britiſh* White Herring Fiſhery, hath not been ſufficient to ſatisfy and pay the ſaid Bounties for ſeveral Veſſels and Buſſes which have proceeded by Licence on the ſaid Fiſhery from thence, and divers Certificates and Orders for the Payment of ſuch Bounties do for that Reaſon remain unſatisfied: Now, for making a reaſonable Compenſation for ſuch Delay of Payment, be it further enacted by the Authority aforeſaid, That every Perſon and Perſons who, from and after the Fifth Day of April, One thouſand ſeven hundred and ſeventy-one, ſhall be legally intitled to receive any ſuch Bounty which ſhall then remain due and unſatiſfied, for or in reſpect of any Buſs or Veſſel which, before the Firſt Day of October, One thouſand ſeven hundred and ſeventy, proceeded from Scotland upon the ſaid White Herring Fiſhery, ſhall, for the Forbearance of ſuch Money as ſhall be ſo due, be allowed Intereſt, after the Rate of Three Pounds per Centum per Annum for the ſame, ſuch Intereſt to be computed from the ſaid Fifth Day of April, One thouſand ſeven hundred and ſeventy-one, and be continued until Notice ſhall be given in the London Gazette, and Edinburgh Courant, by Order of the Lord High Treaſurer, or the Commiſſioners of His Majeſty's Treaſury for the Time being, that the Money due for ſuch Bounties ſhall and will be paid off and diſcharged.

Commiſſioners of the Cuſtoms in *Scotland* may cauſe ſaid Intereſt to be paid annually.

XVI. And it is hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Commiſſioners of His Majeſty's Cuſtoms for that Part of Great Britain called Scotland to cauſe the ſaid Intereſt, allowed by this Act, to be paid annually by the

Receiver-general of the Cuſtoms in Scotland, out of any Money in his Hands ariſing from any of the Duties, Revenues, and Cuſtoms, under the Management of ſuch Commiſſioners.

Commiſſioners, &c. in *Scotland* to tranſmit exact Copies of Certificates to the Office in *London*, for Recovery of Money due to *Greenwich* Hoſpital from Seamen employed in the White Herring Fiſhery.

XVII. And be it further enacted by the Authority aforeſaid, That for preventing any Difficulties about aſcertaining, getting in, and receiving all ſuch Sums of Money as ſhall for the future become due and payable by Law, as a Duty of Sixpence per Month from all Seamen who are or ſhall be employed in the Service of the Britiſh White Herring Fiſhery, for the Support of the Royal Hoſpital at Greenwich, the Commiſſioners for the Time being of His Majeſty's Cuſtoms, or of Exciſe, if in Scotland, as the Caſe may be, ſhall, and they are hereby required, from Time to Time, after the Commencement of this Act, to tranſmit, or cauſe to be tranſmitted, with all convenient Speed, to the Office of the Receiver for the Time being of the ſaid Duty in London, a true and exact Copy of every Certificate which ſhall, from Time to Time, after the ſaid Commencement, be tranſmitted to them the ſaid Commiſſioners, by all or any of the reſpective Collectors and Comptrollers of the ſeveral Outports in Great Britain, in order to the ſaid Commiſſioners cauſing Payment to be made of the Bounty of Thirty Shillings per Ton, purſuant to the Directions of an Act of Parliament made in the Twenty-third Year of his ſaid late Majeſty's Reign, intituled, An Act for the Encouragement of the *Britiſh* White Herring Fiſhery.

CAP. XXXII.

An Act for defraying the Charge of the Pay and Cloathing of the Militia in that Part of *Great Britain* called *England*, for One Year, beginning the Twenty-fifth Day of *March*, One thouſand ſeven hundred and ſeventy-one; for indemnifying the Landholders of the *Iſle of Wight* from the Payment of the Monies due by virtue of an Act of the Ninth Year of His preſent Majeſty; and for other Purpoſes therein mentioned.

CAP. XXXIII.

An Act for paving, repairing, cleanſing, lighting, and watching the Streets, Squares, Lanes, and other Paſſages, within the Pariſh of *Saint John, Clerkenwell*, in the County of *Middleſex*, and for removing Obſtructions and Annoyances therein.

Preamble.

WHEREAS the ſeveral Streets, Squares, Lanes, Courts, Yards, and other publick Paſſages, within the Pariſh of *Saint John, Clerkenwell*, in the County of *Middleſex*, are extremely ill paved, and the Paſſages through the ſame greatly obſtructed by Poſts and Projections, and annoyed by Signs, Spouts, and Gutters, projecting into and over the ſame, and are in general very ill paved, and not duly lighted; and the preſent Methods preſcribed by Law are ineffectual for paving, cleanſing, and lighting the ſame: And whereas, if Powers were given to new-pave, and to maintain and preſerve the Pavements of the ſaid Streets, and other Places, and to remove all the Nuiſances and Obſtructions therein, and to prevent the ſame for the future, and alſo for lighting, cleanſing, and watching, the ſame in a proper Manner, it would tend greatly to the Safety of the Inhabitants of the ſaid Pariſh, and be of publick Utility: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Reverend Sir George Booth Baronet, the Reverend Roger Parry Rector, and the Rector of the ſaid Pariſh for the Time being, Uriah Briſtow and Joſeph Faikney Churchwardens, and the Churchwardens of the ſaid Pariſh for the Time being, William Montague, Giles Grindey, Heaton Wilkes, William Wildman, John Craggs, William Spencer ſenior, Humphry Gammon, Francis Peter Mallett, William Storey, John Lunn, Thomas Farren, George Ion, James Bailey, John Kirk, William Nightingale, James Emonſon, James Upjohn, Thomas Titter, Veſtrymen; Joſeph Wimpey, William Gomm, Gabriel Wirgman, David Henry, Richard Barwell, John Court, John Parſon, Benjamin Lyon, William Foſbrooke, Richard Rugge, Thomas Boys, William Blackborrow, Joſeph Keeling, and Richard Gomm, ſhall be and be called Commiſſioners for putting this Act in Execution.

Commiſſioners Names.

Commiſſioners dying, &c. others to be elected.

II. And be it further enacted by the Authority aforeſaid, That as often as any Commiſſioner by this Act appointed, or to be elected, ſhall die, or refuſe to act, it ſhall and may be lawful for the ſurviving or remaining Commiſſioners, or any Seven or more of them, at any Meeting aſſembled, by Writing under their Hands and Seals, to elect and appoint One other Perſon a Commiſſioner in the Room of the Commiſſioner ſo dying, or refuſing to act; but Notice in Writing, or printed, and ſigned by the Clerk or Clerks, ſhall be given to or left for ſuch Commiſſioners, at their laſt or uſual Place of Abode, One Day at leaſt before ſuch Election; and all Perſons who ſhall be ſo elected and appointed, (being qualified as herein-after mentioned), are hereby veſted with the ſame Powers and Authorities as any Commiſſioner or Commiſſioners hereby appointed is or are veſted with.

Commiſſioners not to hold a Place of Profit.

III. Provided always, and be it enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, during the Time he ſhall hold any Place of Profit, or enter into any Contract, or have any Share or Intereſt in any Contract relating to the Execution of any of the Powers of this Act.

Qualifications of Commiſſioners.

Penalty on Perſons acting not qualified.

IV. Provided alſo, and be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents, Iſſues, or Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Sixty Pounds; or ſhall be Heir-apparent to ſome Perſon having ſuch Eſtate of the clear yearly Value of One hundred and Twenty Pounds; or be poſſeſſed of or intitled unto a perſonal Eſtate to the Amount or Value of Two thouſand Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame in any of His

Majeſty's Courts of Record, by Action of Debt, or on the Caſe, Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof given of his having acted as a Commiſſioner in the Execution of this Act.

Commiſſioners to appoint Officers,

and take Security.

Commiſſioners to appoint Officers Salaries.

V. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, at any Meeting to be held in purſuance of this Act, to appoint One or more Treaſurer or Treaſurers, Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, with ſuch Allowances as ſhall be judged reaſonable by the ſaid Commiſſioners, or the major Part of them, at ſuch Meeting or Meetings; and alſo may, from Time to Time, appoint ſuch other Officer or Officers as they ſhall find neceſſary and convenient; and ſhall or may take ſuch Security as they ſhall think proper from ſuch Treaſurer or Treaſurers, Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, or other Officer or Officers ſo to be appointed as aforeſaid; and likewiſe may, from Time to Time, remove any or either of ſuch Officer or Officers, or other Perſon or Perſons, and appoint others in the Room of ſuch of them as ſhall be ſo removed, or that ſhall die; and ſuch Commiſſioners as aforeſaid ſhall and may, out of the Monies ariſing or to ariſe by virtue of this Act, pay, or cauſe to be paid, ſuch Salaries or other Allowances as they ſhall judge reaſonable to be paid or made to the Officers, or other Perſons ſo appointed, for and in conſideration of his and their Office and Offices reſpectively, and to ſuch other Perſon or Perſons as have been or ſhall be aiding and aſſiſting in and about the Execution of this Act.

Penalty on Officers neglecting their Duty, *&c.*

VI. And be it further enacted by the Authority aforeſaid, That if any Treaſurer or Treaſurers, Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, or other Officer or Officers, Servant or Servants, which ſhall or may hereafter be appointed by the ſaid Commiſſioners in the Execution of this Act, or any Part thereof, ſhall exact, demand, take, or accept any Fee or Reward whatſoever, other than ſuch Salaries and Rewards as ſhall be appointed, allowed, and approved of by ſuch Commiſſioners as aforeſaid, for or on account of any Thing done or to be done by virtue of this Act, or for forbearing to do any Thing ordered or directed by the Commiſſioners for putting this Act in Execution, or on any Account whatſoever relating to the Execution thereof, or ſhall any Way be concerned or intereſted in any Bargain made, or to be made, by ſuch Commiſſioners, or any of them, for any of the Purpoſes intended by this Act; every Perſon ſo offending ſhall for ever be incapable of being employed under this Act, and ſhall, over and above, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, within Six Months next after the Offence committed, wherein no Protection, Eſſoin, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Firſt Meeting of Commiſſioners.

Power to adjourn.

Commiſſioners to defray their own Expences.

VII. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall meet together in the Veſtry-room in the ſaid Pariſh, on the Second Monday next after the paſſing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, and ſhall proceed to the Execution of this Act; and ſhall then, and from Time to Time afterwards, adjourn themſelves to meet at the Place aforeſaid, or at any other Place or Places within the ſaid Pariſh, as ſuch Commiſſioners ſhall think proper or convenient for putting this Act in Execution, and of which Adjournment Notice in Writing, or printed, and ſigned by the Clerk or Clerks, ſhall be given to or left for ſuch Commiſſioners, at their laſt or uſual Place or Places of Abode, One Day at leaſt before ſuch intended Meeting: And if it ſhall happen that there ſhall not appear at any Meeting which ſhall be appointed to be had or held by ſuch Commiſſioners a ſufficient Number of ſuch Commiſſioners as are hereby appointed to conſtitute a Quorum to act at ſuch Meeting, and to adjourn to another Day; then, and in ſuch Caſe, the Clerk or Clerks of ſuch Commiſſioners for the Time being ſhall, and is and are hereby required to ſummon ſuch Commiſſioners to meet at the Place where the laſt Meeting was appointed to be held, within Eight Days next after the Day on which ſuch Meeting was to have been held as aforeſaid, ſuch Summons to be ſigned by the Clerk or Clerks, and to be delivered at the laſt or uſual Place of Abode of ſuch Commiſſioners, at leaſt Two Days before ſuch Meeting; and in caſe the ſaid Clerk or Clerks ſhall happen to die before ſuch Summons iſſued, or ſhall neglect to iſſue ſuch Summons in Manner aforeſaid, then the Treaſurer or Treaſurers for the Time being to ſuch Commiſſioners ſhall and may, and he or they is and are hereby required to iſſue ſuch Summons within Eight Days from the Time the ſaid Commiſſioners ought to have been ſummoned by the Clerk or Clerks in Manner aforeſaid; and ſuch Commiſſioners ſhall at their Meetings pay their own Expences.

Proceedings to be entered in a Book,

and may be read in Evidence.

VIII. And be it further enacted by the Authority aforeſaid, That all the Acts, Orders, and Proceedings of ſuch Commiſſioners, from Time to Time, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſigned by the Chairman for the Time being, at their next Meeting; and ſuch Orders ſhall then be deemed and taken to be original Orders; and ſuch Book or Books ſhall and may be produced and read in Evidence in all Courts whatſoever.

No Act valid unleſs done at a publick Meeting.

IX. Provided always, and be it enacted by the Authority aforeſaid, That no Act of ſuch Commiſſioners ſhall be valid, unleſs done or made at ſome Meeting to be held in purſuance of this Act, where either Five or more Commiſſioners (as may be neceſſary under any Part of this Act) ſhall be preſent.

Majority at publick Meetings to act.

X. Provided alſo, and it is hereby enacted and declared, That all the Powers and Authorities by this Act granted to or veſted in ſuch Commiſſioners ſhall and may, from Time to Time, be exerciſed by the major Part of them who ſhall attend any publick Meeting, to be holden as herein-before mentioned, the Number of ſuch Commiſſioners preſent at ſuch publick Meetings not being leſs than Five, (except where a greater Number is declared neceſſary by this Act); and all the Orders and Proceedings of the major Part of ſuch Commiſſioners preſent at ſuch publick Meetings ſhall have the ſame Force and Effect as if done or made by all ſuch Commiſſioners for the Time being.

Property of Pavements veſted in Commiſſioners.

XI. And be it further enacted, That the Property of the ſaid Pavements, Poſts, Lamps, Iron, Timber, Furniture, and all other Materials and Things which ſhall be made uſe of for the Purpoſes of this Act, ſhall be, and the ſame is hereby veſted in the Commiſſioners for the Time being; and they, or any Five of them, are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Name or Names of any One or more of them, or to prefer and order and direct the preferring of Indictments againſt any Perſon or Perſons who ſhall ſteal, take, or carry away any or any Part of ſuch Materials or Things: And if any Perſon or Perſons ſhall wilfully or maliciouſly break up, deſtroy, or otherwiſe damage or ſpoil any of the ſaid Materials or Things, or any of the Works done in purſuance of this Act, or any Part or Parts thereof; every Perſon ſo offending therein, and being thereof convicted by the Oath of One or more Witneſs or Witneſſes before any One or more Juſtice or Juſtices of the Peace for the County of Middleſex, ſhall, for the Firſt Offence, forfeit any Sum not exceeding Forty Shillings, nor leſs than Ten Shillings, and for the Second and every other Offence, any Sum not exceeding Three Pounds, nor leſs than Twenty Shillings; to be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made; which Forfeiture ſhall be applied to the Purpoſes of this Act: And in caſe the Perſon or Perſons ſo offending and convicted ſhall have no Goods or Chattels whereupon the ſame can be levied; then, and in ſuch Caſe reſpectively, it ſhall and may be lawful to and for One or more of ſuch Juſtice or Juſtices of the Peace, as aforeſaid, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Perſon or Perſons reſpectively to the Houſe of Correction, there to remain for any Space not exceeding Two Calendar Months, nor leſs than Ten Days, to be reckoned from the Day of Commitment; and the Perſon or Perſons ſo incurring and being convicted of any of the ſaid pecuniary Penalties, ſhall not be diſcharged until he, ſhe, or they, ſhall have paid the Sum forfeited as aforeſaid, or until the Expiration of the ſaid reſpective Times.

Penalty on damaging Works, &c.

to be levied by Diſtreſs and Sale.

For want of Diſtreſs, Offender to be committed.

Old Materials, &c. veſted in Commiſſioners, and may be ſold,

XII. And be it further enacted by the Authority aforeſaid, That the Property of all Stones, Poſts, and all and every Part and Parts of the old Materials which ſhall belong to the old Pavement, as well of the Carriage as of the Foot Ways within the Limits aforeſaid, ſhall be veſted in the ſaid Commiſſioners for putting this Act in Execution, and their Succeſſors; and it ſhall and may be lawful to and for the ſaid Commiſſioners and their Succeſſors, or their Surveyor or Surveyors for the Time being, by their Order, or the Order of any Five or more of them, to ſell or diſpoſe of the ſame, or of all or any Part or Parts thereof, to ſuch Perſon or Perſons who ſhall be willing to buy or purchaſe the ſame, and to apply the Purchaſe-money ariſing by ſuch Sale to the Purpoſe of this Act.

or made uſe of in paving Squares, &c.

XIII. Provided always, and it is hereby enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to order all or any of the ſaid old Materials to be made uſe of in paving or repairing any Square, Street, Lane, Court, Yard, Alley, Paſſage, or Place, within the Limits aforeſaid; and the ſaid Commiſſioners may, from Time to Time, hire a Piece of Ground, to convey, lay, and diſpoſe of all or any of the ſaid old Materials, as aforeſaid, for and until ſuch Time as they ſhall have Occaſion, or judge it neceſſary to uſe the ſame.

Commiſſioners may hire Ground for getting Gravel.

XIV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to hire a Piece of Ground for the Purpoſe of digging Gravel for the better paving the ſaid Streets, Squares, and Places, for ſuch Time, and for ſuch Sum and Sums of Money, as to them ſhall appear reaſonable; which Sum and Sums of Money ſhall be paid out of the Monies ariſing, or to ariſe, by virtue of this Act; and alſo to buy ſuch Carts, Horſes, Teams, or Carriages, as may be neceſſary for the Purpoſe of carting ſuch Gravel, or for cleanſing the Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, or for any other Purpoſe directed by this Act; and ſhall and may hire ſuch Perſons, buy ſuch Materials, and make ſuch Regulations, for the better cleanſing the ſame, as they, or any Five or more of them, in their Diſcretion, ſhall think proper; any Law, Statute, or Uſage, to the Contrary thereof in any-wiſe notwithſtanding.

Commiſſioners may contract with Perſons for paving, &c.

XV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, may, and they are hereby authoriſed and impowered, at any of their ſaid Meetings, to contract with any fit Perſon or Perſons for paving, keeping in Repair, cleanſing, and lighting, all or any of the ſaid Squares, Streets, Lanes, Courts, Alleys, Yards, Paſſages, or Places, within the Limits aforeſaid; which Contract and Contracts ſhall ſpecify the ſeveral Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſaid Works ſhall be completed, and the Penalties to be ſuffered in caſe of Nonperformance thereof, and ſhall be ſigned by the ſaid Commiſſioners, or any Seven or more of them, and alſo by the Perſon or Perſons contracting to perform ſuch Works reſpectively; which Contract ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks to ſuch Commiſſioners; but, previous to the making of any ſuch Contract, Fourteen Days Notice at the leaſt ſhall be given in ſome publick News-paper, expreſſing the Intention of ſuch Contract, in order that any Perſon or Perſons willing to undertake the ſame may make Propoſals for that Purpoſe to the ſaid Commiſſioners, at a certain Time and Place in ſuch Notice to be mentioned.

Penalty on Perſons carrying away Cinders, &c.

XVI. And be it further enacted, That if any Perſon or Perſons, other than the Scavenger contracting with the ſaid Commiſſioners, or thoſe employed under him, ſhall, without the Privity and Conſent of the Owner, carry away any Cinders or Aſhes from any Houſe or other Premiſes in any Square, Street, or Place, within the Limits aforeſaid, that ſuch Perſon or Perſons, ſo carrying away ſuch Cinders or Aſhes, ſhall forfeit a Sum not exceeding Five Shillings for every ſuch Offence.

Penalty on Owners of Carts; if Perſons offending cannot be apprehended.

XVII. And it is hereby further enacted, That in caſe the Perſon who ſhall carry away the Cinders or Aſhes, without being properly authoriſed by the Scavenger, cannot be apprehended, that then a like Penalty of Five Shillings ſhall be forfeited by the Owner of the Cart in which ſuch Cinders or Aſhes ſhall be placed, in order to be carried away.

Works to be inſpected.

XVIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, to cauſe all and every the Works done in purſuance of this Act to be inſpected by their Surveyor or Surveyors, or by ſuch other Perſon or Perſons as they ſhall, from Time to Time, appoint; and in caſe the ſame ſhall not be well and ſufficiently performed, according to the Intent and Meaning of ſuch Contract or Contracts, or ſhall not be finiſhed and completed at or within the Time or Times that the ſame is or are agreed to be completed by the ſaid Contractor or Contractors, the ſaid Surveyor or Surveyors, or other Perſon or Perſons, ſhall report the ſame to the ſaid Commiſſioners at their next or any ſubſequent Meeting, who ſhall or may thereon, in their own Names, or in the Names of any Five or more of them, or in the Name or Names of their Treaſurer or Treaſurers for the Time being, bring an Action of Debt in any of His Majeſty's Courts of Law at Weſtminſter, againſt any Perſon or Perſons ſo contracting and neglecting to perform any ſuch Contract or Contracts, and for any Penalty or Penalties which ſhall be contained in ſuch Contract or Contracts; and on Proof of the Signing of the ſaid Contract or Contracts, and Nonperformance thereof at the Time for that Purpoſe therein mentioned, the ſaid Commiſſioners ſhall be intitled to, and ſhall recover ſuch Penalty or Penalties; which, when recovered, ſhall be applied for the Purpoſes of this Act.

Commiſſioners may compound, &c.

XIX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to compound and agree with any Perſon or Perſons againſt whom ſuch Commiſſioners ſhall bring, or cauſe to be brought, any Action or Actions, Suit or Suits, for any Penalty or Penalties contained in any Contract or Contracts hereafter to be made or entered into, in purſuance of this Act, on account of any Breach or Nonperformance of any ſuch Contract or Contracts, for ſuch Sum or Sums of Money as they ſhall think proper, ſo as the Sum ſo compounded and agreed for be not leſs than the Injury or Damage ſuſtained by the Breach or Nonperformance of ſuch Contract or Contracts, and all Coſts, Charges, and Expences, which ſhall be occaſioned thereby.

Paviors, Carters, etc. to be appointed.

XX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, to order and direct ſuch and ſo many Paviors, Artificers, Workmen, Labourers, Carters, and others, in the reſpective Works aforeſaid, as they ſhall judge neceſſary for the due Execution of ſuch Works; and no Perſon or Perſons ſhall, for any Act done in conſequence of his or their being ſo employed by Order of ſuch Commiſſioners, be ſubject or liable to any Action, Indictment, or Information, upon the Statute made in the Fifth Year of the Reign of Queen Elizabeth, intituled, An Act containing divers Orders for Artificers, Labourers, Servants of Huſbandry, and Apprentices.

Commiſſioners may cauſe the Streets, &c. to be new-paved.

XXI. And be it further enacted by the Authority aforeſaid, That the Commiſſioners for putting this Act in Execution, or any Five or more of them, may cauſe all or any of the ſaid Squares Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, or any Part or Parts thereof, whether Foot or Carriage Way, within the Limits aforeſaid, to be new-paved or repaired; and, for ſuch Purpoſes, may cauſe to be dug, carted, and carried out of or brought into the ſame, or any of them, or any Part or Parts thereof, ſuch Gravel, Stones, and other Materials, as they ſhall judge neceſſary; and may likewiſe cauſe the Ground thereof to be raiſed or lowered, the Courſe of the Channels running in or through the ſame to be turned or altered, new Grates to the common Sewers to be added or replaced, and in what Numbers or Places they ſhall think proper, and the Water-pipes which now lie, or hereafter ſhall be laid, under Ground, to be taken up and new-laid in ſuch Places, Manner, and Form, as they ſhall judge beſt; and may cauſe all or any Poſt or Rails, in ſuch Streets or Places, within the Limits aforeſaid, as they ſhall judge uſeleſs, or to be a Nuiſance or Obſtruction either to Foot Paſſengers or to Carriages, to be taken up and removed; and likewiſe all Steps, Bulks, Stalls, Dung-holes, Saw-pits, Shew-glaſſes, and Shew-boards, encroaching upon the Foot-way, as alſo all Steps and Doors opening or leading from the Foot-way or Carriage-way into Vaults, Cellars, or other Places, to be removed, filled up, or altered, as they the ſaid Commiſſioners ſhall judge neceſſary.

Penalty on altering the Form of the Streets, &c.

XXII. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall alter, or cauſe to be altered, the Form of any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, which ſhall be new-paved by Order of ſuch Commiſſioners, as aforeſaid, or the Manner of the Pavement thereof, or in anywiſe incroach thereon, or put up any Poſt or Poſts, Step or Steps, or erect any Bulks or Stalls, or place out any Shew-glaſſes or Shew-boards, ſo as to be an Incroachment, or make any Dung-holes or Saw-pits, upon Pain that every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, over and above the Expences of relaying and reinſtating ſuch Pavements, or taking down ſuch Poſts, Bulks, or Stalls, and removing or altering ſuch Shew-boards or Shew-glaſſes, or filling up ſuch Dung-holes or Saw-pits, according to the Direction of ſuch Commiſſioners.

Occupiers of Houſes may make Areas.

XXIII. Provided always, and it is hereby enacted and declared, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to prevent any Owner or Occupier of any Houſe, Shop, Warehouſe, Building, Tenement, or Hereditament, within the Limits aforeſaid, to make any Area or Areas, either in the Front or at the End of any ſuch Houſe, Shop, Warehouſe, Building, Tenement, or Hereditament, after the ſame ſhall be paved; but they ſhall have like Power to make ſuch Area or Areas as before the paſſing of this Act; any Thing herein-before contained to the Contrary thereof in anywiſe notwithſtanding.

Notice to be given when Pavements want Repair.

XXIV. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, if any Houſeholder or Houſeholders, within the Limits aforeſaid, ſhall make Complaint in Writing, under his, her, or their Hand or Hands, and ſhall leave the ſame at the laſt or uſual Place of Abode of the Surveyor or Surveyors to the ſaid Commiſſioners, of any Defect or want of Repair in any of the Pavements of any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, either before or after the ſame ſhall have been new-paved or repaired by virtue of this Act, Three Days before the Meeting of the ſaid Commiſſioners; then, and in every ſuch Caſe, the ſaid Surveyor or Surveyors ſhall view the ſaid Pavement, and report the Condition thereof to the ſaid Commiſſioners at their next Meeting; and if the ſaid Surveyor or Surveyors, to whom ſuch Notice ſhall be given, or left as aforeſaid, ſhall, upon ſuch View, find the Pavement complained of to be bad and defective, (unleſs it ſhall appear to ariſe from a Defect relating to the Water-pipes lying under ſuch Pavement), the ſaid Commiſſioners ſhall give Order to their Contractor or Contractors, Pavior or Paviors, to repair the ſame within ſuch Time as they the ſaid Commiſſioners ſhall judge neceſſary for the Repair thereof, which Time ſhall be ſpecified in ſuch Order: And if the Contractor or Contractors, Pavior or Paviors, to whom ſuch Order ſhall be given, ſhall not repair and amend ſuch Pavements within ſuch Time as he or they ſhall be directed by the ſaid Commiſſioners to repair and amend the ſame; then, and in every ſuch Caſe, the ſaid Contractor or Contractors, Pavior or Paviors, ſhall forfeit and pay the Sum of Twenty Shillings for every Day that the ſaid defective Pavement ſhall remain unrepaired after the Time limited by the ſaid Commiſſioners in their ſaid Order; and One Half of every ſuch Penalty ſhall be applied and paid to ſuch complaining Inhabitant for his or her Loſs of Time and Trouble in and about the Premiſes.

Penalty on Contractors, &c. neglecting to pave, after Notice.

If Surveyors think ſuch Pavements not defective, &c. Commiſſioners to view the ſame.

XXV. Provided always, and it is hereby enacted and declared, That if the ſaid Surveyor or Surveyors ſhall, on any View or Views, be of Opinion, that the Pavement or Pavements mentioned to be bad and defective by ſuch Houſeholder or Houſeholders in ſuch Notice is not bad and defective; then, and in ſuch Caſe, the ſaid Commiſſioners, or any Two or more of them, ſhall forthwith proceed to view the ſaid Pavement, and their Opinion and Order concerning the ſame, after ſuch View, ſhall be final and concluſive; any Thing in this Act contained to the Contrary thereof in anywiſe notwithſtanding.

Streets, &c. to be watered.

XXVI. And it is hereby further enacted by the Authority aforeſaid, That ſuch Commiſſioners as aforeſaid, or any Five or more of them, ſhall have full Power and Authority to cauſe all or any of the Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, within the Limits aforeſaid, to be watered as often as they ſhall think fit; and alſo to cauſe any Well or Wells to be dug or ſunk in ſuch Places (not being a Vault, Cellar, or other Building, under any of the Streets and Places aforeſaid) as they ſhall think proper, and alſo any Pump or Pumps to be erected in or near ſuch Places, and alſo any Pumps now ſtanding, or which ſhall hereafter be erected for the Purpoſe of watering the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, to be removed and altered, and to defray the Expence thereof out of the Monies to be raiſed by virtue of and for the Purpoſes of this Act.

Projections, &c. to be removed.

XXVII. And be it further enacted, That ſuch Commiſſioners as aforeſaid, or any Five or more of them, ſhall and may cauſe all Trees, Signs, Sign-poſts, Sign-irons, Dyers, Scourers, and Barbers Poles, or any other Poles, Porches, Penthouſes, Boards, Spouts, and Gutters, projecting into or over the Highways or Footways, and all other Incroachments, Projections, or Annoyances whatſoever, within the Limits aforeſaid, to be taken down and removed; and ſhall cauſe all Signs, Boards, and Gutters, to be affixed and placed cloſe to or on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong, or otherwiſe, as the ſaid Commiſſioners ſhall think proper and convenient; and ſhall return, or cauſe to be returned, to the reſpective Owners, all or ſo much of ſuch Signs, Sign-poſts, Poles, Sign-irons, Boards, Spouts, and Gutters, as ſhall not be affixed or put up, or otherwiſe made uſe of in the Alterations directed by the ſaid Commiſſioners, in purſuance of this Act; and that for the Future, all Signs, Sign-boards, and Gutters, ſhall be placed and fixed cloſe to or on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, to which they reſpectively belong, and not otherwiſe: And if any Perſon or Perſons ſhall, at any Time hereafter, hang, place, erect, or build, any Sign, Sign-poſt, or other Poſt, Sign-iron, Pole, Porch, Penthouſe, Board, Spout, Gutter, or other Projection, Obſtruction, or Annoyance whatſoever, or cauſe the ſame to be done, contrary to the Directions aforeſaid, and the true Intent and Meaning of this Act, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, and the Sum of Five Pounds for every Week the ſame ſhall be continued.

Signs, &c. how to be affixed.

Buildings, &c. projecting may be removed.

XXVIII. And whereas it might tend to the publick Convenience, if all Buildings and Erections projecting into or upon the Footways were taken down and removed, as alſo all Doors of Cellars leading from and out of any of the Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, and all Steps belonging thereto, and all other Projections whatſoever, and not herein-before mentioned, were taken down, removed, and altered, as the ſaid Commiſſioners ſhall think fit; be it further enacted, by the the Authority aforeſaid, That if any Perſon or Perſons whomſoever, in anywiſe intereſted in any of the ſaid Premiſes, upon Ten Days Notice to them given or left, in Writing, at the Houſe or Houſes, Place or Places of Abode, of ſuch Perſon or Perſons, or at the Houſe, Shop, Shed, or other Place of the Tenant in Poſſeſſion of ſuch Premiſes, ſhall neglect or refuſe to treat, or ſhall not agree for the Sale of any ſuch Premiſes, in any Part or Parts thereof, or for their Intereſt therein; then, and in every ſuch Caſe, the ſaid Commiſſioners ſhall cauſe the Value

Perſons refuſing to treat, a Jury to be ſummoned.

Witneſſes to be ſummoned, &c.

Jury to ſettle the Damages,

whoſe Determination ſhall be final.

lue of the Premiſes to be inquired into and aſcertained by and on the Oath of a Jury of Twelve indifferent Men of the County of Middleſex, (which Oath the ſaid Commiſſioners, or any One or more of them, is and are hereby impowered to adminiſter), what Damages will be ſuſtained by, and what Recompence and Satiſfaction ſhall be made to ſuch Owners, Occupiers, or Proprietors, or other Perſon or Perſons intereſted in the Premiſes before mentioned, or any Part or Parts thereof, which the ſaid Commiſſioners ſhall think proper to be pulled down aud removed, for their reſpective Intereſt therein; and, in order thereunto, the ſaid Commiſſioners are hereby impowered and required, from Time to Time, as there ſhall be Occaſion, to ſummon and call before the ſaid Jury, and to examine upon Oath, all Perſons whatſoever who ſhall be thought neceſſary or proper to be examined as Witneſſes touching or concerning the Premiſes, (which Oath the ſaid Commiſſioners, or any One or more of them, is and are hereby impowered to adminiſter); and, if any of the Parties intereſted ſhall requeſt the ſame, or the ſaid Commiſſioners, or any Five or more of them, ſhall think it neceſſary, ſhall alſo cauſe the ſaid Jury to view the Place or Places in queſtion, and ſhall alſo uſe all other lawful Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſes, in ſuch Manner as they the ſaid Commiſſioners ſhall think fit; and after the ſaid Jury ſhall have ſo inquired of, aſcertained, and ſettled, ſuch Damages and Recompence, they the ſaid Commiſſioners ſhall thereupon order and adjudge the Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury for ſuch Penalties, as aforeſaid, to be paid to the Perſons intereſted in the ſaid Premiſes, or any Part or Parts thereof, according to their Verdict and Inquiſition; and the Order and Adjudication ſo had and made ſhall be final and concluſive to all Intents and Purpoſes, againſt all Parties and Perſons whatſoever, claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs, Executors, Adminiſtrators, and Succeſſors, reſpectively, as well abſent as preſent, Infants, Femes-covert, Lunaticks, Idiots, and Perſons under any Diſability whatſoever, as well as all other Perſons whomſoever; and all and every Perſon and Perſons in anywiſe intereſted in the Premiſes, or in any Part or Parts thereof, ſhall, from and after Payment or Tender of the Money ſo aſſeſſed and adjudged as aforeſaid, in Manner hereafter directed, be hereby, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, or Property, of, in, or to the ſame.

Money awarded for Premiſes ſettled to like Uſes.

XXIX. And be it hereby further enacted, That if any Perſon ſhall be intitled, either in Reverſion or Remainder, to any ſuch Premiſes, the Money ſo awarded by a Jury as a Satiſfaction, ſhall be ſettled to the ſame Uſes as the Premiſes were, unleſs ſuch Perſon ſo intereſted ſhall conſent to give up ſuch reverſionary Intereſt.

How a Jury may be ſummoned.

XXX. And be it further enacted by the Authority aforeſaid, That for the ſummoning and returning of ſuch Jury or Juries, the ſaid Commiſſioners, or any Five or more of them, are hereby impowered, from Time to Time, to iſſue their Warrant or Warrants to the Sheriff of the ſaid County, thereby requiring him to impanel, ſummon, and return, an indifferent Jury of Twenty-four Perſons to appear before the ſaid Commiſſioners, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, of which Time and Place all Parties intereſted ſhall have Ten Days Notice given, or left in Manner herein-laſt before mentioned; and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, ſummon, and return ſuch Twenty-four Perſons accordingly; and out of the Perſons ſo impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear accordingly to or upon ſuch Summons, the ſaid Commiſſioners ſhall cauſe to be ſworn Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and for Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return ſo many of the Standers-by as ſhall be neceſſary to make up the Number of Twelve, to ſerve on ſuch Jury.

Verdict not binding unleſs the Sums aſſeſſed be paid.

XXXI. Provided always, That in caſe the ſaid Sum or Sums ſo aſſeſſed by the ſaid Jury, and ordered and adjudged by the ſaid Commiſſioners, to be paid as a Satiſfaction to the Owners, Occupiers, or others, for their reſpective Intereſts in the ſaid Premiſes, ſhall not be paid, tendered, or left, as herein mentioned, according to the true Intent and Meaning of this Act, within One Calendar Month after the ſame ſhall have been ſo aſſeſſed, ordered, and adjudged; then, and in ſuch Caſe, the Verdict of the ſaid Jury, and Order and Adjudication of the ſaid Commiſſioners, ſhall not be binding upon the ſaid Parties; any Thing herein contained to the Contrary notwithſtanding.

Jurors may be challenged.

Penalty on Sheriff, &c.

Fine not to exceed 10 *l.*

XXXII. Provided always, and be it enacted by the Authority aforeſaid, That all Perſons concerned ſhall, from Time to Time, have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Commiſſioners, acting in the Premiſes, ſhall have Power, from Time to Time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, or his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or ſhall refuſe to be ſworn on ſuch Jury, or to give their Verdict, or in any Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons who, being required to give Evidence touching the Premiſes, ſhall refuſe to be examined or give Evidence; and, from Time to Time, to levy ſuch Fine or Fines, in ſuch Manner as any Penalties in this Act are directed to be levied and recovered, ſo that no Fine ſhall exceed the Sum of Ten Pounds upon any One Perſon for any One Offence.

In caſe of Diſputes, &c. Monies to be paid into the Bank.

XXXIII. And be it further enacted by the Authority aforeſaid, That in caſe ſuch Perſon or Perſons to whom ſuch Sums of Money ſhall be ſo aſſeſſed, or due, as aforeſaid, cannot be found, or if, by reaſon of Diſputes depending in any Court of Law or Equity, or for Default of Evidence, or otherwiſe, it ſhall not appear to the ſaid Commiſſioners what Perſon or Perſons is or are intitled to the ſame; or if any Mortgagee or Mortgagees ſhall refuſe to take in his, her, or their Mortgage-money, due upon the Premiſes, after Notice given to him, her, or them, for that Purpoſe; then, and in all and every ſuch Caſe or Caſes, it ſhall and may be lawful to and for the ſaid Commiſſioners to order the Sum or Sums ſo aſſeſſed and awarded as aforeſaid, or as ſhall be due on any ſuch Mortgage, to be paid into the Bank of England, in the Name or Names of the Treaſurer or Treaſurers to the ſaid Commiſſioners for the Time being, for the Uſe of the Parties intereſted in the ſaid Premiſes, to be paid to them and every of them, according to their reſpective Eſtates and Intereſts in the ſaid Premiſes, as the ſaid Commiſſioners ſhall, by any Order to be by them made, direct.

Conſideration Money how to be paid.

XXXIV. And be it further enacted by the Authority aforeſaid, That all and every Sum and Sums of Money, or other Conſideration, Recompence, or Satiſfaction, to be paid, made, or given, purſuant to any Agreement, Award, Judgement, Sentence, Decree, or Determination, as ſhall be made in purſuance of this Act, ſhall be and are hereby charged and chargeable upon all or any Part of ſuch Money or Monies as ſhall be received by virtue of this Act.

Names of Streets to be affixed up, and Houſes numbered.

Penalty on defacing Numbers, &c.

XXXV. And be it further enacted by the Authority aforeſaid, That ſuch Commiſſioners as aforeſaid, or any Five or more of them, ſhall and may cauſe to be painted, engraved, or deſcribed, in Stone or Wood, or otherwiſe, and to be affixed in a conſpicuous Part of One or more Houſe or Houſes, Building or Buildings, at or near each End, Corner, or Entrance, of each of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, the Name by which each reſpective Square, Street, Lane, Court, Yard, Alley, Paſſage, and Place, is properly or uſually called or known; and may alſo cauſe every Houſe, Shop, or Warehouſe, in each of the ſaid Streets and Places to be marked and numbered in ſuch Manner as they ſhall judge moſt proper for diſtinguiſhing the ſame; and if any Perſon or Perſons ſhall wilfully deſtroy, pull down, injure, obliterate, or deface any ſuch Names, Deſcriptions, Marks, or Numbers, or any Parts or Part thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Ten Shillings.

Annoyances how to be remedied.

XXXVI. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall at any Time or Times hereafter drive or place, or cauſe to be driven or placed, in any of the Carriage-ways within the Limits aforeſaid, any Coach, Cart, Waggon, Dray, or other Carriage, or on any Part or Parts thereof, ſo as to occaſion any Annoyance whatſoever, and ſhall not immediately remove the ſame when required ſo to do by any Perſon or Perſons whatſoever; or if any Perſon or Perſons ſhall ſet or place any ſuch Carriage for the Purpoſe of loading or unloading thereof, or for any other Purpoſe, upon any Foot-way or Croſſing in any Square, Street, Way, Lane, Paſſage, or Place, within the Limits aforeſaid; every Perſon ſo offending ſhall, for every or either of the ſaid Offences, forfeit and pay the Sum of Five Shillings; and One of ſuch Commiſſioners, or any Perſon or Perſons appointed by them for that Purpoſe, may ſeize, or cauſe to be ſeized, any ſuch Coach, Cart, Waggon, Dray, or other Carriage, together with the Horſe or Horſes, if any ſhall be thereunto belonging, and drive or remove, or cauſe the ſame to be driven or removed to the Pound, or other proper Place, within the ſaid Pariſh, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants, ſhall and do pay to the Perſon or Perſons in whoſe Cuſtody the ſame ſhall be the ſaid Penalty, together with the Charges of removing the ſame, and of keeping ſuch Horſe or Horſes, if any; and in caſe the ſame ſhall not be claimed, and the ſaid Penalty and Charges paid, within the Space of Five Days next after ſuch Seizure thereof, then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to order the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act.

Penalty on not removing Caſks, &c. after Notice.

XXXVII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, at any Time or Times hereafter, ſet or place, or cauſe to be ſet or placed, in any of the Carriage-ways or Footways within the Limits aforeſaid, any Caſks, Package, Timber, Stones, Wheels, Bricks, Lime, Sand, Mortar, or Wood, or any other Materials or Things whatſoever, for the Purpoſes of making Mortar, or of building any Houſe, Shop, Warehouſe, Coach-houſe, Stable, or Tenement, or for any other Purpoſes, (unleſs the ſame ſhall be incloſed in a Hoard, or other Erection, as herein-after is directed), and ſhall not remove the ſame within the Space of One Day next after Notice to him or her given for that Purpoſe, or left at the Premiſes where the ſame ſhall be, or if empty and unoccupied, or in building, ſtuck againſt the Wall thereof by any One of ſuch Commiſſioners as aforeſaid, or by any Perſon or Perſons by them appointed for that Purpoſe, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Five Shillings; and any One of ſuch Commiſſioners, or any Perſon or Perſons ſo appointed by them, may ſeize, or cauſe to be ſeized, ſuch Caſks, Package, Timber, Stones, Wheels, Bricks, Lime, Sand, Mortar, Wood, or other Materials, (not being incloſed as aforeſaid), and take or remove, or cauſe the ſame to be taken or removed, to the Pound, or other proper Place within the ſaid Pariſh, there to be kept and detained until the Owner or Owners thereof, or his, her, or their Servant or Servants, ſhall and do pay to the Perſon in whoſe Cuſtody the ſame ſhall be, the ſaid Penalty, together with the Charges of removing the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Penalty and Charges paid, within the Space of Five Days next after ſuch Seizure thereof, then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to order the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act.

Penalty if Nuiſances are continued.

XXXVIII. And it is hereby further enacted, That if any ſuch Nuiſance, Obſtruction, or Annoyance, ſhall be afterwards replaced, and be continued for the Space of One Hour after Notice to remove the ſame, the Perſon or Perſons convicted of ſuch ſecond Offence ſhall forfeit and pay the Sum of Ten Shillings, and the like Sum of Ten Shillings for every repeated Offence.

Licences may be granted for erecting Hoards, &c.

XXXIX. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons whatſoever ſhall erect or build, or cauſe to be erected or built, any Hoard, or erect any Poſts, Bars, Rails, Boards, or other Thing, by way of Incloſure for the Purpoſe of making Mortar, and depoſiting Bricks, Stone, Lime, Sand, or any other Materials for building or repairing any Houſe, Tenement, or other Works, or for any other Purpoſe, without Leave or Licence firſt had and obtained under the Hand or Hands of the Surveyor or Surveyors for the Time being to ſuch Commiſſioners, who is and are hereby required to grant the ſame forthwith to every Perſon ſo applying for ſuch Licence, paying to the ſaid Surveyor or Surveyors the Sum of One Shilling; and no Perſon whatſoever ſhall erect or build any ſuch Kind of Hoard or Incloſure as aforeſaid in any other Manner, or ſuffer the ſame to remain for any longer Time than ſhall be expreſſed or allowed in ſuch Licence from the ſaid Surveyor or Surveyors, to be ſigned as aforeſaid, upon Pain of forfeiting any Sum not exceeding Twenty Shillings, nor leſs than Five Shillings, for every Twelve Hours that the ſame, or any Part thereof, ſhall be continued contrary to the Directions of this Act: And if any ſuch Kind of Incloſure ſhall be erected or built without the Leave of the ſaid Surveyor or Surveyors ſo had and obtained, and ſigned as aforeſaid, or ſhall be ſet up in any other Manner, or continued for any longer Time, than ſhall be allowed and expreſſed in ſuch Licence; then, and in either of the ſaid Caſes, it ſhall and may be lawful for ſuch Commiſſioners, or any Five or more of them, to cauſe the ſame to be pulled down and removed, and the Materials thereof ſhall be depoſited in the Pound, or any other proper Place, within the ſaid Pariſh, there to be kept and detained until the Owner or Owners, or his, her, or their Servant or Servants, ſhall and do pay to the Perſon or Perſons, in whoſe Cuſtody the ſame ſhall be, the ſaid Penalty, together with the Charges of removing the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Penalty and Charges paid, within the Space of Five Days next after ſuch Seizure thereof, then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to order the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act.

No Lime to be ſifted, &c. in any Squares, &c.

XL. And it is hereby further enacted, That if any Perſon or Perſons ſhall ſift, ſcreen, or ſlack any Lime, (except within ſuch Incloſure as aforeſaid), in any Square, Street, Way, Lane, or Paſſage, or cauſe the ſame to be ſo done, he or they ſhall forfeit and pay for every ſuch Offence the Sum of Forty Shillings.

Penalty on driving Carriages, &c. on the Foot-pavements.

XLI. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, for the future, carry, run, drive, or draw, or cauſe to be carried, run, driven, or drawn, on any of the Foot-pavements within the Limits aforeſaid, any Wheel or Wheels, Sledge, Wheelbarrow, or any Carriage whatſoever; or ſhall wilfully ride, lead, or drive, any Horſe, Aſs, or other Cattle, Coach, or other Carriage, whatſoever, upon any Part of the ſaid Foot-pavements, or ſhall throw or caſt any Dung, Aſhes, Dirt, or Rubbiſh, into or upon any of the Carriage or Foot Ways; then, and in any ſuch Caſe, and as often as they or any of them ſhall happen, it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, who ſhall ſee ſuch Offence committed, to ſeize, and alſo for any other Perſon or Perſons to aſſiſt in ſeizing the Offender or Offenders, and they are hereby required ſo to do by the Authority of this Act, and without any other Warrant, to convey and deliver him, her, or them, into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid County; and the Party or Parties accuſed being brought before any ſuch Juſtice, ſuch Juſtice ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear or be produced to give Information touching ſuch Offence, (which Oath the ſaid Juſtice is hereby authoriſed and required to adminiſter); and if the Party or Parties accuſed ſhall be convicted of ſuch Offence, either by his, her, or their own Confeſſion, or upon Information, as aforeſaid, he, ſhe, or they, ſo convicted of any ſuch Offence reſpectively, ſhall forfeit the Sum of Ten Shillings for the Firſt Time of offending; the Sum of Twenty Shillings for the Second Time of offending; and the Sum of Forty Shillings for the Third, and every other Time of offending: And in caſe ſuch Offender or Offenders ſhall not, upon ſuch Conviction, pay ſuch Forfeitures, by him, her, or them incurred, as aforeſaid, the Juſtice before whom ſuch Offender or Offenders ſhall be convicted is hereby required to commit him, her, or them, to the Houſe of Correction for the ſaid County, there to be kept to hard Labour for any Space of Time not exceeding Ten Days, nor leſs than Three Days.

Stands of Hackney Coachmen, &c. to be regulated.

XLII. And whereas both Hackney Coachmen and Hackney Chairmen frequently take their Stands with their Coaches and Chairs in ſuch Part of a Street as to occaſion conſiderable Obſtructions both on the Carriage and Foot Ways; be it therefore enacted, That from and after the paſſing of this Act, the ſaid Commiſſioners, or any Seven or more of them, may direct and regulate ſuch Stands as they ſhall, in their Diſcretion, think proper, within the Limits aforeſaid; and if any Hackney Coachman or Hackney Chairman ſhall not comply with ſuch Regulations, he or they ſhall forfeit the Sum of Ten Shillings for every Offence.

Time of emptying Boghouſes, &c.

XLIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever ſhall come with any Cart or Carts, or begin to empty any Boghouſe or Boghouſes, or to take away any Night-ſoil from any Houſe or Houſes, within the Limits aforeſaid, before the Hour of Twelve of the Clock in the Night, or ſhall continue to take away the ſame after the Hour of Five of the Clock in the Morning, from Michaelmas to Lady-day, or after the Hour of Four of the Clock from Lady-day to Michaelmas; or if any Perſon ſhall put or caſt, or cauſe to be put or caſt, out of any Cart, Tub, or otherwiſe, in or near any of the Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, within the Limits aforeſaid, or within Half a Mile thereof, any ſuch Night-ſoil, it ſhall and may be lawful to and for any Conſtable, Beadle, or Watchman, (and they are hereby ſtrictly required and directed ſo to do), or any other Perſon or Perſons whatſoever, to apprehend and carry him or them, guilty of either of the ſaid Offences, to the Watch-houſe of the ſaid Pariſh, and from thence, as ſoon as conveniently may be, before ſome Juſtice of the Peace for the ſaid County, who, upon Oath made of ſuch Offence or Offences as aforeſaid, (which Oath ſuch Juſtice is hereby impowered and required to adminiſter), ſhall and may commit ſuch Perſon or Perſons, guilty of any of the ſaid Offences, to the Houſe of Correction for the ſaid County, for any Time not exceeding Two Months, nor leſs than Fourteen Days, there to be kept to hard Labour; and it ſhall and may be lawful to and for the ſaid Commiſſioners, at any Meeting to be held in purſuance of this Act, to order any Sum not exceeding Twenty Shillings, nor leſs than Ten Shillings, to be paid to the Perſon who ſhall detect, apprehend, and convey before any ſuch Juſtice or Juſtices of the Peace any ſuch Perſon or Perſons guilty as aforeſaid, to be paid out of the Rates to be raiſed by virtue of this Act.

Where any of the Water Pipes break, Notice to be given to the Pavior.

XLIV. And be it further enacted by the Authority aforeſaid, That when and ſo often as it ſhall happen that any Pipe or Pipes belonging to any Water Companies ſhall break or burſt, in any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, it ſhall and may be lawful to and for the Surveyor for the Time being to the Commiſſioners for putting this Act in Execution, or ſuch other Perſon as the ſaid Commiſſioners, or any Five or more of them, ſhall appoint for that Purpoſe, to give immediate Notice thereof to the Pavior of the Water Company to whom he apprehends ſuch Pipe or Pipes does or do or may belong, and require him to take up the Pavement, and open the Ground at or near the Place where the Water ſhall or may iſſue by reaſon of ſuch Pipe or Pipes breaking or burſting, within Two Days after ſuch Notice given to ſuch Pavior, or left at his laſt or uſual Place of Abode: And if, upon taking up of the Pavement, and opening of the Ground, it ſhall appear that the Pipe or Pipes ſo broken or burſt do not or doth not belong to the Water Company whoſe Pavior ſhall have taken up ſuch Pavement, and opened ſuch Ground; that then, and in ſuch Caſe, the Surveyor, or other Perſon as aforeſaid, ſhall give immediate Notice to the Pavior of that Company to whom it ſhall appear that the ſaid Pipe or Pipes do or doth belong, ſuch Notice to be given or left with ſuch Pavior, or at his laſt or uſual Place of Abode; and the Pavior of the Company to whom ſuch Pipe or Pipes ſhall belong is hereby required to repair the ſame, and fill in the Ground within Two Days after ſuch Notice given or left as aforeſaid; and alſo within Two Days after ſuch Pipe ſhall be repaired, and the Ground filled in, to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor, or other Perſon aforeſaid, of ſuch Pipe or Pipes being repaired, and ſuch Ground being filled in, ſuch Notice to be given to ſuch Contractor, Surveyor, or other Perſon, or left at his or their laſt or uſual Place of Abode: And in caſe it ſhall happen that the Pavior who firſt receives Notice to take up the Pavement, and open the Ground, for the Purpoſes aforeſaid, ſhall take up ſuch Pavement and open ſuch Ground, and it ſhall then be diſcovered that the Pipe or Pipes which is, are, or ſhall be burſt or broken, do or doth not belong to the Company to whom he is Pavior; that then, and in ſuch Caſe, the Pavior of the Company to whom ſuch Pipe or Pipes do or doth belong ſhall make Satiſfaction to the Pavior who ſo took up ſuch Pavement and opened ſuch Ground, for ſuch Work; and in caſe the Pavior to whom ſuch Notice ſhall be ſo given to take up ſuch Pavement, and open ſuch Ground, ſhall neglect or refuſe to do the ſame within the ſaid Two Days after Notice given, he ſhall, for the Firſt Offence, forfeit any pay the Sum Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds: And in caſe the Pavior of the Company, to whom ſuch Pipe or Pipes ſo broken or burſt ſhall belong, ſhall neglect or refuſe to repair and amend the ſame, and fill in the Ground ſo taken up, for the Space of Two Days next after ſuch Notice given, or ſhall neglect to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor to the ſaid Commiſſioners, or to ſuch other Perſon as aforeſaid, ſuch Pavior ſhall, for the Firſt Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds: And if any Perſon or Perſons contracting with the ſaid Commiſſioners to relay ſuch Pavements, ſo broken or taken up for the Reaſons aforeſaid, ſhall neglect or refuſe to relay ſuch Pavement in a good, ſufficient, and effectual Manner, within Two Days after ſuch Notice given to him as aforeſaid; or if the Surveyor or other Perſon to whom ſuch Notice ſhall be given ſhall neglect to acquaint the Contractor of ſuch Notice; then, and in every ſuch Caſe, the Perſon or Perſons ſo offending ſhall, for the Firſt Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds: And if any Pipe or Pipes, (other than ſuch as belong to any of the Water Companies), ſhall happen to break or burſt in any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, the Owner or Owners thereof ſhall cauſe the Ground to be opened, and ſuch Pipe or Pipes to be repaired, within the Times before reſpectively limited for ſuch Purpoſes; and alſo ſhall forthwith give Notice to the Contractor or Contractors, Surveyor or Surveyors, or other Perſon or Perſons ſo appointed as aforeſaid to relay the Pavement ſo broken and taken up, upon Pain of forfeiting, for every ſuch Neglect or Refuſal, the Sum of Forty Shillings: Or if any Pavement ſhall be broken or taken up by the Commiſſioners of Sewers for the Purpoſes of making, repairing, or altering any Sewer or Drain, or for any other Purpoſe whatſoever, the Surveyor for the Time being to the ſaid Commiſſioners of Sewers, or ſuch other Perſon or Perſons ſo breaking or taking up the ſaid Pavement, ſhall forthwith give Notice thereof to the Surveyor or Surveyors, Contractor or Contractors, or other Perſon or Perſons appointed by the Commiſſioners for putting this Act in Execution, to relay or repair the Pavement ſo broken or taken up as aforeſaid, upon Pain of forfeiting, for every ſuch Neglect or Refuſal, the Sum of Forty Shillings; or if the ſaid Surveyor or Surveyors to or for whom ſuch Notice ſhall be given, or left as aforeſaid, ſhall neglect or refuſe to acquaint the Contractor or Contractors, or other Perſon or Perſons ſo appointed as aforeſaid, of ſuch Notice; or if ſuch Contractor or Contractors, or ſuch other Perſon or Perſons, ſhall not, within Two Days next after ſuch Notice reſpectively given, relay or repair the ſame; then, and in every ſuch Caſe, the Perſon or Perſons ſo reſpectively offending, ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings, and the like Sum of Twenty

How the Expence of relaying the Pavement is to be paid.

Pipes breaking in any Square, *&c.* Owners to open the Ground and repair the ſame; giving Notice to the Contractor, *&c.* to relay the Pavement on Pain of forfeiting 40 *s.*

Pavement taken up by Commiſſioners of Sewers, for making Repairs, *&c.* Surveyor to give Notice to the Contractor to relay the ſame under Penalty of 40 *s.*

Shillings for every Day ſuch Pavement ſhall continue without being relayed or repaired, after the Expiration of the ſaid Two Days.

Paviors, *&c.* to give Notice of the Death or Removal of Turncocks, *&c.*

XLV. And be it further enacted by the Authority aforeſaid, That the ſeveral and reſpective Paviors and Turncocks now appointed, or hereafter to be appointed, in caſe of the Death, or Removal of any ſuch Pavior or Turncock by the ſaid ſeveral and reſpective Water Companies, ſhall, and they are hereby required, within the Space of Twenty-one Days next after the paſſing of this Act, or within the Space of Three Days next after he or they ſhall be appointed Pavior or Paviors, Turncock or Turncocks, to ſuch Company or Companies, to give Notice in Writing to the Surveyor or Surveyors for the Time being to the Commiſſioners for putting this Act in Execution, or to ſuch other Perſon or Perſons as ſhall be by them, or any Five or more of them, appointed for that Purpoſe; which Notice ſhall contain ſuch Pavior's or Turncock's Name and Place of Abode reſpectively, as alſo to what Company he is Pavior or Turncock, and in what Diſtrict he has the Care of ſuch Company or Companies Pipes; and in like Manner the Surveyor or Surveyors to ſuch Commiſſioners for the Time being ſhall, within the reſpective Times aforeſaid, give Notice to the reſpective Paviors and Turncocks of the ſaid ſeveral Water Companies, of his or their own Place or Places of Abode, and alſo to the Surveyor or Surveyors to the Commiſſioners of Sewers, of the Names and Places of Abode of ſuch Contractor or Contractors, and of the Pavior or Paviors employed by ſuch Commiſſioners; and every Perſon or Perſons neglecting or refuſing to give ſuch Notice as aforeſaid, within the Times before reſpectively ſpecified, ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings.

Commiſſioners of Sewers to repair Drains, *&c.*

XLVI. And be it further enacted by the Authority aforeſaid, That when any Sewer or Drain, which ſhall or may be under the Direction of the Commiſſioners of Sewers, in any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, ſhall require to be repaired or altered, or any new or additional Sewer or Sewers, Drain or Drains, ſhall be neceſſary to be made, or any new Grate or Grates to be made and put over any Sewer in any of the ſaid Squares, Streets, or Places, or any old Grates over the ſame, ſhall require to be removed or altered for the Purpoſe of paving any of the ſaid Streets or other Places; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the Commiſſioners for the Time being for putting this Act in Execution, or any Five or more of them, or their Surveyor or Surveyors for the Time being, to cauſe ſuch Sewer or Sewers, Drain or Drains, to be made, repaired, or altered, or ſuch new and additional Grates to be made and put down, or ſuch old Grates to be repaired, removed, or altered, as the Caſe may require, and the Expence thereof ſhall, from Time to Time, be paid out of the Money ariſing, or to ariſe, by virtue of this Act.

Pipes not belonging to any Water Company, Charges of relaying, *&c.* to be paid by Owners to the Commiſſioners.

XLVII. Provided always, and it is hereby enacted and declared, That the Charges and Expences of relaying or repairing the Pavement which ſhall be broken or taken up for the Purpoſe of repairing or amending any ſuch Pipe or Pipes not belonging to any of the Water Companies, ſhall be paid to the Commiſſioners for putting this Act in Execution, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint to receive the ſame, by the reſpective Owner or Owners of ſuch Pipe or Pipes; and in caſe the reſpective Owner or Owners of ſuch Pipe or Pipes as aforeſaid ſhall neglect or refuſe to pay what ſhall have been ſo laid out and diſburſed for the Purpoſes aforeſaid, within Ten Days next after Notice thereof in Writing, ſigned by the Clerk to the Commiſſioners for putting this Act in Execution, and left at their reſpective Dwelling-houſes or laſt Place of Abode, together with a Bill annexed thereto, (which Notice ſhall contain an Account of ſuch Charges and Expences); that then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners for putting this Act in Execution, or any Five or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in their own Names, or in the Name or Names of their Treaſurer or Treaſurers for the Time being, againſt all or any or either of the reſpective Perſons aforeſaid, for the Recovery of ſuch Sum or Sums of Money as they ſhall have ſo laid out and expended for the Purpoſes aforeſaid; in which Action or Actions no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Expence of altering Pipes to be borne by the Commiſſioners.

XLVIII. Provided nevertheleſs, and it is hereby enacted, That if, at any Time or Times, it ſhall be found neceſſary to raiſe, ſink, or any otherwiſe alter the Poſition of any of the Pipes or Plugs laid down or placed by any of the Companies who furniſh the Inhabitants within the Limits aforeſaid with Water, or of any Leaden or other Pipes belonging to any of the ſaid Water Companies, or to any other Perſon or Perſons which, for the Purpoſes of conveying Water into any Houſe, Area, or other Place, have been or ſhall be laid into or from any ſuch Pipe or Pipes, for the Purpoſe of new-paving or altering the Pavement of any of the Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, the Expence thereof ſhall, from Time to Time, be paid out of the Money ariſing, or to ariſe, by virtue of this Act, and ſhall always be done with as little Detriment and Inconvenience to the ſaid reſpective Companies or Inhabitants as the Circumſtances of the Caſe will admit.

Pipes replaced at Requeſt, Proprietors to pay Expences, *&c.*

XLIX. Provided always, That when and ſo often as any Part of the Pavements of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, ſhall be taken up by any Perſon or Perſons, for the Purpoſes of placing, altering, or amending any ſuch Pipe, the ſame ſhall, with all convenient Speed, be repaired by the Pavior or Paviors contracting with or employed by the ſaid Commiſſioners, or under the Direction of their Surveyor or Surveyors, at the Expence of the Proprietor or Proprietors of the ſaid Leaden or other Pipes reſpectively, if ſuch Pipe is replaced, altered, or amended, at the Requeſt of ſuch Proprietor, and not otherwiſe.

Commiſſioners may compound with ſaid Proprietors.

L. Provided alſo, That it ſhall and may be lawful to and for the ſaid Commiſſioners, from Time to Time, to compound and agree with any of the ſaid Proprietors for a certain Sum of Money, by the Foot or other Meaſure, as the ſaid Commiſſioners ſhall think reaſonable, in lieu and ſtead of their laying down and repairing ſuch Parts of the ſaid

Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, as ſhall be neceſſary to be taken up for the Purpoſes aforeſaid.

Inhabitants may raiſe a Sum to new-pave any Square, &c.

LI. And whereas it is apprehended, that if the Inhabitants of particular Squares, Streets, and Places, within the Limits aforeſaid, or others, would raiſe ſuch competent Sum and Sums of Money as would be ſufficient to new-pave ſuch particular Square, Street, or Place, under the Direction of the Commiſſioners for putting this Act in Execution, it would be a Means of greatly forwarding the ſeveral Improvements intended to be made by this Act; be it therefore further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Inhabitants of any particular Square, Street, or Place, within the Limits aforeſaid, or any other Perſon or Perſons whatſoever, to raiſe, from Time to Time, ſuch competent Sum or Sums of Money as ſhall be ſufficient to new-pave ſuch particular Square, Street, or Place; which Sum and Sums of Money, when ſo raiſed, ſhall be paid to ſuch Commiſſioners, or to their Treaſurer or Treaſurers for the Time being, or to ſuch other Perſon or Perſons as ſuch Commiſſioners, or any Seven or more of them, ſhall direct and appoint to receive the ſame, and for which ſuch Perſon and Perſons ſo advancing any ſuch Sum or Sums of Money ſhall be Creditors, and the Principal and Intereſt ſhall be charged and chargeable upon the Rate or Rates, Aſſeſſment or Aſſeſſments, to be made, laid, and aſſeſſed, upon ſuch particular Squares, Streets, or Places, for that Purpoſe, by virtue and in purſuance of this Act; and which Money, when ſo paid and received, ſhall be depoſited in the Bank of England, and thence iſſued and applied by ſuch Commiſſioners, or any Seven or more of them, for new-paving ſuch particular Square, Street, or Place; and it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to agree to pay and allow legal or lower Intereſt, Half-yearly, to any Perſon or Perſons who ſhall raiſe any ſuch Sum or Sums of Money, to commence from the Time that ſuch Sum or Sums of Money ſhall be received by the ſaid Commiſſioners, or any Seven or more of them, or their Treaſurer or Treaſurers, or any other Perſon or Perſons ſo by the ſaid Commiſſioners appointed to receive the ſame, in Manner aforeſaid.

Monies ſo raiſed, charged upon the Rates laid upon ſuch Squares, &c.

Commiſſioners to make Rates to repay the Money ſo advanced.

LII. And, in order to enable the ſaid Commiſſioners ſo to do, be it further enacted by the Authority aforeſaid, That, from and after the Time that ſuch competent Sum or Sums of Money ſhall be paid and received for that Purpoſe, in Manner aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, yearly and every Year, or oftener, if Occaſion ſhall require, to make, lay, and aſſeſs One or more Rate or Rates, Aſſeſſment or Aſſeſſments, upon all and every Perſon and Perſons who do or ſhall inhabit, hold, uſe, occupy, poſſeſs, or enjoy any Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament, in any ſuch Square, Street, or Place, within the Limits aforeſaid, for raiſing ſuch competent Sum and Sums of Money as the ſaid Commiſſioners, or any Seven or more of them, ſhall, in their Diſcretion, judge neceſſary, for and towards repaying the Money ſo raiſed and received, together with legal or lower Intereſt for the ſame; which ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall commence from the Time that ſuch Sum or Sums of Money ſhall be ſo received as aforeſaid, over and above any Rate or Rates, Aſſeſſment or Aſſeſſments, herein-after directed to be made for repairing, cleanſing, lighting, and watching, ſuch Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places; and it ſhall and may be lawful to and for the Commiſſioners, or any Seven or more of them, by any Writing or Writings under their Hands and Seals, to aſſign over and convey the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, of ſuch particular Square, Street, or Place, or any Part or Parts thereof, to any Perſon or Perſons who ſhall lend and advance their Money as aforeſaid, as a Security for the Repayment thereof, together with Intereſt for the ſame; and the Treaſurer or Treaſurers for the Time being to ſuch Commiſſioners ſhall, from Time to Time, keep the Accounts relating to ſuch Rate and Aſſeſſment, and the Payment of the Intereſt of the Money borrowed, ſeparate and diſtinct from the other Accounts of ſuch Commiſſioners; and if any Sum or Sums of Money ſhall at any Time remain over and above what ſhall be ſufficient to pay ſuch Intereſt as aforeſaid, then ſuch Sum or Sums ſhall be applied towards paying off the Principal ſo advanced and received as aforeſaid, and for that Purpoſe may be placed out at Intereſt, on Government Securities, in the Name or Names of the Treaſurer or Treaſurers for the Time being to ſuch Commiſſioners, at ſuch Time, and in ſuch Manner, as the ſaid Commiſſioners, or any Seven or more of them, ſhall direct or appoint, until the ſame ſhall amount to the Sum of Five hundred Pounds; which Sum ſhall be applied for and towards the Payment of the Money lent and advanced on the Rate of ſuch particular Square, Street, or Place.

Rates may be aſſigned.

Notice to be given before paving any particular Square, &c.

LIII. Provided always, and be it further enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to authoriſe and impower the Commiſſioners for putting this Act in Execution to new-pave any ſuch particular Square, Street, or Place, upon Application made to them by the Inhabitants as aforeſaid, unleſs One Month's Notice, at the leaſt, of ſuch Application ſhall be publiſhed in the London Gazette, and alſo in One or more of the Daily News-papers; in which Notice the Owners of Houſes, or the Occupiers thereof, having a Term of Seven Years, or more, in any Houſe or Houſes in ſuch particular Square, Street, or Place, ſhall be required, by himſelf, herſelf, or themſelves, or by his, her, or their Attorney or Attornies, Agent or Agents, to meet at the Time and Place in ſuch Notice to be mentioned, to ſignify their Aſſent to or Diſſent from the new-paving ſuch particular Square, Street, or Place, as ſhall be ſpecified in ſuch Notice; and alſo unleſs either printed Notice, or Notice in Writing, ſhall be left at every Houſe then occupied in ſuch particular Square, Street, or Place, One Month at leaſt before the Time of ſuch Meeting; and alſo unleſs Three-fourths of the Owners or Occupiers of Houſes, having a Term of Seven Years, or more, as aforeſaid, in ſuch particular Square, Street, or Place, ſhall, by himſelf, herſelf, or themſelves, or by his, her, or their Attorney or Attornies, Agent or Agents, then preſent, conſent thereto in Writing under their reſpective Hands; which Conſent is hereby directed to be preſerved and filed by the Clerk or Clerks to the ſaid Commiſſioners.

Creditors deemed equal in Degree.

LIV. And be it further enacted by the Authority aforeſaid, That no Preference ſhall be given to any Perſon or Perſons advancing any Sum or Sums of Money upon the Credit of this Act, in reſpect to the Priority of advancing the ſame; but that all Perſons ſhall, in proportion to the Sum or Sums of Money by them advanced, be Creditors in an equal Degree one with another.

Lamps to be ſet up, *&c.*

LV. And, for the better enlightening the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, to cauſe ſuch and ſo many Lamps to be ſet up in ſuch Places within the Limits aforeſaid, and to be placed in ſuch Manner, and at ſuch Diſtances, as they ſhall judge neceſſary, not exceeding Sixty Feet; and may contract or agree with any Perſon or Perſons for ſuch Lamps, or may find and provide the ſame, if they ſhall think fit; and alſo may contract or agree with any Perſon or Perſons for the lighting, ſupplying, maintaining, and repairing ſuch Lamps, and appoint how and where the ſaid Lamps ſhall be placed, according to the Limitation aforeſaid, and at what Time, and how long, the ſaid Lamps ſhall be and continue lighted and burning, ſo that they ſhall be lighted at Sun-ſetting, and continue burning till Sun-riſing, and what Sum or Sums of Money ſhall be paid to the Perſon or Perſons ſo to be contracted or agreed with to light, maintain, and repair the ſaid Lamps; provided that no ſuch Contract or Agreement ſhall be for a longer Term than Three Years from the Commencement thereof.

Lamp irons where to be affixed.

LVI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to order and direct Lamp-irons to be put or affixed againſt the Walls of all or any of the ſeveral Houſes or Tenements within the Limits aforeſaid, or into, upon, or againſt the Rails before the Area, or in ſuch Manner, and in ſuch other Place, as the ſaid Commiſſioners, or any Five or more of them, ſhall think proper and convenient; and if any Perſon or Perſons ſhall wilfully take away, break, throw down, or damage any Lamp that ſhall be ſet up for the Purpoſes of enlightening any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, or wilfully extinguiſh the Light or Lights within the ſame, or throw down or damage the Irons or other Furniture thereof, it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, who ſhall ſee ſuch Offence committed, to ſeize, as alſo for any other Perſon or Perſons to aſſiſt in ſeizing the Offender or Offenders, and, by Authority of this Act, and without any other Warrant, to convey and deliver him, her, or them, into the Cuſtody of a Peace-officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid County; and ſuch Juſtice ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear, or be produced, to give Information or Evidence touching ſuch Offence, (which Oath the ſaid Juſtice is hereby authoriſed and required to adminiſter); and if the Party or Parties accuſed ſhall be convicted of any ſuch Offence, either by his, her, or their Confeſſion, or upon ſuch Information or Evidence as aforeſaid, he, ſhe, or they, ſo convicted, ſhall forfeit and pay the Sum of Twenty Shillings for each Lamp, or Lamp-iron, ſo broken, thrown down, or damaged, or for every Lamp ſo extinguiſhed, as aforeſaid, and moreover ſhall make full Satisfaction to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint to receive the ſame, for the Damage ſo by him, her, or them done, as aforeſaid; and in caſe ſuch Offender or Offenders ſhall not, on Conviction, pay ſuch Forfeiture, and make ſuch Satisfaction as aforeſaid, ſuch Juſtice is hereby required to commit him, her, or them, to the Houſe of Correction for the ſaid County, there to be kept to hard Labour for any Space of Time not exceeding One Calendar Month, nor leſs than Seven Days; and ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he, ſhe, or they, ſhall be ſo committed, unleſs ſuch Forfeiture and Satisfaction ſhall be ſooner paid and given.

Perſons damaging Lamps, *&c.* to forfeit 20 *s.*

On Non-payment, Offenders to be committed.

Perſons accidentally damaging Lamps, to make Satisfaction,

LVII. And be it further enacted by the Authority aforeſaid, That in caſe any Perſon or Perſons ſhall careleſsly or accidentally break, throw down, or damage any Lamp or Lamps, hung out or ſet up by Order of the ſaid Commiſſioners within the Limits aforeſaid, or the Irons or other Furniture thereof, and ſhall not immediately upon Demand make Satisfaction for the Damage done thereto; then, and in every ſuch Caſe, it ſhall and may be lawful to and for any One Juſtice of the Peace in and for the ſaid County, upon Complaint to him made by One or more credible Witneſs or Witneſſes, to ſummon before him the Party or Parties who ſhall be complained of for doing ſuch Damages as aforeſaid; and, upon hearing the Allegations and Proofs on both Sides, or Non-appearance of the Party or Parties ſo complained of, to award ſuch Sum or Sums of Money, by way of Satisfaction to the Owner of ſuch Lamp or Lamps, or to the ſaid Commiſſioners, as the Caſe ſhall be, for ſuch Damages, as ſuch Juſtice ſhall think reaſonable; and in caſe of Neglect or Refuſal to pay any Sum or Sums of Money ſo awarded within Ten Days after Demand, to cauſe the ſame to be levied as Fines, Penalties, and Forfeitures, are by this Act herein-after directed to be levied.

and, on Non-payment, to be levied as Fines are to be levied.

Watch-houſes to be built, and Watchmen appointed.

LVIII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, ſhall and may cauſe a proper Watch-houſe or Watch-houſes, and proper Watch-boxes, to be erected and built within the ſaid Pariſh, and appoint ſuch a Number of fit and able-bodied Men as they ſhall think proper, at any Time, to watch and guard the ſaid Streets, and other Places, and give ſuch Orders and Directions concerning the Manner in which the ſaid Watchmen ſhall be armed and ſtationed, and for the due and regular Performance of the ſaid Service, as they the ſaid Commiſſioners, or any Seven or more of them, ſhall judge expedient, and from Time to Time remove any of the ſaid Watchmen, and appoint others in their Stead; and, out of any Money to be raiſed by virtue of this Act, pay the Expences attending the building and fitting up ſuch Watch-houſe or Watch-houſes, and Watch-boxes, and alſo the Allowances to ſuch Watchmen for their Attendance, and all other neceſſary Charges and Expences incident to and attending this Service.

Foot-ways to be ſwept, &c. once a Day.

LIX. And it is hereby further enacted, That every Occupier of any Houſe or Tenement within the Limits aforeſaid, and, in reſpect to Inmates, every Houſe-owner, ſhall, Once in every Day, between the Hours of Seven and Nine of the Clock in the Forenoon of each Day, ſcrape, ſweep, and cleanſe the Footway all along the Front of their reſpective Houſes and Tenements, or cauſe the ſame to be ſcraped, ſwept, and cleanſed; and in Default thereof, ſhall, for every ſuch Offence, forfeit and pay the Sum of Two Shillings; to be levied by Warrant under the Hand and Seal, or Hands and Seals, of One or more Juſtice or Juſtices of the Peace for the ſaid County, upon the Oaths of Two or more credible Witneſſes, which Oath the ſaid Juſtice or Juſtices of the Peace is and are hereby required and impowered to adminiſter.

Where Materials for Foot-ways may be lodged.

LX. And it is hereby further enacted, That during the Time any Square, Street, Lane, Court, Yard, Alley, Paſſage, or Place, ſhall be new-paving or repairing, under the Direction of the ſaid Commiſſioners, they ſhall have Power to order the neceſſary Materials to be lodged in that or any adjoining Street or Place, or Streets or Places, according to their Diſcretion, as alſo to ſtop the Way through any adjacent Square, Street, Lane, Court, Yard, Alley, Paſſage, or Place, ſo long as they ſhall judge neceſſary; and all Perſons acting under their Direction, as aforeſaid, are hereby indemnified from any Proſecution or Action whatſoever, except where ſuch Materials ſhall be lodged upon, or over, or within Six Feet of the Fire-plug or Cock; and no ſuch Materials ſhall be depoſited in or near the End of any Street or Place, in ſuch Manner as to prevent the Admiſſion of Fire-engines.

Rates not to exceed 2*s.* in the Pound.

LXI. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, One or more Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall, for the Purpoſes of repairing, cleanſing, lighting, and watching, the Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, within the Limits aforeſaid, be made, laid, and aſſeſſed by the ſaid Commiſſioners, as aforeſaid, or any Seven or more of them, Once in every Year, or oftener, if they ſhall judge it needful, upon all and every Perſon and Perſons who do or ſhall inhabit, hold, uſe, occupy, poſſeſs, or enjoy, any Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament, in any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, in ſuch competent Sum and Sums of Money as the ſaid Commiſſioners ſhall order and direct, ſo as ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, do not exceed in the Whole the Sum of Two Shillings in the Pound in any One Year, according to the yearly Rent or Value of ſuch Lands, Grounds, Houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, ſituate as aforeſaid.

Commencement of Rates.

LXII. And be it further enacted by the Authority aforeſaid, That the ſaid Firſt Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall commence from the Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-one; and every ſuch future Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall commence from the Time that the laſt preceding Rates or Aſſeſſments ended, and not otherwiſe; and the Monies therein and thereby charged and aſſeſſed ſhall be payable and recoverable Quarterly, in Manner herein-after directed.

An additional Rate, &c. on new-paving Squares, &c.

LXIII. And be it further enacted by the Authority aforeſaid, That when, and as ſoon as the ſaid Commiſſioners ſhall have cauſed any Square, Street, Lane, Court, Yard, Alley, Paſſage, or Place, within the Limits aforeſaid, or any Part or Parts thereof, to be new-paved, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, as ſoon as conveniently may be, and ſo in like Manner yearly, or oftener, if Occaſion ſhall require, to make, lay, and aſſeſs, upon all and every Perſon and Perſons who do or ſhall inhabit, hold, uſe, occupy, poſſeſs, or enjoy, any ſuch Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament reſpectively, as far as ſuch new Pavement ſhall extend, (excepting ſuch Squares, Streets, and Places, as ſhall be new-paved at the Requeſt of Three-fourths of the Inhabitants of any ſuch Square, Street, or Place, in the Manner herein-before directed), a further Sum, not exceeding Sixpence in the Pound of the yearly Rent or Value of ſuch Lands, Grounds, Houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments reſpectively, to commence from the Time that ſuch new Pavement ſhall be reſpectively completed.

For borrowing Money.

LXIV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby impowered, from Time to Time, when they ſhall judge it neceſſary for the Purpoſes aforeſaid, to borrow and take up at Intereſt ſuch Sum or Sums of Money as any Perſon or Perſons is or are willing to lend and advance upon the Credit of the ſaid ſeveral Rates or Aſſeſſments; and, by any Writing or Writings upon Vellum or Parchment, ſigned by the ſaid Commiſſioners, or any Seven or more of them, to aſſign the ſaid Rates or Aſſeſſments, or any Part thereof, to any Perſon or Perſons who ſhall advance and lend ſuch Money thereon, as a Security or Securities for the ſeveral Sums ſo borrowed, with Intereſt for the ſame; which Intereſt ſhall be payable and paid Half-yearly by the Treaſurer or Treaſurers for the Time being, out of the Monies to ariſe by or from the ſaid Rates or Aſſeſſments.

Application of Monies.

LXV. And be it further enacted by the Authority aforeſaid, That ſuch Sum or Sums of Money, when ſo received by the ſaid Commiſſioners, or any Seven or more of them, at any Meeting to be held in purſuance of this Act, or by their Treaſurer or Treaſurers for the Time being, the ſame ſhall be depoſited in the Bank of England, and thence iſſued and applied by ſuch Commiſſioners, or any Seven or more of them, for the Purpoſes of this Act.

LXVI. And

For granting Annuities.

LXVI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay into the Hands of the ſaid Commiſſioners, or any Seven or more of them, for the Purpoſes of this Act, any Sum or Sums of Money, for the abſolute Purchaſe of One or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of ſuch Perſons as ſhall be nominated by and on Behalf of ſuch reſpective Contributors, at the Time of Payment of their reſpective Contribution-monies to be advanced and paid as aforeſaid; all which Annuities ſo to be purchaſed ſhall be payable and paid by the Treaſurer or Clerk to the ſaid Commiſſioners for the Time being out of the Monies to ariſe by or from the ſaid Rates and Aſſeſſments, by Four equal quarterly Payments, the Firſt Payment to be made to the reſpective Purchaſers, or their Aſſigns, at the Expiration of the Firſt Quarter after Payment of their reſpective Purchaſe-monies; all which Annuities ſhall be ſold to the beſt Bidder, at a publick Sale, Notice whereof ſhall be given in ſome publick News-paper, Ten Days at the leaſt before ſuch Sale; and all and every the Annuity or Annuities ſo to be purchaſed ſhall be, and they are hereby charged upon, and payable, from Time to Time, out of the Monies ariſing from the Rates and Aſſeſſments to be raiſed and aſſeſſed by virtue of this Act.

Annuities to be free from all Taxes.

LXVII. And be it further enacted, That all and every Perſon and Perſons who ſhall purchaſe ſuch Annuity or Annuities, and ſhall duly pay the Purchaſe-money for the ſame, and his, her, and their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall have, receive, and enjoy the reſpective Annuity or Annuities ſo purchaſed, during the Term of the natural Life or Lives of the Perſon or Perſons by them reſpectively nominated at the Time of ſuch Purchaſe, and ſhall have good, ſure, abſolute, and indefeaſible Eſtates and Intereſts in the ſaid Annuities reſpectively, according to the true Intent and Meaning of this Act; and that none of the ſaid Annuitants ſhall be ſubject or liable to any Tax aſſeſſed upon Land by Authority of Parliament; and every ſuch Purchaſer ſhall, upon Payment of his or her Purchaſe-money, as aforeſaid, have an Order upon Parchment or Vellum for Payment of the Annuity or Annuities ſo purchaſed by him or her, for or during the natural Life or Lives of ſuch Perſon or Perſons as ſhall be nominated by him or her, as aforeſaid; which Order ſhall be ſigned by the ſaid Commiſſioners, or any Seven or more of them, and, after ſigning thereof, ſhall be firm, good, valid, and effectual, in the Law, according to the Purport and Meaning thereof, and of this Act.

Securities to be entered in Books.

LXVIII. And be it further enacted, That there ſhall be entered in a Book or Books, to be for that Purpoſe provided and kept by the Clerk or Clerks to the ſaid Commiſſioners, all Securities for Monies borrowed by virtue or in purſuance of this Act, and all Aſſignments or Transfers thereof, expreſſing in Words at length the Names, Surnames, Additions, Places of Abode, and other Deſcriptions, of all ſuch Perſons as ſhall, from Time to Time, be intitled to ſuch Securities, and the Sums received upon ſuch Securities; to which Book or Books the Perſons intitled thereto, and all and every other Perſon or Perſons liable to the Payment of the ſaid Rates and Aſſeſſments, ſhall, at all ſeaſonable Times, have Acceſs, with free Liberty to inſpect the ſame, without Fee or Reward: And if any Sum or Sums of Money ſhall at any Time remain, over and above what ſhall be ſufficient to pay ſuch Intereſt and Annuities, as aforeſaid, then ſuch Sum or Sums of Money ſhall be applied towards paying off the Principal, ſo borrowed and taken up at Intereſt, as aforeſaid; and for that Purpoſe may be placed out at Intereſt, on Government Security, in the Name or Names of the Treaſurer or Treaſurers for the Time being to ſuch Commiſſioners, at ſuch Time, and in ſuch Manner, as the ſaid Commiſſioners, or any Seven or more of them, ſhall direct or appoint, until the ſame ſhall amount to the Sum of Five hundred Pounds; which Sum ſhall be applied for and towards the Payment of the Money lent and advanced on ſuch Rates; and no Preference, either in the Payment of Intereſt or Principal, ſhall be given to any Perſon or Perſons whatſoever, on account of the Priority of advancing any ſuch Sum or Sums, but that each Perſon ſhall be a Creditor in equal Degree, according to the Sum or Sums ſo by him, her, or them, lent and advanced, as aforeſaid.

Creditors deemed equal in Degree.

Copies of Aſſignments to be entered in a Book,

LXIX. And be it further enacted by the Authority aforeſaid, That Copies of all Aſſignments, Conveyances, and Securities, made by virtue and in purſuance of this Act, ſhall be entered in a Book or Books, to be kept for that Purpoſe by the Clerk or Clerks to the ſaid Commiſſioners, and all and every Perſon and Perſons to whom any ſuch Aſſignment, Conveyance, or Security, ſhall be made, is and are hereby impowered, from Time to Time, by Aſſignment, under his, her, or their Hand or Hands, and to be indorſed on the Back of his, her, or their Security, or by any other Writing or Writings, which ſhall be executed in the Preſence of Two or more credible Witneſſes, to aſſign over and transfer his, her, or their Right to the Principal and Intereſt Money thereby ſecured to any Perſon or Perſons whomſoever; all which Aſſignments or Tranſfers ſhall be produced and notified to the ſaid Clerk or Clerks within Thirty Days next after the Date thereof, who ſhall cauſe an Entry of ſuch Transfers or Aſſignments to be made, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be aſſigned and transferred, in the ſaid Book or Books to be kept for entering the ſaid original Aſſignments and Conveyances, for which the ſaid Clerk or Clerks, or One of them, ſhall be paid the Sum of Two Shillings and Sixpence, and no more; and which ſaid Book or Books ſhall and may, at all ſeaſonable Times, be peruſed and inſpected without Fee or Reward, by any Perſon or Perſons intereſted in ſuch Security or Securities, Aſſignment or Aſſignments; and, after ſuch Entry ſhall be made, ſuch Aſſignment and Transfer ſhall intitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and the Payment thereon, and ſuch Aſſignee may in ſuch Manner aſſign or transfer again, and ſo toties quoties; and it ſhall not be in the Power of any Perſon who ſhall have made ſuch Aſſignment or Transfer to make void or diſcharge the ſame, or any Monies due thereon.

and notified to the Clerk within 30 *Days*.

Aſſignments may be tranſferred.

Untenanted Houſes to pay only Half Rates;

LXX. And it is hereby further enacted, That where any of the Lands, Houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, ſhall, at the Time of making any of the ſaid Rates or Aſſeſſments, be empty, untenanted, or unoccupied; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to rate and aſſeſs ſuch Premiſes reſpectively at One Half of ſuch Rates or Aſſeſſments during the Time only that ſuch Premiſes ſhall be empty, untenanted, or unoccupied; and alſo, in caſe any ſuch Premiſes, after the making ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall become empty, untenanted, or unoccupied, One Half only of ſuch Rate or Aſſeſſment ſhall be charged on ſuch Premiſes reſpectively, for and during ſo long a Time as the ſame ſhall continue empty, untenanted, and unoccupied; and then, and in any of the ſaid Caſes, the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, and all Arrears due thereon, ſhall be paid by the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, or by the Firſt or any other Tenant or Occupier thereof, and in which laſt Caſe ſuch Tenant or Tenants, Occupier or Occupiers, ſhall and may, and is and are hereby authoriſed, to deduct and detain the ſame out of his, her, or their Rent or Rents reſpectively, and the Landlord or Landlords, Owner or Owners, of ſuch Premiſes, is and are hereby required to allow ſuch Deduction and Payment, upon Receipt of the Reſidue of his, her, or their reſpective Rents; and the ſaid Tenant or Tenants, Occupier or Occupiers, ſhall be, and is and are hereby acquitted and diſcharged of and from ſo much of his, her, or their Rent, as the Rate or Rates, Aſſeſſment or Aſſeſſments, and all Arrears due thereon, and ſo paid by him, her, or them, ſhall amount unto.

to be paid by the Owners, &c.

Leſſees liable to pay the Rates.

LXXI. And whereas there are many Houſes, Buildings, Stables, Lands, Grounds, Tenements, Hereditaments, and Premiſes, within the Limits aforeſaid, which are taken on Leaſes for Years, or otherwiſe, and by the Leſſees or Tenants, and alſo by Landlords or Owners, let out in Parcels or ſeparate Apartments for Under-tenants, and other Houſes and Premiſes let ready furniſhed to Lodgers; be it therefore enacted by the Authority aforeſaid, That the Leſſee, Landlord, Owner, or Proprietor, of each and every ſuch Houſe, Building, Stable, Land, Ground, Tenement, or Hereditament, ſo let out, or which ſhall be let out in Parcels or ſeparate Apartments, or ready furniſhed to a Lodger or Lodgers, ſhall be deemed and taken as the Occupier or Occupiers thereof, and ſhall be liable and ſubject to the Payment of the Rates or Aſſeſſments directed by this Act to be made, raiſed, and levied, according to the yearly Rent or Value of ſuch Premiſes.

In caſe of Refuſal, ſhall be compelled ſo to do;

LXXII. And, for the more eaſy Recovery of ſuch Rates or Aſſeſſments, be it further enacted by the Authority aforeſaid, That each and every Perſon ſo renting or occupying any ſuch Parcel or ſeparate Apartment, as aforeſaid, ſhall be liable and compellable to the Payment of the ſaid Rates or Aſſeſſments, and all Arrears due thereon; to be recovered in Manner hereafter directed.

but to be allowed the ſame in Rent.

LXXIII. Provided always, That each and every reſpective Occupier or Occupiers who ſhall pay ſuch reſpective Rates or Aſſeſſments, and any Arrears due thereon, or from whom the ſame ſhall be recovered in purſuance of this Act, ſhall and may deduct the ſame from and out of the next or any other Rent due and payable from him, her, or them, to ſuch reſpective Leſſee, Landlord, Owner, or Proprietor, and the Receipt for ſuch Payment ſhall be a ſufficient Diſcharge for ſuch Tenant or Tenants, Occupier or Occupiers, to his, her, or their Landlord, for ſuch Money as he, ſhe, or they, ſhall pay, or ſhall be levied on the Goods and Chattels of him, her, or them, by virtue of this Act.

Publick Buildings, &c. to be rated.

LXXIV. And foraſmuch as it is reaſonable that all publick Buildings, and all Dead Walls, and void Spaces of Ground, ſhall be rated and aſſeſſed in a due Proportion, towards the paving, cleanſing, enlightening, and watching, within the Limits aforeſaid; it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, at their Diſcretion, and they are hereby required, from Time to Time, to rate and aſſeſs, towards the Purpoſes of this Act, all Pariſh Churches, Parochial and other Chapels, Meeting-houſes, Schools, Markets, Warehouſes, and all other publick Buildings whatſoever, (charged or not charged to the Land-tax), ſituate, ſtanding, and being, in any Square, Street, or Place, within the Limits aforeſaid, which now is or are, or hereafter may be built, or in building, at a Rate not exceeding Two Shillings in the Pound, according to the clear yearly Income ariſing from ſuch Pariſh Church, Parochial and other Chapels, Meeting-houſes, Schools, Markets, Warehouſes, and other publick Buildings reſpectively; and where there is not any ſuch clear yearly Income, or the ſame cannot be fully aſcertained, then, and in either of the ſaid Caſes, the ſame ſhall be charged and aſſeſſed at a Rate not exceeding Sixpence per ſquare Yard, in any One Year, of the Pavement paved or repaired under the Direction of the ſaid Commiſſioners, and ſituate, lying, and being, in any ſuch Square, Street, or Place, and belonging to ſuch Pariſh Church, Parochial or other Chapel, Meeting-houſe, School, Warehouſe, or other publick Building; and the ſaid Commiſſioners, or any Seven or more of them, ſhall alſo, at their Diſcretion, yearly, or oftener, if needful, aſſeſs all Church-yards, Dead Walls, and void Spaces of Ground, towards the Purpoſes aforeſaid, and which are not charged in reſpect of any Dwelling-houſe or other Building by the Pound-rate, or otherwiſe, by virtue of this Act, ſo that in the Whole ſuch Rate or Aſſeſſment ſhall not, in any One Year, exceed the Sum of Fourpence for every ſquare Yard of Pavement paved or repaired under the Direction of the ſaid Commiſſioners, ſituate as aforeſaid, or belonging to, or lying before, ſuch Yards, Dead Walls, or void Spaces of Ground; which Rates and Aſſeſſments ſhall commence the Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-one; and the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, to be made and paid for ſuch Pariſh Church, Church-yard, and Parochial Chapels, ſhall be paid by the Churchwardens or Chapelwardens reſpectively, out of any of the Monies payable to and received by the ſaid Churchwardens or Chapelwardens reſpectively, either for Seats in the ſaid Church

By whom ſaid Rates are to be paid.

or Chapels, or for Burial Fees; and the Rate or Rates, Aſſeſſment or Aſſeſſments, to be made and paid for any other Chapel, Meeting-houſe, School, Market, Warehouſe, or other publick Building, Dead Wall, or void Space of Ground, ſhall be paid by the reſpective Owner or Owners, Proprietor or Proprietors thereof, and ſhall be charged and chargeable on the ſaid Premiſes, and be recovered and applied in ſuch Manner as other Rates and Aſſeſſments are directed to be recovered and applied by this Act.

Unfiniſhed Houſes &c. to be rated.

Commencement of Rates, and by whom payable.

LXXV. And whereas there are ſeveral Houſes and other Buildings within the Limits aforeſaid, frequently begun to be built, but are not finiſhed, nor let; and foraſmuch as it is reaſonable that ſuch Houſes and Buildings ſhould be rated and aſſeſſed for the Purpoſes aforeſaid; be it therefore enacted, That until ſuch Houſes or other Buildings which now are or hereafter may be built, or in building, ſhall be finiſhed and tenanted, (if the Street, Square, Lane, or other Place, wherein ſuch Houſe or other Building ſhall be ſituate, ſhall be paved and lighted by virtue and in purſuance of this Act), it ſhall and may be lawful to and for ſuch Commiſſioners as aforeſaid, or any Seven or more of them, and they are hereby required and directed, when, and as ſoon as conveniently may be, to rate and aſſeſs, according to their Diſcretion, all ſuch Houſes and other Buildings which ſhall be ſituate within the Limits aforeſaid, and which are or ſhall be erected and covered in, at a Rate not exceeding Four-pence for every ſquare Yard of Ground paved, or to be paved, by virtue of this Act, and belonging to the Fronts or Sides of ſuch Houſes or other Buildings; and for all Houſes and other Buildings which are or ſhall be erected, and not covered in, at a Rate not exceeding Two-pence for every ſquare Yard of Ground paved, or to be paved, by virtue of this Act, and belonging to the Fronts or Sides of ſuch Houſes and other Buildings, until the ſame ſhall be covered in, as aforeſaid, and then, at a Rate not exceeding Four-pence for every ſquare Yard, until the ſame ſhall be let or occupied; which Rates or Aſſeſſments ſhall commence from the the Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-one, and ſhall be paid by and recoverable from the Proprietor or Proprietors, Leſſee or Leſſees, Owner or Owners, of ſuch Houſe or Houſes, Building or Buildings reſpectively, and ſhall be charged and chargeable on the ſaid Premiſes: And if the ſaid Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, ſhall refuſe or neglect to pay the ſame upon Demand; then, and in every ſuch Caſe, ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, and all Arrears due thereon, ſhall and may be levied on the Goods and Chattels of the Perſon or Perſons ſo required to pay the ſame, in Manner herein-after directed; and in caſe the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, of ſuch Houſe or Houſes, Building or Buildings, ſhall not be known, or cannot be found, or ſhall be under Commiſſion of Bankruptcy, then the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, made thereon, ſhall be and remain charged and chargeable on the ſaid Premiſes, until the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, can be found, or until Aſſignees, in caſe of Bankruptcy, are appointed, when the ſame, and all Arrears due thereon, ſhall be levied on the Goods and Chattels of ſuch Owner or Owners, Proprietor or Proprietors, or Leſſee or Leſſees, or upon the Goods and Chattels of ſuch Aſſignee or Aſſignees, who is and are hereby made liable to pay the ſame, or upon the ſaid Premiſes, in like Manner as other Rates made by virtue of this Act are made recoverable.

New Streets, &c. may be paved by Commiſſioners.

Owners, &c. to meet and compound for paving.

LXXVI. And whereas there are, and hereafter may be, new Streets and Places which are not paved, Part of which is built and in building, and ſmall Pieces or Parcels of Ground in ſeveral of the Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, within the Limits aforeſaid, unbuilt upon, are neither paved, cleanſed, nor lighted: And whereas it would be a Means of greatly forwarding the good Purpoſes intended by this Act, if Builders and others, who by Law are liable to pave the ſame, were to pay ſuch Sum or Sums of Money for that Purpoſe, as is herein-after directed, to the ſaid Commiſſioners, or any Five or more of them, or to their Treaſurer or Treaſurers for the Time being, or to ſuch other Perſon or Perſons as they ſhall appoint to receive the ſame; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to view and inſpect any Square, Street, Lane, Court, Yard, Alley, Paſſage, or Place, within the Limits aforeſaid, which now is or hereafter may be built upon, or in building; and if upon ſuch View they ſhall be of Opinion, that the ſame, or any Part or Parts thereof, is or are fit and proper to be paved, the ſaid Commiſſioners, or any Seven or more of them, at any Meeting to be held in purſuance of this Act, after ſuch View, ſhall and may order their Surveyor or Surveyors, or other Perſon or Perſons by them appointed for that Purpoſe, to give Notice to the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, of any ſuch Lands, Grounds, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Tenement, or Hereditament, in any ſuch Square, Street, Lane, Court, Yard, Alley, Paſſage, or Place, or leave the ſame at his, her, or their laſt or uſual Place of Abode, or with his or their known Servant or Servants; or if no ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, can be found, then ſuch Notice ſhall be ſtuck againſt the ſaid Premiſes, or any Part thereof; which Notice ſhall require ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, to meet ſuch Commiſſioners at the Time and Place therein mentioned, not being leſs than Ten Days from the Date of ſuch Notice, to compound for the Paving thereof, at any Sum not exceeding Three Shillings for every ſquare Yard of ſuch Pavement, whether Carriage-way or Foot-way; which Compoſition the ſaid Commiſſioners, or any Seven or more of them, are hereby authoriſed to make: And if ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, ſhall not attend, or ſhall not compound or agree with the ſaid Commiſſioners as aforeſaid; then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to order the ſame to be paved as ſoon as conveniently may be; and all the Charges and Expences attending ſuch paving ſhall be paid by the reſpective Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, and ſhall be recovered and levied upon their Goods and Chattels, in the Manner herein-after directed.

Owners of vacant Grounds, &c. how to be charged.

LXXVII. Provided always, and it is hereby enacted and declared, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to impower the ſaid Commiſſioners to charge, or make chargeable, any One Proprietor, Owner, or Leſſee, of ſuch vacant Ground, with more than Two hundred ſquare Yards of Paving, on account of any ſuch vacant Ground in any One Square, Street, or Place, until the ſame ſhall be built upon, or ſhall be in building.

Clerks to make Entries of Rates.

LXXVIII. And be it further enacted by the Authority aforeſaid, That the Clerk or Clerks for the Time being to the ſaid Commiſſioners ſhall, and he or they is and are hereby required to keep proper Entries, in a Book or Books to be kept for that Purpoſe, and ſigned by the ſaid Commiſſioners who ſhall have made ſuch Rates and Aſſeſſments reſpectively, of all and ſingular the Rates and Aſſeſſments which they ſhall make by virtue of this Act, for the Purpoſes aforeſaid; to which Book or Books every Perſon liable to pay the ſaid Rates or Aſſeſſments ſhall and may have free Acceſs at all convenient Times, and ſhall be permitted to inſpect the ſame without Fee or Reward.

Rates how to be recovered on Refuſal to pay.

LXXIX. And, for the better and more effectual raiſing and levying the Rates and Aſſeſſments directed to be made by this Act, be it further enacted by the Authority aforeſaid, That in caſe any of the Inhabitants or Occupiers, or any Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, of any Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament, within the Limits aforeſaid, and herein-before made liable to pay any Rate or Aſſeſſment made, laid, and aſſeſſed, by virtue of this Act, ſhall refuſe or neglect to pay the Money rated and aſſeſſed upon him, her, or them reſpectively, and all Arrears due thereon, it ſhall and may be lawful to and for the Collector or Collectors appointed by the ſaid Commiſſioners, or any Seven or more of them, to collect or levy ſuch Rates or Aſſeſſments by Warrant under the Hands and Seals of Two of His Majeſty's Juſtices of the Peace for the ſaid County, and all Arrears due upon the ſaid Rates or Aſſeſſments, by Diſtreſs and Sale of the Goods and Chattels of the Party ſo neglecting or refuſing, which ſhall be found either within the Limits aforeſaid, or elſewhere; and if within Five Days next after ſuch Diſtreſs ſhall be made, the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, together with all Arrears due thereon, ſhall not be paid, together with the reaſonable Charges of taking and keeping the ſame, the ſaid Collector or Collectors ſhall cauſe the ſaid Goods to be appraiſed and ſold, or ſuch Part thereof as ſhall be ſufficient to pay the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, together with all Arrears due thereon, and the reaſonable Charges of making ſuch Diſtreſs, and of keeping and ſelling the ſame, returning the Overplus, (if any be), to the Owner or Owners of ſuch Goods and Chattels reſpectively.

Recovery of Rates.

LXXX. And whereas it may happen that many Perſons liable to, and who may be charged, rated, and aſſeſſed, towards defraying the Expence of paving, repairing, cleanſing, lighting, and watching, the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, may, before the Payment of the Sums which may be rated on them reſpectively, quit and leave their Lands, Grounds, Dwelling-houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, in the Square, Street, or Place where the ſame ſhall be rated and aſſeſſed, and remove to ſome other Square, Street, or Place, which are not within the Limits aforeſaid, and thereby endeavour to avoid the Payment of the ſaid Rates and Aſſeſſments; be it therefore enacted, That when any Perſon or Perſons who hath or have been ſo rated and aſſeſſed ſhall quit his, her, or their Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament, in any Square, Street, or Place, wherein ſuch Rate or Aſſeſſment has been made, before he, ſhe, or they ſhall have paid the ſame, and ſhall afterwards refuſe to pay the ſame when due and demanded by the Collector or Collectors authoriſed and appointed to receive the ſame; that then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Collector or Collectors, or One of them, by Warrant obtained under the Hands and Seals of any Two or more Juſtices of Peace for the County of Middleſex, (which Warrant the ſaid Juſtices are hereby authoriſed and required to grant in any Place within the County of Middleſex aforeſaid), and ſuch Warrant being firſt backed or counterſigned by ſome Magiſtrate of the County, City, or Liberty, where the Diſtreſs is to be made, (which Warrant ſuch Magiſtrate is hereby required to back or counterſign without Fee or Reward), to diſtrain the Goods and Chattels of ſuch Perſon or Perſons ſo refuſing or neglecting, and to ſell the ſame, rendering the Overplus, (if any be), after having deducted the reaſonable Charges and Expences of ſuch Diſtreſs and Sale to the Owner or Owners of ſuch Goods and Chattels reſpectively, upon Demand thereof made.

Rates may be ſued for in the Name of the Treaſurer.

LXXXI. Provided always, That the ſaid Commiſſioners, or any Seven or more of them, may, if they ſhall think proper, ſue, in the Name or Names of their Treaſurer or Treaſurers, for all or any of the Rate or Rates, Aſſeſſment or Aſſeſſments, which ſhall be made by virtue of this Act, and all Arrears due thereupon and unpaid; in which Action no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

No Contract for paving, &c. to be void by this Act.

LXXXII. Provided always, and it is hereby further enacted, That nothing in this Act contained ſhall be deemed or taken to make void any Contract, Covenant, or Agreement, between Landlord and Tenant, touching or concerning the paving, repairing, cleanſing, or lighting, any or any Part of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, within the Limits aforeſaid; but that every Perſon who is now, by virtue of any ſuch Contract or Agreement, obliged to pave, keep in Repair, and cleanſe any or any Part of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, ſhall, in lieu thereof, be obliged to pay the Rates hereby directed to be made and aſſeſſed, or ſo much thereof as ſuch Commiſſioners as aforeſaid, or any Seven or more of them, ſhall deem juſt, and according to the true Meaning of ſuch Contract, Covenant, or Agreement, for and during the Time that ſuch Contract, Covenant, or Agreement, ſhall remain in Force; and in caſe any Diſpute ſhall ariſe concerning

ing ſuch Covenant, Contract, or Agreement, the ſaid Commiſſioners, or any Seven or more of them, ſhall have Power to hear and finally determine the ſame.

Perſons paying Rates exempted from paving, *&c.*

LXXXIII. And be it enacted, That all and every Perſon or Perſons paying the Rates and Aſſeſſments by this Act laid and aſſeſſed, ſhall be, and they and every of them is and are hereby exempted and diſcharged from the Expence of paving, cleanſing, lighting, or keeping in Repair the ſaid Squares, Streets, or Places, or any of them, and alſo from all Penalties which may or might be incurred by reaſon of their neglecting to pave, cleanſe, light, or keep the ſame in Repair.

but not to excuſe Arrears.

LXXXIV. Provided alſo, and it is hereby enacted by the Authority aforeſaid, That nothing in this Act contained ſhall prevent the collecting any Arrears due from any Perſon or Perſons within the Limits aforeſaid for any of the Purpoſes of this Act.

Collectors to pay Money as received to the Treaſurer;

If they keep above 100*l.* longer than Two Days to forfeit 5*l.*

LXXXV. And be it further enacted by the Authority aforeſaid, That the Collector or Collectors of the Rates and Aſſeſſments aforeſaid ſhall pay the Money as he or they ſhall receive the ſame, to the Treaſurer or Treaſurers for the Time being to the ſaid Commiſſioners; and upon Payment of every ſuch Sum of Money to ſuch Treaſurer or Treaſurers, ſuch Collector or Collectors ſhall take a Receipt for the ſame of the ſaid Treaſurer or Treaſurers, which ſhall be given without Fee or Reward, and therein the Name or Names of ſuch Collector or Collectors ſhall be expreſſed, and the Sum or Sums of Money paid ſhall be ſpecified; and if ſuch Collector or Collectors ſhall at any Time keep and retain in his or their Hands more than the Sum of One hundred Pounds for any Time longer than the Space of Two Days, (provided the Treaſurer or Treaſurers to ſuch Commiſſioners ſhall within that Time be ready to receive the ſame), he or they ſhall forfeit and pay the Sum of Five Pounds for every Day that he or they ſhall retain any Sum exceeding the ſaid Sum of One hundred Pounds beyond the ſaid Two Days.

Treaſurer to pay Money collected into the Bank.

LXXXVI. And be it further enacted, That as ſoon as conveniently may be after the Perſon or Perſons, or any or either of them, acting as Treaſurer or Treaſurers to ſuch Commiſſioners as aforeſaid, ſhall at any Time have received the Sum of Five hundred Pounds of the Monies appointed to be received by him or them, by virtue and for the Purpoſes of this Act, he or they ſhall, from Time to Time, pay the ſame into the Bank of England, in the Name, and on the Account, of ſuch Commiſſioners, and the ſame ſhall be diſpoſed of by Order of ſuch Commiſſioners, or any Seven or more of them, for the Purpoſes of this Act.

Officers to account upon Oath.

Officers refuſing to account,

for every Neglect or Refuſal to forfeit 10*l.*

Juſtices to inquire into the Default,

and levy the Penalty.

LXXXVII. And be it further enacted by the Authority aforeſaid, That the Treaſurer or Treaſurers, Collector or Collectors, and other Officers to be appointed as aforeſaid for the Time being, ſhall, upon Three Days Notice in Writing given, or left for them reſpectively at their uſual Places of Abode, by the Clerk or Clerks to ſuch Commiſſioners as aforeſaid, deliver in upon Oath, (if thereunto reſpectively required), to ſuch Commiſſioners, or any Seven or more of them, at ſuch Time and Place as they ſhall appoint, (which Oath ſuch Commiſſioners, or any Two or more of them, are hereby impowered to adminiſter), a true and perfect Account in Writing, under the reſpective Hands of ſuch Treaſurer or Treaſurers, Collector or Collectors, and other Officers and Perſons to be appointed as aforeſaid, of all Matters and Things committed to their Charge by virtue of this Act, and alſo all Monies which he or they ſhall have received by reaſon of his or their ſaid Office or Offices, and how much thereof hath been paid and diſburſed by Order of the ſaid Commiſſioners appointed for the Execution of this Act, or any Seven or more of them, and for what Purpoſe, together with the proper Vouchers for ſuch Payments; alſo a true Liſt of the Names of all Perſons who ſhall have neglected or refuſed to pay the Rates or Aſſeſſments laid on them as aforeſaid, and of the ſeveral Sums of Money from him, her, or them reſpectively due and in arrear, together with the Dates that the ſame reſpectively become due, to the Intent that the ſame may be ſpeedily got in and recovered: And if any Treaſurer or Treaſurers, Collector or Collectors, or other Officer or Officers, after ſuch Notice given, ſhall neglect or refuſe to bring in his Account as aforeſaid, and to produce and deliver the Vouchers relating to the ſame, or to account for any Sum or Sums of Money by him or them received and collected, and to pay the ſame, and every Part thereof, as is herein-before directed, ſuch Treaſurer or Treaſurers, Collector or Collectors, Officer or Officers, ſhall, for every ſuch Neglect or Refuſal reſpectively, forfeit the Sum of Ten Pounds: And it ſhall and may be lawful to and for the ſaid Commiſſioners appointed for the Execution of this Act, or any Seven or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action, in the Names of ſuch Commiſſioners, or any Five or more of them, againſt ſuch Treaſurer or Treaſurers, Collector or Collectors, Officer or Officers, ſo neglecting or refuſing as aforeſaid, for the Recovery as well of the ſaid Forfeiture as of the Monies which ſhall be in the Hands of ſuch Treaſurer or Treaſurers, Collector or Collectors, Officers or Perſons reſpectively; or if Complaint ſhall be made by ſuch Commiſſioners, or by any Perſon or Perſons by them, or any Seven or more of them, appointed, of any ſuch Neglect or Refuſal, any Juſtice of the Peace for the County or Place wherein ſuch Treaſurer or Treaſurers, Collector or Collectors, Officer or Perſons ſo neglecting or refuſing ſhall be and reſide, may, and is hereby authoriſed and required, by Warrant under his Hand and Seal, to cauſe ſuch Treaſurer or Treaſurers, Collector or Collectors, Officer or Perſons ſo neglecting or refuſing, to be brought before him, and upon his or their appearing, or not being to be found, to hear and determine the Matter of ſuch Complaint in a ſummary Way; and if, upon the Confeſſion of the Party or Parties, or the Teſtimony of any credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice is hereby impowered and required to adminiſter), it ſhall appear to ſuch Juſtice, that any of the Monies which ſhall have been collected, raiſed, and received, by virtue of this Act, ſhall be in the Hands of ſuch Treaſurer or Treaſurers, Receiver or Receivers, Officers or Perſons, ſo unaccounted for by them reſpectively, ſuch Juſtice may, and is hereby authoriſed and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money, as alſo ſuch Forfeiture as aforeſaid, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Treaſurer or Treaſurers, Collector or Collectors, Officers or Perſons reſpectively; and if no Goods or Chattels of ſuch Treaſurer or Treaſurers, Collector or Collectors, Officers or Perſons, can be found ſufficient to anſwer and ſatisfy the ſaid Money, as alſo the ſaid Forfeitures, and the Charges of diſtraining and ſelling the Goods and Chattels ſo diſtrained; then, and in either of the Caſes aforeſaid, ſuch Juſtice ſhall commit every ſuch Offender to the Houſe of Correction, until he or they ſhall make and give a true and perfect Account as aforeſaid, or until he or they ſhall compound with the ſaid Commiſſioners, or any Seven or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint; which Compoſition the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered to make; or until he ſhall deliver up ſuch Books, Papers, and Writings as aforeſaid, and give Satisfaction in reſpect thereof to the ſaid Commiſſioners.

For want of Diſtreſs Offender to be committed.

LXXXVIII. Provided always, and be it further enacted, That Four Times at leaſt in every Year an Account from the Book or Books, to be kept by the Collector or Collectors of the ſaid Rates, Duties, Sum and Sums of Money, as aſſeſſed, ſhall be fairly ſtated, and ſigned by the ſaid Collector or Collectors, and delivered by him or them to ſuch Commiſſioners as aforeſaid, who are hereby impowered to diſcharge the ſaid Collector or Collectors of all Monies which he or they ſhall have truly accounted for.

Collectors to account four Times a Year;

LXXXIX. And be it further enacted, That if any Treaſurer or Treaſurers, Collector or Collectors, Officers, or other Perſons, ſhall happen to die, or become Bankrupt, before he or they ſhall have fully paid and ſatisfied all the Monies by him or them received, by virtue of this Act; then, and in every ſuch Caſe, the Executors, Adminiſtrators, Executrix, Adminiſtratrix, or other legal Repreſentative or Repreſentatives, or Perſon or Perſons poſſeſſing the Eſtate and Effects of every ſuch Treaſurer or Treaſurers, Collector or Collectors, Officer or Officers, or other Perſon, or the Aſſignee or Aſſignees of ſuch Bankrupt, ſhall, out of ſuch Eſtate and Effects, pay unto the Treaſurer or Treaſurers for the Time then being to the ſaid Commiſſioners, all ſuch Sums of Money as ſhould be in the Hands of ſuch Perſons reſpectively at the Time of his or their Death, or at the Time of ſuing out any Commiſſion of Bankruptcy againſt him or them, and not paid over, or ſo much thereof as the ſaid Eſtate or Effects will extend to pay; and the Receipt or Receipts of the ſaid Treaſurer or Treaſurers ſhall be a good Diſcharge for the ſaid Money; and every Executor or Adminiſtrator, Aſſignee or Aſſignees, or other Perſons, as aforeſaid, may, to any Action or Suit commenced or brought againſt him, her, or them, plead or give in Evidence the Authority of this Act for ſuch Payment, and ſhall be allowed the ſame prior to and Debt or Demand whatſoever; and in caſe of Nonpayment of the ſame by the Space of Five Years after the ſame ſhall have been demanded, it ſhall and may be lawful to and for the Treaſurer or Treaſurers for the Time being to ſuch Commiſſioners, and he or they is and are hereby directed and required, in his or their own Name or Names, to commence One or more Action or Actions, in any of His Majeſty's Courts of Record at Weſtminſter, againſt ſuch Executors, Adminiſtrators, Aſſignee or Aſſignees, or other Perſons, as aforeſaid, for the Recovery of the ſame; in which Action no Eſſoin, Protection, or Wager of Law, or more than Once Imparlance, ſhall be allowed.

On Death or Bankruptcy of Officers,

legal Repreſentatives to pay the Monies remaining in Hand to the Treaſurer,

whoſe Receipt ſhall be a Diſcharge.

On Nonpayment for Five Years, Treaſurer may commence Action for Recovery.

XC. And be it further enacted by the Authority aforeſaid, That the Treaſurer or Treaſurers to the ſaid Commiſſioners as aforeſaid, for the Time being, ſhall and may, and is and are hereby authoriſed and required, out of the Monies paid to him or them, in purſuance of this Act, to pay all Sums of Money drawn upon him or them, or ordered to be paid by ſuch Commiſſioners, or any Seven or more of them, for the Purpoſes of this Act; and the ſaid Treaſurer or Treaſurers for the Time being ſhall, and is and are hereby required to keep regular and fair Entries in a Book or Books, to be by him or them for that Purpoſe provided, of all and ſingular the Receipts and Payments which he or they ſhall make as aforeſaid; to which Book or Books, every Inhabitant within the Limits of this Act ſhall and may have free Acceſs at all convenient Times, and ſhall be permitted to inſpect the ſame without Fee or Reward; and alſo that the Treaſurer or Treaſurers for the Time being ſhall have the ſaid Account audited and paſſed by the Commiſſioners for the Time being, or any Seven or more of them, who are hereby impowered and required to audit and paſs the ſame.

Treaſurer to pay Monies drawn upon him,

and keep a regular Account;

Books to be inſpected *gratis*.

XCI. And be it further enacted by the Authority aforeſaid, That if any Action or Actions ſhall be brought by, or by Order of ſuch Commiſſioners, or any Seven or more of them, againſt any Perſon or Perſons whatſoever, for the Recovery of any Money or Monies by virtue of this Act, or for any Materials, Matters, and Things, ſold and delivered by them, or any of their Officers by their Order, or for the Recovery of any Rate or Rates, or any other Purpoſe whatſoever, and a Verdict ſhall be had and given againſt any ſuch Perſon and Perſons againſt whom ſuch Action or Actions ſhall be brought, ſuch Perſon or Perſons ſhall pay Double Coſts, and the ſaid Commiſſioners, in ſuch Action or Actions, ſhall have ſuch Remedy or Remedies for recovering the ſame, as any Plaintiff or Plaintiffs may have for his, her, or their Coſts, in any other Caſes by Law.

Commiſſioners obtaining Verdict, Defendant to pay Double Coſts.

XCII. And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed, (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed), ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Juſtice of the Peace for the ſaid County of Middleſex, (which Warrant ſuch Juſtice is hereby impowered and required to grant upon the Confeſſion of the Party or Parties, or upon the Information of One or more credible Witneſs or Witneſſes upon Oath); and the Informer is hereby rendered a competent Witneſs, (which Oath ſuch Juſtice is hereby impowered and required to adminiſter); and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) upon Demand to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, and the Charges of ſuch Diſtreſs and Sale being firſt deducted, ſhall be paid to the Treaſurer or Treaſurers to the ſaid Commiſſioners for the Time being, and ſhall be applied to and for the Purpoſes of this Act.

Penalties may be levied by Diſtreſs and Sale.

Informer deemed a competent Witneſs.

Commiſſioners may reward Informers.

XCIII. Provided always, and it hereby enacted and declared, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, at any Meeting to be held in purſuance of this Act, to order their Treaſurer or Treaſurers for the Time being to pay ſuch Part of the ſaid Penalties to the Informer as they ſhall judge reaſonable, not exceeding One Half thereof.

Diſtreſs not to be deemed unlawful for want of Form, nor the Party a Treſpaſſer *ab initio*.

XCIV. And be it further enacted by the Authority aforeſaid, That where any ſuch Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Default or want of Form in any Proceedings relating thereto, nor ſhall the Party or Parties be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satiſfaction for the Special Damage in an Action on the Caſe.

Plaintiff not to recover, if Tender of Amends hath been made.

XCV. Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action, or for any ſuch Irregularity, Treſpaſs, or other Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, every or any ſuch Irregularity, Treſpaſs, or wrongful Proceeding, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants in any Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into the Court ſuch Sum of Money as he or they ſhall ſee fit, whereupon ſuch Proceedings, or Order and Judgement, ſhall be had, made, or given, in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Perſons aggrieved may appeal to the Quarter Seſſions.

Notice of Appeal to be given.

XCVI. Provided always, and be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved, by any Rate or Rates, Aſſeſſment or Aſſeſſments, or any other Matter or Thing done, or directed to be done, in purſuance of this Act, ſuch Perſon or Perſons ſhall apply for Relief to the Commiſſioners for putting this Act in Execution, at any Meeting to be held within One Month next after Demand made of ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, or next after ſuch Matter or Thing done and committed by, or by Order of, the ſaid Commiſſioners; and the ſaid Commiſſioners are hereby authoriſed and impowered (if they ſhall think ſuch Perſon or Perſons aggrieved) to give ſuch Relief in the Premiſes as to them ſhall ſeem neceſſary; and if ſuch Perſon or Perſons ſhall not be ſatiſfied with the Determination of ſuch Commiſſioners, he, ſhe, or they, ſhall be obliged to pay ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, and to comply with ſuch Order of the ſaid Commiſſioners, and then ſhall and may appeal to the Quarter Seſſions of the Peace to be holden for the ſaid County of Middleſex, within Three Months next after ſuch Determination of the ſaid Commiſſioners, ſuch Appellant firſt giving, or cauſing to be given, Twenty-one Days Notice at the leaſt, in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Treaſurer to ſuch Commiſſioners, and, within Two Days next after ſuch Notice, entering into Recognizance before ſuch Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and to abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices of ſuch Quarter Seſſions; and the ſaid Juſtices, at ſuch Quarter Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing, or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Juſtices, at their Quarter Seſſions, ſhall be final, binding, and concluſive.

Writings to be without Stamps.

XCVII. And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Aſſignment, Transfer, or other Security for the borrowing of Money, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals of, or only ſigned by, any Commiſſioner or Commiſſioners for putting this Act in Execution, or any Juſtice or Juſtices of the Peace, or exhibited before them, or by any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby veſted in ſuch Commiſſioner or Commiſſioners, or Juſtice or Juſtices of the Peace, or any of them, or Transfer or Aſſignment of any of the Securities aforeſaid made by any Perſon or Perſons, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Proceedings not to be quaſhed for want of Form, nor removed by *Certiorari*.

XCVIII. And be it further enacted by the Authority aforeſaid, That no Rate or Rates, Aſſeſſment or Aſſeſſments, nor any Proceeding to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or any other Matter or Thing to be done or tranſacted in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form, or be removed by Certiorari, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; any Law, Statute, or Uſage, to the Contrary notwithſtanding.

Expences of this Act how to be paid.

XCIX. And be it further enacted by the Authority aforeſaid, That all Coſts, Charges, and Expences, of paſſing this Act, and all other Charges incident to the obtaining thereof, ſhall be borne, paid, and defrayed out of the Firſt Monies ariſing by virtue of this Act.

For allowing 30 *l. per Annum* to the Pariſh of *Saint James*.

C. And whereas the Streets and other Places within the Pariſhes of *Saint John* and *Saint James, Clerkenwell,* have been cleanſed at the joint Expence of the Inhabitants of both Pariſhes, by an equal Rate or Aſſeſſment: And whereas, if the Money to be raiſed within each Pariſh for cleanſing the ſaid Streets and Places ſhould be applied only to the Streets and Places within the Pariſh where the ſame ſhall be raiſed, the Inhabitants of the Pariſh of *Saint James* will be put to a much greater Expence for cleanſing the Streets and other Places within the ſaid Pariſh than if the ſame were done by One Rate or Aſſeſſment, to be raiſed and aſſeſſed upon the Inhabitants of both Pariſhes, as heretofore; be it therefore enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall, and are hereby authoriſed and required, out of any Money which ſhall be raiſed by virtue of this

Act, to pay, or cauſe to be paid, to the Scavengers for the ſaid Pariſh of Saint James, Clerkenwell, for the Time being, the annual Sum of Thirty Pounds, for ever, by Two equal half-yearly Payments, upon the Twenty-fifth Day of March and the Twenty-ninth Day of September, the Firſt Payment thereof to begin and be made on the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-one; and the Money ſo to be received by the ſaid Scavengers ſhall, from Time to Time, be applied for the Purpoſe of cleanſing the Streets and other Places within the ſaid Pariſh of Saint James, Clerkenwell, and to and for no other Uſe or Purpoſe whatſoever.

CI. Provided always, That if at any Time hereafter the Scavengers Rate for the ſaid Pariſh of Saint James, Clerkenwell, which is now Four-pence in the Pound, ſhall be leſs than that Sum, that then a proportional Abatement ſhall be made in the ſaid annual Payment of Thirty Pounds, for ſuch Time and Times as the ſaid Rate ſhall continue under Four-pence in the Pound, as aforeſaid; any Thing herein-before contained to the Contrary notwithſtanding. Proviſo.

CII. And be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Twenty-one Days Notice ſhall be thereof given in Writing to the Clerk or Treaſurer to the ſaid Commiſſioners, or after Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought; and all ſuch Actions and Suits ſhall be laid and tried in the County of Middleſex, and not elſewhere; and that the Defendant or Defendants, in ſuch Action or Actions, Suit or Suits, and every of them, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which ſhall be had thereupon; and that the Matter or Thing for or on which ſuch Action or Actions, Suit or Suits, ſhall be brought, was done in purſuance and by the Authority of this Act: And if the ſaid Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Suit was brought before Twenty-one Days Notice thereof given, as aforeſaid, or that ſufficient Satisfaction was made or tendered as aforeſaid, or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid, then the Jury or Juries ſhall find for the Defendant or Defendants therein; and if a Verdict ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs, in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, Suit or Suits, or if upon a Demurrer or Demurrers, in ſuch Action or Actions, Suit or Suits, Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants may have for his, her, or their Coſts, in other Caſes by Law. Limitation of Actions. General Iſſue. Treble Coſts.

CIII. And be it further enacted by the Authority aforeſaid, That this Act ſhall be allowed in all Courts whatſoever as a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame. Publick Act.

CAP. XXXIV.

An Act for enabling certain Perſons to incloſe and embank Part of the River *Thames*, adjoining to *Durham Yard*, *Saliſbury Street*, *Cecil Street*, and *Beaufort Buildings*, in the County of *Middleſex*.

WHEREAS the Courſe of the River *Thames* forms a large Bend or Angle round the *Surrey* Shore, between *Weſtminſter Bridge* and the *New Bridge* at *Black Friars*, in the Middle of which Bend the ſaid River is much wider than at either of the ſaid Bridges, which tends to weaken the Rapidity of the Stream, and thereby contributes to an Accumulation of Mud and Silt on the *Weſtminſter* Side, and to a very extenſive Sand Bank on the other Side: And whereas the Navigation of the ſaid River is greatly impeded by the ſaid Sand Bank, eſpecially at Low Water, and the Mud and Silt ſo collected on the North Shore renders the Acceſs to the Wharfs and Grounds on that Side very difficult, and in ſome Parts of the Tide impaſſible, to the manifeſt Injury of the Publick, as well as private Detriment to the Proprietors of the ſaid Wharfs and Grounds: And whereas the ſaid Navigation might be greatly improved, and the ſaid Nuiſances and Inconveniencies conſiderably diminiſhed by an Embankment on the North Part of the ſaid River, within the Bay or Hollow of the ſaid Bend, which, by advancing the unequal and irregular Fronts of the ſaid Wharfs and Grounds into an uniform Line, would give a proper Direction to the Stream, and, by narrowing the unneceſſary Width of the Bed of the ſaid River in this Part, would conſiderably deepen the Channel thereof: And whereas *John Adam*, *Robert Adam*, *James Adam*, and *William Adam*, and *James Paine*, Architects, *Dorothy Monk* Widow, *Clementina Pawſon* Widow, and *William Kitchiner* Coal Merchant, having very valuable Freehold and Leaſehold Intereſts in the Houſes, Wharfs, and Grounds in *Durham Yard*, *Saliſbury Street*, *Cecil Street*, and *Beaufort Buildings*, next adjoining to the ſaid River, are willing to execute ſuch Embankment in the Front of their reſpective Properties at their own Expence: But ſuch Embankment cannot be lawfully and effectually made without the Authority of Parliament; may it therefore pleaſe Your Majeſty, upon the humble Petition of the ſaid John Adam, Robert Adam, James Adam, and William Adam, James Paine, Dorothy Monk, Clementina Pawſon, and William Kitchiner, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it it ſhall and may be lawful to and for the ſaid John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawſon, and William Kitchiner, their reſpective Heirs, Executors, Adminiſtrators, or Aſſigns, at their own proper Coſts and Charges, to incloſe and embank ſo much of the Ground and Soil of the ſaid River as lies on the Preamble.

North Side thereof, in the Front of their reſpective Houſes, Wharfs, and Grounds, in Durham Yard, Saliſbury Street, Cecil Street, and Beaufort Buildings aforeſaid, ſo as the Wall of ſuch Embankment next the ſaid River do run in a Line nearly parallel with, and not exceeding the Diſtance of Eighty Feet from the Terras lately begun, and now nearly completed in the Front, and intended to conſtitute a Part of certain Buildings at or near Durham Yard aforeſaid, called The Adelphi, from a Point in the ſaid River, over-againſt the South-eaſt Corner of the ſaid Terras, to another Point in the ſame River, over-againſt the South-weſt Corner of the ſame Terras; and from thence, with a convex-circular Sweep from the ſaid laſt-mentioned Point to the South-eaſt Corner of the Terras belonging to York Buildings, and ſo as the ſaid Wall next the ſaid River do run in a ſtrait Line, from the ſaid firſt-mentioned Point, to a Point in the ſaid River over againſt and in a Line with, and not exceeding the Diſtance of Sixty Feet from the Eaſt Boundary of the Ground and Buildings of the ſaid William Kitchiner; and from the ſaid laſt-mentioned Point with a convex-circular Sweep to the South-weſt Corner of the projecting Wall of the Buildings commonly called The Savoy; the Foundations of the ſaid Front Wall to be made with ſuch Set-off towards the ſaid River, and the ſaid Wall to be guarded with ſuch Piles, and other Defences, as ſhall be thought requiſite or expedient for ſecuring the Stability and Duration thereof.

Ground of the River ſo to be embanked in the Front of each Houſe, to be veſted in the Owner.

II. And be it further enacted by the Authority aforeſaid, That the Ground and Soil of the ſaid River ſo to be incloſed and embanked in the Front of ſuch reſpective Houſe, Wharf, or Piece of Ground, ſhall veſt, and the ſame is hereby veſted in the Owner or Owners, Proprietor or Proprietors, of ſuch adjoining Houſe, Wharf, or Ground reſpectively, according to his, her, or their reſpective Eſtates, Truſts, or Intereſts therein.

No Sheds, *&c.* to be erected on the Ground to be embanked.

III. Provided always, That no Shed or Sheds, Building or Buildings, of any Kind whatſoever, higher than Twenty Feet above the Level of High-water Mark (except as herein after is mentioned) ſhall at any Time or Times hereafter be erected or built upon any Part of the ſaid Ground and Soil, ſo to be incloſed and embanked; nor ſhall the ſame contain any Fire-place, Chimney, or Funnel, for the Conveyance of Smoke, which ſhall vent itſelf above the Top of any ſuch Shade or Building; nor ſhall any Coals, Timber, Planks, or other Goods, Wares, or Merchandiſes, be piled up upon any Part of the ſaid Ground and Soil higher than Thirty Feet above the Level of High-water Mark, upon Pain that every Shed or Building, Fire-place, Chimney, or Funnel, which ſhall be erected or built, and all Coals, Timber, Planks, Goods, Wares, and Merchandiſes, which ſhall be piled up upon any Part of the ſaid Premiſes, contrary to the true Intent and Meaning hereof, ſhall be deemed, conſtrued, and taken to be a publick Nuiſance, and may be proceeded againſt and redreſſed as a publick Nuiſance; and all and every Perſon and Perſons guilty thereof ſhall and may be proſecuted or indicted accordingly, any Thing herein-before contained to the Contrary thereof in anywiſe notwithſtanding.

Terras at *Durham Yard* may be extended to the *Savoy.*

IV. Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Owner or Owners, Proprietor or Proprietors, of ſuch reſpective Houſes, Wharfs, and Grounds, to build or erect upon the ſaid Ground, ſo to be incloſed and embanked, as aforeſaid, ſuch Buildings as ſhall be neceſſary for completing the ſaid Terras and Buildings called The Adelphi, according to the preſent Plan or Deſign thereof; and alſo ſuch Buildings as ſhall be neceſſary for continuing ſuch Terras Eaſtward from The Adelphi, to the South-weſt Corner of the Buildings commonly called The Savoy; any Thing herein-before contained to the Contrary notwithſtanding.

Rights of the Citizens of *London* to be tried at Law.

V. And whereas the Mayor and Commonalty, and Citizens of the City of *London*, claim a Right to the Soil of the River *Thames*, ſo propoſed to be incloſed and embanked as aforeſaid, and on that Account inſiſt, that the ſaid *John Adam*, *Robert Adam*, *James Adam*, *William Adam*, *James Paine*, *Dorothy Monk*, *Clementina Pawſon*, and *William Kitchiner*, ought to make Satisfaction to them the ſaid Mayor and Commonalty, and Citizens of *London*, for the Liberty of embanking as aforeſaid: And whereas it is juſt and reaſonable, that the ſaid Mayor and Commonalty, and Citizens of *London*, ſhould be at Liberty to try the ſaid Right at Law; be it therefore enacted, That it ſhall and may be lawful to and for the ſaid Mayor and Commonalty, and Citizens, to proceed to a Trial of the ſaid Claim, before the Chief Juſtice, or any other of the Judges of His Majeſty's Court of King's Bench, or Court of Common Pleas, at the Sittings of Niſi Prius, in the ſaid County of Middleſex, in or after Michaelmas Term now next enſuing, in a feigned Action for that Purpoſe, to be commenced in His Majeſty's ſaid Court of King's Bench, or Court of Common Pleas, on or before the Firſt Day of Trinity Term now next enſuing, wherein the ſaid Mayor and Commonalty, and Citizens, ſhall be Plaintiffs, and the ſaid John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawſon, and William Kitchiner, Defendants, upon One or more Iſſue or Iſſues, to be ſettled by the Court in which the ſaid Action ſhall be commenced, if the Parties ſhall differ in the ſettling thereof; which Iſſue or Iſſues to be tried by a Special Jury of Freeholders of the ſaid County of Middleſex, whoſe Verdict thereupon, if the ſame ſhall be ſatisfactory to the Court where the Cauſe is tried, ſhall be final and concluſive to all the ſaid Parties; and in caſe a Verdict ſhall be found for the ſaid Mayor and Commonalty, and Citizens, as to the ſaid Right, the ſaid Jury ſhall, upon their Oaths, inquire, as well what Damages have been, or will be ſuſtained by, and what Recompence and Satisfaction ought to be made to the ſaid Mayor and Commonalty, and Citizens of London, for ſo much of the Soil of the ſaid River Thames as ſhall be taken away for the Purpoſe of embanking as aforeſaid, as well as the reſpective Parts and Proportions of ſuch Damages and Satiſfaction which ought to be paid by the ſaid John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawſon, and William Kitchiner, according to their ſeveral and reſpective Intereſts in the Soil of the ſaid River ſo to be embanked, and to indorſe the ſame upon the Poſtea; and for the better aſcertaining ſuch Damages, and the ſaid Proportions thereof, as aforeſaid, the Court in which the ſaid Action ſhall be commenced, ſhall, upon the Application of either of the Parties, cauſe the ſaid Jury to view the Places in queſtion; to which ſaid Jury, as well the ſaid Mayor and Commonalty, and Citizens, as the ſaid John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawſon, and William Kitchiner, or any of them, and all others intereſted, ſhall have their lawful Challenges; and the ſaid Court where the ſaid Action ſhall be tried, ſhall, upon the Verdict of the ſaid Jury, in ſuch feigned Action, give Judgement thereon according to Law; which Judgement ſhall be recorded by the ſaid Court, and ſhall finally bind and be concluſive to the ſaid Mayor and Commonalty, and Citizens of London, and alſo to the ſaid John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawſon, and William Kitchiner, and all others intereſted in the ſaid Embankment.

Right of the Dean and Chapter of *Weſtminſter* may be tried.

VI. And whereas the Dean and Chapter of the Collegiate Church of *Saint Peter*, in *Weſtminſter*, do alſo claim a Right to the Soil of the ſaid River *Thames*, within the Liberty of the ſaid City of *Weſtminſter*, and on that Account inſiſt, that the ſaid *John Adam*, *Robert Adam*, *James Adam*, *William Adam*, *James Paine*, *Dorothy Monk*, *Clementina Pawſon*, and *William Kitchiner*, ought to make Satisfaction to the ſaid Dean and Chapter for the Liberty of embanking as aforeſaid: And whereas it is juſt and reaſonable that the ſaid Dean and Chapter ſhould be at Liberty to try the ſaid Right at Law; be it therefore enacted, That it ſhall and may be lawful to and for the ſaid Dean and Chapter to proceed to a Trial of the ſaid Right before the Chief Juſtice, or any other of the Judges of His Majeſty's Court of King's Bench, or Court of Common Pleas, at the Sittings of Niſi Prius, in the ſaid County of Middleſex, in or after Michaelmas Term now next enſuing, in a feigned Action for that Purpoſe, to be commenced in His Majeſty's ſaid Court of King's Bench, or Court of Common Pleas, on or before the Firſt Day of Trinity Term now next enſuing, wherein the ſaid Dean and Chapter ſhall be Plaintiffs, and the ſaid John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawſon, and William Kitchiner, Defendants, upon One or more Iſſue or Iſſues, to be ſettled by the Court in which the ſaid Action ſhall be commenced: If the Parties ſhall differ in the ſettling thereof, ſuch Iſſue or Iſſues to be tried by a ſpecial Jury of Freeholders of the ſaid County of Middleſex, whoſe Verdict thereupon, if the ſame ſhall be ſatiſfactory to the Court where the Cauſe is tried, ſhall be final and concluſive to all the ſaid Parties: And in caſe a Verdict ſhall be found for the ſaid Dean and Chapter as to the ſaid Right, the ſaid Jury ſhall, upon their Oaths, inquire, as well what Damages have been or will be ſuſtained by, and what Recompence and Satiſfaction ought to be made to the ſaid Dean and Chapter, for ſo much of the Soil of the ſaid River Thames as ſhall be taken away for the Purpoſe of embanking as aforeſaid, as well as the reſpective Parts and Proportions of ſuch Damages and Satiſfaction which ought to be paid by the ſaid John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawſon, and William Kitchiner, according to their ſeveral and reſpective Intereſts in the Soil of the ſaid River ſo to be embanked, and to indorſe the ſame upon the Poſtea: And for the better aſcertaining ſuch Damages, and the ſaid Proportions thereof, as aforeſaid, the Court in which the ſaid Action ſhall be commenced ſhall, upon the Application of either of the Parties, cauſe the ſaid Jury to view the Places in queſtion; to which ſaid Jury, as well the ſaid Dean and Chapter as the ſaid John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawſon, and William Kitchiner, or any of them, and all others intereſted, ſhall have their lawful Challenges: And the ſaid Court where the ſaid Action ſhall be tried ſhall, upon the Verdict of the ſaid Jury in ſuch feigned Action, give Judgement thereon according to Law; which Judgement ſhall be recorded by the ſaid Court, and ſhall finally bind and be concluſive to the ſaid Dean and Chapter, and alſo to the ſaid John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawſon, and William Kitchiner, and all others intereſted in the ſaid Embankment.

Publick Act.

VII. And be it further enacted by the Authority aforeſaid, That this Act ſhall be allowed in all Courts whatſoever as a Publick Act; and all Judges, Juſtices, or other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP. XXXV.

An Act for reducing into One Act of Parliament, the ſeveral Laws relating to the Keeping and Carriage of Gunpowder, and for more effectually preventing Miſchiefs by keeping or carrying Gunpowder in too great Quantities.

Preamble.

WHEREAS the ſeveral Acts which regulate the Keeping and Carriage of Gunpowder within *England* are defective, and require Amendment, and the reducing them into One Law would facilitate their Execution: And whereas there is at preſent no Proviſion for Regulation of the Keeping and Carriage of Gunpowder in *Scotland*; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That no Perſon or Perſons ſhall have or keep, at any One Time, being a Dealer or Dealers in Gunpowder, more than Two hundred Pounds of Gunpowder, and not being ſuch, more than Fifty Pounds of Gunpowder, in any Houſe, Mill, Magazine, Storehouſe, Warehouſe, Shop, Cellar, Yard, Wharf, or other Building or Place, occupied by the ſame Perſon or Perſons, (all Buildings and Places adjoining to each other, and occupied together, being to be deemed One Houſe or Place within this Act), or on any River or other Water, except in Carriages loading or unloading, or paſſing on the Land, or in Ships, Boats, or Veſſels, loading or unloading, or paſſing on any River or other Water, or detained there by the Tide or bad Weather, within the following Limits; that is to ſay, Within the Cities of London or Weſtminſter, or within Three Miles of either of them; or within any City, Borough, or Market

Dealers in Gunpowder not to keep more than 200 *lb.* nor others more than 50 *lb.* in any Place within *London* or *Weſtminſter*, &c. or in any other Part of *Great Britain*, except in Places allowed by the ſubſequent Proviſions of the Act.

Town of Great Britain, or within One Mile of the ſame; or within Two Miles of any Palace or Houſe of Reſidence of His preſent Majeſty, His Heirs or Succeſſors, or of Her preſent Majeſty the Queen, or any Queen Conſort or Dowager; or within One Mile of any Gunpowder Magazine belonging to His Majeſty, His Heirs or Succeſſors; or within Half a Mile of any Pariſh Church; or in any other Part of Great Britain, (except in Places where it ſhall be lawful to keep unlimited Quantities of Gunpowder by Force of the Proviſions herein-after contained) on Pain of forfeiting all the Gunpowder in Specie beyond the Quantity hereby allowed to be kept, and the Barrels in which ſuch Gunpowder ſhall be, and alſo One Shilling for every Pound of Gunpowder beyond ſuch allowed Quantity.

Penalty of keeping contrary to the Act.

No Perſon ſhall convey more than 2000 *lb.* Wt. of Gunpowder by Land, or 5000 *lb.* Wt. by Water, &c.

Manner of carrying, &c.

II. And, in order to provide for the ſafe Carriage of Gunpowder, be it further enacted, That no Perſon or Perſons ſhall have or convey, at any One Time, within Great Britain, more than Two thouſand Pounds of Gunpowder in any Waggon, Cart, or other Carriage, by Land, or more than Five thouſand Pounds of Gunpowder in any Barge, Boat, or other Veſſel, by Water, (except in Veſſels with Gunpowder on board, imported from or to be exported to any Place beyond Sea); and all Gunpowder conveyed on Land or Water (except in ſuch Veſſels for Importation or Exportation of Gunpowder, as aforeſaid) ſhall be in Barrels cloſe joined and hooped, without any Iron about them, and ſo ſecured that no Part of the Gunpowder be ſcattered in the Paſſage, and each Barrel ſhall contain no more than One hundred Pounds of Gunpowder; and, when conveyed by Land, ſhall be entirely incloſed in a Leather Bag, or a Bag commonly called a Salt Petre Bag; and every Carriage or Veſſel (except ſuch Veſſels as aforeſaid) in which Gunpowder ſhall be conveyed by Land or Water, ſhall have a complete Covering of Wood, painted Cloth, Tarpaulin, or Wadmil Tilts, over all that Part of the Carriage or Veſſel in which the Gunpowder Barrels ſhall be placed; and all Gunpowder which ſhall be carried or conveyed (except in ſuch Veſſels for Importation or Exportation of Gunpowder as aforeſaid) within any Part of Great Britain, in greater Quantity or in other Manner than is herein before preſcribed, and the Barrels in which ſuch Gunpowder ſhall be, may be ſeized by any Perſon or Perſons, who ſhall have the ſame Authority to remove ſuch Gunpowder and Barrels, and to uſe for that Purpoſe (during the Space of Twenty-four Hours after Seizure) the Carriage or Veſſel in which ſuch Gunpowder ſhall be ſeized, and the Tackling, Beaſts, and Accoutrements belonging thereto, on the Terms of paying a Recompence for the Uſe thereof, and to detain ſuch Gunpowder and Barrels as is herein-after given to Perſons ſearching under a Warrant of a Juſtice of the Peace; and ſuch Seizure ſhall be for his, her, or their own Uſe, on Conviction of the Offender or Offenders.

Any Perſon may ſeize Gunpowder carried contrary to the Act, and the Barrels, &c. the Seizure to be for his own Uſe on Conviction of the Offender.

One Juſtice may grant Warrant to ſearch for Gunpowder ſuſpected to be kept or carried contrary to the Act.

III. And, for the more eaſy Diſcovery of the Keeping and Carriage of Gunpowder, contrary to the Proviſions herein-before made, be it further enacted, That it ſhall be lawful for any Juſtice of the Peace of the County, or other Diviſion within Great Britain, in which Gunpowder is ſuſpected to be kept or carried contrary to this Act, on Demand made, and a reaſonable Cauſe aſſigned, upon Oath, by any Perſon or Perſons, to iſſue a Warrant or Warrants under his Hand and Seal, for ſearching in the Day-time any Houſes, Storehouſes, Warehouſes, Shops, Cellars, Yards, Wharfs, or other Places, or any Carriages, Ships, Boats, or other Veſſels, in which ſuch Gunpowder is ſuſpected to be kept or carried contrary to this Act; and that all Gunpowder found upon ſuch Search, to be kept or carried contrary to this Act, and alſo the Gunpowder Barrels, ſhall be immediately ſeized by the Searcher or Searchers, who ſhall, with all convenient Speed after the Seizure, remove ſuch Gunpowder, and the Barrels in which it ſhall be, to ſuch proper Places as they, in Conformity to the Reſtrictions of this Act, ſhall think moſt convenient; and in the Caſe of any ſuch Gunpowder ſeized in any Carriage or Veſſel, may uſe, for the Purpoſe of Removal, during the Space of Twenty-four Hours after Seizure, ſuch Carriage or Veſſel, with the Tackling, Beaſts, and Accoutrements belonging thereto, paying afterwards to the Owner or Owners thereof a ſufficient Recompence for the Uſe thereof, to be ſettled by the Juſtices before whom the Complaint ſhall be heard after the Seizure; and in caſe of Nonpayment immediately after Settlement by ſuch Juſtices, to be recoverable by Diſtreſs and Sale of the Parties Goods and Chattels, as is herein-after directed, concerning the pecuniary Penalties of this Act, and may detain ſuch Gunpowder, and the Barrels in which it ſhall be, till it ſhall be adjudged whether the ſame ſhall be forfeited, and ſhall not be liable to any Suit for ſuch Detainer, or for any Loſs of, or Damage which may happen to the ſaid Gunpowder or Barrels, other than by the wilful Acts or Neglect of them, or the Perſons with whom they ſhall intruſt the Keeping thereof.

The Juſtices, on Application to them at their Quarter Seſſions, may licenſe Mills or Magazines for unlimited Quantities of Gunpowder, if not in *London* or *Weſtminſter*, &c.

IV. And whereas it may be neceſſary to have ſome Places appointed, in which it may be lawful to erect or make new Mills for making, and Magazines or Storehouſes for keeping, unlimited Quantities of Gunpowder; be it therefore further enacted, That it ſhall be lawful for the Juſtices of the Peace of each County, or other Diviſion within Great Britain, at their General Quarter Seſſions of the Peace, upon Application made to them by any Perſon or Perſons, (ſuch Perſon or Perſons having given Notice in Writing of the Intention to make ſuch Application, Fourteen Days before making it, to an Overſeer or Churchwarden of the Pariſh or Place in which it is propoſed to erect or make any ſuch new Mill, Magazine, or Storehouſe, or of an adjoining Pariſh, if the Place ſhall be extraparochial, which Overſeer or Churchwarden is hereby required to cauſe ſuch Notice to be publickly read on the Sunday next enſuing, in the Pariſh Church, after Divine Service), from Time to Time, to licenſe the erecting or making ſuch Mills, Magazines, or Storehouſes, for making or keeping unlimited Quantities of Gunpowder in ſuch Places, not being within London or Weſtminſter, or any other Limits within Great Britain, herein-before particularly preſcribed, as to ſuch Juſtices ſhall appear moſt proper for that Purpoſe.

V. Provided nevertheleſs, and be it further enacted, That no Perſon ſhall be liable to any Penalty or Proſecution under this Act for keeping unlimited Quantities of Gunpowder,

powder, without ſuch Licence of the Juſtices, in any Magazine or Storehouſe already built or uſed for that Purpoſe, in any Place not being within London and Weſtminſter, and the other Limits within Great Britain, herein-before particularly deſcribed, until the Expiration of Six Calendar Months after an Adjudication by the Juſtices of the Peace for the County or other Diviſion in which any ſuch Magazine or Storehouſe ſhall be, at their General Quarter Seſſions of the Peace, that the ſame is dangerous; (it being hereby declared that they ſhall not have Authority to make any ſuch Adjudication, except on Complaint made to them of any ſuch Magazine or Storehouſe, by ſome Houſeholder of the Pariſh or Place in which the Magazine or Storehouſe ſhall be, and after due Summons of the Owner or Owners of the Magazine or Storehouſe complained of, to anſwer ſuch Complaint and Examination, on Oath of the Witneſſes produced to ſupport or invalidate ſuch Complaint), and alſo that no Perſon ſhall be liable, at any Time, to any Penalty or Proſecution whatſoever, for keeping unlimited Quantities of Gunpowder, without ſuch Licence of the Juſtices of the Peace, in any Magazine or Storehouſe erected by Appointment of the Juſtices of the Peace, under the Power given to them by any of the former Acts regulating the Keeping and Carriage of Gunpowder.

No Perſon liable to Proſecution for keeping unlimited Quantities of Gunpowder not within *London* and *Weſtminſter*, &c. till Six Months after the Juſtices find the ſame is dangerous.

VI. And whereas Leaſes, or Agreements for Leaſes, may have been made of Magazines, Storehouſes, or other Places for keeping Gunpowder, and, in conſequence of this Act, it may become unlawful to keep unlimited Quantities of Gunpowder in ſome of ſuch Magazines, Storehouſes, or Places; be it therefore enacted, That in every ſuch Caſe, it ſhall and may be lawful for the Leſſee or Tenant of any ſuch Magazine, Storehouſe, or Place, for keeping Gunpowder, to make void any ſuch Leaſe or Agreement, upon giving Three Calendar Months Notice, in Writing, to the Leſſor or Owner of ſuch Magazine, Storehouſe, or Place, of the Deſire of the Tenant to have ſuch Leaſe or Agreement determined; and, upon paying to ſuch Leſſor or Owner all Rents and Sums of Money which ſhall become due for the ſame, to the Time of Determination limited in ſuch Notice, and upon performing all Covenants and Agreements on the Part of the Leſſee or Tenant, to that Time.

Leſſees of Magazines in which unlawful Quantities of Gunpowder cannot be kept, may make void their Leaſes, on giving three Months Notice.

VII. And, for Security of the great Number of Ships and Veſſels lying in the River *Thames*, and of the Dock Yards, Wharfs, and Buildings, on the Sides of the *Thames* above *Blackwall*; be it further enacted, That no Maſter or Commander of any Ship or other Veſſel, lying in the Thames, and outward bound, ſhall receive, or permit to be received, on board any ſuch Ship or Veſſel, more than Twenty-five Pounds of Gunpowder (except for the King's Service) before Arrival of ſuch Ship or Veſſel at, overagainſt, or below Blackwall; and that the Maſter or Commander of every Ship or Veſſel coming into the River Thames, ſhall (except in the Caſe of Gunpowder for the King's Service) put on Shore in proper Places, in Conformity to the Reſtrictions of this Act, all the Gunpowder on board ſuch Ship or Veſſel above the Quantity of Twenty-five Pounds, either before the Arrival of ſuch Ship or Veſſel at Blackwall, or within Twenty-four Hours (if the Weather ſhall permit) after coming to an Anchor there, or to the Place of unloading there, and ſhall not afterwards have on board more than Twenty-five Pounds of Gun-powder, (except for the King's Service), on Pain of forfeiting, for every Offence in any of the ſaid Caſes, all the Gunpowder found on board above the Weight of Twenty-five Pounds, and the Barrels in which ſuch Gunpowder ſhall be, and alſo One Shilling for every Pound of Gunpowder above the Quantity of Twenty-five Pounds.

No outward bound Veſſel to have above 25 *lb.* of Gunpowder on board before Arrival at *Blackwall*.

Maſters of inward bound Veſſels to land all their Gunpowder above 25 *lb.* on Arrival at *Blackwall*.

Penalty.

VIII. And, for the better Diſcovery of Maſters or Commanders of inward or outward bound Ships, who ſhall have Gunpowder in their Ships or Veſſels in the *Thames*, contrary to this Act; be it further enacted, That the Maſter, Wardens, and Aſſiſtants, of the Corporation of the Trinity Houſe of Deptford Stroud, in the County of Kent, for the Time being, ſhall, from Time to Time, appoint One or more Perſon or Perſons a Searcher or Searchers for unlawful Quantities of Gunpowder in Ships or other Veſſels in the Thames, which Perſon or Perſons ſo appointed are hereby authoriſed, at any Time between Sun-riſing and Sun-ſetting, to enter any Ship or Veſſel (except His Majeſty's Ships) in the River Thames above Blackwall, and to ſearch the ſame for unlawful Quantities of Gunpowder; and alſo ſhall have the ſame Powers of ſeizing, removing to proper Places, and detaining all ſuch unlawful Quantities of Gunpowder found on board any ſuch Ship or Veſſel, and the Barrels in which ſuch Gunpowder ſhall be, as are herein-before given to Perſons ſearching for unlawful Quantities of Gunpowder under a Warrant of a Juſtice of the Peace.

The *Trinity Houſe* Corporation of *Deptford Stroud* in *Kent* to appoint Searchers of Ships in the *Thames* above *Blackwall*.

IX. And be it further enacted. That all Penalties created by this Act ſhall be recoverable before Two or more Juſtices of the Peace for the County or other Diviſion in which the Offence ſhall be committed, on Proof of the Offence by the Oath or Oaths of One or more credible Witneſs or Witneſſes, or on Confeſſion of the Offender, and ſhall belong to the Informer or Informers proſecuting for the ſame; and where the Penalty ſhall be pecuniary in caſe of Nonpayment, it ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of ſuch Juſtices; and the Overplus of the Money raiſed, after deducting the Penalty and the Expences of the Diſtreſs and Sale, ſhall be rendered to the Owner; and for want of ſufficient Diſtreſs, the Offender ſhall be ſent by ſuch Juſtices to the Houſe of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, nor leſs than One Month, as ſuch Juſtices ſhall think moſt proper.

Penalties made recoverable before two Juſtices.

X. And be it further enacted, That no Perſon ſhall be liable to any Proſecution for any Offence againſt this Act, unleſs ſuch Proſecution ſhall be commenced within Fourteen Days after Seizuae of the Gunpowder, or Commiſſion of the Offence where there ſhall not be any Seizure; and that if any Suit or Action ſhall be proſecuted in England againſt any Perſon or Perſons for any Thing done in purſuance of this Act, ſuch Perſon or Perſons may plead the General Iſſue, and give this Act, or the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done by Authority of this Act; And if a Verdict ſhall paſs for the Defendant or Defendants, or the Plaintiff or Plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their Action or Actions, after Iſſue joined;

No Perſon liable to Proſecution for Offences, unleſs commenced within 14 Days after Seizure of the Gunpowder.

General Iſſue.

Treble Coſts.

joined; and if, on Demurrer, or otherwiſe, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall recover Treble Coſts, and have the like Remedy for the ſame as any Defendants have by Law in other Caſes.

Actions for Things done under this Act to be tried in the County where Offences are committed.

XI. And be it further enacted, That all Actions, Suits, and Proſecutions, to be commenced in England againſt any Perſon or Perſons, for any Thing to be done in purſuance of this Act, ſhall be laid and tried in the County or Place where the Fact was committed, and ſhall be commenced within Six Calendar Months after the Fact committed, and not otherwiſe.

Proviſo.

XII. Provided always, and be it further enacted, That this Act ſhall not extend to any Storehouſe Mill or Magazine belonging to His Majeſty, His Heirs or Succeſſors, wherein Gunpowder or other Stores ſhall be kept; or to hinder the Trial of Gunpowder by His Majeſty's Officers, as is uſual, for the Service of His Majeſty, His Heirs or Succeſſors; or to any Mills belonging to private Perſons already built and uſed for making Gunpowder; or to any Storehouſes, Magazines, or other Offices, near or adjoining to ſuch Mills; or to the Magazines now erected for keeping Gunpowder at Barking Creek's Mouth, in the County of Eſſex, and Erith Level, in the County of Kent; or to the Magazines or Storehouſes now erected near Liverpoole, in the County of Lancaſter, or the City of Briſtol; or to the Carriage of Gunpowder to or from the King's Magazines, under an Order of the King's Board of Ordnance, or with Forces on their March.

This Act to commence on *Auguſt* 1, 1771; and afterwards the Act 5 *Geo.* I.

Act 11 *Geo.* I.

and ſo much of Act 5 *Geo.* II. as relates to Gunpowder in Ships in the *Thames*,

Act 15 *Geo.* II. and Act 22 *Geo.* II.

Repealed.

XIII. And be it further enacted, That this Act ſhall begin to have Force on the Firſt Day of Auguſt, One thouſand ſeven hundred and ſeventy-one; and that from and immediately after the Commencement thereof, an Act made in the Fifth Year of His late Majeſty King George the Firſt, intituled, An Act for preventing the Miſchiefs which may happen by keeping too great Quantities of Gunpowder in or near the Cities of *London* and *Weſtminſter*, or the Suburbs thereof; and alſo an Act made in the Eleventh Year of His ſaid late Majeſty King George the Firſt, intituled, An Act for making more effectual an Act paſſed in the Fifth Year of His Majeſty's Reign, intituled, *An Act for preventing the Miſchiefs which may happen by keeping too great Quantities of Gunpowder in or near the Cities of* London *and* Weſtminſter, *or the Suburbs thereof*; and alſo ſo much of an Act made in the Fifth Year of His late Majeſty King George the Second, intituled, An Act for the better Regulation and Government of Pilots licenſed by the Corporation of *Trinity Houſe* of *Deptford Stroud*, in the County of *Kent*; and to prevent Miſchiefs and Annoyances upon the River of *Thames* below *London Bridge*, as relates to the having and ſearching for Gunpowder on board Ships or Veſſels in the Thames at or below Blackwall; and alſo an Act made in the Fifteenth Year of His late Majeſty King George the Second, intituled, An Act for preventing the Miſchiefs which may happen by keeping dangerous Quantities of Gunpowder in or near the Cities of *London* and *Weſtminſter*; and alſo an Act made in the Twenty-ſecond Year of His ſaid late Majeſty King George the Second, intituled, An Act to prevent the Miſchiefs which may happen by keeping too great Quantities of Gunpowder in any One Place, or carrying too great Quantities of Gunpowder together from One Place to another, ſhall be, and the ſame are hereby repealed.

C A P. XXXVI.

An Act for cleanſing, lighting, and watching, the ſeveral Streets and other Paſſages on the South Side of the City of *Edinburgh*, and for removing Nuiſances and Annoyances therefrom, and preventing the ſame for the future.

Preamble.

WHEREAS the ſeveral Streets, Squares, Lanes, Avenues, and Paſſages, adjoining to the City of *Edinburgh*, on the South Side thereof, and lying between the Street or Road leading from the *Cowgate Port* of *Edinburgh* to the Toll-gate called *the Gibbet Toll*, on the Eaſt; and the Street or Road leading from the *Two-penny Cuſtom*, near *Edinburgh*, to the Toll-gate called *Wright's Houſes Toll*, on the Weſt; all lying within the Pariſhes of *Saint Cuthbert's* or *Weſt Kirk* and *Canongate*, are at preſent ill cleanſed, and not duly lighted and watched; and if Power was given to regulate, light, cleanſe, and watch the ſame, and remove all Nuiſances and Obſtructions therein, and prevent the ſame for the future, it would tend greatly to the ſafety and Preſervation of the Inhabitants of the ſaid Streets and other Places, and be of publick Utility; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid ſeveral Streets, Squares, Lanes, Alleys, Avenues, and Paſſages, and other Places included in this Act, ſhall, for the Purpoſes thereof, be divided into Eight Diſtricts, videlicet, The Street or Road leading from Briſto Street, Weſtward, by Tiviot Row and Lawrieſton, to the Two-penny Cuſtom, to be One Diſtrict, and called The Diſtrict of Tiviot Row and Lawrieſton: The Streets of Briſto and Potter-row, from Briſto and Potter-row Ports, to where theſe Streets join each other, and the Places lying between them, built, or to be built, and croſs Streets from one to the other, to be One Diſtrict, called Briſto and Potter-row Diſtrict: George's Square, including the Streets leading to it, called Charles and Creighton Streets, (excluſive of the Corner Houſe of Creighton Street, which ſhall belong to Briſto and Potter-row Diſtrict), with the other Streets leading to the Square, to be hereafter built, to be One Diſtrict, called George's Square Diſtrict: Nicolſon's Park, including the croſs Streets interſecting the ſame, from Chapel Street to Pleaſance, and the Street along the Back of the City Wall, from Potter-row Port to Pleaſance, to be One Diſtrict, called Nicolſon's Park Diſtrict: The Croſs Cauſeway, from where the Briſto and Potter-row Streets join each other, to the Eaſt End of the Street, and from thence along the Gibbet Street, Northward, to where it is divided from the Juriſdiction of the Canongate, to be One Diſtrict, called Croſs Cauſeway Diſtrict: From the Eaſt End of Croſs Cauſeway, Southwards, to the Gibbet Toll, including Gibbet Loan, to be One Diſtrict, called Gibbet Street Diſtrict: From the Chapel of Eaſe, Southwards, to the Toll-gate called Grange Toll, including

The Diſtricts.

Shiens, to be One Diſtrict, called Cauſeway-Side Diſtrict: From the South End of the Property of Joſeph Gavin, Merchant, on the Weſt, and of the Property of John Straitton, Brewer in Portſburgh, on the Eaſt of the Road leading from Two-penny Cuſtom to Wright's Houſes, Southward, to the Toll called Wright's Houſes Toll, to be One Diſtrict, called Toll-Croſs Diſtrict: And that the Reverend James Brown, John Dove Builder, John Grant, and Alexander Shaw, Writers, and William Riddell, ſhall be Commiſſioners for Tiviot Row and Lawrieſton Diſtrict: That Alexander Scott Merchant, Archibald Scott Brewer, Neil Macviccar Manufacturer, Thomas Clark Leather-caſe Maker, and David Smith Baker, ſhall be Commiſſioners for Briſto and Potter-row Diſtrict: That the Honourable John Campbell, Eſquire, One of the Senators of the College of Juſtice, Henry Dundas, Eſquire, Solicitor-general for Scotland, George Brown, Eſquire, One of the Commiſſioners of Exciſe in Scotland, James Smollet, Eſquire, One of the Commiſſaries of Edinburgh, and Robert Forreſter, Eſquire, Merchant, ſhall be Commiſſioners for George's Square Diſtrict: That William Fullerton, Eſquire, Doctor Alexander Monro Phyſician, Thomas Cockburn Clerk to His Majeſty's Signet, James Baird Writer, and John Davie, ſhall be Commiſſioners for Nicolſon's Park Diſtrict: And that James Spottiſwood, Eſquire, John Moir Merchant, Alexander Palmer Joiner, John Manuel Merchant, and John Fletcher Baker, ſhall be Commiſſioners for Croſs Cauſeway Diſtrict; being all Inhabitants within the Bounds above deſcribed of the reſpective Diſtricts for which they are hereby ſeverally named, and their Succeſſors, to be elected in Manner herein-after mentioned, are hereby appointed Commiſſioners for putting this Act in Execution: And if any of the Commiſſioners above named, or any other to be hereafter choſen in Manner herein-after mentioned, ſhall refuſe to accept and act, ſuch Perſon or Perſons ſhall forfeit One Year's Aſſeſſment extraordinary, in reſpect of ſuch Refuſal, to be levied along with, and in the ſame Manner, as the other Aſſeſſments for that Year are herein-after directed to be levied.

Commiſſioners Names.

Commiſſioners refuſing to act, to forfeit One Year's Aſſeſſment.

They may meet annually at the *Chapel of Eaſe*, on the Firſt *Monday* after the Meeting of the Court of Seſſion in Summer, and chuſe a Convener.

II. And be it enacted by the Authority aforeſaid, That all the Commiſſioners above named for the ſaid ſeveral Diſtricts, or any Seven or more of them, ſhall meet at the Chapel of Eaſe, near Edinburgh, upon the Firſt Monday after the Sitting or Meeting of the Court of Seſſion in Scotland, for the Summer Seſſion, that ſhall firſt happen after the paſſing of this Act, between the Hours of Ten in the Forenoon and Two of the Afternoon, (and ſhall meet afterwards at the ſame Place and Time annually), and ſhall chuſe One of their Number to be Convener, who is hereby impowered to call a General Meeting of the Commiſſioners, at any Time during the Currency of the Year, when neceſſary, at the Deſire of any Two or more of the Commiſſioners for that Year, upon Ten Days Advertiſement in any of the Edinburgh Newſpapers: And the ſaid Commiſſioners are hereby impowered to adjourn the ſaid General Meetings from Time to Time, to meet at the Place aforeſaid, or any other convenient Place within the ſaid Eight Diſtricts, as they ſhall think proper.

The Office of Commiſſioners to determine at the End of One Year from the firſt General Meeting.

III. And be it enacted by the Authority aforeſaid, That the Office of Commiſſioners named and appointed by this Act ſhall ceaſe and determine at the End of One Year from the Firſt General Meeting appointed by this Act: And in order to ſupply their Places, a General Meeting of the whole Inhabitants of each Diſtrict aſſeſſed by this Act ſhall be aſſembled ſeparately in each Diſtrict, by the Convener of the Commiſſioners then in Office, at leaſt Ten Days before the next General Annual Meeting, by Advertiſement in any of the Edinburgh Newſpapers, or by affixing a written Notice thereof upon the principal Door of the Pariſh Church in each Pariſh of the ſaid Diſtricts; and in caſe the Convener ſhall neglect or refuſe to call ſuch Annual Meeting in each Diſtrict, as is above directed, then it ſhall and may be lawful for any Three of the Inhabitants of each Diſtrict to call ſuch Meeting, upon Notice by Advertiſement in any of the Edinburgh Newſpapers, at leaſt Six Days before the General Annual Meeting; and ſuch Inhabitants being ſo aſſembled, they ſhall ſeverally elect five Commiſſioners for each Diſtrict, to act for the then enſuing Year: And ſuch Inhabitants ſo aſſembled as aforeſaid, within their ſeveral and ſeparate Diſtricts, ſhall alſo elect and chuſe a proper Perſon or Perſons to be Treaſurer, Collector, and Clerk, for each of their reſpective Diſtricts, and ſhall appoint him or them a reaſonable Salary or Salaries, for his or their Trouble, out of the Money to be levied in the ſaid reſpective Diſtricts; and which Treaſurer, Collector, or Clerk, may be removed from his Office, upon any reaſonable Cauſe, in the Judgement of the ſaid Five Commiſſioners, or the Majority of them, who are hereby impowered to appoint a proper Perſon in his or their Place, to continue in Office till the next Annual Election: And every Perſon or Perſons ſo elected or appointed ſhall find Security for the due and faithful Execution of his or their Office, under ſuch Penalty as the ſaid Five Commiſſioners, or the Majority of them, ſhall think reaſonable; and ſuch ſeveral Inhabitants ſhall report their Election of Five Commiſſioners, Treaſurer, Collector, and Clerk, to the then next Annual General Meeting: And it is hereby declared, That in the ſaid Annual, and all the other Meetings of the Inhabitants of the reſpective Diſtricts, all Matters are to be determined according to the Voices of the Inhabitants preſent having the Majority of Valuation; and in caſe of Equality, by the Voice of the Preſes elected at ſuch Meeting, who ſhall, notwithſtanding ſuch deciſive Voice, have a Vote along with the other Inhabitants or Commiſſioners.

Inhabitants to elect Commiſſioners and other Officers for each ſeparate Diſtrict.

Treaſurers to find Security.

All Queſtions to be determined by the Inhabitants having the Majority of Valuation, or by the Preſes, in caſe of Equality.

If any Diſtrict neglect to elect Commiſſioners, &c. the General annual Meeting for the other Diſtricts to elect them.

IV. And be it further enacted, That if in any Year any of the ſaid ſeveral Diſtricts ſhall fail in electing and reporting to the annual General Meeting, in Manner above directed, their Choice of Five Commiſſioners, Treaſurer, Collector, and Clerk, or if any of the Commiſſioners, elected and reported in Manner above mentioned, ſhall refuſe to accept and act; then the Commiſſioners for the ſeveral Diſtricts who have acted for the preceding Year, together with the new-elected Commiſſioners for the ſucceeding Year, willing to accept and act, ſhall, in their annual General Meeting, chuſe and appoint Five Commiſſioners, and a Treaſurer, Collector, and Clerk, for each Diſtrict which has failed to make and report their Election in Manner above preſcribed: And ſuch Commiſſioners, Treaſurer, Collector, and Clerk, are hereby veſted with the ſame Powers for putting this Act in Execution, as if they had been regularly elected

and

If all the Diſtricts neglect to elect, the Commiſſioners for the former Year are to continue.

and reported by the Inhabitants of each ſeparate Diſtrict, in Manner above mentioned: And if Seven or all of the ſaid ſeveral Diſtricts ſhould fail in making and reporting ſuch annual Election of Commiſſioners, Treaſurers, Collectors, and Clerks, in Manner as above directed; then, and in that Caſe, the Commiſſioners, Treaſurers, Collectors, and Clerks, and other Officers laſt elected, ſhall continue in their reſpective Offices till the next annual Election.

Commiſſioners, &c. dying or removing, others to be choſen.

V. Provided always, and be it further enacted, That when and ſo often as it ſhall happen that any One or more of the ſaid Commiſſioners, Treaſurers, Collectors, or Clerks in any of the ſaid ſeveral Diſtricts, ſhall die, or remove out of any of the ſaid Diſtricts, the Inhabitants of all and every the ſaid Diſtricts ſhall, within Ten Days after ſuch Death or Removal, nominate and appoint a Commiſſioner or Commiſſioners, Treaſurer or Treaſurers, Collector or Collectors, Clerk or Clerks, in the Room and Place of ſuch of them as ſhall have died or removed out of any of the ſaid reſpective Diſtrict or Diſtricts; and which ſeveral Officers ſo appointed are hereby veſted with the ſame Powers for putting this Act in Execution, as if they had been regularly elected and reported by the Inhabitants in the annual Meetings, in Manner before mentioned.

Qualification of Commiſſioners.

Penalty of acting without a Qualification.

Proof of Qualification to lie on the Defendant.

VI. And be it enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall be capable of acting as a Commiſſioner under the Authority of this Act, unleſs he ſhall be an actual Inhabitant within the Diſtrict for which he is named or elected, or who ſhall be rated at any leſs or ſmaller Sum than Seven Pounds Sterling for his Poſſeſſion therein: And if any Perſon not ſo qualified ſhall preſume to act as a Commiſſioner, he ſhall, for every ſuch Offence, forfeit Five Pounds Sterling to any Perſon within the Diſtrict who ſhall ſue for the ſame, before the Judge Ordinary of the Bounds, whoſe Judgement ſhall be final: And in every ſuch Action ſo to be brought for the Recovery of ſuch Penalty as aforeſaid, the Proof of Qualification ſhall lie on the Defendant, and it ſhall be ſufficient, on the Part of the Purſuer or Proſecutor, to prove, that the Perſon ſo proſecuted had acted as a Commiſſioner in the Execution of this Act.

Commiſſioners to meet and receive the Report of Commiſſioners elected for the enſuing Year.

Queſtions in General Meetings to be determined by the major Part of Commiſſioners preſent, or by the Convener or Preſes, if an Equality.

VII. And be it further enacted, That the Commiſſioners above named, and thoſe to be from Time to Time elected in Manner above appointed, ſhall each Year meet at the ſaid Chapel of Eaſe, near Edinburgh, upon the Firſt Monday after the Meeting or Sitting of the Court of Seſſion for the Summer Seſſion, and ſhall appoint their Convener to receive the Reports of the Election of the Commiſſioners for the different Diſtricts for the enſuing Year, and give ſuch Orders as may be neceſſary for carrying into Execution the Buſineſs committed to them under the Authority of this Act, in Manner herein-after mentioned; and all Queſtions in this or any other General Meeting of the Commiſſioners ſhall be determined by the Voices of the Majority of the Commiſſioners then preſent; and, in caſe of Equality, by the Convener of the Meeting, or, in his Abſence, by the Voice of the Preſes choſen by ſuch Meeting, who ſhall notwithſtanding of ſuch deciſive Voice, have a Vote along with the other Commiſſioners: And alſo all Queſtions in the Meeting of the Commiſſioners of the particular Diſtricts ſhall be determined in the ſame Manner as above preſcribed with regard to General Meetings.

If a ſufficient Number of Commiſſioners at a General Meeting do not attend, thoſe preſent, or the Clerk, may appoint another Meeting;

Notice to be given.

VIII. Provided always, and be it enacted, That where the Number of Commiſſioners preſent at ſuch Firſt or any other ſubſequent Annual or General Meeting ſhall not exceed Seven, then the Commiſſioner or Commiſſioners preſent, or, in caſe none of the Commiſſioners ſhall attend, the Clerk of the ſaid General Meeting ſhall adjourn the ſaid General Meeting to ſuch Day as ſhall appear moſt convenient; Ten Days previous Notice of the Day to which ſuch Adjournment is made, which ſhall be to the ſame Place, ſhall be given by Advertiſement in any of the Edinburgh News-papers; and any Three of the Commiſſioners acting for the Time may call a General Meeting, giving Fourteen Days previous Notice thereof by Advertiſement as aforeſaid, and of the Purpoſe and Buſineſs of ſuch Meeting.

None liable to ſerve above once in Three Years.

IX. Provided always, That no Perſon or Perſons ſhall be obliged to ſerve the ſaid Office of Commiſſioner, Treaſurer, Collector, or Clerk, oftener than once in Three Years; unleſs it ſhall happen that, by Neglect of Seven or all of the ſaid Diſtricts in electing their Commiſſioners, Treaſurers, Collectors, and Clerks, the Commiſſioners, Treaſurers, Collectors, and Clerks, then in Office, ſhall be obliged to continue in their reſpective Offices for the then following Year, in Manner above directed.

Proceedings of General Meetings to be entered in Books,

and may be read in Evidence.

X. And be it further enacted, That all the Acts, Orders, and Proceedings of the ſaid Commiſſioners, at their ſaid General Meetings, from Time to Time, ſhall be regularly entered in a Book or Books, to be kept for that Purpoſe by the ſaid Commiſſioners, and ſhall be ſigned by the Clerk of the General Meeting for the Time being; and ſuch Entries ſhall be deemed and taken to be the original Orders and Proceedings of the ſaid Commiſſioners, and ſuch Book or Books ſhall and may be produced and read in Evidence in all Courts whatſoever.

Commiſſioners to divide themſelves into their ſeveral Diſtricts.

XI. And be it enacted by the Authority aforeſaid, That the Commiſſioners, at their ſaid Firſt General Meeting, and at every other annual General Meeting thereafter, after having finiſhed the Buſineſs by this Act committed to them, ſhall divide themſelves into their ſeveral Diſtricts, and act for all the other Purpoſes of this Act within the Diſtrict where they reſpectively reſide; and ſhall meet at ſuch Time and Place within their reſpective Diſtricts as at the General Meeting ſhall be appointed, or to which they ſhall from Time to Time adjourn themſelves.

Proceedings of the ſeveral Diſtricts to be entered,

and may read in Evidence.

XII. And be it enacted, That all the Acts, Orders, and Proceedings, of the ſaid Commiſſioners, in their reſpective ſeparate Diſtricts, ſhall, in like Manner, be regularly entered in a Book or Books, to be kept for that Purpoſe by the ſaid ſeveral Commiſſioners, and ſhall be ſigned by the Clerk of the Diſtrict for the Time being: And ſuch Entries ſhall be deemed and taken to be the original Orders and Proceedings of the ſaid Commiſſioners in their ſeparate Diſtricts, and ſhall and may be produced and read in Evidence in all Courts whatſoever.

Commiſſioners to appoint Perſons for watching, &c.

XIII. And, for the better enlightning, watching, and cleanſing the ſeveral Streets, Squares, Lanes, Alleys, Courts, Avenues, and Paſſages, compriſed in this Act, be it further enacted, That the Commiſſioners for the ſeveral Diſtricts above named, or their Succeſſors, ſhall meet at the Time and Place appointed by the General Meeting, as aforeſaid; and then, or at any other Time and Place, within the Time herein-after mentioned, to which they ſhall adjourn as aforeſaid, ſhall appoint proper Perſons for watching and cleaning the Streets in their ſeveral Diſtricts; and ſhall appoint Lamps to be erected at the moſt convenient Places within their Diſtrict, at equal Diſtances from each other; except where the Situation of Cloſes or croſs Avenues, or the Angles on any Street, ſhall make it neceſſary to affix the Lamps oppoſite to ſuch croſs Avenues, or upon ſuch Angles.

Diſtance of Lamps from each other.

XIV. And be it further enacted, That the Lamps ſo to be erected ſhall not exceed the Number of Sixty Feet in Diſtance from each other, excepting always the Road leading from Briſto Port, by the Back of the City Wall, to where the North End of Nicolſon's Street joins the City Wall, on the Eaſt Side of Lady Nicolſon's Houſe, and the Road from the Gate entering from the Poor Houſe to the Meadow, Weſtward, to the Two-penny Cuſtom, in which Two Roads or Streets it ſhall be in the Power of the Commiſſioners for the ſeveral Diſtricts within which they lie, to erect Lamps at the Diſtance of One hundred Feet from each other: Provided, that ſuch Diſtrict ſhall make it appear to the next annual General Meeting of the Commiſſioners, that their Funds levied in virtue of this Act, at the Rate of Sixpence Sterling for each Pound Sterling of the real Rent of ſuch Diſtrict, cannot afford to have them placed nearer each other, after anſwering the Exepnce of the other Purpoſes thereof.

Roads exempted from lighting, cleanſing, or watching, till ſufficient Funds ariſe.

XV. And whereas the Road or Lane lying within the Diſtrict of Nicolſon's Park, called Back Row, and the Road lying at the Back of the City Wall, from that Part thereof where the North End of Nicolſon's Street joins the ſame, on the Eaſt Side of Lady Nicolſon's Houſe to the Pleaſance, are at preſent not at all or very thinly inhabited; it is hereby provided and enacted, That the Diſtrict of Nicolſon's Park ſhall not be obliged to light, cleanſe, or watch the ſaid Lanes or Roads, till they ſhall be ſo inhabited as that they can be lighted, watched, and cleaned, by an Aſſeſſment of Sixpence Sterling upon each Pound Sterling of the real Rent of the Houſes therein; or that it ſhall be in the Power of the Diſtrict, by an Aſſeſſment of Sixpence Sterling per Pound, to light, watch, and clean the ſame, after anſwering the Purpoſes of this Act in other Parts of the Diſtrict: Provided always, That it ſhall be in the Power of the Inhabitants poſſeſſing Two-thirds of the Valuation of the Diſtrict of Nicolſon's Park to aſſeſs the ſame in Manner herein-after mentioned, for the Purpoſe of lighting, watching, and cleanſing the ſaid Two Roads or Lanes, to any Extent not exceeding One Shilling Sterling per Pound of the real Rent of the whole Diſtrict: And provided alſo, That the Houſes, or Inhabitants thereof within the ſaid Road or Lane, called Back Row, and in the ſaid Road leading from the North End of Nicolſon's Street, where it joins the City Wall on the Eaſt Side of Lady Nicolſon's Houſe to the Pleaſance, ſhall not be ſubject to any Aſſeſſment by virtue of this Act, until they are lighted by Lamps at the Diſtance of One hundred Feet from each other, in Manner preſcribed by this Act, with regard to the Roads leading along the City Wall, in the Diſtrict of Tiviot Row and Lawrieſton, and Briſto and Potter-row, and cleanſed and watched as the other Parts of the Diſtrict.

Lamps to be lighted from the Firſt of *October* to the Firſt of *April*, yearly.

XVI. And it is hereby further enacted, That all and each of the Lamps, which preſently are, or hereafter ſhall be, erected by or in virtue of this Act, ſhall be lighted in the Afternoon of every Day, at ſuch Hour or Hours as the Commiſſioners, or a Majority of them, in each Diſtrict ſhall direct and appoint, from and after the Firſt Day of October in each Year, to the Firſt Day of April then next.

Commiſſioners of any Diſtrict may order Lamps to be ſooner, or continue longer lighted, as they ſee Cauſe.

XVII. Provided always, and it is hereby further enacted, That it ſhall and may be lawful to and for a Majority of the Commiſſioners in each Diſtrict to order and direct the Lamps within their ſeveral Diſtricts to be lighted ſooner than the Firſt Day of October in each Year, or to continue the lighting of ſuch Lamps longer than the Firſt Day of April, or both, as they ſhall ſee Cauſe.

For preventing Damage of Lamps.

XVIII. And it is hereby further enacted, That if any Perſon or Perſons ſhall wilfully take away, break, or throw down, or damage any Lamp or Lamps, that now is or hereafter ſhall be ſet up, for enlightening any of the ſaid Streets, Squares, Courts, Lanes, Alleys, Avenues, or Paſſages, or wilfully extinguiſh the Light or Lights within the ſame, or damage the Irons or other Furniture thereof; it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, who ſhall ſee ſuch Offence committed, to ſeize, as alſo for any other Perſon or Perſons to aſſiſt in ſeizing the Offender or Offenders; and, by Authority of this Act, without any other Warrant, to convey him, her, or them, or to deliver him, her, or them, into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace of the ſaid County of Edinburgh; and ſuch Juſtice ſhall proceed to examine, upon Oath, any Witneſs or Witneſſes, who ſhall appear or be produced to give Information touching ſuch Offence, (which Oath the ſaid Juſtice is hereby authoriſed and required to adminiſter): And if the Party or Parties accuſed ſhall be convicted of ſuch Offence, either by his, her, or their own Confeſſion, or upon ſuch Information as aforeſaid, he, ſhe, or they, ſo convicted, ſhall forfeit and pay the Sum of Two Pounds Sterling for each Lamp ſo broken, thrown down, or damaged, or for every Light ſo extinguiſhed as aforeſaid; and, moreover, ſhall make full Satisfaction to the ſaid Commiſſioners, or to ſuch Perſon as they, or any Three or more of them, ſhall appoint to receive the ſame, for the Damage ſo by him, her, or them, done, as aforeſaid: And in caſe ſuch Offender or Offenders ſhall not, on Conviction, pay ſuch Forfeiture, and make ſuch Satisfaction as aforeſaid, ſuch Juſtice is hereby required to commit him, her, or them, to the common Gaol of the ſaid County for the Space of Two Months; and ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he, ſhe, or they, ſhall be ſo committed, unleſs ſuch Forfeiture and Satisfaction ſhall be ſooner paid and given.

XIX. And it is hereby further enacted, That, in caſe any Perſon or Perſons ſhall careleſsly or accidentally break, throw down, or damage any of the ſaid Lamps ſo ſet up

Perſons careleſsly or accidentally breaking or damaging Lamps, to make Satiſfaction.

or hereafter to be ſet up, as aforeſaid, or the Irons or other Furniture thereof, and ſhall not immediately, upon Demand, make Satiſfaction for the Damage done thereto ; then, and in every ſuch Caſe, it ſhall and may be lawful to and for any One Juſtice of the Peace of the ſaid County of Edinburgh, upon Complaint to him made by One or more credible Witneſs or Witneſſes, to ſummon before him the Party or Parties who ſhall be complained of for doing ſuch Damage, as aforeſaid ; and, upon hearing the Allegations and Proofs on both Sides, or upon the Nonappearance of the Party or Parties ſo complained of and ſummoned, to award ſuch Sum or Sums of Money, by way of Satiſfaction for ſuch Damage, as ſuch Juſtice ſhall think reaſonable ; and, in caſe of Neglect or Refuſal of the ſaid Party or Parties to pay ſuch Sum or Sums of Money ſo awarded within Ten Days next after Demand thereof, to cauſe the ſame to be levied by Diſtreſs and Sale of his, her, or their Goods or Chattels ; the Surplus (if any) ariſing by ſuch Sale to be paid to him, her, or them.

For preventing Damage being done to the Foot Pavement.

XX. And be it further enacted, That if any Perſon or Perſons ſhall, for the future, carry, run, drive, draw, or cauſe to be carried, run, driven, or drawn, on any of the Foot Pavements within any Part of the ſeveral Diſtricts compriſed in this Act, any Bier, Sedan Chair, or any Wheel or Wheels, Sledge, Wheelbarrow, or other Carriage whatſoever ; or ſhall wilfully ride, lead, or drive, any Horſe, Aſs, Mule, or other Cattle, Coach, Cart, or other Carriage whatſoever, upon any of the ſaid Foot Pavements ; then, and in any of the ſaid Caſes, and ſo often as they or any of them ſhall happen, it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, who ſhall ſee any ſuch Offence committed, to ſeize, and alſo for any other Perſon or Perſons to aſſiſt in ſeizing ſuch Offender or Offenders, and, by the Authority of this Act, and without any other Warrant, to convey or deliver him, her, or them, into the Cuſtody of a Peace Officer, in order to be ſecured or conveyed before ſome Juſtice of the Peace of the ſaid County of Edinburgh ; and the Party or Parties accuſed being brought before him, ſuch Juſtice ſhall proceed to examine, upon Oath, any Witneſs or Witneſſes who ſhall appear, or be produced, to give Information touching ſuch Offence, (which Oath the ſaid Juſtice is hereby authoriſed and required to adminiſter) ; and if the Party or Parties accuſed ſhall be convicted of any ſuch Offence, either by his, her, or their own Confeſſion, or upon ſuch Information as aforeſaid, he, ſhe, or they, ſo convicted, ſhall forfeit and pay the Sum of Five Shillings Sterling for the Firſt Offence, the Sum of Ten Shillings Sterling for the Second Offence, and the Sum of Twenty Shillings Sterling for the Third and every other Offence.

Commiſſioners not to act while they enjoy any Place of Profit.

XXI. And it is hereby further enacted, That no Order or Determination of the ſaid Commiſſioners ſhall be valid, unleſs the ſame ſhall be made at a Meeting held in purſuance of this Act ; nor ſhall any Commiſſioner hereby appointed, or hereafter to be elected or appointed, as aforeſaid, be capable of acting as ſuch during the Time he ſhall enjoy any Office of Profit, by virtue of the Powers given by this Act, or have any Share or Intereſt in any Contract relating to the Execution thereof.

Notice of Contracts.

XXII. And it is hereby further enacted, That the ſaid Commiſſioners of the reſpective Diſtricts, or any Three or more of them, may, and they are hereby authoriſed and impowered, from Time to Time, to employ under them any fit Perſon or Perſons, in or about cleanſing all or any of the ſaid Streets, Squares, Courts, Lanes, Alleys, Paſſages, and other Places within the ſaid ſeveral Diſtricts compriſed in this Act, and in and about the enlightening of the ſame, and in and about the ſeveral Works, hereby appointed to be performed, and to contract for the Performance of the ſaid Works, or any of them, with any Perſon or Perſons whatſoever, in ſuch Manner as the ſaid Commiſſioners, or any Three or more of them, ſhall think fit.

No Commiſſioner to be concerned in Contracts.

XXIII. Provided alſo, and it is hereby further enacted, That no Perſon, being a Commiſſioner under this Act, ſhall be, directly or indirectly, intereſted or concerned in any Contract which ſhall be made or entered into by or on the Behalf of the ſaid Commiſſioners, for or concerning any of the ſaid Works to be carried on or performed in purſuance of this Act, or for or concerning any Materials to be uſed or employed therein, upon Pain that every ſuch Contract ſhall be null and void ; and that the Perſon who being a Commiſſioner as aforeſaid, and ſhall be ſo intereſted or concerned therein, ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds Sterling to any Perſon or Perſons who ſhall ſue for the ſame ; to be recovered and levied in Manner hereinafter directed ; and every Perſon againſt whom the ſaid Penalty ſhall be recovered, ſhall, for ever thereafter, be diſabled from being a Commiſſioner for the Purpoſes of this Act.

Watchmen, how to be appointed.

XXIV. And it is hereby further enacted, That the ſaid Commiſſioners, or any Three or more of them, in their reſpective Diſtricts, ſhall and may, yearly, and every Year, order and appoint what Number of Watchmen they ſhall judge proper to be kept in ſuch Places of the ſaid ſeveral Diſtricts compriſed in this Act for each Year, and elect ſuch honeſt and able-bodied Men to be employed in that Service as they ſhall think beſt qualified for the ſame ; and alſo direct where the ſeveral Watchmen ſhall be ſtationed, and in what Manner they ſhall be armed, and how often they ſhall go their Rounds, how long they ſhall continue upon Duty, and what Wages ſhall be allowed to ſuch Watchmen for their Attendance ; and alſo ſhall or may hire, erect, or maintain any proper Place or Places, within the Limits aforeſaid, for the Reception of the ſaid Watchmen, and ſhall make all ſuch Regulations and Orders in Writing as the Nature of each particular Service ſhall appear to them, or any Three or more of them, to require.

Two-thirds of the Valuation to concur.

XXV. Provided always, and it is hereby further enacted, That no Watchman ſhall be appointed within any Diſtrict whatever but by the Concurrence, or with the Conſent, of Two-thirds of the Valuation within ſuch Diſtrict.

Aſſeſsments at 6 *d. per* Pound.

XXVI. And be it enacted by the Authority aforeſaid, That the Commiſſioners of the ſeveral Diſtricts, at their Firſt or adjourned Meetings, as aforeſaid, ſhall aſcertain the Expence neceſſary for erecting and lighting the Lamps in their ſeveral Diſtricts in

Manner aforeſaid, and for watching and cleanſing their Streets for One Year; and ſhall aſſeſs all and every Perſon and Perſons who do or ſhall inhabit any Houſe, or inhabit or poſſeſs any Shop or Warehouſe, within their ſeveral Diſtricts, in a Sum not exceeding Sixpence Sterling in the Pound of the real Rent of ſuch Houſe, Shop, or Warehouſe, ſo inhabited, held, or occupied.

XXVII. Provided always, and it is hereby enacted and declared, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or a Majority of them, in their reſpective Diſtricts, by and with the Conſent of Perſons reſiding within ſuch Diſtrict, and having Two-third Parts of the Valuation thereof, to aſſeſs themſelves for fulfilling the Purpoſes of this Act in an additional Sum, ſo as that the whole Aſſeſſment to be laid by virtue of this Act ſhall not exceed One Shilling Sterling in the Pound of the real Rent for One Year.

Commiſſioners may lay an additional Aſſeſſment, not exceeding 1 *s.* *per* Pound.

XXVIII. Provided alſo, and it is hereby enacted and declared, That it ſhall not be in the Power of any Diſtrict to aſſeſs themſelves in leſs than Sixpence Sterling in the Pound of the real Rent for One Year, unleſs they ſhall make it appear, to the Satisfaction of a General Meeting, that a leſſer Sum is ſufficient for anſwering the Purpoſes intended by this Act.

No Diſtrict to be aſſeſſed at leſs than 6 *d.* *per* Pound.

XXIX. And be it further enacted, That the Aſſeſſment to be laid for the Firſt Year, by the Authority of this Act, ſhall not be under One Shilling Sterling in the Pound of the real Rent, unleſs the Commiſſioners of any Diſtrict ſhall make it appear to a General Meeting that a leſſer Sum is ſufficient for both the ordinary and extraordinary Purpoſes of this Act for that Year: And which Aſſeſſments ſhall be laid on for One Year, commencing at the Firſt Annual General Meeting, and ending at the Second Annual General Meeting, to be held by virtue of this Act, and ſo on yearly thereafter.

The 1ſt Year's Aſſeſſment not to be leſs than 1 *s.* *per* Pound; to commence the 1ſt, and end at the 2d General Meeting.

XXX. And it is hereby further enacted and declared, That the Aſſeſſments ſo laid ſhall be leviable and levied at the Terms of Lammas and Candlemas next after the General Annual Meeting, by equal Portions: And if any Perſon or Perſons, who ſhall be rated or aſſeſſed by virtue or in purſuance of this Act, ſhall refuſe or neglect to pay the Rate or Aſſeſſment charged upon him, her, or them, in purſuance of this Act, for the Space of Ten Days next after his, her, or their reſpective Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be due, and demanded by the Collector or Collectors authoriſed and appointed to collect and receive the ſame, (ſuch Demand being either perſonally made to the reſpective Perſon or Perſons ſo charged, or left in Writing at his, her, or their reſpective Houſe or Houſes, or Place or Places of Abode); then, and in every ſuch Caſe, it ſhall and may be lawful to and for ſuch Collector or Collectors, every or any of them, having a Warrant or Warrants under the Hand of the Judge Ordinary, (which Warrant or Warrants the ſaid Collector and Collectors is and are hereby required to apply for, and the ſaid Judge Ordinary is hereby authoriſed and required to grant), and, with the Aſſiſtance of a Conſtable, or other Peace Officer, to enter his, her, or their Houſe or Houſes, Apartment or Apartments, and then and there to ſeize and keep Poſſeſſion of his, her, or their Goods and Chattels; and if the ſaid Rate or Aſſeſſment ſhall not be paid within Three Days next after ſuch Seizure is made, together with the Coſts and Charges thereof, then to ſell, by publick Auction, at the Market-croſs of Edinburgh, ſo much and ſuch Part of the ſaid Goods and Chattels as ſhall be ſufficient to pay the ſaid Rate or Aſſeſſment, with the Coſts and Charges attending ſuch Seizure and Sale, returning the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, (the ſaid Coſts and Charges to be ſettled and allowed by the ſaid Judge Ordinary, who ſhall have granted ſuch Warrant or Warrants reſpectively).

Rates to be levied at *Lammas* and *Candlemas* yearly.

XXXI. And be it enacted by the Authority aforeſaid, That the Aſſeſſments ſhall be laid upon Dwelling-houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements, that are actually poſſeſſed at the Time the ſame is laid on only, and the Poſſeſſors, whether Proprietors or Tenants, ſhall be liable to the Payment thereof: And if any Dwelling-houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements, which are not poſſeſſed at the Time the General Aſſeſſment is laid, ſhall thereafter, during the Currency of that Year, become poſſeſſed, it ſhall be in the Power of the Commiſſioners of the Diſtrict where ſuch Dwelling-houſe, Shop, Warehouſe, Cellar, Vault, or other Tenement, is ſituated, or any Two of them, to meet and aſſeſs the ſame in Manner above preſcribed: And it ſhall be in the Power of the Commiſſioners of each Diſtrict totally to exempt Houſes within their Diſtrict paying the yearly Rent of Three Pounds Sterling, or under, from Payment of any Aſſeſſments by virtue of this Act, if they ſee Cauſe.

Aſſeſſments to be laid on Houſes poſſeſſed at any Time within the Year.

Commiſſioners may exempt Houſes of 3 *l.* Rent, or under,

XXXII. And, for determining the real Rent of each Dwelling-houſe, Shop, Warehouſe, or other Tenements, liable to the Payment of any Aſſeſſment to be impoſed by virtue of this Act, it is hereby further enacted, That the Tenant or Poſſeſſor ſhall be obliged to declare upon Oath the Extent thereof, if required, (which Oath any Two Commiſſioners for the Diſtrict where he, ſhe, or they reſide, are hereby impowered to adminiſter: And in caſe the Poſſeſſor or Poſſeſſors ſhall happen to be alſo Proprietor or Proprietors, he, ſhe, or they, ſhall be obliged in like Manner to declare the Price he, ſhe, or they, paid for his, her, or their Poſſeſſion, or what it coſt him, her, or them; and he, ſhe, or they, ſhall be aſſeſſed according to the Rent, equal to Seven Pounds Sterling per Centum of ſuch Price or Coſt.

and adminiſter Oaths for aſcertaining real Rent of Houſes.

XXXIII. And be it enacted by the Authority aforeſaid, That if the Commiſſioners of any particular Diſtrict ſhall neglect to meet and put in Execution the Part of this Act committed to them, for aſcertaining the Expence neceſſary for the Purpoſes thereof, and aſſeſſing the Inhabitants of their Diſtrict therewith, in Manner above preſcribed, at leaſt Ten Days before the Term of Lammas next after the Annual General Meeting yearly; it ſhall be in the Power of a General Meeting, conſiſting of Seven Commiſſioners at leaſt, called for that Purpoſe by their Convener, to aſſeſs ſuch Diſtrict as they ſhall ſee Cauſe, in the Manner directed by this Act.

If One Diſtrict neglect to aſſeſs, a General Meeting ſhall do ſo.

Commiſſioners to determine Diſputes.

XXXIV. And be it further enacted, That the Commiſſioners, at their Annual General Meeting, or at any other General Meeting, or the major Part of them, ſhall determine all Queſtions or Diſputes that may ariſe within any particular Diſtrict, touching whether any Houſe or Place is liable to be aſſeſſed by virtue of this Act; and likewiſe all Diſputes that may ariſe between any Two or more Diſtricts, whether any Houſe or Houſes, Place or Places, properly belongs to One or other Diſtrict; and in all ſuch Diſputes it is hereby provided and declared, that the Commiſſioners of the reſpective Diſtricts, intereſted in the Iſſue of the ſaid Diſputes, ſhall have no Voice in the Determination thereof.

Commiſſioners to make Regulations for removing Obſtructions.

XXXV. And it is hereby further enacted, That the Commiſſioners, at their Annual General Meeting, ſhall have Power to make Regulations, from Time to Time, for removing Obſtructions, and preventing Nuiſances of every Kind, within the Bounds compriſed in this Act; and to enforce the ſame by ſuch ſmall Penalties as they ſhall appoint, not exceeding, in any Caſe, Ten Shillings Sterling for each Tranſgreſſion; to be levied in Manner herein-after mentioned.

Funds ariſing out of One Diſtrict not to be applied in another.

XXXVI. Provided always, That in no Caſe the Funds ariſing out of One Diſtrict, whether by Aſſeſſments, Penalties, or otherwiſe, by virtue of this Act, ſhall be applied to the Purpoſes of lighting, watching, and cleanſing, the Streets of any other Diſtricts, nor to any Uſe or Purpoſe whatever, within any other Diſtrict; but ſhall be applied ſolely to the Purpoſes of this Act, within ſuch reſpective Diſtricts where the ſame is raiſed, levied, or collected.

Commiſſioners may diſpoſe of Street Dung.

XXXVII. And it is alſo hereby enacted, That it ſhall be in the Power of the Commiſſioners of any One Diſtrict to diſpoſe of the Street Dung or Fulzie collected in their reſpective Diſtricts, by a Leaſe not exceeding Four Years, or in any other Way they may think proper, and to apply the Produce thereof for the Purpoſes of this Act within ſuch Diſtrict; and where the Dung or Fulzie of any of the ſaid Diſtricts is already under Leaſe, or otherwiſe diſpoſed of, the Produce thereof ſhall be applied to the Purpoſes of this Act in like Manner within ſuch Diſtrict only; and declaring, that it ſhall be in the Power of the Commiſſioners for the Diſtrict of Potter-row and Briſto to allow ſuch a Sum as they ſhall judge reaſonable out of the Aſſeſſments of that Diſtrict, or Money ariſing from the Price of Fulzie collected therein, and that to the reſident Magiſtrate thereof, for the Purpoſe of defraying the Expence of his Office annually.

The Property of Streets to remain with the Owners.

XXXVIII. And be it further enacted and declared, That all the Streets, Squares, Courts, Lanes, Alleys, and Avenues, comprehended in this Act, which are at preſent the Property of the Proprietors of Houſes therein, or any Perſon whatever, ſhall remain the Property of ſuch Proprietors, their Heirs and Succeſſors, and at their Diſpoſal, from Time to Time, and at all Times hereafter; any Thing in this Act to the Contrary notwithſtanding.

Diſtricts of *Gibbet-ſtreet, Cauſeway-ſide,* and *Toll-croſs,* may afterwards nominate Commiſſioners and other Officers.

XXXIX. And, in regard that the Three laſt Diſtricts above mentioned; *videlicet, Gibbet Street, Cauſeway-ſide,* and *Toll-croſs* Diſtricts, for which no Commiſſioners are hereby appointed, cannot at preſent raiſe ſufficient Funds for the Purpoſes of carrying this Act into Execution within their reſpective Bounds, on account of their being but thinly inhabited, it is hereby enacted, That it ſhall be in the Power of all or any of the ſaid Three Diſtricts, at any Time hereafter, to apply by Petition to the Commiſſioners, at their annual General Meeting, which Application ſhall be ſigned by Inhabitants in ſuch Diſtricts, poſſeſſing at leaſt Two-thirds of the Rent thereof, and ſhall contain a Nomination of Five Commiſſioners, and a Collector, Treaſurer, and Clerk, for the ſaid Diſtrict, elected and qualified in Manner preſcribed by this Act; and, from thenceforward, the Diſtrict ſo applying ſhall have all the Privileges, and be ſubject to all the Regulations, hereby enacted, with regard to the other Diſtricts.

Impowering the Proprietors of Houſes in the Diſtrict of *Nicolſon's Park* to pave the Streets, &c.

XL. And it is hereby further enacted, That it ſhall be in the Power of the Proprietors of the Diſtrict of Nicolſon's Park to aſſeſs themſelves in ſuch Sum, for paving the Streets, and making common Sewers, within their Diſtrict, as ſhall be agreed upon by the Proprietors of Two-thirds of the Property within the Diſtrict; which Aſſeſſment ſhall not exceed Two Shillings and Sixpence upon each Pound Sterling of the Rent of their Poſſeſſion for One Year, and ſhall be aſſeſſed by the Commiſſioners of that Diſtrict by virtue of this Act, upon Application to them by Two-thids of the Proprietors as aforeſaid, and be levied in the ſame Manner, and under the ſame Penalties, with the Aſſeſſment of the Proprietors of Dwelling-houſes and other Tenements in that Diſtrict, for lighting, watching, and cleanſing thereof.

Expences of the Act how to be paid.

XLI. And be it further enacted, That the Charges and Expences of procuring and paſſing this Act, and of erecting Poſts and Irons for the Lamps to be lighted in virtue hereof, ſhall be aſſeſſed upon the different Diſtricts before mentioned, in Proportion to their real Rents; and ſhall be levied with, and in the ſame Manner, and at the ſame Terms, with the other Aſſeſſments by virtue of this Act, in the Firſt Year after obtaining thereof: And ſuch Aſſeſſment, for the Expence of obtaining this Act, ſhall be a Burden on the Proprietors only, and ſhall be levied from the Inhabitants, along with the other Aſſeſſments to which they are liable, with Power to them to retain the ſame out of the Rent payable by them to the Proprietors of their Poſſeſſions.

On Death, &c. of Collector, a new one to be appointed.

XLII. And it is hereby further enacted, That if any Collector or Collectors ſhall refuſe or neglect to take upon himſelf or themſelves the ſaid Office, or to execute the ſame when choſen and appointed, or ſhall remove out of the Diſtrict for which he or they was or were ſo choſen, or ſhall die within the Year, or ſhall be guilty of any Neglect or Miſbehaviour in the Performance of his or their Duty, or ſhall become inſolvent; then, and in all, any, or each of the Caſes aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, within their reſpective Diſtricts, at a Meeting to be called for that Purpoſe, as aforeſaid, at any intermediate Time of the Year, to appoint any other fit Perſon or Perſons, inhabiting within the ſaid Diſtrict as aforeſaid, to be Collector or Collectors of the ſaid Rates or Aſſeſſments for ſuch Diſtrict for the remaining Part of the Year, in the Stead and Place of him or them ſo refuſing, removing, dying, or guilty of Neglect or Miſbehaviour, or becoming inſolvent, as aforeſaid.

In caſe Collector becomes inſolvent, the Money to be aſſeſſed again.

XLIII. And it is hereby further enacted, That in caſe any Collector or Collectors of the ſaid Rates or Aſſeſſments ſhall become inſolvent, or ſhall embezzle or make away with, detain, or miſapply, any Sum or Sums of Money ſo collected by him or them for the Uſe aforeſaid, ſo that the ſame cannot be recovered; or ſhall die poſſeſſed of any Sum or Sums of Money by him or them collected by virtue of this Act, and which ſhall not be paid by his or their Security or Securities, or by his or their Executors or Adminiſtrators; then, and in every ſuch Caſe, ſuch Sum and Sums of Money ſhall be again rated and aſſeſſed by the ſaid Commiſſioners, or any Three or more of them, upon the Streets, Squares, Courts, Lanes, Alleys, and Places, compriſed in this Act, for which ſuch Perſon or Perſons ſhall have been appointed Collector or Collectors, in ſuch Proportion and Manner as the Rates or Aſſeſſments are directed to be made by this Act; and ſhall be collected, levied, and diſtrained, in ſuch Manner, and under ſuch Penalties, as are herein-before provided for collecting and levying the Rates due and payable by this Act.

Collectors diſqualified from acting as Commiſſioners.

XLIV. Provided always, and it is hereby further enacted, That none of the Commiſſioners herein named, or who ſhall be hereafter choſen by virtue of this Act, ſhall act as a Commiſſioner during ſuch Time as he or they ſhall execute the Office of Collector or Collectors of the Rates or Aſſeſſments to be raiſed and levied in purſuance of this Act.

Monies raiſed to be applied for the Purpoſes of this Act.

XLV. And it is hereby further enacted, That all Monies raiſed or collected by virtue, or by means, or under the Authority of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners: And all Monies raiſed or collected by virtue of this Act ſhall be applied for the Purpoſes of this Act, and to and for no other Uſe or Purpoſe whatever.

Expences how to be paid.

XLVI. Provided always, and be it further enacted, That the Charges and Expences of procuring and paſſing of this Act ſhall be paid out of the Firſt Monies which ſhall be raiſed by virtue of this Act.

Penalties may be mitigated.

XLVII. And it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, from Time to Time, to compound and agree with any Perſon or Perſons againſt whom the ſaid Commiſſioners ſhall bring, or cauſe to be brought, any Action or Actions, Suit or Suits, for any Penalty or Penalties contained in any Contract or Contracts hereafter to be entered into, on account of any Breach or Non-performance of any ſuch Contract or Contracts, for ſuch Sum or Sums of Money as they, or any Three or more of them, ſhall think proper; and alſo to mitigate, compound, or leſſen any other the Forfeitures incurred under this Act, ſo as the Sums ſo compounded and agreed for be not leſs than the Injury or Damage ſuſtained by the Breach or Non-performance of ſuch Contract or Contracts, and all the Coſts, Charges, and Expences, which ſhall be occaſioned thereby.

Juſtices not intereſted may act as Commiſſioners.

XLVIII. And it is hereby further enacted, That every Commiſſioner who is or ſhall be a Juſtice of the Peace, may, and is hereby impowered, to act as a Juſtice of Peace in all Caſes relating to this Act, notwithſtanding his being a Commiſſioner, except in ſuch Matters or Things as he ſhall be perſonally intereſted in.

Penalties and Forfeitures how to be recovered and applied.

XLIX. And it is hereby further enacted, That all Penalties and Forfeitures by this Act impoſed, (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed), ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand of any One of the Juſtices of the Peace for the County or Place wherein the Offender ſhall dwell; which Warrant ſuch Juſtice is hereby impowered and required to grant, upon the Confeſſion of the Party or Parties, or upon the Information of any One or more credible Witneſs or Witneſſes upon Oath: And the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) upon Demand to the Party or Parties whoſe Goods ſhall be ſo diſtrained and ſold, (the Charges of ſuch Diſtreſs and Sale being firſt deducted) ſhall be paid to the Collector or Clerk to the ſaid Commiſſioners for the Time being, and be applied towards the Purpoſes of this Act: And in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authoriſed and required, by Warrant under his Hand, to cauſe ſuch Offender or Offenders to be committed to the common Gaol of the County, therein to continue for a Time not exceeding Two Months, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner fully paid and ſatiſfied.

Juſtices may adminiſter Oaths.

L. And it is hereby further enacted, That in all Caſes where Cognizance is given to any Juſtice or Juſtices of Peace by this Act, it ſhall be lawful for ſuch Juſtice or Juſtices to adminiſter an Oath to any Perſon or Perſons, for his or their more certain Information in the Matters then depending.

Books to be kept for entering Commiſſioners Names, *&c.* and inſpected *gratis.*

LI. And it is hereby further enacted, That a Book or Books ſhall be prepared and kept by the ſaid Commiſſioners, or by ſuch Perſon or Perſons as they, or any Three or more of them, ſhall appoint, wherein ſhall be fairly entered, from Time to Time, the Names of ſuch Perſons as they ſhall nominate and appoint to put in Execution the Purpoſes of this Act, and Copies of all Orders and Proceedings relating thereto; and alſo an Account of what Monies have been aſſeſſed, raiſed, levied, and paid, by virtue of this Act, and how the ſame ſhall have been applied; which Book or Books all Perſons contributing to the ſaid Rates or Aſſeſſments may, at all convenient Times, peruſe and inſpect, without Fee or Reward.

Commiſſioners to defray their own Expences.

LII. And it is hereby further enacted, That the ſaid Commiſſioners and Inhabitants ſhall, at all their Meetings under this Act, pay and defray their own Expences.

LIII. And it is hereby further enacted, That no Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatſoever, ſigned by any Commiſſioner or Commiſſioners, Writings, &c. not to be charged with Stamp-duty.

miſſioners, their Treaſurers, Collectors, or Clerks, Juſtice or Juſtices of the Peace, or exhibited before them, or ſigned by any other Perſon or Perſons whatſoever, relating to the Execution of this Act, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Reſervation.

LIV. Saving and reſerving to the City of Edinburgh all Juriſdictions, Commodities, Rights, and Privileges, competent and belonging to them, within the ſeveral Diſtricts mentioned in this Act, in the ſame Manner as the City and Community now have and enjoy, or might enjoy the ſame.

Publick Act.

LV. And it is hereby further enacted, That this Act ſhall be taken and allowed in all Courts of Juſtice as a Publick Act; and all Judges, Juſtices, and others, are hereby required to take Notice thereof as ſuch, without the ſame being ſpecially pleaded.

CAP. XXXVII.

An Act to prohibit the Exportation of Live Cattle, and other Fleſh Proviſions, from *Great Britain*, for a limited Time.

Preamble.

WHEREAS it has been found expedient to permit the free Importation of Live Cattle and other Proviſions into this Kingdom for a limited Time, and the Benefit thereby intended will be entirely fruſtrated, if the Exportation of ſuch Cattle and Proviſions from this Kingdom into foreign Parts is not reſtrained; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, no Perſon or Perſons whatſoever ſhall, directly or indirectly, export, tranſport, carry, or convey, or cauſe or procure to be exported, tranſported, carried, or conveyed, out of or from the Kingdom of Great Britain, or load or lay on board, or cauſe or procure to be laden or laid on board, in any Ship or other Veſſel, or Boat, in order to be exported or carried out of the ſaid Kingdom of Great Britain, any Live Ox, Bull, Cow, Steer, Heifer, Calf, Hog, or Sow, or any Beef, Mutton, Pork, Hog-meat, or any Fleſh Proviſion, either freſh or ſalted, under the Penalties and Forfeitures herein-after mentioned; (that is to ſay), That all the ſaid Commodities that ſhall be ſo exported, ſhipped, or laid on board, or loaded to be exported, ſhipped, or carried out, contrary to this Act, ſhall be forfeited; and that every Offender or Offenders therein ſhall forfeit the Sum of Fifty Pounds for each and every Ox, Bull, Cow, Steer, Heifer, Calf, Hog, or Sow; and Five Shillings for every Pound-weight Avoirdupoize of Beef, Mutton, Pork, Hog-meat, or other Fleſh Proviſion, whether freſh or ſalted, and ſo in Proportion for any greater Quantity which ſhall be ſo exported, ſhipped, or put on board to be exported; and One Moiety of all the ſaid Penalties and Forfeitures ſhall be to the King's Majeſty, His Heirs and Succeſſors, and the other Moiety to him or them that will ſue for the ſame: And, for Offences which ſhall be committed in that Part of Great Britain called England, ſuch Penalties and Forfeitures ſhall be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or before the Juſtices of Aſſize, or at the Great Seſſions in Wales, or by Information at any General Quarter Seſſions of the Peace for the County, City, Riding, Diviſion, or Place, where the Offence ſhall be committed; and in ſuch Suit no Eſſoin, Protection, Privilege, or Wager of Law, ſhall be allowed; and for Offences which ſhall be committed in that Part of Great Britain called Scotland, by Action or ſummary Bill, or Information, in the Courts of Seſſion or Exchequer in Scotland: And that the Maſter and Mariners of any ſuch Ship, Boat, or Veſſel, wherein any ſuch Offence ſhall be committed, knowing ſuch Offence, and wittingly and wilfully aiding and aſſiſting thereunto, and being thereof duly convicted in any ſuch Courts as aforeſaid, ſhall be impriſoned for the Space of Three Months, without Bail or Mainprize.

No Perſon ſhall tranſport from *Britain* any Live Ox, &c. or any Beef, &c. on Penalty of 50*l.* for every ſuch Ox, &c.

Officers of the Cuſtoms to ſeize ſuch Commodities.

II. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Perſon or Perſons, being an Officer or Officers of the Cuſtoms, or being lawfully authoriſed in this Behalf by the Lord High Treaſurer of Great Britain, or the Commiſſioners of the Treaſury for the Time being, or any Three or more of them, to take and ſeize all ſuch of the ſaid Commodities, not allowed to be exported by this Act, as he or they ſhall happen to find, know, or diſcover, to be laid on board any Ship, or other Veſſel or Boat, at Sea, or in any Port, or in any navigable River or Water, to the Intent or Purpoſe to be exported, tranſported, or conveyed, out of Great Britain or Ireland, contrary to the true Intent of this Act, and to bring the ſaid Goods to the King's Warehouſe or Warehouſes belonging to the Cuſtom-houſe next to the Place where ſuch Seizures ſhall be made, or to ſome other ſafe Place, (where there are no ſuch Warehouſes), in order to be proceeded againſt according to Law; and in caſe of Recovery, to be divided in Manner as aforeſaid.

Not to prohibit the Exportation of Neceſſaries to be carried in Ships of War, &c.

III. Provided always, That this Act, or any Thing herein contained, ſhall not extend to prohibit the Exportation of ſuch or ſo much of the ſaid Commodities as ſhall be neceſſary to be carried in any Ship or Ships, or other Veſſel or Veſſels, in their reſpective Voyages, for the Suſtenance, Diet, and Support of the Commanders, Maſters, Mariners, Paſſengers, or others, in the ſame Ships or Veſſels only, or for the victualling or providing any of His Majeſty's Ships of War, or other Ships or Veſſels in His Majeſty's Service, or for His Majeſty's Forces, Forts, or Garriſons; any Thing herein contained to the Contrary notwithſtanding.

nor to any Creek, Port, &c. in *Britain* and *Ireland*,

IV. Provided alſo, That this Act, or any Thing herein contained, ſhall not extend to prohibit any Perſon or Perſons to ſhip or put on board any of the Commodities aforeſaid to be carried Coaſtwiſe; (that is to ſay,) From any Port, Creek, or Member, of the Kingdoms of Great Britain or Ireland, to any other Port, Creek, or Member of the ſame reſpectively, having ſuch or the like Coaſt Cocquet, or Sufferance, for that Purpoſe;

and ſuch or the like ſufficient Security being firſt given for the landing and diſcharging of the ſame, in ſome other Port, Member, or Creek, of the ſaid Kingdoms, and returning a Certificate in Six Months, as is required by Law in Caſes where Goods which are liable to pay Duties on Exportation are carried Coaſtwiſe, from One Part of Great Britain to another, and not otherwiſe.

nor to extend to Commodities to be exported to *Gibraltar, Minorca*, or to *America*.

V. Provided alſo, That this Act, or any Thing herein contained, ſhall not extend to any of the ſaid Commodities which ſhall be exported, or ſhipped to be exported out of or from Great Britain to Gibraltar or Minorca, or unto any of His Majeſty's Iſlands or Colonies in America, that have uſually been ſupplied with any of the ſaid Commodities from Great Britain, for the Suſtentation of the Inhabitants of the ſaid Iſlands, Colonies, or Dominions, or for the Benefit of the Britiſh Fiſhery in thoſe Parts only, ſo as the Exporter do, before the ſhipping or laying on board the ſame, declare the Iſlands, Colonies, or Dominions, for which the ſaid Commodities are reſpectively deſigned, and do become bound, with other ſufficient Security, in Treble the Value thereof, to the Commiſſioners or Chief Officer or Officers of His Majeſty's Cuſtoms belonging to the Port or Place where the ſame ſhall be ſhipped or put on board, (who hath or have hereby Power to take ſuch Security in His Majeſty's Name, and to His Majeſty's Uſe), that ſuch Commodities ſhall not be landed or ſold in any Parts whatſoever, other than the Kingdoms, Dominions, Iſlands, or Colonies, for which the ſame ſhall be ſo declared; and that a Certificate under the Hand and Seal of the Collector, Comptroller, or other chief Officer of the Cuſtoms, or if no ſuch, of the Naval Officer, or ſome other Principal Officer of the Port where the ſame ſhall be landed, ſhall, within the reſpective Times hereinafter for that Purpoſe mentioned, (the Danger of the Seas excepted), be returned to the Officers who took the ſaid Bonds, that the ſaid Commodities have been landed at the Port or Place for which the ſame ſhall be ſo declared; and for the taking ſuch Security, and for giving ſuch Certificates, (which the reſpective Officers aforeſaid are hereby, on Demand, required to give), no Fee or Reward ſhall be demanded or received: And if any Officer ſhall make any falſe Certificate of ſuch Commodities being ſo landed, ſuch Officer ſhall forfeit the Sum of Two hundred Pounds, and loſe his Employment, and be incapable of ſerving His Majeſty, his Heirs or Succeſſors, in any Office relating to the Colonies: And if any Perſon ſhall counterfeit, raſe, or falſify, any ſuch Certificate, or knowingly publiſh any ſuch counterfeit, raſed, or falſe Certificate, he ſhall forfeit the Sum of Two hundred Pounds, and ſuch Certificate ſhall be void and of no Effect: Which ſaid Penalties, for Offences committed in Great Britain, ſhall be recovered in the ſame Courts, and in the ſame Manner, as the other Penalties inflicted by this Act are recoverable; and, for Offences committed in the Colonies or Plantations in America, or other the Dominions belonging to the Crown of Great Britain in Europe, ſhall be recovered in the High Court of Admiralty, or in any Chief Court of Civil or Criminal Juriſdiction, in ſuch reſpective Colonies, Plantations, or Dominions, and ſhall be divided into equal Moieties between His Majeſty and the Informer; and the ſaid Bond or Bonds, if not proſecuted within Three Years, ſhall be void.

Officers making falſe Certificates to forfeit 200 *l.*

Perſons falſifying Certificates ſhall forfeit 200 *l.*

Proviſo.

VI Provided alſo, that nothing herein contained ſhall extend to prohibit the United Company of Merchants of England trading to the Eaſt Indies from exporting any of the ſaid Commodities to any of their Forts, Factories, or Settlements, for the Support of the Perſons reſiding there, ſo as the like Security be given for the exporting thereof, as is required by this Act to be given by Perſons carrying any of the ſaid Commodities to the Britiſh Colonies in America.

Commiſſioners to give Account to Parliament, next Seſſion, of Cattle, *&c.* exported.

VII. And be it further enacted by the Authority aforeſaid, That the Commiſſioners of the Cuſtoms for the Time being ſhall, and they are hereby required, to give a full and true Account, in Writing, to both Houſes of Parliament, at the Beginning of the next Seſſion thereof, of all Cattle and other Proviſions that ſhall before that Time be exported to any Place whatſoever by virtue or in purſuance of any of the Liberties or Powers hereby given or granted for that Purpoſe.

How Certificates of landing Commodities are to be returned.

VIII. And be it further enacted by the Authority aforeſaid, That all Certificates of the landing and diſcharging of the ſaid Commodities to be exported, other than Coaſtwiſe, ſhall be returned within the reſpective Times following; (that is to ſay), Where the Bonds are taken in reſpect of any of the ſaid Commodities to be exported from Great Britain to any of the ſaid Colonies or Plantations in America, within Eighteen Calendar Months after the Date of ſuch Bonds; and where to Gibraltar or Minorca, within Twelve Calendar Months after the Date of ſuch Bonds; and where from Great Britain to Ireland, or from Ireland to Great Britain, within Six Calendar Months after the Date of ſuch Bonds reſpectively.

Proviſo.

IX. Provided always, and be it enacted by the Authority aforeſaid, That no ſalted Proviſions which ſhall be exported by virtue of this Act ſhall be intitled to any of the Bounties or Drawbacks which are allowed and made payable on the Exportation of ſuch Commodities, or any of them.

Forfeitures how to be recovered and applied.

X. And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed, and for the Recovery and Application whereof no other Proviſion is herein-before made, ſhall be ſued for and recovered, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record in Weſtminſter, or in the Court of Exchequer in Scotland; and that the reſpective Courts, before whom the ſame ſhall be recovered, may, and are hereby authoriſed, if they ſhall think fit, to mitigate all or any of the pecuniary Penalties herein-before inflicted to any Sum not leſs than One-fourth Part of the Sum herein reſpectively mentioned; and that One Moiety of all ſuch Penalties and Forfeitures, when recovered, ſhall be to the Uſe of His Majeſty, His Heirs and Succeſſors, and the other Moiety to him or them who ſhall ſue for the ſame, or give Information of, or diſcover the Offence.

Proviſo.

XI. Provided always, That all Suits, Proſecutions, or Informations, for Offences committed againſt this Act, ſhall be commenced and made within the Space of Six Calendar Months after the Fact is committed, and not otherwiſe; any Thing herein contained to the Contrary notwithſtanding.

Limitation of Actions.

General Iſſue.

Treble Coſts.

XII. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, ſuch Action or Suit ſhall be commenced within the Space of Four Calendar Months next after the Offence ſhall be committed; and if ſuch Action or Suit ſhall be commenced or proſecuted in that Part of Great Britain called England, the Defendant or Defendants in any ſuch Action or Suit may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if it ſhall appear ſo to have been done, the Jury ſhall find for the Defendant or Defendants; and if the Plaintiff ſhall be nonſuited, or diſcontinue his Action after the Defendant or Defendants ſhall have appeared, or if Judgement ſhall be given upon any Verdict or Demurrer againſt the Plaintiff, the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes by Law: And if ſuch Action or Suit be commenced or proſecuted in that Part of Great Britain called Scotland, the Court before whom ſuch Action or Suit ſhall be brought ſhall allow the Defender to plead this Act in his Defence; and if the Purſuer ſhall not inſiſt on his Action, or if Judgement ſhall be given againſt ſuch Purſuer, the Defendant ſhall and may recover the full and real Expences he may have been put to by any ſuch Action or Suit.

Commencement and Continuance of this Act.

XIII. And be it further enacted by the Authority aforeſaid, That this Act ſhall continue until the Twentieth Day after the Commencement of the next Seſſion of Parliament.

CAP. XXXVIII.

An Act for the better Support and Eſtabliſhment of the *Greenland* and Whale Fiſhery.

Preamble.

From *Dec.* 25, 1771, Blubber, Whale Fins, *&c.* caught in the *Greenland* Seas, *&c.* in *Britiſh* Ships, the Mariners being *Britiſh*, not to pay Cuſtom.

WHEREAS the free Importation of Fins, Oil, and Blubber of Whales, and the Oil, Skins, and other Produce of Seals, and other Creatures, taken or caught in the *Greenland* Seas, and *Davis's Streights*, and the Bounties given by former Acts of Parliament for the Encouragement of His Majeſty's Subjects to carry on and improve the *Greenland* and Whale Fiſheries have been found of great Advantage to the Navigation, Trade, and Manufactures of this Kingdom, and further Encouragements are neceſſary to ſupport and eſtabliſh the ſaid Fiſheries: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for any Perſon or Perſons, for and during the Space of Fifteen Years, to be computed from the Twenty-fifth Day of December, One thouſand ſeven hundred and ſeventy-one, to import Whale Fins, Oil, or Blubber of Whales, Seal Oil, Seal Skins, or any other Produce of Seals, or other Fiſh or Creatures taken or caught in the ſaid Greenland Seas, or Davis's Streights, or in any Parts of the Seas adjoining or adjacent thereunto, in Britiſh Ships, whereof the Captain or Maſter, and One-third Part at the leaſt of the Mariners are Britiſh Subjects, without paying any Cuſtom, Subſidy, or other Duty for the ſame, during the ſaid Term of Fifteen Years; any Law, Statute, or Uſage, to the Contrary thereof notwithſtanding.

Captain to make Oath that all Fiſh ſo imported were caught in the *Greenland* Seas, *&c.*

II. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to give Liberty of importing any of the before-mentioned Commodities Duty-free, unleſs the Captain, Maſter, or other Commanding Officer, of the Ship or Veſſel importing the ſame, ſhall firſt make Oath, before ſome or One of the Commiſſioners or principal Officer of the Cuſtoms, in the Port or Ports of Importation, (who is and are hereby reſpectively authoriſed and required to adminiſter ſuch Oath), that all the Whale Fins, Oil, or Blubber of Whales, Seal Oil, Seal Skins, or other Produce of Seals, or other Fiſh or Creatures, imported in ſuch Ship or Veſſel, was really and bona fide the Fins, Oil, or Blubber of Whales, or the Skins, Oil, or other Produce of Seals, or other Fiſh or Creatures, caught and taken in the ſaid Greenland Seas, Davis's Streights, or other Parts of the Seas adjoining or adjacent thereunto, by the Crews of ſuch Ships and Veſſels only, whereof the Captain or Maſter, and One-third Part at the leaſt of the Mariners, were Britiſh Subjects.

Bounties granted by former Acts to ceaſe.

Britiſh Ships to be viſited by Officers of the Cuſtoms, before they proceed on their Voyage to *Greenland.*

III. And be it further enacted by the Authority aforeſaid, That from and after the Twenty-fifth Day of December, One thouſand ſeven hundred and ſeventy-one, the former Bounties granted by any Act or Acts of Parliament for the Encouragement of the ſaid Greenland or Whale Fiſhery, ſhall ceaſe, determine, and be no longer paid or allowed, (except in ſuch Caſes only where eſpecial Proviſion is made for the ſame by this Act), and in lieu and inſtead thereof, the ſeveral reſpective Bounties herein-after mentioned ſhall be paid and allowable under the ſeveral Rules and Reſtrictions herein-after expreſſed and directed; (that is to ſay), Every Britiſh Ship or Veſſel that ſhall, within the Time limited by this Act, proceed from any Port of Great Britain on the Whale Fiſhery to the Greenland Seas, or Davis's Streights, and the adjacent Seas, manned and navigated as aforeſaid, ſhall, before ſhe proceed on ſuch Voyage, or be intitled to the Benefit of this Act, be viſited by the proper Officer or Officers of the Cuſtoms belonging to ſuch Port, who ſhall examine into ſuch Ship or Veſſel, and take an Account of the Tonage thereof by Admeaſurement, and ſhall certify ſuch his or their Viſitation, Examination, and Admeaſurement, to the Commiſſioners of His Majeſty's Cuſtoms; and if it appear by the Certificate of ſuch Officer or Officers, that ſhe hath on Board ſuch a Number of Men, Proviſions, Boats, Fiſhing Lines, and Inſtruments to be uſed in ſuch Fiſhery as herein-after are mentioned, that ſhe is ſtrongly built, and otherwiſe a proper Ship for ſuch Voyage and Fiſhery, and hath on Board, among her Crew, a ſufficient Number of Harpooners, Steerſmen, and Line-managers, who have before been employed in ſuch Voyages, (the Names of ſuch Perſons to be contained in ſuch Certificate), and if it further appear, by the Oath of One or more Owner or Owners, and of the Maſter or chief Officer of ſuch Ship, written at the Foot of ſuch Certificate, and made before the Collector or Comptroller of ſuch Port, (who are hereby impowered and required to adminiſter the ſame), that it is really and truly their firm Purpoſe and determined Reſolution, that ſuch Ship ſhall, as ſoon as Licence ſhall be granted, forthwith proceed, ſo manned, furniſhed, and accoutred, in a Voyage to the Greenland Seas, or Davis's Streights, or the Seas adjacent, and there, in the then approaching Seaſon, to uſe the utmoſt Endeavours of themſelves and their Ship's Company to take Whales, or other Creatures living in the Sea, and on no other Deſign or View of Profit in ſuch Voyage, and to import the Whale Fins, Oil, and Blubber thereof, into the Kingdom of Great Britain, (naming the Port to which it is their Intention to return); and if the Maſter, after ſuch Certificate had, and Oath made, do alſo become bound, with Two ſufficient Securities, unto His Majeſty, His Heirs and Succeſſors, in the Penalty of ſuch Sum as ſhall be equal to Treble the Bounty intended by this Act, (which Bond the ſaid Collector, with the Approbation of the Comptroller, is hereby required to take, and is to be in Force for the Term of Three Years, againſt the Maſter and Sureties, for the faithful Dealing of the ſaid Maſter and Ship's Company, in regard to the ſaid Ship and Voyage); then, and in all ſuch Caſes, it ſhall and may be lawful for any Three or more of the Commiſſioners of the Cuſtoms in England or Scotland reſpectively, for the Time being, on receiving ſuch Certificates and Oaths made, and it being certified to them by the Collector and Comptroller of ſuch Port, that ſufficient Security hath been given as aforeſaid, to give and grant, and they are hereby required to give and grant, to the Maſter and Owners of ſuch Ship, full Licence and Authority to proceed on ſuch Voyage as aforeſaid.

Commiſſioners of the Cuſtoms to grant Licences to the Maſter to proceed, ſufficient Securities being given.

Ships of 200 Tons Burthen how to be furniſhed.

IV. And to prevent any Diſputes that may ariſe, whether a Ship be properly qualified, and duly fitted out for the Whale Fiſhery, according to the true Intent and Meaning of this Act, and intitled to a Certificate thereof from the Cuſtom-houſe Officers; it is hereby enacted, That every Ship of the Burthen of Two hundred Tons, deſigned for this Fiſhery, ſhall, and is hereby obliged to have on Board Forty Fiſhing Lines, of One hundred and twenty Fathom each, Forty Harpoon Irons, Four Boats, with Seven Men, (including a Harpooner, a Steerſman, and a Line-manager, to each Boat, making in the Whole Twenty-eight Men, beſides the Maſter and Surgeon), with Six Months Proviſions at the leaſt for ſuch Number of Men; and every Ship of larger Burthen an Increaſe of Six Men, One Boat, Ten ſuch Lines, and Ten Harpoon Irons more, for every Fifty Tons above the ſaid Two hundred Tons, together with Proviſions in proportion; and every Ship, which ſhall be ſo employed in the ſaid Fiſhery, ſhall have on Board an Apprentice, indentured for the Space of Three Years at the leaſt, for every Fifty Tons Burthen, who ſhall be accounted as One of the Number of Men required to be on Board ſuch Ship as aforeſaid.

On Return of ſuch Ship, Officers of the Cuſtoms to inſpect her Condition and Lading.

V. And be it further enacted by the Authority aforeſaid, That on the Return of ſuch Ship to the Port to which the Maſter and Mate declared, on Oath, their Intention to return, the proper Officers of the Cuſtoms, at ſuch Port, ſhall immediately repair on Board, and view the Condition of ſuch Ship and her Lading, and certify the ſame, together with their Obſervations thereon, as alſo the real Tonage of the ſaid Ship; and the ſaid Officers are alſo to take an Account or Schedule of the Names of the Maſter, Mate, and other Perſons on Board, diſtinguiſhing therein the Harpooners and Perſons more immediately employed in the ſaid Fiſhery, and to certify the ſame; and the Maſter and Mate ſhall make Oath before the Collector and Comptroller (who are hereby impowered and required to adminiſter the ſame) on the Back of or annexed to the Licence granted as aforeſaid, which they are hereby then required to deliver up, that they did, in purſuance thereof, (mentioning the Day of their Departure) proceed in a Voyage directly to the Places aforeſaid, and have not ſince been on any other Voyage, or purſued any other Deſign or View of Profit; and that they did there, (mentioning the Time of their Stay in thoſe Seas), uſe their utmoſt Endeavour of themſelves, and their Ship's Company, to take Whales and other Creatures living in thoſe Seas; and that all the Whale Fins, Oil, and Blubber, imported (if any) in ſuch Ship, was really and bona fide caught and taken in the ſaid Seas, by the Crew of ſuch Ship only, or with the Aſſiſtance of the Crew of ſome other Britiſh Ship licenſed for that Voyage, purſuant to the Directions of this Act; all which Schedule, Certificate, Licence, and Oath, ſhall be tranſmitted by the Collector and Comptroller of ſuch Port to the reſpective Commiſſioners for that Part of Great Britain from whence the Ship departed with her Licence; and ſuch Commiſſioners being fully ſatisfied of the faithful Dealings of the Maſter, and other Perſons employed in ſuch Ships, with reſpect to ſuch Voyage and Fiſhery, ſhall, on Demand, cauſe Payment to be made to the Maſter or Owners, or to his or their Aſſigns, by the Receiver-general of the Cuſtoms for that Part of Great Britain from whence the Ship departed, the Bounty or Premium following, according to the Admeaſurement of ſuch Ship duly certified as aforeſaid; (that is to ſay), For every ſuch Ship as ſhall proceed on the ſaid Fiſhery, from the Twenty-fifth Day of December, One thouſand ſeven hundred and ſeventy-one, to the Twenty-fifth Day of December, One thouſand ſeven hundred and ſeventy-ſix, the Sum of Forty Shillings per Ton; and for every ſuch Ship as ſhall proceed on the ſaid Fiſhery, from the Twenty-fifth Day of December, One thouſand ſeven hundred and ſeventy-ſix, to the Twenty-fifth Day of December, One thouſand ſeven hundred and eighty-one, the Sum of Thirty Shillings per Ton; and for every ſuch Ship as ſhall proceed on the ſaid Fiſhery, from the Twenty-fifth Day of December, One thouſand ſeven hundred and eighty-one, to the Twenty-fifth Day of December, One thouſand ſeven hundred and eighty-ſix, the Sum of Twenty Shillings per Ton.

Bounty on Veſſels 40*s. per* Ton, from *Dec.* 25, 1771, to *Dec.* 25, 1776.

From *Dec.* 25, 1776, to *Dec.* 25, 1781, 30*s. per* Ton.

From *Dec.* 25, 1781, to *Dec.* 25, 1786, 20*s. per* Ton.

No Perſon to receive Bounty unleſs the Ship ſail from the Port where inſpected.

VI. Provided always, and it is hereby further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall be allowed or intitled to receive the Bounty herein-before granted for any Ship which ſhall proceed upon the ſaid Whale Fiſhery, from any Part of Great Britain, after the Twenty-fifth Day of December, One thouſand ſeven hundred and ſeventy-one, unleſs ſuch Ship ſhall ſail from the Port where ſhe ſhall be ſurveyed and cleared directly on her intended Fiſhery, on or before the Tenth Day of April in each and every Year, and ſhall continue with her Crew in the Greenland Seas, or Davis's Streights, or the adjacent Seas, diligently endeavouring to catch Whales, or other Creatures living in thoſe Seas, and ſhall not depart from thence before the Tenth Day of Auguſt then following, unleſs ſuch Ship ſhall be laden with the Blubber and Fins of One Whale, caught by the Crew thereof, or with the Aſſiſtance of the Crew of ſome other licenſed Ship, before that Time; or ſhall be forced, by ſome unavoidable Accident or Neceſſity, to depart ſooner from thoſe Seas; which Accident or Neceſſity ſhall be verified on the Oaths of the Maſter and Mate belonging to ſuch Ship, upon her Return from the ſaid Fiſhery, before the Collector and Comptroller of the Cuſtoms at the Port where ſhe ſhall arrive, who ſhall tranſmit the ſame, together with the Schedule, Licence, and other Documents by this Act required, to the reſpective Commiſſioners of the Cuſtoms for that Part of Great Britain from whence ſuch Ship departed with her Licence.

Ships cleared out before the paſſing hereof, intitled to the Bounty of 40*s.* *per* Ton.

VII. And whereas the Diſpatch of Ships on the Whale Fiſhery to the *Greenland* Seas, *Davis's Streights*, and Seas adjacent, muſt of Neceſſity be within the Months of *March* or *April*; and ſome *Britiſh* Ships, for the Sake of keeping the Men that have been taught the Art of the ſaid Fiſhing in Employ, and to prevent their going into Foreign Service, may have been fitted out from the River of *Thames*, or other Parts of His Majeſty's *Britiſh* Dominions, and proceeded on the ſaid Whale Fiſhery to the *Greenland* Seas, or *Davis's Streights*, and Seas adjacent, ſince the Commencement of this Seſſion of Parliament, and before the Commencement of this Act; and it will be but juſt and reaſonable that the Bounties intended to be given on the Return of the Ships hereafter to be fitted out on ſuch Voyage ſhould be given alſo to the Owners of ſuch Ships already ſailed upon ſuch Voyage, and not yet returned; be it therefore provided and enacted by the Authority aforeſaid, That every Owner or Owners of any Ship or Ships already ſailed on the ſaid Voyage and Fiſhery reſpectively, who have conformed themſelves, in all Reſpects, to the Rules and Directions preſcribed by the ſeveral Acts of Parliament which were in Force at the Commencement of this Act, for granting a Bounty upon ſuch Ships, ſhall be allowed and intitled to receive the Bounty of Forty Shillings per Ton for ſuch Voyage, in the ſame Manner as he or they would have been intitled to receive the ſame if this Act had not been made; any Thing herein contained to the Contrary notwithſtanding.

Bounties how to be ſettled by the Commiſſioners of the Cuſtoms:

VIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Commiſſioners of the Cuſtoms in England and Scotland reſpectively to order the reſpective Receivers-general of the Cuſtoms, in caſe the Monies remaining in their Hands ariſing from the Old Subſidy ſhall not be ſufficient, at any Time or Times during the Continuance of this Act, to ſatisfy the ſaid Bounty of Forty Shillings per Ton, and Thirty Shillings per Ton, and Twenty Shillings per Ton, during the ſeveral Periods herein-before limited, payable on all Ships employed in the ſaid Fiſhery, according to the Directions of this preſent Act, to pay the ſame out of any Monies that ſhall be in their Hands, ariſing from any of the Duties and Revenues under their Management reſpectively.

Who are to lay before the Parliament Accounts of what Ships have been employed.

IX. And be it further enacted by the Authority aforeſaid, That the Commiſſioners of His Majeſty's Cuſtoms for England and Scotland reſpectively, ſhall, at the Beginning of every Seſſion of Parliament, lay before both Houſes of Parliament an Account in Writing under their Hands of what Number of Ships have been employed in the Whale Fiſhery to Davis's Streights and the Greenland Seas, with their reſpective Names and Burthens, from whence they were fitted out, and at what Port in Great Britain they were diſcharged, and alſo what Quantity of Oil or Whale Fins each Ship ſhall have imported.

Owners of Ships under 200 Tons Burthen, intitled to Bounty, according to their Admeaſurement.

X. And whereas it hath been found by Experience, that Ships under the Burthen of Two hundred Tons are fit for the ſaid Fiſhery; be it therefore enacted and declared by the Authority aforeſaid, That every Owner or Owners of any Ship or Ships, under the Burthen of Two hundred Tons, which ſhall be employed in the ſaid Fiſhery, who have conformed themſelves, in all Reſpects, to the Rules and Directions herein-before preſcribed to the Owners of Ships of Two hundred Tons, ſhall be intitled to the ſaid Bounty, as herein-before limited, according to the Admeaſurement of ſuch Ship or Ships reſpectively.

Ships above 400 Tons Burthen not intitled to larger Bounty.

XI. Provided always, and be it enacted by the Authority aforeſaid, That no Ship, to be employed in the ſaid Fiſhery, although ſhe be above the Burthen of Four hundred Tons, ſhall be intitled to a larger Bounty than a Ship of Four hundred Tons would be intitled to.

Proviſo.

XII. Provided alſo, That nothing in this preſent Act contained ſhall extend, or be conſtrued to extend, to oblige the Owner or Owners of any Ship above the Burthen of Four hundred Tons, in order to intitle him or them to the ſaid Bounty, to fit out, equip, and man, any ſuch Ship, otherwiſe than as a Ship of the Burthen of Four hundred Tons only is, by this preſent Act, required to be fitted out, equipped, and manned.

Owners may inſure the Bounty they are intitled to.

XIII. And whereas Applications have heretofore been made to Parliament for the Bounty on Ships employed in the ſaid Fiſhery, that have happened to be loſt at Sea before their Return to *Great Britain*, and a Doubt hath ariſen whether the ſaid Bounty may be lawfully inſured by the Owner or Owners of ſuch Ships; for obviating ſuch Doubt, and for preventing any future Applications to Parliament for the Bounty on any ſuch Ships, be it declared and enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Owner or Owners of any Ship employed, or deſigned to be employed, in the ſaid Fiſhery, to inſure the Bounty which ſuch Owner or Owners would be intitled to upon the Return of ſuch Ship to the Port to which the Maſter and Mate of ſuch Ship ſhall have declared on

Oath their Intention to return, and on the Performance of all other Matters directed and appointed by this preſent Act to be performed for obtaining the ſaid Bounty.

XIV. And be it further enacted by the Authority aforeſaid, That from and after the Twenty-fifth Day of December, One thouſand ſeven hundred and ſeventy-one, for and during the Space of Fifteen Years, to be computed from the ſaid Twenty-fifth Day of December, One thouſand ſeven hundred and ſeventy-one, every Ship built or fitted out in any of His Majeſty's Dominions in America, not being more than Two Years old from the firſt building thereof, that proceeds from any Port in His Majeſty's American Dominions on the Fiſhery aforeſaid, manned and navigated as by the Laws now in Force is directed, which ſhall, before ſhe proceeds on ſuch Voyage, be viſited by the proper Officer or Officers of the Cuſtoms belonging to ſuch Port, who ſhall take an Account of the Tonage thereof in ſuch Manner as is herein-before directed concerning Britiſh Ships which ſhould be intitled to the Benefits of this Act; and ſhall certify ſuch his or their Viſitation, Examination, and Admeaſurement, to the Governor or Commander in Chief of the Place where ſuch Ship ſhall be fitted out, or to the Naval Officer of ſuch Port; and if it appear, by the ſaid Certificate of ſuch Officer or Officers, that ſhe had, at the Time of giving ſuch Certificate, on Board ſuch a Number of Men, Proviſions, Boats, Fiſhing Lines, and Inſtruments to be uſed in ſuch Fiſhery as is herein-before required of Britiſh Ships which ſhould be intitled to the Benefit of this preſent Act, and that ſhe is a Ship ſtrongly built, and otherwiſe a Ship proper for ſuch Voyage and Fiſhery, and had, at the Time of granting the ſaid Certificate, on Board, among her Crew, ſuch a Number of Harpooners, Steerſmen, and Line-managers, who had before been employed in ſuch Voyages, (the Names of ſuch Perſons to be contained in ſuch Certificate), according to the Directions aforeſaid concerning Britiſh Ships to be employed in the ſaid Fiſhery; and if the Owner or Owners, and Maſter, or Chief Officer of ſuch Ship, ſhall, in Writing, at the Foot of ſuch Certificate, make ſuch Oath before the Governor, Commander in Chief, or Naval Officer, (who are hereby impowered and required to adminiſter ſuch Oath), as is herein-before required of the Owner or Owners, and Maſter, or Chief Officer of ſuch Britiſh Ship as aforeſaid, and likewiſe that ſuch Ship is not more than Two Years old from the firſt building thereof; and if the Maſter ſhall likewiſe, after ſuch Certificate had, and Oath made, become bound with ſuch Sureties in ſuch Penalty and Condition as herein-before is required to be given by the Maſter of ſuch Britiſh Ships as aforeſaid, which ſaid Bond is hereby required to be taken by the Governor, or Commander in Chief, or Naval Officer of ſuch Place, from whence the ſaid Ship is ſo fitted out; then, and in all ſuch Caſes, it ſhall and may be lawful for the ſaid Governor, or Commander in Chief, or Naval Officer, and they are hereby required to give and grant to the Maſter and Owners of ſuch Ship full Licence and Authority to proceed on ſuch Voyage.

After *Dec.* 25, 1771, for 15 Years, Ships fitted out from *America* to be inſpected by the Officers at the reſpective Ports.

XV. And be it further enacted by the Authority aforeſaid, That on the Arrival of ſuch Ship at the Port in Great Britain to which the ſaid Maſter and Mate declared on Oath they intended to proceed after their intended Voyage to the Greenland Seas, or to Davis's Streights, or to the Seas adjacent, or on their Arrival at ſome other Part of Great Britain where they ſhall unload, the proper Officers of the Cuſtoms of ſuch Port ſhall proceed in ſuch Manner, and make ſuch Schedule as is herein-before directed, concerning Britiſh Ships who were to be intitled to the Benefits of this Act; and ſuch Schedule, Certificate, Licence, and Oath, ſhall be tranſmitted to the reſpective Commiſſioners of His Majeſty's Cuſtoms for that Part of Great Britain in which ſuch Ship ſhall arrive, after her ſaid Voyage to the Greenland Seas, or Davis's Streights, or the Seas adjoining; and ſuch Commiſſioners, being ſatisfied of the faithful Dealings of the Maſter, and other Perſons employed in ſuch Ship, with reſpect to ſuch Voyage and Fiſhery, ſhall, on Demand, cauſe Payment to be made to the Maſter or Owners, or to his or their Aſſigns, by the Receiver-general of the Cuſtoms of that Part of Great Britain at which the ſaid Ship ſhall arrive as aforeſaid, of the like Sum per Ton, according to the Admeaſurement of ſuch Ship duly certified as aforeſaid, and in like Manner, as to the Owners and Maſters of Britiſh Ships who are intitled to the ſaid Bounties by virtue of this preſent Act.

On the Arrival of ſuch Ship at the Port in *Britain* intended, Cuſtom-houſe Officers ſhall make ſuch Schedule.

Like Bounty to be paid, according to ſuch Veſſel's Admeaſurement.

XVI. And be it further enacted by the Authority aforeſaid, That all Ships that ſhall be fitted out in America for the ſaid Fiſhery, after having conformed to all the aforeſaid Rules and Reſtrictions, ſhall ſail from ſuch Port where ſurveyed directly on her intended Fiſhery on or before the Firſt Day of May, and ſhall not depart or leave Davis's Streights, or Greenland, and Seas adjacent, before the Twentieth Day of Auguſt, unleſs ſuch Ship ſhall be laden with the Blubber and Fins of One Whale, caught by the Crew thereof, or with the Aſſiſtance of the Crew of ſome other licenſed Ship before that Time, or ſhould meet with any unavoidable Accident, ſo as to endanger the Lives of the Ship's Crew, which Accident ſhall be declared on the Oaths of the Maſter and Mate, Carpenter, Harpooners, Line-managers, Boat-ſteerers, and Surgeon, belonging to ſuch Ship, upon her Return from the ſaid Fiſhery, before the Collector and Comptroller of the Cuſtoms at the Port where ſhe ſhall arrive, who ſhall tranſmit the ſame to the Commiſſioners of His Majeſty's Cuſtoms in England or Scotland reſpectively; and in caſe of any irregular Proceeding contrary hereunto, every Ship ſo offending ſhall loſe the Benefit of this Bounty.

American Veſſels to ſail on their intended Voyage before *May* 1.

XVII. And, for the further Encouragement of the Whale Fiſhery in the Gulph and River of *Saint Lawrence*, and on the Coaſts of His Majeſty's Colonies in *America*, be it further enacted by the Authority aforeſaid, That for and during the Space of Fifteen Years, to be computed from the ſaid Twenty-fifth Day of December, One thouſand ſeven hundred and ſeventy-one, it ſhall and may be lawful to and for any Perſon or Perſons to import in Ships belonging to His Majeſty's Subjects, (whereof the Captain or Maſter, and Three-fourths of the Mariners, are His Majeſty's Subjects), Whale Fins, taken from Whales caught by any of His Majeſty's Subjects in the Gulph or River of Saint Lawrence, or in any Seas on the Coaſts of any of His Majeſty's Colonies in America, without paying any Cuſtom, Subſidy, or Duty, for the ſame, other than and except the Rate or Duty

From the Gulph of *Saint Lawrence* Whale Fins may be imported without paying more than the ſubſidy granted by Act 25 *Car.* II.

commonly called The Old Subſidy, granted by an Act made in the Twenty-fifth Year of the Reign of King Charles the Second, intituled, An Act for the Encouragement of the *Greenland* and *Eaſtland* Trades, and for the better ſecuring the Plantation Trade, for and during the Term aforeſaid; any Law or Statute to the Contrary thereof notwithſtanding.

Oath to be made by the Captain of ſuch Fins being really taken in the ſaid Gulph.

XVIII. Provided always, and be it further enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to allow the Importation of ſuch Whale Fins without paying any Cuſtom, Subſidy, or Duty, other than and except the ſaid Rate or Duty commonly called The Old Subſidy, unleſs the Captain, Maſter, or other commanding Officer of the Ship or Veſſel, or the Perſon importing the ſame, ſhall firſt make Oath before One of the principal Officers of the Cuſtoms in the Port or Ports of Importation, (who is and are hereby authorized and required to adminiſter ſuch Oath), that all the Whale Fins imported in ſuch Ship or Veſſel were, to the beſt of his Knowledge and Belief, really and bona fide the Fins of Whales caught and taken in the Gulph or River of Saint Lawrence, or in the Seas or the Coaſts of ſome of His Majeſty's Colonies in America, by the Crew of ſuch Ships and Veſſels only, whereof the Owner or Owners, the Captain or Maſter, and Three-fourths of the Mariners, were His Majeſty's Subjects.

Harpooners, Line-manager, Boat-ſteerer, and Sailors, how to be privileged.

XIX. And whereas the *Greenland* Fiſhery Trade cannot be carried on without a certain Number of Men who are uſed to the ſaid Fiſhery, which, nevertheleſs, is intended as a Nurſery of able and hardy Seamen for the publick Service in the Royal Navy; be it therefore enacted by the Authority aforeſaid, That no Harpooner, Line-manager, or Boat-ſteerer, who ſhall be in or belong to any Ship or Veſſel in the Greenland Fiſhery Trade, and whoſe Name (diſtinguiſhing the Capacity in which the Perſon ſo named is to act) ſhall be inſerted in a Liſt, which is hereby required to be delivered on Oath, by the Owner of ſuch Ship, to the Collector of the Cuſtoms at the Port from which ſuch Ship is intended to proceed upon the ſaid Fiſhery, (which Oath ſuch Collector is hereby impowered and required to adminiſter), ſhall be impreſſed from the ſaid Service; and that any ſuch Harpooner, Line-manager, or Boat-ſteerer, may, during the Time of the Year that he or they are not employed in the ſaid Fiſhery, ſail in the Colliery Trade, upon giving Security, to the Satisfaction of the Commiſſioners of the Cuſtoms, that he or they will proceed in the ſaid Ship or Veſſel to the Greenland Seas, or Davis's Streights, on the Whale Fiſhery the next Seaſon: And that every Seaman, or common Mariner, who after the Firſt Day of February in any Year during the Continuance of this Act, ſhall be entered to ſerve on Board any Ship which ſhall be intended to proceed on the ſaid Fiſhery in the following Seaſon, whoſe Name ſhall be inſerted in a Liſt to be delivered as aforeſaid, and who ſhall have given Security, to the Satisfaction of the Commiſſioners of the Cuſtoms, to proceed, and ſhall proceed accordingly, ſhall be privileged, and exempt from being impreſſed from or out of the ſaid Service, from the ſaid Firſt Day of February, till after the Expiration of the then next Seaſon for the ſaid Fiſhery, and until the Voyage Home from thence ſhall be fully completed and ended, and no longer; any Law, Cuſtom, or Uſage, to the Contrary notwithſtanding.

CAP. XXXIX.

An Act to amend an Act, made in the laſt Seſſion of Parliament, intituled, *An Act for extending like Liberty in the Exportation of Rice from* Eaſt *and* Weſt Florida *to the Southward of* Cape Finiſterre *in* Europe, *as is granted by former Acts of Parliament to* Carolina *and* Georgia.

Preamble.

Rice may be exported from the *Floridas* to the Southward of *Cape Finiſterre*, under like Regulations as from *Carolina*.

WHEREAS by an Act, made in the laſt Seſſion of Parliament, intituled, *An Act for extending like Liberty in the Exportation of Rice from* Eaſt *and* Weſt Florida *to the Southward of* Cape Finiſterre *in* Europe, *as is granted by former Acts of Parliament to* Carolina *and* Georgia, it is enacted, That it ſhall and may be lawful for any of His Majeſty's Subjects, in ſuch Manner as is therein particularly mentioned, to ſhip or load Rice in the ſaid Province of *Eaſt* or *Weſt Florida*, and to carry the ſame directly to any Port Southward of *Cape Finiſterre* in *Europe*, without carrying the ſame to any other of His Majeſty's Plantations in *America*, or to *Great Britain*: And whereas the Produce of Rice, and the Exportation thereof, may be greatly encouraged for the mutual Benefit of this Kingdom and the ſaid Province, if like Liberty or Licence was extended to the carrying the ſame directly to any Part of *America*, to the Southward of the Provinces of *Carolina* or *Georgia*, without bringing the ſame firſt to *Great Britain*; may it therefore pleaſe Your moſt Excellent Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, during the Continuance of the ſaid recited Act of the laſt Seſſion of Parliament, Rice ſhall alſo be permitted or allowed to be exported from His Majeſty's Provinces of East and West Florida directly to any Part of America Southward of South Carolina or Georgia, without carrying the ſame to any other of His Majeſty's Plantations in America, or to Great Britain, by ſuch Perſons, in ſuch Ships and Veſſels, in the ſame Manner, and to ſuch foreign Countries and Places, and under ſuch Entries, Securities, Reſtrictions, Regulations, Limitations, Duties, Penalties, and Forfeitures, as are in an Act, made in the Fourth Year of the Reign of His preſent Majeſty, intituled, An Act for granting, for a limited Time, a Liberty to carry Rice from His Majeſty's Provinces of *South Carolina* and *Georgia* directly to any Part of *America*, to the Southward of the ſaid Provinces, ſubject to the like Duty as is now paid on the Exportation of Rice from the ſaid Colonies to Places in *Europe* ſituate to the Southward of *Cape Finiſterre*, particularly mentioned, referred to, deſcribed, appointed, limited, or enacted, for that Purpoſe, as fully and effectually, to all Intents and Purpoſes, as if the ſeveral Clauſes, Powers, Directions, Penalties, and Forfeitures, relating thereto, were particularly repeated and again enacted in the Body of this preſent Act.

During the Continuance Act 10 *Geo.* III. Rice may be exported as therein directed, under the Reſtrictions contained in Act 4 *Geo.* III.

CAP.

CAP. XL.

An Act for the more effectually preventing the Counterfeiting the Copper Coin of this Realm.

Preamble.

WHEREAS the Coining or Counterfeiting any of the Copper Monies of this Realm being puniſhable only as a Miſdemeanour, the Practice thereof hath of late Years greatly prevailed, and is likely to continue to increaſe, to the great Prejudice of Trade, and the manifeſt Wrong and Injury of His Majeſty's Subjects: For Redreſs of which growing Miſchief, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That if any Perſon or Perſons ſhall, from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-one, make, coin, or counterfeit, any of the Copper Monies of this Realm, commonly called an Halfpenny, or a Farthing, ſuch Perſon or Perſons offending therein, and his, her, or their Counſellors, Aiders, Abettors, and Procurers, ſhall be adjudged guilty of Felony.

Perſons, after *June* 24, 1771, counterfeiting Copper Halfpence or Farthings, guilty of Felony;

II. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, from and after the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-one, buy, ſell, take, receive, pay, or put off any counterfeit Copper Money, not melted down, or cut in Pieces, at or for a lower Rate or Value than the ſame, by its Denomination, doth or ſhall import, or was counterfeited for, every ſuch Perſon and Perſons ſhall be adjudged guilty of Felony.

and all Perſons buying, ſelling, or putting off, counterfeit Money.

III. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any One Juſtice of the Peace, on Complaint made before him upon the Oath of One credible Perſon, that there is juſt Cauſe to ſuſpect that any One or more Perſon or Perſons is or hath been concerned in counterfeiting the Copper Monies of this Realm, by Warrant under his Hand, to cauſe the Dwelling-houſe, Room, Workſhop, Outhouſe, Yard, Garden, or other Place belonging to ſuch ſuſpected Perſon or Perſons, to be ſearched for Tools and Implements for coining ſuch Copper Monies; and if any ſuch Tools or Implements ſhall at any Time be found hid or concealed in any Place ſo ſearched, or be found in the Cuſtody or Poſſeſſion of any Perſon or Perſons whatſoever, not then employed in the coining of Money in ſome of His Majeſty's Mints, nor having the ſame by ſome lawful Authority, that then it ſhall and may be lawful to and for any Perſon or Perſons whatſoever diſcovering the ſame, to ſeize, and he and they are hereby authoriſed and required to ſeize the ſame, and to carry them forthwith to ſome Juſtice of the Peace of the County, City, or Place, where the ſame ſhall be ſeized, who ſhall cauſe the ſame to be ſecured, and produced in Evidence againſt any Perſon or Perſons who ſhall or may be proſecuted for any of the Offences aforeſaid, in ſome Court of Juſtice proper for the Determination thereof; and after ſuch Time as they, or any of them, ſhall have been produced in Evidence, as well the ſame ſo produced as the other ſo ſeized and not made uſe of in Evidence, and every of them, ſhall forthwith, by Order of that Court where ſuch Offender or Offenders ſhall be tried, or by Order of ſuch or ſome other Juſtice of the Peace, in caſe there be no ſuch Trial, be defaced and deſtroyed, or otherwiſe diſpoſed of, as ſuch Court, or ſuch Juſtice, ſhall direct.

Juſtices, on Complaint of Perſons concerned in counterfeiting Coin, to cauſe their Houſes to be ſearched.

Perſons diſcovering Tools or Inſtruments may ſeize the ſame,

which ſhall be defaced and deſtroyed as the Juſtice ſhall direct.

CAP. XLI.

An Act to explain an Act, made in the Eighth Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act giving further Encouragement for the Importation of Naval Stores, and for other Purpoſes therein mentioned*, ſo far as relates to the Importation of unmanufactured Wood of the Growth and Product of *America*; and to explain ſo much of an Act, made in the Twenty-ſixth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for enlarging and regulating the Trade into the* Levant *Seas*, as relates to the Importation of Raw Silk and Mohair Yarn landed at certain Places therein mentioned.

Preamble. Act 8 *Geo.* I.

WHEREAS by an Act, made in the Eighth Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act giving further Encouragement for the Importation of Naval Stores, and for other Purpoſes therein mentioned*, various Sorts of Wood and Timber, and of the Goods commonly called *Lumber*, in the ſaid Act particularly enumerated, being the Growth and Product of His Majeſty's *Britiſh* Plantations or Colonies in *America*, may be imported directly from thence, free of all Cuſtoms and Impoſitions whatſoever: And whereas Mahogany, and various Sorts of *American* Wood, are become very uſeful and neceſſary to Cabinet-makers and other Artificers in this Kingdom, and it would tend to the Improvement of the Manufactures thereof, and to the more comfortable Support and Maintenance of great Numbers of His Majeſty's *Britiſh* Subjects employed in the making and working of ſuch Goods, and to the Increaſe of the Exportation thereof into foreign Parts, when ſo manufactured here, if Liberty was given to import ſuch Goods from all Parts of *America*, Duty free; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-one, it ſhall and may be lawful for any Perſon or Perſons to import into this Kingdom directly, from any Part of America, in Britiſh Veſſels, navigated according to Law, any Sort of unmanufactured Wood, being the Growth and Product of America, (except Maſts, Yards, and Bowſprits), without paying any Subſidy, Cuſtom, or other Duty whatſoever for the ſame, any Law, Cuſtom, or Uſage, to the Contrary notwithſtanding.

From *Sept.* 29, 1771, unmanufactured Wood may be imported from *America*, except Maſts, &c. without paying Cuſtom or Duty.

II. Provided nevertheleſs, and it is hereby further enacted by the Authority aforeſaid, That a due Entry of ſuch Goods ſhall be firſt made in the Cuſtom-houſe belonging to the Port where the ſame ſhall be imported, in the ſame Manner and Form, expreſſing the Quantities and Qualities of the reſpective Goods, as was uſed and practiſed before

Due Entry to be made in the Cuſtom-houſe at the Port where imported.

making of this Act, and the ſaid Goods ſhall be landed in the Preſence of the proper Officer appointed for that Purpoſe, otherwiſe ſuch Goods ſhall be liable to the Payment of the ſame Duties as would have been due and payable for the ſame, if this Act had not been made.

Mahogany of the Growth of the Bay of *Honduras*, imported at *London* ſince 1770, having paid the Duties, ſuch Duties to be repaid.

III. And whereas ſeveral Parcels of Mahogany of the Growth and Produce of the Bay of *Honduras* have been imported into the Port of *London* ſince the Firſt Day of *July*, One thouſand ſeven hundred and ſeventy, for which the Importers have paid or depoſited the Duties payable thereon with the proper Officers of the Cuſtoms; and it is reaſonable that the Importers of ſuch Mahogany ſhould receive the Benefit intended by this Act; **be it therefore further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Commiſſioners of the Cuſtoms, or any Four of them, to order the ſaid Duties ſo paid or depoſited, to be repaid; and ſuch Officers are hereby authoriſed and required to repay the ſame to the Importers of ſuch Mahogany, or to any other Perſon legally authoriſed to receive the ſame.**

Act 26 *Geo.* II. Goods from the *Levant* liable to retain Infection of the Plague, without a clean Bill of Lading, ſhall not be landed in *Britain* or *Ireland*.

IV. And whereas, by an Act of Parliament, made in the Twenty-ſixth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for enlarging and regulating the Trade into the* Levant *Seas*, it is, amongſt other Things, enacted, That no Goods or Merchandiſes liable to retain the Infection of the Plague, and coming from the *Levant*, without a clean Bill of Health, ſhall be landed at any Part of *Great Britain* or *Ireland*, or of the Iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, unleſs it ſhall appear to the Satisfaction of his Majeſty, His Heirs or Succeſſors, or of His or their Privy Council, that the ſaid Goods or Merchandiſes have been ſufficiently opened and aired in the Lazarets of *Malta*, *Ancona*, *Venice*, *Meſſina*, *Leghorn*, *Genoa*, and *Marſeilles*, or one of them: And whereas Raw Silk and Mohair Yarn of the Product and Manufacture of *Aſia*, are, by the Laws now in Force, prohibited to be imported into this Kingdom from any Port or Place in the *Streights* or *Levant* Seas, except ſuch Ports or Places as are within the Dominions of the Grand Seignior; and ſome Doubts have ariſen, whether ſuch Raw Silk and Mohair Yarn, though ſhipped and laden in the ſaid *Streights* and *Levant* Seas, within the Dominions of the Grand Seignior, can be legally imported into this Kingdom, after having been landed at *Malta*, *Ancona*, *Venice*, *Meſſina*, *Leghorn*, *Genoa*, or *Marſeilles*, for the Purpoſe of being opened and aired as aforeſaid; **be it therefore enacted by the Authority aforeſaid, That from and after the paſſing of this Act, any ſuch Raw Silk or Mohair Yarn as ſhall be or have been ſhipped in any Port or Place in the ſaid** Streights **or** Levant **Seas, within the Dominions of the Grand Seignior, and which ſhall be afterwards landed at any or either of the Places herein-before particularly mentioned for the Purpoſe of opening and airing only, and which ſhall be reſhipped on board the ſame Ship from which they were ſo landed, ſhall, upon Importation into this Kingdom, be deemed and taken to have been imported from the Port or Place within the Grand Seignior's Dominions where ſuch Goods were Firſt ſhipped, and not from the Place where they were landed to be opened and aired; any Thing in any former Act or Acts to the Contrary notwithſtanding.**

Silk and Mohair Yarn, of the Product of *Aſia*, ſhall not be deemed to be imported from the Port in the Grand Seignior's Dominions where ſuch Goods were firſt ſhipped.

CAP. XLII.

An Act to explain and amend an Act, made in the laſt Seſſion of Parliament, intituled, *An Act to regulate the Trials of controverted Elections, or Returns of Members to ſerve in Parliament.*

Preamble. Act 10 *Geo.* III.

WHEREAS an Act was paſſed in the laſt Seſſion of Parliament, intituled, *An Act to regulate the Trials of controverted Elections, or Returns of Members to ſerve in Parliament:* And whereas further Proviſions may be neceſſary to prevent all Obſtructions and Difficulties which in certain Caſes may ariſe in the Execution of the ſaid Act; **be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, if ſeveral Parties, on diſtinct Intereſts or Grounds of Complaint, ſhall preſent ſeparate Petitions, complaining of an undue Election, or Return of a Member or Members to ſerve in Parliament, the ſame Notices and Orders ſhall be given to all ſuch Parties, or their reſpective Agents, as by the ſaid Act are directed to be given to the ſitting Members, or the Petitioners therein mentioned, or their reſpective Agents.**

After paſſing hereof, on Complaint of undue Election, *&c.* Notice and Orders to be given to Parties and their Agents.

Clauſe in Act 10 *Geo.* III. repealed.

II. **And be it further enacted, That the Clauſe in the ſaid Act which provides, that no Petition ſhall be taken into Conſideration within Fourteen Days after the Appointment of the Committee of Privileges, be repealed; and that from henceforth no Petition, complaining of an undue Election, or Return of a Member or Members to ſerve in Parliament, ſhall be taken into Conſideration within Fourteen Days after the Commencement of the Seſſion of Parliament in which it is preſented, nor within Fourteen Days after the Return to which it relates ſhall be brought into the Office of the Clerk of the Crown.**

If 49 Members cannot be compleated, to proceed as directed by Act 10 *Geo.* III.

III. **And be it further enacted, That if at the Time of drawing by Lot the Names of the Members, in Manner preſcribed by the ſaid Act, the Number of Forty-nine Members, not ſet aſide nor excuſed, cannot be compleated, the Houſe ſhall proceed in the Manner they are directed by the ſaid Act to proceed, in caſe there be leſs than One hundred Members preſent at the Time therein preſcribed for counting the Houſe; and ſo, from Day to Day, as often as the Caſe ſhall happen.**

Procedure relative to undue Elections.

IV. **And be it further enacted, That on the Day appointed for taking any Petition, complaining of an undue Election, or Return of a Member or Members to ſerve in Parliament, into Conſideration, the Houſe ſhall not proceed to any other Buſineſs whatſoever, except the ſwearing of Members previous to the reading of the Order of the Day for that Purpoſe.**

Manner of adjourning the ſelect Committee.

V. **And be it further enacted, That if the ſelect Committee ſhall have Occaſion to apply or report to the Houſe, in relation to Adjournment of the ſaid ſelect Committee, the Abſence of the Members thereof, or the Non-attendance or Miſbehaviour of Witneſſes** ſummoned to appear, or appearing before them, and the Houſe ſhall be then adjourned for more than Three Days, the ſaid ſelect Committee may alſo adjourn to the Day appointed for the Meeting of the Houſe.

If more than Two Parties on diſtinct Intereſt, each Party ſhall ſtrike off a Member from 49 ſucceſſively, until reduced to 13.

VI. And be it further enacted, That if, on a Complaint by Petition of an undue Election or Return, there ſhall be more than Two Parties before the Houſe, on diſtinct Intereſt, or complaining, or complained of, upon different Grounds, whoſe Right to be elected or returned may be affected by the Determination of the ſaid ſelect Committee, each of the ſaid Parties ſhall ſucceſſively ſtrike off a Member from the Forty-nine Members to be choſen by Lot, until the ſaid Number be reduced to Thirteen, in the ſame Manner as by the ſaid Act is directed for the ſtriking off a Member alternately by the Parties therein mentioned; and the Liſts of the Forty-nine Members choſen by Lot ſhall, for this Purpoſe, be given to all the ſaid Parties, and the Order in which the ſaid Parties ſhall ſo ſtrike off the ſaid Members ſhall be determined by Lot after they are withdrawn from the Bar, and in ſuch Caſe neither of the ſaid Parties, (there being more than Two), ſhall be permitted to name a Member to be added to the Members ſo drawn by Lot as aforeſaid; but that as ſoon as the Liſt of Thirteen Members ſhall be returned by the Parties to the Houſe, ſuch Thirteen Members ſhall immediately withdraw, and ſhall by themſelves chuſe Two Members then preſent in the Houſe, whoſe Names ſhall not have been drawn, to be added to the ſaid Thirteen Members; and ſhall, within One Hour from the Time of their withdrawing, report the Names of ſuch Two Members to the Houſe; which Two Members ſhall be liable to be ſet aſide on the like Objections for which Nominees may be ſet aſide by virtue of the ſaid Act: And in caſe ſuch Two Members, or either of them, ſhall be ſet aſide for any of the Cauſes aforeſaid, then the ſaid Thirteen Members ſhall chuſe One or Two other Members, as the Caſe ſhall require, until Two Members are choſen, againſt whom none of the Objections to Nominees mentioned in the ſaid Act ſhall be taken and allowed; and that the Names of ſuch Two Members ſhall be then added to the ſaid Liſt of Thirteen Members; and all the ſaid Fifteen Members ſhall be ſworn at the Table, and they ſhall be the ſelect Committee appointed for the Purpoſes expreſſed in this and the ſaid former Act.

When the Liſt is returned, the 13 Members to withdraw; and, within One Hour, report the Names of ſuch Two Members.

In caſe ſuch Two Members are ſet aſide, to chuſe others, &c.

At the naming Nominees, no Member to depart till the Meeting of the ſelect Committee is fixed.

VII. And be it further enacted, That where the ſaid Nominees are by this Act directed to be named by the ſaid Thirteen Members, no Member preſent at the Time of the Ballot ſhall depart from the Houſe until the Time for the Meeting of the ſaid ſelect Committee ſhall be fixed.

CAP. XLIII.

An Act for eſtabliſhing a Houſe or Houſes of Induſtry in the *Iſle of Wight*, for the Reception, Maintenance, and Employment of the Poor belonging to the ſeveral Pariſhes and Places within the ſaid Iſland.

Preamble.

WHEREAS the Poor in the *Iſle of Wight*, in the County of *Southampton*, are very numerous, and are maintained and ſupported at a great Expence by their reſpective Pariſhes and Places: And whereas the granting of proper Powers for the better Government and Regulation of the Poor in the ſaid Iſland, and providing a Place for their general Reception, will tend to the more effectual Relief and Aſſiſtance of ſuch as, by Age, Infirmities, or Diſeaſes, are rendered incapable of ſupporting themſelves by their Labour, to the better Employment of the able and induſtrious, to the Correction and Puniſhment of the profligate and idle, and to the Education of poor Children in Religion and Induſtry; and thereby the Poor, inſtead of being wholly ſupported by the Publick, may contribute to the Support, Aſſiſtance, and Relief mutually of each other, and be of ſome Advantage to the Community, to which they have hitherto been only a heavy and grievous Burthen: May it therefore pleaſe Your moſt Excellent Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-one, all and every Perſon and Perſons who ſhall then be, and, from Time to Time, ſhall thereafter become ſeiſed or poſſeſſed, in his, her, or their own or Wife's Right, of Lands or Tenements, either in Fee or for Life, or for a long Term of Years abſolute, or determinable upon any Life or Lives, and rated to the Poor's Rates in the reſpective Pariſhes and Places within the Iſle of Wight at the Value of Fifty Pounds per Annum; and all Heirs-apparent of Lands, Tenements, or Hereditaments, rated as aforeſaid, at the Value of One hundred Pounds per Annum; and alſo all Rectors and Vicars for the Time being of the ſeveral Rectories and Vicarages within the ſaid Iſle of Wight; and alſo all and every Perſon and Perſons who then, and from Time to Time thereafter, ſhall be rated to the Poor's Rates in One or more Pariſh or Pariſhes within the ſaid Iſland, for Lands, Tenements, or Hereditaments, or Tythes occupied and enjoyed by him, her, or them, at the Value of One hundred Pounds per Annum, ſhall be, and are hereby declared to be incorporated by the Name of The Guardians of the Poor within the Iſle of Wight; and ſhall for ever, in Name and Fact, be One Body Politick and Corporate in Law to all Intents and Purpoſes, and ſhall have perpetual Succeſſion and a Common Seal, and ſhall be, and be called The Guardians of the Poor within the Iſle of Wight; and ſhall be enabled to ſue and plead, and be ſued by that Name, in all Courts and Places of Judicature within that Part of Great Britain, called England; and by that Name ſhall and may purchaſe, take, and receive, any Goods and Chattels whatſoever, to or to the Uſe of the ſaid Corporation: Provided always, that ſuch Corporation ſhall not be capable of taking or holding any Lands, Tenements, or Hereditaments, except ſuch as are herein-after particularly mentioned and intended to be hereby veſted in them.

The Perſons who ſhall be appointed Guardians for the Poor in the *Iſle of Wight*.

Women capable of voting by Proxy as Guardians.

II. Provided always, and be it further enacted and declared by the Authority aforeſaid, That all Women who ſhall be ſeiſed of Lands, Tenements, or Hereditaments, or be rated to the Poor's Rates reſpectively as aforeſaid, ſhall be, and are hereby authoriſed to act as Guardians, for all the Purpoſes of this Act, by Proxy, appointed under their Hands; and the Perſons appointing ſuch Proxies may, from Time to Time, revoke ſuch Appointment; and ſuch Proxies ſhall be granted to ſuch Perſons as ſhall be Guardians; but no more than One ſuch Proxy ſhall be granted to or received by any One Guardian whatſoever.

First Meeting of Guardians.

III. And be it further enacted by the Authority aforeſaid, That the ſaid Guardians, or ſo many of them as ſhall think fit, ſhall meet on Tueſday the Twenty-fifth Day of June, One thouſand ſeven hundred and ſeventy-one, at the Sun Inn in Newport, in the ſaid Iſle of Wight; and being ſo aſſembled, ſhall, between the Hours of Eleven and Twelve of the Clock on the ſame Day, proceed to the Execution of this Act, and, by a Majority of Voices of ſuch of them as ſhall be ſo aſſembled, appoint ſome One Guardian then preſent to be Preſident or Chairman of ſuch Meeting; and ſuch Perſon ſo elected Preſident or Chairman ſhall cauſe the reſt of the ſaid Guardians then aſſembled to proceed, by way of Ballot, to the Choice of Twenty-four of the Guardians, which Twenty-four Perſons ſo choſen ſhall be called Directors of the Poor within the Iſle of Wight; and the ſaid Guardians, ſo aſſembled as aforeſaid, ſhall, by Ballot, elect and chuſe One or more other proper Perſon or Perſons to be Treaſurer or Treaſurers, and One other ſufficient Perſon to be Clerk of the ſaid Corporation of Guardians, who ſhall, from Time to Time, enter all their Proceedings in a Book or Books to be kept for that Purpoſe, and likewiſe ſuch other Officers as the ſaid Guardians ſhall find neceſſary for the Execution of this Act.

Directors, and Treaſurer &c. to be choſen.

Twelve Directors to go out by Ballot yearly.

IV. And be it further enacted by the Authority aforeſaid, That Twelve of ſuch Directors ſhall go out by Ballot every Year; and that in the Room and Stead of the Perſons ſo going out, Twelve other Perſons, qualified as aforeſaid to be Directors, ſhall, on the Tueſday in Eaſter Week, in every Year, in like Manner, be choſen; who, together with the Twelve remaining Directors, ſhall be Directors for the Space of One Year then next enſuing.

Poor how to be governed till the Houſe is built.

V. And be it further enacted by the Authority aforeſaid, That every poor Perſon, and Perſon incapable of providing for himſelf or herſelf within the ſaid Iſle of Wight, ſhall continue under the Government and Management of the Churchwardens and Overſeers of the Poor of his or her Pariſh or Place, in the ſame Manner as he or ſhe now are, until the Houſe or Houſes herein after mentioned ſhall be built and fitted up for their Reception; and that, from and after the General Meeting of the ſaid Guardians, which the Directors of the Poor in the ſaid Iſland are herein-after [illegible] required to call, within Three Months next after the ſaid Houſe or Houſes ſhall be built and fitted up for the Reception of the Poor, every poor Perſon, and Perſon incapable of providing for himſelf or herſelf, within the ſaid Iſle of Wight, ſhall be under the Government and Management of the ſaid Guardians of the Poor; and that each and every poor Male Child, which at any Time hereafter ſhall be maintained by the ſaid Guardians, ſhall be and remain under their Government till he arrive at the Age of Eighteen Years, and each and every poor Female Child till ſhe ſhall arrive at the Age of Sixteen Years; and that after ſuch reſpective Children ſhall have attained the ſaid reſpective Ages, they ſhall be diſcharged from the Rule and Government of the ſaid Guardians, and be at their own Diſpoſal; or the Directors and acting Guardians of the Poor herein-after directed to be choſen, may, at any Quarterly Meeting, to be held in purſuance of this Act, diſmiſs ſuch Children before their reſpective Ages of Eighteen and Sixteen Years, in caſe they ſhall think proper ſo to do.

Poor Children to be managed by Guardians till a certain Age.

or put out as Apprentices;

VI. Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Directors and acting Guardians of the Poor herein-after directed to be choſen, by and with the Conſent of any Two Juſtices of the Peace for the County of Southampton, acting in and for the Diviſion of the Iſle of Wight, at any Time before ſuch reſpective Children ſhall arrive at ſuch reſpective Ages, as aforeſaid, to bind any of ſuch Children to be Apprentice, where they ſhall ſee convenient, till ſuch Child ſhall come to the Age of Twenty-one Years, or to bind any of ſuch Male Children to be Apprentice in the Sea Service to any Captain, Maſter, or Owner of any Ship or Veſſel, in like Manner as Churchwardens and Overſeers of the Poor, with the Aſſent of the Juſtices of the Peace, are, by the Laws now in being, impowered to do; and the Perſon or Perſons to whom any ſuch Child ſhall be bound Apprentice, ſhall be obliged to receive and provide for ſuch Apprentice, in like Manner as by the Laws in being Perſons are obliged to provide for Apprentices in the like Circumſtances; and no Apprentice ſo bound as aforeſaid ſhall, (except with the Conſent of the ſaid Directors and acting Guardians preſent at the weekly Meetings herein-after appointed to be had), be aſſigned or turned over to any other Perſon; and that the Perſon or Perſons to whom any ſuch Apprentice ſhall be ſo aſſigned or turned over, ſhall be obliged to receive and provide for him or her, in the ſame Manner, and under the ſame Penalties and Forfeitures, as the Perſon or Perſons to whom ſuch Apprentice was firſt bound, as aforeſaid, was or were obliged to receive and provide for him or her.

or bound to the Governor or Steward for the Time being.

VII. Provided alſo, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Directors and acting Guardians, by and with the Conſent of any Two Juſtices of the Peace for the ſaid County of Southampton, acting in and for the Diviſion of the Iſle of Wight, at any Time before ſuch reſpective Children ſhall arrive at ſuch reſpective Ages as aforeſaid, to bind any of ſuch Children to be Apprentice or Apprentices to the Governor or Steward herein-after directed to be appointed by virtue of this Act, for the Time being, till ſuch Child or Children ſhall come to the Age or reſpective Ages of Twenty-one Years; and, on the Death, Reſignation, or Removal of ſuch Governor or Steward, ſuch Apprentice or Apprentices ſo bound to the Governor or Steward ſhall belong and appertain to the ſucceeding Governor or Steward, without any formal Aſſignment being made to him of ſuch Apprentice or Apprentices, and ſo, from Time to Time, to the Governor or Steward for the Time being, until the Expiration

tion of the Term for which any of ſuch Children ſhall have been reſpectively bound; and ſuch Child or Children ſhall reſpectively ſerve the ſaid Governor or Steward for the Time being as Apprentice or Apprentices, until the End of the ſaid Term for which he, ſhe, or they reſpectively ſhall be bound, and ſhall, during the ſaid Term, be conſidered as Apprentice or as Apprentices to the Governor or Steward for the Time being, to all Intents and Purpoſes, in the ſame Manner as if he, ſhe, or they, had been originally bound to every new or ſucceeding Governor or Steward reſpectively; and ſuch Child or Children ſo to be bound to the ſaid Governor or Steward ſhall be provided for and maintained by the ſaid Guardians, during ſuch his, her, or their reſpective Apprenticeſhip, in the ſame Manner as other poor Children are to be provided for and maintained by virtue of this Act; and all Profits, Benefit, and Advantages, ariſing from every ſuch Apprentice ſo bound to the ſaid Governor or Steward, ſhall be accounted for to the ſaid Guardians, and ſhall be had, received, and taken by them, and be applied for the Purpoſes of this Act.

Poor may be let out for Work,

VIII. Provided alſo, and be it further enacted by the Authority aforeſaid, That the ſaid Directors and acting Guardians may, on Application made by any Farmer or other Perſon wanting a Number of the ſaid Children, or of the ſaid other poor Perſons, in Harveſt, or other Work ſuited to the Strength and Ability of the ſaid Children, or other poor Perſons, let out ſuch Number of the ſaid Children, or other poor Perſons, as ſhall be required, on a Contract for their Labour and Maintenance, at ſuch Wages as ſhall be agreed for between the ſaid Directors and acting Guardians and the Perſon or Perſons hiring ſuch Children, or other poor Perſons; which Wages ſhall be paid to the Treaſurer to the ſaid Guardians, and ſhall be by him accounted for, and be applied for the Purpoſes of this Act.

or delivered to Parents, &c.

IX. Provided alſo, That if the Parents, Kindred, or Friends, of Children ſo maintained by the ſaid Guardians, ſhall either, when the ſaid reſpective Children ſhall attain their ſaid reſpective Ages of Eighteen and Sixteen Years, or at any Time before, be deſirous or willing to receive, maintain, and employ ſuch Children, and ſuch Children ſhall be willing to be ſo received, maintained, and employed, it ſhall be lawful for the ſaid Directors and acting Guardians, if they ſhall ſo think proper, to diſmiſs ſuch Children.

Power to borrow Money.

X. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Directors, until the ſaid acting Guardians ſhall be choſen, and for the ſaid Directors and acting Guardians, after the ſaid acting Guardians ſhall be choſen, from Time to Time, to borrow any Sum or Sums of Money for the Purpoſes of this Act, not exceeding in the Whole the Sum of Twelve thouſand Pounds, at an Intereſt not exceeding Four Pounds per Centum per Annum, and to aſſign over by Writing, ſigned by Seven of the ſaid Directors at the leaſt, under the Common Seal of the ſaid Corporation, all or any Part of the Poor's Rates to be collected within the ſaid Iſle of Wight, in purſuance of this Act, as a Security for the Repayment of the Principal and Intereſt of the Money ſo to be borrowed; and ſuch Securities may be, from Time to Time, aſſigned and tranſferred, by Indorſement, or otherwiſe, without Stamps; and ſuch Aſſignments and Tranſfers ſhall intitle the Perſon to whom the ſame ſhall be made to all Principal and Intereſt Monies due, and to grow due, upon ſuch Securities.

Workhouſes in the ſeveral Pariſhes in the Iſland veſted in Truſtees, to be ſold for the Purpoſes of this Act.

XI. And, in order that the Sum to be borrowed for the Purpoſes of this Act may be the leſs burthenſome, be it enacted by the Authority aforeſaid, That the ſeveral Workhouſes now belonging to the ſeveral and reſpective Pariſhes in the Iſle of Wight aforeſaid, together with the Lands thereunto belonging, ſhall be veſted, and the ſame are hereby veſted, in Sir John Barrington of Swainſton, in the ſaid Iſle of Wight, Baronet; Sir Richard Worſley of Appuldercombe, in the ſaid Iſle of Wight, Baronet; and Sir William Oglander of Nunwell, in the ſaid Iſle of Wight, Baronet; and their Heirs and Aſſigns, for ever, upon Truſt, that they the ſaid Sir John Barrington, Sir Richard Worſley, and Sir William Oglander, and their Heirs, ſhall and do ſell and convey the ſaid ſeveral and reſpective Houſes and Lands to ſuch Perſon or Perſons as ſhall be willing to purchaſe the ſame, and ſhall and do pay the Monies ariſing by ſuch Sale or Sales into the Hands of the Treaſurer or Treaſurers of the ſaid Corporation, to be applied for defraying the Expences of obtaining, and other the Purpoſes of this Act.

Proviſo.

XII. Provided always, That if any Pariſh or Pariſhes ſhall, in order to elude the Purpoſes of this Act, ſell or convey their Workhouſe or Workhouſes, or the Lands thereunto reſpectively belonging, or any Part thereof; that then it ſhall and may be lawful to and for the Directors and acting Guardians, at their Meeting for aſcertaining the Proportion each Pariſh is to pay towards the Maintenance of the Poor, to advance the Rates of ſuch Pariſh or Pariſhes ſo ſelling or conveying ſuch Houſes or Lands as aforeſaid, in proportion to the Value of the Houſe or Land ſo ſold, after the Rate of Four Pounds per Centum.

Rewards to be made to Officers.

XIII. And be it further enacted by the Authority aforeſaid, That the ſaid Directors and acting Guardians ſhall, and they are hereby authoriſed and required, to allow ſuch Rewards to ſuch Treaſurer, Clerk, and other Officers, out of the Monies to be raiſed by virtue of this Act, as to the ſaid Directors and acting Guardians ſhall, from Time to Time, ſeem reaſonable; and alſo to take Security by Bond, in a ſufficient Penalty, with Sureties, from ſuch Treaſurer or Treaſurers, or other Perſons, for the due Execution of his or their Office or Offices.

Removal of Officers.

XIV. And be it further enacted by the Authority aforeſaid, That the ſaid Treaſurer, Clerk, or any other Officer or Officers, ſhall continue in his, her, or their Office or Offices only during the Pleaſure of the ſaid Directors and acting Guardians; and that it ſhall be lawful for the ſaid Directors and the acting Guardians, to be choſen in Manner herein-after directed, who ſhall be preſent at any General Quarterly Meeting hereinafter appointed, by Ballot, to diſplace them, or any of them, and, upon their Removal, Death, or Reſignation, to chuſe others in his, her, or their Stead.

XV. Whereas

His Majeſty, in Right of the Crown, is intitled to the Foreſt of *Parkhurſt* in the *Iſle of Wight*;

XV. Whereas His Majeſty, in Right of His Crown, is ſeiſed of or intitled unto the Foreſt of *Parkhurſt*, in the *Iſle of Wight*, of very great Extent, and at preſent yielding little Profit, ſave to the ſeveral Owners and Proprietors of Freehold Eſtates within the ſaid Iſle, who have or claim an unlimited Right of Common upon the ſaid Foreſt: And whereas ſome Part of the ſaid Foreſt, not far diſtant from the Town of *Newport*, in the ſaid *Iſle of Wight*, will be a very convenient and commodious Situation for the placing a Houſe or Houſes for the Reception of the Poor, and making the neceſſary Buildings and Accommodations for the Purpoſes of this Act; and if a ſmall Portion of the ſaid Foreſt was veſted in the ſaid Guardians of the Poor, and their Succeſſors, to be uſed and employed for the erecting and providing a Houſe or Houſes, with ſuch Buildings and Accommodations as aforeſaid, the good Purpoſes of this Act would be greatly furthered and aſſiſted; **be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for His Majeſty, and he is hereby enabled to make a Grant, under the Exchequer Seal, of ſuch Part or Portion of the ſaid Foreſt of** Parkhurſt, **as His Majeſty's Governor of the** Iſle of Wight **for the Time being, and the ſaid Sir** John Barrington, **and Sir** William Oglander, **and** James Worſley **of** Stenbury, **in the** Iſle of Wight **aforeſaid, Eſquire;** Henry Roberts **of** Standen, **in the** Iſle of Wight **aforeſaid, Eſquire; and the Reverend** Leonard Troughear Holmes **of** Weſtover, **in the** Iſle of Wight **aforeſaid, Clerk; or the Survivors of them, or any Three or more of them, of which Number the Governor for the Time being to be One, ſhall, within the Space of Six Months from the paſſing of this Act, ſet out and allot for the Purpoſes of this Act, not exceeding Eighty Acres; ſuch Grant to be made to** The Guardians of the Poor within the Iſle of Wight, **incorporated by this Act, for ſuch Time and Term of Years as His Majeſty ſhall think proper, notwithſtanding the Limitations of the Civil Liſt Act, made in the Firſt Year of the Reign of Her late Majeſty Queen** Anne, **and ſubject to ſuch Rents and Reservations, and under ſuch Clauſes and Conditions, as are uſually reſerved and contained in like Caſes; and the Land ſo to be granted ſhall be held by the ſaid Guardians, and their Succeſſors, in ſuch Manner, and to and for ſuch Uſes, Intents, and Purpoſes, as, from Time to Time, ſhall ſeem moſt proper and convenient for effecting and accommodating the Purpoſes of this Act.**

Grant of Part thereof for the Purpoſe of building Houſes.

Lands or Buildings not ſubject to Taxes.

XVI. **Provided always, and be it enacted by the Authority aforeſaid, That the Land out of His ſaid Majeſty's Foreſt of** Parkhurſt, **ſo to be veſted in the ſaid Guardians for the Purpoſes of this Act, or any of the Buildings to be thereupon made and erected, ſhall not be ſubject or liable to the Payment of any Rates, Taxes, or Levies whatſoever.**

Directors may contract for the Purchaſe of Lands, &c.

XVII. And whereas a plentiful Supply of good and wholeſome Water, for the Uſe and Accommodation of the Houſe or Houſes to be erected for the Reception of the ſaid Poor, will be eſſentially neceſſary: And whereas it may happen that a plentiful Supply of good and wholeſome Water on any Part of the ſaid Foreſt, convenient for the Purpoſe of erecting ſuch Houſe or Houſes, may not be found, and that no Grant of Part of the ſaid Foreſt under the Exchequer Seal ſhall be made as aforeſaid; **be it therefore enacted by the Authority aforeſaid, That, in either of thoſe Caſes, it ſhall and may be lawful to and for the ſaid Directors, and they are hereby required, as ſoon as conveniently may be, to purchaſe and contract for any Quantity of Land and Buildings within the ſaid Iſland, lying as near as may be to the Center of the ſaid Iſland, and in ſuch Situation as to them ſhall appear moſt likely to yield a good Supply of Water, not exceeding in the Whole Eighty Acres, to be conveyed to, and held by, the ſaid Guardians, and their Succeſſors, for the Purpoſe of erecting and providing ſuch Houſe or Houſes for the Reception of the ſaid Poor, with ſuch Buildings and Accommodations as aforeſaid; which ſaid Land ſo to be purchaſed ſhall, from and immediately after the ſame ſhall be conveyed to the ſaid Guardians, and their Succeſſors, under a good and perfect Title in the Perſon or Perſons conveying the ſame, be held and enjoyed by them the ſaid Guardians, and their Succeſſors, for ever, and ſhall not be liable to, or be charged with, any greater Taxes, Rates, or Aſſeſſments, than in proportion to what ſhall uſually have been paid for the ſame, or been charged thereon, before the ſame became veſted in the ſaid Guardians as aforeſaid, and to pay for ſuch Lands and Buildings out of the Monies to be borrowed or raiſed by virtue of this Act.**

How the Directors are to erect ſuch Houſe or Houſes.

XVIII. **And be it further enacted by the Authority aforeſaid, That the ſaid Directors ſhall and may, and they are hereby required, as ſoon as conveniently may be after the paſſing of this Act, to build and erect, in a plain and durable Manner, on the Land ſo to be veſted in the ſaid Guardians as aforeſaid, the ſeveral Buildings following; that is to ſay, A convenient Building, or Part of a Building, to ſerve as an Hoſpital for the Reception of ſuch aged, ſick, or infirm Perſons, and young Children, as are not able to work; One other Building, or Part of a Building, to ſerve for the Reception, Maintenance, and Employment of ſuch poor Perſons as are able to work; and One other ſeparate Building, or Part of a Building, to ſerve as a Houſe or Houſes of Correction, for the Puniſhment and keeping to hard Labour ſuch idle and diſorderly Perſons, who, being able, ſhall refuſe to work, or otherwiſe miſbehave themſelves; and ſuch other Buildings as the ſaid Directors ſhall find neceſſary for executing the Purpoſes of this Act: Which ſaid Buildings ſhall be called by the general Name of** The Houſe of Induſtry in the Iſle of Wight; **and the ſaid Directors ſhall keep the Buildings ſo erected as aforeſaid in good Repair, and, from Time to Time, alter or enlarge the ſame, in ſuch Manner as ſhall be thought convenient; and that the Expence of erecting or preparing ſuch Houſes or Buildings, and keeping the ſame in Repair, ſhall be defrayed out of the Money ariſing, and to ariſe, by virtue of this Act.**

Directors to ſuperintend the Building;

XIX. **And be it further enacted by the Authority aforeſaid, That the ſaid Directors, or any Seven or more of them, ſhall be, and they are hereby declared to be, a Committee to direct and ſuperintend the ſaid Buildings, until the ſame ſhall be finiſhed: And the ſaid Committee ſhall enter all their Proceedings in a Book or Books to be kept for that Purpoſe, and ſhall and may, by Order under their Hands, or the Hands of any Four or more of them, at a publick Meeting aſſembled, order any Sum or Sums of**

Money to be paid by the Treaſurer or Treaſurers out of the Money remaining in his or their Hands for the Purpoſes of this Act; and ſuch Order or Orders ſhall be, and is and are hereby declared to be, a Diſcharge to the Treaſurer or Treaſurers for any Money by him or them reſpectively paid.

and provide Furniture and Materials.

XX. And be it further enacted by the Authority aforeſaid, That the ſaid Directors of the Poor within the ſaid Iſland ſhall and may, within Three Months next after ſuch Houſe or Houſes ſhall be finiſhed, provide and furniſh the ſame with all neceſſary Furniture, Houſehold Goods, and Utenſils, and ſhall alſo provide a convenient Stock of Flax, Hemp, Wool, Cotton, Thread, Iron, Stone, Wood, Leather, or other Materials, for the Employment of the Poor received into ſuch Houſe or Houſes; and for that Purpoſe only, may ſet up, uſe, and occupy, any Trade, Myſtery, or Occupation whatſoever, in ſuch Houſe or Houſes.

When Buildings are finiſhed,

a General Meeting to be called,

XXI. And be it further enacted by the Authority aforeſaid, That when and ſo ſoon as the ſaid Buildings ſhall be compleated, and properly fitted up and furniſhed, for the Reception of the ſaid poor Perſons, as aforeſaid, there ſhall be from Time to Time elected, in Manner herein-after mentioned, the Number of Thirty-ſix of the ſaid Guardians, to be the acting Guardians during ſuch Time as herein-after directed; and for that Purpoſe, the ſaid Directors ſhall call a General Meeting of all the Guardians of the Poor in the ſaid Iſle of Wight, and the Clerk for the Time being of the ſaid Guardians ſhall give at leaſt Six Weeks previous Notice of the Time and Place of ſuch General Meeting, by cauſing Notices thereof in Writing to be affixed at the principal Door of the ſeveral Pariſh Churches in the ſaid Iſland, to the Intent that the ſeveral Perſons aſſeſſed to the Poor within their ſaid ſeveral Pariſhes may aſſemble and meet at their ſeveral and reſpective Pariſh Churches, at ſuch Day and Time as ſhall in ſuch Notice be expreſſed, not later than Three Weeks after the Time of giving ſuch Notice, in order to proceed to the Election of ſuch Number of Perſons, qualified as Guardians, reſident in ſuch Pariſh, (if ſo many can be there found, if not, any Perſon or Perſons, qualified as aforeſaid out of ſuch Pariſh), as ſhall be in the Proportion of One Guardian for every Sixty Pounds which ſuch Pariſh ſhall then be aſſeſſed to the Poor, the Names of which Guardians ſo elected ſhall, by the Churchwarden or Churchwardens of the ſaid ſeveral and reſpective Pariſhes, be ſet down in Writing, and delivered or tranſmitted to the Treaſurer or Treaſurers for the Time being of the ſaid Corporation, at leaſt Ten Days before the Day fixed for ſuch General Meeting; at which ſaid General Meeting the ſaid Directors ſhall ſet down in Writing ſuch Number of Guardians as ſhall, out of the Number of Thirty-ſix acting Guardians, to be elected as herein-after mentioned, be the juſt and proper Number of Guardians to be allotted as Repreſentatives or Repreſentative of each ſuch Pariſh, in proportion to the Sum aſſeſſed upon each ſuch Pariſh as aforeſaid; and thereupon the ſaid Directors and Guardians, preſent at ſuch General Meeting, ſhall, beginning with the ſaid ſeveral Pariſhes in an Alphabetical Order, elect by Ballot, out of the whole Number of Guardians ſo returned by each reſpective Pariſh, ſuch Number to be the acting Guardian or acting Guardians for ſuch Pariſh as ſhall be ſo ſet down by the ſaid Directors to be the proper Proportion of ſuch Pariſh, in the ſaid Number of Thirty-ſix Guardians; which ſaid Thirty-ſix Guardians ſo elected ſhall be and continue acting Guardians, until ſuch new ſucceeding acting Guardians ſhall be elected in their Place and Stead, on the Tueſday in Eaſter Week then next following, as herein-after directed, and not longer.

to elect acting Guardians.

A General Meeting to be held on *Tueſday* in *Eaſter* Week yearly, for electing Guardians.

XXII. And be it further enacted, That after the ſaid General Meeting for electing ſuch Thirty-ſix acting Guardians ſhall be had, a like General Meeting ſhall be held on the Tueſday in Eaſter Week in every Year, for electing Thirty-ſix other Guardians in the Place and Stead of the acting Guardians of the preceding Year, in order to which annual Election ſuch Number of Guardians ſhall be elected in Manner aforeſaid, by the ſaid ſeveral Pariſhes, on the Firſt Monday in the Month of March in every Year, and be, in like Manner, tranſmitted by the Churchwarden or Churchwardens of the ſeveral and reſpective Pariſhes, where ſuch Election is to be made, to the Treaſurer or Treaſurers for the Time being of the ſaid Corporation, at leaſt Ten Days before the ſaid General Meeting, when the ſaid Directors and Guardians there aſſembled ſhall proceed, (in ſuch Form and Manner as before is directed to be obſerved at the ſaid Firſt General Meeting for electing the acting Guardians), to elect the Thirty-ſix acting Guardians for a Year then commencing, and to end the Tueſday in Eaſter Week in the Year following.

Proviſo.

XXIII. Provided always, and be it further enacted, That in caſe any Pariſh or Pariſhes ſhall neglect or refuſe to make out and return a Liſt of Perſons to be acting Guardians, in Manner before directed, that then it ſhall and may be lawful to and for the Directors and acting Guardians, preſent at the ſaid General Meeting, to proceed, by way of Ballot, to the Choice of One or more Perſon or Perſons, qualified as aforeſaid, either reſident in or living out of ſuch Pariſh or Pariſhes, to be the Repreſentative or Repreſentatives of ſuch Pariſh or Pariſhes ſo neglecting or refuſing to make out and return ſuch Liſt or Liſts as aforeſaid.

Small Pariſhes to join in the returning Repreſentatives.

XXIV. Provided always, and be it further enacted, That if the Aſſeſſment upon any Pariſh within the ſaid Iſland ſhall be ſo ſmall as not to intitle ſuch Pariſh to be repreſented by One of the ſaid Thirty-ſix acting Guardians, every ſuch Pariſh ſhall join and act with ſuch contiguous Pariſh or Pariſhes as the Directors ſhall ſee fitting, or by the Notice or Notices to be given to ſuch Pariſh or Pariſhes of the ſaid Firſt General Meeting for electing the ſaid Thirty-ſix Guardians ſhall be directed, as well in electing of the ſaid Guardians to be returned to the ſaid Treaſurer or Treaſurers of the ſaid Corporation, previous to the ſaid Firſt General Meeting, as alſo at every future Election of Guardians for the ſame Purpoſe, until the ſaid Directors and acting Guardians for the Time being ſhall ſee Cauſe to join the ſame with ſome other Pariſh or Pariſhes for greater Convenience, which they ſhall have Power to do as they ſhall ſee Occaſion.

Directors and acting Guardians to make Orders;

XXV. And be it further enacted by the Authority aforeſaid, That the ſaid Directors and acting Guardians for the Time being ſhall have, and they are hereby declared to have, full Power and Authority to make, from Time to Time, ſuch Bye-laws, Rules, Orders, and Conſtitutions, as well for the better governing the ſaid Corporation, as for the better governing, employing, and ſupporting, the ſaid poor Perſons in the ſaid Iſland, and for the carrying on any Trade that ſhall be ſet on Foot for the Employment of the ſaid Poor, and for other the Ends and Purpoſes of this Act; and from Time to Time afterwards to repeal, alter, or amend ſuch Bye-laws, Rules, Orders, or Conſtitutions, as to them the ſaid Directors and acting Guardians ſhall ſeem meet, ſo that ſuch Bye-laws, Rules, Orders, and Conſtitutions, are not repugnant to the Laws of the Land.

Fifteen being preſent.

XXVI. Provided always, That not leſs than Fifteen of the ſaid Directors and acting Guardians together, (Five of which Number at leaſt to be Directors) ſhall be preſent at every Meeting, for the Purpoſe of making Bye-laws, Rules, Orders, or Conſtitutions; and the major Part of the ſaid Directors and acting Guardians then preſent, (of which major Part Five at the leaſt to be Directors), ſhall give their Aſſent to ſuch Bye-laws, Rules, Orders, or Conſtitutions; and that no ſuch Bye-laws, Rules, Orders, or Conſtitutions ſhall be deemed valid until they have been approved and confirmed by a Judge of Aſſize.

Quarterly Meetings.

XXVII. And be it further enacted, That after ſuch Directors and acting Guardians ſhall be choſen as aforeſaid, the ſaid Directors and acting Guardians ſhall hold Four General Quarterly Meetings in every Year, on the Four ſeveral Days following; (that is to ſay), The Tueſday in Eaſter Week, the Tueſday next after the Feaſt of Saint John the Baptiſt, the Tueſday next after the Feaſt of Saint Michael the Archangel, and the Tueſday next after the Feaſt of the Nativity of our Lord Chriſt; the Firſt of which ſaid Quarterly Meetings ſhall be held at the Sun Inn in Newport aforeſaid, and the ſubſequent Meetings at ſuch Place as the Directors and acting Guardians, preſent at the preceding General Quarterly Meeting, from Time to Time, ſhall direct and appoint.

Vacancies in Directors to be filled up on *Tueſday* in *Eaſter* Week.

XXVIII. And be it further enacted, That the Directors, preſent at the General Quarterly Meeting to be held on Tueſday in Eaſter Week in every Year, ſhall fill up, by Ballot, all ſuch Vacancies as ſhall have happened in the Twenty-four Directors, by Death, Removal, or Refuſal of acting, as well as ſuch Vacancies as ſhall then happen by the going out of Directors, by Ballot, as aforeſaid; and at the ſaid General Meeting in Eaſter Week the Directors and acting Guardians then preſent ſhall examine and audit the Treaſurer's Accounts; and ſhall then, by Ballot, re-elect the ſame Perſon or Perſons, or any other Perſon or Perſons, to be Treaſurer or Treaſurers for the following Year; and ſo from Year to Year, on every ſucceeding Tueſday in Eaſter Week for ever.

Vacancies in Directors or Guardians, how to be filled up.

XXIX. Provided alſo, and be it further enacted, That at any of the ſaid General Quarterly Meetings herein-before directed to be held, other than the General Meeting on the Tueſday in Eaſter Week, the Directors preſent at ſuch Meetings ſhall and may fill up, by Ballot, amongſt themſelves, any Vacancies that may have happened in the Twenty-four Directors, either by Death, Removal, or refuſing to act; and the Directors and acting Guardians preſent at ſuch Meetings ſhall and may, out of the Liſt of Candidates at the laſt preceding Election of acting Guardians, fill up, by Ballot, any Vacancies that may have happened in the Thirty-ſix acting Guardians, either by Death, or Removal, or refuſing to act; but no ſuch Director or acting Guardian, ſo to be elected to fill up any Vacancy, ſhall continue Director or acting Guardian for any longer Time than the Perſon in whoſe Place he ſhall be elected might or ought to have continued by virtue of this Act.

Committees for each Quarter;

XXX. And be it further enacted, That the ſaid Directors and acting Guardians ſhall, at the ſaid Meeting to be held on the Tueſday in Eaſter Week, appoint Twenty-one Directors and acting Guardians together, (Five of which Number at the leaſt to be Directors), for each Quarter of the ſucceeding Year, to inſpect, direct, manage, and provide for the ſaid poor People in ſuch reſpective Houſe or Houſes; and for that Purpoſe the ſaid Twenty-one Directors and acting Guardians, or any Five or more of them, whereof Two to be Directors, ſhall, in the reſpective Quarter of the Year for which they ſhall be appointed as aforeſaid, meet at the ſaid Houſe or Houſes, to be built for the Reception of the Poor aforeſaid, every Saturday Morning, or oftener, if it ſhall be neceſſary, together with the Clerk for the Time being; and ſuch of them as ſhall be there preſent ſhall and may give ſuch Directions as they ſhall think proper for the Employment, Maintenance, and Relief of the Poor in ſuch Houſe or Houſes, and for carrying into Execution ſuch Rules, Orders, and Conſtitutions, and ſuch Powers and Authorities, as ſhall be, from Time to Time, made and granted by the ſaid Directors and acting Guardians.

Their Power.

Penalties on Non-attendance of Committees each Month.

XXXI. Provided alſo, and be it further enacted, That the ſaid Twenty-one Directors and acting Guardians, ſo to be from Time to Time appointed as aforeſaid, for each and every Quarter in the Year, may, and they are hereby authoriſed, by Agreement amongſt themſelves, to ſubdivide themſelves into Committees of Seven, to act for each Month in each Quarter, but ſo as not to preclude any of ſuch Twenty-one from being preſent, or voting at any ſuch weekly or other Meeting aforeſaid; and if there ſhall not be preſent at any Meeting, ſo appointed to be held, Five Directors and acting Guardians together, (Two whereof ſhall be Directors), every Director who, by any ſuch Agreement as aforeſaid, ought to have attended, and ſhall be abſent, ſhall, for every ſuch Offence, forfeit the Sum of Twenty Shillings; and every Guardian, who, by any ſuch Agreement as aforeſaid, ought to have attended, and ſhall be abſent, ſhall, for every ſuch Offence, forfeit the Sum of Ten Shillings; to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Director or acting Guardian, by Warrant under the Hand and Seal of any One Juſtice of the Peace for the ſaid County of Southampton, acting in and for the Diviſion of the Iſle of Wight; and ſuch Forfeiture ſhall be paid to the Treaſurer of the ſaid Guardians, and added by him to the Common Stock, for the Uſe of the Poor.

Accounts to be ſettled and laid before a Special Seſſions.

XXXII. And be it further enacted by the Authority aforeſaid, That at the ſaid Four General Quarterly Meetings the ſaid Twenty-one Directors and acting Guardians for the preceding Quarter reſpectively ſhall ſettle their Accounts, and, from Time to Time, ſhall cauſe the ſame to be delivered by their Treaſurer or Clerk for the Time being, or other Officer, to One of the Clerks of the Juſtices of the Peace for the County of Southampton, amptor, acting for the Diviſion of the Iſle of Wight; which Juſtices ſhall, and are hereby impowered, to hold a Special Seſſions Four Times in the Year; that is to ſay, Once in each Quarter, on the Tueſday in the Week next enſuing each of the ſaid Four General Quarterly Meetings, to audit the ſaid Accounts; and the Clerk of the ſaid Juſtices ſhall lay the ſame before the Juſtices of the Peace, at ſuch Seſſions, to be by the ſaid Juſtices examined, audited, and finally paſſed, for which a Fee of Ten Shillings and Sixpence, and no more, ſhall be paid to the Clerk of the ſaid Juſtices, or his Deputy; and no other Fee or Reward ſhall be paid to, or be had, received, or taken, by the Clerk of the ſaid Juſtices, or his Deputy, or any other Perſon or Perſons, under any Pretext whatſoever: Provided, that the Juſtices holding ſuch Seſſions, or any or either of them, ſhall not have acted in the Capacity of Director during the Time for which ſuch Accounts are to be paſſed.

Fifteen Directors to be preſent.

XXXIII. Provided always, and be it enacted by the Authority aforeſaid, That at all ſuch Four General Quarterly Meetings by this Act directed to be held, not leſs than Fifteen of the ſaid Directors and acting Guardians together, (Five of which Number at the leaſt ſhall be Directors) ſhall be preſent; and the major Part ſo aſſembled, of which major Part Five at the leaſt ſhall be Directors, ſhall give their Aſſent to every Order made at ſuch Meeting.

Aſſeſſments.

XXXIV. And for the better Security of ſuch Sums of Money as ſhall be borrowed by virtue of this Act, and for providing for the Poor to be employed or relieved in ſuch Houſe or Houſes, and for defraying the other Expences of this Act, be it further enacted by the Authority aforeſaid, That, after the ſaid Houſe or Houſes ſhall be erected and finiſhed for the Reception of the ſaid Poor as aforeſaid, the ſaid Directors and acting Guardians ſhall and may, and they are hereby impowered, at the ſaid General Quarterly Meetings, to aſſeſs ſuch Sum and Sums of Money, not exceeding the reſpective Rates herein-after mentioned, upon the ſeveral Pariſhes and Places within the ſaid Iſland, as they the ſaid Directors and acting Guardians ſhall judge neceſſary for paying the Intereſt due on the ſaid Debt, and for defraying the Expences of the current Quarter, and for and towards paying off and diſcharging the ſaid principal Debt; and ſuch Aſſeſſments being delivered to the Clerk of the Juſtices of the Peace for the County of Southampton, acting for the Diviſion of the Iſle of Wight, at a Special Seſſions to be held for that Purpoſe, and being allowed by the Juſtices of the Peace at ſuch Seſſions aſſembled, (for which Delivery and Allowance no Fee or Reward whatſoever ſhall be had, received, or taken, by any Perſon or Perſons whomſoever) the ſaid Directors and acting Guardians for the Time being, or any Three or more of them, (whereof One to be a Director) ſhall be, and they are hereby impowered to iſſue Warrants, under the Seal of the ſaid Corporation, to the Churchwardens or Overſeers of the Poor, in all and every of the ſeveral Pariſhes and Places within the ſaid Iſland, requiring ſuch Churchwardens or Overſeers to pay at ſome particular Time and Place, to be ſpecified in the ſaid Warrants, the Sums ſo aſſeſſed upon the ſaid ſeveral Pariſhes and Places reſpectively, to the Treaſurer or Treaſurers of the ſaid Guardians for the Time being, whoſe Receipt for the ſame ſhall be a legal Diſcharge to ſuch reſpective Churchwardens and Overſeers of the Poor; and, for raiſing the Sums ſo aſſeſſed by the ſaid Directors and acting Guardians, ſuch reſpective Churchwardens and Overſeers of the Poor ſhall, from Time to Time, and they are hereby required, with as much Equality and Indifference as is poſſible, to raiſe, by Taxation of every Inhabitant, Parſon, Vicar, and others, and of every Occupier or Renter of any Land, Houſe, Tithe Impropriate, and Propriations of Tithes, in their reſpective Pariſhes and Places, ſo much Money as ſhall be aſſeſſed upon ſuch reſpective Pariſhes and Places by the ſaid Directors and acting Guardians, in ſuch and the like Manner as Money for the Relief of the Poor is by the Laws now in being to be raiſed, with ſuch and the like Remedy to Perſons aggrieved, by way of Appeal, as is given concerning Rates or Aſſeſſments made for the Relief of the Poor by the Laws now in being; for all which Sums of Money ſo aſſeſſed and received by the ſaid Churchwardens and Overſeers of the Poor, in caſe of any Deficiency, the Pariſhioners and Inhabitants of the ſaid reſpective Pariſhes and Places wherein ſuch Sums of Money ſhall be ſo aſſeſſed or received, ſhall be anſwerable, and ſhall be compellable to pay the ſame upon a Reaſſeſſment, which in that Caſe is hereby directed to be made by the Directors and acting Guardians aſſembled at any General Quarterly Meeting; and ſuch Taxes and Aſſeſſments, and alſo ſuch Reaſſeſſments, ſhall be levied and recovered in ſuch and the like Manner as Money aſſeſſed for the Relief of the Poor is, by the Laws now in being, to be levied and recovered.

Not to exceed One Year's Rate upon a Medium from *Eaſter*.

XXXV. Provided always, That the Sums to be aſſeſſed by the ſaid Directors and acting Guardians, at their General Quarterly Meetings, upon any One of the ſaid Pariſhes or Places, ſhall not exceed in any One Year the Sum which ſhall have been rated or aſſeſſed for the Relief of the Poor in ſuch reſpective Pariſhes or Places in One Year, upon a Medium, to be drawn from Eaſter, One thouſand ſeven hundred and ſixty-three, to Eaſter, One thouſand ſeven hundred and ſeventy.

Principal Money borrowed to be paid off,

XXXVI. And, for the more regular diſcharging of ſuch Sum and Sums of Money as ſhall be borrowed upon the Credit of this Act, and the Intereſt for the ſame, be it further enacted, That One equal Moiety or Half Part of all ſuch Sum and Sums of Money as ſhall yearly, and every Year, be ſaved out of the Rates and Aſſeſſments to be raiſed and levied by virtue of this Act, and the Profits of the Work of the Poor, and ſhall remain in the Hands of the Treaſurer of the ſaid Corporation upon ſettling his annual Accounts, ſhall go and be applied yearly, and every Year, towards the paying off and diſcharging ſuch Sum and Sums of Money as ſhall be borrowed upon the Credit of this Act, until the Whole of ſuch Monies ſhall be paid off and diſcharged; and that the other Moiety or Half Part of the Monies which ſhall be ſo ſaved as aforeſaid, ſhall yearly, and every Year, be applied to leſſen and reduce the Rates and Aſſeſſments to be made for the Relief of the Poor within the ſaid Iſland, below the Average or Medium Rates, from Eaſter, One thouſand ſeven hundred and ſixty-three, to Eaſter, One thouſand ſeven hundred and ſeventy, in an equal Degree, and in Proportion to the Rates which ſhall be levied upon the reſpective Pariſhes within the ſaid Iſland.

Director or Guardian may order Relief, till the next Weekly Meeting.

XXXVII. And whereas it may happen, that, by Caſualties or ſudden Illneſs, ſeveral poor Perſons may ſtand in need of an immediate Relief, before Application can be made for the ſame at the Weekly Meetings to be held in purſuance of this Act; for Remedy whereof, be it enacted by the Authority aforeſaid, That it ſhall and may be lawful, at any Time or Times, for any Director or acting Guardian, upon Application made to him, or upon his own Knowledge of the Fact, and Neceſſity of the Caſe, by Writing under his Hand, to order the Churchwarden or Churchwardens, Overſeer or Overſeers of the Poor, for any Pariſh, Place, or Diſtrict, within which any poor Perſon ſhall, from any Caſualty, Accident, or ſudden Illneſs, ſtand in need of an immediate Aſſiſtance and Support, forthwith to pay unto every ſuch poor Perſon any reaſonable Sum or Sums of Money for his or her Support, until the next Weekly Meeting of the Committee of Directors and acting Guardians ſhall be held in purſuance of the Directions in this Act; which ſaid Sum or Sums of Money ſuch Churchwarden or Churchwardens, Overſeer or Overſeers, ſhall immediately pay and apply, in ſuch Manner as ſuch Director or acting Guardian ſo ordering the ſame ſhall direct, out of the Monies collected, or to be collected, by him or them, for the Purpoſes of this Act, and ſhall be allowed the ſame in his or their Accounts; and the ſaid Churchwarden or Churchwardens, Overſeer or Overſeers, upon whom any ſuch Order or Orders ſhall be made by ſuch Director or acting Guardian as aforeſaid, ſhall attend at the next Weekly Meeting of the ſaid Committee of Directors and acting Guardians, and lay before the ſaid Committee the State and Circumſtances of the Perſon or Perſons ſo ordered to be relieved, when the ſaid Committee ſhall give ſuch further Directions for the Maintenance and Relief of ſuch poor Perſon or Perſons as to them ſhall ſeem expedient.

Two Juſtices may order temporary Relief.

XXXVIII. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for Two or more of His Majeſty's Juſtices of the Peace of the ſaid County of Southampton, acting in and for the Diviſion of the Iſle of Wight, by Warrant under their Hands and Seals, to order the Directors and acting Guardians to grant ſuch Relief as to them ſhall ſeem meet to any induſtrious poor Perſons who ſhall have Occaſion to apply for the ſame.

Proviſo.

XXXIX. Provided always, That no ſuch Order, for the Relief of any poor Perſon or Perſons within the ſaid Iſland, ſhall be made by any ſuch Two or more Juſtices as aforeſaid, until ſuch poor Perſon or Perſons ſhall have applied, or cauſed Application to be made, for ſuch Relief, at ſome Weekly Meeting of the Committee of Directors and acting Guardians, to be held in purſuance of this Act, and ſuch Relief ſhall at ſuch Weekly Meeting have been refuſed, and the Perſon or Perſons ſo applying for the ſame ſhall have been denied Admittance into the ſaid Houſes.

Churchwardens, &c. to attend at Firſt Meeting, &c.

XL. And be it enacted, That the Churchwardens and Overſeers of the Poor, or One of them, or ſome Perſon for them, for each reſpective Pariſh or Place within the ſaid Iſland, ſhall, and they are hereby required, upon Notice in Writing, ſigned by Three of the ſaid Guardians, being delivered to them reſpectively, or left at their reſpective Places of Abode, at leaſt Two Days before the Firſt Meeting of the ſaid Guardians, to attend the ſaid Firſt Meeting, with the Books in which the Accounts of the Overſeers of the Poor for Seven Years, from Eaſter One thouſand ſeven hundred and ſixty-three to Eaſter One thouſand ſeven hundred and ſeventy, have been entered; and where no ſuch Books ſhall be kept, with the original Rates for the Maintenance of the Poor; and ſhall leave in the Cuſtody of the Preſident or Chairman, who ſhall be choſen at ſuch Meeting, ſuch Books and Rates, together with an Account of all ſuch other Sums of Money, not included in the ſaid Rates, as ſhall have been expended within the ſaid Seven Years by ſuch Churchwardens or Overſeers reſpectively, for the Relief of the Poor in any ſuch Pariſh or Place; and ſuch Preſident or Chairman ſhall deliver ſuch Books, Rates, and Accounts, to the Directors, who ſhall be then alſo elected, to the End that they may examine the ſame, and fix and aſcertain the Proportions to be obſerved in aſſeſſing the ſaid reſpective Pariſhes and Places, at the ſaid General Quarterly Meetings; and ſuch Directors ſhall return ſuch Books, Rates, and Accounts, to the ſaid Churchwardens and Overſeers, whenever they or any of them reſpectively ſhall demand the ſame, after the Expiration of Thirty Days from the Delivery thereof to ſuch Preſident or Chairman: And in caſe all or any of ſuch Accounts or original Rates for any Pariſh or Pariſhes, Place or Places, ſhall not be produced at ſuch Firſt Meeting of the ſaid Guardians, ſuch Directors may notwithſtanding aſſeſs ſuch Pariſh or Pariſhes, Place or Places, at their Diſcretion, but as equally as they can, in like Proportion with other Pariſhes and Places; Regard being had to the Value of ſuch Pariſh or Pariſhes, Place or Places, and to the Number of the Poor uſually maintained therein.

Churchwardens, &c. to aſſiſt and obey the Orders of Guardians:

Penalty on Neglect.

XLI. And be it further enacted, That the Churchwardens, Overſeers of the Poor, and Conſtables, or other Pariſh Officers, for the Time being, of all and every the Pariſhes, Diviſions, and Precincts, within the ſaid Iſland, ſhall, from Time to Time, and at all Times hereafter, aid and aſſiſt the ſaid Guardians, Directors, and acting Guardians, to the beſt of their Power; and ſhall at all Times obey their Warrants and reaſonable Orders relative to the Execution of this Act: And in caſe any Churchwarden or Overſeer of the Poor, or Conſtable, or other Officer, ſhall refuſe or neglect to raiſe and levy the Sums ſo aſſeſſed upon his reſpective Pariſh or Place, or to pay at the Time and Place appointed the Money ſo collected and levied, or to obey any ſuch Warrants or Orders, every ſuch Churchwarden, Overſeer, Conſtable, or Officer, ſo neglecting or refuſing, ſhall be ſummoned, by Writing, under the Hands of any Three Directors or acting Guardians, to appear at the next General Quarterly Meeting of the ſaid Directors and acting Guardians, to be holden as aforeſaid; and if ſuch Churchwarden, Overſeer of the Poor, Conſtable, or other Officer ſo ſummoned, ſhall neglect or refuſe to appear at ſuch General Quarterly Meeting, or if appearing, he or any of them ſhall not ſufficiently excuſe or juſtify him or themſelves, but ſhall, in the Judgement of the major Part of the ſaid Directors and acting Guardians, aſſembled at ſuch General Quarterly Meeting, be adjudged guilty of diſobeying ſuch Warrant or Warrants, Order or Orders; that then, and in every ſuch Caſe, all and every Perſon and Perſons ſo adjudged guilty as aforeſaid, ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds; to be levied by Diſtreſs and Sale of the Offender's Goods, by Warrant under the Hand and Seal of any One Juſtice of the Peace for the ſaid County of Southampton, acting for the Diviſion of the Iſle of Wight; and ſuch Forfeitures ſhall be paid to the Treaſurer or Treaſurers of the ſaid Guardians, and added by him to the Common Stock for the Uſe of the Poor: But if any ſuch Churchwarden, Overſeer of the Poor, Conſtable, or other Officer, ſo offending and convicted as aforeſaid, ſhall think himſelf aggrieved, that then it ſhall and may be lawful for ſuch reſpective Officer to appeal to the next General Quarter Seſſions to be holden for the ſaid County at Wincheſter, againſt the Judgement of the ſaid General Quarterly Meeting; and the Juſtices of the Peace for the ſaid County, at the ſaid Seſſions aſſembled, ſhall and may hear and determine ſuch Appeal, and may mitigate or ſet aſide ſuch Penalties, in ſuch Manner, and award ſuch reaſonable Coſts as they ſhall think proper, and the Judgement of ſuch Juſtices at ſuch Quarter Seſſions ſhall be final, without any other Appeal.

Churchwardens, &c. if aggrieved, may appeal.

Penalty if no Meeting held.

XLII. And be it further enacted by the Authority aforeſaid, That if the ſaid Directors and acting Guardians ſhall neglect or refuſe to hold any ſuch Quarterly or Annual Meeting or Meetings, every Director and acting Guardian failing in his Duty therein, ſhall, for every ſuch Default, forfeit the Sum of Forty Shillings; to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Director or acting Guardian, by Order of the next Seſſions to be holden in purſuance of this Act, for auditing the Directors and Guardians Accounts, unleſs a ſufficient Reaſon ſhall be given on the Behalf of ſuch Director or acting Guardian, to be allowed by ſuch Seſſions; and if there ſhall not appear a ſufficient Number of Directors and acting Guardians at any of ſuch Quarterly or Annual Meetings, ſuch neceſſary Rate ſhall be ordered to be made by any Two Juſtices of the Peace of the ſaid County acting in and for the Diviſion of the ſaid Iſland; and in caſe no ſuch Order is made within One Month from the Time when ſuch Quarterly Meeting ſhould have been held, the ſame Proportion ſhall be rated, aſſeſſed, and raiſed, in ſuch reſpective Pariſhes and Places, by the reſpective Churchwardens and Overſeers of the Poor for the enſuing Quarter, as was raiſed in the preceding Quarter, and ſhall be paid to the ſaid Treaſurer in ſuch Manner as is herein-before mentioned, with reſpect to the taxing, aſſeſſing, collecting, recovering, and paying of the Sums aſſeſſed by the ſaid Directors and acting Guardians.

Guardians to grant Certificates.

XLIII. And be it further enacted by the Authority aforeſaid, That after the Poor are under the Government of the ſaid Guardians, at the Time appointed by this Act, it ſhall and may be lawful to and for the ſaid Directors and acting Guardians of the Poor, at any of their General Quarterly Meetings, aſſembled as aforeſaid, to grant Certificates under the Common Seal of the Corporation to any Perſon whoſe legal Settlement ſhall be in any Pariſh or Place within the ſaid Iſle of Wight, and who ſhall be willing to remove, or ſhall have removed out of the ſaid Iſland; which reſpective Certificates, under the Common Seal of the ſaid Guardians, and atteſted by their Clerk for the Time being, and ſigned by Two Juſtices of the Peace, as Certificates are now by Law directed to be, ſhall be good and valid to all Intents and Purpoſes, and no other Certificates whatſoever to be granted within the ſaid Iſland ſhall be valid or of any Effect; any Law, Statute, or Cuſtom, to the Contrary notwithſtanding.

Certificates to be delivered to the Clerk.

XLIV. And be it further enacted by the Authority aforeſaid, That as ſoon as the ſaid Poor are under the Government of the ſaid Guardians, as aforeſaid, all Certificates which have been delivered to and remain in the Cuſtody of the reſpective parochial Officers, by Perſons reſiding within the ſaid Iſland, ſhall be delivered forthwith; and all Certificates which hereafter ſhall be delivered to the reſpective parochial Officers by Perſons coming to reſide, or reſiding within the ſaid Iſland, ſhall be from Time to Time delivered, within the Space of Fourteen Days after the Receipt thereof by ſuch Officer, to the Clerk to the ſaid Guardians for the Time being, who ſhall cauſe the ſame to be filed, ſo that Reference may be had thereto at any future Time.

Pariſhes to maintain the Poor not producing Certificates.

XLV. And be it further enacted by the Authority aforeſaid, That if the Overſeers of any Pariſh within the ſaid Iſland ſhall ſuffer any Perſon, having a Wife, Child, or Children, whoſe legal Settlement ſhall not be in any Pariſh within the ſaid Iſland, to inhabit within their Pariſh for the Space of Thirty Days, without producing ſuch Certificate as aforeſaid, and ſuch Perſon, or his Wife or Family, ſhall become chargeable, that then the Overſeers of the Poor of ſuch Pariſh, being convicted thereof upon the Complaint of any Two or more of the ſaid Guardians, before any One Juſtice of the Peace for the ſaid County of Southampton, acting for the Diviſion of the ſaid Iſle of Wight, and Proof being made by the Oath of One credible Witneſs, that ſuch Perſon was reſident in ſuch Pariſh with their Privity, ſhall forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, at the Diſcretion of ſuch Juſtice, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Overſeers of the Poor, or any or either of them, by Warrant under the Hand and Seal of the ſaid Juſtice; and the Forfeiture ſo levied ſhall be paid to the Treaſurer of the ſaid Guardians, and be added by him to the Common Stock, for the Uſe of the ſaid Corporation; and that all Charges and Expences whatſoever, incident to or attending the Removal of any poor Perſons to or from the ſaid Iſland, ſhall be paid by the Treaſurer of the ſaid Corporation out of the Common Fund.

Bonds relating to Baſtard Children to be delivered to Guardians.

XLVI. And be it further enacted, That all Bonds already given to parochial Officers within the ſaid Iſland by private Perſons, to indemnify the Pariſhes from any Charge that may ariſe from particular Baſtard Children, ſhall be delivered likewiſe by ſuch reſpective Officers to the ſaid Guardians of the Poor; and it ſhall and may be lawful for the ſaid Guardians to ſue on ſuch Bonds in their Corporate Name, and they ſhall recover the Penalties thereof, as if ſuch Bond had been originally made to them: And all Bonds hereafter to be given for the ſame or any the like Purpoſes, as aforeſaid, ſhall be made to the ſaid Guardians of the Poor; any Law, Statute, or Cuſtom, to the Contrary notwithſtanding.

Voluntary Contributions how to be applied.

XLVII. And be it further enacted by the Authority aforeſaid, That all voluntary Contributions which well-diſpoſed and charitable Perſons ſhall think proper to make, towards the carrying on the good Purpoſes hereby intended, ſhall be paid to and received by the Treaſurer of the ſaid Guardians, and be applied and diſpoſed of in ſuch Manner, for the Maintenance, Cloathing, Employment, Accommodation, and Benefit of the Poor in ſuch Houſe or Houſes as the Contributor and Contributors ſhall direct and appoint: And if no particular Direction or Appointment ſhall be given or made touching the Application of ſuch Contributions, the ſame ſhall be made Part of the Common Stock, and applied for the general Purpoſes of this Act; and a Liſt of the Names of ſuch Contributors, and an Account of the Sums by them contributed, ſhall be affixed in the moſt conſpicuous Part of the ſaid Houſe or Houſes.

Appointment of Steward, &c.

XLVIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Directors and acting Guardians, at a General Quarterly Meeting aſſembled, from Time to Time, to appoint One or more Governors or Stewards to overſee and inſpect the Perſons ſo maintained in ſuch Houſe or Houſes, who ſhall be a Member or Members of the Church of England, well recommended for Sobriety, Honeſty, and Diligence, and who ſhall be capable of reading, writing, and caſting Accounts; and alſo any Woman or Women, who ſhall be maintained by the ſaid Guardians, or any other Woman or Women, as to the ſaid Directors and acting Guardians ſhall ſeem moſt expedient, as a Matron or Matrons to attend and ſuperintend the Poor in ſuch Houſe or Houſes, under the Direction of ſuch Governors or Stewards of the Poor in ſuch Houſe or Houſes; and ſuch Governors or Stewards ſhall have the Care and Management of the Poor maintained in ſuch Houſe or Houſes, and ſhall from Time to Time make Reports of the Behaviour of ſuch poor Perſons who ſhall be there maintained.

and a Clergyman.

XLIX. And be it further enacted, That the ſaid Directors and acting Guardians, at any General Quarterly Meeting aſſembled, ſhall and may, from Time to Time, appoint ſome Clergyman of the Church of England to inſtruct ſuch Perſons as ſhall be maintained in ſuch Houſe or Houſes in the Principles of the Chriſtian Religion, and the Children in the Church Catechiſm, which the Governors or Stewards ſhall, Once at leaſt in every Week, hear ſuch Children repeat; and alſo to viſit the Sick, baptize the Children, bury the Dead, and perform other Offices of his Profeſſion in ſuch Houſe or Houſes: And the ſaid Directors and acting Guardians, at any General Quarterly Meeting aſſembled, ſhall, and they are hereby impowered to make ſuch Allowance to ſuch Clergyman, and Governors or Stewards, and Matron or Matrons, for their Pains and Trouble therein; and may from Time to Time diſplace or diſcharge him, her, or them, or any of them, as to them the ſaid Directors and acting Guardians, at any ſuch Meeting aſſembled, ſhall appear reaſonable; and ſhall and may pay ſuch Allowances out of the Money to be raiſed by virtue of this Act.

Poor miſbehaving to be puniſhed by Directors and acting Guardians;

L. And be it further enacted, That if any poor Perſon, maintained and relieved in the ſaid Houſe or Houſes, ſhall be guilty of profane Curſing or Swearing, or of any lewd, immoral, indecent, or diſorderly Behaviour; or ſhall neglect or refuſe to perform the Work or Services which he or ſhe ſhall be required to do, or ſhall be remiſs therein, ſuch Work or Service being ſuited to his or her Age, Strength, and Ability; every ſuch Offender ſhall and may be puniſhed by moderate Correction or Diſtinction of Dreſs; ſuch Puniſhment to be inflicted by Order of the major Part of the ſaid Directors and acting Guardians preſent at any Weekly Meeting to be held in purſuance of this Act.

or, upon Application, by a Juſtice of Peace.

LI. Provided nevertheleſs, That if the Governor or Governors ſhall make Complaint to any Juſtice of the Peace for the County of Southampton, acting in and for the Diviſion of the Iſle of Wight, againſt any idle or diſorderly Perſon or Perſons, maintained and relieved in the ſaid Houſe or Houſes, guilty of any Offence, that then it ſhall be lawful for ſuch Juſtice to commit the Offender to the Houſe of Correction for the ſaid County, at Newport in the Iſle of Wight, for any Time not exceeding One Month, or direct corporal Puniſhment only, or both corporal Puniſhment and Commitment, as ſuch Juſtice ſhall, according to the Nature of the Offence, think proper.

Penalty on purloining or making away with Implements of Work or Apparel.

LII. And be it further enacted and declared, That the Apparel with which any of the Poor (who ſhall be maintained by the ſaid Guardians) ſhall be clothed, at the Expence of the ſaid Guardians, ſhall be, remain, and continue, and be deemed and taken to be the Property of the ſaid Corporation; and in caſe any Perſon or Perſons maintained by the ſaid Guardians ſhall purloin, ſell, or pawn, any of the Materials or Implements of Work intruſted to him, her, or them, and belonging to the ſaid Corporation, or ſhall ſell or pawn any of the Apparel with which he, ſhe, or they, ſhall be clothed at the Expence of the ſaid Corporation; or in caſe any Perſon or Perſons ſhall run away or depart from ſuch Houſe or Houſes with the Cloaths or Apparel provided by or belonging to the ſaid Corporation, without the Leave of the major Part of the Directors and acting Guardians, preſent at a Weekly Meeting to be held in purſuance of this Act, upon Complaint being made thereof before any Juſtice of the Peace for the ſaid County, acting in and for the Diviſion of the Iſle of Wight, by any of the ſaid Guardians, or by the ſaid Governors or Stewards, or any of them, ſuch Juſtice of the Peace is hereby required to iſſue a Warrant for the apprehending any ſuch Offender; and, for his or her Firſt Offence, to order the Perſon ſo apprehended, being convicted thereof before ſuch Juſtice of the Peace, on the Oath of One or more credible Witneſs or Witneſſes, or on his or her own Confeſſion, to be ſent to the Houſe of Correction at Newport aforeſaid, there to remain and be kept to hard Labour for any Time not exceeding One Month; and for the Second Offence to be ſent to the ſaid Houſe of Correction for any Time not exceeding One

Month, and then to be publickly whipped; and, for the Third Offence, every ſuch Offender ſhall be deemed and taken to be guilty of Felony, and, being legally convicted thereof, ſhall ſuffer ſuch Puniſhment as Perſons convicted of Petit Larceny are liable to by the Laws now in being.

Gratuities to be allowed to the Induſtrious;

LIII. And, to the End that all the poor People in the ſaid Houſe may be encouraged to apply themſelves to ſuch Taſks in which they ſhall be employed with Diligence and Humility, be it further enacted by the Authority aforeſaid, That, out of the Profits ariſing to the ſaid Corporation from the Work which ſhall be done by ſuch poor People, ſuch Rewards ſhall be diſtributed to the Induſtrious and Skilful, in proportion to the Quantity and Perfection of their Work, as to the ſaid Directors and acting Guardians, aſſembled at any General Quarterly Meeting, ſhall appear reaſonable, ſo as no Part of the Money paid in ſuch Gratuities be expended in the Purchaſe of unwholeſome or unneceſſary Liquors, the drinking of which the Governors or Stewards, and Matron or Matrons, are hereby ſtrictly enjoined to prohibit and prevent.

and to the Governors and Matrons.

LIV. And, for inciting the Governors or Stewards, and Matron or Matrons, of ſuch Houſe or Houſes, to diſcharge the Duty of their Offices with Humanity, Diligence, and Fidelity, be it enacted, That, over and above ſuch Salaries as ſhall be aſſigned to them by the Order of the ſaid Directors and acting Guardians, they, and each of them, ſhall receive, out of the Profits of Work ſo done by the ſaid poor People, ſuch Proportion thereof as, by the ſaid Directors and acting Guardians, at a General Quarterly Meeting aſſembled, ſhall be judged proper, ſo as ſuch Gratuity ſhall not exceed Two-pence in the Pound of the Value of the ſaid Profits.

Application of the Profits of the Poor's Work.

LV. And be it further enacted by the Authority aforeſaid, That the Profits of the Work ſo done by the ſaid poor People in the ſaid Houſe or Houſes, deducting thereout ſuch Allowances and Gratuities as are herein before limited, ſhall be applied in Aid of the ſaid Rates and Aſſeſſments towards the Maintenance of the Poor within the ſaid Iſland.

Directors and Guardians may contract for employing the Poor.

LVI. Provided always, That it ſhall and may be lawful for the ſaid Directors and acting Guardians, at a General Quarterly Meeting aſſembled, from Time to Time, to contract, if they ſhall think it expedient ſo to do, with any Perſon or Perſons, for employing all or any of the poor People in the ſaid Houſe or Houſes, upon ſuch Terms and Conditions as the ſaid Directors and acting Guardians ſhall think proper, ſuch Contractor or Contractors being ſubject to ſuch Rules and Regulations as are herein-before preſcribed for the Eaſe and Benefit of the ſaid poor People, and to receive the Profits of their Labour, deducting thereout the Gratuities payable to ſuch poor People, and the Governors or Stewards, and Matron or Matrons, in Manner aforeſaid, in Part, or in full of Payment and Satisfaction for the Service to be performed by virtue of ſuch Contract, ſo as no ſuch Contract ſhall ſubſiſt or be in Force for a longer Space than One Year.

Penalty on Officers purloining Goods.

LVII. And be it further enacted by the Authority aforeſaid, That if any Governor or Steward, or other Officer appointed, or Matron, or other Perſon whatſoever employed by the ſaid Guardians, ſhall purloin, embezzle, or wilfully miſapply any of the Monies, Materials, or Implements of Work, Utenſils, Goods, or Chattels, belonging to the ſaid Corporation, every ſuch Offender ſhall not only be diſcharged from his Office, but ſhall alſo forfeit and pay the Sum of Ten Pounds, and alſo Treble the Value of ſuch Money, Materials, or Implements of Work, Utenſils, Goods, and Chattels, which ſhall be ſo purloined, embezzled, or miſapplied, to be levied in ſuch Manner as the Penalties and Forfeitures by this Act impoſed upon Overſeers of the Poor are directed to be levied, and to be applied to the Uſe of the Poor in the ſaid Houſe or Houſes; and in caſe ſufficient Diſtreſs ſhall not be found, then, and in every ſuch Caſe, it ſhall and may be lawful to and for any One Juſtice of the Peace for the ſaid County to commit ſuch Offender to the common Gaol for the ſaid County, there to remain, without Bail or Mainprize, for any Space not exceeding Six Months, nor leſs than One Month.

Guardians may apprehend idle Perſons refuſing to work, and deal with them as Vagabonds.

LVIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any of the ſaid Guardians to apprehend, or cauſe to be apprehended, all Perſons being in any Pariſh or Place within the ſaid Iſland, who, not having wherewith to maintain themſelves, live idle without Employment, and refuſe to work for the uſual and common Wages given to other Labourers in the like Work in the Pariſhes or Places where they then are, and to convey, or cauſe to be conveyed, to ſome Juſtice of the Peace for the ſaid County, acting in and for the Diviſion of the Iſle of Wight, the Perſon or Perſons ſo apprehended; and ſuch Perſon or Perſons ſo apprehended ſhall be deemed Vagabonds, and ſhall be dealt with according to the Laws which ſhall be then in Force concerning Vagabonds and other idle and diſorderly Perſons.

Juſtices to proceed upon Complaint of Directors or acting Guardians, or Governors.

LIX. And be it further enacted by the Authority aforeſaid, That in all Caſes where One or more Juſtice or Juſtices of the Peace is or are impowered, by the Laws now in being, to proceed on the Complaint of the Churchwardens and Overſeers of the Poor of any Pariſh or Pariſhes, or of any of them, it ſhall and may be lawful for ſuch Juſtice or Juſtices of the Peace, and he and they are hereby required to proceed on the Complaint of any of the ſaid Directors, or acting Guardians, Governors, or Stewards, for the Time being, in ſuch and the like Manner, to all Intents and Purpoſes, as if ſuch Complaint had been made by ſuch Churchwardens and Overſeers, or any of them.

Governors to be Peace Officers.

LX. Provided alſo, and be it further enacted by the Authority aforeſaid, That, for the better and more eaſy Execution of the Powers and Authorities in this Act contained, the Governors or Stewards for the Time being ſhall be Peace Officers in Right of ſuch Office; and that all Warrants iſſued by any Juſtice or Juſtices of the Peace in purſuance of this Act, or any-wiſe reſpecting the Government and Management of the Poor within the ſaid Iſland, ſhall and may be directed by ſuch Juſtice or Juſtices of the Peace, either to the Governors or Stewards for the Time being, or to the Conſtable or Conſtables, or other Peace Officer or Peace Officers, of the Pariſh or Place where the ſame are reſpectively to be executed; and ſuch Governors or Stewards are hereby authoriſed and required to execute ſuch Warrants ſo directed to them accordingly; and all Perſons are hereby required to be aiding and aſſiſting to ſuch Governors or Stewards in the Execution of ſuch Warrants, in the ſame Manner as if ſuch Warrants had been executed by a Conſtable or other Peace Officer.

Forfeitures given to the Poor, for Offences committed, to be paid to the Treaſurer.

LXI. And be it enacted by the Authority aforeſaid, That all Fines and Forfeitures ariſing from any Offences committed within the ſaid Iſland, where the Whole, or any Part thereof, is given to the Poor of any Pariſh, or for any Offences againſt this Act, ſhall be paid to the Treaſurer or Treaſurers to the ſaid Guardians, to the Uſe of the Poor of ſuch Houſe or Houſes.

Expences of the Act to be firſt paid.

LXII. And be it further enacted, That the Charges and Expences of procuring this Act of Parliament ſhall be paid out of the firſt Monies to be raiſed or borrowed by virtue of this Act.

Guardians to defray their own Expences.

LXIII. And be it further enacted, That the ſaid Guardians, Directors, and acting Guardians, ſhall, at their Firſt and every other ſubſequent Meeting, defray their own Charges and Expences.

No Perſon concerned in any Contract ſhall act as a Director or Guardian.

LXIV. And be it enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Director or Guardian, under the Authority of this Act, during the Time he ſhall be concerned in, or have any Contract for the Performance of any Work, or ſupplying any Neceſſaries for carrying this Act into Execution, or the ſupporting of the ſaid Poor.

Queſtions how to be determined.

LXV. And be it further enacted by the Authority aforeſaid, That at the ſaid Firſt and all and every ſubſequent Meeting of the ſaid Guardians, or any Committee of the ſaid Guardians, or any of them, and all Meetings of the ſaid Directors and acting Guardians, all Queſtions which ſhall not be directed by this Act to be determined by Ballot, or agreed to be ſo determined by ſuch Guardians and Directors, ſhall be determined by the Majority of the Perſons preſent; and, in caſe of an Equality of Votes, the Chairman of ſuch reſpective Meeting or Committee ſhall have the caſting Vote.

Directors and Guardians to give in Accounts of their Qualifications.

LXVI. Provided always, and be it further enacted, That all and every the Directors and Guardians appointed, or to be appointed, by virtue of this Act, ſhall, at the Firſt Meeting at which he or ſhe ſhall act, deliver in, or cauſe to be delivered in, in Writing, under his or her Hand, an Account of his or her Qualification, and in what Pariſh or Pariſhes, Place or Places, the ſame is or are ſituate.

No ſtrong Liquors to be brought into the Houſes.

LXVII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall convey any Spirituous or Strong Liquors into any Houſe or Houſes to be erected by virtue of this Act, ſuch Perſon or Perſons ſhall be, and he, ſhe, and they, are hereby declared to be ſubjected to ſuch and the like Pains and Penalties as are, by an Act of the Twenty-fourth Year of the Reign of His late Majeſty King George the Second, directed to be inflicted on Perſons conveying Spirituous Liquors into Priſons or Gaols.

A General Meeting to be called at the Requeſt of Five or more Guardians, poſſeſſed of 500 *l. per Annum* each.

LXVIII. Provided always, and be it enacted by the Authority aforeſaid, That if at any Time or Times hereafter Five or more of the ſaid Guardians, who ſhall be ſeiſed, in their own Right, of Lands, Tenements, and Hereditaments, lying in the ſaid Iſland, of the yearly Value of Five hundred Pounds each, ſhall deſire the Directors and acting Guardians, aſſembled at the General Quarterly Meeting next preceeding the Annual Meeting to be held in purſuance of this Act, that, at ſuch Annual Meeting a General Meeting may be held of all the Guardians by this Act incorporated; that then, and in that Caſe, the ſaid Directors and acting Guardians aſſembled at ſuch Quarterly Meeting ſhall, and they are hereby authoriſed and required to direct Notice of the holding of ſuch General Meeting to be inſerted in the Saliſbury Journal, or ſome other publick Paper circulated in the Iſle of Wight, for Four Weeks next preceding the ſaid General Annual Meeting; and that if the Perſons deſiring ſuch General Meeting ſhall make it appear to the Guardians there aſſembled that there has been any Miſmanagement or Abuſe of the Truſt repoſed in the ſaid Directors and acting Guardians, that then the Guardians then and there aſſembled, in purſuance of ſuch Notice, ſhall and may elect Directors and acting Guardians in the Room of thoſe ſo abuſing their Truſt, in ſuch and the ſame Manner, and ſubject to the ſame Rules, Orders, and Directions, as are herein-before preſcribed, both with regard to the original Election of the ſaid Directors and acting Guardians, and to the Powers and Authorities in them veſted by this Act, when ſo elected; any Thing herein contained to the Contrary notwithſtanding.

Saving Rights of Lords of Manors, *&c.*

LXIX. And be it further enacted by the Authority aforeſaid, That this Act, or any Thing therein contained, ſhall not prejudice or affect the Rights of the Lord and Lords of any Manor or Manors within the ſaid Iſle of Wight, and of the Freeholders and other Inhabitants within the ſaid Iſland, in and to all Rights of Common, or other Rights or Privileges whatſoever, in, upon, or within the ſaid Foreſt of Parkhurſt; but that ſuch Lord or Lords for the Time being, and all Perſons claiming or to claim under, or in Truſt for him or them, as Lord or Lords aforeſaid, and alſo all Freeholders and Inhabitants within the ſaid Iſland, ſhall, at all Times hereafter, hold and enjoy all Rights of Common, and other Rights and Privileges, other than and except ſuch Right of Common, and other Rights and Privileges, as can or may be claimed by them, any or either of them, upon the Land to be incloſed by virtue of this Act, in as full, ample, and beneficial Manner, to all Intents and Purpoſes, as the ſame could have been held or enjoyed, in caſe this Act had not been made.

Limitation of Actions.

General Iſſue.

LXX. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, the ſame ſhall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid and brought in the County of Southampton, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and

Treble Coſts.

by the Authority of this Act; and if it ſhall appear ſo to be done, or that ſuch Action or Suit ſhall be commenced after the Time before limited for bringing the ſame, or ſhall be brought in any other County or Place than as aforeſaid, that then the Jury ſhall find for the Defendant or Defendants; and upon a Verdict for the Defendant, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if, upon Demurrer, Judgement ſhall be given againſt the ſaid Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for the ſame, as any Defendant or Defendants hath or have in any other Caſes by Law: And in all Actions or Suits ſo commenced or proſecuted, the Inhabitants of the ſaid Iſland ſhall be deemed and admitted to be good Evidences, any Law, Uſage, or Cuſtom, to the Contrary notwithſtanding.

Publick Act.

LXXI. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed and taken to be a Publick Act; and be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

CAP. XLIV.

An Act for the better paving, repairing, and cleanſing the Streets, Lanes, Alleys, and other publick Paſſages, within that Part of the Town of *Wakefield*, in the County of *York*, which lies within the Eaſt End of *Weſtgate Bridge*, the South Side of *Northgate Bar*, the North End of *Kirkgate Bridge*, (except ſo much thereof as is repaired by the Weſt Riding of the ſaid County of *York*), and the extreme Part of the Townſhip of *Wakefield* aforeſaid, leading from *Wrengate* towards *Eaſt Moor*; for preventing Nuiſances and Annoyancss therein, and for widening and rendering the ſame more commodious.

Preamble.

WHEREAS the Streets, Lanes, Alleys, and Paſſages, within that Part of the Town of *Wakefield*, in the County of *York*, which lies within the Eaſt End of *Weſtgate Bridge*, the South End of *Northgate Bar*, the North End of *Kirkgate Bridge*, (except ſo much thereof as is repaired by the Weſt Riding of the ſaid County of *York*), and the extreme Part of the Townſhip of *Wakefield* aforeſaid, leading from *Wrengate* towards *Eaſt Moor*, are in a very ruinous Condition, and very ill-paved, repaired, and cleanſed, and the Paſſages thereof are greatly obſtructed by various Nuiſances and Annoyances: And whereas ſeveral of the aforeſaid Streets, Lanes, Alleys, and Paſſages, are in ſome Parts thereof too narrow, and extremely incommodious for the paſſing of Carriages and Perſons: And whereas it would tend greatly to the Health, Safety, and Advantage, of the ſaid Town of *Wakefield*, and be of publick Utility, if all the aforeſaid Streets, Lanes, Alleys, and Paſſages, were properly paved, repaired, and cleanſed, and widened, turned, and altered, where neceſſary, and all the Nuiſances, Obſtructions, and Annoyances therein, were removed for the future; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable William Lord Viſcount Galway, in the Kingdom of Ireland; the Right Honourable John Lord Mexborough, in the Kingdom of Ireland; Sir Thomas Wentworth, Sir Lionel Pilkington, Sir Rowland Wynne, Sir John Ramſden, Sir George Savile, Sir John Liſter Kaye, Sir George Armitage, Sir William Lowther, the Honourable George Carey, the Reverend Bryan Allot, Bryan Allot the younger, Henry Allot, Charles Allanſon, Richard Beaumont, Thomas Beaumont, John Brooke, Godfrey Boſwille, William Beatſon of Hollingthorpe, Thomas Cotton, Nathaniel Cholmley, Benjamin Farrand, John Gill of Sandal, John Hatfield Kaye, Edwin Laſcelles, Daniel Laſcelles, Edward Laſcelles, John Liſter, Cavendiſh Liſter, Michael Pilkington, Harriſon Pilkington, John Spencer, John Smith, John Smith junior, Francis Wood, Godfrey Wentworth, Jonathan Weſt, Samuel Wood of Woodthorpe, Charles Waterton, Henry Zouch Clerk, Edward Prince, Thomas Thornhill, George Thornhill, Walter Wade, Charles Wilkinſon, John Spencer, Mathew Robert Arnott, John Smythe, John Silveſter Smith, Doctor Cookſon, John Milnes, Pemberton Milnes, James Milnes, Michael Bacon D. D. Peregrine Wentworth, Richard Towne, Harpham Green, Daniel Maude, William Maude, Francis Maude, Francis Maude junior, James Maude, James Banks, Robert Amory Doctor in Phyſick, George Charnock, Alexander Hatfield, Joſeph Hargrave, William Serjeantſon, Robert Milnes, Charles Steer, Colonel Loftus, Anthony Tottenham, Edward Ribſdale, Benjamin Thomſon, Alan Johnſon, Thomas Hardy, Richard Buxton, Jeremiah Barſtow, Timothy Heald, William Beale, Thomas Smith, Muſgrave Briſcoe, Richard Kennet, Thomas Hirſt, Thomas Deniſon, Thomas Oates, William Marſden, Samuel Wood of Woodthorpe, Edward Jennings, Robert Cheetham, Thomas Walker, George Holt, George Maudſley, John Lee, Henry Cornwall Legh, John Clarkſon, William Burrell, Joſeph Burrell, Richard Burton, Samuel Harriſon, Iſaac Popplewell, William Nevilſon, Joſeph Nevinſon, Joſeph Baildon, John Woollin, Henry Zouch Clerk, Samuel Zouch, Daniel Scott, William Richardſon, Thomas Crowther, John Moxon, John Bradford, John Crowther, John Johnſon, Robert Lumb, Richard Lumb, Joſeph Shepard, Joſeph Haiſte ſenior, Philip Haiſte, John Elliſon, Joſeph Haiſte junior, Stephen Roodhouſe, Joſhua Wilſon, Joſeph Armitage, Richard Tennant, George Bucktrout, Benjamin Sigſton, Charles Clapham, William Bargh, Thomas Bargh, Samuel Smallpage, Ambler, Thomas Holdſworth Doctor in Phyſick, Thomas Walker junior, John Smythe junior, Benjamin Foſter Clerk, Chriſtopher Atkinſon Clerk, John Taylor Clerk, William Shaw, Richard Stovin, Luck Anningſon, Benjamin Johnſon, John Burton, John Naylor, William Wilcock, Robert Tidſwell, Francis Ingram, George Brooke, George Cotton junior, John Thornton, Giles Rickaby, Thomas Norton, John Gill, Metcalf Proctor, William Fenton, Thomas Fenton, the Reverend Mitchell, the Reverend John Woollin, and their Succeſſors, to be elected, nominated, and appointed, in purſuance of this Act, are hereby appointed Commiſſioners for putting this Act in Execution: And in caſe of the Death of any of the ſaid Commiſſioners, or of any of their Refuſal to act, or if any of them who are now Inhabitants of the Townſhip of

Commiſſioners Named.

Wakefield aforeſaid, ſhall remove thereout; that then, and in any of the Caſes aforeſaid, it ſhall and may be lawful for the ſurviving or remaining Commiſſioners, or any Five or more of them, from Time to Time, by Writing under their Hands and Seals, to elect, nominate, and appoint, One or more fit Perſon or Perſons to be a Commiſſioner or Commiſſioners, in the Room and Stead of ſuch Commiſſioner or Commiſſioners ſo deceaſed, refuſing to act, or removed, as aforeſaid; ſuch new Commiſſioners, in the Room of thoſe who lived within the ſaid Townſhip, to be ſupplied out of Perſons inhabiting within the ſaid Townſhip; and ſuch new Commiſſioners, in the Room of thoſe who lived without the ſaid Townſhip, to be ſupplied out of Perſons living out of the ſaid Townſhip; but Fourteen Days publick Notice of the Time and Place of Meeting for every ſuch Election ſhall be given, by affixing the ſame in Writing upon the Church Doors and Market-croſs of the Town of Wakefield aforeſaid: And ſuch Perſon and Perſons as ſhall, from Time to Time, be ſo elected, nominated, and appointed, ſhall from thenceforth have the ſame Power and Authority to act in all Things relating to the Matters herein contained, as if he or they had been expreſsly named and appointed by this Act.

Commiſſioners acting not being qualified, to forfeit 50*l.*

II. And be it further enacted, That no Perſon ſhall be qualified or capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be, in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds; or ſhall be poſſeſſed of a perſonal Eſtate to the Amount of One thouſand Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act contrary to the Intent and Meaning of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record at Weſtminſter, with Full Coſts of Suit, by Action of Debt; and every Perſon ſo ſued ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of him who ſhall ſue for the ſame, than that ſuch Perſon hath acted as a Commiſſioner in the Execution of this Act; One Moiety whereof to be paid to the Perſon who ſhall ſue for the ſame, for his own Uſe, and the other Moiety to be paid to the Commiſſioners, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint; the ſame to be applied for the Purpoſes of this Act, in ſuch Manner as the Commiſſioners, or any Five or more of them, ſhall appoint.

No Commiſſioner to hold a Place of Profit.

III. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner during the Time he ſhall hold any Place of Profit, or have any Share or Intereſt in any Contract relating to the Execution of any of the Powers of this Act.

Firſt Meeting of Commiſſioners.

IV. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall meet at the Publick Houſe, called The Strafford's Arms, ſituate in the ſaid Town of Wakefield, on Monday Three Weeks next after paſſing this Act, between the Hours of Ten of the Clock in the Forenoon and Two in the Afternoon, and afterwards at ſuch Time and Place within the ſame Town as ſhall be appointed for that Purpoſe, as often as it ſhall be neceſſary for putting this Act in Execution: And if at any Meeting appointed to be held by virtue of this Act there ſhall not appear a ſufficient Number of Commiſſioners to act, and to adjourn to another Day, or in caſe the Commiſſioners ſo aſſembled ſhall omit or neglect to adjourn themſelves; then, and in any ſuch Caſe, any Five of the Commiſſioners ſhall and may, by Notice in Writing, to be affixed on the Church Doors and Market Croſs of the ſaid Town of Wakefield, at leaſt Four Days before the next Meeting, appoint the ſaid Commiſſioners to meet at the Place where the laſt Meeting was held; and the ſaid Commiſſioners, or any Five or more of them, ſhall and may meet accordingly at the Time mentioned in the ſaid Notice, and proceed to the Execution of this Act; and the Commiſſioners ſhall, at their Meeting, pay their own Expences.

Commiſſioners to defray their own Expences.

Preſident to have a deciſive Voice.

V. And be it further enacted, That at every Meeting of the ſaid Commiſſioners to be held by virtue of this Act, the Powers and Authorities hereby granted ſhall be carried into Execution by the major Part of the Commiſſioners preſent, provided there are Five or more of them preſent at ſuch Meeting; and ſuch One of the Commiſſioners preſent as the major Part of them attending ſhall appoint, ſhall be Preſident; and, in caſe of Equality of Voices, including the Preſent's own, ſuch Preſident ſhall, upon all Occaſions, have another and the deciſive Vote.

Commiſſioners to appoint Officers,

VI. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, to elect, nominate, and appoint, ſo many Clerks, Treaſurers, Collectors, and Scavengers of the Streets and other publick Paſſages within the ſaid Part of the ſaid Town, and other Officers, as they ſhall think proper; and to remove and diſplace them, or any of them, reſpectively, as they ſhall ſee Occaſion, and appoint others in their Stead, in caſe of Death or Removal; and alſo to limit and appoint what Wages and Allowances ſhall be paid and given to them reſpectively; and alſo to order and appoint how and in what Manner the ſaid reſpective Officers ſhall reſpectively act and execute their ſeveral Offices, Places, and Employments; and alſo ſhall and may, from Time to Time, make ſuch other Orders, Rules, and Regulations, as the Nature of each particular Service ſhall ſeem to them to require, and, from Time to Time, to vary, alter, revoke, or make void, any of their Orders, Rules, or Regulations, as to them in their Diſcretion ſhall ſeem neceſſary and expedient for putting this Act in Execution; which Orders and Regulations ſo to be from Time to Time made, ſhall be valid and effectual to all Intents and Purpoſes: And all and every ſuch Officer and Officers ſhall give ſuch Security for the due and faithful Performance of their reſpective Offices as the ſaid Commiſſioners, or any Five or more of them, ſhall think fit: And ſuch Perſon or Perſons as is or are made liable to pay the ſeveral Rates or Sums of Money hereby granted, ſhall pay the ſame to ſuch Perſon or Perſons as ſhall be, from Time to Time, by the ſaid Commiſſioners

and take Security.

ſioners appointed to collect and receive the ſame: And all ſuch Officers ſo to be appointed as aforeſaid, ſhall, under their Hands, at ſuch Time and Times, and in ſuch Manner, as the ſaid Commiſſioners ſhall direct, deliver to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing, to be fairly entered in a Book or Books to be kept for that Purpoſe, of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all Monies which ſhall have been by ſuch Officer or Officers reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint; and all the ſaid reſpective Officers ſo accounting as aforeſaid, ſhall, upon Oath, if thereunto required, (which Oath the ſaid Commiſſioners, or any One or more of them, is and are hereby impowered and required to adminiſter), verify their ſaid Accounts: And if any ſuch Officers ſhall not make and render, or ſhall refuſe to verify upon Oath, any ſuch Accounts, or to produce or deliver up the Vouchers relating to the ſame, or to make Payments, as aforeſaid; or ſhall not deliver to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they appoint, within Ten Days after being thereunto required by the ſaid Commiſſioners, all Books, Papers, and Writings, in their Cuſtody or Power reſpectively, relating to the Execution of this Act; or ſhall refuſe or neglect to pay ſuch Monies as, upon the Balance of any Account or Accounts, ſhall appear to be in their reſpective Hands, to the ſaid Commiſſioners, or as they ſhall direct or appoint; then, or in either of the Caſes aforeſaid, ſuch Commiſſioners may, and are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name of ſuch Commiſſioners, or in the Name or Names of any Three or more of them, againſt the Officer or Officers ſo neglecting or refuſing as aforeſaid, for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers reſpectively; or if Complaint ſhall be made by the ſaid Commiſſioners, or any Five or more of them, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to any One or more of the Juſtices of the Peace for the Weſt Riding of the County of York, ſuch Juſtices ſhall and may, and are hereby authoriſed and required, by Warrant or Warrants under their Hands and Seals, to cauſe the Officer or Officers ſo neglecting or refuſing to be brought before them; and if, upon the Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtices are hereby impowered and required to adminiſter without Fee or Reward), or by any other competent Evidence, it ſhall appear to ſuch Juſtices, that any of the Monies that ſhall have been collected or raiſed by virtue of this Act ſhall be in the Hands of ſuch Officer or Officers, ſuch Juſtices may, and are hereby authoriſed and required, upon Nonpayment thereof, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers reſpectively; and if no Goods or Chattels of ſuch Officer or Officers can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of ſuch Diſtreſs and Sale; then, and in ſuch Caſe, ſuch Juſtices ſhall commit every ſuch Officer to the Houſe of Correction for the ſaid Weſt Riding, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, or until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Commiſſioners, or any Five or more of them, and ſhall have paid ſuch Compoſition, in ſuch Manner as they ſhall appoint, (which Compoſition the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to make), and until he ſhall deliver up ſuch Books, Papers, and Writings, as aforeſaid, or give Satisfaction in reſpect thereof to the ſaid Commiſſioners, or any Five or more of them.

Securities to be entered in Books.

Officers refuſing to account,

to be brought before the Juſtices;

and on Nonpayment, Money to be levied by Diſtreſs; for want of which, ſuch Officer to be committed.

All Books, &c. to be delivered up.

Executors or Collectors to make Account and Payment within a certain Time.

VII. And be it further enacted, That if any Collector or Collectors of any of the Rates or Aſſeſſments to be collected and paid for paving and cleanſing, in purſuance of this Act, ſhall happen to die during the Time he or they ſhall be in or hold ſuch Office or Employment, that then his or their Executors or Adminiſtrators ſhall, within Forty Days after his Deceaſe, deliver in to the ſaid Commiſſioners, or any Five or more of them, an Account of the Monies collected by ſuch Collector or Collectors reſpectively; and ſhall alſo deliver all Books, Papers, and Things, concerning his and their Office, to the ſucceeding Collector or Collectors, or to ſuch other Perſon or Perſons as the ſaid Commiſſioners, or any Five or more of them, ſhall appoint; which Money, if any due, ſhall be paid by the Executors or Adminiſtrators of ſuch deceaſed Collector or Collectors, in preference to and before any of his or their other Debts are paid or ſatisfied.

In caſe of Collector becoming inſolvent,

Deficiency to be made good by a new Rate.

VIII. And be it further enacted, That in caſe any Collector or Collectors of the ſaid Rates or Aſſeſſments, to be collected and paid for paving and cleanſing, in purſuance of this Act, ſhall embezzle or make away with, detain or miſapply, any Sum or Sums of Money ſo collected by him or them, for the reſpective Uſes aforeſaid; or that the Collector or Collectors, and Perſon or Perſons giving Security for him or them, ſhall become inſolvent, ſo that the ſame cannot be recovered; or ſhall die poſſeſſed of any Sum or Sums of Money by him or them collected by virtue of this Act, and which ſhall not be paid by his or their Executors or Adminiſtrators; then, and in every ſuch Caſe, the ſaid Commiſſioners, or any Five or more of them, ſhall and may again rate and aſſeſs ſuch Sum and Sums of Money as ſhall be ſufficient for raiſing and ſupplying ſuch reſpective Loſs and Deficiency as ſhall ſo happen on the ſaid ſeveral and reſpective Accounts of paving and cleanſing, to be applied to thoſe ſeveral and reſpective Purpoſes, in ſuch Manner as the ſaid reſpective Rates and Aſſeſſments are directed to be made by this Act; and ſhall be collected, levied, recovered, and raiſed, in ſuch Manner, and under ſuch Penalties, as are herein provided for collecting and levying the ſaid reſpective Rates and Aſſeſſments made payable by this Act.

Rules for cleanſing the Streets.

Penalties for not cleanſing.

Scavengers Notices to be given.

None but Scavengers appointed may take away Dung, &c.

IX. And be it further enacted, That all and every Perſon and Perſons inhabiting within the aforeſaid Part of the ſaid Town of Wakefield, ſhall, from and after One Month next after the paſſing of this Act, ſweep and cleanſe, or cauſe to be ſwept and cleanſed, all the Streets and other publick Paſſages within the aforeſaid Part of the ſaid Town, before or on the Sides of their reſpective Houſes, Warehouſes, Shops, Stables, and other Buildings, (not being dead Walls), to the Middle of ſuch Streets and publick Paſſages, Once in every Week; that is to ſay, Every Saturday, between the Hours of Six in the Morning and Six in the Afternoon, or upon ſuch other Days, and at ſuch other Times, as the ſaid Commiſſioners, or any Five or more of them, ſhall appoint, and collect and put together the Dirt or Soil of the ſaid Streets and publick Paſſages, without the leaſt Obſtruction to the Way, Road, and Paſſage therein reſpectively, that may be, to the End the ſame may be ready for the Scavenger to carry away, upon Pain of forfeiting the Sum of Five Shillings for every Offence or Neglect; and the Scavenger or Scavengers, or other Officer or Officers, to be from Time to Time appointed for that Purpoſe, ſhall, and they are hereby required to ſweep and cleanſe, or cauſe to be ſwept and cleanſed, before all void Houſes, dead Walls, or waſte Grounds and Places, Churches, Church-yards, and Chapels, and other publick Places within the aforeſaid Part of the ſaid Town, at ſuch Times as ſhall be appointed by the ſaid Commiſſioners, or any Five or more of them, and collect and put together the Dirt and Soil thereof in the Manner aforeſaid, to the End the ſame may be ready for the loading and carrying away, upon Pain of forfeiting of Ten Shillings for every Offence or Neglect: And if any Perſon or Perſons whatſoever ſhall throw, caſt, or lay, or cauſe to be thrown, caſt, or laid, any Aſhes, Rubbiſh, Duſt, Dirt, Dung, or other Filth or Annoyance whatſoever, in any Street, Lane, Alley, Paſſage, publick Place, or Water-courſe, within the aforeſaid Part of the ſaid Town, (except the Dirt and Soil to be collected and put together as aforeſaid, and except alſo as hereafter is mentioned), every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Shillings, as herein-after is directed: And that all and every Perſon and Perſons ſhall, and he, ſhe, and they, are hereby required to keep, or cauſe the ſame to be kept, in their reſpective Houſes or Yards, until ſuch Time as the Scavenger, or other Officer to be appointed by virtue of this Act, ſhall come by or near their Houſes or Doors with a Cart or Carts, or other Conveniencies to carry away the ſame, upon Pain of forfeiting Five Shillings for every ſuch Offence; which Scavenger or Scavengers, or other Officer as aforeſaid, ſhall come on Saturday in every Week, or on ſuch other Days or Times as the ſaid Commiſſioners, or any Five or more of them, ſhall appoint; and, at or before his or their Approach, by Bell or otherwiſe, ſhall give Notice of his or their coming, and give the like Notice to the Inhabitants in every Court, Paſſage, or Place, into which any Cart or Carts, or other Conveniencies, cannot paſs, and abide and ſtay there a convenient Time, ſo that the Inhabitants or Perſons concerned reſpectively may bring forth their Aſhes, Rubbiſh, Duſt, Dirt, Dung, and Filth, (except any Filth from any Privy or Neceſſary-houſe), to ſuch Cart or Carts, or other Conveniencies; all which Aſhes, Rubbiſh, Duſt, Dirt, Dung, and Filth, (except as aforeſaid), as well as all ſuch Dirt and Soil as ſhall be ſwept up and collected together as aforeſaid, the ſaid Scavenger or Scavengers, or other Officer appointed for that Purpoſe, ſhall then immediately, or as ſoon as may be, carry away, or cauſe to be carried away, gratis, upon Pain of forfeiting Ten Shillings for every Offence or Neglect: And no Perſon or Perſons whatſoever ſhall take or carry away, or cauſe to be taken and carried away, any Aſhes, Dirt, Duſt, Muck, Dung, or Manure, out of the ſaid Streets and publick Paſſages of the aforeſaid Part of the ſaid Town, except ſuch Scavenger or Scavengers, or other Officer to be appointed by the ſaid Commiſſioners for that Purpoſe, as aforeſaid, (unleſs the ſame ſhall be taken or carried away by the Perſon or Perſons to whom the ſame ſhall reſpectively belong, or by his, her, or their Order or Direction, before the Time that ſuch Scavenger or other Officer as aforeſaid ſhall come to carry away the ſame, and unleſs ſuch Muck, Dung, or Manure, as ſhall be brought into the ſaid Streets or publick Paſſages from their reſpective Dungholes or Dunghills, for the Convenience of loading and carrying away the ſame), on Pain of forfeiting and paying the Sum of Five Shillings for every ſuch Offence; and no Inhabitant of the aforeſaid Part of the ſaid Town, or any other Perſon, ſhall permit or ſuffer any Muck, Dung, or Manure, by them, or any of them, brought, or cauſed to be brought, into the ſaid Streets or publick Paſſages as aforeſaid, in order to be loaded and carried away, to continue or remain therein above the Space of Twenty-four Hours, on Pain of forfeiting Ten Shillings for every ſuch Offence.

Commiſſioners may compound with Inhabitants for cleanſing, &c.

X. Provided always, and be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, as they ſhall think proper, to compound with all or any of the Inhabitants of any Street or publick Paſſage within the aforeſaid Part of the ſaid Town, by the Year, for ſuch Sum or Sums of Money as they the ſaid Commiſſioners ſhall think proper, for the ſweeping and cleanſing to be done by ſuch Inhabitants reſpectively by virtue of this Act, provided ſuch Compoſition-money be always paid down in Advance.

Land may be purchaſed or rented to depoſit Soil, &c.

XI. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power to buy or rent Land for depoſiting of Soil, Aſhes, Cinders, and Rubbiſh, in caſe they ſhall think proper ſo to do; and the Purchaſe-money or Rent thereof ſhall be paid out of the ſaid Rates; and the Property thereof, if purchaſed, ſhall be and is hereby veſted in the ſaid Commiſſioners, for the Purpoſes of this Act.

Pavements, &c. veſted in Commiſſioners,

XII. And be it further enacted, That from and after the paſſing of this Act, the Property of all the preſent and future Pavements in the Streets, and all other publick Paſſages within the aforeſaid Part of the ſaid Town, and of all Materials, Implements, and other Things to be purchaſed for the Purpoſes of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners; and they, or any Five or more of them, are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action

or

who may bring Actions or prefer Indictments.

Old Materials may be ſold.

Penalty on Perſons obſtructing the Work, &c.

or Actions in the Name or Names of any Five or more of them, or in the Name of their Treaſurer or Clerk, or to prefer any Bill or Bills of Indictment, as the Caſe ſhall require, againſt any Perſon or Perſons who ſhall take, ſteal, or carry away, ſpoil, injure, or deſtroy, any Part or Parts thereof: And the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power and Authority to ſell and diſpoſe of all or any Part of the old and uſeleſs Materials to ſuch Perſon or Perſons as ſhall be willing to purchaſe the ſame; and the Money ariſing therefrom ſhall be applied to ſuch and the ſame Purpoſes as the Monies ariſing from the Rates and Aſſeſſments in and by this Act directed to be made are directed to be applied: And if any Perſon or Perſons ſhall wilfully hinder or obſtruct any of the Commiſſioners, Officers, or Workmen, employed in any Manner in the Execution of this Act, every Perſon or Perſons ſo offending in any of the Matters aforeſaid, which ſhall be taken and deemed diſtinct and ſeparate, ſhall, upon being convicted thereof by the Oath of One or more credible Witneſs or Witneſſes, or his, her, or their own Confeſſion, before any Juſtice of Peace for the ſaid Weſt Riding, (which Oath ſuch Juſtice is hereby impowered and required to adminiſter without Fee or Reward), or by any other competent Evidence, ſhall forfeit for the Firſt Offence the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third, and every other Offence, the Sum of Five Pounds; One Moiety whereof ſhall go to the Informer, and the other Moiety to the ſaid Commiſſioners, to be diſpoſed of for the Purpoſes of this Act.

Commiſſioners may order the Pavements of the Streets to be repaired;

Sewers, &c. to be made.

XIII. And be it further enacted, That from and after the paſſing this Act, it ſhall and may be lawful to and for the ſaid Commiſſioners, from Time to Time, and at all Times, when, and ſo often as they, or any Five or more of them, ſhall think proper, and they, or any Five or more of them, are hereby authoriſed to order and direct all or any of the Pavements in the ſaid Streets and publick Paſſages now in being, or hereafter to be made, or any Part or Parts thereof, to be repaired; and the ſame, when neceſſary, to be taken up; and the ſaid Streets and publick Paſſages to be paved, relaid, repaired, raiſed, lowered, or altered; and alſo to be cleanſed and freed from all Annoyances, Obſtructions, Nuiſances, and Incroachments whatſoever; and all ſuch Sewers and Drains, and Reſervoirs of and Receptions for Water therein, as the ſaid Commiſſioners, or any Five or more of them, ſhall think proper; and the Perſon or Perſons authoriſed or directed by them to do the ſame, are hereby impowered and required to do the ſame accordingly.

Interruptions in the Foot-ways how to be prevented.

Penalty on Offenders.

XIV. And be it further enacted, That if any Perſon or Perſons ſhall, from and after the paſſing this Act, carry, run, drive, or draw, or cauſe to be carried, run, driven, or drawn, on any of the Foot Pavements to be made in purſuance or by virtue of this Act, within the aforeſaid Streets and publick Paſſages within the aforeſaid Part of the ſaid Town, or any of them, any Bier, or any Wheel or Wheels, Sledge, Wheelbarrow, or other Carriage whatſoever, or ſhall wilfully ride, lead, or drive, any Horſe, Aſs, Mule, or other Cattle, or any Coach or other Carriage whatſoever, upon any Part of the ſaid Foot-pavements; then, and in any of the ſaid Caſes, and as often as they or any of them ſhall happen, it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, who ſhall ſee any ſuch Offence committed, to ſeize, and alſo for any other Perſon or Perſons to aſſiſt in ſeizing ſuch Offender or Offenders, and, by Authority of this Act, and without any Warrant, to convey, or deliver him, her, or them, into Cuſtody of a Peace Officer, to be conveyed before ſome Juſtice of the Peace for the ſaid Weſt Riding; and the Party or Parties accuſed being brought before him, ſuch Juſtice ſhall proceed to examine, upon Oath, any Witneſs or Witneſſes, who ſhall appear or be produced to give Information touching ſuch Offence, (which Oath the ſaid Juſtice is hereby authoriſed and required to adminiſter without Fee or Reward); and if the Party or Parties accuſed ſhall be convicted of any ſuch Offence, either by his, her, or their own Confeſſion, or upon ſuch Information as aforeſaid, he, ſhe, or they, ſo convicted, ſhall forfeit and pay any Sum not exceeding Ten Shillings for the Firſt Time of offending, the Sum of Twenty Shillings for the Second Time of offending, and the Sum of Forty Shillings for the Third and every other Time of offending; One Moiety whereof ſhall go to the Informer, and the other Moiety to the ſaid Commiſſioners, to be diſpoſed of for the Purpoſes of this Act.

Power of making Drains into the common Sewer.

XV. Provided always, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, and they are hereby authoriſed and impowered, under their reſpective Hands, under ſuch Reſtrictions as to them from Time to Time ſhall ſeem meet, to give Liberty and Licence to all or any of the Occupiers of Houſes and Buildings within the aforeſaid Part of the ſaid Town, or their reſpective Workmen, to make any Soughs or Drains under Ground from their reſpective Houſes and Buildings, or any Part or Parts thereof, into and through the aforeſaid Streets and publick Paſſages, or any Part of the ſame, to and into any common Sewer to be made therein by virtue of this Act, or any Part thereof, and to lay therein the neceſſary Materials for the doing ſuch Work, and the Rubbiſh ariſing from the ſame; and no Perſon or Perſons acting under ſuch Licence, and agreeable thereto, ſhall be ſubject or liable to any of the Penalties contained in this Act.

Signs, &c. to be regulated.

Offenders to forfeit 20 s.

XVI. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall cauſe all Signs to be fixed or placed on the Fronts of the Houſes whereto the ſame ſhall reſpectively belong; and ſhall and may, within Six Calendar Months next after the paſſing of this Act, cauſe all Sign-irons, Poſts, and Boards, Penthouſes, Porches, Cellar-holes, and Steps, or other Things occaſioning any Obſtruction, Projection, or Annoyance, in the ſaid Streets and publick Paſſages, to be removed or altered, in ſuch Manner as the ſaid Commiſſioners, or any Five or more of them, ſhall think moſt proper and convenient: And if any Perſon or Perſons ſhall, at any Time after the End of the ſaid Six Calendar Months, hang, place, erect, build, or make, any Sign, Sign-iron, Poſt, or Board, Penthouſe, Porch, Cellar-hole, or Steps, or other Thing, or cauſe the ſame to be done, in any other Manner than as aforeſaid, every

Perſon ſo offending ſhall, for each and every Week he ſhall permit the ſame to remain ſo hung, placed, erected, built, or made, forfeit and pay the Sum of Twenty Shillings.

Owners may remove their Signs, *&c.* at their own Expence.

XVII. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall be deſirous, within the Time aforeſaid, at his or their own Coſts and Charges, to remove or alter any ſuch Sign, Sign-iron, Poſt, or Board, Penthouſe, Porch, Cellar-hole or Steps, or other Thing occaſioning any Obſtruction, Projection, or Annoyance, in the ſaid Streets and publick Paſſages, as before directed; that then, and in ſuch Caſe, all Materials unuſed after the Alterations thereto made, ſhall be the Property of the Perſon or Perſons ſo making or doing thereof: But if the ſame Alterations, or any Part thereof, ſhall be made or done at the Expence of the ſaid Commiſſioners; then, if any, or any Part of any ſuch Sign, Sign-iron, Poſt, or Board, Penthouſe, Porch, Cellar-hole, or Steps, or other Thing, ſhall remain unuſed after the Alteration made thereto, as before directed, the ſame ſhall be the Property, and is hereby veſted in the ſaid Commiſſioners, for the Purpoſes of this Act.

Spouts to be brought down by the Fronts of the Houſes.

XVIII. And be it further enacted, That all Spouts and Gutters belonging to, and which convey Water from the Tops of the Houſes, Warehouſes, Shops, or other Buildings, directly into the Streets and publick Paſſages within the aforeſaid Part of the ſaid Town, ſhall, within Six Calendar Months after the paſſing of this Act, be removed, and the Water ſhall be conveyed by Pipes to be brought down by the Sides or Fronts of ſuch Houſes, Warehouſes, Shops, or other Buildings, into ſome underground Sewer, Ciſtern, or Reſervoir, or to the Ground, at the Coſts and Charges of the reſpective Owners or Occupiers thereof: And in caſe the ſame ſhall not be done within the Time aforeſaid, the Owner or Occupier of every ſuch Houſe, Warehouſe, Shop, or other Building, ſhall forfeit and pay the Sum of Five Shillings for each and every Week any ſuch Spout or Gutter ſhall remain, and the Water not conveyed down as aforeſaid, after the Time herein-before limited; and that if any Perſon or Perſons ſhall hereafter erect, or cauſe to be erected, any Spout or Gutter for conveying Water from any old or new Houſe, Warehouſe, Shop, or other Building, in any Manner contrary to the Directions and true Meaning of this Act, every ſuch Perſon ſhall forfeit and pay the Sum of Ten Shillings for every ſuch Spout or Gutter that ſhall remain.

Time when Stalls, *&c.* are to be removed

XiX. And be it further enacted, That all Stalls, Benches, and Lumber, uſed in the aforeſaid Part of the ſaid Town, by any Perſon or Perſons keeping Stalls or Standings in the Streets, or other publick Paſſages, ſhall be taken or carried away before Ten of the Clock at Night upon every Friday in every Week, and before Eight of the Clock in the Evenings of all other Days, by the reſpective Perſons uſing the ſame, on Pain of forfeiting Two Shillings for every Offence or Neglect therein.

Annoyances are to be removed.

XX. And be it further enacted, That in caſe any Hogſtye, Layſtall, Fleſh, Dung, Carrion, Blood, Offal, Soil, or Filth, or any Aſhes, Cinders, or Rubbiſh, or any other noiſome or offenſive Matter whatſoever, ſhall be ſuffered to remain within the aforeſaid Part of the ſaid Town, the ſame ſhall be deemed a Nuiſance and an Offence againſt this Act; and it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, upon Complaint thereof by any Perſon made to them, or any of them, or to their Clerk for the Time being, by Notice in Writing under their Hands, or the Hand of ſuch Clerk, to order any ſuch Nuiſance or Offence to be removed; and in caſe the ſame ſhall not be removed within Twelve Hours after ſuch Notice given to the Perſon or Perſons who ought to remove the ſame, ſuch Perſon or Perſons ſhall forfeit and pay the Sum of Five Shillings daily for every Day that the ſame ſhall continue unremoved after the Expiration of the ſaid Time.

Neceſſary-houſes when to be emptied.

XXI. And be it further enacted, That if any Neceſſary-houſe or Bog-houſe within the aforeſaid Part of the ſaid Town ſhall be emptied at any Time except between the Hours of Eleven at Night and Five in the Morning, or the Soil thereof ſhall be laid in any other Place than ſhall be appointed for that Purpoſe by the ſaid Commiſſioners, or any Five or more of them, by any Perſon or Perſons; then, and in either of the ſaid Caſes, as well the Perſon or Perſons knowingly employing any Perſon or Perſons for that Purpoſe, as the Perſon or Perſons committing the Offence, ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings: And if any Perſon or Perſons ſhall wilfully or negligently ſpill any of the Soil of any Neceſſary-houſe or Bog-houſe in any of the aforeſaid Streets or publick Paſſages, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

No Aſhes to be ſifted in any Street.

XXII. And be it further enacted, That if any Perſon or Perſons who ſhall contract with the ſaid Commiſſioners, or any Five or more of them, to cleanſe the aforeſaid Streets and publick Paſſages, as aforeſaid, or any of them, or who ſhall purchaſe the Soil thereof of the ſaid Commiſſioners, or any Five or more of them, or any of his, her, or their Servants or Agents; or if any Perſon or Perſons whomſoever ſhall ſift any Aſhes, Duſt, or Cinders, either in or out of any Cart or Carriage, or in any other Manner howſoever, in any open Street or publick Paſſage within the aforeſaid Part of the ſaid Town, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of One Shilling.

Commiſſioners to purchaſe Lands, and all Perſons impowered to treat.

XXIII. And whereas it may be neceſſary to open and enlarge the great Highway or Paſſage leading from the Guide Poſt oppoſite to the *White Hart*, ſituate in *Weſtgate*, in *Wakefield* aforeſaid, directing the Road to *Leeds*, to the Channel at the North End of the ſaid Highway, and to remove certain detached Buildings, ſituate in or near the Hog Market in *Wakefield* aforeſaid; and alſo to open and enlarge Part of the Street in *Kirkgate*, by taking into the ſame Part of a Garden, in the Poſſeſſion of Mr. *Sheppard*; therefore be it enacted, That the ſaid Commiſſioners, or any Nine or more of them, ſhall be, and are hereby impowered to agree with the Owners or Proprietors of and Perſons intereſted in any Buildings or Lands, which they the ſaid Commiſſioners, or any Nine or more of them, ſhall judge neceſſary or proper to be pulled down, removed, cut, digged, altered, or uſed, for the Purpoſes of this Act: And it ſhall be lawful for all Bodies Politick and Corporate, Husbands, Guardians, Truſtees, Committees, Executors, or Adminiſtrators, for or on Behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, or Femes-covert, and to and for all and every other Perſon and Perſons whatſoever, who are or ſhall be ſeiſed or poſſeſſed of, or intereſted in any ſuch Buildings or Lands, to contract for, and to ſell and convey the Inheritance in Fee-ſimple of all or any ſuch Buildings or Lands unto the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall nominate and appoint; and that all ſuch Contracts, Agreements, Bargains, Sales, and Conveyances, ſhall be good and valid in the Law to all Intents and Purpoſes, not only to convey the Eſtate and Inheritance of the Perſon and Perſons conveying, but alſo to convey all Right, Eſtate, Intereſt, Uſe, Property, Claim, and Demand whatſoever, of their ſeveral and reſpective Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes-covert, or other Perſon whatſoever, and all claiming or to claim by, from, or under them; any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the Contrary thereof in any-wiſe notwithſtanding; and that all Perſons ſo conveying as aforeſaid are and ſhall be indemnified for what they ſhall do by virtue and in purſuance of this Act: And that all ſuch Sales and Conveyances to be made as aforeſaid ſhall be inrolled by the Clerk of the Peace for the aforeſaid Weſt Riding, and true Copies of the ſame, ſigned by the Clerk of the Peace for the Time being, ſhall be deemed and taken to be good Evidence thereof in all Courts whatſoever.

XXIV. And be it further enacted, That if any ſuch Bodies Politick or Corporate, or any Perſon or Perſons whatſoever, ſhall, for the Space of Twenty-one Days next after Notice in Writing given to the principal Officer or Officers of ſuch Bodies Politick or Corporate, or to ſuch Perſon or Perſons reſpectively, or to the Tenant or Tenants in Poſſeſſion of the ſaid Buildings or Lands intended to be pulled down, removed, cut, digged, altered, or uſed, as aforeſaid, ſhall neglect or refuſe to treat, or ſhall not agree with the ſaid Commiſſioners, or any Five or more of them, or, by reaſon of Abſence, ſhall be prevented from treating, touching the Matters aforeſaid; then, and in every ſuch Caſe, the ſaid Commiſſioners, or any Five or more of them, ſhall and may, and they are hereby authoriſed and impowered, from Time to Time, to iſſue out their Warrant or Warrants, under their Hands and Seals, to be directed to the Sheriff of the County of York for the Time being; or in caſe ſuch Sheriff ſhall happen to be intereſted in the Matter in queſtion, or any-wiſe related to any of the Parties intereſted or concerned therein, then to One of the Coroners of the Weſt Riding of the ſaid County, requiring ſuch Sheriff or Coroner to impanel, ſummon, and return a Jury; and the ſaid Sheriff or Coroner, to whom the ſaid Warrant or Warrants ſhall be directed, is hereby required accordingly to impanel, ſummon, and return a Jury of able and ſufficient Men, qualified according to the Laws and Statutes of this Realm, not being Inhabitants of the aforeſaid Townſhip of Wakefield, to be returned for Trials of Iſſues joined in His Majeſty's Courts at Weſtminſter, to appear before the ſaid Commiſſioners, or any Five or more of them, at ſuch Time and Place as by ſuch Warrant or Warrants ſhall be directed and appointed, not being leſs than Ten Days after ſuch Warrant or Warrants ſhall be ſerved upon the ſaid Sheriff or Coroner reſpectively, or more than Twenty Days after ſuch Service, upon Pain to forfeit for every Default in not making ſuch Return Ten Pounds; to be ſued for and recovered in the Manner herein-after directed; and alſo to return in Iſſues upon every Perſon ſo impanelled and returned, not appearing, contrary to the true Intent and Meaning of this Act, the Sum of Five Pounds, which ſhall be levied upon the Goods and Chattles of the Perſon not appearing, as aforeſaid, by Warrant or Warrants under the Hands and Seals of the ſaid Commiſſioners, or any Five or more of them: And in caſe a ſufficient Number of Jurymen ſhall not appear, the ſaid Sheriff or Coroner ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured, to attend that Service, being ſo qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve; and all Parties concerned ſhall and may have their lawful Challenges againſt any of the ſaid Jurymen: And the ſaid Commiſſioners, or any Five or more of them, are hereby impowered, by Warrant or Warrants under their Hands and Seals, from Time to Time as Occaſion ſhall require, to ſummon and call before them all and every ſuch Perſon and Perſons as ſhall be thought proper or neceſſary to be examined as Witneſſes touching the Matters in queſtion; and the ſaid Commiſſioners, or any Five or more of them, may order and authoriſe the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matters in queſtion; which Jury, upon their Oaths, to be adminiſtered by the ſaid Commiſſioners, or any Five or more of them, (and which Oath, as alſo the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners, or any Two or more of them, are hereby impowered to adminiſter), ſhall enquire of, aſſeſs, and aſcertain ſuch Damages and Recompence as they ſhall judge fit to be awarded ſeverally to the Owners and Occupiers of, and alſo all Perſons reſpectively intereſted in any ſuch Buildings or Lands, or any Part thereof: And the ſaid Commiſſioners, or any Five or more of them, ſhall give Judgement for ſuch Damages and Recompence ſo to be aſſeſſed by ſuch Juries; which ſaid Verdict, and the Judgement thereupon declared or pronounced by the ſaid Commiſſioners, or any Five or more of them, and the Value and Recompence ſo aſſeſſed (Notice in Writing being firſt given of their Meeting at leaſt Twenty-one Days before ſuch Meeting to the Parties concerned, or left at their Dwelling-houſes or uſual Places of Abode, or with the Tenant or Occupier of the Premiſes, or at his or her uſual Place of Abode), ſhall be binding and concluſive to all Intents and Purpoſes, againſt the King's Majeſty, his Heirs and Succeſſors, and againſt all and every other Party or Parties, their Heirs, Succeſſors, Executors, Adminiſtrators, or Aſſigns, and all others claiming any Title or Intereſt in the ſame Buildings or Lands, or any Thing thereunto belonging or appertaining,

Upon Refuſal to treat,

Commiſſioners to iſſue Warrants to the Sheriff of *Yorkſhire*, or to a Coroner of the Weſt Riding, to impanel and return a Jury, to appear before the Commiſſioners at the Time and Place appointed.

Sheriff and Coroner for every Default to forfeit Ten Pounds.

Iſſues to be returned and levied upon Jurors not appearing.

For want of a ſufficient Number of Jurymen, Bye-ſtanders to be choſen.

Commiſſioners may ſummon Witneſſes to appear before them, and may order the Jury to view the Premiſes.

Jury to aſſeſs Damages,

and Commiſſioners give Judgement finally,

Notice being firſt given.

pertaining, in Poſſeſſion, Reverſion, Remainder, or Expectancy, or otherwiſe, as well Bodies Politick and Corporate, Infants, Idiots, Lunaticks, Femes-covert, Tenants in Tail, as others, and their reſpective Heirs, Succeſſors, Executors, and Adminiſtrators, and all claiming by, from, or under him, her, or them, or any of them.

Witneſſes not appearing, or refuſing to be ſworn,

and Jurymen refuſing to be ſworn, or to give a Verdict,

to be fined by Commiſſioners.

XXV. Provided alſo, and be it enacted, That if any Perſon or Perſons, ſummoned as aforeſaid to give Evidence, ſhall neglect or refuſe to appear at ſuch Time or Times, Place or Places, as ſhall be appointed in the Warrant or Warrants granted by the ſaid Commiſſioners, or any Five or more of them, or appearing, ſhall refuſe to be ſworn or examined by, or give Evidence before the ſaid Commiſſioners, or any Five or more of them; or if any Perſon, ſummoned as a Juryman, as aforeſaid, ſhall, after his Appearance, refuſe to be ſworn, or being ſo ſworn, refuſe to give, or not give his Verdict, or in any other Manner wilfully neglect his Duty in the Premiſes, contrary to the true Intent and Meaning of this Act; every Perſon ſo offending, having no reaſonable Excuſe, to be allowed by the ſaid Commiſſioners, or any Five or more of them, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding the Sum of Five Pounds; to be levied by Diſtreſs and Sale of the Goods or Chattels of the Perſon or Perſons ſo offending, by Warrant or Warrants, under the Hand and Seal or Hands and Seals of Two or more Juſtice or Juſtices of the Peace for the ſaid Weſt Riding of the ſaid County of York, rendering the Overplus to the Owner thereof, after ſuch Penalty and the Charges of ſuch Diſtreſs and Sale are deducted.

Payment of Jury and Witneſſes.

XXVI. Provided always, and be it further enacted, That in caſe any Jury, to be ſummoned and ſworn as aforeſaid, ſhall give a Verdict for more Monies, as a Recompence or Satisfaction for any Buildings or Lands, or for any Damage to be done thereto, than what ſhall have been offered by the ſaid Commiſſioners, or any Five or more of them, before the ſummoning or returning of ſuch Jury, for ſuch Recompence or Satisfaction, that then the Expences of ſummoning and maintaining ſuch Jury and the Witneſſes ſhall be paid by the ſaid Commiſſioners, or any Five or more of them, out of the Monies to ariſe by virtue of this Act; but if any ſuch Jury ſhall give a Verdict for no more, or for leſs Monies, than ſhall have been offered by the ſaid Commiſſioners, or any Five or more of them, before the ſummoning and returning ſuch Jury, for ſuch Recompence or Satisfaction, that then the Expences of ſummoning and maintaining ſuch Jury and the Witneſſes ſhall be borne by the Perſon or Perſons with whom the ſaid Commiſſioners ſhall have ſuch Controverſy or Diſpute: And ſuch Expences having been aſcertained and ſettled by Two of His Majeſty's Juſtices of the Peace for the ſaid Weſt Riding, ſhall be deducted and taken out of the Monies ſo aſſeſſed, and adjudged as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged.

Commiſſioners Decrees to be filed with the Clerk of the Peace.

XXVII. And it is hereby further enacted, That the ſaid Verdicts and Judgements ſhall be ſet down in Writing, under the Hands and Seals of the ſaid Commiſſioners acting in the Premiſes, or any Five or more of them, and be kept amongſt the Records and Writings of the Quarter Seſſions of the Peace for the Weſt Riding of the County of York, by the Clerk of the Peace for the Time being of the ſaid Riding; and the ſame, or true Copies thereof, ſigned by the ſaid Clerk of the Peace, be taken, adjudged, and deemed good and ſufficient Evidence and Proof in any Court of Law or Equity whatſoever; and all Perſons may have Recourſe to the ſame, gratis, at all convenient Times, and may take Copies thereof, paying for every Copy, not exceeding Two hundred Words, the Sum of Four-pence, and ſo proportionably for any greater or leſs Number of Words.

Satisfaction being made or tendered, &c. the Commiſſioners may enter and proceed in the Work.

XXVIII. And it is hereby further enacted, That upon Payment of the Sum or Sums ſo agreed on, contracted for, or aſſeſſed and adjudged, for Damages and Coſts to the Parties concerned, or for the Purchaſe of any ſuch Buildings or Lands, or legal Tender thereof made to them reſpectively, which Sum or Sums of Money the ſaid Commiſſioners, or any Five or more of them, are hereby authoriſed to pay out of any Monies to be raiſed by virtue of this Act; and in caſe any ſuch Parties cannot be met with, or ſhall refuſe to accept the ſame, then, upon Payment of ſuch Sum into the Hands of ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Five or more of them, ſhall, under their Hands, in Writing, appoint, for the Uſe of the Parties intereſted, as aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners, and their Agents, Workmen, and Servants, to enter upon, remove, dig, cut, or uſe ſuch or ſo much of the ſaid Buildings or Lands, for which ſuch Satisfaction ſhall have been contracted for, agreed on, or aſſeſſed, or decreed, as aforeſaid, and the ſame to uſe and employ for the effecting and executing any of the Powers of this Act, as the ſaid Commiſſioners, or any Five or more of them, ſhall think requiſite; and this Act ſhall be ſufficient to indemnify, as well the ſaid Commiſſioners as all Perſons employed or authoriſed by them, againſt the ſaid Owners, Occupiers, or other Perſons intereſted, their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, and againſt all and every other Perſon and Perſons, to all Intents and Purpoſes whatſoever.

Charges of paving, &c. to be paid by the Owners and Occupiers of Houſes, &c.

(Exception).

XXIX. And be it further enacted, That the Coſts and Charges of the paving, altering, cleanſing, and putting and keeping in Repair the aforeſaid Streets and publick Paſſages, and opening and widening ſuch Highways and Paſſages as aforeſaid, ſhall be at all Times a Charge upon, and ſhall be raiſed and paid by the ſeveral Owners and Occupiers of all and every the Houſes and Buildings ſituate and being within that Part of the Town of Wakefield ſo intended to be paved and repaired, as aforeſaid, and of all other Houſes and Buildings already erected, or which ſhall be erected, within or upon any other Streets, Lanes, Places, or Paſſages, adjoining or near to the Streets hereby directed to be paved and repaired, ſo as ſuch Houſes and Buildings be within Five hundred Yards on either Side of the Middle of the ſaid Streets ſo intended to be paved and repaired, except the Mills that are worked by the Water of the River Calder, and the Warehouſes belonging to the Halifax Navigation, and the Navigation of the Rivers, Air and Calder, with the Wharfs, Warehouſes, and Appurtenances thereunto belonging, and except all ſuch Lands, Tenements, and Hereditaments, as are already exempt from Payment of Taxes by Authority of Parliament: And that for the raiſing the ſame, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, from and after the paſſing this Act, to make, aſſeſs, and impoſe One or more equal Pound Rate or Rates, at their Diſcretion, not exceeding Two Shillings in the Pound in any One Year, to be collected at ſuch Time or Times in the Year as to them ſhall ſeem meet, upon all and every the Houſes and Buildings hereby directed to be charged.

how to be raiſed.

Rates exempt from Taxes.

XXX. Provided always, and be it further enacted, That the ſaid Rates and Aſſeſſments, to be collected by virtue of this Act, ſhall be at all Times hereafter exempt from Payment of any Taxes, Rates, Aſſeſſments, or Impoſitions, parliamentary, parochial, or otherwiſe howſoever; any Law or Statute to the Contrary notwithſtanding.

Rates may be amended.

Rates how to be recovered.

XXXI. And be it further enacted, That all Rates and Aſſeſſments which ſhall be made in purſuance of this Act, ſhall be allowed and ſigned by the ſaid Commiſſioners, or any Five or more of them, and they ſhall and may have Power to amend any ſuch Rates or Aſſeſſments, by inſerting the Name or Names of ſuch Perſon or Perſons who ought to have been rated, or ſtriking out the Name or Names of any Perſon or Perſons who ought not to have been rated, or by inhancing or leſſening the Sum charged upon any Perſon or Perſons ſo rated, as to them ſhall ſeem juſt; and after the ſaid Rates and Aſſeſſments are ſo made and confirmed, the ſaid Commiſſioners, or any Five or more of them, ſhall and may, and they are hereby authoriſed and required to cauſe the ſame to be collected and received by the ſaid Collector or Collectors, as ſoon as may be, of and from the Perſon and Perſons reſpectively on whom the ſame ſhall be reſpectively rated, charged, and aſſeſſed: And in caſe any Perſon or Perſons ſo rated, charged, or aſſeſſed, as aforeſaid, ſhall refuſe or neglect to pay any ſuch Rate or Aſſeſſment to the Collector or Collectors, for the Space of Ten Days after Demand thereof, or Demand in Writing left at the laſt Place of Abode of ſuch Perſon or Perſons ſo rated, aſſeſſed, or charged, and refuſing and neglecting to pay as aforeſaid, or with his, her, or their, or any of their reſpective Servants, Clerks, or Agents, or any of them reſpectively, it ſhall and may be lawful to and for One or more Juſtice or Juſtices of the Peace, upon Oath, (which he or they are hereby impowered to adminiſter without Fee or Reward), of any ſuch Demand and Nonpayment, by Warrant under his or their Hand and Seal, or Hands and Seals, which he or they are hereby impowered and required to grant, to authoriſe and direct the ſaid Collectors reſpectively to levy, as ſoon as may be, ſuch Rate, or Monies ſo in arrear, and refuſed or neglected to be paid, together with the Coſts attending the ſame, to be aſcertained by ſuch Juſtice or Juſtices, by Diſtreſs and Sale of the Goods and Chattels of every ſuch Perſon and Perſons ſo in arrear, and refuſing or neglecting to pay as aforeſaid, wheresoever ſuch Goods and Chattels can be found, rendering the Overplus (if any be) to the Party or Parties ſo diſtrained, or leaving the ſame for his, her, or their Uſe, at the Place where ſuch Diſtreſs ſhall be made: And all and every of the ſaid Collector and Collectors ſhall, and he and they are hereby required to pay the Money he or they ſhall reſpectively collect and receive by virtue of this Act, within Ten Days after the Expiration of the Time in which the ſame is herein-before directed to be collected, to the ſaid Treaſurer or Clerk, or to ſuch other Perſon or Perſons as the ſaid Commiſſioners, or any Five or more of them, ſhall appoint to receive the ſame, to be applied according to the Directions of this Act; and ſhall, and is and are hereby required, at the Time of his and their making every ſuch Payment of ſuch Money ſo collected, to deliver over to the Perſon or Perſons ſo impowered to receive the ſame, a true and exact Copy of the Duplicate of the Aſſeſſment or Rate whereby he or they hath or have collected the ſame, with an Account thereupon, or thereunder written, of all and every ſuch Sum and Sums of Money in ſuch Aſſeſſment rated as remains or remain uncollected, (if any ſuch there ſhall happen to be), together with the Reaſons why the ſame hath or have not been collected and received, that it may appear whether the Nonpayment thereof hath happened through the Inſolvency of the Party rated, or through the Default of ſuch Collector or Collectors; and in caſe any ſuch Collector or Collectors ſhall refuſe to take upon him or them reſpectively the ſaid Offices, or duly to execute the ſame, according to the true Intent and Meaning of this Act, he and they ſo offending ſhall reſpectively forfeit and pay, for every ſuch Offence, the Sum of Twenty Pounds; and ſhall continue liable to be again appointed into the ſaid Offices reſpectively the Year following, or ſooner, if the ſaid Commiſſioners, ſo aſſembled as aforeſaid, or any Five or more of them, ſhall ſo think fit; and in caſe of his or their Refuſal or Neglect to take upon him or them reſpectively the ſaid Offices, or duly to execute the ſame, he or they ſo refuſing or neglecting ſhall be again liable to the like Penalty, and ſo often as he or they ſhall refuſe to take upon him or them the ſaid Offices.

Deficiency of Rates to be made good the next Year.

XXXII. Provided always, and be it further enacted, That in caſe the Money collected in any One Year ſhall not be ſufficient to anſwer the Purpoſes for which the ſame was rated and aſſeſſed, that ſuch Deficiency ſhall be applied by or out of a Rate to be made the next following Year.

Agreement between Landlord and Tenant touching paving, *etc.* not to be vacated.

XXXIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall be deemed or taken to make void any Contract or Agreement entered into between Landlord and Tenant, touching or concerning the paving or cleanſing, or keeping in Repair the aforeſaid Streets and publick Paſſages, or any of them; but that every Perſon who is now, by virtue of any ſuch Contract or Agreement, obliged to pave or cleanſe, or keep in Repair the aforeſaid Streets and publick Paſſages, or any Part thereof, ſhall, in lieu thereof, be obliged to pay the Rates hereby directed to be made and aſſeſſed for thoſe Purpoſes, or ſo much thereof as ſhall, by the ſaid Commiſſioners, or any Five or more of them, be deemed juſt and reaſonable, according to the true Intent and Meaning of ſuch Contract or Agreement, for and during ſuch Time as ſuch Contract or Agreement ſhall remain in Force: And in caſe any Diſpute ſhall ariſe concerning ſuch Contract or Agreement, the ſaid Commiſſioners, or any Five or more of them, ſhall have Power, and they are hereby required to hear and finally determine the ſame.

Sale of Lands and Rent-charges.

XXXIV. And whereas a Cloſe of Ground called *Narr Offerley*, with Part of another ſmall Cloſe of Ground called *Caſtle Hill Cloſe*, lying in the Townſhip of *Horbury*, in the Pariſh of *Wakefield* aforeſaid, in the ſaid County of *York*, are now veſted in One or more Perſon or Perſons, his or their Heirs, in Truſt, to pay and apply the Rents, Iſſues, and Profits thereof, in and towards the Repair of the Highways within the aforeſaid Town of *Wakefield*: And whereas the yearly Rent-charge of Twenty Shillings, iſſuing and payable out of a Cloſe of Ground lying near *Penny Walls*, called *Thorne's Field Cloſe*, within the aforeſaid Pariſh of *Wakefield*; and alſo another yearly Rent-charge of Six Pounds, iſſuing and payable out of the Houſe of *Pemberton Mills* Eſquire, ſituate in *Wakefield* aforeſaid, in the Poſſeſſion of *Pemberton Mills* Eſquire, or his Aſſigns, are now alſo veſted in One or more Perſon or Perſon, his or their reſpective Heirs, in Truſt, to pay and apply the ſaid ſeveral yearly Rent-charges in and towards the Repair of the aforeſaid Highways, or ſome Part or Parts thereof; therefore be it enacted, That from and after the paſſing this Act, the ſaid Cloſes of Ground called Narr Offerley and Caſtle Hill Cloſe, with their Appurtenances, and the ſaid ſeveral yearly Rent-charges of Twenty Shillings and Six Pounds, and the Inheritance thereof, ſhall be, and are hereby abſolutely veſted in the ſaid Commiſſioners and their Heirs, upon Truſt, that they, or any Nine or more of them, and their Heirs, ſhall and do immediately, or as ſoon as conveniently may be after the paſſing of this Act, by publick Sale, of which One Month's Notice ſhall be given in the Leeds Newſpaper, and on the Door of the Church of Wakefield aforeſaid, ſell and diſpoſe of the ſame, and every Part thereof, together or ſeparately, for the beſt Price and Prices that can be reaſonably had and gotten for the ſame; and ſhall and do convey the ſame, purſuant to ſuch Sale or Sales, to the Purchaſer or Purchaſers thereof reſpectively, his, her, or their reſpective Heirs, according to the Nature of the Eſtate or Eſtates ſo ſold, whoſe Receipt and Receipts ſhall be ſufficient Diſcharge and Diſcharges to the reſpective Purchaſer or Purchaſers thereof, his, her, and their reſpective Heirs, for ſuch Purchaſe-money or Purchaſe-monies, or ſo much thereof, as he, ſhe, or they ſhall reſpectively pay, without his, her, or their, or any of their ſeeing the Application thereof, or of any Part thereof; and notwithſtanding any Miſapplication of the ſame, or any Part thereof, by the aforeſaid Commiſſioners, or any Nine of them; all which ſaid Sales and Conveyances ſhall be good and valid in the Law to all Intents and Purpoſes whatſoever, againſt all, each, and every Perſon and Perſons whatſoever, before or at the Time of paſſing of this Act, ſtanding ſeiſed of the ſaid Cloſes of Ground called Narr Offerley and Caſtle Hill Cloſe, or either of them, and of the ſaid ſeveral yearly Rent-charges of Twenty Shillings and Six Pounds, or either of them, upon all or any of the Truſts aforeſaid, or having or claiming any Eſtate or Eſtates, Right, Title, Truſt or Truſts, Uſe, Intereſt, Property, Claim, or Demand of, in, to, or out of the ſame, every or any Part or Parts thereof reſpectively; and alſo againſt all, each, and every Truſt and Truſts, Uſe and Uſes, Limitation and Limitations thereof, or of any Part or Parts thereof reſpectively, before the paſſing of this Act, by any Deed, Will, Surrender, or other Inſtrument in Writing limited or created; and alſo upon Truſt that the aforeſaid Commiſſioners, or any Nine of them, ſhall and do, immediately after Receipt of ſuch Purchaſe-money and Purchaſe-monies, pay, apply, and diſpoſe of the ſame, and every Part thereof, in and towards the repairing of the aforeſaid Streets and publick Paſſages, or ſome Part or Parts thereof, and not otherwiſe, in Aid of the aforeſaid Rates and Aſſeſſments.

Recovery of the Arrears of 140 *l.* and of the Arrears of the Moiety of the Duties ariſing from Coals and Cinders.

XXXV. And whereas by an Act, made in the Fourteenth Year of the Reign of King *George* the Second, intituled, *An Act for repairing the Roads from a Place called* Red Houſe, *near* Doncaſter, *to* Wakefield, *and through the ſaid Town of* Wakefield, *by* Dewſbury, Hightown, *and* Lightcliffe, *to the Town of* Halifax, *in the Weſt Riding of the County of* York, it is (amongſt other Things) enacted, That the Truſtees therein named, and the Survivors, or any Five or more of them, ſhould, out of the Money ariſing by the Tolls and Duties to be collected from the Coal-carts paſſing through the ſaid Town of *Wakefield* to the Key or Banks of the River *Calder*, or elſewhere, through *Kirkgate*, pay, during the Continuance of that Act, unto the Surveyors of the Highways of the Town of *Wakefield* for the Time being, the yearly Sum of Twenty-five Pounds, to be by them employed in and towards the repairing and amending ſuch Part of the ſaid Road as lies between *Weſtgate Bridge* and *Kirkgate Bar*, in ſuch Manner as the ſaid Truſtees, or any Five of them, ſhould direct, and to be paid quarterly, on the reſpective Days or Times therein for that Purpoſe limited: And whereas by another Act, made in the Thirtieth Year of the Reign of the ſaid King, for enlarging the Terms and Powers granted by the ſaid Act, and alſo granted by another Act, paſſed in the Fourteenth Year of the Reign of the ſaid King, intituled, *An Act for repairing the Road from* Wakefield *to* Pontefract, *and from thence to a Place called* Weeland, *in the Townſhip of* Henſall, *and from* Pontefract *to* Wentbridge, *in the Townſhip of* Darrington, *in the Weſt Riding of the County of* York; after reciting therein, that the Pavements of the Streets of the ſaid Town of *Wakefield* were in a moſt ruinous Condition, which was chiefly occaſioned by the ſaid Town being ſituated at the Head of the Navigation of the River *Calder*, and ſurrounded with Collieries, from all of which great Numbers of Carriages were conſtantly (ſo long as the Roads would permit) carrying Coals and Cinders through the ſaid Town to the ſaid Navigation, in order to be exported and carried into other Countries and diſtant Parts of the Kingdom, whereby the Roads, and eſpecially the ſaid Streets, were greatly deſtroyed; and that the Inhabitants of the ſaid Town were, by the ſaid firſt-recited Act, exempted from paying Tolls for Coals for their own Conſumption, between the Firſt Day of *April* and the Thirtieth Day of *October* in every Year, and were alſo intitled to the ſaid Aid of Twenty-five Pounds *per Annum*, and that the ſaid Exemptions and Aid had been found inconvenient; it is enacted, That the ſaid Exemption and yearly Payment ſhould, from and after the Twentieth Day of *May*, One thouſand ſeven hundred and fifty-ſeven, ceaſe and determine, and be repealed and made void; and that in lieu thereof, One Moiety of all the Monies ariſing by the Tolls and Duties upon Coals and Cinders only, which ſhould be collected at the Turnpike called *Weſtgate Moor Bar*, near *Wakefield*, and which ſhould, from Time to Time, be raiſed or produced, by letting out the ſame, or any Part thereof, or by Mortgage, Demiſe, or Aſſignment thereof, or of any Part thereof, or otherwiſe, upon the Credit of the ſaid Tolls, either jointly with or ſeparately from the other Moiety thereof, ſhould be ſo mortgaged, aſſigned, charged, collected by, and paid to the Truſtees for the Diſtrict lying between the North End of *Wakefield Bridge*, over *Calder*, and the Town of *Hallifax*, or to any Five or more of them, or to ſuch Perſon or Perſons as the ſame Truſtees, or any Five or more of them, ſhould, from Time to Time, appoint to receive the ſame, by Writing under their Hands, at Meetings to be held for the Execution of that Act at the Town of *Wakefield* only; and that all ſuch Moiety ſhould, if neceſſary, from Time to Time, be laid out in repairing, and keeping in Repair, the Middle Way or High Cauſeway only, leading through the Streets of the ſaid Town of *Wakefield*, from *Weſtgate Bridge* to *Kirkgate Bar*, there, in ſuch Manner, and by ſuch Means, as the ſaid laſt-named Truſtees, or any Five or more of them, ſhould, from Time to Time, direct, by Writing under their Hands: And it is thereby further enacted, (amongſt other Things), That the Treaſurer acting within that Diſtrict of the Roads thereby directed to be repaired, which lays between *Wakefield* and *Halifax*, ſhould, on or before the Twenty-fifth Day of *December*, One thouſand ſeven hundred and fifty-ſeven, pay, or cauſe to be paid, unto the Truſtees appointed for the ſame Diſtrict, who reſided in the Town of *Wakefield* aforeſaid, or to any Three of them, or to ſuch Perſon or Perſons as they, or any Three of them, ſhould, by Writing under their Hands, appoint to receive the ſame, the Sum of One hundred and forty Pounds, out of the Tolls and Profits ariſing in the ſaid Diſtrict, or the Money to be borrowed on the Credit thereof, for the Arrears of the ſaid Annuity of Twenty-five Pounds *per Annum*; and that the ſame ſhould, with all convenient Speed, be laid out and applied in Manner and for the Purpoſes therein laſt before directed and appointed: And whereas the ſaid Sum of One hundred and forty Pounds, or the ſaid Moiety of the Tolls and Duties ariſing from the aforeſaid Coals and Cinders, or any Part or Parts thereof reſpectively, have or hath not been employed or laid out in or towards the repairing and amending the aforeſaid Part of the ſaid Road, which lies between *Weſtgate Bridge* and *Kirkgate Bar*, or in repairing or keeping in Repair the aforeſaid Middle Way or High Cauſeway, or any Part or Parts thereof reſpectively; therefore, be it enacted, That from and after the paſſing this Act, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any One or more of them, and they, or any One or more of them, are and is hereby enabled, impowered, and authoriſed, in his or their Name or Names, by Bill, Plaint, or Information, or other Suit or Proceeding, in any of His Majeſty's Courts of Record at Weſtminſter, to recover, or endeavour to recover, of and from all, each, and every Perſon and Perſons who have or hath received the ſame, or any Part or Parts thereof, or in whoſe Hand or Hands the ſame, or any Part or Parts thereof, now are, or at any Time or Times hereafter ſhall or may be and remain, all or any Part or Parts of the ſaid Sum of One hundred and forty Pounds, and alſo of the ſaid Moiety of the aforeſaid Tolls and Duties ſo remaining unemployed and unlaid-out as aforeſaid; and on Payment thereof, or of any Part or Parts thereof, with or without Suit, Receipt and Receipts, and other legal and ſufficient Diſcharge and Diſcharges, in his or their Name or Names, to give, ſeal, and execute to the reſpective Perſon and Perſons paying the ſame; all which ſaid Receipt and Receipts, Diſcharge and Diſcharges, ſhall be valid and effectual in the Law, to all Intents and Purpoſes whatſoever, to the reſpective Perſon and Perſons to whom the ſame ſhall be given, or ſealed and executed, for all ſuch Sum and Sums of Money as he or they ſhall reſpectively pay; all which Monies, to be ſo recovered or paid, ſhall be, by the Commiſſioner or Commiſſioners recovering and receiving the ſame, paid, applied, and diſpoſed of, in and towards the repairing of the aforeſaid Streets and publick Paſſages, or ſome Part or Parts thereof, and not otherwiſe, in Aid of the aforeſaid Rates and Aſſeſſments, ſave as hereinafter is mentioned: And the Commiſſioner or Commiſſioners, in whoſe Name or Names any ſuch Bill, Plaint, Information, or other Suit or Proceeding ſhall be commenced, brought, or proſecuted, for the Intents and Purpoſes aforeſaid, and his, their, and each and every of their Goods and Chattles, Lands and Tenements, ſhall be indemnified of, from, and againſt each and every ſuch Bill, Plaint, Information, Suit, and other Proceeding, and ſhall be paid all, each, and every the Coſts, Charges, Damages, and Expences, to him, them, or any of them, occaſioned, or by him, them, or any of them, ſuſtained, by reaſon or upon account of any ſuch Bill, Plaint, Information, Suit, or other Proceeding, by and out of the aforeſaid Rates and Aſſeſſments, at ſuch Days and Times, and in ſuch Manner and Form, as the ſaid Commiſſioners, or any Five or more of them, ſhall, from Time to Time, direct; the ſaid recited Acts, or any Thing therein, or in any or either of them, contained to the Contrary notwithſtanding.

For paying Money due from the Town of *Wakefield* to Mr. *Johnſon* and others.

XXXVI. And whereas the ſaid Sum of One hundred and forty Pounds was paid into the Hands of Maſter *Alan Johnſon* of *Wakefield* aforeſaid, who has accounted for the ſame to the Inhabitants of the ſaid Town, upon the Balance of which Account there now remains due from the ſaid Inhabitants, and the Owners and Occupiers of real Eſtates in the ſaid Town, to the ſaid *Alan Johnſon*, the Sum of One hundred and twenty-five Pounds, Fifteen Shillings and Eight-pence Halfpenny: And whereas there are alſo due and owing from the ſaid Inhabitants, Owners and Occupiers, to the ſeveral Perſons herein-after named, the ſeveral Sums of Money herein-after mentioned, being the Balances of their reſpective Accounts of Expences, (with Intereſt for the ſame), incurred by ſeveral Applications to Parliament for aſſeſſing the Navigation of the Rivers *Air* and *Calder*, towards the Repair of the Highways within the ſaid Town, and other parochial Uſes there; (that is to ſay), To *Pemberton Mills* Eſquire, Seven Pounds One Shilling; to Maſter *Daniel Maude*, Twenty-one Pounds Seventeen Shillings and Sixpence; to Maſter *Francis Maude* the elder, Thirty-eight Pounds Nineteen Shillings; and to the Repreſentatives of Maſter *William Beatſon*, deceaſed, Twenty-three Pounds; be it therefore further enacted by the Authority aforeſaid, That the ſaid Alan Johnſon ſhall be, and he is hereby declared to be fully and abſolutely acquitted and diſcharged of and from the ſaid Sum of One hundred and forty Pounds; and that the ſaid before-mentioned ſeveral Sums of One hundred and twenty-five Pounds, Fifteen Shillings and Eight-pence Halfpenny, Seven Pounds One Shilling, Twenty-one Pounds Seventeen Shillings and Sixpence, Thirty-eight Pounds Nineteen Shillings, and Twenty-three Pounds, ſhall be paid; and the ſaid Commiſſioners, or any Five or more of them, are hereby authoriſed and required to cauſe the ſame to be paid out of the firſt Money that ſhall ariſe by virtue of this Act, or which ſhall come into their or any of their Hands, for the Purpoſes thereof, by any Means whatſoever, to the ſaid ſeveral above-mentioned Perſons reſpectively, in full Satisfaction and Diſcharge of their ſaid ſeveral Debts; any Thing in this Act contained to the Contrary thereof in anywiſe notwithſtanding.

Power to borrow Money.

XXXVII. And, for the more ſpeedy and effectual carrying into Execution the ſeveral Purpoſes of this Act, be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, may, and are hereby impowered to borrow and take up at Intereſt, any Sum or Sums of Money, not exceeding Five thouſand Pounds, upon the Credit of the Rates and Aſſeſſments payable by virtue of this Act, and to aſſign over the ſame, or any Part or Parts thereof, by any Writing or Writings under their reſpective Hands and Seals, the Charges of ſuch Aſſignments and Conveyances to be paid out of ſuch Rates and Aſſeſſments to any Perſon or Perſons that ſhall advance and lend their Monies thereon, as a Security or Securities for the ſeveral Sums that ſhall be borrowed, and the Intereſt thereof, as aforeſaid; Copies of all which Aſſignments and Conveyances ſhall be entered in a Book or Books, to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Commiſſioners: And all and every ſuch Perſon and Perſons to whom any ſuch Aſſignment ſhall be made as aforeſaid, is and are hereby impowered, from Time to Time, by Aſſignment, under his, her, or their reſpective Hand or Hands, to be indorſed on his, her, or their reſpective Security or Securities, or by any other Writing or Writings, under his, her, or their reſpective Hand or Hands, and Seal or Seals, which ſhall be executed in the Preſence of Two or more credible Witneſſes, to aſſign over or transfer his, her, or their reſpective Principal and Intereſt Money, thereby ſecured, to any Perſon or Perſons whomſoever; all which Aſſignments or Transfers ſhall be produced and notified to the ſaid Clerk or Treaſurer within Seven Days after the Date thereof; who ſhall cauſe an Entry to be made thereof, containing the Dates, Names of the Parties, and Sums of Money therein mentioned, to be aſſigned and transferred, in the ſaid Book or Books to be kept for entering the ſaid original Aſſignments; and which ſaid Book or Books ſhall and may, at all ſeaſonable Times, be peruſed and inſpected without any Fee or Reward: And after ſuch Entry made, each and every ſuch Aſſignment or Transfer ſhall intitle ſuch Aſſignee or Aſſignees, his, her, or their reſpective Executors, Adminiſtrators and Aſſigns, to the Benefit thereof, and Payment thereon; and ſuch Aſſignee or Aſſignees may, in like Manner, aſſign and transfer again, and ſo toties quoties; and it ſhall not be in the Power of any Perſon who ſhall have made ſuch Aſſignment or Transfer, to make void, releaſe, or diſcharge the ſame, or any Monies thereon due.

All Creditors equal in Degree.

XXXVIII. And be it further enacted, That no Preference ſhall be given to any Perſon or Perſons advancing any Sum or Sums of Money upon the Credit of this Act, in reſpect of the Priority of advancing ſuch Sum or Sums; but that all Perſons to whom any Mortgages or Aſſignments ſhall be made as aforeſaid, ſhall, in Proportion to the Sum or Sums therein mentioned, be Creditors in equal Degree one with another.

Penalty on obſtructing the Execution of this Act.

XXXIX. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time or Times hereafter, obſtruct, hinder, or moleſt, any Officer or Officers, or other Perſon or Perſons whatſoever, who are or ſhall be employed to put this Act in Execution, in the Performance or Execution of his or their Duty, every ſuch Perſon or Perſons ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

Power of levying Penalties.

XL. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed and incurred, (for the Recovery and Application whereof no particular Method is already directed), ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of any Juſtice or Juſtices of the Peace for the ſaid Weſt Riding; which Warrant the ſaid Juſtice or Juſtices is and are hereby impowered and required to iſſue, upon the Information of One or more Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter without Fee or Reward), or by any other competent Evidence; and ſuch Penalties and Forfeitures, when recovered, after rendering the Overplus (if any) when demanded to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained, the Charges of ſuch Diſtreſs being firſt deducted, ſhall go and be applied for ſuch of the Purpoſes of this Act as the ſaid Commiſſioners, or any Five or more of them, ſhall think fit:

Inhabitants may be Witneſſes.

And in all Actions, Proſecutions, Informations, Cauſes, and Proceedings whatſoever, relating to and concerning the Execution of this Act, any Inhabitant within the ſaid Townſhip may, and ſhall be admitted to give Evidence of the Rate or Aſſeſſment charged as aforeſaid upon any ſuch Inhabitant, by virtue of this Act.

Perſons aggrieved may appeal to Juſtices at their Quarter Seſſions,

XLI. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved, by any Thing done in purſuance of this Act, and for which no particular Method of Relief is herein appointed, ſuch Perſon or Perſons may, within Four Months after the Cauſe of Appeal ſhall have ariſen, appeal to the Juſtices of the Peace at the General Quarter Seſſions of the Peace to be holden for the ſaid Weſt Riding, ſuch Appellant or Appellants firſt giving, or cauſing to be given, Ten Days Notice at leaſt, in Writing, of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the ſaid Commiſſioners, or their Clerk, and within Ten Days after ſuch Notice entering into Recognizance before ſome Juſtice of the Peace for the aforeſaid Weſt Riding, not intereſted in the Matter or Diſpute then agitated, with Two ſufficient Securities, conditioned to try ſuch Appeal at, and abide the Order of the Court, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices, at ſuch Seſſions, upon due Proof of ſuch Notice being given, and of the entering into ſuch Recognizance as aforeſaid, ſhall hear and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party or Parties appealing or appealed againſt as ſuch Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be binding, final, and concluſive, to all Intents and Purpoſes.

whoſe Determination ſhall be final.

Diſtreſs not illegal for want of Form.

XLII. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Default or want of Form in any Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the Special Damage in an Action on the Caſe.

Power to tender Amends.

XLIII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity, Treſpaſs, or other Proceeding, if Tender of ſufficient Amends ſhall be made by or on Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, any ſuch Irregularity, Treſpaſs, or wrongful Proceeding, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful to and for the Defendant or Defendants, in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall ſee fit, whereupon ſuch Proceeding or Orders, and Judgements, ſhall be had, made, and given, in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

No Act of Commiſſioners legal but at publick Meetings.

XLIV. And be it further enacted, That no Act or Order of the ſaid Commiſſioners ſhall be valid, unleſs made at ſome publick Meeting, and when Five or more of the ſaid Commiſſioners are preſent: And every ſuch Act or Order ſo made, ſhall be entered in a Book to be for that Purpoſe kept by the Treaſurer or Clerk to the ſaid Commiſſioners; which ſaid Book, and all other Books and Entries relating thereto, or which otherwiſe concern or contain any Account or Accounts relative to the Purpoſes of this Act, ſhall be produced at every publick Meeting, to the End that all or any of the Inhabitants of the ſaid Townſhip may, if they think proper, inſpect the ſame, without Fee or Reward; which ſaid Book or Entries, when ſubſcribed by any Five or more of the ſaid Commiſſioners, or their Clerk, ſhall be deemed Originals, and ſhall be admitted and received as Evidence in all Cauſes, Suits, and Actions, touching any Thing done in purſuance of this Act.

Entries to be made, and Accounts to be produced at publick Meetings.

Rates to be proportioned on Occupiers quitting or coming in.

XLV. And be it enacted, That where any Perſon or Perſons ſhall come into or occupy any Houſe, Buildings, Tenements, Hereditaments, or Premiſes, rated or aſſeſſed, or liable to be rated or aſſeſſed by virtue of this Act, out of or from which any other Perſon rated or aſſeſſed ſhall be removed, or which at the Time of making this Act were empty or unoccupied, that then every Perſon ſo removing from, and every Perſon ſo coming into or occupying the ſame, ſhall be liable to pay ſuch Rate, in Proportion to the Time ſuch Perſon occupied the ſame reſpectively, in the ſame Manner, and under the ſame Penalty of Diſtreſs, as if ſuch Perſon ſo removed had not removed, or ſuch Perſon ſo coming into and occupying ſuch Houſe, Buildings, Tenements, Hereditaments, or Premiſes, had been originally rated and aſſeſſed in ſuch Rate; which ſaid Proportion, in caſe of Diſpute, ſhall, by the ſaid Commiſſioners, or any Five or more of them, be ſettled and aſcertained.

Power to Commiſſioners to make Contracts.

XLVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, and they are hereby authoriſed and impowered, from Time to Time, to contract with any Perſon or Perſons for the executing the ſeveral Purpoſes in this Act mentioned and contained; which Contract or Contracts ſhall ſpecify the Works to be done, and the Prices to be paid for the ſame, and the Time and Times when ſuch Works ſhall be performed or completed, and the Penalty to be ſuffered in caſe of Nonperformance thereof; and the ſame ſhall be ſigned by the ſaid Commiſſioners, or any Five or more of them, and by the Perſon or Perſons contracting to perform ſuch Works; and the ſaid Commiſſioners, or any Five or more of them, are hereby authoriſed and impowered to pay ſuch Sum or Sums of Money for ſuch reſpective Works as they ſhall ſo contract and agree for, out of the Money raiſed for the Purpoſes of this Act.

Commiſſioners to inſpect Poor Rates.

XLVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any One or more of them, or any Perſon or Perſons by them authoriſed under their Hands, from Time to Time, to inſpect the Poor Rates of and for the ſaid Townſhip, and to take Copies or Extracts therefrom; which the Overſeer or Overſeers, or other Perſon or Perſons having the Cuſtody thereof reſpectively, is or are hereby required, on producing ſuch Order as aforeſaid, to permit and ſuffer to be made and taken, without Fee or Reward; and on Refuſal thereof, by the Overſeer or Overſeers, or other Perſon or Perſons, as aforeſaid, he or they ſo refuſing ſhall forfeit and pay the Sum of Ten Pounds for each ſuch Offence; to be recovered by the ſaid Commiſſioners, or any Five or more of them, by Action of Debt, in any of His Majeſty's Courts of Record, with Coſts of Suit, as are allowed in other Caſes by Law.

Leave to incloſe before Houſes for rebuilding or repairing.

XLVIII. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, or the Surveyor or Surveyors, by Writing under his or their Hand or Hands, to give Liberty and Licence to any of the Proprietors and Inhabitants within the aforeſaid Part of the ſaid Town, or their Builders or Workmen, to make ſuch Incloſures before their reſpective Houſes, in order to the pulling down, rebuilding, or repairing the ſame, or any Vault, Drain, or Building belonging thereto, and for laying the neceſſary Materials for the ſame, and the Rubbiſh ariſing therefrom, as may be proper and neceſſary; and no Perſon or Perſons acting under ſuch Licence, and in purſuance thereof, ſhall, during the Time thereby to be limited, be ſubject or liable to any of the Penalties aforeſaid.

Account to be made up annually, and to be free for Inſpection.

XLIX. And be it enacted, That the ſaid Commiſſioners, or any Five or more of them, ſome Time between the Firſt Day of June and the Firſt Day of July, in every Year, ſhall cauſe a fair and juſt Account to be made and wrote out, of all Monies received and paid by virtue or in purſuance of this Act, when, by whom, to whom, and for what Purpoſes, the ſame have been laid out, paid, and expended; a Copy or Duplicate of which Account, ſigned by Five or more of the ſaid Commiſſioners, ſhall be depoſited with the Clerk of the ſaid Commiſſioners, who ſhall permit any Perſon ſo rated as aforeſaid to inſpect the ſame at ſeaſonable Times, paying One Shilling for ſuch Inſpection; and ſhall, upon Demand, forthwith give Copies of the ſame, or any Part thereof, to ſuch Perſon, paying at the Rate of Three-pence for every Hundred Words, and ſo in proportion for any greater or leſs Number; which Account, or Copy, or Duplicate thereof, the ſaid Commiſſioners, or any Five or more of them, are hereby impowered and required to cauſe to be wrote out, ſigned, and delivered accordingly.

For preventing Annoyances in the Streets, by Carriages left therein.

L. And, for the more effectual preventing all Annoyances in the aforeſaid Streets and publick Paſſages, it is hereby further enacted, That no Cart, Waggon, or other Wheel-carriage, ſhall be permitted to remain therein, but in order to the loading or unloading thereof; and for either of thoſe Purpoſes not longer than the Space of Two Hours at any One Time, or ſuch other reaſonable Time as the ſaid Commiſſioners, or any Five or more of them, ſhall order and appoint; and then only in ſuch Parts of the aforeſaid Streets and publick Paſſages where there can be left ſufficient Space for any other loaded Waggon or other Carriage to paſs by the Carriage ſo left ſtanding therein without Danger, under the Penalty of Twenty Shillings for every Offence; to be paid by the Owner or Perſon having the Charge of ſuch Carriage, and to be recovered and applied as the ſaid Penalties by this Act are directed to be recovered and applied: And that no Horſes or Cattle whatſoever, drawing or coming with any ſuch Cart, Waggon, or other Wheel-carriage, or on any other Occaſion, ſhall be foddered or fed in any of the aforeſaid Streets or publick Paſſages, on any Pretence or Occaſion whatſoever, under the Penalty of Five Shillings for every ſuch Offence; to be paid by the Owner or Perſon having the Charge of any ſuch Horſes or Beaſts, and recovered, levied, and applied as aforeſaid: And that no Truck, Sledge, Barrow, Barrel, Tub, Copper, Stall, Treſſel, Block, Box, Cheſt, Caſe, Bag, or Package of any Kind whatſoever, ſhall, upon any Pretence whatſoever, be left in any of the aforeſaid Streets or publick Paſſages during the Night-time, under the Penalty of Twenty Shillings for every ſuch Offence; to be paid by the Owner and Owners thereof, or Perſon ſo leaving the ſame, and recovered, levied, and applied, as aforeſaid.

How the Monies raiſed are to be applied.

LI. And be it further enacted, That all Monies ariſing by the Rates and Aſſeſſments by this Act directed to be made and levied, and all pecuniary Penalties and Forfeitures to be recovered or levied by virtue of this Act, and not hereby otherwiſe particularly diſpoſed of, ſhall be paid to the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint; to be applied to and for the Purpoſes of this Act, and to and for no other Uſe, Intent, or Purpoſe whatſoever.

Writings to be without Stamps.

LII. Provided always, and be it enacted, That no Nomination, Appointment, Contract, Bond, Information, Warrant, Order, Judgement, Conviction, or other Writing whatſoever, under the Hand and Seal or Hands and Seals of any of the Commiſſioners for putting this Act in Execution, or of any Juſtice or Juſtices of the Peace, or only ſigned by them, or any of them, or exhibited before them, or any of them reſpectively, touching, concerning, or in the Execution of any of the Powers or Authorities by this Act veſted in ſuch Commiſſioners, or Juſtices of the Peace, or any of them, ſhall be charged or chargeable with any Stamp-duty whatſoever.

To commit Offenders when no Diſtreſs can be found.

LIII. And be it further enacted, That in all Caſes where pecuniary Penalties are directed to be levied by this Act, in caſe no ſufficient Diſtreſs of the Goods or Chattels of any Offender ſhall be found at the iſſuing of any ſuch Warrant or Warrants of Diſtreſs; then, and in ſuch Caſe, it ſhall and may be lawful to and for the Juſtice or Juſtices of the Peace, before whom ſuch Offender or Offenders ſhall be convicted as aforeſaid, to commit him, her, or them, to the Houſe of Correction for the aforeſaid Weſt Riding, to be kept to hard Labour, for any Time not exceeding Six Months, or until ſuch Penalties or Forfeitures ſhall be paid.

Diſtreſs not to be deemed unlawful for want of Form.

LIV. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or other Matter or Thing to be done or tranſacted in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form, or be removed by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter, any Law or Statute to the Contrary notwithſtanding.

Limitation of Actions.

General Iſſue.

LV. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Ten Days Notice ſhall be thereof given in Writing to the Treaſurer or Clerk to the ſaid Commiſſioners, or after Twelve Months next after the Fact committed, for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought; and every ſuch Action ſhall be brought, laid, and tried, in the County of York, and not elſewhere; and that the Defendant or Defendants, in ſuch Actions and Suits, and every of them, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which ſhall be had thereupon; and that the Matter or Thing for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by the Authority of this Act: And if the ſaid Matter or Thing ſhall appear to be ſo done, or if it ſhall appear that ſuch Action or Suit was brought before Ten Days Notice thereof given, as aforeſaid, or that ſufficient Satiſfaction was made or tendered as aforeſaid, or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County than as aforeſaid, then the Jury or Juries ſhall find for the Defendant or Defendants therein; and if a Verdict or Verdicts ſhall be found for the Defendant or Defendants, or if the Plaintiff or Plaintiffs, in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, or if upon any Demurrer or Demurrers, in ſuch Action or Actions, Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and have ſuch Remedy for recovering the ſame, as any Defendant or Defendants may have for his, her, or their Coſts, in any other Caſes by Law.

Treble Coſts,

Saving the Rights of the Duke of *Leeds*.

LVI. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to prejudice, leſſen, or defeat the Rights or Intereſts of the moſt noble Thomas Duke of Leeds, his Heirs or Aſſigns, or any of them, to or in the Manor of Wakefield aforeſaid, but the ſaid Duke, his Heirs and Aſſigns, ſhall enjoy all ſuch Rights and Intereſts, in as full and ample Manner, to all Intents and Purpoſes, as he held and enjoyed the ſame before the paſſing of this Act, or could or might have held and enjoyed the ſame in caſe this Act had not been made; any Thing herein contained to the Contrary notwithſtanding.

Diviſions or Diſtricts preſerved.

LVII. And whereas the aforeſaid Townſhip of *Wakefield* conſiſts of Three ſeveral Diviſions or Diſtricts; that is to ſay, The Diviſion or Diſtrict of *Weſtgate*, *Northgate*, and *Kirkgate*, through each of which ſaid Diviſions or Diſtricts lead One or more Turnpike Road or Roads; therefore, be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to ſubject or make liable, or compel or oblige all or any of the Inhabitants within the aforeſaid Diviſions or Diſtricts, or any of them reſpectively, to do or perform their reſpective Statute-work in and towards the repairing and keeping in Repair all or any of the Turnpike Road or Roads leading through the ſame reſpectively, or to pay any Sum or Sums of Money as and for the Compoſition in lieu of ſuch Statute-work, in any other Manner or Form than they reſpectively now do or perform and pay, or by Authority of Parliament now are ſubject or liable to do or perform and pay; any Thing herein contained to the Contrary notwithſtanding.

Expences of paſſing this Act how to be paid

LVIII. And be it further enacted, That all the Charges and Expences of obtaining and paſſing this Act ſhall be paid out of the Firſt Monies to be raiſed by the Rates or Aſſeſſments to be collected by virtue of this Act.

Publick Act,

LIX. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame.

CAP. XLV.

An Act for improving and completing the Navigation of the Rivers *Thames* and *Iſis* from the City of *London* to the Town of *Cricklade*, in the County of *Wilts*.

Preamble.

WHEREAS the carrying on and regulating the Navigation of the Rivers *Thames* and *Iſis* from the City of *London* to the Town of *Cricklade*, in the County of *Wilts*, was, in and by an Act of Parliament, made and paſſed in the Twenty-fourth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the better carrying on and regulating the Navigation of the Rivers* Thames *and* Iſis *from the City of* London *Weſtward to the Town of* Cricklade, *in the County of* Wilts, veſted in certain Commiſſioners therein appointed, who, for want of proper Powers, have not been able to prevent frequent Abuſes and Exactions being committed by the Owners of ſeveral Towing-paths and other Paſſages on the Banks of the ſaid Rivers, and by the Owners of Locks, Weirs, Turnpikes, Dams, Floodgates, and other Engines, in and upon or near adjoining to the ſaid Rivers, and alſo by ſeveral Barge-maſters and their Servants navigating thereon; by reaſon whereof the Price of Water-carriage on thoſe Rivers is very much raiſed, and the Navigation of the ſaid Rivers greatly damaged, contrary to the Intent and Meaning of the ſaid Act: And whereas, upon a Survey and Eſtimate made and taken of the neceſſary Expence of making proper Turnpikes, and of cleanſing and embanking divers Parts of the ſaid Rivers, and for purchaſing Lands for the making of Towing-paths, and of building Bridges acroſs divers Streams that empty themſelves into the ſaid Rivers, and for other Purpoſes, in order to complete the Navigation of the ſaid Rivers, it appears, that the ſame will amount to a conſiderable Sum of Money, which cannot be raiſed without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, for completing the ſaid Navigation, and for preventing all Abuſes and Exactions relating thereto, which may render the ſame leſs uſeful to the Publick, all Members of the Houſe of Commons for the Time being, that do or ſhall reſide within the Counties of Wilts, Glouceſter, Oxford, Berks, Bucks, Surrey, and Middleſex, the Repreſentatives in Parliament of the ſaid Counties for the Time being, the Repreſentatives in Parliament of the City of London, and of all Towns within the ſaid Counties for the Time being, the Lord Mayor and Aldermen of the City of London for the Time being, the High Bailiff of Weſtminſter for the Time being, the Vice Chancellor and Heads of Colleges or Halls in the Univerſity of Oxford for the Time being, the Dean and Canons of Chriſt Church for the Time being, the Dean and Prebendaries of Weſtminſter for the Time being, the Dean and Reſidentiaries of Saint Paul's, London, for the Time being, the Dean and Canons of Windſor for the Time being, the Provoſt and Fellows of Eton College for the Time being, the Rectors and Incumbents for the Time being of the ſeveral Pariſhes that border upon the Thames, the Mayors and Recorders of Oxford, Abingdon, Wallingford, Reading, Henley, Maidenhead, and Windſor, and the Bailiffs and Recorder of Kingſton upon Thames for the Time being, the Truſtees or Commiſſioners of the River Wey, the Proprietors of the ſaid River, the Mayor, Aldermen, and Recorder of Guilford, the Bailiffs of the Town of Godalming, and all Perſons who do or ſhall at any Time reſide, or have

Commiſſioners.

an Eſtate of One hundred Pounds per Annum within the reſpective Counties of Middleſex, Surrey, Berks, Bucks, Oxford, Glouceſter, and Wilts, ſhall be, and are hereby conſtituted Commiſſioners for putting in Execution all and ſingular the Powers in this Act contained; and that all and every Perſon and Perſons conſtituted and appointed a Commiſſioner or Commiſſioners by Virtue or in purſuance of this Act, before he and they reſpectively take upon himſelf or themſelves to act as a Commiſſioner or Commiſſioners, (other than the adminiſtring the following Oath to one another, which they, or any Two of them, are hereby impowered and required to do) ſhall take and ſubſcribe the following Oath:

Oath.

I *A. B.* do ſwear, That I will, without Favour or Affection, truly, faithfully, and impartially execute, perform, and diſcharge, the Office and Duty of a Commiſſioner, according to the Powers, Authorities, and Directions given and eſtabliſhed by an Act of Parliament, *for improving and completing the Navigation of the Rivers* Thames *and* Iſis *from the City of* London *to the Town of* Cricklade, *in the County of* Wilts; and that I will execute the ſaid Act according to the beſt of my Skill and Knowledge.

So help me GOD.

Which Oath, ſo taken and ſubſcribed as aforeſaid, ſhall be kept by the Clerk of the Peace among the Records of the Seſſions of the Peace in and for the reſpective Counties where the ſame ſhall be ſo taken and ſubſcribed.

Qualifications of Commiſſioners.

II. Provided always, That no Perſon, except the Mayor, Aldermen of Guilford, and the Bailiffs of the Town of Godalming, ſhall act as a Commiſſioner in any Caſe in the Execution of this Act, unleſs he ſhall be ſeiſed in his own Right, or in the Right of his Wife, of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds; or ſhall be Heir-apparent of ſome Perſon having ſuch Eſtate of the yearly Value of Two hundred Pounds; or ſhall be poſſeſſed of a perſonal Eſtate to the Amount of Three thouſand Pounds.

Perſons acting not qualified, ſhall forfeit 200 *l.*

III. And be it further enacted, That in caſe any Perſon ſhall preſume to act as a Commiſſioner before he has taken the ſaid Oath, or if he ſhall have acted, not being duly qualified, or whilſt he was under any Diſqualification by this Act, he ſhall, upon Conviction thereof, forfeit the Sum of Two hundred Pounds; to be recovered by the General Treaſurer of the ſaid Navigation, by Action of Debt, in any of His Majeſty's Courts of Record at Weſtminſter; and ſuch Perſon ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall forfeit the ſaid Sum of Two hundred Pounds; which Sum, when recovered, after deducting of all Coſts and Charges attending the Recovery thereof, ſhall be applied to and for the Purpoſes of this Act.

Time and Place of Commiſſioners Firſt Meeting.

Ordinary Meetings how to be held.

IV. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, for the better and more orderly putting in Execution the Powers hereby to them given, ſhall, for the Firſt Time, meet on the Second Thurſday after the paſſing of this Act, at the Town-hall of Henley upon Thames; and afterwards, in the ſaid Year, and every ſubſequent Year, without any previous Notice, on the Firſt Saturday after the Twenty-fourth Day of June, at the Town-hall of Great Marlow, in the County of Bucks; on the Firſt Saturday after the Twenty-ninth Day of September, at the Town-hall of Kingſton, in the County of Surrey; on the Firſt Saturday after the Twenty-fifth Day of December, at the Town-hall of Oxford; on the Firſt Saturday after the Twenty-fifth Day of March, at the Town-hall of Reading, in the County of Berks; which Meetings, ſubſequent to the firſt-mentioned Meeting, ſhall be called Quarterly or Ordinary Meetings: And at any One of the ſaid quarterly or ordinary Meetings it ſhall and may be lawful for any Commiſſioner then preſent to propoſe any Perſon to be a Commiſſioner, being an Inhabitant of any County bordering upon the Thames or Iſis, provided ſuch Perſon is otherwiſe duly qualified according to this Act, or is not thereby in any Manner diſqualified to be elected a Commiſſioner; and if the Perſon ſo propoſed ſhall be elected by a Majority of Commiſſioners preſent at the next quarterly or ordinary Meeting, he ſhall be a Commiſſioner to all Intents and Purpoſes, in the ſame Manner as if he had been appointed by this Act.

Commiſſioners may be elected.

Method of adjourning.

V. And be it further enacted, That at any of the ſaid quarterly or ordinary Meetings, and alſo at all General Meetings, it ſhall and may be lawful for any Seven or more of the ſaid Commiſſioners to proceed to execute this Act, and all the Powers, Matters, and Things herein contained, and alſo to adjourn themſelves, from Time to Time, and Place to Place, as they ſhall think neceſſary; but in caſe it ſhall happen that Seven Commiſſioners ſhall not be preſent at any ſuch ordinary, or at any extraordinary or adjourned Meeting; then, and in ſuch Caſe only, it ſhall and may be lawful for any Two or more of the ſaid Commiſſioners to adjourn themſelves from Time to Time, and Place to Place, as they ſhall think proper, until Seven or more Commiſſioners ſhall meet and be preſent at One Time, who ſhall adjourn themſelves, from Time to Time, to ſuch Place, and ſo from Place to Place, within the Counties of Middleſex, Surrey, Berks, Buckingham, Oxford, Glouceſter, and Wilts, and near to the ſame Rivers, or ſome Part thereof, as they ſhall think proper: And the ſaid Commiſſioners, or any Three or more of them, are hereby impowered and authoriſed afterwards, at any Time or Times, when it ſhall happen that no General Meeting is appointed to be held by Adjournment, to appoint extraordinary General Meetings of the ſaid Commiſſioners for putting in Execution all or any of the Powers hereby in them veſted, at ſuch Times and Places as they ſhall think proper, within any of the Counties by or through which the ſaid Rivers run, upon or near the ſame, upon giving Ten Days Notice in ſuch publick News-papers, as to the ſaid Commiſſioners ſhall ſeem meet, of the Time and Place which ſhall be, from Time to Time, appointed for ſuch extraordinary General Meetings, at which the Commiſſioners then preſent ſhall be at Liberty, and are hereby impowered to adjourn themſelves to ſuch Time and Place, within any of the aforeſaid Counties, near the ſaid Rivers, as they ſhall think proper: And if it ſhall happen that a ſufficient Number of Commiſſioners

Commiſſioners may appoint extraordinary Meetings.

miſſioners ſhall not appear at any ſuch Meeting, then the Clerk to the ſaid Commiſſioners ſhall, by the like Notice, adjourn ſuch Meeting to the ſame Place for that Day Fortnight; and the ſaid Commiſſioners, or any Seven or more of them, aſſembled at ſuch extraordinary General Meetings, ſhall, at any of ſuch extraordinary, general, or adjourned Meetings, held at any of the reſpective Times and Places aforeſaid, or in purſuance of ſuch Notice, as aforeſaid, only for ſuch Number of Days as to them ſhall ſeem convenient, do and tranſact all ſuch Buſineſs relating to the ſaid Navigation, as to the ſaid Commiſſioners, or any Seven or more of them, ſhall ſeem expedient; and alſo, upon due Examination of any Perſon or Perſons, touching any Matters or Things which concern the better carrying on and regulating the Navigation of the ſaid Rivers, or touching any Matters in Controverſy between Party and Party relating thereto, upon Oath, (which Oath they, or any Two of them, are hereby impowered, at ſuch General or adjourned Meetings to adminiſter), and ſhall be in theſe Words:

In Matters of Controverſy, Commiſſioners to adminiſter the following Oath.

I *A. B.* do ſwear, that ſuch Information or Evidence as I ſhall give ſhall be the Truth, the whole Truth, and nothing but the Truth.

So help me GOD.

The Oath.

VI. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, at their Firſt or at any ſucceeding General Meeting, by any Writing or Writings under their Hands and Seals, ſhall and may appoint a fit Perſon to be General Treaſurer of the ſaid Navigation, and alſo One other fit Perſon to be General Surveyor of the ſaid Navigation, and alſo ſuch other fit Perſon or Perſons to be Receiver or Receivers, Collector or Collectors, of the Tolls or Duties ariſing therefrom; and, in like Manner, at their reſpective Diſtrict Meetings, to appoint One fit Perſon in each Diſtrict to be Clerk to the Commiſſioners acting therein, and alſo all ſuch other Officers as the ſaid Commiſſioners, or any Seven or more of them, ſhall think neceſſary, and allow them, or any of them, ſuch Salary or Salaries as they, or the major Part of them, ſo aſſembled, ſhall think proper; and alſo ſhall and may, from Time to Time, remove ſuch Treaſurer, Surveyor, Receivers, Collectors, Clerks, and other Officers, as they, or the major Part of them, ſo aſſembled, ſhall ſee Occaſion, and appoint others in their Stead.

Officers how to be appointed,

and removed.

VII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Eleven or more of them, at any General Meeting, ordinary or extraordinary, are hereby impowered to make ſuch Orders and Conſtitutions for the purchaſing of Locks, Ferries, and Lands, for the Uſe of the ſaid Navigation, and to purchaſe and make ſuch Towing-paths, Banks, Roads, Bridges, Ferries, and Ways, for the towing, haling, or drawing of Boats, Barges, and other Veſſels, (with Horſes, or otherwiſe), paſſing in, through, or upon the ſaid Rivers, and to purchaſe or make ſuch Wharfs, Locks, Weirs, Bucks, Winches, Spikes, Dams, Flood-gates, and Engines, for the compleating and carrying on the ſaid Navigation, as the ſaid Commiſſioners, or any Eleven or more of them, at ſuch General Meeting, ſhall think neceſſary and convenient for the Purpoſes aforeſaid; and alſo to erect and maintain Pounds or Turnpikes on the ſaid Rivers where Locks or Weirs are now made uſe of, and at all ſuch other Places on the ſaid Rivers, as the ſaid Commiſſioners, or any Eleven or more of them, at their General Meetings, to be held as herein-before directed, ſhall judge proper, and ſo as each of the ſaid Pounds or Turnpikes ſo to be erected in purſuance of this Act be of the Dimenſions of One hundred and thirty Feet long, and Eighty Feet wide; and alſo to ſettle and aſcertain reaſonable Rates and Prices to be taken from the Owners of all Barges, Boats, and Veſſels, for the Uſe and Exerciſe of all the ſaid Towing-paths, Ferries, Gates, and Bridges, either by Men or Horſes, as they are now or ſhall be hereafter uſed, at the Diſcretion of the ſaid Commiſſioners, by the Tenants or Occupiers of all ſuch Pounds, Locks, Weirs, Bucks, Turnpikes, Winches, Dams, Flood-gates, and other Engines, and Towing-paths, in, upon, or near or adjoining to the ſaid Rivers of Thames and Iſis, or which do or may affect the Navigation of the ſame, or ſhall be deemed by the ſaid Commiſſioners, or any Eleven or more of them, aſſembled at ſuch Meeting or Meetings, as aforeſaid, to be neceſſary or uſeful thereto, between the ſaid City of London and the ſaid Town of Cricklade, for the Help and Aſſiſtance which Barges, Boats, or Veſſels, may or ſhall receive thereby, or by Means thereof, in their Paſſage upon the ſaid Rivers, Regard being had as well to the Size, Burthen, or Tonage of ſuch Boats, Barges, and Veſſels, that ſhall navigate on the ſaid Rivers, as to the Charges and Expences which have been and ſhall be laid out in the purchaſing of the Land neceſſary for the ſaid Towing-paths, and in building, repairing, enlarging, improving, and ſupporting the ſaid Towing-paths, Pounds, Weirs, Bucks, Winches, Turnpikes, Flood-gates, and other Engines; and alſo to make Orders and Regulations touching the Sizes and Draughts of all Boats, Barges, and other Veſſels, navigating the ſaid Rivers, and to ſettle proper Gages on the Sides thereof, and how deep they ſhall load at all Times, ſo as no Boat, Barge, or other Veſſel whatſoever, navigating the ſaid River, ſhall draw more than Three Feet of Water; and alſo to make and appoint all ſuch other neceſſary Rates, Orders, Conſtitutions, Rules, and Regulations, concerning the ſaid Navigation, and alſo concerning ſuch Pounds, Weirs, Bucks, Winches, Turnpikes, Dams, Flood-gates, and other Engines, and Towing-paths, lying between the Places aforeſaid, and the Shutting, Penning, Opening, Drawing, Uſe, or Management thereof, for the Benefit and Safety of the ſaid Navigation; and making Satiſfaction for the Loſs or Damage any Owners or Occupiers of Mills or Lands ſhall or may ſuſtain thereby; and concerning all Barges, Boats, or Veſſels paſſing by, through, or with the Help of the ſame, and Behaviour of all Bargemen, Boatmen, and Watermen, belonging to or working in ſuch Barges, Boats, or Veſſels, ſo as to remedy the Abuſes which have been heretofore frequently committed, or may hereafter be committed by them in the Navigation; and to give ſuch Reparation,

Commiſſioners may purchaſe Houſes or Lands for making the neceſſary Works, Towing-paths, and other Conveniencies,

and ſettle the Prices to be paid for the Uſe thereof;

make Regulations relating to the Veſſels navigating the Rivers;

make Satiſfaction to Owners of Mills; and prevent Miſbehaviour of Watermen.

Satisfaction, and Damages, to the Perſon or Perſons aggrieved thereby, as likewiſe to the Owners or Occupiers of Lands, Meadows, or other Grounds, who ſhall be damaged by the Neglect or Refuſal of the Owners of ſuch Pounds, Weirs, Bucks, Winches, Turnpikes, and Flood-gates, in not opening and keeping open the ſame till the Water is ſunk beneath the Water-mark, as to the ſaid Commiſſioners, or any Eleven or more of them, ſhall ſeem meet.

Not to extend to prevent the preſent Courſe of the River.

VIII. Provided always, That nothing in this Act contained ſhall extend to authoriſe or impower the ſaid Commiſſioners, or any other Commiſſioners hereafter to be appointed by virtue of this Act, to make any Cut or Cuts to divert the preſent Courſe of the ſaid River in any Manner whatſoever between the Bridge at Maidenhead, in the County of Berks, and the City of London, nor any where above the ſaid Bridge, except for the ſole Purpoſe of making Turnpike Locks on the Sides of the preſent Locks.

Commiſſioners to ſettle the Price for Paſſage of Barges,

IX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven or more of them, at any General Meeting, or for any Three or more of them, at any Diſtrict Meeting, to ſettle the Price to be paid for the Paſſage of Barges or other Veſſels, ſo as ſuch Price, ſo far as regards the Locks now in being, be not leſs than the preſent Owners or Occupiers of ſuch Locks are now intitled to take and receive by virtue of any former Act, or any Order made by the Commiſſioners acting under or by virtue thereof, nor more than Four-pence per Ton at any One Lock or Toll-gate through or near the ſaid Locks, according to the Tonage of ſuch Barges or other Veſſels; which Price of Lockage ſhall be fixed up, painted in large Characters, on Boards, on the ſaid Locks, as well as the Price of Towing at the Beginning and End of each Fare; and the ſaid Commiſſioners, or any Seven or more of them, at any General Meeting, or any Three or more of them, at any Diſtrict Meeting, ſhall have Power, by a written Order, ſigned by them, and directed to the Perſons concerned, to oblige the Owners or Occupiers of Locks to keep in Repair the ſeveral Locks and Weirs now in the ſaid Rivers; and for Non-compliance with ſuch Order, after Ten Days Notice, the ſaid Commiſſioners, or any Three or more of them, whether they ſigned the ſame or not, are hereby impowered to repair ſuch Locks and Weirs, and to levy the Expence by Diſtreſs and Sale of the Offender's Goods and Chattels; and the ſaid Commiſſioners, or any Seven or more of them, at any General Meeting, or any Three or more of them, at any Diſtrict Meeting, are hereby impowered to fix a Mark or Marks at each Lock or Weir, below or above which Mark or Marks no Owner or Occupier of any Lock, Weir, or Mill, ſhall knowingly or deſignedly let the Water fall or riſe, unleſs he is authoriſed thereto by Two Commiſſioners, under their Hands, in caſe of any Repairs that may be wanting to the ſaid Mill, Weir, or Lock, that may make it neceſſary to let the Water down below ſuch Marks, but in no other Caſe whatever; and in caſe any Perſon or Perſons ſhall act contrary to the above Directions, he ſhall forfeit the Sum of Fifty Pounds, to be recovered as herein-after mentioned.

and oblige Proprietors to keep up Locks and Weirs,

and keep up the Water to a proper Height.

Water for repairing Mills or Fiſhing, may be drawn down.

X. Provided always nevertheleſs, and be it enacted by the Authority aforeſaid, That any Owner or Occupier of any Mill ſhall and may, and they are hereby impowered, to draw down the Water without ſuch Authority from the Commiſſioners as aforeſaid, for the Repair of ſuch Mill, or any Flood-gates or Waterworks belonging thereunto, and for the Purpoſe of cleanſing the Mill Stream; and alſo that it ſhall and may be lawful to and for all and every Perſon and Perſons, having a Right or Privilege to fiſh with Nets or Bucks in any Part of the ſaid Rivers, and to draw down the Waters for that Purpoſe, to retain, poſſeſs, and enjoy, the ſaid Right and Privilege of Fiſhing, at all ſeaſonable Times of the Year, and drawing down the Water, doing thereby no Damage or Prejudice to the Navigation, and cauſing thereby no Obſtruction or Hinderance to the Boats, Barges, or Lighters, on the ſaid Rivers, any Thing in this Act contained to the Contrary notwithſtanding.

Commiſſioners to keep up a proper Head of Water for working Mills.

XI. And be it further enacted by the Authority aforeſaid, That the Commiſſioners appointed by this Act, and their Succeſſors, ſhall, from Time to Time, and at all Times hereafter, ſo build, conſtruct, and keep in Repair, the Locks, Bucks, Weirs, Pounds, and other Devices, to be erected and conſtructed by the Authority of this Act, as that a ſufficient Head of Water may be conſtantly pounded and kept up for the Purpoſe of working the Mills contiguous and lying near to ſuch Locks, Bucks, Weirs, or Pounds; and that in caſe any Damage ſhall accrue to any ſuch Mill by the improper Conſtruction or Uſe of any of the ſaid Locks, Weirs, Pounds, or other Devices, ſo to be conſtructed as aforeſaid, or any ſuch Mill by any of the Means aforeſaid ſhall be obſtructed or hindered from working; that then, and in ſuch Caſe, the ſaid Commiſſioners appointed by this Act, and their Succeſſors, or any Three or more of them, ſhall, on Application to be made to their Clerk for that Purpoſe, by a Notice in Writing from any Owner or Occupier of a Mill ſo damaged or obſtructed, or hindered from working, to be given to the ſaid Clerk, or left at his uſual Place of Abode, cauſe the ſaid Locks, Weirs, Pounds, and other Devices, or ſuch of them as ſhall be defective, to be well and ſufficiently altered, repaired, and amended, within Twenty-one Days next after ſuch Application ſhall have been made, as aforeſaid; and in caſe the ſaid Commiſſioners, or their Succeſſors, or any Seven or more of them, ſhall not, within the Time aforeſaid, cauſe the ſaid Locks, Weirs, Pounds, and other Devices, or ſuch of them as ſhall be defective, to be well and ſufficiently altered, repaired, and amended, it ſhall and may be lawful to and for Two Juſtices of the Peace near adjoining to ſuch Mill ſo damnified or hindered from working, and they are hereby authoriſed and required, to take a View of the ſaid Locks, Weirs, Pounds, and other Devices, or ſuch of them as ſhall be ſo defective, on Application for that Purpoſe to be made by the Owner or Occupier of the Mill ſo damnified or hindered from working; and if, upon ſuch View, the ſaid Juſtices ſhall find the ſaid Locks, Weirs, Pounds, and other Devices, or any or either of them, to be ſo conſtructed, or to be ſo out of Repair, as to hinder or impede the working of the Mill of the Owner or Occupier ſo giving Notice as aforeſaid, then the ſaid Juſtices ſhall, by Writing under their Hands and Seals, certify what Repairs or Alterations are wanting to be made or done to the ſaid Locks, Weirs, Pounds, or other Devices; which Certificate ſhall be delivered to the Clerk to the ſaid Commiſſioners, or left at his uſual Place of Abode: And in caſe the ſaid Commiſſioners, or their Succeſſors, or any Seven or more of them, ſhall not, within Twenty Days next after the ſaid Certificate ſhall be left with, or delivered to, their ſaid Clerk, as aforeſaid, cauſe the ſaid Locks, Weirs, Pounds, and other Devices, to be ſo properly conſtructed, or well and ſufficiently repaired, as that the ſaid Mills may not be damaged or hindered from working as uſual; that then, and in ſuch Caſe, it ſhall and may be lawful to and for the Owners or Occupiers of ſuch Mills, and they are hereby authoriſed to cauſe ſuch Alterations, Reparations, and Amendments, to be made to the ſaid Locks, Weirs, Pounds, and other Devices, as ſhall be mentioned in the ſaid Certificate; and the ſaid Commiſſioners, and their Succeſſors, or any Seven or more of them, ſhall pay, or cauſe to be paid, to the Perſon or Perſons at whoſe Expence the ſaid Alterations, Repairs, and Amendments, ſhall have been made, all ſuch Coſts, Charges, and Expences, as he or they ſhall have paid, expended, or been put unto, on that Occaſion; and alſo to the Owners or Occupiers of ſuch Mills, all ſuch Damages as they may have ſuſtained by reaſon of ſuch Want of Alteration, or Defect in Reparation, ſuch Coſts, Charges, Damages, and Expences, to be liquidated by ſuch Two Juſtices as aforeſaid, if any Diſpute ſhall ariſe concerning the ſame; and in caſe of Nonpayment thereof for the Space of Twenty Days next after Demand for that Purpoſe made on the Collector of the Rates and Duties to be collected by virtue of this Act, it ſhall and may be lawful to and for the Perſon and Perſons at whoſe Expences ſuch Alterations, Repairs, and Amendments, ſhall have been made, and to and for the Owner and Occupiers of ſuch Mills ſo damnified as aforeſaid, and they are hereby authoriſed to receive all and every the Rates and Duties to be collected by virtue of this Act, until he and they ſhall have reimburſed himſelf and themſelves all ſuch Coſts, Charges, Damages, and Expences, as he or they ſhall have ſuſtained, or been put unto, in making ſuch Alterations, Repairs, and Amendments, as aforeſaid, or by reaſon of the Defect or Want thereof.

Lock Dues to be paid to former Proprietors of Locks.

XII. And whereas there are many Locks, Bucks, Weirs, and Winches, now in the ſaid Rivers, the Owners or Occupiers whereof are, by virtue of the ſaid-recited Act of Parliament of the Twenty-fourth Year of the Reign of His ſaid late Majeſty King *George* the Second, or of ſome Orders made by the Commiſſioners acting under the Authority thereof, intitled to receive a Toll or Rate for the Paſſage of Boats, Barges, and Lighters, through ſuch Waters and Locks, and for the Uſe of ſuch Winches: And whereas, by Means of the ſaid intended Navigation, and the Alteration of the Courſe thereof, all the Boats, Barges, and other Veſſels, will be prevented and obſtructed from paſſing or repaſſing to or from, or through the ſaid Weirs and Bucks: In order therefore to make a Satisfaction to ſuch Owners and Occupiers of Locks, Bucks, Weirs, and Winches, for the Damage they may reſpectively ſuſtain by reaſon of the ſaid intended Navigation, and the Alteration of the Courſe thereof, be it further enacted, That from the Time of making any Alterations in the Navigation of the ſaid Rivers in purſuance of this Act, whereby any Boat, Barge, Lighter, or other Veſſel, ſhall be prevented or diverted from paſſing or repaſſing to, from, or through either of the ſaid Weirs or Locks, or from uſing either of the ſaid Bucks or Winches, there ſhall, from thenceforth, and for ever thereafter, be paid and allowed, and the Commiſſioners appointed, or to be appointed, by or in purſuance of this Act, are hereby authoriſed, impowered, and required, to pay and allow unto the Owner or Occupier of every ſuch Weir, Lock, Buck, or Winch, for every Boat, Barge, Lighter, or other Veſſel, paſſing by and not making uſe of the ſame, ſuch and the ſame Tolls, Rates, and Duties, clear of all Taxes and Deductions whatſoever, as ſuch Owners and Occupiers would have been intitled to have received and taken, had ſuch Boat, Barge, Lighter, or other Veſſel, ſo paſſing by, paſſed through, and made uſe of ſuch Weirs, Locks, or Winches, by virtue of the ſaid recited Act of Parliament, or any Order made by the Commiſſioners acting under or by virtue thereof; ſuch Tolls to be accounted for and paid Monthly, at or upon the Firſt Monday in every Month, in every Year; and in caſe of Refuſal or Nonpayment of the ſaid Tolls, or any Part thereof, for the Space of Ten Days next after any of the Days before appointed for the Payment thereof, as aforeſaid, the Rates, Tolls, and Duties, granted by this Act, ſhall veſt in ſuch Owner or Occupier, until he ſhall have received ſufficient to pay him the Tolls allotted him as aforeſaid, together with the Coſts and Charges occaſioned by the Nonpayment of ſuch Tolls; and that until full Payment thereof, he ſhall have the ſame Powers and Authorities for demanding, collecting, and receiving the Rates, Tolls, and Duties, granted by this Act, as are by this Act granted to the ſaid Commiſſioners, their Collectors, or Receivers, or any of them.

Lock-owners impowered to meaſure Barges, &c.

XIII. And for the better aſcertaining what Sum or Sums of Money ſhall from Time to Time be due and payable to ſuch Owners or Occupiers of Locks, Weirs, Bucks, and Winches, be it further enacted, That ſuch Owners or Occupiers, or ſuch Perſon or Perſons as they, either, or any of them, ſhall for that Purpoſe appoint, ſhall and may, at any Time or Times hereafter, have full and free Liberty and Power of meaſuring the Boats, Barges, and Lighters, and of inſpecting, examining, and taking Copies, at their own Expence, of all ſuch Books, Accounts, and Entries, as ſhall at any Time or Times thereafter, in purſuance of this Act, be made, entered, or kept at the Place neareſt the Lock, Weir, or Winch, of the Owner or Occupier claiming ſuch Toll, in order to ſee the Number of Boats, Barges, Lighters, and other Veſſels, that have paſſed by ſuch Lock, Weir, or Winch, and the Quantity or Tonage of the Goods, Wares, Merchandiſes, or Commodities, which ſhall be carried or conveyed therein.

XIV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, ſhall have Power and Authority, and they are hereby

Rates of Carriage and Hire of Horſes how to be ſettled.

Perſons taking higher Rates, or acting contrary to the Rules preſcribed,

to forfeit 50 *l.*

by required, at their ſaid General Meetings, to aſſeſs and rate the Prices of the Carriage of all Sorts of Goods whatſoever, and the Rates or Fare to be given for the Uſe of any Horſe or Horſes employed on the ſaid Navigation, from the ſaid City of London to the ſaid Town of Cricklade, and back from thence to the ſaid City of London, or to or from any Place or Places upon the ſaid Rivers, to any other Place or Places upon the ſame, in ſuch Boats, Barges, and other Veſſels; and ſhall forthwith give publick Notice in Writing, to be ſigned by the ſaid Commiſſioners at ſuch their Meetings, or any Seven or more of them, to be ſtuck up at the ſeveral Locks and Turnpike-gates on the ſaid Rivers, and at the Market Places or Church Doors of ſuch Towns and Pariſhes as they ſhall think proper within the reſpective Diſtricts, and alſo to be printed and publiſhed in ſome of the publick News-papers, of which publick Notice the ſeveral Owners of Boats, Barges, and other Veſſels navigating on the ſaid Rivers, are hereby required to take Notice, as alſo of the Rates and Prices ſo from Time to Time ſet and aſſeſſed, and of all other Rates, Fares, and Prices, which ſhall at any Time or Times hereafter, at ſuch reſpective Meetings as aforeſaid, be rated and aſſeſſed by virtue of this Act; and if any Owner and Proprietor of any ſuch Barge, Boat, or other Veſſel, ſhall, at any Time after the Expiration of Twenty Days next after the publiſhing of ſuch Notice, take for the Water-carriage of any Goods or Merchandiſes above the Rates and Prices ſo ſet as aforeſaid, every Perſon ſo offending ſhall forfeit the Sum of Twenty Pounds: And if any Perſon whatſoever ſhall act contrary to any other Rules, Orders, or Conſtitutions, which ſhall be made in purſuance of this Act, either for the Benefit of the Proprietors or Owners of Mills, Locks, Lands, Grounds, or Meadows, near or adjoining to the ſaid Rivers, or either of them, or otherwiſe howſoever, every ſuch Perſon ſo offending ſhall, for every ſuch Offence, likewiſe forfeit the Sum of Fifty Pounds, unleſs in the Caſe of Offences for which other Penalties and Forfeitures are herein otherwiſe inflicted; all which reſpective Penalties and Forfeitures ſhall and may be recovered in a ſummary Way, by Information or Complaint made to the ſaid Commiſſioners, at any of their General Meetings, or at any of their Diſtrict Meetings, in the Manner herein-after directed; and ſhall go and be applied, One Moiety to the Informer or Informers, and the other Moiety to the Party or Parties aggrieved by any ſuch Offence, and ſhall and may be levied by Diſtreſs and Sale of the Offender's Goods and Chattels in Manner herein-after directed.

No Order to be altered,

unleſs Notice ſhall be given.

XV. Provided always, and be it further enacted, That no Order, Rule, or Regulation, made by the ſaid Commiſſioners at any General Meeting, ſhall be altered or repealed at any extraordinary General Meeting; and that it ſhall and may be lawful to and for the ſaid Commiſſioners, at any of the ſaid quarterly or ordinary Meetings, or at any Adjournment thereof, to alter, annul, or repeal any Order, Rule, or Regulation, made by the ſaid Commiſſioners at any former Meeting, or Adjournment whatſoever, held in purſuance of this Act, or to make any new Order, Rule, or Regulation, touching and concerning the ſame, as the Occaſion and Circumſtances of the Caſe may then require, and as to them ſhall ſeem expedient; but no ſuch Alteration, Repeal, or new Order, ſhall be made, or deemed good and ſufficient, unleſs Twenty Days Notice of ſuch Alteration or Repeal be fixed, in Writing, upon the Locks and Turnpike-gates upon the ſaid Rivers, and at the Market Places and Church Doors of ſuch Towns and Pariſhes as they ſhall think proper, within their reſpective Diſtricts.

Navigation to be divided into Diſtricts.

XVI. And be it further enacted by the Authority aforeſaid, That the ſaid Navigation ſhall, and the ſame is hereby directed to be divided into Six Parts or Diſtricts; videlicet, That the Firſt Part or Diſtrict of the ſaid Navigation ſhall be accounted, deemed, and taken to be between the ſaid City of London and the City Stone above Staines Bridge; and that the Second Part or Diſtrict ſhall be accounted, deemed, and taken to be between the City Stone above Staines Bridge aforeſaid and Boulter's Lock; and that the Third Part or Diſtrict ſhall be accounted, deemed, and taken to be between Boulter's Lock aforeſaid and Maple Durham; and that the Fourth Part or Diſtrict ſhall be accounted, deemed, and taken to be between Maple Durham aforeſaid and Shillingford; and that the Fifth Part or Diſtrict ſhall be accounted, deemed, and taken to be between Shillingford aforeſaid and Oxford; and that the Sixth Part or Diſtrict ſhall be accounted, deemed, and taken to be between Oxford aforeſaid and Cricklade, in the ſaid County of Wilts.

Firſt Subdiviſion Meetings to be appointed by the Firſt General Meeting. Manner of adjourning and appointing others, Notice to be given.

XVII. And be it further enacted by the Authority aforeſaid, That the Time and Place of the Firſt Meeting in every Diſtrict ſhall be appointed by the Firſt General Meeting to be holden at Henley; and that the Commiſſioners living within their reſpective Diſtricts, or any Three or more of them, ſhall and may hold a Diſtrict Meeting at the Time and Place ſo appointed, and afterwards at all Times, and at any Place, bordering upon the ſaid Rivers within their reſpective Diſtricts, as any Two ſuch Commiſſioners ſhall, either by Adjournment from Time to Time, or by any Writing under their Hands, directed to the Diſtrict Clerk, appoint; of which Diſtrict Meeting the ſaid Clerk is hereby required, on Pain of forfeiting Five Pounds, at the Diſcretion of the ſaid Commiſſioners, to affix Notice in Writing at the Market Places, or on the Principal Door of each Pariſh Church in ſuch Towns or Pariſhes as are not Market Towns, that are adjoining to the ſaid Rivers, as the ſaid Commiſſioners ſhall appoint within that Diſtrict, Ten Days before the Time appointed for the holding ſuch Diſtrict Meeting; or if that cannot be, as many Days Notice as can conveniently be given, Regard being had to the Neceſſity of the Caſe; and at ſuch Diſtrict Meeting, the ſaid Commiſſioners, or any Two of them, ſhall have Power to adjourn themſelves from Time to Time, and from Place to Place, as they ſhall think proper, for enforcing the Execution of ſuch Orders and Conſtitutions as ſhall be made at any of the General Meetings of the ſaid Commiſſioners, to be held as aforeſaid; and at ſuch Diſtrict Meetings the ſaid Commiſſioners, or any Three or more of them, or the major Part of them preſent, ſhall have Power, and are hereby authoriſed, in a ſummary Way, upon Examination of the Parties, and all Witneſſes to be produced by them upon Oath, which Oath ſhall be in

the

Commiſſioners to determine Differences.

the ſame Words as the Oath herein-before directed for the Examination of any Perſon or Perſons as aforeſaid, (and which Oath they are hereby impowered to adminiſter), to hear and determine all ſuch Complaints and Informations as ſhall be made or laid againſt all and every Perſon and Perſons accuſed of offending againſt this Act, or any of the Rules, Orders, Regulations, or Conſtitutions, to be made in purſuance or by virtue thereof; and upon Conviction of the Offender or Offenders, to levy ſuch Penalties as the ſaid Commiſſioners are by this Act impowered to ſet, or are hereby made payable or forfeited for the Offences whereof ſuch Offenders ſhall be reſpectively convicted, by Diſtreſs and Sale of the Offender's Goods and Chattels, rendering the Overplus to the Offender or Offenders, by Warrant or Warrants under the Hands and Seals of the ſaid Commiſſioners, or any Three or more of them, to be directed to the Conſtables, Tithingmen, or other Peace Officers of the ſeveral Liberties or Places wherein or near whereunto any ſuch Goods or Chattels, by ſuch Warrant directed to be diſtrained, ſhall be; and all ſuch Conſtables and other Officers are hereby commanded to obey and execute ſuch Warrants accordingly: Provided, that every Perſon againſt whom any Complaint or Information ſhall be made or laid at any of the ſaid Diſtrict Meetings, ſhall have at leaſt Ten Days Notice of ſuch Complaint or Information, under the Hand of the Clerk appointed, as herein-after mentioned, to attend the ſaid Commiſſioners at their reſpective Diſtrict Meetings.

Perſons aggrieved may appeal to a General Meeting.

XVIII. Provided alſo, That it ſhall and may be lawful for any Perſon, whoſe Fine, Penalty, Forfeiture, or Damage, adjudged againſt him at any of the ſaid Diſtrict Meetings, ſhall exceed the Sum of Five Pounds, and who ſhall think himſelf aggrieved thereby, to appeal to the next General Meeting of the ſaid Commiſſioners, to be held after the Expiration of Twenty Days from the Time that the Party aggrieved ſhall have Notice of the Adjudication of ſuch Diſtrict Meeting of the Commiſſioners, at ſuch of the reſpective Places herein-before appointed for the holding of General Meetings as ſhall be neareſt to the Place where the Matter of Complaint ſhall originally ariſe, (but not afterwards), upon giving Ten Days Notice in Writing of ſuch Appeal to the Party or Parties appealed againſt, or leaving ſuch Notice at his, her, or their laſt Place of Abode; and ſuch Commiſſioners, at ſuch General Meeting, ſhall hear and determine ſuch Appeal, and give ſuch Coſts to either Party as they ſhall think reaſonable.

Commiſſioners impowered to take Views; and to inquire into the Prices formerly paid to Owners of Locks, &c.

XIX. And whereas, for the more effectual putting the Powers herein contained in Execution, it may be frequently neceſſary to view the ſeveral Cuts, Pounds, Locks, Weirs, Bucks, Winches, Turnpikes, Dams, Flood-gates, and other Engines, and the ſeveral Towing-paths upon or near the ſaid Rivers; be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Three or more of them, at any of their General or Diſtrict Meetings, may appoint any Number of Commiſſioners (but not a leſs Number than Two) as they ſhall think fit, who are hereby authoriſed and impowered to go and view any Cuts, Pounds, Locks, Weirs, Bucks, Winches, Turnpikes, Dams, Flood-gates, and other Engines, in, upon, near, or adjoining to the ſaid Rivers, and likewiſe to view all Towing-paths, Gates, Bridges, and Places, proper for the fixing a Water-mark at all Pounds, Locks, Weirs, Bucks, Winches, Turnpikes, Dams, Flood-gates, and other Engines, and to inquire into the Eſtate, Condition, Reparation, and Circumſtances thereof, and to inquire alſo, by Information upon Oath, (which ſhall be in the ſame Words as the Oath herein-before directed for the Examination of Witneſſes as aforeſaid, and which Oath they are hereby impowered to adminiſter), what Rates or Prices have formerly been paid to or taken by the Owners or Proprietors of ſuch Pounds, Locks, Weirs, Bucks, Winches, Turnpikes, Dams, Flood-gates, or other Engines, in, upon, near, or adjoining to the ſaid Rivers, or in any-wiſe affecting the ſame, as likewiſe by the Owners of Towing-paths adjoining to the ſaid Rivers, and the ſeveral Sums that are now paid to or taken by ſuch Owners, Proprietors, or Occupiers, from the ſeveral Barge-maſters navigating on the ſaid Rivers; which Information or Informations thus taken ſhall be ſigned by Two of the ſaid Commiſſioners at leaſt, and ſhall be by them tranſmitted to, or reported at, the next General Meeting of the ſaid Commiſſioners, who, or any Seven or more of them, ſhall make ſuch Order and Determination as ſhall to them ſeem juſt, ſo as ſuch Order do not compel or oblige any ſuch Owner or Occupier to take leſs Toll than he is now intitled to take and receive by virtue of any former Act, or any Order made by Commiſſioners acting under or by virtue thereof, Ten Days Notice in Writing of ſuch Information and intended Order being firſt given to the Perſon or Perſons whom the ſame may concern, or left at his or their laſt Place of Abode.

Penalty on removing Water-marks.

XX. And be it further enacted by the Authority aforeſaid, That if it ſhall appear, either by View of any Two or more of the ſaid Commiſſioners, or upon Complaint made on Oath (to be taken and adminiſtered as herein-before directed) to any Three or more of the ſaid Commiſſioners, at any of the ſaid Diſtrict Meetings, that any Owner or Occupier of any Pound, Lock, Weir, Turnpike, Dam, or Flood-gate, or any other Perſon or Perſons, hath removed any Water-mark ſo as aforeſaid ſet and appointed by the ſaid Commiſſioners, that the Perſon or Perſons removing the ſame ſhall forfeit and pay any Sum not exceeding Fifty Pounds, nor leſs than Ten Pounds; to be recovered at any of the ſaid Meetings in a ſummary Way, by any Perſon or Perſons who will complain or inform thereof, and levied by Diſtreſs and Sale of the Offender's Goods and Chattels, in Manner aforeſaid.

Commiſſioners to order Diſtrict Surveyors, &c. to open Flood-gates in caſe of an Overflow.

XXI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Two of the ſaid Commiſſioners, upon the Complaint of and Oath made by the General or Diſtrict Surveyor, or by any of the Occupiers of the Meadows above, that the Water runs over the Water-mark, and that their Meadows are in Danger of being overflowed, to ſend, under their reſpective Hands and Seals, a Warrant, directed to the ſaid General or Diſtrict Surveyor, or to the Conſtable or Conſtables of the Pariſh or Place, or ſome neighbouring Pariſh or Place, thereby authoriſing and impowering him and award Satiſfaction for Damages done thereby.

Penalty on Perſons refuſing to make Satiſfaction.

or them to give Notice of ſuch Complaint to the ſeveral Tenants or Occupiers of the ſaid Pounds, Locks, Weirs, Turnpikes, Dams, and Flood-gates; and, on their Refuſal to open the ſame, to compel the ſaid Tenants or Occupiers of the ſaid Pounds, Locks, Weirs, Turnpikes, Dams, and Flood-gates, to open, and keep open the ſame, as Occaſion ſhall require, till the Water is ſunk below the Water-mark, and no longer: And if any Damage ſhall be ſuſtained by the Tenants or Occupiers of ſuch Meadows, occaſioned either by the Occupiers or Tenants of ſuch Pounds, Locks, Weirs, Bucks, Turnpikes, Dams, and Flood-gates, penning the Water above the Water-mark ſo as aforeſaid ſet by the ſaid Commiſſioners, or neglecting or refuſing to open, or keep open the ſame, as aforeſaid, after ſuch Notice as aforeſaid, any Three or more of the ſaid Commiſſioners ſhall, at any of their Diſtrict Meetings, to be held as aforeſaid, within the Space of Ten Days next enſuing, on Proof made on Oath as aforeſaid of the Damage or Damages, order ſuch Satisfaction as to them ſhall ſeem juſt: And if any of the Tenants or Occupiers of any Pounds, Locks, Weirs, Bucks, Turnpikes, Dams, or Flood-gates, ſhall refuſe to pay ſuch Sum or Sums of Money ſo ordered, within Three Days after ſuch Order made, and Notice thereof given, he or they ſo refuſing ſhall forfeit the Sum of Forty Shillings, over and above the Sum and Sums ſo ordered; to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of any Three or more of the ſaid Commiſſioners, as aforeſaid.

Commiſſioners to remove Obſtructions.

XXII. And whereas great Nuiſances, Annoyances, Inconveniencies, and Damages, do often happen on the ſaid Navigation to light-loaded Barges, Boats, and other Veſſels, paſſing the ſame, by Timber and deep-loaded Barges, Boats, and other Veſſels, lying acroſs or aground in the ſaid Rivers, and by Stones, Dung, Muck, and Compoſt, and other Nuiſances, lying and being in the Towing-paths, and other Places belonging to the ſame, and thereby obſtructing and preventing the Paſſage of ſuch light-loaded Veſſels; for Remedy whereof, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any One or more of the ſaid Commiſſioners, on his or their View, or on Complaint thereof made to him or them by the ſaid General or Diſtrict Surveyor, or by the Owners or Navigators of light-loaded Barges, Boats, or other Veſſels, to order the Proprietors of ſuch Timber, Dung, Muck, or Compoſt, as aforeſaid, and the Owners or Navigators of ſuch deep-loaded Barges, Boats, or other Veſſels, (by Warrant under his or their Hand and Seal, or Hands and Seals), forthwith to remove ſuch Obſtructions, by carrying away the ſame, or lightening their ſaid Veſſels, or otherwiſe, in ſuch Manner as the ſaid Commiſſioner or Commiſſioners ſhall think fit, and to ſuffer the ſaid light-loaded Barges, Boats, or other Veſſels, to paſs; and, upon Non-compliance with ſuch Order, to aſſeſs and levy, by Warrant under ſuch Commiſſioner or Commiſſioners Hands and Seals, or Hand and Seal, to be directed to the ſaid General Surveyor, or to the Conſtable or other Peace Officer of the Pariſh or Place wherein or near to the Place where ſuch Complaint ſhall ariſe, ſuch Penalty not being more than the Sum of Ten Pounds, nor leſs than the Sum of Forty Shillings, upon the Goods and Chattels of the Offender and Offenders, or the Tackle belonging to his or their Barge or Barges, as the ſaid Commiſſioner or Commiſſioners ſhall think proper or adequate to the Damage ſuſtained by the Owner or Owners of ſuch light-loaded Barge, Veſſel, or Veſſels, and to be paid to the Treaſurer for the Time being, and by him to the Perſon or Perſons ſuſtaining the Damage, as the ſaid Commiſſioner or Commiſſioners ſhall direct.

Commiſſioners to not act where intereſted.

XXIII. Provided always, and be it further enacted by the Authority aforeſaid, That no Commiſſioner or Commiſſioners ſhall act in the Execution of this Act, or any of the Powers herein contained, where he or they is or are any-ways particularly intereſted, under the Penalty of One hundred Pounds; to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of Three or more of the other Commiſſioners; which Penalty or Forfeiture ſhall, and is hereby directed to go to the ſame Uſes as other Penalties by this Act are to be applied.

Proviſion for Perſons uſed to draw Barges and unable to gain a Livelihood.

XXIV. And foraſmuch as the drawing Barges by Horſes, inſtead of Men, on all or many more Banks than at preſent have Horſe Towing-paths, may deprive many Men who are now employed in drawing ſuch Barges of their uſual Livelihood; and as ſeveral ſuch Men are or may become, through Sickneſs, Age, or bodily Infirmity, diſabled from earning their daily Bread by any other Sort of Labour; be it enacted, That any Seven or more Commiſſioners, at any General Meeting, may certify, under their Hands and Seals, to the Treaſurer of the ſaid Diſtrict, or to the General Treaſurer, the Caſe of ſuch diſabled Man; and the Treaſurer to whom ſuch Certificate ſhall be directed is hereby required to relieve the ſaid diſabled Man with ſuch Sum, not exceeding Four Shillings per Week, as ſhall be directed or ſpecified by the ſaid Commiſſioners, until the ſaid Certificate ſhall be revoked by them, or by any Seven or more Commiſſioners, at any General Meeting as aforeſaid.

Wharfingers ſhall keep Entries of all Goods delivered; which ſhall be forwarded according to Priority of Entry.

XXV. And be it further enacted, That every Wharfinger upon the Banks of the ſaid Rivers ſhall keep a Book, wherein all Goods ſhall be entered in the ſame Order as they ſhall be brought to his Wharf in order for Carriage, and ſhall moreover give a Receipt, if required, to the Perſon delivering the ſame; and every Barge-maſter carrying Goods for Hire, that loads from that Wharf, ſhall deliver to the Wharfinger, in Writing, the Name of the moſt diſtant Place to which ſuch Barge ſhall or may be bound, and the Bargemaſter ſhall then take into his Barge the Goods which ſhall have been firſt entered at the ſaid Wharf, and conſigned to the Place ſo named as aforeſaid, or to any other Place or Places not more than Ten Miles ſhort of the ſame, without any other Preference (except as is herein-after excepted) than the Priority of Entry in each Wharfinger's Book; which Book the Wharfinger is hereby required to ſhew to ſuch Barge-maſter at the Time of putting ſuch Goods on board his Barge, and ſhall give a Bill of Lading for the ſame, expreſſing the Time or Times of Entry, for which Entry the ſaid Wharfinger ſhall be paid One Penny for every Entry, and no more; and ſuch Wharfinger and Barge-maſter reſpectively ſhall forfeit any Sum not exceeding Five

Pounds, nor leſs than Twenty Shillings, on being convicted before any Two Commiſſioners of not having made due and regular Entries, or of altering, or permitting to be altered, his or their Book or Books, in order to give undue Preference, or of not ſhewing his Book or Books as aforeſaid, or not giving ſuch Bills of Lading, expreſſing the Time or Times of Entry, or of not carrying the Goods according to Priority of Entry as aforeſaid; to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of any Two or more of the ſaid Commiſſioners, One Moiety of which Penalty ſhall go to the Informer, and the other Moiety to the Perſon aggrieved.

Proviſo.

XXVI. Provided always, That no ſuch Entry ſhall be made until ſuch Goods ſo to be entered ſhall be actually brought to the Wharf or Warehouſe where the ſame are intended to be entered.

Rules for Barge-maſters and Wharfingers.

XXVII. Provided alſo, That in all Caſes where any Barge-maſter ſhall take and carry any Goods or Merchandiſe to any Place or Places whatſoever, over and above, or for want of, ſuch Goods or Merchandiſe as are herein-before in the Firſt Place directed to be taken and carried, he ſhall take and carry the ſame to every ſuch Place or Places reſpectively, without other Preference than the Priority of Entry in each Wharfinger's Book as aforeſaid, under the like Penalties herein-before mentioned, excepting always ſuch Goods or Merchandiſe as may be of a periſhable Nature, which ſhall at all Times be taken and carried in Preference to any other Species of Goods or Merchandiſe conſigned to the ſame Place or Places reſpectively; and, upon Complaint being made of any of the Matters aforeſaid before any Two Commiſſioners, they are hereby impowered to ſummon any ſuch Wharfinger to attend with his Book or Books of Entry, and ſuch Wharfinger is hereby required to attend accordingly; and in caſe ſuch Wharfinger ſhall neglect to attend with his Book or Books according to ſuch Summons, he ſhall forfeit any Sum not exceeding Five Pounds, nor leſs than Twenty Shillings; to be levied by Diſtreſs and Sale of his Goods and Chattels.

Perſons under Incapacity impowered to convey Lands,

XXVIII. And be it further enacted by the Authority aforeſaid, That after any Houſes, Meſſuages, Mills, Lands, Tenements, and Hereditaments, ſhall be ſet out and aſcertained by the Surveyor of the ſaid Navigation, as fit and neceſſary for the Purpoſes before mentioned, it ſhall and may be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, Feoffees in Truſt, Committees, Executors, and Adminiſtrators, and all other Truſtees and Perſons whatſoever, not only for or on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunaticks, Idiots, Femes-covert, or other Perſon or Perſons, and to and for all Femes-covert who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in their own Right, and to and for every other Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Lands, Tenements, Tithes, or Grounds, which ſhall be ſo ſet out and aſcertained as aforeſaid, or any Part thereof, to contract for, ſell, and convey unto the ſaid Commiſſioners, and their Succeſſors, or to ſuch Perſon or Perſons as they ſhall nominate and appoint, for the Uſe of the ſaid Navigation, all or any Part of ſuch Meſſuages, Mills, Lands, Tenements, Tithes, and Hereditaments, which ſhall, from Time to Time, be ſo ſet out and aſcertained as aforeſaid, either in Conſideration of a Sum of Money to be paid in Groſs, or of an annual Rent or Payment, to be charged and ſecured as is herein-after mentioned; and where, by making the ſaid Navigation, or any Alteration therein, the Property of any Land-owner ſhall be ſeparated into ſmall Parcels, ſo as to render the Occupation thereof inconvenient, it ſhall and may be lawful to and for ſuch Bodies Politick, Corporate, and Collegiate, and other ſuch Land-owners, by and with the Conſent of the ſaid Commiſſioners, or any Eleven of them, or the major Part of them, aſſembled at any General Meeting, to be teſtified by any Writing or Writings to be by them ſealed and delivered in the Preſence of and atteſted by Two or more credible Witneſſes, to contract for, ſell, and diſpoſe of, or to convey in Exchange, in lieu of other Lands, all or any Part of ſuch Lands and Grounds through which the ſaid Navigation ſhall paſs, to any Perſon or Perſons whomſoever, for ſuch Price or Prices in Money, or other Equivalent, as to the ſaid Commiſſioners, or any Eleven of them, or the major Part of them, aſſembled as aforeſaid, ſhall ſeem reaſonable; and that all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances, ſhall be valid and effectual in the Law to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or Cuſtom, to the Contrary thereof in any-wiſe notwithſtanding: And that all Bodies Politick, Corporate, or Collegiate, and all Perſons whomſoever, ſo conveying or exchanging as aforeſaid, are hereby indemnified for what he, ſhe, they, or any of them, ſhall reſpectively do by virtue or in purſuance of this Act: And that all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances, other than thoſe which concern any Purchaſe or Exchange between any ſuch reſpective Land-owners, to be made as aforeſaid, ſhall, at the Expence of the ſaid Navigation, be inrolled by the Clerk of the Peace for the County wherein ſuch Meſſuages, Mills, Lands, Tenements, or Hereditaments, ſhall be ſituate reſpectively, and true Copies thereof ſhall be allowed to be good Evidence in all Courts whatſoever; for which Inrolment ſhall be paid, to the aforeſaid Officers reſpectively making the ſame, the Sum of Three-pence, and no more, for every Two hundred Words, and ſo in Proportion for any greater or leſs Number of Words.

or to make Exchanges.

Contracts to be inrolled, and Copies to be Evidence.

On Refuſal to treat, the Value to be aſcertained by a Jury.

XXIX. And be it further enacted by the Authority aforeſaid, That if any ſuch Corporation or Perſon, upon Notice to him, her, or them given, or left in Writing at the Dwelling-houſe or Place of Abode of ſuch Perſon, or of the Head Officer of ſuch Corporation, or at the Houſe of the Tenant in Poſſeſſion of the Meſſuages, Mills, Lands, Tenements, or Hereditaments aforeſaid, ſhall, by the Space of Twenty-one Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the

Premiſes, or, by reaſon of Abſence, ſhall be prevented from treating; then, and in every or any ſuch Caſe, the ſaid Commiſſioners, or any Eleven or more of them, aſſembled as aforeſaid, ſhall cauſe to be inquired into, aſcertained, and aſſeſſed, by and upon the Oaths of a Jury of Twelve indifferent Men of the County wherein ſuch Mills, Meſſuages, Lands, Tenements, or Hereditaments, ſhall lie, (which Oath any One or more of the ſaid Commiſſioners are hereby impowered to adminiſter) what Damages will be ſuſtained by, and what Recompence ſhall be made to, ſuch Owners, Proprietors, Occupiers, or other Perſons intereſted, for or upon Account of the taking ſuch Lands, Tenements, or Hereditaments, into or for the Uſe of the ſaid Navigation, Towing-paths, or other Purpoſes before mentioned: And in order thereto the ſaid Commiſſioners, or any Eleven or more of them, aſſembled as aforeſaid, are hereby impowered, from Time to Time, as occaſion ſhall be, to order and cauſe the ſaid Jury to view the ſaid Places in Queſtion, and uſe all lawful Ways and Means, as well for their own as the Jury's Information in the Premiſes, as the Commiſſioners, or any Eleven or more of them, aſſembled as aforeſaid, ſhall think fit; and after the ſaid Jury ſhall have inquired of, aſcertained, and aſſeſſed ſuch Damage and Recompence, they, the ſaid Commiſſioners, or any Eleven or more of them, ſo aſſembled as aforeſaid, ſhall thereupon order, adjudge, and determine the ſaid Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the ſaid Owners, Proprietors, or Occupiers of, or other Perſons intereſted in, the ſaid Lands, Tenements, and Hereditaments, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination, ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whatſoever claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes-covert, Idiots, Lunaticks, Ceſtuique Truſts, and Perſons under any other Diſability whatſoever, Corporations Aggregate or Sole, Eccleſiaſtical, Civil, or Eleemoſinary, as well as all and every other Perſon or Perſons whomſoever; and all and every ſuch Owners, Proprietors, and Occupiers, and all and every Perſon and Perſons intereſted in ſuch Lands, Tenements, or Hereditaments, ſhall, upon Payment or Tender of the Sum or Sums of Money ſo aſſeſſed as aforeſaid, be thereby, and from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, and Property, of, in, to, or out of the ſame: And for the ſummoning and returning ſuch Jury or Juries, the ſaid Commiſſioners, or any Eleven or more of them, are hereby impowered to iſſue out their Warrant to the Sheriff of the County wherein ſuch Lands, Tenements, or Hereditaments ſhall lie, thereby commmanding him to impanel, ſummon, and return Twenty-four indifferent Perſons to appear before the ſaid Commiſſioners, or any Eleven or more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, ſummon, and return ſuch Number accordingly; and, out of the Perſons ſo impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Commiſſioners, or any Eleven of them, ſhall ſwear, or cauſe to be ſworn, Twelve, to be drawn by Ballot out of the ſaid Twenty-four; and in Default of a ſufficient Number of Perſons ſo impanelled, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men, of the Standers-by, or that can ſpeedily be procured, to attend that Service, who ſhall be ſworn in like Manner, till the Number Twelve be completed, which Twelve ſhall be the Jury for the Purpoſes aforeſaid; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Commiſſioners, or any Eleven or more of them, acting in the Premiſes, ſhall have full Power, from Time to Time, to impoſe any reaſonable Fine on ſuch Sheriff, or his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or who ſhall refuſe to be ſworn on the ſaid Jury, or, being ſo ſworn, ſhall refuſe to give, or not give, their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who, being required to give Evidence before the ſaid Jury touching the Premiſes, ſhall refuſe or neglect to appear, or appearing, ſhall refuſe to be ſworn and give Evidence; and, from Time to Time, to recover, levy, and apply ſuch Fine or Fines in the ſame Manner as any other Forfeiture or Penalty is by this Act directed to be recovered, levied, and applied, ſo as that no ſuch Fine ſhall exceed the Sum of Five Pounds upon any One Perſon, for One Offence.

Sheriffs to ſummon Juries.

Jurymen may be challenged.

Sheriffs, &c. neglecting Duty, to be fined.

How the Expences of Juries ſhall be defrayed.

XXX. And be it further enacted by the Authority aforeſaid, That in caſe any ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Monies, as a Recompence for the Right, Intereſt, or Property, of any Perſon or Perſons, in any ſuch Lands, Tenements, or Hereditaments, or for any ſuch Loſs or Damage, than what ſhall have been agreed to and offered by the ſaid Commiſſioners, or any Eleven or more of them, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid; that then, and in ſuch Caſe, the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes ſhall be borne and paid by the ſaid Commiſſioners, or any Eleven or more of them, out of the Profits of the ſaid Navigation, or out of any Money to be borrowed upon the Credit thereof; but if any ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for no more or for leſs Monies than ſhall have been agreed to and offered by the ſaid Commiſſioners, or any Eleven or more of them, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property in, or Loſs or Damage as aforeſaid, that then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Commiſſioners ſhall have ſuch Controverſy or Diſpute.

Commiſſioners not to make Towing-paths, Banks, &c. without Conſent of Proprietors.

XXXI. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to authoriſe and impower the ſaid Commiſſioners to compel or oblige the Owner or Proprietor of any Garden, Orchard, Yard, Park, Paddock, incloſed Lawn, or planted Avenue to any Houſe, which have been reſpectively uſed as ſuch, Six Months before the paſſing of this Act, (except where ſuch Towing-paths are now uſed) or the Owner or Proprietor of any Meſſuage or Tenement erected or built, or begun to be erected or built, Six Months before the paſſing of this Act, to pull down, let, ſell, or convey, ſuch Meſſuage, Tenement, Garden, Orchard, Yard, Park, Paddock, incloſed Lawn, or Avenue, or any Part thereof, to the ſaid Commiſſioners, or any other Perſon or Perſons; nor ſhall any Thing in this Act contained impower the ſaid Commiſſioners to make any new Towing-path, Bank, Cut, Road, Bridge, Wharf, Lock, Weir, Buck, Winch, Spike, Dam, Flood-gate, Pound, Turnpike, Toll-gate, or Engine, over, upon, or through, any Garden, Orchard, Yard, Park, Paddock, incloſed Lawn, or planted Avenue to any Houſe, without the Conſent of the Owner or Proprietor thereof.

To prevent making Towing paths through Mr. *Mitchell*'s Eſtate.

XXXII. Provided always, and be it enacted by the Authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to impower the ſaid Commiſſioners, or any of them, to make, or cauſe to be made, any new Towing-paths or Landing-places over or through any Lands or Grounds now belonging to Richard Mitchell Eſquire, of Culham Court, in the Pariſh of Wargrave, in the County of Berks; nor to build any Bridge on, nor to ſtation any Boat or Float within Two hundred Yards of any Iſland or Lands belonging to the ſaid Richard Mitchell; any Thing herein contained to the Contrary notwithſtanding.

Upon Payment of the Money aſſeſſed, the Premiſes to veſt in the Commiſſioners.

XXXIII. And be it further enacted by the Authority aforeſaid, That all and every Sum and Sums of Money, ſo aſſeſſed as aforeſaid, is and are hereby charged upon the Monies which ſhall be raiſed by virtue of this Act, and ſhall be paid thereout accordingly by the ſaid Commiſſioners, or any Seven or more of them, or their Treaſurer, to the Perſons reſpectively intitled thereto, or to their Agents; and that upon Payment thereof to ſuch Perſons, or their Agents, or upon leaving the ſame in the Hands of the Treaſurer to the ſaid Commiſſioners, for the Uſe of ſuch Perſons, or their Agents reſpectively, ſuch Lands, Tenements, and Hereditaments, ſhall, by the ſaid Commiſſioners, their Surveyor or Surveyors, Workmen or Agents, be taken for the Uſe of the ſaid Navigation and Purpoſes before mentioned.

Veſſels not to draw more than Three Feet of Water.

XXXIV. And be it enacted by the Authority aforeſaid, That no Barge, Boat, or Veſſel, ſhall draw more than Three Feet of Water; which Depth ſhall be aſcertained by a ſtraight white Line, One Inch broad, extending from Head to Stern, on each Side of every Barge, Boat, or Veſſel; and if it ſhall appear to any Two or more of the ſaid Commiſſioners, upon the Oath of One or more credible Witneſs or Witneſſes, (which Oath the ſaid Two or more Commiſſioners are hereby impowered to adminiſter), that any Perſon or Perſons hath or have navigated his or their Barge drawing more than Three Feet of Water, or that he or they hath or have not the ſaid white Line on each Side of his Barge, every ſuch Perſon and Perſons ſo offending, and being thereof duly convicted by the ſaid Commiſſioners, ſhall forfeit and pay not more than Twenty Pounds, nor leſs than Five Pounds; to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any ſuch there be) to the Owner, after the Charges attending ſuch Diſtreſs and Sale ſhall be deducted.

Not to extend to Barges, &c. not navigated beyond the Flux of the Tide.

XXXV. Provided always, That nothing relating to the Draught of Water that ſuch Barges, Boats, or Veſſels, are to draw, or the Mark of any Line on ſuch Barge, Boat, or Veſſel, ſhall extend, or be conſtrued to extend, to any Barge, Boat, or Veſſel, that ſhall not be navigated beyond the Flux of the Tide.

Commiſſioners Orders how to be ſigned.

XXXVI. And be it further enacted by the Authority aforeſaid, That all the Orders of the ſaid Commiſſioners ſhall be ſigned by ſuch Number of Commiſſioners as are hereinbefore impowered to make the ſame, and ſhall be kept by the Clerks to ſuch Commiſſioners; and that ſuch Clerks ſhall permit the ſame to be inſpected by all Perſons deſiring the ſame, at convenient Times, and ſhall deliver Copies thereof, or of any Part thereof, to any Perſon deſiring the ſame, taking for the Searches One Shilling for each Search; and for Copies thereof, any Sum not exceeding the Rate of Three pence for every Two hundred Words.

Rules, &c. made by the Commiſſioners to be tranſmitted to the ſeveral Clerks of the Peace, and admitted as Evidence.

XXXVII. Provided nevertheleſs, and be it enacted by the Authority aforeſaid, That all ſuch Rules, Orders, Conſtitutions, and Aſſeſſments, as ſhall be made by the ſaid Commiſſioners, or ſuch Number of them as are hereby impowered to make the ſame, ſhall be, from Time to Time, fairly written in a Book or Books, to be kept for that Purpoſe; and the ſame, or a Copy thereof, ſigned by the Clerk or Clerks to the ſaid Commiſſioners reſpectively, who hath or have the Cuſtody thereof, ſhall be taken, adjudged, and deemed good and ſufficient Evidence in all Caſes whatſoever.

Owners of Veſſels ſubject to Damages done by the Crew.

XXXVIII. And, for the further preventing the Damages and Miſchiefs done and committed by diſorderly Perſons, rowing, managing, haling, or towing the ſaid Barges, Boats, and other Veſſels, either with Men or Horſes, and that the Owners of ſuch Barges, Boats, and Veſſels, may be more careful to prevent the ſame; be it enacted by the Authority aforeſaid, That every Barge-maſter, or the Maſter of any Boat or Veſſel, and Owner of any Barge, Boat, and Veſſel, ſhall be, and is hereby made anſwerable and reſponſible for any Damage or Miſchief that ſhall be done or committed by his or their Barge, Boat, or Veſſel, or by the Whole or any of the Crew of his or their ſaid Barge, Boat, or Veſſel, or by Perſons ordinarily belonging to and going with ſuch Barge, Boat, or Veſſel, either to the Goods and Commodities with which ſuch Barge, Boat, or Veſſel, is laden; or by fiſhing with Nets, or otherwiſe; or by ſhooting with Guns, or taking or deſtroying any Fiſh or Fowl; or to any of the Pounds, Locks, Lock-tackle, Weirs, Bucks, Winches, Turnpikes, Dams, Flood-gates, or other Engines; or to any Bridge, Land, Tree, Meadow, or Ground, in and upon the ſaid Rivers, or bordering or near adjoining thereto, either with Men or Horſes; and the ſaid Barge-maſters, Barge-owners, and the Maſters and Owners of any Boat or Veſſel, ſhall be, and are hereby made liable to make good all ſuch Damages to be committed as aforeſaid, and ſhall and may be ſued and proſecuted for the ſame by Action of Treſpaſs, or otherwiſe: And if it ſhall appear that ſuch Treſpaſs or Damage was done by any of the Perſons belonging to or employed in the Barge or other Veſſel whereof ſuch Perſon or Perſons was or were Maſter or Maſters, Owner or Owners, ſuch Maſter or Maſters, Owner or Owners, ſhall be found guilty, and the Plaintiff or Plaintiffs ſhall recover his or their Damages thereby ſuſtained, with his or their full Coſts of Suit; any Law or Uſage to the Contrary notwithſtanding.

Officers to give Security.

XXXIX. And be it further enacted by the Authority aforeſaid, That all and every Officer and Officers, or other Perſon or Perſons whatſoever, concerned in the Receipt of any of the Sums by this Act appropriated to the Uſes aforeſaid, before he or they ſhall be admitted to take upon him or them the Execution of any of ſuch Office or Offices, he or they ſhall be bound, with ſufficient Sureties, to the ſaid Commiſſioners and their Succeſſors, for the juſt and faithful Execution of ſuch Office or Employment, in ſuch Sum or Sums as by the ſaid Commiſſioners, or any Seven or more of them, ſhall be thought fitting.

Money may be borrowed.

XL. And, foraſmuch as the Money to be collected by the Receipt of the Rates, Tolls, or Duties, granted by this Act, will not be ſufficient for the ſpeedy improving and completing of the ſaid Navigation, and other the Purpoſes of this Act; be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Eleven or more of them, ſhall and may, and they are hereby impowered, from Time to Time, by any Writing under their Hands and Seals, to aſſign over the ſaid Locks, Turnpikes, Toll-houſes, Rates, Tolls, and Duties, ariſing by virtue of this Act, or any of them, or any Part of them, but without Prejudice to the Owners and Occupiers of Locks, Bucks, Weirs, and Winches, now in the ſaid Rivers, or to the Tolls payable and to be paid in reſpect thereof, the Coſts, Charges, and Expences of aſſigning the ſame, to be borne and paid out of ſuch Tolls or Duties, for any Time or Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money to be borrowed by the ſaid Commiſſioners, to ſuch Perſon or Perſons, or their Truſtees, who ſhall advance and lend the ſame, to ſecure the Repayment thereof with legal or leſs Intereſt.

Notice to be given of borrowing Money.

XLI. Provided always, That no Money ſhall be borrowed by the ſaid Commiſſioners on the Credit of any of the ſaid Rates, Tolls, or Duties, after their Firſt Meeting, unleſs Notice be for that Purpoſe given in the Oxford and Reading News-papers, or in the London Gazette, and alſo fixed in Writing, under the Hand or Hands of the Clerk or Clerks to the ſaid Commiſſioners, at or upon all the Locks or Turnpike-gates then erected or made by virtue of this Act, at leaſt Twenty Days before the borrowing of ſuch Money.

Annuities not to exceed 10 *l.* per Cent. per Annum.

XLII. And be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay into the Hands of the ſaid Treaſurer or Treaſurers, to be appointed as aforeſaid, any Sum or Sums of Money, for the abſolute Purchaſe of One or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of every ſuch Contributor reſpectively, or the natural Life of ſuch other Perſon as ſhall be nominated by or on the Behalf of ſuch reſpective Contributor at the Time of Payment of his or her reſpective Contribution-money; which Annuity or Annuities ſhall not exceed the Rate of Ten Pounds per Annum for every One hundred Pounds, and ſo in proportion for any greater or leſs Sum to be advanced and paid as aforeſaid; and ſhall be payable and paid by the ſaid Treaſurer or Treaſurers by Quarterly Payments in the Year; the Firſt of ſuch Payments to begin and be made to the reſpective Purchaſers, and their Aſſigns, at the Expiration of the Firſt Three Calendar Months next after Payment of his or her reſpective Purchaſe-money: Which Annuities ſhall be publickly ſold to the beſt Bidder for the ſame, on Twenty-one Days Notice thereof being Firſt given in the Oxford and Reading News-papers, or in the London Gazette, and a like Notice affixed upon ſuch publick Places as the ſaid Commiſſioners, or any Eleven or more of them, ſhall direct; which Money ſo to be borrowed, either by way of Mortgage, or by granting Annuities, ſhall not exceed the Sum of Fifty thouſand Pounds, and ſhall be applied and diſpoſed of as the ſaid Rates, Tolls, and Duties, are by this Act directed to be applied and diſpoſed of, and to no other Uſe or Purpoſe whatſoever.

Annuities may be ſold.

Money borrowed not to exceed 50,000 *l.*

Proviſo.

XLIII. Provided always, and it is hereby further enacted and declared, That ſuch Sum and Sums of Money as ſhall be raiſed by Annuities, in Manner herein mentioned, and applied to the Diſcharge of the Money ſo borrowed upon the Credit of the ſaid Tolls, and the Intereſt for the ſame, ſhall not be deemed or taken to be, any Part of the ſaid Fifty thouſand Pounds.

Annuities how to be paid.

XLIV. And for the better aſcertaining and regulating the Payment of the ſaid Annuities, be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Eleven or more of them, ſhall, by Warrants under their Hands and Seals, (directed to ſuch Perſon or Perſons as ſhall be choſen and appointed Treaſurer or Treaſurers, in Manner herein-before mentioned), order and direct, from Time to Time, the ſeveral Quarterly Payments of the ſaid Annuities to the reſpective Proprietors, as the ſame ſhall become due; which ſaid Treaſurer or Treaſurers is and are hereby required, upon Receipt of ſuch Warrant or Warrants, forthwith to pay the ſame out of the Firſt Monies which ſhall be in his or their Hands, in purſuance of this Act; which Warrants ſhall be allowed in account to him or them on making up his or their Accounts.

Entries to be kept.

XLV. And it is hereby further enacted by the Authority aforeſaid, That there ſhall be provided and kept a Book or Books, in which ſhall be fairly written, in Words at Length, the Names and Surnames, with the proper Additions and Places of Abode of all ſuch Perſons who ſhall be Purchaſers of any of the Annuities aforeſaid, and of all Perſons by whoſe Hands the ſaid Purchaſers ſhall pay in any Sum or Sums of

Money upon the Credit of this Act, and alſo the Sum and Sums ſo paid for the Purchaſe of ſuch Annuity or Annuities, and the reſpective Days of Payment thereof; and alſo an Account of the Intereſt that ſhall be paid to the ſaid Annuitant or Annuitants, from Time to Time, and by whom received, to which Book and Books it ſhall be lawful for the ſaid reſpective Purchaſers, their Executors, Adminiſtrators, and Aſſigns, Agent or Agents, from Time to Time, and at all ſeaſonable Times, to have Recourſe to, and inſpect the ſame, without Fee or Reward.

Annuities not ſubject to Land-tax or other Tax.

XLVI. And be it further enacted by the Authority aforeſaid, That all and every of the Annuities ſo to be purchaſed under and by virtue of this Act, ſhall be, and are hereby charged upon, and ſhall be paid and payable, from Time to Time, out of the Monies ariſing by virtue of this Act; and all and every the Contributor and Contributors upon the Credit of this Act, duly paying the Conſideration or Purchaſe Money for any ſuch Annuities as aforeſaid, or ſuch Perſon or Perſons as he, ſhe, or they ſhall appoint, his, her, or their reſpective Aſſigns, ſhall have, receive, and enjoy, and be intitled, by virtue of this Act, to have, receive, and enjoy the ſaid reſpective Annuity or Annuities, during the Term of the natural Life of the Perſon to be nominated by each ſuch Purchaſer or Contributor, as above mentioned; and that all and every ſuch Purchaſer and Purchaſers, and their Aſſigns reſpectively, ſhall have good, ſure, abſolute, indefeaſible perſonal Eſtates, and Intereſts, in the Annuities ſo by them reſpectively purchaſed, according to the Tenor and true Meaning of this Act; and that none of the ſaid Annuities ſhall be ſubject and liable to the Tax charged upon Lands by Authority of Parliament, or to any other Parliamentary or Parochial Tax whatſoever.

Receipts to be given.

XLVII. And be it further enacted by the Authority aforeſaid, That every Contributor upon this Act for the Purchaſe of any ſuch Annuity or Annuities as aforeſaid, his, her, or their Aſſigns, upon Payment of the Conſideration or Purchaſe Money for the ſame, or any Part or Proportion thereof, ſhall have One or more Receipt or Receipts from the Perſon or Perſons receiving the ſame, importing the Receipt of ſo much Purchaſe-money as ſhall be ſo paid; and upon Payment of the Remainder of ſuch Purchaſe-money, if any, every ſuch Contributor, his or her Aſſigns reſpectively, ſhall have an Order on Parchment or Vellum for Payment of the ſaid Annuity or Annuities, for and during the Life of ſuch Perſon as ſhall be nominated by ſuch Contributor or Purchaſer, as aforeſaid; which Order ſhall be ſigned by the ſaid Commiſſioners, or any Eleven or more of them, at any Quarterly or Ordinary Meeting aſſembled; and after ſigning thereof, the ſame ſhall be firm, good, valid, and effectual in the Law, according to the Purport and true Meaning thereof, and of this Act.

Aſſignments to be entered in a Book.

XLVIII. And be it further enacted, That all and every the Aſſignment and Aſſignments ſo to be made and granted by the ſaid Commiſſioners, as aforeſaid, ſhall be entered at Length in a Book or Books to be kept for that Purpoſe by the ſaid Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Commiſſioners; which ſaid Book or Books ſhall and may be ſeen and peruſed by any Perſon or Perſons intereſted or concerned therein, without Fee or Reward.

Aſſignments may be transferred.

XLIX. And be it further enacted, That all and every Perſon or Perſons to whom any ſuch Aſſignment or Aſſignments ſhall be made by the ſaid Commiſſioners, their Executors, Adminiſtrators or Aſſigns, ſhall and may, from Time to Time, by proper Words of Aſſignment, to be indorſed on the Back of his, her, or their Security or Securities, or otherwiſe, aſſign or transfer his, her, or their Right to the Principal and Intereſt Money thereby ſecured, or any Part thereof, to any other Perſon or Perſons whomſoever; which ſaid Transfer or Aſſignment ſhall be produced and notified to the ſaid Clerk or Clerks, Treaſurer or Treaſurers appointed, or to be appointed, by the ſaid Commiſſioners, or any Seven or more of them, within Fourteen Days after the Date thereof, who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or Transfer, containing the Date, Parties, and Sum of Money therein mentioned to be transferred in the ſaid Book or Books to be kept for entering the ſaid original Aſſignments, for which the ſaid Clerk or Clerks, Treaſurer or Treaſurers, ſhall be paid the Sum of Two Shillings and Sixpence, and no more; and after ſuch Entry made, ſuch Aſſignment or Transfer ſhall intitle ſuch Aſſignee, his, her, and their Executors and Adminiſtrators, to the Benefit thereof, and Payment thereon, and ſuch Aſſignee may, in like Manner, aſſign again, and ſo toties quoties; and after ſuch Notification, it ſhall not be in the Power of ſuch Perſon or Perſons who ſhall have made ſuch Aſſignments or Transfers, to make void, releaſe or diſcharge the original Security, or any Monies thereby due, or any Part thereof.

Not to prejudice the Juriſdiction of the City of *London*, &c.

L. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to take away any Rights, Juriſdiction, Power, or Authority, of the Mayor, Commonalty, and Citizens of the City of London, or any other Body Politick or Corporate, or other Perſon or Perſons whatſoever, or to enable the Commiſſioners to erect Weirs, Locks, Turnpikes, or Toll-gates, within the Liberties or Juriſdiction of the City of London.

Writings to be without Stamps.

LI. Provided always, and be it further enacted by the Authority aforeſaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or other Writing whatſoever, under the Hand and Seal or Hands and Seals, or only ſigned by any Commiſſioner or Commiſſioners for putting this Act in Execution, or any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, touching, concerning, or in the Execution of any Power or Authority hereby veſted in ſuch Commiſſioners, or Juſtices of the Peace, or any of them, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Limitation of Actions.

LII. And be it enacted and declared by the Authority aforeſaid, That if any Action ſhall be brought, or Suit commenced, againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, every ſuch Action or Suit ſhall be brought or commenced in the County or Place where the Cauſe of Action or Suit ſhall ariſe, and not elſewhere, and within the Space of Six Calendar Months next after the Cauſe of Action ſhall accrue, and not afterwards; and the Defendant or Defendants in ſuch Action or Suit may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought or commenced after the Time before limited for bringing or commencing the ſame, or ſhall be brought or commenced in any other County or Place; then, and in ſuch Caſe, the Jury ſhall find for the Defendant or Defendants; and in ſuch Caſe, or if the Plaintiff or Plaintiffs ſhall become Nonſuit, or ſuffer a Diſcontinuance of his, her, or their Action or Actions, or if any Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and ſhall have the like Remedy for the ſame as any Defendant or Defendants hath or have for Coſts of Suit in other Caſes by Law.

General Iſſue.

Treble Coſts.

Expences of paſſing the Act how to be paid.

LIII. And be it enacted by the Authority aforeſaid, That the Coſts and Charges of obtaining this Act ſhall be paid by the General Treaſurer of the ſaid Navigation, appointed as herein-before directed, out of the Firſt Money that ſhall be paid into his Hands, in purſuance and according to the Directions of this Act, to Thomas Walker Eſquire, Town Clerk of the City of Oxford, his Executors or Adminiſtrators, upon his or their producing to ſuch Treaſurer a Bill of Coſts and Diſburſements on account of paſſing this Act, ſigned by any Seven of the ſaid Commiſſioners, or their Certificate or Allowance thereof; and the ſaid Treaſurer of the ſaid Navigation is required to pay the ſame accordingly, on Sight of ſuch Bill, Certificate, or Allowance, ſo as aforeſaid ſigned; and the Receipts of the ſaid Thomas Walker, his Executors or Adminiſtrators, ſhall be good and ſufficient Vouchers to ſuch Treaſurer, and allowed in his Accounts for what he ſhall ſo, as aforeſaid, pay to the ſaid Thomas Walker, his Executors or Adminiſtrators, in purſuance of this Act.

Fines, &c. how to be recovered.

LIV. And be it further enacted, That all Fines and Forfeitures inflicted by this Act, or by any Rules, Bye-laws, or Conſtitutions, to be made by the ſaid Commiſſioners, or any Seven or more of them, by the Authority thereof, the levying and recovering of which ſaid Fines and Forfeitures are not herein-before particularly directed, ſhall be levied by Warrant under the Hand and Seal or Hands and Seals of One or more Juſtice or Juſtices of the Peace of the County where the Offence ſhall be committed, for which ſuch Fine or Forfeiture is inflicted; which ſaid Juſtice or Juſtices is and are hereby authoriſed, within the Limits of their reſpective Juriſdictions, to hear and examine Witneſſes upon Oath, and determine the ſame; and may, according to his or their Diſcretion, mitigate any Fine or Forfeiture herein-before allowed to be mitigated; and all ſuch reſpective Fines, Forfeitures, and Penalties, by this Act impoſed and inflicted, or authoriſed to be impoſed and inflicted, the Application whereof is not herein-before particularly directed, ſhall be paid into the Hands of the Treaſurer or Receiver of the Monies to be raiſed by virtue of this Act, and ſhall be applied and diſpoſed of for the Uſe of the ſaid Navigation, and to and for no other Uſe or Purpoſe whatſoever.

Allowing Appeals to the Quarter Seſſions.

LV. Provided always, That any Perſon or Perſons thinking himſelf or themſelves aggrieved by any Order or Judgement made or given, in purſuance of any Rule, Bye-law, or Conſtitution, of the ſaid Commiſſioners, or by the Order or Determination of any of the ſaid Commiſſioners, may, within Three Calendar Months after ſuch Order ſhall have been made, and Notice given, complain to the Juſtices of the Peace at their General Quarter Seſſions, to be held in and for the ſaid Counties of Middleſex, Surrey, Bucks, Berks, Oxford, or Wilts reſpectively, where the Cauſe of Appeal ſhall ariſe, and not elſewhere, who ſhall, in a ſummary Way, either hear and determine the ſaid Complaint at ſuch General or Quarter Seſſions, or, if they think proper, adjourn the Hearing thereof to the next General or Quarter Seſſions of the Peace to be held for the ſaid Counties reſpectively; and if they ſee Cauſe, may mitigate any Forfeiture or Fine, and may order any Money to be returned, which ſhall have been levied in purſuance of ſuch Rule, Bye-law, Order, or Determination, and may alſo order ſuch further Satisfaction to the Party injured as they ſhall think reaſonable.

Publick Act.

LVI. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame.

CAP. XLVI.

An Act for paving and keeping in Repair, the Streets, Lanes, and Paſſages, in the Pariſh of *Saint Luke*, in the County of *Middleſex*; for removing Obſtructions and Annoyances therein; and for widening the Paſſages at the Weſt End of *Chiſwell Street*, and at the South End of *Brick Lane*, in the ſaid Pariſh; and for other Purpoſes therein mentioned.

Preamble.

WHEREAS the Streets, Lanes, Courts, Alleys, Ways, and other publick Paſſages, within the Pariſh of *Saint Luke*, in the County of *Middleſex*, particularly *Chiſwell Street*, the Lordſhip Part of *Grub Street*, *Bunhill Row*, *Brown Street*, *Featherſtone Street*, *James Street*, *Whitecroſs Street*, *Golden Lane*, the South and North Sides of *Old Street*, the Eaſt Side of *Goſwell Street*, *Blue Anchor Alley*, and *Playhouſe Yard*, are very ill paved, and in a ruinous Condition, and the Paſſages thereof are greatly obſtructed by many Nuiſances and Annoyances therein: And whereas the Paſſage through the Weſt End of *Chiſwell Street* is greatly obſtructed by ſome old Houſes or Buildings, ſtanding on the North and South Sides thereof, and projecting into the ſaid Street; and the Paſſage through the South End of *Brick Lane* is obſtructed by ſeveral old Houſes or Buildings, ſtanding on the Eaſt Side thereof, and projecting into the ſaid Lane: And whereas the better paving the ſaid Streets, Lanes, Courts, Alleys, Ways, and other publick Paſſages, and the preventing Nuiſances, Annoyances, and Obſtructions therein for the future; and the taking down the ſaid old Houſes and Buildings at the Weſt End of *Chiſwell Street*, and the South End of *Brick Lane* aforeſaid, and the laying the Scite or Ground whereon they ſtand, or of ſuch Part thereof as ſhall be neceſſary, into the Highway, will be of great Benefit and Advantage to the Inhabitants of the ſaid Pariſh, and of publick Convenience; but as the ſame cannot be effected without the Aid of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable Thomas Harley, the Honourable Henry Lawes Lutterell Eſquire, Sir Robert Ladbroke Knight, Sir Charles Whitworth Knight, Barlow Trecothick, Richard Oliver, John Glynn, Eſquires; the Reverend William Nicolls, D. D. Rector of the ſaid Pariſh of Saint Luke; Sir James Eſdaile Knight, Samuel Whitbread, Cadwallader Coker, Benjamin Cowley, Edward Bond, Thomas Moore, Joſeph Dickinſon, William Turner, Valentine Grimſtead, John Walford, Peter Eſdaile, John Sugar, Jenkin Jones ſenior, Jenkin Jones junior, John Calvert, William Seward, and John Jones of Whitecroſs Street; Joſeph Lycett, John Jenkinſon, William Feaſt, Eſquires; Thomas Dennis, William Caſlon, Daniel Race, George Dance, Thomas Cecil, David Brown, William Withy, John Chippendale, William Payne, George Burnill, William Meeds, Thomas Hickman, William Moorman, Job Heath, John Cay, Major Haxby, Richard Bayley, Jonathan Hitchcock, Samuel Sorſby, John Edis, George Roadly, Matthew Witten, William Rix, James Smith, James Eſdaile, David Cooper, Edward M'Carty, Charles Moody, Benjamin Barnſley, Lewis Powell, Richard Grace, William Spencer, Francis Beck, Thomas Bennett, Thomas Romaine, Harland Ainſworth, William Slater, the Rector of the ſaid Pariſh of Saint Luke for the Time being, and the Members for the County of Middleſex for the Time being, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be, and they are hereby appointed Commiſſioners for putting this Act in Execution: And in caſe of the Death, Removal, or Refuſal to act, of any of the ſaid Commiſſioners, it ſhall and may be lawful for the ſurviving or remaining Commiſſioners, or any Seven or more of them, from Time to Time, by Writing under their Hands and Seals, to elect another Perſon to be a Commiſſioner in the Room and Stead of the Commiſſioner ſo dying, removing, or refuſing to act, Ten Days Notice of the Time and Place of Meeting for every ſuch Election being given, by affixing the ſame in Writing upon the principal Door of the Pariſh Church of Saint Luke aforeſaid, and alſo by Advertiſement in ſome or One of the publick News-papers; and every Perſon ſo elected ſhall be, and is hereby veſted with the ſame Powers for putting this Act in Execution, as the Perſon in whoſe Room he ſhall be elected was veſted with.

Commiſſioners Names.

How new ones may be choſen.

II. And be it further enacted, That no Perſon ſo elected ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall have occupied Lands, Tenements, or Hereditaments, within the ſaid Pariſh, of the yearly Value of Fifteen Pounds for Seven Years preceding the Time of his acting, and hath paid to the Poors Rates for the ſame.

Qualification of Commiſſioners.

III. And be it further enacted, That no Perſon who ſhall ſell Ale, Wine, or any Spirituous Liquors by Retail, ſhall be capable of being elected a Commiſſioner under this Act.

No Seller of Spirituous Liquors, *etc.* to act.

IV. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall meet at the Swan Tavern in Whitecroſs Street, on the Second Friday next after the Day of the paſſing of this Act, and ſhall proceed to the Execution of this Act, and ſhall and may adjourn themſelves, from Time to Time, to ſuch Place or Places as the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper: And if at any Meeting ſo appointed there ſhall not appear a ſufficient Number of Commiſſioners to act, or adjourn to another Day, or in caſe the ſaid Commiſſioners, ſo aſſembled, ſhall omit, neglect, or refuſe to adjourn themſelves; then, and in every ſuch Caſe, any Three of the ſaid Commiſſioners, or the Clerk to the ſaid Commiſſioners, ſhall appoint a Meeting of the ſaid Commiſſioners, to be held within Ten Days after, at the ſame Place; and publick Notice thereof, in Writing, ſhall be given by the Clerk, by affixing the ſame on the principal Door of the Pariſh Church of Saint Luke aforeſaid, Six Days before ſuch adjourned Meeting.

Firſt Meeting of Commiſſioners.

Power to adjourn.

V. And be it further enacted, That no Order or Determination of the ſaid Commiſſioners ſhall be valid unleſs the ſame ſhall be made at a Meeting held in purſuance of this Act; nor ſhall any Commiſſioner, as aforeſaid, be capable of acting as ſuch during the Time he ſhall enjoy any Place of Profit, by virtue of the Powers given by this Act, or have any Share or Intereſt in any Contract relating to the Execution thereof; and that the ſaid Commiſſioners, at all their Meetings, ſhall bear their own Expences.

No Order valid unleſs made at a Meeting.

No Commiſſioner to act whilſt under Contract, *etc.*

VI. And be it further enacted, That the ſaid Commiſſioners, or any Nine or more of them, ſhall and may, by Writing under their Hands and Seals, at their Firſt or any ſubſequent Meeting held in purſuance of this Act, appoint One or more Treaſurer or Treaſurers, Clerk or Clerks, Surveyor or Surveyors, and ſuch other Officer or Officers, for the Execution of this Act, as they the ſaid Commiſſioners, or any Nine or more of them, ſhall think proper, and from Time to Time remove him or them, and appoint others, as they ſhall find neceſſary or convenient; and by and out of the Monies to be raiſed by virtue of this Act, may, and are hereby impowered to pay ſuch Salaries and Allowances to ſuch Officers, and to all other Perſons by them the ſaid Commiſſioners employed in the Execution of this Act as they ſhall think reaſonable; and the ſaid Commiſſioners, or any Nine or more of them, ſhall take ſuch Security for the due Execution of the reſpective Offices by ſuch Perſon and Perſons as aforeſaid, as the ſaid Commiſſioners, or any Nine or more of them, ſhall think proper; and ſuch Perſon or Perſons as is or are hereby made liable to pay the ſeveral Rates or Sums of Money hereby granted, ſhall pay the ſame to ſuch Perſon or Perſons as ſhall from Time to Time be appointed to collect and receive the ſame, as herein-after mentioned; and all ſuch Officers and Perſons ſo to be appointed as aforeſaid ſhall, under their Hands, at ſuch Time and

Power to appoint Officers.

Officers to account.

Times, and in ſuch Manner as the ſaid Commiſſioners, or any Seven or more of them, ſhall direct, deliver to the ſaid Commiſſioners, or any Seven or more of them, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, by virtue of this Act, and alſo of all the Monies which ſhall have been by ſuch Officer or Officers, and Perſon or Perſons reſpectively received, by virtue and for the Purpoſes of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Commiſſioners, or any Seven or more of them, or to ſuch Perſon or Perſons as they ſhall appoint; and all the ſaid Officers and Perſons ſo accounting as aforeſaid ſhall, upon Oath, if thereunto required, (which Oath the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered and required to adminiſter) verify their ſaid Accounts: And if any ſuch Officer or Perſons ſhall not make and render, or ſhall refuſe to verify upon Oath any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall not deliver to the ſaid Commiſſioners, or any Seven or more of them, or to ſuch Perſon or Perſons as they ſhall appoint, within Ten Days after being thereunto required by any Seven or more of the ſaid Commiſſioners, all Books, Papers, and Writings, in his or their Cuſtody or Power relating to the Execution of this Act, or give Satiſfaction to the ſaid Commiſſioners reſpecting the ſaid Books, Papers, and Writings; that then, and in either of the Caſes aforeſaid, ſuch Commiſſioners, or any Seven or more of them, may, and are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Names of ſuch Commiſſioners, or in the Names of any Three or more of them, againſt the Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing as aforeſaid, in order for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons reſpectively; or if Complaint ſhall be made by the ſaid Commiſſioners, or any Seven or more of them, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to any Two or more Juſtices of the Peace for the County or Place wherein ſuch Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing, ſhall be and reſide, ſuch Juſtices may, and are hereby authoriſed and required, by a Warrant or Warrants under their Hands and Seals, to cauſe the Officer or Officers, Perſon or Perſons, ſo refuſing or neglecting, to be brought before them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a ſummary Way: And if, upon Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, it ſhall appear to ſuch Juſtices that any of the Monies that ſhall have been collected or raiſed by virtue of this Act ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtices may, and are hereby authoriſed and required, upon Nonpayment thereof, by a Warrant or Warrants under their Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons, offending in the Premiſes reſpectively; and if no Goods or Chattels of ſuch Officer or Officers, Perſon or Perſons, can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſame; or in caſe it ſhall appear to ſuch Juſtices, by the Confeſſion of the ſaid Party ſo offending, or by the Teſtimony of any credible Witneſs upon Oath, that any Books, Papers, or Writings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of any ſuch Officer or Officers, Perſon or Perſons, and he or they ſhall refuſe to deliver the ſame, as aforeſaid, or to give Satiſfaction reſpecting the ſame, as aforeſaid; then, and in either of the ſaid Caſes, ſuch Juſtices ſhall commit every ſuch Offender to the common Gaol of the County or Place where ſuch Offender ſhall be and reſide, there to remain without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Commiſſioners, or any Seven or more of them, and ſhall have paid ſuch Compoſition, in ſuch Manner as they ſhall appoint; which Compoſition the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered to make, and until he ſhall deliver up ſuch Books, Papers, and Writings, as aforeſaid, or give Satiſfaction in reſpect thereof to the ſaid Commiſſioners, or any Seven or more of them: Provided always, That no Perſon who ſhall be committed on Account of his having no Goods or Chattels, ſhall be detained in Priſon for any Term longer than Six Months.

Repreſentatives of Officers to account and pay in Preference to other Debts.

VII. And be it further enacted, That upon the Death of any ſuch Officer, or other Perſon, to be appointed as aforeſaid, his Executors or Adminiſtrators ſhall, within Twenty-one Days next after the Deceaſe of ſuch Officer or Perſon, deliver to the ſaid Commiſſioners, or any Seven or more of them, an Account of the Monies collected or received by the Officer or Perſon ſo deceaſed, and ſhall alſo deliver all Books, Papers, and Things, concerning his Office, to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Seven or more of them, ſhall appoint to receive the ſame; which Money, if any due, ſhall be paid by the Executors or Adminiſtrators of the Officer or Perſon ſo deceaſed, in Preference to and before any of his or their other Debts are paid or ſatiſfied.

Officers taking Fees otherwiſe than as allowed,

to be incapable of ſerving, and to forfeit 100 l.

VIII. And be it further enacted, That if any Perſon, who, as Clerk, Surveyor, or any other Officer, or Servant, ſhall be any ways employed by the ſaid Commiſſioners in putting this Act, or any of the Powers thereof, in Execution, ſhall exact, take, or accept any Fee or Reward whatſoever, other than ſuch Salaries, Allowances, and Rewards, as ſhall be appointed, allowed, and approved of by the ſaid Commiſſioners, or any Seven or more of them, for or on Account of any Thing done, or to be done, by virtue of this Act, or on any Account whatſoever, relative to the putting this Act in Execution, or ſhall any ways be concerned in Intereſt in any Bargain or Contract made, or to be made, by the ſaid Commiſſioners, or any of them, for the Purpoſes of putting this Act in Execution, every ſuch Perſon ſo offending ſhall be incapable of ever ſerving, or being employed under this Act; and ſhall over and above forfeit the Sum of One hundred Pounds to any Perſon or Perſons who ſhall ſue for the ſame, by any Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, within Six Calendar Months after the Offence committed; in which ſaid Suit no Eſſoin, Protection, or Wager of Law, or more than One Imparlence, ſhall be allowed.

Pavements, &c. veſted in Commiſſioners.

IX. And be it further enacted, That from and immediately after the paſſing of this Act, the Property of all the preſent and future Pavements whatſoever in the ſaid Streets, Row, Lane, Alley, and Yard, herein-after mentioned; that is to ſay, In Chiſwell Street, the Lordſhip Part of Grub Street, Bunhill Row, Brown Street, Featherſtone Street, James Street, Whitecroſs Street, Golden Lane, the South and North Sides of Old Street, the Eaſt Side of Goſwell Street, Blue Anchor Alley, and Playhouſe Yard, and of all Materials, Implements, and Things, which ſhall be purchaſed, provided, or made uſe of for the Purpoſes of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners, and they, or any Seven or more of them, are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Names of any Three or more of them, or in the Name of their Treaſurer or Clerk, or to prefer, or order and direct the preferring of any Bill or Bills of Indictment againſt any Perſon or Perſons whomſoever, who ſhall ſteal, purloin, take, carry away, ſpoil, injure, or deſtroy the ſame, or any Part or Parts thereof, or diſturb them in the Poſſeſſion thereof.

Commiſſioners to cauſe the Streets to be paved.

X. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall have full Power and Authority, from Time to Time, to cauſe, order, and direct the ſaid Streets, Row, Lane, Alley, and Yard, or any of them, to be paved, repaired, raiſed, ſunk, or altered, when, and in ſuch Manner, as they ſhall think fit, (except in Chiſwell Street; in the making of the Level of which Street, from the End of Bunhill Row to Moorfields, the Commiſſioners for paving ſhall give Notice to the Clerk of the Works of the City of London, and he and the Superintendant of the Commiſſioners for paving, appointed by this Act, ſhall aſcertain and fix the Levels of ſuch Parts of the ſaid Street, as near as can be, for the Convenience of the new Buildings intended to be erected by the City of London, and the Convenience of the other Freeholders in the ſaid Street.)

Particular Streets to be paved firſt.

XI. Provided always, That the Pavements of the ſeveral Streets and Places called Chiſwell Street, Whitecroſs Street, and Golden Lane, ſhall be compleated previous to and before any other Street or Place, to be paved by virtue of this Act, ſhall be begun to be paved.

Power to employ Workmen, &c.

XII. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall alſo have full Power and Authority to cauſe to be dug, carted, and carried out of, or brought into the ſaid Streets, Row, Lane, Alley, and Yard, ſuch Gravel, Stones, and other Materials, and to employ ſuch Artificers, Workmen, Labourers, Carters, and others, and to iſſue ſuch Money on thoſe Accounts, and to do all and every ſuch other Acts and Things, as the ſaid Commiſſioners, or any Seven or more of them, ſhall judge neceſſary or conducive to the accompliſhing the Ends and Deſigns of this Act.

Commiſſioners may make Contracts.

XIII. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, may, and are hereby impowered, from Time to Time, as Occaſion ſhall require, to contract with any Perſon or Perſons for paving, and keeping in Repair, the ſaid Streets, Row, Lane, Alley, and Yard, or any of them; which Contract and Contracts ſhall ſpecify the ſeveral Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſaid Work ſhall be compleated, and the Penalties to be ſuffered in caſe of Nonperformance thereof; and ſhall be ſigned by the ſaid Commiſſioners, or any Seven or more of them, and by the Perſon or Perſons contracting to perform ſuch Works; but previous to the making of any ſuch Contract, Ten Days Notice ſhall be given in ſome publick News-paper, expreſſing the Intention of the intended Contract, in order that any Perſon or Perſons willing to undertake the ſame may make Propoſals for that Purpoſe, to be offered and preſented to the ſaid Commiſſioners at a certain Time and Place in ſuch Notice to be mentioned.

Penalty on obſtructing Workmen.

XIV. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time or Times, obſtruct, hinder, or moleſt, any Surveyor or Surveyors, or other Officer or Officers, Workmen, Perſon or Perſons whatſoever, who are or ſhall be employed by virtue of this Act, in the Performance or Execution of their Duty; every ſuch Perſon ſo offending ſhall, for the Firſt Offence, forfeit and pay the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds.

Commiſſioners may ſell old Pavements.

XV. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall have full Power and Authority, from Time to Time, to ſell and diſpoſe of all or any Part of the old Pavements, or other Materials, to ſuch Perſon or Perſons as ſhall be willing to purchaſe the ſame, and to apply the Purchaſe-money for the Purpoſes of this Act.

Diſputes about Wages to be ſettled by Juſtices.

XVI. And be it further enacted, That if any Diſpute ſhall ariſe with reſpect to the Wages of ſuch Paviors, Artificers, Workmen, or Labourers employed, it may be ſettled by any One or more of His Majeſty's Juſtices of the Peace for the County of Middleſex, whoſe Award ſhall be final.

Pavements when taken up to be relaid, under the Inſpection of the Surveyor.

XVII. And be it further enacted, That when and ſo often as any Part of the Pavement of the ſaid Streets, Row, Lane, Alley, or Yard, ſhall be taken up for the Purpoſe of making, repairing, altering, cleanſing, or emptying any Sewer, Vault, or Drain, or of laying, altering, or amending any Water-pipe or Plug, or for any other Purpoſe whatſoever, the Perſon or Perſons ſo taking up ſuch Pavement ſhall immediately give Notice thereof to the Surveyor, Inſpector, or Clerk, to the Commiſſioners for putting this Act in Execution, in order that the ſame may, with all convenient Speed, be laid down and repaired, under the Inſpection of the ſaid Surveyor, Inſpector, or Clerk, and the Charges and Expences thereof ſhall be paid by the ſaid Commiſſioners; and they ſhall be reimburſed the ſame by the Perſon or Perſons, Companies

Charges to be reimburſed, &c.

of Water-works, or Commiſſioners of Sewers, who ſhall take up, or cauſe or procure to be taken up, the ſaid Pavement, or any Part or Parts thereof.

Commiſſioners may compound for the relaying ſuch Pavement.

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, to compound and agree with the ſaid Companies, or Commiſſioners of Sewers, or other Perſon or Perſons reſpectively, for a certain Sum of Money by the Foot, or other Meaſure, as the ſaid Commiſſioners, or any Seven or more of them, ſhall think reaſonable, in lieu and in ſtead of laying down or repairing ſuch Pavement as ſhall be neceſſarily taken up for any of the Purpoſes aforeſaid.

Monies expended in relaying the Pavement how to be recovered.

XIX. And be it further enacted, That in caſe ſuch Perſon or Perſons, Companies of Water-works, or Commiſſioners of Sewers reſpectively, ſhall neglect or refuſe to pay what the ſaid Commiſſioners ſhall have ſo paid and diſburſed, or what ſhall be due upon ſuch Contract or Compoſition, as aforeſaid, within Ten Days next after Notice thereof, to be left by the Surveyor or Clerk appointed, or to be appointed, by the ſaid Commiſſioners, at the Dwelling-houſe, or laſt Place of Abode, of ſuch Perſon or Perſons, or of the Secretary or Secretaries, Clerk or Clerks, of ſuch Companies of Water-works, or Commiſſioners of Sewers reſpectively; which Notice ſhall be in Writing, and ſigned by the Clerk to the Commiſſioners for putting this Act in Execution, by Order of the ſaid Commiſſioners, or any Seven or more of them, and annexed to the Bill, containing an Account of the Expence of ſuch Repair, or Money due upon ſuch Compoſition; it ſhall and may be lawful to and for the ſaid laſt-mentioned Commiſſioners, or any Seven or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name of their Clerk or Treaſurer, for the Recovery of ſuch Sum or Sums of Money reſpectively; and in caſe ſuch Perſon or Perſons, hereby directed to give ſuch Notice to the Surveyor or Clerk to the Commiſſioners for putting this Act in Execution, as is before directed, ſhall neglect ſo to do for the Space of Twenty-four Hours after ſuch Pavement ſhall be ſo taken up, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

Power to raiſe or lower Pipes.

XX. And be it further enacted, That if, for the Purpoſes of this Act, it ſhall at any Time be found neceſſary to raiſe, ſink, or otherwiſe alter, the Poſition of any of the Pipes or Plugs laid down or placed by the ſaid Companies, or of any of the Leaden or other Pipes, which ſhall be laid into or from any of the ſaid Companies Pipes, which the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered to cauſe to be done, as often, and in ſuch Places, as they ſhall think proper; the ſame ſhall be paid for out of the Monies ariſing by virtue of this Act, and ſhall be done with as little Detriment or Inconvenience to the ſaid Companies, and other Perſons, as the Circumſtance of the Caſe will admit of.

How the Water-pipes, when broke, are to be repaired.

XXI. And be it further enacted, That when and ſo often as it ſhall happen that any Pipe or Pipes belonging to any Water Company ſhall break or burſt in the ſaid Streets, Row, Lane, Alley, or Yard, or any of them, it ſhall and may be lawful to and for the Surveyor or Inſpector to the ſaid Commiſſioners for the Time being, or ſuch other Perſon as the ſaid Commiſſioners, or any Seven or more of them, ſhall appoint for that Purpoſe, to give immediate Notice thereof to the Pavior of the Water Company to whom he apprehends ſuch Pipe or Pipes does, or do, or may belong, and require him to take up the Pavement, and open the Ground, at or near the Place where the Water ſhall or may iſſue, by reaſon of ſuch Pipe or Pipes breaking or burſting, within Two Days next after ſuch Notice given to ſuch Pavior, or left at his laſt or uſual Place of Abode; and if, upon taking up the Pavement, and opening the Ground, it ſhall appear that the Pipe or Pipes ſo broke or burſt do or doth not belong to the Water Company whoſe Pavior ſhall have taken up ſuch Pavement, and opened ſuch Ground; that then, and in ſuch Caſe, the Surveyor, Inſpector, or other Perſon, as aforeſaid, ſhall give immediate Notice to the Pavior of that Company to whom it ſhall appear that the ſaid Pipe or Pipes do or doth belong; ſuch Notice to be given, or left with ſuch Pavior, or at his laſt or uſual Place of Abode, and the Pavior of the Company to whom ſuch Pipe or Pipes ſhall belong is hereby required to repair the ſame, and fill in the Ground, within Two Days after ſuch Notice given, or left as aforeſaid; and alſo within Twenty-four Hours after ſuch Pipe ſhall be repaired, and the Ground filled in, to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor, Inſpector, or other Perſon, as aforeſaid, of ſuch Pipe or Pipes being repaired, and ſuch Ground being filled in, ſuch Notice to be given to ſuch Contractor, Surveyor, Inſpector, or other Perſon, or left at his or their laſt or uſual Place of Abode: And in caſe it ſhall happen, that the Pavior who firſt receives Notice to take up the Pavement, and open the Ground, for the Purpoſes aforeſaid, ſhall take up ſuch Pavement, and open ſuch Ground, and it ſhall then be diſcovered that the Pipe or Pipes which is, are, or ſhall be, burſt or broke, doth or do not belong to the Company to whom he is Pavior; that then, and in ſuch Caſe, the Pavior of the Company to whom ſuch Pipe or Pipes do or doth belong ſhall make Satiſfaction to the Pavior who took up ſuch Pavement, and opened ſuch Ground, for ſuch Work; and in caſe the Pavior, to whom ſuch Notice ſhall be ſo given to take up ſuch Pavement, and open ſuch Ground, ſhall neglect or refuſe to do the ſame within Two Days after Notice given as aforeſaid, he ſhall, for the Firſt Offence, forfeit and pay the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds: And in caſe the Pavior of the Company, to whom ſuch Pipe or Pipes ſo broke or burſt ſhall belong ſhall neglect or refuſe to repair and amend the ſame, and fill in the Ground ſo taken up, for the Space of Two Days next after ſuch Notice given, or ſhall neglect to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor or Inſpector to the ſaid Commiſſioners, or to ſuch other Perſons as aforeſaid; ſuch Pavior ſhall, for the Firſt Offence forfeit and pay the Sum of Twenty Shillings, for the Second Offence

fence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds: And if the Perſon or Perſons contracting with the ſaid Commiſſioners to relay ſuch Pavement ſo broke or taken up for the Reaſons aforeſaid, ſhall neglect or refuſe to relay ſuch Pavement in a good, ſufficient, and effectual Manner, within Two Days after ſuch Notice given to him, as aforeſaid; or if the Surveyor, Inſpector, or other Perſon, to whom ſuch Notice ſhall be given, ſhall neglect to acquaint the Contractor of ſuch Notice; then, and in every ſuch Caſe, the Perſon or Perſons ſo offending ſhall, for the Firſt Offence, forfeit and pay the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds.

Penalty on Paviors of Water Companies neglecting to give their Names and Places of Abode.

XXII. And be it further enacted, That the ſeveral and reſpective Paviors, or other Perſons now appointed, or hereafter to be appointed, by the ſaid ſeveral and reſpective Water Companies, who ſhall have any Pipe or Pipes laid in, through, or under any of the ſaid Streets, Row, Lane, Alley, or Yard, ſhall, and they are hereby required, within the Space of Eight Days next after the Firſt Meeting of the Commiſſioners to put this Act in Execution, or within the Space of Three Days next after he ſhall be appointed to manage and take care of the Water-pipes belonging to ſuch Company or Companies, to give Notice in Writing to the Surveyor or Clerk to the ſaid Commiſſioners, of his Name and Place of Abode, and to what Company he belongs; and in caſe any ſuch Perſon or Perſons ſhall neglect or refuſe to give ſuch Notice within the reſpective Times aforeſaid, every ſuch Perſon or Perſons ſo offending, in either of the ſaid Caſes, ſhall, for the Firſt Offence, forfeit and pay the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds.

Perſons altering the Form of the Pavement to forfeit 5 *l.*

XXIII. And be it further enacted, That no Perſon or Perſons ſhall make, or cauſe to be made, any Alteration in the Form of any of the Pavement or Pavements of the ſaid Streets, Row, Lane, Alley, or Yard, or of any Part thereof, without the Conſent and Direction of the ſaid Commiſſioners, or any Seven or more of them, under their Hands and Seals, upon Pain of forfeiting, for every ſuch Offence, the Sum of Five Pounds, over and above all Expences incurred, or to be incurred, in reinſtating the ſame.

Courſe of Channels may be altered.

XXIV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, to direct and cauſe the Courſe of any Gutter or Channel, running in or through the ſaid Streets, Row, Lane, Alley, or Yard, or any of them, to be turned or altered in ſuch Manner as they ſhall think proper; and to direct the Grates already placed, or hereafter to be placed, over any Sewers, to be removed and replaced in ſuch Manner, and at ſuch Place and Places, as they ſhall think proper, ſo as the ſame be not prejudicial to the publick Sewers; and the ſame ſhall, from Time to Time, be done at the Expence of the ſaid Commiſſioners, and paid for out of the Monies ariſing by virtue of this Act, any Law, Uſage, or Cuſtom, to the Contrary notwithſtanding.

Commiſſioners of Sewers to make and repair Grates.

XXV. And be it further enacted, That when and ſo often as there ſhall be Occaſion to make any new, or to repair any Grate or Grates now being over any Sewer or Sewers, belonging to the Commiſſioners of Sewers in the ſaid Streets, Row, Lane, Alley, or Yard, or any of them, the ſame ſhall be made new or repaired by and at the Expence of the ſaid Commiſſioners of Sewers; and the ſame, when ſo made new or repaired, ſhall be laid down in ſuch Manner as ſhall be directed by the Surveyor to the Commiſſioners for putting this Act in Execution.

Commiſſioners of Sewers to repair, empty, and cleanſe old Drains.

XXVI. And be it further enacted, That when and ſo often as any Sewer or Drain, which is or ſhall be under the Direction of the Commiſſioners of Sewers, ſituate in, or communicating with the ſaid Streets, Row, Lane, Alley, or Yard, or any of them, ſhall require to be repaired, cleanſed, or emptied, the ſaid Commiſſioners of Sewers ſhall, from Time to Time, repair, cleanſe, and empty the ſame.

New Sewers and Grates may be made by the Commiſſioners for paving, and afterwards cleanſed and repaired by the Commiſſioners of Sewers.

XXVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners appointed by this Act, or any Nine or more of them, if they ſhall think it neceſſary, to make, or cauſe to be made, any new publick Sewer or Sewers, or publick Drain or Drains, to communicate with the ſaid Streets, Row, Lane, Alley, and Yard, or any of them, and alſo any new Grate or Grates, over ſuch Sewer or Sewers, Drain or Drains, and to cauſe the ſame to be placed in ſuch Manner as the Surveyor to the ſaid Commiſſioners ſhall think proper; and the Expences attending the making ſuch new Sewer or Sewers, Drain or Drains, and Grate or Grates, ſhall be paid out of the Monies ariſing by virtue of this Act; and when ſuch Sewer or Sewers, Drain or Drains, Grate or Grates, ſhall be made and compleated, the ſame ſhall be under the Care, Management, and Direction, of the Commiſſioners of Sewers, in like Manner as the other Sewers now are; and the ſaid Commiſſioners of Sewers ſhall cauſe ſuch Sewer or Sewers, Drain or Drains, to be, from Time to Time, for ever after, repaired, cleanſed, or emptied, and ſuch Grate or Grates to be, from Time to Time, made new or repaired, as Occaſion ſhall require.

If Commiſſioners of Sewers do not perform Works to be done by them, Commiſſioners for paving may do them, and the Expence ſhall be paid by the former.

XXVIII. And be it further enacted, That when and ſo often as it ſhall be neceſſary for the ſaid Commiſſioners of Sewers to do and perform any of the ſeveral Works hereinbefore directed to be done by them, the Clerk to the Commiſſioners appointed by this Act ſhall give Notice thereof in Writing to the Clerk to the Commiſſioners of Sewers, who ſhall thereupon forthwith ſummon the ſaid Commiſſioners of Sewers to meet, to take the Premiſes into Conſideration, (which they are hereby authoriſed and required to do), and at the ſame Meeting, or at any adjourned or other Meeting, to exerciſe the ſeveral Powers and Authorities with which they are or ſhall be inveſted; and in caſe the ſaid Commiſſioners of Sewers ſhall neglect or refuſe to meet by the Space of Seven Days next after ſuch Notice given, or being met, ſhall refuſe or neglect, for the Space of Ten Days then next, to ſend out a Jury to view the Place where ſuch Work is thought neceſſary to be done; or if ſuch Jury ſhall refuſe or neglect to take ſuch View, and make their Preſentment thereupon; or in caſe the ſaid Commiſſioners of Sewers ſhall, by the Space of Twenty Days next after ſuch Preſentment made, neglect or refuſe to cauſe the ſaid Works to be done, if ſuch Jury ſhall return or report the ſame neceſſary, and the ſaid Works can be done and finiſhed within that Time; that then, it ſhall and may be lawful to and for the ſaid Commiſſioners appointed by this Act, or any Nine or more of them, to cauſe ſuch Works to be done and finiſhed, the Charges and Expences whereof ſhall be paid by the Commiſſioners for putting this Act in Execution, who ſhall be reimburſed the ſame by the Clerk or Treaſurer for the Time being to the ſaid Commiſſioners of Sewers; and in caſe the ſaid Clerk or Treaſurer to the ſaid Commiſſioners of Sewers ſhall neglect or refuſe to pay what ſhall have been ſo paid and diſburſed within Sixty Days next after Notice thereof for that Purpoſe ſhall be left at the Dwelling-houſe or Place of Abode of ſuch Clerk or Treaſurer, which Notice ſhall be in Writing, and ſigned by the Clerk to the Commiſſioners for putting this Act in Execution, and annexed to the Bill, containing an Account of ſuch Charges and Expences, it ſhall and may be lawful to and for the ſaid Commiſſioners appointed by this Act, or any Seven or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Name of their Clerk, againſt ſuch Clerk or Treaſurer to the ſaid Commiſſioners of Sewers, for the Recovery of ſuch Sum or Sums of Money as the ſaid Commiſſioners for putting this Act in Execution, or any Seven or more of them, ſhall have been ſo expended for any of the Purpoſes aforeſaid; in which Action or Actions no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

In what Caſe other Streets may be paved.

XXIX. Provided always, and be it further enacted, That if at any Time hereafter Two-thirds or more of the Owners or Proprietors of Houſes, Lands, Tenements, or Hereditaments, ſtanding and being in any Street, Lane, Court, Alley, Way, or other publick Paſſage, within the ſaid Pariſh, other than thoſe herein-before particularly deſcribed, ſhall be deſirous to take the Benefit of this Act, and to have the ſame better paved, and all Nuiſances, Annoyances, and Obſtructions therein removed, and ſhall, by Writing under their Hands, ſignify ſuch their Deſire, and the Mode in which they would have the ſame done, and the Manner by which they propoſe to raiſe Money for thoſe Purpoſes, to the ſaid Commiſſioners, or any Seven or more of them, and the ſaid Commiſſioners, or any Seven or more of them, ſhall approve thereof; then all the Powers and Authorities by this Act granted, and all the Penalties, Forfeitures, Clauſes, and Proviſions herein contained, ſhall extend and have relation, as well to the ſaid Streets, Lanes, Courts, Alleys, Ways, and other publick Paſſages, as to the ſaid Streets, Row, Lane, Alley, and Yard, herein-before particularly mentioned, as fully and effectually as if the ſame had been herein-before particularly inſerted, and directed to be paved, any Thing herein contained to the Contrary notwithſtanding.

Separate Accounts to be kept.

XXX. Provided always, and be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall cauſe ſeparate and diſtinct Accounts to be kept of the paving the ſaid reſpective Streets and Places, and the repairing thereof, and the Rates and Aſſeſſments to be made for the ſame, and of all other the Purpoſes of this Act, ſo far as the ſame relate thereto.

Penalty on driving Wheels, &c. on the Foot Pavements.

XXXI. And be it further enacted, That if any Perſon or Perſons ſhall run, drive, draw, or cauſe to be run, driven, or drawn, on any Part of the Foot-pavements of the ſaid Streets, Row, Lane, Alley, or Yard, or any of them, any Wheel or Wheels, Sledge, Wheelbarrow, or any Carriage whatſoever; every ſuch Perſon or Perſons ſo offending, ſhall forfeit, for the Firſt Offence, the Sum of Ten Shillings, for the Second Offence the Sum of Twenty Shillings, and for the Third and every other Offence the Sum of Forty Shillings.

Time for emptying Bog-houſes.

XXXII. And be it further enacted, That if any Perſon or Perſons whatſoever ſhall come with any Cart or Carts, or begin to empty any Boghouſe or Boghouſes, or to take away any Night-ſoil from any Houſe or Houſes within any of the Streets, Lanes, Courts, Alleys, Ways, or other publick Paſſages, within the ſaid Pariſh, before the Hour of Eleven of the Clock in the Night, or ſhall continue to take away the ſame after the Hour of Five of the Clock in the Morning; or if any Perſon ſhall put or caſt, or cauſe to be put or caſt, out of any Cart, Tub, or otherwiſe, in or near any of the Streets, Lanes, Courts, Alleys, Ways, or other publick Paſſages, within the ſaid Pariſh, any ſuch Night-ſoil; it ſhall and may be lawful to and for any Conſtable, Beadle, or Watchman, (and they are hereby ſtrictly required and directed ſo to do), or any other Perſon or Perſons whomſoever, to apprehend, and to carry him or them, guilty of either of the ſaid Offences, to any One of the Watch-houſes of the ſaid Pariſh of Saint Luke, and from thence, as ſoon as conveniently may be, before One or more Juſtice or Juſtices of the Peace for the County of Middleſex, who, upon Oath made of ſuch Offence or Offences, as aforeſaid, (which Oath ſuch Juſtice, or Juſtices is and are hereby impowered and required to adminiſter), ſhall and may commit ſuch Perſon or Perſons, guilty of any of the ſaid Offences, to the Houſe of Correction for the ſaid County, for any Time not exceeding Two Months, nor leſs than Fourteen Days, there to be kept to hard Labour; and it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, at any Meeting to be held in purſuance of this Act, to order any Sum, not exceeding Twenty Shillings, nor leſs than Ten Shillings, to be paid to the Perſon who ſhall detect, apprehend, and convey before any ſuch Juſtice or Juſtices, any ſuch Perſon or Perſons, guilty as aforeſaid, to be paid out of the Rates to be raiſed by virtue of this Act.

Perſons may ſet up Hoards for making of Mortar, &c. with Conſent of the Commiſſioners.

XXXIII. Provided always, and be it further enacted, That it ſhall and may be lawful for any Perſon or Perſons to erect or ſet up, or cauſe to be erected or ſet up, in any of the ſaid Streets, Row, Lane, Alley, and Yard, any Incloſures, Poſts, Bars, or Rails, or other Matter or Thing, for the Purpoſe of making Mortar, and depoſiting Bricks, Lime, or other Materials, for building or repairing any Houſes, Buildings, or other Works, every ſuch Perſon or Perſons firſt obtaining Leave under the Hand of the Surveyor or Clerk to the ſaid Commiſſioners for thoſe Purpoſes reſpectively, which he is hereby impowered by their Permiſſion to give; but if any Perſon or Perſons ſhall erect and ſet up, or cauſe to be erected and ſet up, any ſuch Incloſures, Poſts, Bars, or Rails, or any other Matter or Thing, for the Purpoſes aforeſaid, without ſuch Leave firſt had and obtained, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings, nor leſs than Five Shillings, for every Hour ſuch Incloſure, Matter, or Thing, as aforeſaid, ſhall remain and continue.

Penalty of laying Aſhes, &c. in the Streets.

XXXIV. And be it further enacted, That no Perſon or Perſons whatſoever ſhall ſift, throw, caſt, or lay, or cauſe, permit, or ſuffer to be ſifted, thrown, caſt, or laid, any Aſhes, Duſt, Dirt, Soil, or other Filth whatſoever, before any Dwelling-houſe, Shop, Stable, Building, or Wall, in any of the Streets, Lanes, Courts, Alleys, Ways, and other publick Paſſages, within the ſaid Pariſh; but ſhall keep, or cauſe the ſame to be kept, in their reſpective Houſes or Yards, until ſuch Time as the Perſon or Perſons contracted with or employed to carry away ſuch Aſhes, Duſt, Dirt, Filth, or Soil, do come by or near their Houſes, Doors, or Places where they dwell, with a Cart or Carts, or other Conveniencies, for carrying away the ſame, upon Pain of forfeiting, for the Firſt Offence, the Sum of Five Shillings, for the Second Offence the Sum of Ten Shillings, and for the Third and every other Offence the Sum of Twenty Shillings.

Foot-ways to be ſwept.

XXXV. And be it further enacted, That all and every Perſon and Perſons inhabiting within the ſaid Streets, Row, Lane, Alley, or Yard, ſhall, from and after the Firſt Meeting of the Commiſſioners for putting this Act in Execution, ſweep and clean, or cauſe to be ſwept and cleanſed, the Foot-paths before their reſpective Houſes, Buildings, and Walls, Once in every Day, between the Hours of Nine and Twelve in the Forenoon, (Sundays excepted) upon Pain of forfeiting Twenty Shillings for every Neglect therein.

Houſes to be numbered, &c.

XXXVI. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, may order and direct the Houſes within the ſaid Streets, Row, Lane, Alley, and Yard, or any of them, to be numbered with Figures, placed or painted over the Doors thereof, or on ſuch other Part of the ſaid Houſes reſpectively, as they the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper; and may alſo order and direct to be engraved, painted, or otherwiſe deſcribed, on a conſpicuous Part of ſome Houſe, or other Building, at or near the End or Corner of each Street, Row, Lane, Alley, and Yard reſpectively, the Name by which ſuch reſpective Street, Row, Lane, Alley, and Yard, is uſually or properly called or known: And if any Perſon or Perſons ſhall wilfully or maliciouſly deſtroy, injure, obliterate, or deface any ſuch Number, Figure, Name, or Deſcription, or any Part thereof, or cauſe or procure the ſame to be done, and ſhall be convicted thereof, by his or their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, before One or more Juſtice or Juſtices of the Peace for the County of Middleſex, which Oath ſuch Juſtice or Juſtices is and are hereby impowered to adminiſter, every ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Shillings.

Signs, &c. to be removed.

XXXVII. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall and may cauſe all Trees, Signs, Sign-poſts, Sign-irons, Dyers, Scourers, and Barbers Poles, or any other Poles, Porches, Pent-houſes, Boards, Spouts, and Gutters, projecting into or over the ſaid Streets, Row, Lane, Alley, or Yard, or any of them, and all other Incroachments, Projections, or Annoyances whatſoever therein, to be taken down and removed; and ſhall cauſe all Signs, Sign-boards, and Gutters, to be affixed and placed cloſe to or on the Fronts of the Houſes, Shops, Warehouſes, or Buildings whereunto they reſpectively belong, or otherwiſe, as the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper and convenient; and ſhall return, or cauſe to be returned, to the reſpective Owners, all or ſo much of ſuch Signs, Sign-poſts, Poles, Sign-irons, Boards, Spouts, and Gutters, as ſhall not be affixed or put up, or otherwiſe made uſe of in the Alterations directed by the ſaid Commiſſioners, in purſuance of this Act: And that for the future all Signs, Sign-boards, and Gutters, ſhall be placed and fixed cloſe to or on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, to which they reſpectively belong, and not otherwiſe; and if any Perſon or Perſons ſhall, at any Time hereafter, hang, place, erect, or build, any Sign, Sign-poſt, or other Poſt, Sign-iron, Pole, Penthouſe, Board, Spout, Gutter, or other Projection, Obſtruction, or Annoyance whatſoever, or cauſe the ſame to be done, contrary to the true Intent and Meaning of this Act, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Twenty Shillings; and alſo the further Sum of Five Shillings for every Hour the ſame ſhall continue.

Steps, Projections, &c. to be removed.

XXXVIII. And whereas the ſaid Streets, Row, Lane, Alley, and Yard, are in ſome Parts thereof greatly obſtructed, and made dangerous to Foot-paſſengers, by Steps being brought out from Houſes, Steps and Doors going down into Cellars, Vaults, and other Places, and by Shew-glaſſes, Shew-boards, and other Matters or Things projecting from Shops or Houſes over and beyond the Area belonging to ſuch Houſes, or into the Foot-ways; be it therefore further enacted, That from and after the paſſing of this Act, all ſuch Steps projecting into the Foot-ways of the ſaid Streets, Row, Lane, Alley, and Yard, and all Steps and Doors going down out of the Foot-ways into any Cellars, Vaults, or other Places, as likewiſe all Shew-glaſſes or Shew-boards projecting over and beyond the Areas, or into the Foot-ways, and all and every other Matters or Things which do or ſhall cauſe or occaſion any Nuiſance, Annoyance, Incroachment, or Obſtruction, in the ſaid Streets, Row, Lane, Alley, and Yard, or any of them, either in the Foot or Carriage Way thereof, ſhall be from Time to Time removed, fixed, placed, or altered, in ſuch Manner and Form as ſhall be approved of by the ſaid Commiſſioners,

ers, or any Seven or more of them, or their Surveyor, by their Direction, and ſhall be paid for out of the Money to be raiſed by virtue of this Act.

Extra Rates may be made Twice in every Year.

XXXIX. And for defraying the Charges and Expences attending the Execution of the ſeveral Powers by this Act granted, be it further enacted, That from and after the paſſing of this Act, a Rate or Aſſeſſment, (over and above all Rates and Aſſeſſments now payable), ſhall, Twice in every Year, or oftener, if it ſhall be thought needful by the ſaid Commiſſioners, or any Nine or more of them, be made, laid, and aſſeſſed, by the ſaid Commiſſioners, or any Nine or more of them, upon all and every Perſon and Perſons who do or ſhall inhabit, hold, occupy, poſſeſs, or enjoy any Land, Houſe, Shop, Warehouſe, Cellar, Vault, or other Tenements or Hereditaments, within the ſaid Streets, Row, and Lane, called Chiſwell Street, the Lordſhip Part of Grub Street, Bunhill Row, Whitecroſs Street, and Golden Lane, for raiſing ſuch competent Sum and Sums of Money as the ſaid Commiſſioners, or any Nine or more of them, ſhall from Time to Time think needful and direct, ſo as ſuch Rate or Aſſeſſment, Rates and Aſſeſſments, do not in any One Year exceed, in the Whole, the Sum of Two Shillings and Sixpence in the Pound, of the yearly Rents, or yearly Value, of ſuch of the ſaid Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements or Hereditaments reſpectively, as ſhall be ſituate in any of the ſaid Streets, Row, or Lane, aforeſaid, the greater Part or Parts of which ſaid Streets, Row, or Lane aforeſaid reſpectively, ſhall be actually begun to be paved with new or other Stones, of a flat Surface, by virtue or in purſuance of this Act: And not exceeding the Sum of Two Shillings in the Pound of the yearly Rents, or yearly Value, of ſuch of the ſaid Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements or Hereditaments reſpectively, as ſhall be ſituate in the ſaid Streets called Brown Street, Featherſtone Street, and James Street, which ſhall be actually begun to be new-paved, the Foot-ways whereof ſhall be conſtructed with new or flat Stones, and the Carriage-ways thereof with ſized Pebbles and old Stones, which ſhall be taken up in the ſame, or in any other of the Streets, Row, Lane, Alley, or Yard, by virtue or in purſuance of this Act: And not exceeding the Sum of One Shilling and Sixpence in the Pound of the yearly Rents, or yearly Value, of ſuch of the Shops, Warehouſes, Cellars, Vaults, or other Tenements or Hereditaments reſpectively, as ſhall be ſituate on the South and North Sides of Old Street, and the Eaſt Side of Goſwell Street, which ſhall be actually begun to be new-paved, the Foot-ways whereof only ſhall be paved with Purbeck Squares: And not exceeding the Sum of One Shilling in the Pound of the yearly Rents, or yearly Value, of ſuch of the Shops, Warehouſes, Cellars, Vaults, or other Tenements or Hereditaments reſpectively, as ſhall be ſituate in the ſaid Alley and Yard called Blue Anchor Alley and Playhouſe Yard, which ſhall be actually begun to be new-paved, the Foot-ways whereof ſhall be paved with Purbeck Squares, and the Carriage-ways with ſized Pebbles, or old Stones, which ſhall be taken up in the ſame, or any other of the ſaid Streets, Row, or Lane, by virtue or in purſuance of this Act.

Houſes adjoining to the Streets, how to be rated.

XL. And whereas ſeveral Houſes, Warehouſes, or other Buildings, in the ſaid Streets, Row, Lane, Alley, or Yard, are partly ſituate within the ſame, and are partly ſituate in, or are adjoining to, or abutting upon, other Streets, Lanes, Ways, or Paſſages, which are not within or Part of the aforeſaid Streets, Row, Lane, Alley, or Yard, and the Occupiers of ſuch Houſes, Warehouſes, or other Buildings, by Carriages having Acceſs to their Premiſes, will greatly Wear the Pavements intended to be paved by virtue of this Act, by ſuch Carriages coming to and going from their ſaid Houſes, Warehouſes, or other Buildings; and ſuch Houſes, Warehouſes, or other Buildings, are or may be obliged to pave the ſaid other Streets, Lanes, Courts, Alleys, and other Places, or may be ſubject to be rated and taxed towards the paving or repairing the ſame: Be it therefore further enacted, That ſuch Houſes, Warehouſes, or other Buildings, which now are, or hereafter ſhall be ſo ſituate, ſhall only be rated and taxed for the Purpoſe aforeſaid, at ſuch Sum or Sums of Money as the ſaid Commiſſioners, or any Nine or more of them, ſhall think reaſonable, not exceeding Two-thirds of the Rate they would have been rated and taxed at, if ſuch Houſes, Warehouſes, or other Buildings had ſtood wholly within the ſaid Streets, Row, Lane, Alley or Yard.

Houſes let out in Tenements, how to be rated.

XLI. And whereas many Houſes within the ſaid Streets, Row, Lane, Alley, or Yard, are by the ſeveral Owners or Proprietors thereof let out in Lodgings to divers Tenants, whereby it will be difficult to recover ſuch Rates and Aſſeſſments when made; for Remedy whereof, be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, to rate and aſſeſs the Owner or Owners of ſuch Houſes or Tenements as ſhall be let to, or occupied by, Two or more Tenants, which Rate and Aſſeſſment ſhall be paid by One or more of the Tenants or Occupiers of any Part or Parts of ſuch Houſes; and in caſe any Occupier or Occupiers of any Part of ſuch Houſes or Tenements ſhall refuſe to pay the ſame, then the ſaid Rate and Aſſeſſment ſhall be levied by Diſtreſs and Sale of the Goods of him, her, or them, ſo refuſing to pay the ſame; and ſuch Occupier or Occupiers of ſuch Tenements reſpectively is and are hereby required and authoriſed to pay ſuch Sum and Sums of Money as ſhall be ſo rated or aſſeſſed on the Owner or Owners of ſuch Houſes in purſuance of this Act, and to deduct the ſame out of their Rent; and the Owner or Owners, Proprietor or Proprietors thereof, are hereby required to allow ſuch Deductions and Payments, upon Receipt of the Reſidue of their Rents; and every ſuch Tenant, paying ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be acquitted and diſcharged of and from ſo much Money as the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall amount unto, as if the ſame had been actually paid to ſuch Perſon or Perſons to whom his, her, or their Rent would have been, or ſhall be due and payable.

Untenanted Houſes how to be rated.

XLII. And be it further enacted, That in caſe it ſhall happen that any of the Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements, or any Part or Parts thereof, within the ſaid Streets, Row, Lane, Alley, or Yard, or any of them, ſhall, at the Time of the making of any of the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, be empty, untenanted, or unoccupied; that then, and in every ſuch Caſe, One-half

Part of the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be paid by the Owners or Proprietors of ſuch Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements; and in caſe of Nonpayment thereof, ſuch Lands, Houſes, Shops, Warehouſes, Vaults, Cellars, or other Tenements, ſhall be, and the ſame are hereby made a Security for, and chargeable with, ſuch Rate or Rates, Aſſeſſment or Aſſeſſments.

XLIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, and they are hereby required, at ſuch Times as the Rates hereby directed to be made ſhall be made, to rate all dead Walls and void Spaces of Ground adjoining to the ſaid Streets, Row, Lane, Alley, and Yard, at ſuch Rate as the ſaid Commiſſioners, or any Nine or more of them, ſhall judge reaſonable, for every ſquare Yard in the Front or Fronts of the ſaid dead Walls and void Spaces of Ground, meaſuring to the Middle of the Street or Place, not exceeding the Rate of Twelvepence per Yard, ſuperficial Meaſure.

Dead Walls, &c. how to be rated.

XLIV. And be it further enacted, That all Rates, made by virtue of this Act, ſhall be allowed and ſigned by Two Juſtices of the Peace acting in and for the County of Middleſex, who are hereby impowered and required to grant a Warrant or Warrants for collecting and levying the ſame; and the ſaid Rates, after the ſame ſhall be ſo allowed and ſigned by the ſaid Juſtices, ſhall be collected quarterly, by ſuch Perſon and Perſons as ſhall be appointed to collect the ſame, in Manner herein-after mentioned: And if any Perſon or Perſons ſhall refuſe or neglect to pay the Sum or Sums of Money which he, ſhe, or they, ſhall be rated or aſſeſſed, for the Space of Ten Days after Demand made thereof in Writing, or left at the Place of Abode or Occupation of ſuch Perſon or Perſons; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Collector or Collectors, and he and they is and are hereby authoriſed and required, to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing to pay the ſame; and in caſe no ſuch Goods or Chattels can be found to be ſo diſtrained, or in caſe ſuch Goods and Chattels ſhall be locked up, ſecured, or removed, ſo that he or they cannot diſtrain the ſame; then, and in either of the ſaid Caſes, upon Information thereof given to any Two Juſtices of the Peace for the ſaid County, it ſhall and may be lawful for ſuch Juſtices, and they are hereby required to commit the Offender or Offenders to the common Gaol, or Houſe of Correction, for the ſaid County, there to remain without Bail or Mainprize, for any Time not exceeding the Space of One Month, or until Payment of ſuch Rate or Aſſeſſment, and the reaſonable Charges occaſioned by the Nonpayment thereof.

Method of Recovery of Rates.

XLV. And be it further enacted, That if any Perſon or Perſons, who ſhall have been rated and aſſeſſed by virtue of this Act, ſhall quit his, her, or their Dwelling-houſe, Warehouſe, Shop, Vault, Cellar, or Tenement, whereupon ſuch Rate or Aſſeſſment has been made, before he, ſhe, or they, ſhall have paid the ſame, and ſhall afterwards refuſe to pay the ſame when due and demanded by the Perſon or Perſons authoriſed and appointed to collect and receive the ſame; that then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Collector or Collectors, and every or any of them, by Warrant under the Hands and Seals of any Two or more Juſtices of the Peace for the County of Middleſex, which Warrant the ſaid Juſtices are hereby authoriſed and required to grant, or out of the Limits thereof, ſuch Warrant being firſt backed or counterſigned by ſome Magiſtrate in the County, City, or Liberty, where the Diſtreſs is to be made, to diſtrain the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing, and the ſame to ſell, rendering the Overplus, (if any ſuch ſhall be), after deducting the reaſonable Charges and Expences of ſuch Diſtreſs and Sale to the Owner of ſuch Goods and Chattels, upon his or her demanding the ſame.

Perſons removing without paying the Rates, how the ſame may be recovered.

XLVI. And be it further enacted, That all and every Tenant or Tenants, Occupier or Occupiers, of Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements in the ſaid Streets, Row, Lane, Alley, and Yard, is and are hereby required and authoriſed to pay all and every the Sum and Sums of Money which ſhall be rated or aſſeſſed on the Owner or Owners of ſuch Lands, Houſes, Shops, Warehouſes, Cellars, or other Tenements, by virtue of this Act, and to deduct the ſame out of their Rent; and the Owner or Owners, Proprietor or Proprietors thereof, ſhall, and they are hereby required to allow ſuch Deductions and Payments, upon Receipt of the Reſidue of their Rents; and every ſuch Tenant paying ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be, and they are hereby acquitted and diſcharged of and from ſo much Money as the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall amount unto, as if the ſame had been actually paid to ſuch Perſon or Perſons to whom his, her, or their Rent would have been, or ſhall be due and payable.

Tenants to pay Rates, and deduct the ſame out of their Rents.

XLVII. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, to compound with the Owner or Owners, Proprietor or Proprietors, of any Houſe or Houſes within the ſaid Streets, Row, Lane, Alley, or Yard, the annual Rent or Value whereof ſhall be under Eight Pounds, for the Rate or Aſſeſſment by this Act authoriſed to be laid upon ſuch Houſe or Houſes, ſo as in ſuch Compoſition there be not remitted to any ſuch Owner or Owners, Proprietor or Proprietors reſpectively, more than One-third of the Rate or Aſſeſſment authoriſed by this Act to be laid upon ſuch Houſe or Houſes reſpectively.

Commiſſioners may compound with Owners of Houſes under the yearly Value of 8*l.*

XLVIII. And be it further enacted, That all and every Perſon or Perſons paying the Rates and Aſſeſſments by this Act made, ſhall be, and they are hereby exempted and diſcharged from all other Charges and Expences of paving the ſaid Streets, Row, Lane, Alley, or Yard, or any Part or Parts thereof, and all other Streets, Lanes, Courts, Alleys, Ways, and other publick Paſſages within the ſaid Pariſh; and alſo from all Penalties which may or might be incurred by reaſon or means of their neglecting to pave the ſame; any Law, Statute, or Uſage, to the Contrary notwithſtanding.

Perſons paying the Rates not to be ſubject to any other Rate for paving.

XLIX. And whereas Proviſions may have been formerly made by ſome Act or Acts of Parliament for paving, or keeping in Repair, the ſaid Streets, Row, Lane, Alley, and Yard, or

Owners diſcharged from any former Acts for paving.

ſome Part or Parts thereof, be it therefore further enacted, That when and as ſoon as any Rate or Aſſeſſment ſhall be made, laid, or aſſeſſed, on the Owners or Occupiers of any Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements, by virtue of this Act, ſuch Owners or Occupiers reſpectively ſhall be no longer liable to be charged to any Rate or Aſſeſſment for or on Account of ſuch Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements, by virtue or in purſuance of ſuch former Act or Acts, or any of them.

Contracts between Landlord and Tenant not to be affected.

L. Provided always, and be it further enacted, That nothing in this Act contained ſhall be deemed or taken to make void any Contract, Covenant, or Agreement, between Landlord and Tenant, touching or concerning the paving the ſaid Streets, Row, Lane, Alley, or Yard, or any Part thereof, but that every Perſon who is now, by virtue of any ſuch Contract or Agreement, obliged to pave, and keep in Repair, any Part of the ſaid Streets, Row, Lane, Alley, or Yard, ſhall, in lieu thereof, be obliged to pay the Rates hereby directed to be made and aſſeſſed, or ſo much thereof as ſhall, by the ſaid Commiſſioners, or any Seven or more of them, be deemed juſt and reaſonable, according to the true Meaning of ſuch Contract, Covenant, or Agreement, for and during ſuch Time as ſuch Contract, Covenant, or Agreement, ſhall remain in Force; and in caſe any Diſpute ſhall ariſe concerning ſuch Contract, Covenant, or Agreement, the ſaid Commiſſioners, or any Seven or more of them, ſhall have Power, and they are hereby required to hear and finally determine the ſame.

Pariſhes, &c. liable to the Repair of any Part of the Pavements to continue ſo.

LI. And be it further enacted, That where any Part or Parts of the Pavements of the ſaid Streets, Row, Lane, Alley, or Yard, hath or have been accuſtomed, or ought to be paved and repaired by any particular Pariſh or Pariſhes, Bodies Politick, Corporate, or Collegiate, and not by the Owners or Occupiers of the Houſes or other Buildings adjoining to the Pavement of the ſaid Streets, Row, Lane, Alley, or Yard, the ſame ſhall be paved and repaired at the Expence of the reſpective Pariſh or Pariſhes, Bodies Politick, Corporate, or Collegiate, by the Pavior or Paviors contracting with or employed by the ſaid Commiſſioners.

Commiſſioners may compound with ſuch Pariſh.

LII. Provided always, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, to compound and agree for the ſame with any ſuch Pariſh or Pariſhes, or Bodies Politick, Corporate, or Collegiate, for a certain Sum of Money, by the Foot, or other Meaſure, as the ſaid Commiſſioners, or any Seven or more of them, ſhall think reaſonable.

Power to borrow Money.

LIII. And for the more effectually enabling the ſaid Commiſſioners to execute the Purpoſes of this Act in the moſt expeditious Manner, it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, and they are hereby impowered, from Time to Time, when they ſhall judge it neceſſary for the Purpoſes aforeſaid, to borrow, and take up at Intereſt, any Sum or Sums of Money upon the Credit of the Rates or Aſſeſſments to be made, and payable by virtue of this Act, and by any Writing or Writings upon Vellum or Parchment, without Stamps, ſigned by them, to aſſign over the ſaid Rates or Aſſeſſments to any ſuch Perſon or Perſons who ſhall advance or lend ſuch Money thereon, as a Security or Securities for the ſeveral Sums ſo borrowed, with Intereſt for the ſame; which Intereſt ſhall be payable, and paid half-yearly, by the Treaſurer or Treaſurers to the ſaid Commiſſioners for the Time being, out of the Monies to ariſe by or from the ſaid Rates or Aſſeſſments.

Money may be borrowed on Annuities.

LIV. And whereas many Perſons may chuſe to advance Money for the Purchaſe of Annuities, to be ſecured upon and payable out of the Rates and Aſſeſſments to be made by virtue of this Act; be it therefore further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay into the Hands of the ſaid Commiſſioners, or any Nine or more of them, any Sum or Sums of Money, for the Purpoſes of this Act, for the abſolute Purchaſe of One or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of ſuch Perſon or Perſons, being of the Age of Forty-five Years, or upwards, as ſhall be nominated by or on the Behalf of ſuch reſpective Contributors, at the Time of Payment of their reſpective Contribution-monies; which Annuity or Annuities ſhall not exceed the Rate of Nine Pounds per Centum per Annum for every One hundred Pounds, and ſo in proportion for any greater or leſs Sum, to be advanced and paid as aforeſaid; all which Annuities ſo to be purchaſed, ſhall be payable and paid by the ſaid Treaſurer or Treaſurers for the Time being, out of the Monies to ariſe by or from the ſaid Rates and Aſſeſſments, by quarterly Payments; the Firſt Payment to be made to the reſpective Purchaſers, or their Aſſigns, at the Expiration of Three Months after Payment of their reſpective Purchaſe-monies; the Rate whereof ſhall be ſettled and adjuſted by a publick Sale of the ſaid Annuities, by the ſaid Commiſſioners, to the beſt Bidder for the ſame; and that the total Sums to be borrowed on Life Annuities, or at Intereſt, ſhall not exceed, in the Whole, the Sum of Twelve thouſand Pounds.

Securities to be entered in a Book.

LV. And be it further enacted, That the Clerk to the ſaid Commiſſioners for the Time being ſhall enter in a Book or Books, to be for that Purpoſe provided and kept by the ſaid Commiſſioners, all Securities for Monies borrowed, or Annuities granted, by virtue or in purſuance of this Act, and all Aſſignments or Transfers thereof, expreſſing, in Words at Length, the Names, Surnames, Additions, Places of Abode, and other Deſcriptions, of all ſuch Perſons as ſhall from Time to Time be intitled to ſuch Securities, and the Sums received upon ſuch Securities; and alſo the Names, Surnames, Additions, Places of Abode, and other Deſcriptions of the Perſons for whoſe Lives the ſaid Annuities ſhall be reſpectively granted, and the Days whereon the ſaid Annuities ſhall reſpectively be payable, to which Book and Books the Perſon and Perſons intitled to and poſſeſſed of ſuch Annuities, and all and every the Perſon and Perſons liable to the Payment of the ſaid Rates and Aſſeſſments, ſhall, at all ſeaſonable Times, have Acceſs, with free Liberty to inſpect the ſame, without Fee or Reward.

Annuities chargeable on Rates.

LVI. And be it further enacted, That all and every the Annuity or Annuities ſo to be purchaſed under and by virtue of this Act, ſhall be, and are hereby charged upon, and ſhall be paid and payable, from Time to Time, out of the Monies ariſing by the Rates and Aſſeſſments, as aforeſaid; and all and every the Contributor and Contributors upon the Credit of this Act, duly paying the Conſideration or Purchaſe Money at the Rate aforeſaid, for any ſuch Annuity or Annuities as aforeſaid, or his, her, or their reſpective Executors, Adminiſtrators, or Aſſigns, ſhall have, receive, and enjoy, and be intitled, by virtue of this Act, to have, receive, and enjoy, the reſpective Annuity or Annuities ſo to be purchaſed out of the ſaid Rates or Aſſeſſments by this Act appointed for Payment thereof, as aforeſaid, during the Term of the natural Life of the Perſon to be nominated by each of ſuch Purchaſer or Contributor as before mentioned; and that all and every ſuch Purchaſer and Purchaſers, and their Executors, Adminiſtrators, or Aſſigns, ſhall have good, ſure, abſolute, and indefeaſible Eſtates and Intereſts in the Annuity or Annuities ſo by him, her, or them reſpectively to be purchaſed, according to the Tenor and true Meaning of this Act; and that none of the ſaid Annuities ſhall now or hereafter be ſubject or liable to the Tax charged, or to be charged, upon Land, by Authority of Parliament; and that every Contributor upon this Act, for the Purchaſe of any ſuch Annuity or Annuities as aforeſaid, his, her, or their Aſſigns, upon Payment of the Conſideration or Purchaſe Money, ſhall have a Receipt or Receipts for the ſame, and alſo an Order on Parchment, which may be made without any Stamp, for Payment of the ſaid Annuity or Annuities, for and during the natural Life of the Perſon who ſhall be ſo nominated as aforeſaid, by quarterly Payment; which Order ſhall be ſigned by the ſaid Commiſſioners, or any Nine or more of them; and, after ſigning thereof, the ſame ſhall be firm, valid, and of good Effect in the Law, according to the true Purport and Meaning of this Act.

Securities may be aſſigned.

LVII. And be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons intitled to any of the Securities aforeſaid, and his, her, or their Executors, Adminiſtrators, or Aſſigns, at any Time or Times, by Writing under his, her, or their Hand and Seal, or Hands and Seals, to aſſign ſuch Annuity or Annuities, or any Part thereof, or Intereſt therein, to any Perſon or Perſons whatſoever, and ſo toties quoties; and a Memorandum or Entry of all ſuch Orders and Aſſignments ſhall be made in the Book to be kept as herein-before mentioned, at the Charge of the ſaid Commiſſioners; for which Entry or Memorandum Two Shillings and Sixpence ſhall be paid, and no more; and no ſuch Aſſignment ſhall be deemed valid, unleſs ſuch Memorandum or Entry ſhall be firſt made as aforeſaid.

Rates to be lowered in equal Proportions.

LVIII. Provided always, That as ſuch Annuitant or Annuitants ſhall die off, and ſuch Rates or Aſſeſſments can be lowered and reduced, the ſame ſhall be ſo done in equal Proportions, from Time to Time, as the ſaid Commiſſioners, or any Nine or more of them, ſhall order and direct.

Monies veſted in the Commiſſioners.

LIX. And be it further enacted, That all Monies raiſed or collected by virtue, or by Means, or under the Authority, of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners; and all Monies raiſed or collected by virtue of this Act ſhall be applied for the Purpoſes of this Act, and to and for no other Uſe or Purpoſe whatſoever.

Expences of paſſing the Act how to be paid.

LX. Provided always, and be it further enacted, That the Charges and Expences of procuring and paſſing this Act ſhall be paid out of the Firſt Monies which ſhall be raiſed by virtue of this Act.

Commiſſioners may compound for Penalties, &c.

LXI And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, to compound and agree with any Perſon or Perſons againſt whom the ſaid Commiſſioners, or any Seven or more of them, ſhall bring, or cauſe to be brought, any Action or Actions, Suit or Suits, for any Penalty or Penalties contained in any Contract or Contracts hereafter to be entered into, on account of any Breach of, or Nonperformance of, any ſuch Contract or Contracts, for ſuch Sum or Sums of Money as they, or any Seven or more of them, ſhall think proper; and alſo to mitigate, compound, or leſſen any other of the Forfeitures incurred under this Act, ſo as the Sums ſo compounded and agreed for be not leſs than the Injury or Damage ſuſtained by the Breach or Nonperformance of ſuch Contract or Contracts, and all the Coſts, Charges, and Expences, which ſhall be occaſioned thereby, and ſo as the Mitigation of the other Forfeitures as aforeſaid do not extend to remit above One Moiety of the ſaid Forfeitures reſpectively.

The Paſſage at the Weſt End of *Chiſwell Street* how to be widened.

LXII. And whereas the Paſſage through the Weſt End of *Chiſwell Street* is greatly obſtructed by ſome old Houſes or Buildings ſtanding on the North and South Sides thereof, and projecting into the ſaid Street, and the removing the ſame, and laying the Scite or Ground thereof into the common Highway, will be of publick Convenience; be it therefore further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, and they are hereby impowered, as ſoon as conveniently may be after the paſſing of this Act, to treat, contract, and agree, with the Owner or Owners, Occupier or Occupiers, for the Purchaſe of the ſaid Houſes or Buildings, or ſuch Parts, or ſo much thereof, as they ſhall think neceſſary for making the ſaid Weſt End of the ſaid Street of a ſufficient Width, and for the Scite or Ground thereof, and their Intereſt therein, for ſuch Sum and Sums of Money as the ſaid Commiſſioners, or any Nine or more of them, and the ſaid Owner or Owners, Occupier or Occupiers, ſhall agree upon: And in caſe any Diſpute or Difference ſhall ariſe between the ſaid Commiſſioners and ſuch Owner or Owners, Occupier or Occupiers, reſpecting ſuch Purchaſe or Purchaſes, the ſame ſhall be aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County of Middleſex; which Oaths any Seven or more of the Commiſſioners are hereby impowered to adminiſter: And the ſaid Commiſſioners, or any Nine or more of them, are hereby impowered and required, from Time to Time, as they ſhall ſee Occaſion, to iſſue a Notice in Writing, under the Hands of any Nine or more of them, to the Sheriff of and for the County of Middleſex, thereby requiring him, or his Deputy, to return to the ſaid Commiſſioners, or any Nine or more of them, at ſuch Time and

Diſputes between Commiſſioners and Owners to be determined by a Jury.

Place

Commiſſioners may impoſe Fines on Sheriffs, *&c.* making Default,

and remove Obſtructions.

Place as ſhall be expreſſed in ſuch Notice, an indifferent Jury of Twenty-four Perſons; and the ſaid Commiſſioners, or any Seven or more of them, ſhall, at ſuch Time and Place, ſwear, or cauſe to be ſworn, Twelve of the ſaid Twenty-four, who ſhall be drawn by Ballot, by the Clerk to the ſaid Commiſſioners for the Time being; which Twelve ſhall be the Jury for the Purpoſes aforeſaid; and the ſaid Commiſſioners ſhall order ſuch Jury to view the Places in queſtion, if there be Occaſion; and after the Jury ſhall have inquired, aſcertained, and ſettled the Recompence and Satiſfaction to be made to the Owner or Owners, Occupier or Occupiers aforeſaid, they the ſaid Commiſſioners, or any Nine or more of them, ſhall adjudge and order the Sum or Sums of Money ſo aſcertained by the Jury to be paid to the ſaid Owners, or other Perſons intereſted in ſuch Houſes or Buildings, and Ground, out of the aforeſaid Rates and Aſſeſſments; which ſaid Verdict or Inquiſition, Judgement or Order, ſhall be final to all Intents and Purpoſes againſt all Parties and Perſons; and all ſuch Owners ſhall, upon Payment or Tender of the Sum or Sums of Money ſo aſcertained, as aforeſaid, be thereby, from thenceforth, to all Intents and Purpoſes, diveſted of all Property, Right, Title, Intereſt, or Claim, in or upon the ſame: And in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy, ſhall return other honeſt and indifferent Perſons of the Standers-by, or that can be ſpeedily procured, to attend that Service, to make up the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt the ſaid Jurymen: And the ſaid Commiſſioners, or any Nine or more of them, ſhall have full Power, from Time to Time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, or his Deputy, making Default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear; or who ſhall in any other Manner neglect their Duty, contrary to the Intent and Meaning of this Act; or on any Perſons who, being required to give Evidence before ſuch Jury, ſhall refuſe or neglect to appear, or appearing, ſhall refuſe to be ſworn and give Evidence; ſo as no ſuch Fine ſhall exceed the Sum of Five Pounds upon any Perſon for One Offence: And the ſaid Commiſſioners, or any Nine or more of them, are hereby further impowered to ſummon or call before ſuch Jury, and examine upon Oath, all Perſons who ſhall be thought neceſſary or proper to be examined as Witneſſes touching the Premiſes; which Oath the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered to adminiſter: And it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, to take down the ſaid Houſes or Buildings, and to lay the Scite or Ground thereof, or of ſuch Part thereof as they, the ſaid Commiſſioners, or any Nine or more of them, ſhall think proper, into the Street or Highway; and the Expences attending the ſame ſhall be paid by the ſaid Commiſſioners, or any Nine or more of them, out of the aforeſaid Rates or Aſſeſſments; and the ſaid Scite or Ground ſhall for ever after be deemed a publick and common Highway: And alſo it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, to take down all Bulks, Sheds, and Stalls, which ſhall obſtruct the free Paſſage of the ſaid Streets, Row, Lane, Alley, and Yard, and to lay the Scite or Ground thereof, or of ſuch Part thereof as they ſhall think proper, into the Street or Highway, paying to the Owners or Occupiers thereof ſuch Recompence for the ſame as ſhall be agreed upon between them and the ſaid Commiſſioners; and in caſe they cannot agree, ſuch Sum of Money as ſhall be aſcertained by the Verdict of a Jury, as aforeſaid.

The Paſſage at the South End of *Brick Lane* to be widened.

LXIII. And whereas the Paſſage through the South End of *Brick Lane* is greatly obſtructed by ſome old Houſes or Buildings ſtanding on the Eaſt Side thereof, and projecting into the ſaid Lane, and the removing the ſame, and laying the Scite or Ground whereon they ſtand into the common Highway would be of publick Convenience; be it therefore further enacted, That when the Owners or Proprietors of the Houſes, Lands, Tenements, and Hereditaments, in a certain Lane called Golden Lane, or the Occupiers thereof, or any of them, or any Perſon or Perſons, ſhall have raiſed a ſufficient Sum of Money for the Purchaſe of ſuch Houſes or Buildings, and the Scite or Ground whereon they ſtand, in Brick Lane aforeſaid, it ſhall be lawful for them, or any of them, to pay the ſame to the ſaid Commiſſioners, or any Nine or more of them, or, by their Order, to their Treaſurer: And in caſe the ſaid Commiſſioners, or any Nine or more of them, ſhall think the ſaid Sum of Money ſufficient for that Purpoſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, and they are hereby impowered, to treat, contract, and agree, with the Owner or Owners, Occupier or Occupiers, for the Purchaſe of the ſaid Houſes or Buildings in Brick Lane aforeſaid, or ſuch Parts thereof, or ſo much thereof as they ſhall think neceſſary for making the ſaid South End of Brick Lane of a ſufficient Width, and for the Scite or Ground whereon the ſame ſtand, and their Intereſt therein, for ſuch Sum and Sums of Money as the ſaid Commiſſioners, or any Nine or more of them, and the ſaid Owner or Owners, Occupier or Occupiers, ſhall agree upon: And in caſe any Diſpute or Difference ſhall ariſe between the ſaid Commiſſioners and the ſaid Owner or Owners, Occupier or Occupiers, reſpecting ſuch Purchaſe or Purchaſes, the ſame ſhall be determined by a Jury; and the ſaid Commiſſioners, or any Nine or more of them, ſhall purſue ſuch and the ſame Means and Methods for becoming poſſeſſed thereof as are herein-before preſcribed with reſpect to the purchaſing and becoming poſſeſſed of the Houſes and Buildings in Chiſwell Street aforeſaid: And the Money to be paid for ſuch Purchaſe, and the Expences attending the ſame, ſhall be paid out of the Sum of Money herein-before mentioned to be raiſed by the Owners or Proprietors of Houſes, Lands, Tenements, and Hereditaments, in Golden Lane, or the Occupiers thereof, or ſuch Perſon or Perſons as aforeſaid: And it ſhall and may be lawful for the ſaid Commiſſioners, or any Nine or more of them, to take down the ſaid Houſes and Buildings, and to lay the Scite or Ground thereof, or of ſuch Part thereof as they ſhall think proper, into the Street or Highway; and the ſame ſhall for ever after be deemed a publick and common Highway.

LXIV. And whereas, in the purchaſing of Houſes or Buildings, the ſaid Commiſſioners may become poſſeſſed of more Land than may be neceſſary for the Purpoſes of this Act; be it therefore further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, to ſell and diſpoſe of ſuch Part of the Land they ſhall ſo purchaſe, which they ſhall not think neceſſary to be uſed for the Purpoſes of this Act; and the Sale or Conveyance thereof, being inrolled with the Clerk of the Peace for the County of Middleſex, ſhall be good and valid in Law to all Intents and Purpoſes whatſoever.

Ground not uſed may be ſold.

LXV. And whereas it may happen that ſome Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, or others, are or may be ſeiſed or poſſeſſed of Houſes, Sheds, Buildings, Lands, Grounds, or Hereditaments, which may be neceſſary to be purchaſed for the Purpoſes of this Act, and ſuch Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat and agree for the Sale of ſuch Houſes, Sheds, Buildings, Lands, or Hereditaments, but may be incapable of granting or conveying the ſame, by reaſon of Infancy or other Diſability; be it therefore further enacted, That it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, or other Truſtees whatſoever, for or on Behalf of any Infants, Femes-covert, or Ceſtuique Truſts, and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any ſuch Houſes, Sheds, Buildings, Lands, or Hereditaments, to treat, contract, and agree with the ſaid Commiſſioners, or any Nine or more of them, for the Purchaſe of ſuch Houſes, Sheds, Buildings, Lands, or Hereditaments, or any Part or Parts thereof, or for their Intereſt therein, for the Purpoſe aforeſaid, and to ſell and convey the ſame as Occaſion ſhall be and require; and all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or any other Matter or Thing, to the Contrary thereof in any-wiſe notwithſtanding: And all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

Bodies Politick, &c. impowered to ſell.

LXVI. Provided always, and be it further enacted, That no Perſon ſhall act as a Commiſſioner in any Caſe relating to the contracting for or purchaſing any Houſes, Sheds, Buildings, Lands, or Hereditaments, wherein he ſhall be perſonally concerned in Intereſt.

No Commiſſioner to act where intereſted.

LXVII. And be it further enacted, That it ſhall and may be lawful to and for any Juſtice of the Peace for the County of Middleſex to act as a Juſtice of the Peace in the Execution of this Act, notwithſtanding his being herein or hereby appointed a Commiſſioner to put this Act in Execution.

Commiſſioners who are Juſtices may act as ſuch.

LXVIII. And whereas the City of *London* hath lately paved a common Highway in *Finſbury*, fronting *Moorfields*, from *Ropemakers-alley* to the End of *Chiſwell Street*; now, in order to keep the ſaid Pavement in good and effectual Repair, be it further enacted, That the ſaid Commiſſioners, or any Nine or more of them, ſhall, from Time to Time, rate and aſſeſs the ſeveral Tenants and Occupiers of the Houſes fronting the ſaid Pavement, or adjoining thereto, at ſuch annual Sum or Sums of Money as the ſaid Commiſſioners, or any Nine or more of them, ſhall think proper, ſo as ſuch Rate or Aſſeſſment doth not exceed in the Whole the Sum of One Shilling in the Pound of the yearly Rent or Value of ſuch Houſes; and the ſame ſhall be levied and recovered in the ſame Manner as the Rates and Aſſeſſments to be made by virtue of this Act are hereby directed to be levied and recovered, and ſhall be applied in keeping the ſaid Pavement in good and effectual Repair.

For keeping the Street in *Finsbury* in Repair.

LXIX. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace at any General or Quarter Seſſions of the Peace to be held for the County of Middleſex, within Three Calendar Months after the Cauſe of Complaint ſhall have ariſen, ſuch Appellant firſt giving, or cauſing to be given, Fourteen Days Notice at leaſt in Writing of his or her Intention to bring ſuch Appeal, and the Matter thereof, to the Clerk to the ſaid Commiſſioners, and, within Two Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for ſuch County, with Two ſufficient Sureties, conditioned to try ſuch Appeal at, and abide the Order of, and to pay ſuch Coſts, as ſhall be awarded by the Juſtices at ſuch General or Quarter Seſſions; and the ſaid Juſtices at ſuch Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch General or Quarter Seſſions ſhall be final, binding, and concluſive, to all Intents and Purpoſes.

Allowing Appeals to the Quarter Seſſions.

LXX. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed) ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Juſtice or Juſtices of the Peace for the County of Middleſex; which Warrant or Warrants ſuch Juſtice or Juſtices is and are hereby impowered and required to grant, upon the Confeſſion of the Party or Parties, or upon the Information of any One or more credible Witneſs or Witneſſes upon Oath, which Oath ſuch Juſtice or Juſtices is and are hereby impowered to adminiſter; and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) upon Demand, to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, (the Charges of ſuch

Forfeitures how to be recovered and applied.

Diſtreſs and Sale being firſt deducted), ſhall be paid to the Clerk to the ſaid Commiſſioners for the Time being, and be applied towards the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid within Two Days, it ſhall and may be lawful to and for ſuch Juſtice or Juſtices, and he or they is and are hereby authoriſed and required, by Warrant under his Hand and Seal, or their Hands and Seals, to cauſe ſuch Offender or Offenders to be committed to the common Gaol, or Houſe of Correction, for the ſaid County, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, nor leſs than Fourteen Days, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner fully paid and ſatisfied.

Commiſſioners may reward Informers.

LXXI. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, if they ſhall ſee Cauſe, to pay and apply ſuch Part of the ſaid Penalties and Forfeitures, or any of them, as they ſhall think proper, not exceeding One Moiety of them, or any of them, to and for the Uſe of the Informer or Informers, or any of them; any Thing herein contained to the Contrary notwithſtanding.

Diſtreſs not unlawful for want of Form.

LXXII. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money, to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or want of Form in any Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the ſpecial Damage in an Action on the Caſe.

Plaintiff not to recover, if Tender of Amends be made.

LXXIII. Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action, for any ſuch Irregularity, Treſpaſs, or other Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, any ſuch Irregularity, Treſpaſs, or wrongful Proceedings, before ſuch Action brought: And in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall ſee fit; whereupon ſuch Proceedings or Orders, and Judgements, ſhall be had, made, and given, in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

LXXIV. And be it further enacted, That no Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatſoever, under the Hand and Seal or Hands and Seals of, or only ſigned by, any of the ſaid Commiſſioners, or Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, or under the Hand and Seal or Hands and Seals of, or only ſigned by, any other Perſon or Perſons whatſoever, relating to the Execution of this Act, ſhall be chargeable with any Stamp-duty whatſoever.

Proceedings to be entered in a Book.

LXXV. And be it further enacted, That all Orders and Proceedings of the ſaid Commiſſioners, at their Meetings, ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Clerk or Clerks at any Meeting of Seven or more of the ſaid Commiſſioners aſſembled, as the Caſe ſhall require, and ſuch Orders ſhall be deemed and taken to be original Orders; which ſaid Book or Books ſhall and may be produced and read in Evidence in all Courts whatſoever.

Diſtreſs not to be deemed unlawful for want of Form.

LXXVI. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or other Matter or Thing to be done or tranſacted in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form, or be removed by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, any Law or Statute to the Contrary notwithſtanding.

Limitation of Actions.

LXXVII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Twenty-one Days Notice ſhall be thereof given in Writing to the Clerk to the ſaid Commiſſioners, or after ſufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought; and every ſuch Action ſhall be brought, laid, and tried, in the County where ſuch Matters and Things reſpectively ſhall be committed or done, and not in any other County or Place; and the Defendant or Defendants, in ſuch Actions and Suits, and every of them, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which ſhall be had thereupon; and that the Matter or Thing for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by the Authority of this Act: And if the ſaid Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Suit was brought before Twenty-one Days Notice thereof given as aforeſaid, or that ſufficient Satisfaction was made or tendered as aforeſaid, or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid, then the Jury or Juries ſhall find for the Defendant or Defendants therein; and if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs, in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, or if upon any Demurrer or Demurrers, in ſuch Action or Actions, Judgement ſhall be given for the Defendant or Defendants therein; then, and in any of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants may have for his, her, or their Coſts, in any other Caſes by Law.

General Iſſue.

Treble Coſts.

LXXVIII. And be it further enacted, That this Act ſhall be taken and allowed in all Courts as a Publick Act; and all Judges, Juſtices, and others, are hereby required to take Notice thereof as ſuch, without the ſame being ſpecially pleaded.

Publick Act.

CAP. XLVII.

An Act for granting to His Majeſty a certain Sum of Money, to be raiſed by a Lottery.

CAP. XLVIII.

An Act for granting to His Majeſty a certain Sum of Money out of the Sinking Fund; and for applying certain Monies therein mentioned, for the Service of the Year One thouſand ſeven hundred and ſeventy-one; and for further appropriating the Supplies granted in this Seſſion of Parliament, for carrying to the Aggregate Fund a Sum of Money which hath ariſen by the Two-ſevenths Exciſe, and for enabling the Commiſſioners for executing the Office of Treaſurer of His Majeſty's Exchequer, or the Lord High Treaſurer for the Time being, to pay to *John Dobſon*, Owner of the *Greenland* Ship Lord *Molyneux*, the Bounty due for the ſaid Ship on the laſt Year's Fiſhery.

CAP. XLIX.

An Act to continue for a further Time, an Act, paſſed in the Sixth Year of His preſent Majeſty's Reign, intituled, *An Act to prohibit the Importation of Foreign-wrought Silks and Velvets for a limited Time; and for preventing unlawful Combinations of Workmen employed in the Silk Manufacture.*

Preamble.

WHEREAS the Law herein-after mentioned has by Experience been found uſeful and beneficial, and is near expiring; may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That an Act, made in the Sixth Year of the Reign of His preſent Majeſty, intituled, An Act to prohibit the Importation of Foreign-wrought Silks and Velvets for a limited Time; and for preventing unlawful Combinations of Workmen employed in the Silk Manufacture, which was to continue in Force for Five Years, from the Fourteenth Day of June, One thouſand ſeven hundred and ſixty-ſix, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and the ſame is hereby further continued, from the Expiration thereof, until the Fourteenth Day of June, One thouſand ſeven hundred and ſeventy-ſix, and from thence to the End of the then next Seſſion of Parliament.

Act 6 *Geo.* III.

further continued till *June* 1776.

CAP. L.

An Act for granting a Bounty upon the Importation of White Oak Staves, and Heading, from the *Britiſh* Colonies or Plantations in *America.*

Preamble.

WHEREAS the allowing a Bounty upon the Importation of White Oak Staves, and Heading for Caſks, from the *Britiſh* Colonies or Plantations in *America* into this Kingdom, under certain Reſtrictions, may tend to promote the Trade and Intercourſe of the ſaid Plantations with *Great Britain*, and be a Means of ſupplying the Manufacturers of Caſks for the Uſe of the Brewers and Diſtillers in this Kingdom with ſuch Materials, at more reaſonable Rates than they can at preſent be procured, as well as of ſaving great Sums of Money to His Majeſty's Subjects, which are now expended for the Purchaſe thereof amongſt foreign Nations; may it therefore pleaſe Your moſt Excellent Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, every Perſon or Perſons who ſhall, within the Time appointed by this Act, import, or cauſe to be imported, into the Ports of London, Southampton, Poole, Exeter, Plymouth, Briſtol, Liverpoole, Whitehaven, Glaſgow, Leith, Hull, Newcaſtle, and Yarmouth, or either of them, directly from any of the Britiſh Colonies or Plantations in America, in any Ship or Ships that may lawfully trade thither, manned as by Law is required, any good, ſound, and merchantable Staves, and Heading, of White Oak, free from Sap, Worm-holes, Knots, and Bites, of the following Dimenſions, of the Growth or Product of the ſaid Colonies or Plantations, ſhall have and enjoy as a Bounty or Premium for ſuch Importation, the following Sums; that is to ſay,

After 1 *Jan.* 1772, Perſons within the Time appointed, importing into the Ports of *London*, *Southampton*, *Poole*, &c. ſound and merchantable Staves and Heading, of White Oak, the Growth of the Plantations, what Bounty they ſhall enjoy.

For every One thouſand and two hundred (each Hundred containing Five Score) of Pipe Staves, each Stave not being leſs than Five Feet Six Inches long, from Four Inches and One-half of an Inch to Six Inches broad, and Two Inches thick at the thinneſt Edge, which ſhall be ſo imported from the Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, to the Firſt Day of January, One thouſand ſeven hundred and ſeventy-five, the Sum of Six Pounds, and in the like Proportion for any greater or leſs Number.

For every One thouſand and eight ſuch Hundred of Hogſhead Staves, each Stave not being leſs than Four Feet Six Inches long, from Four Inches and One-half of an Inch, to Six Inches broad, and One Inch and One-half of an Inch thick at the thinneſt Edge, which ſhall be ſo imported from and after the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, to the Firſt Day of January, One thouſand ſeven hundred and ſeventy-five, the Sum of Six Pounds, and in the like Proportion for any greater or leſs Number.

For every Two thouſand and four ſuch Hundred of Barrel Staves, each Stave being from Three Feet Six Inches to Three Feet Eight Inches at the leaſt in Length, from Four Inches to Five Inches broad, and One Inch and One-half of an Inch thick at the thinneſt Edge, which ſhall be ſo imported from and after the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, to the Firſt Day of January, One thouſand ſeven hundred and ſeventy-five, the Sum of Six Pounds, and in the like Proportion for any greater or leſs Number.

For every Three thouſand and ſix ſuch hundred Pieces of Pipe Hogſhead and Barrel Heading, each Piece of Pipe Heading being Two Feet Eight Inches long, each Piece of Hogſhead Heading being Two Feet Four Inches long, and each Piece of Barrel Heading being Two Feet and One Inch long, at the leaſt, and each ſuch reſpective Piece of Heading being from Five to Six Inches broad, and Two Inches thick at the thinneſt Edge, which ſhall be ſo imported from and after the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, to the Firſt Day of January, One thouſand ſeven hundred and ſeventy-five, the Sum of Six Pounds, and in the like Proportion for any greater or leſs Number.

For every One thouſand two hundred ſuch Pipe Staves; for every One thouſand eight hundred ſuch Hogſhead Staves; for every Two thouſand four hundred ſuch Barrel Staves; and for every Three thouſand ſix hundred Pieces of ſuch Heading, as above deſcribed, which ſhall be ſo imported from and after the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-five, to the Firſt Day of January, One thouſand ſeven hundred and ſeventy-eight, the Sum of Four Pounds: And for every One thouſand two hundred ſuch Pipe Staves; for every One thouſand eight hundred ſuch Hogſhead Staves; for every Two thouſand four hundred ſuch Barrel Staves; and for every Three thouſand ſix hundred Pieces of ſuch Heading, as above deſcribed, which ſhall be ſo imported from and after the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-eight, to the Firſt Day of January, One thouſand ſeven hundred and eighty-one, the Sum of Two Pounds; to be paid on Demand to the Importer of ſuch Goods, by the Collector of the Port where the ſame ſhall be reſpectively imported as aforeſaid, out of any Money in his Hands ariſing by any of the Duties of Cuſtoms on Goods imported: And in caſe the Collector of the Cuſtoms where ſuch Goods ſhall be imported ſhall not have Money ſufficient in his Hands to pay the ſame, he is hereby required to certify the ſame to the Commiſſioners of the Cuſtoms, who ſhall cauſe the ſame to be paid by the Receiver-general of His Majeſty's Cuſtoms; the ſaid Premium or Bounty for the ſaid Goods imported into England to be paid by the Receiver-general of the Cuſtoms in England; and for ſuch as ſhall be imported into Scotland, to be paid by the Receiver-general there.

If the Collector, where the Goods are imported has not Money ſufficient in his Hands to pay the Bounty, on certifying the ſame to the Commiſſioners of the Cuſtoms, the ſame to be paid by the Receiver-general.

Officers of the Cuſtoms, before Goods are ſhipped in the Colonies, with Intent to be imported, are carefully to examine ſuch Goods.

Perſons importing ſuch Goods into *Britain*, ſhall produce to the Collector at the Port of Importation, a Certificate from the Governor, *&c.*

II. And in order to intitle the Importer of ſuch Goods to the Bounty or Premium granted by this Act, and to prevent Frauds by importing Foreign or other Staves or Heading not intitled thereto, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the proper Officer or Officers of His Majeſty's Cuſtoms, before ſuch Goods are laden on Board any Ship or Veſſel in any of the ſaid Colonies or Plantations, with an Intent to be imported into this Kingdom, for the Bounty or Premium herein-before granted, carefully to examine ſuch Goods, by ſuch Means as he or they ſhall think proper, to find out and diſcover whether the ſame in every Reſpect anſwer the Deſcription herein-before mentioned: And all and every Perſon and Perſons importing any ſuch Goods into Great Britain, as aforeſaid, ſhall produce to the Collector, Comptroller, or Principal Officer of the Cuſtoms, at the Port of Importation, a Certificate, under the Hand and Seal of the Governor, Lieutenant-governor, Collector of His Majeſty's Cuſtoms, and Naval Officer, or any Two of them, reſiding and being within the ſaid Colonies or Plantations, that before the Departure of ſuch Ship or Veſſel the Perſon or Perſons loading the ſame had made Oath before them, that the ſaid Goods ſo ſhipped on Board were truly and bona fide of the Growth and Produce of ſome or One of the Britiſh Colonies or Plantations in America, and ſpecifying the Colony or Colonies, Plantation or Plantations reſpectively, of which ſuch Goods is or are the Growth or Produce, (which Oath the ſaid Governor, Lieutenant-governor, and Collector of His Majeſty's Cuſtoms, and Naval Officer, or any Two of them, are hereby authoriſed to adminiſter); and the ſaid Certificate ſhall alſo expreſs the Number, Quantity, Quality, and Species of each Sort of Goods reſpectively, and that the ſame had been examined by the proper Officer or Officers of the Cuſtoms before the ſhipping thereof, purſuant to the Directions of this Act; which Officer or Officers is and are hereby required to certify therein, whether ſuch Goods, or any Part thereof, are or are not made from White Oak, and good, ſound, and merchantable, free from Sap, Wormholes, Knots, and Bites, and are or are not of the Dimenſions and Deſcriptions herein-before reſpectively mentioned; and the Maſter, or other Perſon having the Charge or Command of the Ship or Veſſel importing ſuch Goods, ſhall, on his Arrival, make Oath before the Collector, Comptroller, or Principal Officer of the Cuſtoms, at the Port of Importation, that the ſaid Goods ſo imported were truly laden on Board his Ship or Veſſel in One of the ſaid Colonies or Plantations, and are the ſame Goods as are contained and mentioned in ſuch Certificate.

Certificate to expreſs the Number, Quantity, *&c.* of each Sort of Goods.

Officers of the Cuſtoms, after the Entry, to take Samples for Examination.

III. And, for the better preventing Frauds in the entering any of the Goods before mentioned, in order to obtain the Bounty thereon, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any proper Officer or Officers of the Cuſtoms, after the Entry, and at or after the landing of ſuch Goods, to take Samples thereof, in ſuch Manner, and in ſuch Proportion, as he or they ſhall judge proper, to examine the ſame; and if, upon ſuch Examination, it ſhall appear, that in the whole Quantity ſo entered there are to the Amount of Ten Pieces in an Hundred that do not, in all Reſpects, anſwer the Deſcriptions and Dimenſions herein-before deſcribed, ſo as to be intitled to the Bounty herein-before granted; then, and in ſuch Caſe, no Bounty ſhall be paid or allowed for any Part of the Hundred Pieces in which ſuch deficient Ten Pieces ſhall be found; and if more than Twenty Pieces in an Hundred of the Quantity ſo entered ſhall be found, on ſuch Examination, not to be intitled to the Bounty, then, beſides the Loſs of the ſaid Bounty, the Importer ſhall alſo forfeit and loſe the Sum of Fifty Pounds; to be proſecuted and recovered as herein-after mentioned.

IV. And

No Gratuity to be demanded by Officers for examining, nor for ſigning any Certificates, for recovering the Bounty.

IV. And be it further enacted by the Authority aforeſaid, That no Fee, Gratuity, or Reward, ſhall be demanded, taken, or received, by any Officer of His Majeſty's Cuſtoms for examining, viewing, or delivering ſuch Staves and Heading, with reſpect to the Premium or Bounty allowed by this Act, or for the ſigning any of the Certificates, in order to the receiving ſuch Premium or Bounty, or for paying the ſame; and any ſuch Officer demanding or taking ſuch Fee or Reward, ſhall, for ſuch Offence, forfeit his Office, and be for ever after incapable of executing any Office or Employment under His Majeſty, His Heirs and Succeſſors.

If any Staves, *&c.* of the Produce of the Colonies be exported from *Britain*, Bounty to be paid by the Perſons exporting the ſame.

V. And be it further enacted by the Authority aforeſaid, That if any ſuch Staves and Heading, of the Growth or Product of any of the ſaid Colonies or Plantations, ſhall be again exported from Great Britain; then, and in every ſuch Caſe, the Perſons exporting the ſame ſhall, before the Entry thereof, pay unto the Collector of the Cuſtoms of the Port where the ſame ſhall be exported, or to the Chief Officer of the Cuſtoms there, the full Sum which is allowed as a Premium or Bounty, by this Act, on all ſuch Staves and Heading as he intends to export.

Perſons fraudulently exporting Staves and Heading, without paying the Bounty, to forfeit the ſame.

VI. And be it further enacted by the Authority aforeſaid, That if any Perſon, his, her, or their Agent or Agents, Aſſignee or Aſſigns, ſhall be found fraudulently to export or load on board any Ship, Veſſel, or Boat, in order to be exported, ſuch Staves and Heading, without paying ſuch Premium or Bounty to the Chief Officer or Collector of the Cuſtoms, as aforeſaid, ſuch Perſon and Perſons ſhall forfeit and loſe all ſuch Staves and Heading, and Double the Value thereof.

Collectors, *&c.* making falſe Certificates, *etc.* or if any Maſter, *etc.* ſhall make any falſe Oath concerning the Identity of Staves, or Perſons counterfeiting any Certificates to obtain the Bounty, to forfeit 200 *l.*

VII. And be it further enacted by the Authority aforeſaid, That if any Collector or Comptroller of the Cuſtoms, or Naval Officer, ſhall make any falſe Certificate; or if any Merchant, Trader, Factor, or other Perſon, ſhall make any falſe Oath with regard to the Growth of ſuch Staves and Heading; or if any Maſter or Commander of any Ship or Veſſel ſhall make any falſe Oath concerning the Certificate for, or the Identity of, ſuch Staves and Heading; or if any Perſon or Perſons ſhall counterfeit any ſuch Certificate, as is herein-before directed to be made, in order to obtain any Premium or Bounty hereby granted; all and every ſuch Perſon and Perſons ſo offending in any of the Caſes aforeſaid, ſhall forfeit the Sum of Two hundred Pounds: And if any ſuch Perſon ſo offending ſhall be a Collector, Comptroller, or Naval Officer, or any other Officer of the Cuſtoms, he ſhall alſo forfeit and loſe his Office, and be incapable of ſerving His Majeſty, His Heirs and Succeſſors.

Forfeitures inflicted by this Act, to be recovered by Plaint or Information.

VIII. And be it further enacted by the Authority aforeſaid, That the ſeveral Penalties and Forfeitures by this Act inflicted ſhall and may be ſued for, proſecuted, determined, and recovered, by Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or the Court of Exchequer in Scotland, or in any of the Courts of Admiralty in His Majeſty's Colonies or Plantations in America reſpectively, where ſuch Penalty or Forfeiture ſhall be incurred; wherein no Eſſoin, Protection, Wager of Law, or more than One Imparlance, ſhall be allowed.

Application of Penalties.

IX. And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed, ſhall, if incurred in Great Britain, be applied, One Moiety to the Uſe of His Majeſty, His Heirs and Succeſſors, and the other Moiety to ſuch Perſon or Perſons as ſhall ſue for the ſame; and all ſuch Penalties and Forfeitures as ſhall be incurred in any of the ſaid Colonies or Plantations, ſhall be applied, One-third Part thereof to the Uſe of His Majeſty, His Heirs and Succeſſors, One-third Part to the Uſe of the Governor of the Colony or Plantation where ſuch Penalty and Forfeiture is incurred, and the remaining Third Part to ſuch Perſon or Perſons as ſhall ſue for the ſame.

Limitation of Actions.

General Iſſue.

Treble Coſts.

X. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, every ſuch Action or Suit, if in Great Britain, ſhall be commenced within Six Calendar Months next after the Fact committed, and if in any of the ſaid Colonies or Plantations, within Eighteen Calendar Months next after the Fact committed, and not afterwards; and the Defendant or Defendants, in any ſuch Action or Suit, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if it ſhall appear ſo to have been done, the Jury ſhall find for the Defendant or Defendants; and if the Plaintiff ſhall be nonſuited, or diſcontinue his Action after the Defendant or Defendants ſhall have appeared; or if Judgement ſhall be given upon any Verdict, or Demurrer, againſt the Plaintiff, the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for the ſame, as any Defendant or Defendants hath or have in other Caſes by Law.

Diſputes how to be determined.

XI. And be it further enacted by the Authority aforeſaid, That if any Doubt or Diſpute ſhall ariſe, whether the Staves and Heading, or any Part thereof, ſo to be imported or exported as aforeſaid, are of the Growth or Produce of any of the ſaid Colonies or Plantations, or of any other Growth or Produce; or if any Action ſhall be brought by the Owner or Claimer of ſuch Goods, againſt any Officer of the Cuſtoms, or any other Perſon, for any Thing done in purſuance of this Act, and any Doubt or Queſtion ſhall thereupon ariſe concerning the Place of the Growth or Product of ſuch Goods, the Onus probandi ſhall lie on the Owner or Claimer of ſuch Goods, or the Perſon claiming the Premium or Bounty, and not on the Perſon who ſeized or ſtopped the ſame, or againſt whom ſuch Action ſhall be brought; any Law, Cuſtom, or Uſage, to the Contrary notwithſtanding.

CAP. LI.

An Act for continuing ſeveral Laws for the better Regulation of Laſtage and Balaſtage in the River *Thames*; for the further Puniſhment of Perſons going armed or diſguiſed, in Defiance of the Laws of Cuſtoms or Exciſe, and for the landing of Rum or Spirits of the *Britiſh* Sugar Plantations before Payment of the Duties of Exciſe; for repealing ſo much of an Act paſſed in the Sixth Year of the Reign of King *George* the Firſt, intituled, *An Act for preventing the Carriage of exceſſive Loads of Meal, Malt, Bricks, and Coals, within Ten Miles of the Cities of* London *and* Weſtminſter, as relates to the Carriage of Meal, Malt, and Coals; and for authoriſing the Exportation of a limited Quantity of an inferior Sort of Barley, called *Bigg*, from the Port of *Kirkwall*, in the Iſlands of *Orkney*.

Preamble.

Act 6 *Geo.* II.

Act 11 *Geo.* II.

Act 18 *Geo.* II.

and Act 32 *Geo.* II.

further continued till *June* 24, 1782.

WHEREAS the Laws herein-after mentioned have, by Experience, been found uſeful and beneficial, and are near expiring; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That an Act made in the Sixth Year of the Reign of His late Majeſty King George the Second, for the better Regulation of Laſtage and Balaſtage in the River Thames, which was to continue in Force from the Firſt Day of June, One thouſand ſeven hundred and thirty-three, for Five Years, and from thence to the End of the then next Seſſion of Parliament; and which, by an Act made in the Eleventh Year of the Reign of His ſaid late Majeſty, was further continued, from the Expiration thereof, for Seven Years, and from thence to the End of the then next Seſſion of Parliament; and which, by another Act made in the Eighteenth Year of the Reign of His ſaid late Majeſty, was further continued, from the Expiration thereof, for Eleven Years, and from thence to the End of the then next Seſſion of Parliament; and which, by another Act made in the Thirty-ſecond Year of the Reign of His ſaid late Majeſty, was amended and further continued until the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and the ſame is hereby further continued, from the Expiration thereof, until the Twenty-fourth Day of June, One thouſand ſeven hundred and eighty-two, and from thence to the End of the then next Seſſion of Parliament.

Acts 15 & 16 *Geo.* II.

and Acts 23 & 31 *Geo.* II and 4 *Geo.* III. continued till *Sept.* 29, 1771. further continued till *Sept.* 29, 1778.

II. And be it further enacted by the Authority aforeſaid, That ſo much of an Act, made in the Fifteenth and Sixteenth Years of the Reign of His late Majeſty King George the Second, intituled, An Act to impower the Importers or Proprietors of Rum or Spirits, of the *Britiſh* Sugar Plantations, to land the ſame before Payment of the Duties of Exciſe charged thereon, and to lodge the ſame in Warehouſes at their own Expence; and for the Relief of *Ralph Barrow*, in reſpect to the Duty on ſome Rock Salt, loſt by the Overflowing of the Rivers *Weaver* and *Dane*, as relates to the landing of Rum, or Spirits of the Britiſh Sugar Plantations, before Payment of the Duties of Exciſe, and to the lodging of the ſame in Warehouſes, at the Expence of the Importers or Proprietors thereof, which was to continue in Force from the Twenty-ninth Day of September, One thouſand ſeven hundred and forty-two, to the Twenty-ninth Day of September, One thouſand ſeven hundred and forty-nine, and from thence to the End of the then next Seſſion of Parliament; and which, by ſeveral ſubſequent Acts of the Twenty-third and thirty-firſt Years of the Reign of His late Majeſty, and the Fourth Year of the Reign of His preſent Majeſty, was further continued until the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-one, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and the ſame is hereby further continued, from the Expiration thereof, until the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-eight, and from thence to the End of the then next Seſſion of Parliament.

Act 19 *Geo.* II.

further continued till *Sept.* 29, 1778.

III. And be it further enacted by the Authority aforeſaid, That ſo much of an Act, made in the Nineteenth Year of the Reign of His late Majeſty King George the Second, intituled, An Act for the further Puniſhment of Perſons going armed or diſguiſed in Defiance of the Laws of Cuſtoms or Exciſe, and for indemnifying Offenders againſt thoſe Laws, upon the Terms therein mentioned, and for the Relief of Officers of the Cuſtoms in Informations upon Seizures, as relates to the further Puniſhment of Perſons going armed or diſguiſed in Defiance of the Laws of Cuſtoms or Exciſe, and to the Relief of Officers of the Cuſtoms in Informations upon Seizures, which was to continue in Force for Seven Years, from the Twenty-fourth Day of July, One thouſand ſeven hundred and forty-ſix, and from thence to the End of the then next Seſſion of Parliament, and which, by ſeveral ſubſequent Acts of the Twenty-ſixth and Thirty-ſecond Years of the Reign of His ſaid late Majeſty, and the Fourth Year of His preſent Majeſty, was further continued until the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-one, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and the ſame is hereby further continued, from the Expiration thereof, until the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-eight, and from thence to the End of the then next Seſſion of Parliament.

Act 6 *Geo.* I.

Act 4 *Geo.* III.

IV. And whereas, by an Act, made in the Sixth Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act for preventing the Carriage of exceſſive Loads of Meal, Malt, Bricks, and Coals, within Ten Miles of the Cities of* London *and* Weſtminſter, it is provided, that no Perſon ſhall carry at One Load in the ſaid Cities, or within Ten Miles thereof, in any Waggon or Cart, having the Wheels thereof ſhod or bound with Tire or Streaks of Iron, more than Twelve Sacks of Meal, each Sack containing Five Buſhels, nor more than Twelve Quarters of Malt, nor more than Seven hundred and an half of Bricks, nor more than One Chaldron of Coals, on Pain, that the Perſon offending therein ſhall forfeit and loſe any One of the Horſes, together with the Tears, Bridles, and Halters therewith uſed, to any Perſon who ſhall ſeize the ſame: And whereas, by another Act, made in the Fourth Year of His preſent

Majeſty's Reign, for paving, cleanſing, and removing Annoyances in *Weſtminſter*, and in the Weekly Bills of Mortality, and for other Purpoſes therein mentioned, it is provided by a Clauſe in the ſaid Act, That no Perſon ſhall carry at any One Load within, the Limits mentioned in the above recited Act of the Sixth of King *George* the Firſt, in any Waggon or Cart, having the Wheels thereof ſhod or bound with Tire or Streaks of Iron, more than One Chaldron of Coals, with the Ingrain thereto belonging, after the Rate of One Chaldron for every Twenty Chaldrons: And whereas conſiderable Quantities of Meal, Malt, and Coals, are carried from the ſaid Cities into the Country, and conſiderable Quantities of Meal and Malt from the Country into the ſaid Cities, in Waggons and Carts, having the Wheels thereof ſhod or bound with Iron, within and from beyond the Diſtance of Ten Miles from the ſaid Cities, and many Owners of ſuch Waggons and Carts, apprehending they were allowed to carry upon the Turnpike Roads near the ſaid Cities the Weights fixed by the Act, paſſed in the Seventh Year of the Reign of His preſent Majeſty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being, for regulating the Turnpike Roads of this Kingdom; and for other Purpoſes therein mentioned*, have ſuffered the Penalties inflicted by the ſaid Acts of the Sixth Year of the Reign of King *George* the Firſt, for carrying greater Quantities of Meal, Malt, and Coals, than are allowed by the ſaid Acts: And whereas it will be more convenient to the Publick, if the ſaid Act of the Sixth of King *George* the Firſt, ſo far as it relates to the Carriage of Meal, Malt, and Coals, and alſo the ſaid Clauſe in the ſaid Act of the Fourth of His preſent Majeſty, were repealed; be it therefore further enacted by the Authority aforeſaid, That ſo much of the ſaid Act of the Sixth Year of the Reign of King George the Firſt, as relates to the Carriage of Meal, Malt, and Coals, and alſo the ſaid Clauſe in the Act of the Fourth Year of the Reign of His preſent Majeſty, ſhall be, and the ſame are hereby repealed; and that all Perſons who have offended in the Matters aforeſaid, againſt the ſaid Acts, or either of them, and who have not been already proſecuted to Conviction, ſhall be, and are hereby indemnified for what they have ſo done.

Act 7 *Geo.* III.

Act 6 *Geo.* I.

and Clauſe in Act 4 *Geo.* III.

repealed.

V. And whereas, a conſiderable Quantity of that Species of Barley, commonly called *Bigg*, of the Growth of the Iſlands of *Orkney*, is now in the Hands of the Owners and Occupiers of Lands, in the ſaid Iſlands, which, from its inferior Quality, is altogether unfit for any Houſehold Uſes, and if not permitted to be exported to *Portugal*, and other Places, for the feeding of Mules and Horſes (the only Uſe this Species of Grain is fit for) will be entirely loſt to the Owners: For Remedy whereof, be it enacted by the Authority aforeſaid, That it ſhall be lawful for His Majeſty, His Heirs and Succeſſors, by Order or Orders, to be made in Council for that Purpoſe, under ſuch Limitations and Reſtrictions as ſhall be expreſſed in ſuch Order or Orders, to permit and authoriſe the Exportation of any Quantity or Quantities of ſuch Barley or Bigg, not exceeding Five thouſand Quarters, of the Growth of the Iſlands of Orkney, from the Port of Kirkwall to the Kingdom of Portugal, or elſewhere; any Law or Statute to the Contrary notwithſtanding.

Bigg of the Growth of the Iſland of *Orkney*,

by His Majeſty's Order, may be exported, not exceeding 5000 Quarters, to the Kingdom of *Portugal*, &c.

VI. Provided nevertheleſs, That no Bounty or Allowance whatſoever ſhall be granted or paid in reſpect of ſuch Barley or Bigg to be exported, as aforeſaid.

No Bounty to be paid for ſuch Barley ſo exported.

CAP. LII.

An Act for repairing, amending, and ſupporting the ſeveral Harbours and Sea Ports in the *Iſle of Man*.

Moſt Gracious Sovereign,

WHEREAS the *Iſle of Man*, from its Situation in the Middle of *Saint George's Channel*, affords a convenient Refuge for Ships, in caſe of ſudden and croſs Gales of Wind, which frequently happen in thoſe narrow Seas, and therefore the Preſervation of Your Majeſty's Ships, and the Intereſt of Trade and Navigation in general, require that the ſeveral Sea Ports and Harbours thereof, now veſted in Your Majeſty, ſhould be maintained and ſupported in proper Condition and Repair: And whereas the Duties formerly impoſed for this Purpoſe, by the Statutes of the ſaid Iſland, aroſe almoſt entirely from the contraband Trade carried on there, which being totally ſuppreſſed ſince the Purchaſe thereof by Your Majeſty, the Fund for maintaining the Harbours has failed, and they are become ruinous, and likely to fall entirely to Decay, unleſs ſome other Funds are provided: Now therefore, we Your Majeſty's moſt dutiful and loyal Subjects, the Commons of Great Britain, in Parliament aſſembled, do moſt humbly beſeech Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all Sums of Money that have been raiſed, levied, collected, or paid, by virtue of all or any the Statutes of the ſaid Iſland, for or on Account of the Harbours therein, at any Time or Times from and after the Seventeenth Day of May, in the Year One thouſand ſeven hundred and ſixty-five, (at which Time the ſaid Iſland became veſted in His Majeſty) until the Fifth Day of July, in the Year One thouſand ſeven hundred and ſeventy-one, and which have or ſhall have been paid into the Hands of His Majeſty's Receiver-general of the ſaid Iſland, or his Deputy, ſhall be by him or them, or under his or their Direction, immediately laid out or employed for or towards the Repairs of the ſeveral Harbours in the ſaid Iſland; and the ſaid Receiver-general, or his Deputy, ſhall forthwith tranſmit an Account of ſuch Diſpoſal of the Money to the Commiſſioners of the Treaſury, or the High Treaſurer for the Time being.

Preamble.

All Sums levied by virtue of the Statutes of the Iſland, on account of the Harbours therein, after *May* 17, 1765, to be employed towards the Repairs of the Harbours in the Iſland.

II. And be it further enacted by the Authority aforeſaid, That, from and after the ſaid Fifth Day of July, in the Year One thouſand ſeven hundred and ſeventy-one, all and every the ſeveral and reſpective Dues, Rates, Duties, and Impoſitions, granted or payable by virtue of all or any the ſaid Statutes of the ſaid Iſland, for or on account of the Harbours therein, ſhall ceaſe, determine, and be no longer due or payable; any Thing therein contained, or any other Law, Statute, Ordinance, Cuſtom, Preſcription, or Proviſion, to the Contrary notwithſtanding: And in ſtead and in lieu thereof, there ſhall be raiſed, levied, collected, and paid, for the Purpoſes intended by this preſent

After *July* 5, 1771, all Rates and Duties, payable by virtue of the Statutes of the Iſland, on account of the Harbours, ſhall determine;

n lieu whereof the Rates following to be paid by all Ships, His Majeſty's excepted.

ſent Act, of amending, repairing, keeping in Repair, and ſupporting the ſeveral Harbours of the ſaid Iſland, the ſeveral and reſpective Rates, Duties, and Impoſitions following, upon all Ships and Veſſels whatſoever, (His Majeſty's Ships and Veſſels, and others employed in His Majeſty's Service, only excepted) which ſhall arrive in any of the Harbours and Bays thereof, and for and upon all Goods and Merchandiſes herein-after mentioned, imported or exported to or from the ſaid Iſle of Man; (that is to ſay),

The Rates.

For every Ship or Veſſel belonging to any of His Majeſty's Subjects, which ſhall arrive or put into any of the Harbours in the ſaid Iſland, not being laden, or in Balaſt only, One Penny Halfpenny per Ton.

For all ſuch Ships and Veſſels being laden, or having any Cargo on board, whether they ſhall break Bulk, or deliver any Part of their Cargo or not, Two-pence per Ton.

For every Ship and Veſſel which ſhall be repaired in any of the ſaid Harbours, the additional Sum of One Penny per Ton, over and above the Rates aforeſaid.

For every Foreign Ship and Veſſel which ſhall arrive or put into any of the ſaid Harbours, not being laden, or in Balaſt only, Two-pence per Ton.

For every Foreign Ship and Veſſel which ſhall arrive or put into any of the ſaid Harbours, without breaking Bulk, or delivering any Part of their Cargoes, Three-pence per Ton.

For all ſuch Foreign Ships and Veſſels which ſhall break Bulk, and deliver any Part of their Cargo, the additional Sum of Two-pence per Ton, over and above the Rate aforeſaid.

For all ſuch Foreign Ships and Veſſels as ſhall repair in any of the ſaid Harbours, the additional Sum of Two-pence per Ton, over and above the Rates aforeſaid.

For all Foreign Ships and Veſſels anchoring in any of the Bays of the ſaid Iſland, the Sum of Two Shillings and Sixpence for each Ship or Veſſel.

Rates to be levied over thoſe granted by Act 7 *Geo.* III.

III. And be it further enacted by the Authority aforeſaid, That there ſhall be raiſed, levied, collected, and paid, for the Purpoſes aforeſaid, (over and above all Cuſtoms, Rates, and Duties, chargeable upon the ſame Commodities reſpectively, by any other Act or Acts of Parliament now in Force) the ſeveral and reſpective Rates and Duties following, for and upon Goods and Merchandiſes imported into the ſaid Iſle of Man, by virtue of any Licence granted, according to an Act, made in the Seventh Year of the Reign of His preſent Majeſty, intituled, An Act for encouraging and regulating the Trade and Manufactures of the *Iſle of Man*, and for the more eaſy Supply of the Inhabitants there, with a certain Quantity of Wheat, Barley, Oats, Meal, and Flour, authoriſed by an Act made in this Seſſion, to be tranſported to the ſaid Iſland; that is to ſay,

For and upon all Spirits imported into the ſaid Iſland, Two Shillings and Sixpence per Ton.

For and upon all Tobacco, One Shilling and Sixpence per Hogſhead.

For and upon all Teas, Two Shillings per Hundred Weight.

For and upon all Coffee, One Shilling per Hundred Weight.

For and upon all Wines, Two Shillings and Sixpence per Ton.

For and upon all Foreign Goods, (Wines, Spirits, and Salt, excepted), Ten Shillings per Centum ad Valorem.

For and upon all other Goods imported from Great Britain or Ireland, (licenſed Goods and Salt for the Fiſheries excepted) above the Value of Five Pounds, the Sum of Five Shillings per Centum ad Valorem.

Bounties payable by 7 *Geo.* III.

IV. And whereas by the ſaid laſt-recited Act, made in the Seventh Year of the Reign of His preſent Majeſty, the ſeveral and reſpective Bounties or Sums of Money therein mentioned were directed to be paid for the Boats employed in the Herring Fiſhery upon the Coaſts of the ſaid Iſland, and to the Manufactures of Linen Cloth there, by His Majeſty's Receiver-general in the ſaid *Iſle of Man*, or his Deputy, out of the Duties of Ten Shillings payable to His Majeſty in the ſaid Iſle, for and upon every Boat or other Veſſel employed in the ſaid Herring Fiſhery, and out of the Money ariſing to His Majeſty from the ſeveral Bay Fiſheries of the ſaid Iſland: And whereas ſcarcely more than One-tenth Part of the Fiſhermen of the ſaid Iſland have complied with the Terms under which the ſaid Bounties were granted, nor have they produced any Advantage to the Manufactures of the ſaid Iſland, ſo that the ſame have proved of no Effect; be it therefore enacted by the Authority aforeſaid, That from and after the paſſing of this preſent Act, all the ſaid ſeveral and reſpective Bounties, ſhall wholly ceaſe, determine, and be no longer paid to any of the Perſons in the ſaid laſt-recited Act mentioned, (ſave and except the ſeveral and reſpective Bounties, or Sums of Money, thereby directed, to be allowed and paid to the Admiral, and to the Vice-admiral of the ſaid Herring Fiſhery, for each Seaſon, and to the Water Bailiff of the ſaid Iſland, or his Deputy, for their Superintendance and Inſpection thereof); and that the ſaid Duties of Ten Shillings, payable to His Majeſty in the ſaid Iſle, for and upon every Boat or other Veſſel employed in the ſaid Herring Fiſhery, and alſo all the Money ariſing to His Majeſty from the ſeveral Bay Fiſheries of the ſaid Iſland, after Allowance made of the ſaid laſt-mentioned Bounties, and of the uſual and neceſſary Charges attending the levying and collecting the ſaid Monies, ſhall be applied by His Majeſty's Receiver-general in the Iſle of Man, or his Deputy, to the Repair and Support of the ſaid Harbours, according to the true Intent and Meaning of this Act, and to no other Uſe or Purpoſe; any Thing in the ſaid laſt-recited Act to the Contrary notwithſtanding.

to determine, except thoſe allowed to the Admiral, and Water Bailiff.

How the Monies ariſing from the Bay Fiſheries, &c. are to be applied.

Commiſſioners how to be elected.

V. And, for the better collecting and diſpoſing the ſeveral Sums of Money, and Duties hereby made payable, and regulating the Repairs and Support of the ſaid Harbours, be it enacted by the Authority aforeſaid, That the Perſons herein-after named for that Purpoſe ſhall be, and are hereby nominated and appointed Commiſſioners, and authoriſed, from Time to Time, to put this Act in Execution; that is to ſay, His Majeſty's Receiver-general in the Iſle of Man, his Deputy, the Collector, Comptroller, and Searcher of the Port of Douglas, the Deputy Water Bailiffs of each of the other Ports of Derby, Haven, Peel, and Ramſay reſpectively, for the Time being, together with Four creditable and ſubſtantial Merchants; that is to ſay, One for and belonging to each of the Four principal Ports of the ſaid Iſle before mentioned, to be elected by the Officers aforeſaid, or the major Part of them, which ſaid Merchants, ſo elected, ſhall alſo be Commiſſioners for the Purpoſes aforeſaid, for and during the Term of Three Years, to be computed from the reſpective Times of their Election; and on the Expiration of the ſaid Term, or on the Death or Reſignation of any of them, the reſt of the ſaid Commiſſioners, or the major Part of them, ſhall, from Time to Time, upon the Firſt Monday in the Month of October, in each Year, elect another fit Merchant or Merchants, of or belonging to the ſaid Ports reſpectively, in his or their Stead, to continue in like Manner, in ſuch Office or Truſt, and to have like Power and Authority, as the Perſon in whoſe Stead he was ſo elected, for and during the Term of Three Years reſpectively from ſuch Election: Which ſaid Commiſſioners, or the major Part of them, (of whom His Majeſty's Receiver-general in the Iſle of Man, or his Deputy for the Time being, ſhall always be One), ſhall have full Power and Authority, and are hereby impowered and authoriſed, to make ſuch Bye-laws, Orders, and Regulations, from Time to Time, to bind all Ships and Veſſels, arriving at or coming into any of the Harbours in the ſaid Iſle, and all Maſters, or other Perſons, having the Rule, Management, or Command, of ſuch Ships or Veſſels, and to annex ſuch reaſonable Penalties as the ſaid Commiſſioners, in their Diſcretion, ſhall think fit, ſo as ſuch Bye-laws, Orders, and Regulations, be made agreeable to the true Intent and Meaning of this Act, and be for the better putting in Execution and effecting the Purpoſes thereof, and alſo for the better regulating Ships or Veſſels, with reſpect to their lying, mooring, or ballaſting, in the ſaid Harbours, and for preventing the throwing any Sorts of Rubbiſh therein, or doing any Annoyance to the ſame, and ſo as they do not contain any Thing repugnant to the Laws of this Realm; and it ſhall and may be lawful for the ſaid Commiſſioners, or the major Part of them, (of whom His Majeſty's Receiver-general in the Iſle of Man, or his Deputy for the Time being, ſhall always be One), from Time to Time, to contract and agree with any Workmen, Artificers, Maſons, or other Perſons, bona fide, for the making and doing all or any Part of the Works neceſſary for the maintaining, repairing, cleanſing, enlarging, or improving, all or any of the ſaid Harbours, or for Timber, Stones, and other Materials, neceſſary for the Purpoſes of this Act, or for making any additional Works, or any Land-marks, Sea-marks, or other Directions they ſhall judge to be requiſite, for the greater Safety of Ships coming into any of the ſaid Harbours.

Commiſſioners to make Bye-laws and Regulations.

Commiſſioners to contract with Workmen for repairing the Harbours.

VI. And be it further enacted by the Authority aforeſaid, That His Majeſty's Receiver-general of the Iſle of Man be, and is hereby impowered to appoint One Perſon at each of the Ports of Douglas, Derby, Haven, Peel, and Ramſay, in the ſaid Iſland, to collect the Harbour Duties at the ſaid Ports; and that they the ſaid Collectors reſpectively for the Time being ſhall have full Power and Authority, and are hereby impowered and authoriſed to receive, levy, and collect the ſeveral Sums of Money, and Duties, herein-before mentioned, and, for their Trouble and Expences therein, to retain and deduct the Sum of Five Pounds per Centum out of all the ſaid Monies ſo collected.

Receiver-general to appoint a Perſon at each Port to collect Harbour and other Duties, and deduct 5*l.* *per Cent.* out of the ſaid Monies.

VII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for each of the Collectors aforeſaid to go on board any Ship or Veſſel liable to the Payment of any of the Duties by this Act impoſed, to demand, collect, and receive the ſame, and to take the Dimenſions of every ſuch Ship or Veſſel, according to the Rules of Admeaſurement, laid down and ſettled by an Act, paſſed in the Sixth Year of the Reign of His Majeſty King George the Firſt, intituled, An Act for preventing Frauds and Abuſes in the publick Revenues of Exciſe, Cuſtoms, Stamp-duties, Poſt-office, and Houſe-money, and according to which Rules the ſeveral Duties of Tonage ſhall be computed and collected, and not otherwiſe; and for Nonpayment thereof, or of any Sum or Sums of Money due, or of any of the Penalties impoſed by the Commiſſioners, as aforeſaid, for Refuſal to give Leave to ſuch Officer to go on board, or to take the Dimenſions of ſuch Ship or Veſſel, or for any other Offences committed againſt this preſent Act, it ſhall and may be lawful to and for ſuch Collector or Officer to take and diſtrain any Part of the Tackle, Apparel, and Furniture, belonging to ſuch Ship or Veſſel, and the ſame to detain and keep until he or they be ſatisfied, and paid ſuch Sum or Sums of Money, as aforeſaid, and every of them; and in caſe of any Neglect or Delay in Payment of any of the Sums of Money, or Duties incurred, as aforeſaid, for the Space of Two Days after any Diſtreſs or Diſtreſſes ſo taken as aforeſaid, that then it ſhall and may be lawful to and for ſuch Collector or Officer to cauſe the ſame to be appraiſed by Two or more ſufficient Perſons, to be from Time to Time appointed for that Purpoſe by any Two or more of the Commiſſioners aforeſaid, and afterwards to ſell the ſaid Diſtreſs or Diſtreſſes ſo taken and appraiſed, or ſo much thereof as ſhall be ſufficient to anſwer all Monies due, and all Charges ariſing thereon, and therewith to ſatisfy him or themſelves, as well for and concerning the Sum or Sums, or Duty ſo neglected or delayed to be paid, and for which a Diſtreſs ſhall be ſo taken as aforeſaid, as alſo for his or their reaſonable Charge in the taking or keeping ſuch Diſtreſs, rendering to the Maſter, or other Perſons having the Rule or Command of ſuch Ship or Veſſel in or from which ſuch Diſtreſs ſhall be ſo taken, the Overplus, if any there be; provided, that no ſuch Diſtreſs ſhall be made until Six Hours after Demand of ſuch Sums of Money or Duties, as aforeſaid.

Collectors to go on board Ships, and demand the Duties.

For Nonpayment of Duties, may diſtrain Tackle, till Payment is made.

Two Days after Diſtreſs made, Collectors to cauſe the ſame to be appraiſed.

VIII. And be it further enacted by the Authority aforeſaid, That all and every Sum and Sums of Money which ſhall be raiſed, levied, collected, and received, by the Duties aforeſaid, and for any the Forfeitures or Penalties to be recovered by virtue of this Act, other

All Sums to be applied towards repairing the Harbours.

other than ſo much thereof as ſhall be laid out and allowed to the Collector or other neceſſary Officer, for the collecting and managing the ſaid Duty, and for the neceſſary Charges of recovering the ſame, ſhall be, by the ſaid Commiſſioners, or the major Part of them, of whom His Majeſty's Receiver-general in the Iſle of Man, or his Deputy for the Time being, ſhall always be One, applied and diſpoſed of to and for the repairing, ſecuring, preſerving, and maintaining the ſaid Harbours, according to the true Intent and Meaning of this Act, and to no other Uſe, Intent, or Purpoſe whatſoever, ſave and except as herein-after is excepted; and every Perſon appointed or employed to collect and receive any Sums of Money, or Duties aforeſaid, ſhall, within Six Days after each of the Four uſual quarterly Feaſts in the Year, pay into the Hands of His Majeſty's ſaid Receiver-general, or his Deputy, all Sums of Money by him or them levied, collected, or received, and at the ſame Time deliver a full and particular Account thereof in Writing, upon the Oath of ſuch Collector or Receiver, before Two of the Commiſſioners aforeſaid, which Oath the ſaid Commiſſioners are hereby authoriſed and impowered to adminſter: And there ſhall, from Time to Time, be provided and kept by the ſaid Commiſſioners, One or more Book or Books, in which all Monies to be received by virtue of this Act, and all Payments out of the ſame, ſhall, from Time to Time, be fairly ſet down and entered, expreſſing ſeverally the Time when, and the Name of the Perſon or Perſons from or to whom the ſame was ſo received or paid, and for what Uſe or Purpoſe ſuch Payment was made; and ſuch Books ſhall be kept for the Purpoſe aforeſaid at the Cuſtomhouſe of the Port of Douglas, for the Inſpection of all or any of the ſaid Commiſſioners, at all Times, during the uſual Office-hours: And all and every Perſon and Perſons appointed to collect or receive any the ſaid Sums of Money or Duties, who ſhall neglect or refuſe to pay the Money ſo by him or them received, or to render an Account according to the Directions of the preſent Act, ſhall forfeit and pay the Sum of Ten Pounds for every ſuch Offence; and it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Two of them, forthwith to levy the ſame by Diſtreſs and Sale of ſuch Offender's Goods and Chattels, returning to the Party the Overplus, (if any there be), after deducting all reaſonable Expences attending ſuch Diſtreſs or Diſtreſſes; which ſaid Penalty ſhall, from Time to Time, be applied to the repairing and maintaining the ſaid Harbours, as herein-before directed.

Collectors, within Six Days after each of the Four uſual quarterly Feaſts, to pay all Sums levied to the Receiver-general.

Books to be kept by Commiſſioners for entering Sums received.

Collectors refuſing to pay Money received, or to render an Account, to forfeit 10 *l.* to be levied by Diſtreſs and Sale.

IX. And whereas, at the Time the Property of the *Iſle of Man* became veſted in His Majeſty, ſeveral Sums of Money had been borrowed upon Bonds, given by the Superviſors of the Seaports and Harbours therein, for defraying the Expences of repairing and amending the ſame, in purſuance of the Powers to them given by the Statutes of the ſaid Iſland: And whereas ſome Part of the ſaid Debts ſo contracted yet remains undiſcharged; be it therefore enacted by the Authority aforeſaid, That after it has been certified by the ſaid Commiſſioners, or the major Part of them, (whereof His Majeſty's Receiver-general of the Iſle of Man, or his Deputy, ſhall be One), that the ſaid Sea-ports and Harbours have been put into ſufficient and good Repair, it ſhall and may be lawful for the ſaid Commiſſioners, by and with the Conſent and Approbation of the Commiſſioners of the Treaſury, or the High Treaſurer for the Time being, to pay, out of the Surplus of the Duties ariſing and collected by virtue of this Act, a Sum or Sums of Money not exceeding One thouſand Pounds, in Diſcharge of the principal Money due upon the Bonds given by the ſaid Superviſors, as aforeſaid; which ſaid Bonds ſhall appear to the ſaid Commiſſioners to be bona fide due, and to have been approved and conſented to at the Time they were given by the ſeveral Perſons authoriſed by the Statutes of that Iſland to give ſuch Conſent and Approbation.

After Certification by the Commiſſioners that the Harbours are paired, 1000 *l.* to be paid out of the Surplus of the Duties.

X. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to intitle the Proprietors of the ſaid Bonds to the Receipt of any Intereſt now due, or hereafter to ariſe and become due thereupon, out of the Surplus of the ſaid Duties.

Proprietors of Bonds not intitled to Intereſt.

XI. And be it further enacted by the Authority aforeſaid, That on the Tenth Day of October, in every Year, the ſaid Receiver-general ſhall draw up, or cauſe to be drawn up, and ſhall preſent to the ſaid Commiſſioners, a full Account of all the Receipts and Diſburſements of and for each particular Port and Harbour in the ſaid Iſland, and alſo a particular Account of the true State and Condition of the ſame reſpectively, and of the ſeveral Piers and Works thereto belonging; which ſaid Account the ſaid Commiſſioners, or Three of them at the leaſt, ſhall ſign and tranſmit, with ſuch Obſervations thereon as they ſhall judge to be neceſſary, to the Commiſſioners of the Treaſury, or the High Treaſurer for the Time being; and it ſhall and may be lawful for ſuch Receiver-general, for his Trouble and Expence in the Execution of this Act, and for providing a Perſon to inſpect and ſuperintend the ſaid Ports and Harbours, to charge in his Accounts, and the ſaid Receiver-general ſhall be allowed thereupon, any Sum not exceeding the Sum of Thirty Pounds in any One Year, out of the ſeveral Sums ſo levied and collected as aforeſaid.

On *Oct.* 10, annually, Receiver-general to preſent to the Commiſſioners a full Account of all Receipts and Diſburſements.

Receiver-general to be paid annually not exceeding 30 *l.*

XII. And be it further enacted by the Authority aforeſaid, That the aforeſaid Commiſſioners, the ſaid Receiver-general, and all other Officers whatſoever, employed by virtue of this Act, in collecting, receiving, or diſburſing any Sum or Sums of Money, for the repairing or maintaining the ſaid Harbours, or in ſuperintending or ſurveying the ſame, ſhall reſpectively take an Oath previous to their intermeddling with any ſuch Office or Employment, for the due and faithful Execution and Diſcharge thereof, according to the Powers veſted in them by virtue of this Act, before any One or more of the Deemſters, or Civil Magiſtrates of the ſaid Iſland, who is and are hereby authoriſed and required to adminiſter the ſame without Fee or Reward.

All Officers to take an Oath before entering on their Offices.

XIII. And it is hereby further enacted by the Authority aforeſaid, That all Sums of Money which ſhall be paid, incurred, or recovered, in purſuance of this Act, ſhall be deemed, and are hereby declared to be Sterling Money of Great Britain, and ſhall be paid,

All Money paid, &c. to be Sterling.

collected, and recovered, to the Amount of the Value which ſuch nominal Sums bear in Great Britain.

XIV. And be it further enacted by the Authority aforeſaid, That all Actions, Suits, or Informations, which ſhall or may be brought or commenced, for the Recovery of any Forfeitures and Penalties incurred by virtue of this preſent Act, or for any other Matter or Thing relating to the Execution thereof, ſhall be brought, proſecuted, tried, heard, and determined, in the Court of His Majeſty's Water Bailiff of the ſaid Iſland, according to the accuſtomed Courſe of that Court; and in caſe either of the Parties conceive themſelves to be aggrieved, it ſhall and may be lawful for ſuch Perſon to appeal in the uſual Manner to the Court of Chancery of the ſaid Iſland.

All Actions commenced for Recovery of Penalties to be tried by the Water Bailiff.

CAP. LIII.

An Act for widening the Highways in that Part of *Great Britain* called *Scotland.*

WHEREAS by an Act of the Parliament of *Scotland*, paſſed in the Year One thouſand ſix hundred and ſixty-nine, and intituled, *Act for repairing Highways and Bridges*, it is enacted, That the ſaid Highways ſhall be Twenty Feet of Meaſure broad at leaſt, or broader, if the ſame have been ſo of before: And whereas, by the Law of *Scotland*, the making, repairing, and keeping in Repair, the Highways, Roads, and Bridges, within that Part of the united Kingdom, are put under the Direction and Management of the Juſtices of the Peace, and Commiſſioners of Supply, within the ſeveral Shires and Stewartries reſpectively, (except in ſuch Caſes where Turnpike Roads have, under the Authority of Special Acts of Parliament, been made, and Tolls granted therefore), and the ſame by ſuch Acts put under the Management and Direction of certain Juſtices or Commiſſioners by theſe Acts named and appointed: And whereas many Inconveniencies and frequent Obſtructions to the free Paſſage of the publick and moſt frequented Highways and Roads have been occaſioned by the Narrowneſs of theſe Highways and Roads: And whereas it would be of great publick Benefit to that Part of the united Kingdom, that the Juſtices of Peace, and Commiſſioners of Supply, in each Shire and Stewartry reſpectively, and the Truſtees and Commiſſioners of Turnpike Roads, eſtabliſhed by ſpecial Acts of Parliament, were impowered to widen and extend the Highways and Roads under their reſpective Managements, wherever they ſaw neceſſary Occaſion for ſo doing; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Juſtices of Peace, and Commiſſioners of Supply, for the reſpective Shires and Stewartries, and the Commiſſioners and Truſtees of Turnpike Roads, eſtabliſhed by ſpecial Acts of Parliament, within that Part of Great Britain called Scotland, ſhall have Power, and they are hereby authoriſed and impowered to make, repair, clear, widen, and extend, and to keep in good Repair, after being ſo cleared, widened, and extended, the ſeveral Highways and Roads, under their Management and Direction reſpectively, ſo as the ſame ſhall be in all Places full Twenty Feet Width of clear paſſable Road, excluſive of the Bank and Ditch on each Side of ſuch Highway or Road reſpectively.

Preamble.

Juſtices, and Commiſſioners of Supply, for the Shires and Stewartries, to make, repair, clear, widen, and extend, the Highways under their Direction, which are to be Twenty Feet in Width.

II. And whereas it will be of great publick Utility that the ſaid Highways and Roads were in particular Places ſtill further widened and enlarged, be it alſo enacted, That the ſaid Juſtices of Peace, and Commiſſioners of Supply, or the ſaid Truſtees, or Commiſſioners for Turnpike Roads, eſtabliſhed by ſpecial Acts of Parliament, or the Majority of them, in a General Meeting for that Purpoſe aſſembled, may order and direct the Highways and Roads aforeſaid to be ſtill farther widened and enlarged, in ſuch Places, and for ſuch Diſtances, as they judge to be for publick Benefit.

Juſtices, *&c.* to order the Roads to be farther enlarged.

III. Provided always, and be it further enacted, That the Breadth of the Highways and Roads ſo to be widened and enlarged ſhall not, at any Place, exceed Thirty Feet, excluſive of the Bank and Ditch on each Side; and that full Satisfaction, to be aſcertained in Manner herein-after provided for, ſhall be made to the Owners and Leſſees of the Lands, for ſo much Ground as ſhall be taken for the Widening and Enlargement of the ſaid Highways and Roads, over and above, and in Addition to the preſent Breadth, or the Twenty Feet Width of Ground, allowed by the Laws now in being for the Breadth of every Highway and Road.

Breadth of the Roads to be widened and enlarged not to exceed Thirty Feet.

IV. And whereas it would greatly facilitate the making and repairing of the Highways and Roads within that Part of *Great Britain* called *Scotland*, that the Juſtices of Peace, and Commiſſioners of Supply, within the reſpective Shires and Stewartries, met more frequently, and at the moſt convenient Times and Seaſons, be it therefore further enacted by the Authority aforeſaid, That hereafter, inſtead of the Meeting appointed to be held by an Act made in the Fifth Year of the Reign of His late Majeſty King George the Firſt, intituled, An Act for amending and making more effectual the Laws for repairing the Highways, Bridges, and Ferries, in that Part of *Great Britain* called *Scotland*, there ſhall be held Two General Meetings in every Year of the ſaid Juſtices of Peace, and Commiſſioners of Supply, for the ſpecial Purpoſe and Buſineſs of the Highways, Roads, Bridges, and Ferries, within their reſpective Bounds; and, by the Laws in being for the Time, under their Direction and Management, the Firſt upon the ſame Day, and at the like Place, that the Commiſſioners of Supply of ſuch Shires and Stewartries reſpectively are, and ſhall be directed by the Land-tax Act of the Year then current, to aſſemble for the Purpoſes of aſſeſſing the Land-tax, and of chuſing a Convener, Collector, and Clerk; and the Second of the ſaid General Meetings upon the ſame Day, and the like Place, that the Freeholders of the ſaid Shires and Stewartries reſpectively aſſembled at their Michaelmas Head Court annually; and that the Conveners of the Shires and Stewartries reſpectively ſhall, and they are hereby required to give the ſame previous Notices for theſe Two General Meetings of the Juſtices and Commiſſioners of Supply, as are given for ordinary General Meetings of Commiſſioners of Supply within their reſpective Bounds.

Inſtead of a Meeting appointed by Act 5 *Geo.* I.

Two General Meetings to be held annually.

Conveners of Shires, *&c.* to give previous Notice of ſuch Meetings.

Juſtices, &c. to examine and ſurvey the Highways, &c.

V. And be it further enacted by the Authority aforeſaid, That it ſhall be in the Power of any Two or more Juſtices of the Peace, or Commiſſioners of Supply, within any Shire or Stewartry in that Part of Great Britain called Scotland, to examine and ſurvey, or cauſe to be examined and ſurveyed, the Highways and Roads, or any Part or Parts of them, within ſuch Shires and Stewartries reſpectively, and to order and direct that the ſaid Highways and Roads ſhall everywhere be made Twenty Feet wide of clear paſſable Road, excluſive of the Banks and Ditches upon each Side of the ſame; and in ſuch Caſes where it ſhall appear to the ſaid Juſtices and Commiſſioners to be for the publick Benefit that any Part or Parts of the ſaid Highways and Roads ſhould be further widened and extended, or that Fences of any Kind whatever ſhould be removed, for the Purpoſe of widening the ſaid Roads, that they ſhall ſtate their Reaſons in Writing, and report the ſame to the next or any following General Meeting of the Juſtices and Commiſſioners for the Shire or Stewartry; and that if the ſaid Juſtices and Commiſſioners, aſſembled at ſuch General Meeting, or the Majority of them, upon adviſing the ſaid Report, and after hearing all Parties having an Intereſt, ſhall be of Opinion, that it will be of publick Benefit ſo to widen and extend the ſaid Highways and Roads, or to remove Fences, that the ſame ſhall be accordingly done, Satiſfaction being always previouſly made, in Manner as herein-after directed, to the Owners and Leſſees of Lands, for ſo much Ground as ſhall be taken to widen and enlarge the ſaid Highways and Roads beyond and over and above Twenty Feet in Width on the preſent Breadth of the Road, if more than Twenty Feet wide, and for the Loſs or Damage the Owner or Owners of the Land may ſuſtain by removing Fences where ſuch are to be removed.

Heritors or Occupiers of Lands may appeal to General Meetings,

which ſhall be final.

VI. Provided always, That it ſhall be lawful to and in the Power of any Heritor or Occupier of Lands through which the ſaid Highways and Roads go, who may apprehend Wrong to have been done by the ſaid Two or more Juſtices and Commiſſioners in ſurveying, examining, ordering, and directing, as aforeſaid, to appeal againſt the ſame to the Firſt or next following General Meeting of the ſaid Juſtices and Commiſſioners; and that whatever they, or the Majority of them, ſhall determine upon ſuch Appeal, ſhall be final and concluſive.

In caſe of General Meetings being of Opinion that the Roads ſhould be further widened, etc.

Application to be made to the Sheriff to ſummon a Jury to value the Ground, &c.

Intimation to be made to Owners, &c.

Jury to be impanelled,

who are to aſcertain Damages to Owners, and adjudge Payment.

VII. And be it further enacted by the Authority aforeſaid, That in all Caſes where the General Meetings aforeſaid, or the Meetings of Truſtees or Commiſſioners for Turnpike Roads, eſtabliſhed by Acts of Parliament, are of Opinion, that it will be for the publick Benefit to have the Highways and Roads, or any particular Parts of them, farther widened and enlarged beyond the Breadth of Twenty Feet, or the preſent Breadth, if broader, or to have Fences of any Kind removed or altered in widening of the ſaid Roads, and that no Agreement ſhall have been made with the Owner or Owners of the Land where the Roads are to be widened, or whoſe Fences are to be altered or removed, Application ſhall be made to the Sheriff or Steward of the Shire or Stewartry within which ſuch Highways and Roads lie, to ſummon a Jury in order to Value the Ground neceſſary to be taken and uſed for ſo widening and enlarging the Highways and Roads aforeſaid, and the Loſs or Damage enſuing from the altering or removing of Fences; and the ſaid Sheriffs and Stewards, and the Sheriffs and Stewards-depute, and their Subſtitutes, are hereby impowered and required, upon ſuch Application, to order Intimation thereof to be made to the Owner and Owners, and immediate Occupier or Occupiers of the Ground propoſed to be ſo taken in and uſed, and afterwards to iſſue a Summons, in the uſual Manner, for calling together and impanelling a Jury, to conſiſt of at leaſt Seven, and not exceeding Fifteen Perſons in Number, to examine into, and, after ſuch Examination, to report upon their Oaths to the Sheriff or Steward the Value of the Ground ſo to be taken and uſed for the Widening and Enlargement of the Highways and Roads over and above Twenty Feet in Breadth, and the Loſs or Damage that will ariſe to the Owner or Owners of the Land by altering or removing of Fences where that is propoſed to be done, and thereupon to order and adjudge Payment of the Value and Amount of the Loſs and Damage ſo aſcertained to the Owner or Owners of the Grounds, with ſuch Coſts as he or they may have been put to in the Liquidation of the ſaid Value; and that upon ſuch Payment being made, and a Diſcharge thereof lodged with the Sheriff or Steward Clerk, the ſaid Juſtices and Commiſſioners, or the ſaid Truſtees and Commiſſioners, according as the Caſe may be, ſhall, from thenceforth, have Right, and be at Liberty to take and uſe the Ground ſo valued and paid for in the widening and extending the Highways and Roads aforeſaid, as fully and effectually ever after, to all Intents and Purpoſes, as if the Owner and Owners of ſuch Ground had executed regular Diſpoſitions of the ſame, and thereupon Infeftments had followed.

30 Days Notice to be given to Owners of Grounds and Fences to be valued or altered.

VIII. Provided always, That Thirty Days Notice at leaſt ſhall be given to the Owner and Owners of the Grounds ſo to be valued, and of the Fences intended to be altered or removed, of the Day upon which the Jury are to be impanelled for thoſe Purpoſes; and that all Proceedings and Orders of Sheriffs and Stewards in the Premiſes, made by virtue of this Act, ſhall not be removeable or queſtionable by Bills or Letters of Advocation or Suſpenſion to, or by any other Court whatſoever; any Law or Uſage to the Contrary notwithſtanding.

Commiſſioners of Supply to lay additional Aſſeſſments for Payment of Sums, adjudged by the Sheriff, the preceding Year.

IX. And be it enacted by the Authority aforeſaid, That the Commiſſioners of Supply of every Shire and Stewartry in Scotland aſſembled, annually, upon the Day appointed by Act of Parliament for the Aſſeſſment of the Land-tax, ſhall have Power, and they are hereby impowered and required to lay an additional Aſſeſſment for the Payment of ſuch Sum and Sums of Money as ſhall have been for the preceding Year adjudged by the Sheriff or Steward, in Manner aforeſaid, to the Owner and Owners of Grounds to be taken, and of Fences to be removed or altered, for the widening and enlarging the Highways and Roads, as herein-before directed, and to iſſue Precepts upon the Collector and Collectors for the Payment thereof; and that in all Caſes where the Ground ſo valued, or Fences altered or removed as aforeſaid, ſhall be taken or done, for the Widening and Enlargement

ment of a Turnpike Road, as eſtabliſhed by Act of Parliament, that the Money adjudged by the Sheriff or Steward therefore ſhall be paid by the Commiſſioners or Truſtees of ſuch Road, out of the Tolls ariſing from the ſame.

CAP. LIV.

An Act for the better paving, cleanſing, lighting, and watching *Haydon Square*, the *New Square*, *Haydon Yard*, *Sheepy Yard*, *Church Street*, *Little Church Street*, otherwiſe *the Church Paſſage*, *Church Court*, and *Kenton Street*, and the Paſſages therein, or leading thereunto, in the Pariſh of *Trinity*, otherwiſe *Holy Trinity*, in the *Minories*, in the County of *Middleſex*, within the Liberty of His Majeſty's *Tower of London*; and for other Purpoſes therein mentioned.

Preamble.

WHEREAS *Haydon Square*, the *New Square*, *Haydon Yard*, *Sheepy Yard*, *Church Street*, *Little Church Street*, otherwiſe *the Church Paſſage*, *Church Court*, and *Kenton Street*, which lie in the Pariſh of *Trinity*, otherwiſe *Holy Trinity*, in the *Minories*, in the County of *Middleſex*, within the Liberty of His Majeſty's *Tower of London*, and the Paſſages therein, or leading thereunto, are very ill paved and cleanſed, and are incommodious to Paſſengers, by Nuiſances, Annoyances, and Obſtructions therein, and many Irregularities are committed in the Night-time in the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, for want of the ſame being properly lighted and watched: And whereas it would be of great Benefit and Advantage to the Inhabitants of the ſaid ſeveral Squares, Yards, Streets, Paſſage, and Court, and to all other Perſons reſorting thereto, or paſſing through the ſame, if the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, were properly paved, cleanſed, lighted, and watched, and all Nuiſances, Annoyances, and Obſtructions therein were removed and prevented for the future, and the Inhabitants of the ſaid ſeveral Squares, Yards, Streets, Paſſage, and Court, are willing to do the ſame at their own Expence, but the ſame cannot be effected without the Aid of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That William Cobbold, John Dyer, Iſaac Fox, Michael James, Benjamin Kenton, Timothy Mangles, Joſeph Merryman, John Stiles Mordaunt, John Pott, William Sharp, Thomas Wriggleſworth, Samuel Wright, and their Succeſſors, being Inhabitants of ſome or One of the ſaid Squares, Yards, Streets, Paſſage, or Court, or being a Proprietor or Owner of any Lands, Tenements, or Hereditaments within the ſame, or any of them, to be elected in Manner herein-after mentioned, ſhall be, and they are hereby appointed Commiſſioners for putting this Act in Execution: And in caſe any of the ſaid Commiſſioners ſhall happen to die, or ſhall neglect or refuſe to act for the Space of Six Months, or ſhall remove out of the ſaid Squares, Yards, Streets, Paſſage, and Court, or ſhall ceaſe to be a Proprietor or Owner of any of the Lands, Tenements, or Hereditaments, within the ſame, or any of them, it ſhall be lawful for the ſurviving or remaining Commiſſioners, or any Five or more of them, from Time to Time, by Writing under their Hands and Seals, to elect One other Perſon or Perſons to be a Commiſſioner or Commiſſioners in the Room and Stead of the Commiſſioner or Commiſſioners dying, or refuſing to act, removing, or ceaſing to be a Proprietor or Owner of Lands, Tenements, or Hereditaments, within the ſame, or any of them, Five Days publick Notice of the Time and Place of Meeting for every ſuch Election being given, by affixing the ſame in Writing upon the principal Door of the Pariſh Church of Trinity, otherwiſe the Holy Trinity, in the Minories, in the County of Middleſex aforeſaid, and alſo by Advertiſement in ſome or One of the publick News-papers; and every Perſon or Perſons ſo elected ſhall be, and is and are hereby veſted with the ſame Powers for putting this Act in Execution, as the Perſon or Perſons in whoſe Place he or they ſhall be elected was or were veſted with.

Commiſſioners Names.

In caſe of Death, Refuſal to act for One Year, or Removal, another may be appointed.

Qualification of Commiſſioners.

II. And be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be an Inhabitant of ſome or One of the ſaid Squares, Yards, Streets, Paſſage, and Court; or unleſs he ſhall be an Owner or Proprietor of ſome Lands, Tenements, or Hereditaments, within the ſame; and unleſs he ſhall, in his own Right, or in the Right of his Wife, be in the actual Poſſeſſion or Receipt of the Rents or Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Twenty Pounds; or poſſeſſed of, or intitled to, a perſonal Eſtate of the Value of Five hundred Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Pounds, together with Coſts of Suit, to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and wherein the Proof of Qualification ſhall lie on the Perſon proſecuted; and it ſhall be ſufficient for the Proſecutor to prove, that the Perſon ſo proſecuted had acted as a Commiſſioner in the Execution of this Act.

Penalty on Perſons acting if not qualified.

No Victualler to act as a Commiſſioner.

III. And be it further enacted, That no Perſon who ſhall ſell Ale, Wine, or any ſpirituous or fermented Liquors, by Retail, ſhall be capable of acting as a Commiſſioner under this Act.

First Meeting of Commiſſioners.

IV. And be it further enacted, That the ſaid Commiſſioners, or any Three or more of them, ſhall meet together at the Veſtry-room of the ſaid Pariſh, at Ten of the Forenoon, on the Second Thurſday after the Day of the paſſing of this Act, and ſhall then and there proceed to the Execution of this Act; and they are hereby impowered to adjourn themſelves, from Time to Time, to meet at the ſame Place, or at ſuch other Place within the ſaid Pariſh, as the ſaid Commiſſioners, or any Three or more of them, ſhall, from Time to Time, think fit: And if at any Meeting ſo appointed there ſhall not appear a ſuffi-

Manner of Adjournment.

cient Number of Commiſſioners to act, or to adjourn to another Day; or in caſe the ſaid Commiſſioners, ſo aſſembled, ſhall omit, neglect, or refuſe to adjourn themſelves; then, and in every ſuch Caſe, any Three of the ſaid Commiſſioners, or the Clerk to the ſaid Commiſſioners, ſhall appoint a Meeting of the ſaid Commiſſioners to be held within Five Days after, at the ſame Place; publick Notice whereof ſhall be given, by affixing the ſame in Writing on the principal Door of the aforeſaid Pariſh Church, at leaſt Three Days before ſuch Meeting.

No Order valid unleſs made at a publick Meeting.

V. Provided always, That no Order or Determination of the ſaid Commiſſioners, or any of them, ſhall be valid, unleſs the ſame ſhall be made at a Meeting held in purſuance of this Act; nor ſhall any Commiſſioner hereby appointed, or hereafter to be appointed, as aforeſaid, be capable of acting as ſuch during the Time he ſhall enjoy any Office of Profit, by virtue of the Powers given by this Act, or have any Share or Intereſt in any Contract relating to the Execution thereof.

Commiſſioners may appoint Officers;

and remove them, and appoint others.

Officers to give Security.

Perſons liable to Rates to pay the ſame to Collectors appointed.

Officers to account upon Oath.

Officers refuſing to account,

Juſtices to enquire into the Default;

Monies deficient to be levied by Diſtreſs.

For want of Diſtreſs, the Offender to be committed, till Payment or Compoſition is made,

VI. And be it further enacted, That the ſaid Commiſſioners, or any Three or more of them, ſhall and may, by any Writing under their Hands and Seals, appoint One or more Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, or Inſpectors, and ſuch other Officers, for the Execution of this Act, as they ſhall think proper; and, from Time to Time, remove him or them, and appoint others, as they ſhall find neceſſary or convenient; and, by and out of the Money to be raiſed by virtue of this Act, pay ſuch Salaries and Allowances to ſuch Officers, and to all other Perſons by them the ſaid Commiſſioners employed in the Execution of this Act, as they ſhall think reaſonable: And the ſaid Commiſſioners, or any Three or more of them, ſhall, and are hereby required to take ſuch Security for the due Execution of the reſpective Offices, by ſuch Perſon and Perſons, as aforeſaid, as the ſaid Commiſſioners, or any Three or more of them, ſhall think proper: And all and every ſuch Perſon and Perſons as is or are hereby made liable to pay the ſeveral Rates or Sums of Money hereby granted, ſhall pay the ſame to ſuch Perſon or Perſons as ſhall from Time to Time be appointed to collect or receive the ſame: And all ſuch Officers and Perſons ſo to be appointed as aforeſaid, ſhall, under their Hands, at ſuch Times, and in ſuch Manner, as the ſaid Commiſſioners, or any Three or more of them, ſhall direct, deliver to ſuch Commiſſioners true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act; and alſo of all Monies which ſhall have been by them reſpectively received, by virtue and for the Purpoſes of this Act, and how much thereof has been paid and diſburſed, and for what Purpoſe, together with the proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Commiſſioners, or any Three or more of them, or to ſuch Perſon or Perſons as they ſhall appoint: And all the ſaid Officers and Perſons ſo accounting, as aforeſaid, ſhall, upon Oath, if thereunto required, (which Oath the ſaid Commiſſioners, or any Two or more of them, are hereby impowered to adminiſter), verify their ſaid Accounts: And if any Officer or Perſon ſhall not make and render, or ſhall refuſe to verify upon Oath any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make ſuch Payment as aforeſaid, or ſhall not deliver to the ſaid Commiſſioners, or any Two or more of them, or to ſuch Perſon or Perſons as they ſhall appoint, within Seven Days after being thereunto required, by Notice in Writing under the Hands of any Two or more of the ſaid Commiſſioners, all Books, Papers, and Writings, in his or their Cuſtody or Power, relating to the Execution of this Act, or ſhall refuſe or neglect to pay ſuch Monies, as, upon the Balance of any Account or Accounts, ſhall appear to be in their reſpective Hands, to the ſaid Commiſſioners, or any Two or more of them, or as they ſhall direct and appoint; then, and in any of the Caſes aforeſaid, the ſaid Commiſſioners, or any Three or more of them, may, and are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Names of the ſaid Commiſſioners, or in the Names of any Two or more of them, againſt the Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing as aforeſaid, in order for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons reſpectively; or if Complaint ſhall be made by the ſaid Commiſſioners, or any Two or more of them, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any Refuſal or Neglect as aforeſaid, to any Juſtice or Juſtices of the Peace for the County or Place wherein ſuch Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing, ſhall be and reſide; ſuch Juſtice or Juſtices may, and is and are hereby authoriſed and required, by a Warrant or Warrants, under his or their Hand and Seal or Hands and Seals, to cauſe the Officer or Officers, Perſon or Perſons, ſo refuſing or neglecting, to be brought before him or them, and, upon his or their appearing, or not being to be found, to hear and determine the Matter in a ſummary Way: And if, upon the Confeſſion of the Party or Parties, or by the Teſtimony of any One or more credible Witneſs or Witneſſes upon Oath, before ſuch Juſtice or Juſtices, (which Oath he or they is and are hereby impowered to adminiſter), it ſhall appear to ſuch Juſtice or Juſtices that any of the Monies that ſhall have been collected or raiſed by virtue of this Act ſhall be in the Hand or Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice or Juſtices may, and he and they is and are hereby authoriſed and required, upon the Nonpayment thereof, by Warrant or Warrants, under his or their Hand and Seal or Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons, offending in the Premiſes reſpectively; and if no Goods or Chattels of ſuch Officer or Officers, Perſon or Perſons, can be found ſufficient to anſwer and ſatisfy ſuch Money, and the Charges of ſuch Diſtreſs and Sale; or in caſe it ſhall appear to ſuch Juſtice or Juſtices, by the Confeſſion of the Party ſo offending, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice or Juſtices is and are hereby impowered to adminiſter), that any Books, Papers, or Writings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of any ſuch Officer or Perſon, and he ſhall refuſe to deliver the ſame, as aforeſaid; then, and in either of the ſaid Caſes, ſuch Juſtice or Juſtices ſhall commit every ſuch Offender to the common Gaol of the County or Place where ſuch Offender ſhall be and reſide, there to remain without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment, as aforeſaid, or until he ſhall compound with the ſaid Commiſſioners, or any Five or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint, (which Compoſition the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to make), and until he ſhall deliver up ſuch Books, Papers, and Writings, as aforeſaid, or give Satiſfaction in reſpect thereof to the ſaid Commiſſioners, or any Five or more of them.

Proviſo.

VII. Provided always, That no Perſon who ſhall be committed on account of his having no Goods or Chattels, ſhall be committed for any Term longer than Three Months.

Executors to account,

VIII. And be it further enacted, That upon the Death of any ſuch Officer or other Perſon, to be appointed as aforeſaid, his Executors or Adminiſtrators ſhall, within Twenty-one Days next after ſuch Deceaſe, deliver to the ſaid Commiſſioners under this Act, or any Two or more of them, or to ſuch Perſon or Perſons as they, or any Two or more of them, ſhall, by Writing for that Purpoſe under their Hands, appoint, an Account in Writing, under his, her, or their Hand or Hands, of the Monies collected or received by the Perſon ſo deceaſed, for the Purpoſes of this Act; and ſhall alſo deliver all Books, Papers, and Things, concerning his Office, to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Three or more of them, by Writing under their Hands, ſhall appoint to receive the ſame; and ſuch Money, if any due, ſhall be paid by the Executors or Adminiſtrators of the Perſon or Perſons ſo deceaſed, in preference to and before any of his or their Debts are paid or ſatiſfied.

and the Money to be paid in Preference to other Debts.

Officers taking other Fees than allowed by this Act, or being concerned in any Bargain, diſqualified, and to forfeit 50 *l.*

IX. And be it further enacted, That if any Perſon or Perſons who ſhall be employed by the ſaid Commiſſioners as a Clerk, Surveyor, or any other Officer or Servant, in putting this Act, or any of the Powers herein contained, in Execution, ſhall exact, take, or accept, by any Ways or Means whatſoever, any Fee or Reward whatſoever, other than ſuch Salaries, Allowances, and Rewards, as ſhall be appointed, allowed, and approved of by the ſaid Commiſſioners, or any Three or more of them, for or on account of any Thing done, or to be done, by virtue of this Act, or on any Account whatſoever, relative to the putting this Act in Execution; or ſhall be by any Ways or Means concerned or intereſted in any Bargain, Contract, or Agreement made, or to be made, by the ſaid Commiſſioners, or any Three or more of them, for the Purpoſes of putting this Act in Execution; every ſuch Perſon or Perſons ſo offending ſhall be diſqualified, and for ever be incapable of ſerving or being employed by or under the Commiſſioners appointed by this Act; and ſhall forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, within Three Calendar Months after the Offence committed; in which no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Pavements veſted in the Commiſſioners.

X. And be it further enacted, That from and after the paſſing of this Act, all the preſent and future Pavements, and all Poſts, Rails, and Fences, in the ſaid Squares, Yards, Streets, Paſſage, and Court, or any or either of them, and the Paſſages therein, or leading thereunto, as well in the Foot-ways as Carriage-ways, and of all Materials, Implements, and other Things, to be purchaſed for the Purpoſes of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners; and they, or any Three or more of them, are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Names of any Three or more of them the ſaid Commiſſioners, or in the Name of their Treaſurer or Clerk, or to prefer any Bill or Bills of Indictment in any ſuch Name or Names, as the Caſe ſhall require, againſt any Perſon or Perſons whomſoever, who ſhall ſteal, purloin, or by any Ways or Means carry away, ſpoil, injure, or deſtroy, or cauſe to be ſtollen, purloined, taken, carried away, ſpoiled, injured, or deſtroyed, the ſame, or any Part or Parts thereof; and the ſaid Commiſſioners, or any Three or more of them, ſhall have full Power and Authority, from Time to Time, and at all Times hereafter, to ſell and diſpoſe of all or any Part or Parts of the old and uſeleſs Materials to ſuch Perſon or Perſons as ſhall be willing to purchaſe the ſame, at ſuch Price or Prices as the ſaid Commiſſioners, or any Three or more of them, ſhall think reaſonable; and the Money ariſing therefrom ſhall be applied to ſuch and the ſame Purpoſes as the Monies ariſing from the Rates and Aſſeſſments in and by this Act directed to be made are to be applied.

Commiſſioners may ſell the old and uſeleſs Materials.

Streets to be paved.

XI. And be it further enacted, That the ſaid Commiſſioners, or any Three or more of them, ſhall have full Power and Authority, from Time to Time, and at all Times hereafter, to cauſe, order, and direct all or any of the ſaid Squares, Streets, Yards, Paſſage, and Court, and the Paſſages therein, or leading thereunto, to be new-paved, repaired, relayed, raiſed, lowered, or altered, when, and as often, and in ſuch Manner and Form, and with ſuch Materials, as the ſaid Commiſſioners, or any Three or more of them, ſhall think fit; and the Middle or Area of the ſaid Square, called Haydon Square, or ſuch Part as they ſhall think fit, to be raiſed and fenced off, and alſo the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, to be freed from all Annoyances, Nuiſances, Incroachments, and Obſtructions whatſoever, and for ſuch Purpoſes, may, from Time to Time, cauſe to be dug, carted, and carried out of, or brought into the ſame, or any of them, ſuch Gravel, Stones, and other Materials, as they ſhall judge neceſſary; and may likeways cauſe the Water-pipes, which now lie, or hereafter ſhall be laid, under Ground, to be taken up and new-laid in ſuch Places, Manner, and Form, as they the ſaid Commiſſioners, or any Three or more of them, ſhall judge beſt; and to employ ſuch Artificers, Workmen, and other Perſons, and to iſſue ſuch Money on theſe Accounts, and to do all and every ſuch other Acts and Things, as the ſaid Commiſſioners, or any Three or more of them, ſhall judge neceſſary, fit, or reaſonable, for the effectually carrying the Purpoſes of this Act into Execution.

Commiſſioners may alter Pipes and Plugs.

Not to remove the Ciſtern, *&c.* in *Haydon Square.*

XII. Provided always, That the ſaid Commiſſioners ſhall not remove, or cauſe to be removed, the Ciſtern, Dung-hole, and Horſe-pond, now ſtanding and being on the Eaſt Side of the ſaid Square, called Haydon Square, without the Conſent of the Owner or

Owners thereof; but ſhall permit and ſuffer the ſaid Ciſtern, Dung-hole, and Horſe-pond, and the Uſe thereof, to remain as the ſame now are.

Not to interfere with the City Paving.

XIII. Provided always, and be it further enacted and declared, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to interfere with any Parts or Places under the Direction of the Commiſſioners for paving, cleanſing, and lighting the City of London, and Liberties thereof.

Commiſſioners to erect Lamps, and to appoint Watchmen.

Allowances to be made to the Watchmen, &c.

XIV. And be it further enacted, That the ſaid Commiſſioners, or any Three or more of them, may, and they are hereby impowered to cauſe ſuch and ſo many Glaſs Lamps to be erected in the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, and to fix ſo many of ſuch Lamps as they ſhall think proper to any Houſe or other Building, making good the Damage which ſhall be done thereto; and to appoint a competent Number of fit and able-bodied Men to watch and guard the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, hereby intended to be lighted and watched; and, from Time to Time, to contract with any Perſon or Perſons for lighting, maintaining, and repairing the ſaid Lamps, and to make ſuch Allowances to ſuch Watchmen for their Attendance, and to give ſuch Orders and Directions concerning the ſame, and the Manner in which the ſaid Watchmen ſhall be armed and ſtationed, and for the due and regular Performance of the ſaid reſpective Services, as they the ſaid Commiſſioners, or any Three or more of them, ſhall judge reaſonable and expedient, and, from Time to Time, to remove any of the ſaid Watchmen, and to appoint others in their Stead; and the Expence of erecting, lighting, and maintaining ſuch Lamps, and the Allowances to be made to ſuch Watchmen, and all other Charges incident to the ſaid reſpective Services, ſhall be paid and diſcharged out of the Rates to be raiſed by virtue of this Act.

Duty and Power of the Watchmen.

XV. And be it further enacted, That the ſaid Watchmen ſhall, during the Time of their being ſtationed in the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, uſe their beſt Endeavours to prevent Murders, Robberies, and all other Outrages, Miſdemeanors, and Indecencies; and, to that End, it ſhall and may be lawful for the ſaid Watchmen, or any of them, and they, and every of them, are hereby impowered and required, without further Warrant, to apprehend and ſecure all Malefactors, Rogues, Vagabonds, and all other diſorderly Perſons, who ſhall be found loitering, wandering, or miſbehaving themſelves, or committing any Diſorders or Offences in or near the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, or whom the ſaid Watchmen ſhall have reaſon to ſuſpect of any evil Deſigns; and the Perſon or Perſons ſo apprehended ſhall be delivered, as ſoon as conveniently may be, into the Cuſtody of a Conſtable, or other Peace Officer, who is hereby required to ſecure ſuch Perſon or Perſons, and, as ſoon as conveniently may be, to convey him, her, or them, before ſome Juſtice or Juſtices of the Peace for the County of Middleſex, or the Liberty of His Majeſty's Tower of London, to be examined and dealt with according to Law.

Property of Lamps, &c. veſted in Commiſſioners.

XVI. And be it further enacted, That the Right and Property to and in all ſuch Lamps as ſhall be erected or fixed in the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, in purſuance of this Act; and to and in the Poſts, Irons, and other Furniture of ſuch Lamps; and alſo to and in all Watch-houſes, Coats, Arms, Implements, and Things to be provided for the ſaid Watchmen, ſhall be veſted in the ſaid Commiſſioners; and they, or any Three or more of them, are hereby impowered to bring Actions in the Names of any Two or more of them, or in the Name of their Treaſurer or Clerk, or to prefer and proſecute, with Effect, Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take away, injure or damage the ſame, or ſhall diſturb them in the Poſſeſſion thereof.

Penalty on Perſons breaking Lamps.

XVII. And be it further enacted, That if any Perſon ſhall wilfully break, throw down, or otherwiſe damage any of the Lamps which ſhall be erected by the ſaid Commiſſioners, or any of the Poſts, Irons, or other Furniture thereof, or ſhall extinguiſh any of the ſaid Lamps, it ſhall be lawful for any Juſtice of the Peace for the County of Middleſex, or Liberty of His Majeſty's Tower of London, and he is hereby required, upon Oath made of the Commiſſion of any ſuch Offence, to iſſue a Warrant for apprehending the Party or Parties accuſed; or it ſhall be lawful for any Perſon or Perſons who ſhall ſee ſuch Offence committed to apprehend, as alſo for any other Perſon or Perſons to aſſiſt in apprehending the Offender or Offenders, and by Authority of this Act, and without any other Warrant, to deliver him, her, or them, into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid County of Middleſex, or Liberty of His Majeſty's Tower of London; and the Party accuſed being brought before any ſuch Juſtice, ſuch Juſtice ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear, or be produced to give Information touching ſuch Offence; and if the Party or Parties accuſed ſhall be convicted of ſuch Offence, either by his, her, or their own Confeſſion, or upon Information as aforeſaid, he, ſhe, or they, ſo convicted, ſhall, for the firſt Offence reſpectively, forfeit the Sum of Twenty Shillings for each Lamp ſo broken, thrown down, damaged, or extinguiſhed, as aforeſaid, and for the Second Offence the Sum of Two Pounds for every ſuch Lamp, and for the Third and every ſubſequent Offence the Sum of Four Pounds for every ſuch Lamp; and full Satisfaction ſhall alſo be made to the ſaid Commiſſioners, or any Three or more of them, or to their Treaſurer or Clerk, by ſuch Offender or Offenders, for the Damage ſo by him, her, or them done:

For want of Satisfaction, Offenders to be committed.

And in caſe ſuch Offender or Offenders ſhall not, upon Conviction, pay the Forfeiture by him, her, or them incurred, and make ſuch Satisfaction as aforeſaid, the Juſtice before whom ſuch Offender or Offenders ſhall be convicted is hereby required to commit him, her, or them, to the common Gaol for the ſaid County or Liberty, there to be kept to hard Labour for any Time not exceeding Three Calendar Months, or leſs than One Month: And ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he, ſhe, or they ſhall be committed, unleſs ſuch Forfeiture and Satisfaction ſhall be ſooner paid and given; and One Half of the ſaid reſpective

tive Forfeitures, when recovered, ſhall be paid to the Informer or Informers, and the other Half ſhall be applied as the Rates or Aſſeſſments to be made by virtue of this Act are directed to be applied.

Penalty on Perſons negligently breaking Lamps.

XVIII. And it is hereby enacted, That if any Perſon or Perſons ſhall negligently or accidentally break, throw down, or otherwiſe damage any of the ſaid Lamps, or any of the Poſts, Irons, or other Furniture thereof, and ſhall not upon Demand make Satisfaction to the ſaid Commiſſioners, or any Three or more of them, or to their Treaſurer or Clerk, for the Damage by ſuch Perſon or Perſons done, as aforeſaid; it ſhall be lawful for any Juſtice of the Peace for the ſaid County of Middleſex, or Liberty of His Majeſty's Tower of London, and he is hereby required, upon Complaint thereof made by any One or more of the ſaid Commiſſioners, or their Treaſurer or Clerk, to ſummon the Party or Parties complained of, and upon his, her, or their appearing, or making Default to appear, (Oath being made that the Party or Parties complained of was or were ſerved with ſuch Summons, or that the ſame was left at his, her, or their Dwelling-houſe or Place of Abode, if known, or that he, ſhe, or they, could not be found), ſuch Juſtice ſhall proceed to examine the Matter of the ſaid Complaint, and, upon Proof thereof, either by the Confeſſion of the Party or Parties complained of, or by the Oath of One or more credible Witneſs or Witneſſes, ſhall award and order ſuch Satisfaction to be made by the Party or Parties complained of, for the Damage ſo by him, her, or them, done, as to ſuch Juſtice ſhall appear juſt and reaſonable; and ſhall cauſe the Sum ſo awarded, (in caſe the ſame be not paid forthwith, upon the making ſuch Award or Order), to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons complained of, rendering to him, her, or them, upon Demand, the Overplus (if any be) after the Charges of proſecuting ſuch Complaint, and of ſuch Diſtreſs and Sale, ſhall be deducted.

Commiſſioners may make Contracts.

XIX. And be it further enacted, That the ſaid Commiſſioners, or any Three or more of them, may, and they are hereby impowered, from Time to Time, and at all Times hereafter, as Occaſion ſhall require, to contract with any Perſon or Perſons for paving, relaying, repairing, raiſing, lowering, amending, altering, and keeping in Repair, cleanſing, and lighting, all or any of the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, and for the ſeveral Works hereby directed to be performed, or any of them; which Contract and Contracts ſhall ſpecify the ſeveral Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſaid Works ſhall be completed, and the Penalties to be ſuffered in caſe of Nonperformance thereof; and ſuch Contract or Contracts ſhall be ſigned by the ſaid Commiſſioners, or any Three or more of them, and by the Perſon or Perſons contracting to perform ſuch Works; but previous to the making of any ſuch Contract, Five Days Notice ſhall be given in ſome publick News-paper, expreſſing the Intention of ſuch Contract, in order that any Perſon or Perſons willing to undertake the ſame may make Propoſals for that Purpoſe to the ſaid Commiſſioners, or any Three or more of them, at a certain Time and Place in ſuch Notice to be mentioned.

Notice thereof to be given.

Paviors, Carters, &c. to be appointed.

XX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, from Time to Time, to employ ſuch and ſo many Paviors, Artificers, Workmen, Labourers, Carters, and others, in all and every or any of the reſpective Works aforeſaid, as they ſhall judge neceſſary, for the due Execution of ſuch Works; and no Perſon or Perſons ſhall, for any Act done in conſequence of his or their being ſo employed by Order of ſuch Commiſſioners, be ſubject or liable to any Action, Indictment, or Information upon the Statute made in the Fifth Year of the Reign of Queen Elizabeth, intituled, An Act containing divers Orders for Artificers, Labourers, Servants of Huſbandry, and Apprentices.

Diſputes about Wages of Workmen, how to be ſettled.

XXI. And be it further enacted, That if any Diſpute ſhall ariſe with reſpect to the Wages of ſuch Paviors, Artificers, Workmen, or Labourers, employed in or about the ſaid Pavement, or Works to be done, it ſhall and may be ſettled by any One of His Majeſty's Juſtices of the Peace for the County of Middleſex, or for the Liberty of His Majeſty's Tower of London, in a ſummary Way, whoſe Determination ſhall be final.

Penalty on obſtructing Workmen.

XXII. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time or Times, obſtruct, hinder, or moleſt any Surveyor or Surveyors, or other Officer or Officers, Workmen, Perſon or Perſons whomſoever, who are or ſhall be employed by virtue of this Act, in the Performance or Execution of his, her, or their Duty; every ſuch Perſon ſo offending ſhall, for the Firſt Offence, forfeit the Sum of Five Pounds, for the Second Offence the Sum of Ten Pounds, and for the Third and every other Offence the Sum of Twenty Pounds.

For taking up Pavement where Water-pipes break.

XXIII. And be it further enacted, That when and ſo often as any Pipe or Pipes belonging to any Water Companies, who do or ſhall furniſh any Part of the ſaid Squares, Yards, Streets, Paſſage, and Court, or the Paſſages therein, or leading thereunto, with Water, and which now lie or hereafter ſhall be laid under Ground, ſhall break, burſt, or decay, ſo as to require Reparation, the Clerk or Surveyor for the Time being to the Commiſſioners, or ſuch other Perſon as the ſaid Commiſſioners, or any Three or more of them, ſhall appoint for that Purpoſe, ſhall forthwith give immediate Notice to the Pavior of the Water Company to whom he apprehends ſuch Pipe or Pipes does, do, or may belong, who is hereby required to take up the Pavement, and open the Ground, at or near the Place where ſuch Reparation ſhall appear to be wanting: And if, upon taking up of the Pavement, and opening the Ground, it ſhall appear that the Pipe or Pipes ſo broken, burſt, or decayed, do not or doth not belong to the Water Company whoſe Pavior ſhall have taken up ſuch Pavement, and opened ſuch Ground; then, and in every ſuch Caſe, the Surveyor, or other Perſon, as aforeſaid, ſhall give immediate Notice in Writing to the Pavior of that Company to whom it ſhall appear that the ſaid Pipe or Pipes do or doth belong; ſuch Notice to be given or left with ſuch Pavior or Paviors at his laſt or uſual Place of Abode; and the Pavior of the Company to whom ſuch Pipe or Pipes ſhall belong is hereby required to repair the ſame, and fill in and well and ſufficiently ram the Ground, within Two Days after ſuch Notice given, or left as aforeſaid; and ſhall alſo, within Twenty-four Hours after ſuch Pipe ſhall be repaired, and the Ground filled in, give Notice in Writing to the Pavior or Paviors contracting with the ſaid Commiſſioners, or the Surveyor or other Perſon aforeſaid, of ſuch Pipe or Pipes being repaired, and ſuch Ground being filled in; ſuch Notice to be given to ſuch Contractor, Surveyor, or other Perſon, or left at his or their laſt or uſual Place of Abode: And in caſe it ſhall happen that the Pavior who firſt receives Notice to take up the Pavement, and open the Ground, for the Purpoſes aforeſaid, ſhall take up ſuch Pavement, and open ſuch Ground, and it ſhall then be diſcovered that the Pipe or Pipes which is, are, or ſhall be burſt or broken, do or doth not belong to the Company to whom he is Pavior; that then, and in ſuch Caſe, the Pavior of the Company to whom ſuch Pipe or Pipes do or doth belong ſhall make Satisfaction to the Pavior who ſo took up ſuch Pavement, and opened ſuch Ground, for ſuch Work: And in caſe the Pavior to whom ſuch Notice ſhall be ſo given to take up ſuch Pavement, and open ſuch Ground, ſhall neglect or refuſe to do the ſame within Twenty-four Hours after Notice given, he ſhall, for the Firſt Offence, forfeit and pay the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Four Pounds: And in caſe the Pavior of the Company, to whom ſuch Pipe or Pipes ſo broken or decayed ſhall belong, ſhall neglect or refuſe to repair and amend the ſame, and fill in and well and ſufficiently ram the Ground ſo taken up, for the Space of Twenty-four Hours next after ſuch Notice given, or ſhall neglect to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor to the ſaid Commiſſioners, or to ſuch other Perſons as aforeſaid; ſuch Pavior ſhall, for the Firſt Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Four Pounds: And if the Perſon or Perſons contracting with the ſaid Commiſſioners to relay ſuch Pavement, ſo broken or taken up for the Reaſons aforeſaid, ſhall neglect or refuſe to relay ſuch Pavement, in a good, ſufficient, and effectual Manner, within Twenty-four Hours after ſuch Notice given to him, as aforeſaid; or if the Surveyor, or other Perſon to whom ſuch Notice ſhall be given ſhall neglect to acquaint the Contractor, or other proper Perſon or Perſons, of ſuch Notice; then, and in every ſuch Caſe, the Perſon or Perſons ſo offending ſhall, for the Firſt Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Four Pounds.

Companies having no Pavior, Notice to be given to the Clerk.

XXIV Provided always, That if it ſhall happen that at any Time there ſhall be no regular or fixed Appointment of a Pavior of any of the Water Companies, in that Caſe, ſuch Notice as aforeſaid ſhall be delivered to, or left at, the Office of the Clerk or Secretary of ſuch Company reſpectively, who ſhall, in every ſuch Caſe, be ſubſtituted in the Room of ſuch Pavior, to all Intents and Purpoſes aforeſaid.

Pavior of Water Companies to give Notice of his Abode.

XXV. And be it further enacted, That every Pavior now appointed, or hereafter to be appointed, by the ſaid ſeveral Water Companies, who ſhall have any Pipe or Pipes laid in, through, or under any of the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, ſhall, and is hereby required, within the Space of One Month next after the paſſing of this Act, or within the Space of Seven Days next after he ſhall be appointed Pavior to ſuch Company or Companies, and within the Space of Three Days next after every Removal of his Abode, to give Notice in Writing to the Surveyor or Clerk for the Time being to the ſaid Commiſſioners, of his the ſaid Pavior's Name and Place of Abode, and to what Company he is Pavior; and in caſe any ſuch Pavior ſhall neglect or refuſe to give ſuch Notice within the reſpective Times aforeſaid, every ſuch Pavior ſo offending ſhall, for the Firſt Offence, forfeit the Sum of Five Shillings, for the Second Offence the Sum of Ten Shillings, and for the Third and every other Offence the Sum of Twenty Shillings.

Notice of taking up any Pavement to be given to Commiſſioners.

XXVI. And be it further enacted, That when and ſo often as any Part of the Pavement of the ſeveral Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, ſhall be taken up, for the Purpoſe of making, repairing, altering, cleanſing, or emptying any Sewer, Vault, arched Cellar, or Drain, or of laying, altering, or amending any Water-pipe or Plug, or for any other Purpoſe whatſoever, the Perſon or Perſons ſo taking up ſuch Pavement ſhall, within Twenty-four Hours, give Notice thereof to the Inſpector, Surveyor, or Clerk for the Time being, of the ſaid Commiſſioners, in order that the ſame may, with all convenient Speed, be laid down and repaired by and under the Direction of the ſaid Inſpector, Surveyor, or Clerk, and the Charges and Expences thereof ſhall be paid by the ſaid Commiſſioners, or any Three or more of them; and the ſaid Commiſſioners ſhall be reimburſed the ſame by the Perſon or Perſons, Companies of Water-works, or Commiſſioners of Sewers, who ſhall take up, or cauſe or procure to be taken up, the ſaid Pavement, or any Part or Parts thereof.

Commiſſioners may compound with Commiſſioners of Sewers.

XXVII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners for putting this Act in Execution, or any Three or more of them, from Time to Time, to compound and agree with the ſaid Companies and Commiſſioners of Sewers, or other Perſon or Perſons reſpectively, for a certain Sum of Money by the Foot, or other Meaſure, as the ſaid Commiſſioners for putting this Act in Execution, or any Three or more of them, ſhall think reaſonable, in lieu and ſtead of laying down or repairing ſuch Pavement as ſhall be neceſſarily taken up for any of the Purpoſes aforeſaid.

Commiſſioners of Sewers, &c. neglecting to pay the Money expended by the Commiſſioners for repairing the Pavements, after

XXVIII. And be it further enacted, That in caſe ſuch Perſon or Perſons, Companies of Water-works, or Commiſſioners of Sewers reſpectively, ſhall neglect or refuſe to pay the Monies which the ſaid Commiſſioners ſhall have ſo paid and diſburſed, or what ſhall be due upon ſuch Contract or Compoſition as aforeſaid, within Two Months next after Notice thereof, to be left by the ſaid Surveyor or Clerk, appointed or to be appointed by the ſaid Commiſſioners, at the Dwelling-houſe or laſt Place of Abode of ſuch Perſon or Perſons, or of the Secretary or Secretaries, Clerk or Clerks, of ſuch Companies of

Water-works, or Commiſſioners of Sewers reſpectively, (which Notice ſhall be in Writing, and ſigned by the Clerk or Surveyor for the Time being of the ſaid Commiſſioners for putting this Act in Execution, by Order of the Commiſſioners, or any Three or more of them, annexed to the Bill, containing an Account of the Expence of ſuch Repair, or Money due upon ſuch Compoſition), it ſhall and may be lawful to and for the ſaid laſt-mentioned Commiſſioners, or any Three or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name of their Clerk, or in the Names of Two or more of the ſaid Commiſſioners for the Time being, for the Recovery of ſuch Sum or Sums of Money reſpectively; and in caſe ſuch Perſon or Perſons, hereby directed to give ſuch Notice to the Surveyor or Clerk for the Time being of the Commiſſioners for putting this Act in Execution, as is before directed, ſhall neglect ſo to do for the Space of Two Days after ſuch Pavement ſhall be ſo taken up, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Three Pounds.

Notice, may be ſued in the Name of the Clerk.

Penalty on neglecting to give Notice.

XXIX. And be it further enacted, That if, for the Purpoſes of this Act, it ſhall at any Time be found neceſſary to raiſe, ſink, or otherwiſe alter, the Poſition of any of the Pipes or Plugs laid down or placed by any of the ſaid Companies, or of any of the leaden or other Pipes which ſhall be laid into or from any of the ſaid Company's Pipes, which the ſaid Commiſſioners, or any Three or more of them, ſhall and may, and they are hereby impowered to cauſe the ſame to be done, from Time to Time, and in ſuch Place or Places as they, or any Three or more of them, in their Diſcretion, ſhall think proper, the ſame ſhall be paid for out of the Monies ariſing by virtue of this Act, and ſhall be done with as little Detriment or Inconvenience to the ſaid Companies and other Perſons as the Circumſtances of the Caſe will admit of.

Commiſſioners impowered to raiſe, ſink, &c. Pipes, &c.

XXX. And, for the more eaſily obtaining of Water in Caſes of Fire, be it further enacted, That the ſeveral Water Companies, who ſhall ſupply any of the Inhabitants of the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, with Water, ſhall, from Time to Time, within the Space of Thirty Days after the paſſing of this Act, or within Seven Days after the Appointment of any Turncock or Turncocks, give Notice in Writing to the ſaid Commiſſioners of the Names and Places of Abode of their reſpective Turncocks, diſtinguiſhing the Diſtricts to which they reſpectively belong; and if any of the ſaid Companies ſhall neglect to give ſuch Notice within the Times aforeſaid, they ſhall, for every ſuch Neglect, forfeit the Sum of Forty Shillings: And the ſaid Commiſſioners ſhall, and they are hereby required, yearly, to cauſe to be printed, and diſtributed among the Houſeholders and Inhabitants of the ſaid Squares, Yards, Streets, Paſſage, and Court, within the ſaid Pariſh, a Liſt of the Names and Places of Abode of the ſeveral Turncocks of ſuch Water Companies reſpectively.

Names of the Turncocks to be delivered, on the Penalty of 40 *s.*

XXXI. And be it further enacted, That if any Perſon ſhall, from and after the paſſing of this Act, without Authority from the ſaid Commiſſioners, or any Three or more of them, or (in caſe of Exigency) from their Clerk or Surveyor for the Time being, take up or alter, or cauſe to be taken up or altered, any Part of the Pavement of the ſaid ſeveral Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, or any of them, for any Purpoſe whatſoever, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds, and ſhall pay the Expence of relaying and reinſtating the ſame, according to the Direction of the ſaid Commiſſioners, or any Three or more of them, or of the Surveyor for the Time being: And the ſaid Forfeiture and Expence ſhall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, in the Names of any Two or more of the ſaid Commiſſioners, or in the Name of their Treaſurer or Clerk, to be commenced within Six Months next after ſuch Offence committed; in which Action or Suit no Protection, Eſſoin, or Wager of Law, nor more than One Imparlance, ſhall be allowed.

Penalty on Perſons neglecting to give Notice of taking up ſuch Pavement.

XXXII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, from Time to Time, to direct and cauſe the Courſe of any Gutter or Channel, running in, through, or croſs the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, or any of them, to be turned or altered in ſuch Manner as they ſhall think proper, and to direct any Grate or Grates already placed, or hereafter to be placed, over any Sewers, to be removed and replaced, in ſuch Manner, and at ſuch Place and Places, as they ſhall think moſt proper, ſo as the ſame be not prejudicial to the publick Sewers; all which ſhall, from Time to Time, be done at the Expence of the ſaid Commiſſioners, and paid for out of the Money ariſing by virtue of this Act; any Law, Uſage, or Cuſtom, to the Contrary notwithſtanding.

Commiſſioners may alter the Courſe of Gutters, &c.

XXXIII. And be it further enacted, That when, and ſo often as there ſhall be Occaſion to make any new, or to repair any Grate or Grates now being over any Sewer or Sewers belonging to the Commiſſioners of Sewers, in the ſaid Squares, Yards, Streets, Paſſage, or Court, or any of them, the ſame ſhall be made new, or repaired, by and at the Expence of the ſaid Commiſſioners of Sewers; and the ſame, when ſo made new or repaired, ſhall be laid down in ſuch Manner as ſhall be directed by the Surveyor to the Commiſſioners for putting this Act in Execution.

Commiſſioners of Sewers to make and repair Grates.

XXXIV. And be it further enacted, That when and ſo often as any Sewer or Drain, which is or ſhall be under the Direction of the Commiſſioners of Sewers, ſituate in, or communicating with the ſaid Squares, Yards, Streets, Paſſage, and Court, or any of them, ſhall require to be repaired, cleanſed, or emptied, the ſaid Commiſſioners of Sewers ſhall, from Time to Time, repair, cleanſe, and empty the ſame.

To repair, empty, and cleanſe old Drains.

XXXV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners appointed by this Act, or any Three or more of them, if they ſhall think it neceſſary, to make, or cauſe to be made, any new publick Sewer or Sewers, or pub-

New Sewers and Grates ſhall be made by Commiſſioners for paving, at their own Expence, and afterwards cleanſed and repaired by Commiſſioners of Sewers.

lick Drain or Drains, to communicate with the ſaid Squares, Yards, Streets, Paſſage, and Court, or any of them, and alſo any new Grate or Grates over ſuch Sewer or Sewers, Drain or Drains, and to cauſe the ſame to be placed in ſuch Manner as the Surveyor to the ſaid Commiſſioners ſhall think proper; and the Expence attending the making ſuch new Sewer or Sewers, Drain or Drains, and Grate or Grates, ſhall be paid out of the Monies ariſing by virtue of this Act; and when ſuch Sewer or Sewers, Drain or Drains, Grate or Grates, ſhall be made and completed, the ſame ſhall be under the Care, Management, and Direction of the Commiſſioners of Sewers, in like Manner as the other Sewers now are; and the ſaid Commiſſioners of Sewers ſhall cauſe ſuch Sewer or Sewers, Drain or Drains, to be, from Time to Time, for ever after, repaired, cleanſed, or emptied, and ſuch Grate or Grates to be, from Time to Time, made new, or repaired, as Occaſion may require.

The Clerk of the Commiſſioners of Pavement to give Notice to the Clerk of the Commiſſioners of Sewers to ſummon the ſaid Commiſſioners.

XXXVI. And be it further enacted, That when, and ſo often as it ſhall be neceſſary for the ſaid Commiſſioners of Sewers to do and perform any of the ſeveral Works hereinbefore directed to be done by them, the Clerk to the ſaid Commiſſioners appointed by this Act ſhall give Notice thereof in Writing to the Clerk to the Commiſſioners of Sewers, who ſhall thereupon forthwith ſummon the ſaid Commiſſioners of Sewers to meet, to take the Premiſes into Conſideration, which they are hereby authoriſed and required to do; and, at the ſame Meeting, or at any adjourned or other Meeting, to exerciſe the ſeveral Powers and Authorities with which they are or ſhall be inveſted: And in caſe the ſaid Commiſſioners of Sewers ſhall neglect or refuſe to meet by the Space of Seven Days next after ſuch Notice given, or, being met, ſhall refuſe or neglect, for the Space of Ten Days then next, to ſend out a Jury to view the Place where ſuch Work is thought neceſſary to be done; or if ſuch Jury ſhall refuſe or neglect to take ſuch View, and make their Preſentment thereupon; or in caſe the ſaid Commiſſioners of Sewers ſhall, by the Space of Twenty Days next after ſuch Preſentment made, neglect or refuſe to cauſe the ſaid Works to be done, if ſuch Jury ſhall return or report the ſame neceſſary, and the ſaid Works can be done and finiſhed within that Time; that then it ſhall and may be lawful to and for the ſaid Commiſſioners appointed by this Act, or any Three or more of them, to cauſe ſuch Works to be done and finiſhed, the Charges and Expences whereof ſhall be paid by the Commiſſioners for putting this Act in Execution, who ſhall be reimburſed the ſame by the Clerk or Treaſurer for the Time being to the ſaid Commiſſioners of Sewers: And in caſe the ſaid Clerk or Treaſurer to the ſaid Commiſſioners of Sewers ſhall neglect or refuſe to pay what ſhall have been ſo paid and diſburſed within Sixty Days next after Notice thereof for that Purpoſe ſhall be left at the Dwelling-houſe or Place of Abode of ſuch Clerk or Treaſurer, which Notice ſhall be in Writing, and ſigned by the Clerk to the Commiſſioners for putting this Act in Execution, and annexed to the Bill containing an Account of ſuch Charges and Expences, it ſhall and may be lawful to and for the ſaid Commiſſioners appointed by this Act, or any Three or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name of their Clerk, againſt ſuch Clerk or Treaſurer to the ſaid Commiſſioners of Sewers, for the Recovery of ſuch Sum or Sums of Money as the ſaid Commiſſioners for putting this Act in Execution, or any Three or more of them, ſhall have ſo expended for any of the Purpoſes aforeſaid; in which Action or Actions no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Streets to be watered.

XXXVII. And be it further enacted, That the ſaid Commiſſioners, or any Three or more of them, ſhall have full Power and Authority to cauſe the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, to be watered as often as they ſhall think fit; and alſo to cauſe any Well or Wells to be dug and ſunk in ſuch Places as they ſhall think proper; and alſo any Pump or Pumps to be erected in or near ſuch Places, and alſo any Pump or Pumps now ſtanding in any of the ſaid Streets, Squares, Yards, Paſſage, and Court, and the Paſſages therein, or leading thereunto, to be removed or altered, and to defray the Expences thereof out of the Monies to be raiſed by virtue of and for the Purpoſes of this Act.

Foot-paths to be kept every Day (except *Sunday*) between the Hours of Six and Nine.

XXXVIII. And be it further enacted, That every Occupier of any Houſe or Tenement within the ſaid Squares, Yards, Streets, Paſſage, and Court, or the Paſſages therein, or leading thereunto, ſhall, from and after One Week from the paſſing of this Act, ſweep and clean, or cauſe to be ſwept and cleanſed, the Foot-paths before their reſpective Houſes, Buildings, and Walls, Once in every Day, between the Hours of Six and Nine of the Clock in the Forenoon, (Sundays excepted), upon Pain of forfeiting, for every Neglect therein, the Sum of Five Shillings.

No Waggon ſhall ſtand acroſs the Street longer than for loading and unloading; nor any Coach, Chariot, Goods, &c.

XXXIX. And, for the more ſpeedy Removal of ſundry Nuiſances and Obſtructions in the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, be it further enacted, That if any Cart, Waggon, Dray, or other Carriage, ſhall be ſuffered to ſtand or continue in any Part of any ſuch Squares, Yards, Streets, Paſſage, and Court, or the Paſſages therein, or leading thereunto, longer than is neceſſary for the loading or unloading thereof; or if any Coach, Chariot, or other Carriage, or any Goods, Materials, or Things whatſoever, ſhall ſtand, be placed, laid, and left, in any of the ſaid Squares, Yards, Streets, Paſſage, and Court, or the Paſſages therein, or leading thereunto, ſo as to obſtruct the free Paſſage thereof; then, and in every ſuch Caſe, any One or more of the ſaid Commiſſioners, or any One or more of their Officers, ſhall and may ſeize, or cauſe to be ſeized, the Cart, Waggon, Dray, Coach, Chariot, or other Carriage, ſo placed, or ſuffered to ſtand or continue, contrary to the true Intent and Meaning of this Act, together with the Horſe or Horſes thereunto belonging, or the Goods, Materials, or Things, ſo laid or placed, and left, as aforeſaid, and remove the ſame, or cauſe the ſame to be removed, to ſuch Place or Places as by the ſaid Commiſſioners, or any Three or more of them, ſhall be appointed for that Purpoſe, in the Nature of a common Pound, there to be kept, until the Owner or Owners thereof, or his, her, or their known Servant or Servants, or other Perſon authoriſed by him, her, or them, ſhall and do claim the ſame, and pay to the Perſon or Perſons in whoſe Cuſtody the ſame ſhall then be the Sum of Ten Shillings, together with the Charges of removing and keeping the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Sum of Ten Shillings and Charges paid, within the Space of Five Days next after ſuch Seizure, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, to cauſe the ſame to be ſold, and, after deducting the ſaid Sum of Ten Shillings, and the Charges of removing and keeping, appraiſing and ſelling, the ſame, the Overplus ſhall be paid to the Owner or Owners thereof, upon Demand.

Penalty on obſtructing Foot-paths.

XL. And be it further enacted, That if any Perſon or Perſons ſhall lead, run, ride, drive, or cauſe to be run, driven, or drawn, any Horſe, Mule, or other Beaſt, or any Coach, Chariot, Cart, or Wheel or Wheels, Sledge, Truck, Caſk, Wheelbarrow, or any other Carriage whatſoever, on any Part of the Foot-pavements of any of the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, every ſuch Perſon or Perſons ſhall forfeit, for the Firſt Offence, the Sum of Ten Shillings, for the Second Offence the Sum of Twenty Shillings, and for the Third and every other Offence the Sum of Forty Shillings.

Incloſures may be made for the Purpoſe of building.

XLI. Provided always, and be it further enacted, That any Perſon or Perſons ſhall and may erect or ſet up, or cauſe to be erected and ſet up, in the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, or any of them, any Incloſure, Poſts, Bars, or Rails, or other Matters or Things, for the Purpoſes of making Mortar, and depoſiting Bricks, Lime, or other Materials, for building or repairing any Houſes, Buildings, or other Works, every ſuch Perſon or Perſons, firſt obtaining Leave under the Hand of the Surveyor or Clerk for the Time being of the ſaid Commiſſioners, which he is hereby impowered to give, by their Permiſſion, ſigned by Two or more of them; but if any Perſon or Perſons ſhall erect or ſet up, or cauſe to be erected or ſet up, any ſuch Incloſures, Poſts, Bars, or Rails, or any other Matter or Thing for the Purpoſes aforeſaid, without ſuch Leave firſt had and obtained, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Shillings, for every Hour ſuch Incloſure, Matter, or Thing, as aforeſaid, ſhall remain and continue.

Houſes to be numbered, and Names of Streets painted.

XLII. And be it further enacted, That the ſaid Commiſſioners, or any Three or more of them, may order and direct the Houſes or other Buildings within the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, or any of them, to be numbered with Figures placed or painted on the Doors thereof, or on ſuch other Part of the ſaid Houſes and Buildings reſpectively, as they the ſaid Commiſſioners, or any Three or more of them, ſhall think proper; and alſo may order and direct to be engraved, painted, or otherwiſe deſcribed, on a conſpicuous Part of ſome Houſe or other Building, at or near the End or Corner of each of the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, the Names by which ſuch reſpective Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, is uſually, or properly called or known:

Penalty on Perſons defacing Names, &c.

And if any Perſon or Perſons ſhall wilfully or maliciouſly deſtroy, injure, obliterate, or deface any ſuch Number, Figure, or Name, or any Deſcription, or any Part thereof, or cauſe and procure the ſame to be done, and ſhall be convicted thereof, by his, her, or their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, before One or more Juſtice or Juſtices of the Peace, acting in and for the County, Liberty, or Place, where ſuch Offence ſhall be committed, every ſuch Perſon or Perſons ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

Signs to be removed, and placed on the Fronts of the Houſes, &c.

XLIII. And be it further enacted, That, from and after the paſſing of this Act, the ſaid Commiſſioners, or any Three or more of them, ſhall and may cauſe all Signs, or other Emblems, to denote the Trade or Calling of any Perſon or Perſons, which then, or at any Time after, ſhall be placed or hung in any Part of the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, to be fixed or placed on the Fronts of ſuch Houſes, Shops, Warehouſes, or Buildings reſpectively, whereunto the ſame ſhall belong: And alſo ſhall and may cauſe all Sign-poſts, Sign-irons, Poſts, Boards, Spouts, Gutters, Pent-houſes, Sheds, Rails, Butchers Gallowſes, or other Things, occaſioning any Obſtruction, Nuiſance, or Annoyance, in the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, to be taken down, removed, or altered, in ſuch Manner as the ſaid Commiſſioners, or any Three or more of them, ſhall think moſt proper and convenient;

All future Signs to be placed on the Fronts of the Houſes, &c.

and that, for the future, all Signs, Emblems, Boards, Spouts, or Gutters, ſhall be placed or fixed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong, as the ſaid Commiſſioners, or any Three or more of them, ſhall direct, and not otherwiſe: And if any Perſon or Perſons ſhall at any Time hereafter hang, place, erect, or build, any Sign, Sign-poſt, or Sign-iron, Board, Spout, or Gutter, Shed, or Rail, or cauſe the ſame to be done in any other Manner than as aforeſaid; or ſhall in any Manner occaſion any Obſtruction, Incroachment, Nuiſance, or Annoyance, in the ſaid Squares, Yards, Streets, Paſſage, and Court, or the Paſſages therein, or leading thereunto; every ſuch Perſon or Perſons ſhall, for the Firſt Offence, forfeit and pay the Sum of Five Pounds, for the Second Offence the Sum of Ten Pounds, and for the Third and every other Offence the Sum of Twenty Pounds, together with all Coſts, Charges, and Expences, which ſhall be paid or laid out by the ſaid Commiſſioners for removing or altering the ſame; ſuch Coſts, Charges, and Expences, to be recovered by Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, or in the Court of Requeſts for the Liberty of the Tower Hamlets.

Unuſed Sign-irons, *&c.* to be returned.

XLIV. Provided always, and be it further enacted, That if any Sign, Sign-iron, or Poſt, Board, Gutter, Spout, Penthouſe, or other Projection, or any Part thereof, ſhall remain unuſed after the Alteration made thereto as before directed, the ſame ſhall be returned to, and be the Property of, the Perſon to whom the ſame belonged before ſuch Removal or Alteration.

Buildings projecting out may be removed.

Where Perſons refuſe to treat, *&c.*

Witneſſes to be ſummoned and examined upon Oath.

Jury to aſſeſs the Damage and Recompence.

Verdict of the Jury to be final.

XLV. And whereas it will tend to the publick Convenience, if all Buildings, Erections, Shops, Sheds, Annoyances, and Obſtructions, projecting into, upon, or adjoining to the ſaid Squares, Yards, Streets, Paſſage, and Court, or any or either of them, or the Paſſages therein, or leading thereto, were taken down, removed, or altered; be it further enacted, That if any Perſon or Perſons whomſoever, in any-wiſe intereſted in any of the ſaid Premiſes, upon Ten Days Notice to him, her, or them given, or left in Writing, and ſigned by the ſaid Commiſſioners, or any Three or more of them, at the Houſe or Houſes, Place or Places of Abode, of ſuch Perſon or Perſons, or at the Houſe, Shop, Shed, or other Place of Abode, of the Tenant in Poſſeſſion of ſuch Premiſes, ſhall neglect or refuſe to treat, or ſhall not agree for the Sale of any ſuch Premiſes, or any Part or Parts thereof, or for their Intereſt therein; then, and in every ſuch Caſe, the ſaid Commiſſioners, or any Three or more of them, ſhall cauſe the Value of the Premiſes to be enquired into, and aſcertained, by and on the Oath of a Jury of Twelve indifferent Men of the County of Middleſex, (which Oath the ſaid Commiſſioners, or any Two or more of them, are hereby impowered and required to adminiſter), and what Damages will be ſuſtained by, and what Recompence and Satiſfaction ſhall be made to ſuch Owners, Occupiers, or Proprietors, or other Perſon or Perſons intereſted in the Premiſes before mentioned, or any Part or Parts thereof, which the ſaid Commiſſioners, or any Three or more of them, ſhall think proper to be pulled down, altered, or removed, for their reſpective Intereſts therein; and, in order thereunto, the ſaid Commiſſioners, or any Three or more of them, are hereby impowered and required, from Time to Time, as they ſhall ſee Occaſion, to ſummon and call before the ſaid Jury, and to examine upon Oath, all ſuch Perſon or Perſons who ſhall be thought neceſſary or proper to be examined as Witneſſes touching or concerning the Premiſes, which Oath the ſaid Commiſſioners, or any Two or more of them, are hereby impowered and required to adminiſter: And if any of the Parties intereſted ſhall requeſt the ſame, or the ſaid Commiſſioners, or any Three or more of them, ſhall think it neceſſary, ſhall alſo cauſe the ſaid Jury to view the Place or Places in Queſtion, and ſhall uſe all other Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſes, in ſuch Manner as the ſaid Commiſſioners, or any Three or more of them, ſhall think fit: And after the ſaid Jury ſhall have ſo enquired of, aſcertained, and ſettled ſuch Damages and Recompence, they the ſaid Commiſſioners, or any Three or more of them, ſhall thereupon order and adjudge the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury for ſuch Premiſes as aforeſaid, to be paid to the Perſon or Perſons intereſted in the Premiſes, or any Part or Parts thereof, according to the Verdict and Inquiſition; and the Order and Adjudication ſo had and made ſhall be final and concluſive to all Intents and Purpoſes, againſt all Bodies Politick, Corporate, or Collegiate, and againſt all Parties and Perſons whomſoever, claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs, Executors, or Adminiſtrators, and Succeſſors reſpectively, as well abſent as preſent, Infants, Femes-covert, Lunaticks, Idiots, and Perſons under any Diſability whatſoever, as well as all other Perſon and Perſons whomſoever, and all and every Body or Bodies, Perſon or Perſons, in any-wiſe intereſted in the Premiſes, or in any Part and Parts thereof, ſhall, from and after Tender or Payment of the Money ſo aſſeſſed and adjudged as aforeſaid, in Manner hereafter directed, be hereby, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, or Property of, in, or to the ſame; and the ſame ſhall and are hereby veſted in the Commiſſioners appointed, or to be appointed, by virtue of this Act, for the Purpoſes of this Act.

Money awarded for the Premiſes ſettled to like Uſes.

XLVI. And be it further enacted, That if any Perſon ſhall be intitled, either in Reverſion or Remainder, to any ſuch Premiſes, the Money ſo awarded by a Jury as a Satiſfaction ſhall be ſettled to the ſame Uſes as the Premiſes were, unleſs ſuch Perſon ſo intereſted ſhall conſent to give up ſuch reverſionary Intereſt.

Sheriffs, *&c.* to ſummon a Jury.

XLVII. And be it further enacted, That, for the ſummoning and returning of ſuch Jury or Juries, the ſaid Commiſſioners, or any Three or more of them, are hereby impowered, from Time to Time, to iſſue their Warrant or Warrants to the Sheriff of the ſaid County of Middleſex, notwithſtanding the ſaid Place in which the ſaid Premiſes ſhall be ſituate ſhall be within any Liberty or Royalty, thereby requiring him or them to impanel, ſummon, and return, an indifferent Jury of Twenty-four Perſons, to appear before the ſaid Commiſſioners, or any Three or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; of which Time and Place all Parties intereſted ſhall have Ten Days Notice in Writing, to be left at the Houſe or Houſes, Place or Places of Abode, of ſuch Perſon or Perſons, or at the Houſe, Shop, Shed, or other Place of Abode, of the Tenant in Poſſeſſion of the Premiſes; and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required and impowered to impanel, ſummon, and return, ſuch Twenty-four Perſons accordingly, out of the County at large; and, out of the Perſons ſo impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear according to or upon ſuch Summons, the ſaid Commiſſioners, or any Three or more of them, ſhall cauſe to be drawn, in ſuch Manner as Juries for Trial of Iſſues in any of His Majeſty's Courts of Record at Weſtminſter, by an Act made in the Third Year of the Reign of King George the Second, intituled, An Act for the better Regulation of Juries, are directed to be drawn, Twelve Perſons, and ſhall cauſe the ſaid Twelve Perſons to be ſworn, who ſhall be the Jury for the Purpoſes aforeſaid: And for Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return ſo many of the Standers-by as ſhall be neceſſary to make up the Number of Twelve to ſerve on ſuch Jury.

XLVIII. Provided always, That in caſe the ſaid Sum or Sums to be aſſeſſed by the ſaid Jury, and ordered and adjudged by the ſaid Commiſſioners, or any Three or more of them, to be paid as a Satiſfaction to the Owners, Occupiers, or others, for their reſpective Intereſts in the ſaid Premiſes, ſhall not be paid, tendered, or left, as herein mentioned, according to the true Intent and Meaning of this Act, within One Calendar Month after the ſame ſhall have been ſo aſſeſſed, ordered, and adjudged; then, and in ſuch Caſe, the Verdict of the ſaid Jury, and Order and Adjudication of the ſaid Commiſſioners, or any Three or more of them, ſhall not be binding upon the ſaid Parties; any Thing herein contained to the Contrary notwithſtanding.

Unleſs Satiſfaction be made within a Month, Verdict not binding.

XLIX. Provided always, and be it enacted, That all Perſons concerned ſhall, from Time to Time, have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn, but ſhall not be at Liberty to challenge the Array: And the ſaid Commiſſioners, or any Three or more of them, acting in the Premiſes, ſhall have Power, from Time to Time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, or his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premiſes; and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or ſhall refuſe to be ſworn on ſuch Jury, or to give their Verdict, or in any Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons who, being required to give Evidence touching the Premiſes, ſhall refuſe to be examined or give Evidence; and, from Time to Time, to levy ſuch Fine or Fines, in ſuch Manner as any Penalties in this Act are directed to be levied and recovered, ſo that no Fine ſhall exceed the Sum of Ten Pounds upon any One Perſon for any One Offence.

Jurors may be challenged.

Penalty on Sheriffs, &c. making Default.

Fine not to exceed 10 *l.*

L. And be it further enacted, That in caſe ſuch Perſon or Perſons to whom ſuch Sums of Money ſhall be ſo aſſeſſed, or due, as aforeſaid, cannot be found within Three Weeks from the Time of making ſuch Adjudication; or if by reaſon of Diſputes depending in any Court of Law or Equity, or for Default of Evidence, or otherwiſe, it ſhall not appear to the ſaid Commiſſioners, or any Three or more of them, what Perſon or Perſons is or are intitled to the ſame; or if any Mortgagee or Mortgagees cannot be found as aforeſaid, or ſhall refuſe to take in his, her, or their Mortgage-money, due upon the Premiſes, after Notice given to him, her, or them, for that Purpoſe; then, and in all and every ſuch Caſe or Caſes, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, to order the Sum or Sums ſo aſſeſſed and awarded as aforeſaid, or as ſhall be due on any ſuch Mortgage, to be paid into the Bank of England, in the Name or Names ex parte of the Treaſurer or Treaſurers to the ſaid Commiſſioners for the Time being, for the Uſe of the Parties intereſted in the ſaid Premiſes, to be paid to them, and every of them, according to their reſpective Eſtates and Intereſts in the ſaid Premiſes, as the ſaid Commiſſioners, or any Three or more of them, ſhall, by any Order to be by them made, direct.

In caſe of Diſputes, &c. Monies to be paid into the Bank.

LI. And whereas the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, are in ſome Parts thereof greatly obſtructed, and made dangerous to Foot Paſſengers, by Steps or Slopes being brought out from Houſes, and by Steps and Doors going down into Cellars, Vaults, or other Places, and by Shew-glaſſes, Shew-boards, and other Matters or Things projecting from Shops or Houſes, over and beyond the Area belonging to ſuch Houſes, or into the Foot-ways; be it therefore further enacted, That from and after the paſſing of this Act, all ſuch Steps or Slopes projecting into the Foot-ways of the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto; and all Steps and Doors going down out of the Foot-ways into any Cellars, Vaults, or other Places, belonging to any Houſe, Warehouſe, Shop, Cellar, or other Building, which do or ſhall cauſe or occaſion any Nuiſance, Annoyance, Incroachment, or Obſtruction, in the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, or any of them, (either in the Foot or Carriage Way thereof), ſhall be, at the Expence of the ſaid Commiſſioners, from Time to Time, removed, fixed, placed, or altered, in ſuch Manner and Form as ſhall be approved of by the ſaid Commiſſioners, or any Three or more of them, or by their Surveyor.

Steps, &c. to be removed.

LII. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall come with any Cart or Carts, or begin to empty any Boghouſe or Boghouſes, Ceſspool or Ceſspools, or to take away any Night-ſoil from any Houſe or Houſes within any of the ſaid Squares, Yards, Streets, Paſſage, and Court, before the Hours of Eleven of the Clock in the Night, or ſhall continue to take away the ſame after the Hour of Six of the Clock in the Morning, from Michaelmas to Lady-day, or after the Hour of Five of the Clock in the Morning from Lady-day to Michaelmas; or if any Perſon ſhall put or caſt, or cauſe to be put or caſt, out of any Cart, Tub, or otherwiſe, in or near any of the Squares, Streets, Paſſage, and Court, any ſuch Night-ſoil; it ſhall and may be lawful to and for any of the ſaid Watchmen to be appointed by the ſaid Commiſſioners, (and they are hereby ſtrictly required and directed ſo to do), or any other Perſon or Perſons whomſoever, to apprehend and carry him or them, guilty of either of the ſaid Offences, to the Watch-houſe of the ſaid Pariſh, and from thence, as ſoon as conveniently may be, before ſome Juſtice of the Peace for the County, Liberty, or Place, where the ſame ſhall happen, who, upon Oath made of ſuch Offence or Offences as aforeſaid, (which Oath ſuch Juſtice is hereby impowered and required to adminiſter), ſhall and may fine ſuch Perſon or Perſons ſo offending in any Sum not exceeding the Sum of Five Pounds, and not leſs than the Sum of Forty Shillings; and, in Default of immediate Payment thereof, ſhall and may commit ſuch Perſon or Perſons, guilty of any of the ſaid Offences, to the common Gaol for the ſaid County, Liberty, or Place, for any Time not exceeding One Month, nor leſs than Five Days, there to be kept to hard Labour; and it ſhall and may be lawful to and for the ſaid Commiſſioners, at any Meeting to be held in purſuance of this Act, to order any Sum, not exceeding Ten Shillings, nor leſs than Two Shillings and Sixpence, to be paid to the Perſon who ſhall detect, apprehend, and con-

Time of emptying Boghouſes.

Penalty for Offences.

vey before any ſuch Juſtice or Juſtices of the Peace, any ſuch Perſon or Perſons, guilty as aforeſaid, to be paid out of the Fine hereby before inflicted; or, in caſe the Offender ſhall be committed, out of the Rates to be raiſed by virtue of this Act.

Inhabitants to give Notice to Surveyors when Pavements want any Repairs.

LIII. And be it further enacted, That when and as ſoon as any of the ſaid Squares, Yards, Streets, Paſſage, and Court, ſhall actually be repaved, relayed, or repaired, by the ſaid Commiſſioners, by virtue of this Act, if any Houſeholder or Houſeholders ſhall make Complaint in Writing, under his, her, or their Hand or Hands, and ſhall leave the ſame at the laſt or uſual Place of Abode of the Surveyor or Surveyors, Clerk or Clerks to the ſaid Commiſſioners, of any Defect or want of Repair in any of the Pavements of the ſaid Squares, Yards, Streets, Paſſage, and Court; then, and in every ſuch Caſe, the ſaid Surveyor or Surveyors ſhall view the ſaid Pavement, and report the Condition thereof to the ſaid Commiſſioners, at their next Meeting; and if the ſaid Surveyor or Surveyors, to whom ſuch Notice ſhall be given, or left as aforeſaid, ſhall, upon ſuch View, find the Pavement complained of to be bad and defective, (unleſs it ſhall appear to ariſe from a Defect relating to the Water-pipes lying under ſuch Pavement), the ſaid Commiſſioners, or any Three or more of them, ſhall give Order to their Contractor or Contractors, Pavior or Paviors, to repair the ſame, within ſuch Time as they ſhall judge neceſſary for the Repair thereof, which Time ſhall be ſpecified in ſuch Order; and if the Contractor or Contractors, Pavior or Paviors, to whom ſuch Order ſhall be given, ſhall not repair and amend ſuch Pavement within ſuch Time as he or they ſhall be directed by the ſaid Commiſſioners to repair and amend the ſame, then, and in every ſuch Caſe, the ſaid Contractor or Contractors, Pavior or Paviors, ſhall forfeit and pay the Sum of Twenty Shillings for every Day that the ſaid defective Pavement ſhall remain unrepaired, after the Time limited by the ſaid Commiſſioners, in their ſaid Order: And One Half of every ſuch Penalty ſhall be applied and paid to ſuch complaining Inhabitants for his or her Loſs of Time and Trouble in and about the Premiſes, and the other Half of ſuch Penalty for defraying the Charges and Expences attending the Execution of the ſeveral Powers by this Act granted.

Aſſeſſments to be made yearly,

LIV. And be it further enacted, That, from and after the paſſing of this Act, a Rate, or Aſſeſſment, (over and above all Rates and Aſſeſſments now payable), ſhall, Once in every Year, or oftener, if it ſhall be thought needful by the ſaid Commiſſioners, or any Five or more of them, be made, laid, charged, and aſſeſſed by the ſaid Commiſſioners, or any Five or more of them, upon all and every Perſon or Perſons, Bodies Politick or Corporate, who do or ſhall inhabit, hold, occupy, poſſeſs, or enjoy, any Land, Houſe, Shop, Warehouſe, Cellar, Vault, or other Tenement or Hereditament, within any of the ſaid Squares, Yards, Streets, Paſſage, or Court, for raiſing ſuch competent Sum and Sums of Money as the ſaid Commiſſioners, or any Five or more of them, ſhall, from Time to Time, think needful and direct, ſo as ſuch Rate or Aſſeſſment, Rates or Aſſeſſments, do not in any One Year exceed, in the Whole, the Sum of Three Shillings in the Pound of the yearly Rents, or yearly Value of ſuch of the ſaid Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements or Hereditaments reſpectively, as ſhall be ſituate in any of the ſaid Squares, Yards, Streets, Paſſage, and Court.

Perſons charged by this Act for Rates, not to be otherwiſe charged.

LV. And be it further enacted, That all and every Perſon or Perſons charged to the Rates or Aſſeſſments to be made by virtue of this Act, ſhall not be charged or chargeable to any other Rate or Aſſeſſment whatſoever, made or to be made, for paving, repairing, cleanſing, lighting, or watching the ſaid Squares, Yards, Streets, Paſſage, or Court, or the Paſſages therein, or leading thereunto, or any of them.

Corner or adjoining Houſes, how to be rated.

LVI. And whereas ſeveral Houſes, Warehouſes, Shops, or other Buildings, in the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, are partly ſituate within the ſame, and are partly ſituate in, or do adjoin to, or abutt upon, other Streets, Lanes, Ways, or Paſſages, which are not within or Part of the aforeſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, intended to be paved, cleanſed, lighted, and watched, by virtue or in purſuance of this Act, and ſuch Houſes, or Warehouſes, Shops, or other Buildings, are, or may be obliged to contribute to the paving, cleanſing, lighting, or watching ſuch other Streets, Lanes, Ways, or Paſſages, or are, or may be ſubject to be rated and taxed towards paving or repairing, cleanſing, lighting, or watching, ſuch other Streets, Lanes, Ways, or Paſſages, in which the ſame are partly ſituate, or do thereto adjoin or abutt; be it therefore further enacted, That ſuch Houſes, Warehouſes, Shops, or other Buildings, ſhall be only rated and taxed for the Purpoſe in this Act at ſuch Sum and Sums of Money as the ſaid Commiſſioners, or any Five or more of them, ſhall think reaſonable, not exceeding One-fourth of the Rate they would have been rated and taxed at, if ſuch Houſes, Warehouſes, Shops, or other Buildings, had ſtood wholly within the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, intended to be paved or repaired by virtue of this Act.

Commiſſioners impowered to compound with Perſons, for not leſs than half the Rates.

LVII. And whereas it may be reaſonable to excuſe ſome Perſons from the Payment of the aforeſaid Rates or Aſſeſſments, in Part, on account of their Poverty; for Relief therefore in ſuch Caſe, be it further enacted and declared, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, and they are hereby authoriſed and impowered to grant to ſuch Perſon or Perſons ſuch Relief, in the Payment of the ſaid Rate or Aſſeſſment, as they the ſaid Commiſſioners, or any Five or more of them, ſhall think proper, ſo as the Reduction doth not exceed One Half of the Rate or Aſſeſſment to be made by virtue of this Act.

Houſes let in Tenements, how to be rated.

LVIII. And whereas many Houſes within the ſaid Squares, Yards, Streets, Paſſage, and Court, are, by the ſeveral Owners and Proprietors thereof, let out in Lodgings and Tenements to divers Tenants, whereby it will be difficult to rate or aſſeſs the ſaid Tenants in reſpect of ſuch Houſes, or to recover ſuch Rates and Aſſeſſments when made; for Remedy whereof, be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to rate and aſſeſs the Owner or Owners, Proprietor or Proprietors,

prietors, of ſuch Houſes or Tenements as ſhall be let to, or occupied by, Two or more Tenants; which Rate or Aſſeſſment ſhall be paid by the Occupier or Occupiers of any Part or Parts of ſuch Houſes and Tenements, and the Occupier or Occupiers of ſuch Houſes or Tenements is and are hereby authoriſed and required to pay ſuch Sum and Sums of Money as ſhall be ſo rated or aſſeſſed upon the Owner or Owners, Proprietor or Proprietors thereof, the ſame being duly demanded of ſuch Occupier or Occupiers, and to deduct the ſame out of his, her, or their reſpective Rents; and the Owner or Owners, Proprietor or Proprietors, of ſuch Houſes or Tenements, is and are hereby directed and required to allow ſuch Deductions and Payments, upon the Receipt of the Reſidue of his, her, or their Rents; and every ſuch Occupier, paying ſuch Aſſeſſment or Aſſeſſments, ſhall be acquitted and diſcharged of and from ſo much of his or her Rent as the ſaid Aſſeſſment or Aſſeſſments ſo paid by him or her ſhall amount unto, as if the ſame had been actually paid to the Perſon or Perſons to whom his or her Rent ſhall be due and payable; and, in Default of Payment of the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, the ſame ſhall be and remain a Charge upon the ſaid Premiſes, and ſhall and may be recovered of and from the Owner or Owners, Proprietor or Proprietors thereof, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or in the Court for the Recovery of ſmall Debts within the Tower Hamlets, to be commenced and proſecuted by and in the Name or Names of any Two or more of the ſaid Commiſſioners, or of the Collector or Collectors to be appointed by virtue of this Act; in which Action or Suit no Protection, Eſſoin, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Power to compound.

LIX. Provided always, and be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, to compound with the Owner or Owners, Proprietor or Proprietors, of any ſuch Houſes or Tenements, the annual Rent or Value whereof ſhall be under Ten Pounds, for the Rate by this Act authoriſed to be laid upon ſuch Houſes or Tenements, ſo as in ſuch Compoſition there be not remitted to any ſuch Owner or Owners, Proprietor or Proprietors reſpectively, more than One-third of the Rate or Aſſeſſment by this Act laid upon ſuch Houſes or Tenements reſpectively.

Publick Buildings, *etc.* to be rated.

LX. And, foraſmuch as it is reaſonable that all publick Buildings, Warehouſes, and all dead Walls, and void Spaces of Ground, within or adjoining to the ſaid Squares, Yards, Streets, Paſſage, and Court, or the Paſſages therein, or leading thereunto, ſhould be rated and aſſeſſed in due Proportion, towards the paving, cleanſing, lighting, and watching, the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto; be it therefore further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, and they are hereby required, to Rate and aſſeſs all Houſes, Church-yards, Chapels, Warehouſes, and other publick Buildings whatſoever; and all dead Walls, and void Spaces of Ground, within the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, or any of them, at ſuch Rate as the ſaid Commiſſioners, or any Five or more of them, ſhall judge reaſonable for every ſquare Yard of ſuch Churches, Church-yards, Chapels, Warehouſes, and publick Buildings, and all dead Walls, and void Spaces of Ground, not exceeding the Rate of Sixpence in the Pound, for every ſquare Yard of Pavement belonging to every ſuch Church, Church-yard, Chapel, Warehouſes, publick Buildings, and void Spaces of Ground; and ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſo to be from Time to Time made upon any Church, Church-yard, or Chapel, ſhall be paid by the reſpective Church or Chapel-wardens; and ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſo to be from Time to Time made upon any Warehouſes, publick Buildings, or upon any dead Wall, or void Spaces of Ground, ſhall be paid by the reſpective Owner or Owners, Proprietor or Proprietors thereof.

Untenanted Houſes to be rated.

LXI. And be it further enacted, That if it ſhall happen that any of the Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements, within the ſaid Squares, Yards, Streets, Paſſage, and Court, ſhall, at the Time of making any of the ſaid Rates or Aſſeſſments, be empty, untenanted, or unoccupied; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to rate and aſſeſs the ſaid Premiſes, and in ſuch Caſe, as well as in caſe the ſaid Premiſes ſhall, after the making of ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, become empty, untenanted, or unoccupied, One-third of ſuch Rate or Aſſeſſment ſhall be a Charge on ſuch Premiſes reſpectively, and be paid by the firſt Tenant or Occupier thereof, who ſhall and may, and is hereby authoriſed to deduct and retain the ſame out of his, her, or their Rents, and the Landlord or Landlords, Owner or Owners, of ſuch Premiſes, is and are hereby required to allow ſuch Deduction and Abatement upon the Receipt of the Reſidue of his, her, or their reſpective Rents; and the Tenant or Occupier ſhall be, and is hereby acquitted and diſcharged of and from ſo much of his or her Rent as the Rate or Aſſeſſment ſo paid by him or her ſhall amount unto.

Manner of recovering the Rates.

LXII. And be it further enacted and declared, That if any Perſon or Perſons, who ſhall be rated or aſſeſſed by virtue or in purſuance of this Act, ſhall refuſe or neglect to pay the Money ſo rated or aſſeſſed for the Space of Fourteen Days next after the ſame ſhall be due and demanded by the Collector or Collectors authoriſed and appointed to collect and receive the ſame, (ſuch Demand being either perſonally made of the reſpective Perſon or Perſons ſo charged, or left in Writing at his, her, or their reſpective Houſe or Houſes, or Place or Places of Abode); then, and in every ſuch Caſe, it ſhall and may be lawful to and for ſuch Collector or Collectors, every or any of them, having a Warrant under the Hand and Seal of any Juſtice of the Peace for the County of Middleſex, or for the Liberty of His Majeſty's Tower of London, (which Warrant the ſaid Collector and Collectors is and are hereby required to apply for, and the Juſtice ſo applied to is hereby authoriſed and required to grant), with the Aſſiſtance of a Conſtable, or other Peace Officer of the Pariſh where the Perſon or Perſons ſo refuſing or neglecting ſhall reſide, to enter into the Houſe or Houſes, Apartment or Apartments, of the Perſon or Perſons ſo refuſing or neglecting as aforeſaid, and then and there to diſtrain his, her, or their Goods and Chattels; and if the ſame ſhall not be replevied, or ſuch Rate or Aſſeſſment paid, within Five Days next after ſuch Diſtreſs made, together with the Coſts and Charges thereof, then to ſell and diſpoſe of ſo much and ſuch Part of the ſaid Goods and Chattels as ſhall be ſufficient to pay the ſaid Rate or Aſſeſſment, with the Coſts and Charges attending ſuch Diſtreſs and Sale, returning the Overplus (if any) upon Demand, to the Owner or Owners of ſuch Goods or Chattels (the ſaid Coſts and Charges to be ſettled and allowed by ſuch Juſtice who ſhall have granted ſuch Warrant or Warrants reſpectively): And in caſe no ſuch Goods and Chattels can be found to be ſo diſtrained, or in caſe ſuch Goods and Chattels ſhall be locked up, or ſecured, or removed from the ſaid Collector or Collectors, ſo that he or they cannot diſtrain the ſame; then, and in either of the ſaid Caſes, upon Information thereof given to any Juſtice of the Peace acting in and for the ſaid County or Liberty, it ſhall and may be lawful for ſuch Juſtice, and he is hereby required to commit the Perſon or Perſons ſo aſſeſſed, and refuſing or neglecting to pay the ſame Rates, to the common Gaol for the County, Liberty, or Place, where ſuch Perſon or Perſons ſhall reſide, or ſhall be found, there to remain, without Bail or Mainprize, for any Time not exceeding Two Months, or until the Payment of ſuch Rate or Aſſeſſment, and the reaſonable Charges occaſioned by the Nonpayment thereof.

For want of Diſtreſs, or Goods ſecreted, Perſons to be committed.

Occupiers quitting without paying Rates may be followed.

LXIII. And be it further enacted, That when any Perſon or Perſons who ſhall or may be rated or aſſeſſed by virtue of this Act ſhall quit his, her, or their Dwelling-houſe, Warehouſe, Shop, Vault, Cellar, Tenement, or Hereditament, whereupon ſuch Rate or Aſſeſſment ſhall be made, before he, ſhe, or they, ſhall have paid the ſame, and ſhall afterwards refuſe to pay the ſame when due, and demanded by the Perſon or Perſons authoriſed or appointed to collect and receive the ſame; that then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Collector or Collectors, and every or any of them, by Warrant under the Hand and Seal of any One Juſtice of the Peace acting in and for the ſaid County, or for the Liberty of His Majeſty's Tower of London, (which Warrant the ſaid Juſtice is hereby authoriſed and required to grant), to enter into any Place within his Juriſdiction, or out of the Limits thereof, ſuch Warrant being firſt backed or counterſigned by ſome Magiſtrate in the County, City, or Liberty, where the Diſtreſs is to be made, and to diſtrain the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing, and the ſame to ſell and diſpoſe of, rendering the Overplus (if any) upon Demand, to the Owner of ſuch Goods and Chattels, after deducting the reaſonable Charges and Expences of ſuch Diſtreſs.

Penalty on Collectors refuſing to execute the Office.

LXIV. And be it further enacted by the Authority aforeſaid, That in caſe any Perſon who ſhall be appointed to the Office or Duty of Collector of the ſaid Rates and Aſſeſſments, or any Part thereof, being an Inhabitant of the ſaid Squares, Yards, Streets, Paſſage, or Court, or any of them, ſhall refuſe or neglect to take ſuch Office and Duty upon him, within the Space of Ten Days next after ſuch Rate or Aſſeſſment as aforeſaid ſhall be made, and delivered or tendered to him, every Perſon ſo refuſing or neglecting, and alſo every ſuch Perſon who ſhall be negligent in the Performance or Execution of his Duty, ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds.

None liable to ſerve above once in Two Years.

LXV. Provided nevertheleſs, That no Perſon ſhall be obliged to ſerve the ſaid Office of Collector oftener than once in Two Years.

In caſe of Collectors becoming inſolvent, the Monies to be again aſſeſſed.

LXVI. And it is hereby further enacted, That in caſe any Collector of the ſaid Rates or Aſſeſſments ſhall become inſolvent, or ſhall imbezzle or make away with, detain or miſapply, any Sum or Sums of Money ſo collected by him for the Purpoſes aforeſaid, or ſhall die poſſeſſed of any Sum or Sums of Money by him collected by virtue of this Act, or ſo as the ſame cannot be obtained by the Time the ſaid Commiſſioners ſhall ſtand in Need thereof, for the Purpoſes for which the ſame was collected; then, and in every ſuch Caſe, ſuch Sum and Sums of Money ſhall be again rated and aſſeſſed by the ſaid Commiſſioners, or any Five or more of them, in the ſaid Squares, Yards, Streets, Paſſage, or Court, for which ſuch Perſon ſhall have been appointed Collector, in ſuch Proportion and Manner as the Rates are directed to be made by this Act; and ſhall be collected and recovered in ſuch Manner, and under ſuch Penalties, as are herein provided for collecting and recovering the Rates due and payable by this Act.

Agreement between Landlord and Tenant touching the paving, &c. not vacated.

LXVII. Provided always, and be it further enacted, That nothing in this Act contained ſhall be deemed or taken to make void any Contract, Covenant, or Agreement, between Landlord and Tenant, touching and concerning the paving, cleanſing, lighting, or watching of the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, or any Part of them, or any Drain or Watercourſe therein, but that every Perſon who is now, by virtue of any ſuch Contract or Agreement, obliged to pave, cleanſe, or keep in Repair, any Part of the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, or any Part of them, or any Drain or Watercourſe therein, ſhall, in lieu thereof, be obliged to pay the ſaid Rates hereby directed to be made and aſſeſſed, or ſo much thereof as ſhall, by the ſaid Commiſſioners, or any Five or more of them, be deemed juſt and reaſonable, according to the true Meaning of ſuch Contract, Covenant, or Agreement, for and during ſuch Time as ſuch Contract, Covenant, or Agreement, ſhall remain in Force; and in caſe any Diſpute ſhall ariſe concerning ſuch Contract, Covenant, or Agreement, the ſaid Commiſſioners, or any Five or more of them, ſhall have Power, and they are hereby required to hear and finally determine the ſame.

Commiſſioners impowered to borrow Money upon the Credit of the Rates.

LXVIII. And, for the more effectually enabling the ſaid Commiſſioners to execute the Purpoſes of this Act in the moſt expeditious Manner, it is hereby further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, and they are hereby impowered, from Time to Time, when they ſhall judge it neceſſary for the Purpoſes aforeſaid, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding One thouſand Pounds, upon the Credit of the Rates or Aſſeſſments to be made by virtue of this Act, and by any Writing or Writings upon Vellum or Parchment, ſigned by the ſaid Commiſſioners, or any Five or more of them, to aſſign the ſaid Rates and Aſſeſſments, or a competent Part thereof, to any ſuch Perſon or Perſons who ſhall advance or lend ſuch Money thereon, as a Security or Securities for the ſeveral Sums ſo borrowed, with legal or leſs Intereſt for the ſame; which Intereſt ſhall be payable half-yearly, and paid by the ſaid Commiſſioners, or any Five or more of them, out of the Monies to ariſe by or from the Rates or Aſſeſſments to be made by virtue of this Act.

For borrowing Monies by Annuities on Lives.

LXIX. And whereas many Perſons may chuſe to advance Money for the Purchaſe of Annuities, to be ſecured upon and payable out of the ſaid Rates and Aſſeſſments; be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay into the Hands of the ſaid Commiſſioners, or any Five or more of them, or ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, for the Uſes and Purpoſes of this Act, any Sum or Sums of Money, not exceeding in the Whole the Sum of One thouſand Pounds, for the abſolute Purchaſe of One or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of every ſuch Contributor or Contributors reſpectively, or the natural Life of ſuch other Perſon or Perſons as ſhall be nominated by or on Behalf of ſuch Contributor or Contributors reſpectively, at the Time of Payment of his, her, or their reſpective Contribution-money, ſo as the ſaid Annuity or Annuities do not exceed the Rate of Nine Pounds by the Hundred by the Year, and ſo in proportion for any greater or leſſer Sum to be paid as aforeſaid; and ſo as the ſaid Annuities, to be purchaſed in purſuance of this Act, do not, at any Time, exceed in the Whole the Sum of One thouſand Pounds.

If Annuitants die, any Perſons may purchaſe Annuities for their Lives.

LXX. Provided always, and it is hereby further enacted, That the better to enable the Commiſſioners to raiſe Money to pay the Money borrowed on the ſaid Rates, and until the ſaid Sum of One thouſand Pounds, to be borrowed by virtue of this Act, ſhall be fully paid and ſatisfied, that when and as often as any ſuch Annuitant or Annuitants ſhall die, it ſhall and may be lawful for any Perſon or Perſons to purchaſe of the ſaid Commiſſioners, or any Five or more of them, One or more Annuity or Annuities, in the Room of ſuch Annuitant or Annuitants ſo dying, upon the Life of ſuch Perſon or Perſons, upon ſuch Terms and Conditions, and payable in ſuch Manner, as above mentioned, ſo that the Sum or Sums to be contributed for the Purchaſe of any Annuity or Annuities to be granted by virtue of this Act ſhall at no Time exceed the ſaid Sum of One thouſand Pounds.

Annuities charged upon the Rates.

LXXI. And be it further enacted, That all and every Annuity or Annuities ſo to be purchaſed under and by virtue of this Act, ſhall be, and are hereby charged upon, and ſhall be paid and payable, from Time to Time, out of the Monies ariſing by the Rates and Aſſeſſments aforeſaid; and all and every the Contributor and Contributors upon the Credit of this Act, duly paying the Conſideration or Purchaſe Money as aforeſaid, for any ſuch Annuity or Annuities as aforeſaid, or his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall have, receive, and enjoy, and be intitled, by virtue of this Act, to have, receive, and enjoy, the reſpective Annuity or Annuities ſo to be purchaſed out of the ſaid Rates and Aſſeſſments by this Act appointed for Payment thereof, as aforeſaid, during the Term of the natural Life of the Perſon to be nominated by each Purchaſer or Contributor as before mentioned: And that all and every ſuch Purchaſer or Purchaſers, and their Executors, Adminiſtrators, and Aſſigns, ſhall have good, ſure, abſolute, and indefeaſible Eſtates and Intereſts in the Annuity or Annuities ſo by him, her, or them, reſpectively, to be purchaſed, according to the Tenor and true Meaning of this Act: And that none of the ſaid Annuities ſhall now, or hereafter, be ſubject or liable to the Tax charged, or to be charged, upon Land, by Authority of Parliament; and that every Contributor for the Purchaſe of any ſuch Annuity or Annuities as aforeſaid, his, her, or their Aſſigns, upon Payment of the Conſideration or Purchaſe Money, ſhall have a Receipt or Receipts for the ſame; and alſo an Order on Parchment (which may be made without any Stamp) for Payment of the ſaid Annuity or Annuities, for and by Four equal quarterly Payments in every Year, the Firſt of the ſaid Payments to be made at the Expiration of the Firſt Quarter next after Payment of the reſpective Purchaſe-monies; which Order ſhall be ſigned by the ſaid Commiſſioners, or any Five or more of them; and after ſigning thereof, the ſame ſhall be firm, valid, and of good Effect in the Law, according to the true Purport and Meaning of this Act.

Clerk to enter all Securities for Monies borrowed, or Annuities granted.

LXXII. And be it further enacted, That the Clerk to the ſaid Commiſſioners for the Time being ſhall enter in a Book or Books, to be for that Purpoſe provided and kept by the ſaid Commiſſioners, all Securities for Monies borrowed or Annuities granted by virtue or in purſuance of this Act, and all Aſſignments or Transfers thereof, expreſſing, in Words at Length, the Names, Surnames, Additions, Places of Abode, and other Deſcriptions, of all ſuch Perſons as ſhall, from Time to Time, be intitled to ſuch Securities, and the Sums received upon ſuch Securities; and alſo the Name, Surname, Addition, Place of Abode, and other Deſcription of every Perſon for whoſe Life any Annuity ſhall be granted by virtue of this Act, and the Days whereon the ſaid Annuity ſhall be payable, to which Book and Books the Perſon and Perſons intitled to and poſſeſſed of ſuch Annuity, and having lent any Monies as aforeſaid, and all and every the Perſon or Perſons liable to the Payment of the ſaid Rates and Aſſeſſments, ſhall, at all reaſonable Times, have Acceſs, with free Liberty to inſpect the ſame, without Fee or Reward.

Aſſignments may be transferred.

LXXIII. And be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons intitled to any of the Securities aforeſaid, and his, her, or their Executors, Adminiſtrators, or Aſſigns, at any Time or Times, by Writing under his, her, or their Hand or Hands reſpectively, to aſſign or transfer ſuch Securities, by Indorſement on the Back thereof, to any Perſon or Perſons whatſoever, and ſo *toties quoties*; and ſuch Aſſignments or Transfers, after they ſhall reſpectively be entered by the Clerk to the ſaid Commiſſioners, in Manner aforeſaid, which he is hereby required to do without Fee or Reward, ſhall intitle the Perſon or Perſons to whom they ſhall be reſpectively made,

Aſſignments to be entered in a Book.

and his, her, or their reſpective Executors, Adminiſtrators, or Aſſigns, to the Benefit of the Security or Securities ſo aſſigned or transferred.

Money veſted in Commiſſioners.

LXXIV. And be it further enacted, That all Monies raiſed or collected, by virtue, or by means, or under the Authority of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners, and ſhall be applied for the Purpoſes of this Act, and to and for no other Uſe or Purpoſe whatſoever.

Expences of the Act how to be defrayed.

LXXV. Provided always, and be it further enacted, That the Charges and Expences of procuring and paſſing this Act, ſhall be paid out of the Monies which ſhall be raiſed by virtue of this Act.

Penalties and Forfeitures how to be recovered and applied.

LXXVI. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed, (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed), ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Juſtice of the Peace acting in and for the County, Liberty, or Place, where the Offence ſhall be committed; which Warrant ſuch Juſtice is hereby impowered and required to grant, upon the Confeſſion of the Party or Parties, or upon the Information of One or more credible Witneſs or Witneſſes upon Oath; and the Penalties and Forfeitures, when recovered, after rendering the Overplus, (if any be) upon Demand, to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained, (the Charges of ſuch Diſtreſs and Sale being firſt deducted), ſhall be paid to the Clerk or Treaſurer to the ſaid Commiſſioners for the Time being, and be applied towards the Purpoſes of this Act: And in caſe ſufficient Diſtreſs cannot be found, or ſuch Penalties or Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authoriſed and required, by Warrant under his Hand, to cauſe ſuch Offender or Offenders to be committed to the common Gaol of the County where ſuch Offence ſhall be committed, or where ſuch Offender ſhall be convicted thereof, there to remain without Bail or Mainprize for any Time not exceeding Two Months, nor leſs than One Week, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner fully paid and ſatisfied.

Proviſo.

LXXVII. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, from Time to Time, if they ſhall ſee Cauſe, to pay and apply ſuch Part of the ſaid Penalties and Forfeitures thereof as they ſhall think proper, not exceeding One Half thereof, to and for the Uſe of the Informer or Informers; any Thing herein contained to the Contrary thereof notwithſtanding.

Juſtices may adminiſter Oaths.

LXXVIII. And be it further enacted, That, in all Caſes where Cognizance is given to any Juſtice or Juſtices of the Peace by this Act, it ſhall be lawful for ſuch Juſtice or Juſtices to adminiſter an Oath to any Perſon, for his or their more certain Information in the Matter then depending.

Juſtices may act although Commiſſioners.

LXXIX. And be it further enacted, That it ſhall and may be lawful to and for any Juſtice or Juſtices of the Peace for the County of Middleſex, or for any Juſtice or Juſtices for the Liberty of His Majeſty's Tower of London, although ſuch Juſtice or Juſtices ſhall be Commiſſioners for the Purpoſes of this Act, to hear and determine any Offences ariſing within their reſpective Juriſdictions, which are made puniſhable by virtue of this Act.

Commiſſioners to defray their own Expences.

LXXX. And be it further enacted, That the ſaid Commiſſioners ſhall, at all their Meetings under this Act, pay and defray their own Expences.

Diſtreſs not to be deemed unlawful for want of Form, nor the Party diſtraining be deemed a Treſpaſſer *ab Initio*.

LXXXI. And be it further enacted, That where any Diſtreſs or Sale ſhall be made for any Sum or Sums of Money, to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or want of Form in any Proceedings relating thereto; nor ſhall the Party or Parties be deemed a Treſpaſſer or Treſpaſſers ab Initio, on account of any Irregularity which ſhall be hereafter done by the Party or Parties diſtraining or ſelling; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satiſfaction for the ſpecial Damage in an Action on the Caſe.

Plaintiffs not to recover, if Tender of ſufficient Amends be made.

LXXXII. Provided always, That no Plaintiff ſhall recover in any Action for any ſuch Irregularity, Treſpaſs, or other Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, any ſuch Irregularity, Treſpaſs, or wrong Proceeding, before ſuch Action brought; and the Defendant or Defendants, in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, may, at any Time before Iſſue joined, pay into Court ſuch Sums of Money as he or they ſhall think fit; whereupon ſuch Proceedings, Orders and Judgements, ſhall be had, made, and given in and by ſuch Court, as in other Actions where the Defendant ſhall be allowed to pay Money into Court.

Writings to be without Stamps.

LXXXIII. And be it further enacted, That no Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals of, or only ſigned by any Commmiſſioner or Commiſſioners, or Juſtice or Juſtices of the Peace, or exhibited before them, or under the Hand and Seal or Hands and Seals of, or only ſigned by any other Perſon or Perſons whomſoever, relating to the Execution of this Act, ſhall be chargeable with any Stamp-duty whatſoever.

Orders, &c. to be entered in Books.

LXXXIV. And be it further enacted, That the Orders and Proceedings of the ſaid Commiſſioners, or any of them, at all their Meetings, ſhall be entered in a Book or Books, to be kept for that Purpoſe; and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Clerk or Clerks, at any Meeting of Three or more of the ſaid Commiſſioners aſſembled, as the Caſe ſhall require; and ſuch Order ſhall be deemed and taken to be original Orders for that Purpoſe; which Book or Books ſhall and may be produced and read in Evidence in all Courts whatſoever.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXXXV. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved by any Thing done in purſuance of this Act, ſuch Perſon or Perſons ſhall and may, within Three Months next after the Cauſe of Complaint ſhall ariſe, appeal to the Juſtices of the Peace, at the General Quarter Seſſions of the Peace to be holden in and for the County of Middleſex, or Liberty of His

Majeſty's Tower of London, ſuch Appellant firſt giving, or cauſing to be given, Five Days Notice in Writing, of his, her, or their Intention to bring ſuch Appeal, and of the Cauſe or Cauſes thereof, to the Clerk or Treaſurer to the ſaid Commiſſioners, and, within Fourteen Days next after ſuch Notice, entering into a Recognizance or Recognizances, before ſome Juſtice of the Peace in and for the ſaid County or Liberty, with Two ſufficient Sureties conditioned to try ſuch Appeal mentioned in ſuch Notice, and abide the Order, and pay ſuch Coſts as ſhall be awarded by the ſaid Juſtices; and the Matter of ſuch Appeal ſhall be heard and determined by the ſaid Juſtices at the next General Quarter Seſſions of the Peace, to be held in and for the ſaid County or Liberty, or any Adjournment thereof, or at any Adjournment of the then laſt General Seſſions of the Peace in and for the ſaid County or Liberty, which ſhall firſt happen next after the Expiration of One Month from the Day of giving ſuch Notice; and the ſaid Juſtices, at ſuch Seſſions or Adjournment, upon due Proof of ſuch Notice being given, and of the entering into ſuch Recognizance or Recognizances; ſhall hear and finally determine the Cauſes and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts for the Appellant or Appellants, or Reſpondent or Reſpondents, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Juſtices ſhall be final, binding, and concluſive, to and upon all Parties concerned or intereſted therein.

Juſtices may amend Rates appealed againſt, without altering the other Rates.

LXXXVI. Provided always, That upon all Appeals from any of the Rates or Aſſeſſments to be made or impoſed by the Authority of this Act, the Juſtices of the Peace (where they ſhall ſee juſt Cauſe for Relief) ſhall, and are hereby impowered to amend the ſame Rates and Aſſeſſments, in ſuch Manner only as ſhall be neceſſary for giving Relief to the Perſons ſo appealing, without altering ſuch Rates or Aſſeſſments with reſpect to any other Perſons mentioned in the ſame.

Proceedings not to be quaſhed for want of Form only.

LXXXVII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or any other Matter or Thing to be done or tranſacted, in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form, or be removed by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; any Law or Statute to the Contrary notwithſtanding.

Limitation of Actions.

LXXXVIII. And be it further enacted, That no Action or Suit ſhall be brought, commenced, or proſecuted againſt any Perſon or Perſons for any Thing done in purſuance of this Act, unleſs Thirty Days Notice thereof ſhall be firſt given in Writing to the Clerk or Treaſurer to the ſaid Commiſſioners, ſigned by the Plaintiff or Plaintiffs, or unleſs the ſame ſhall be commenced before the Expiration of Six Months next after the Fact committed, or unleſs Tender of reaſonable Amends hath not, or ſhall not have been made by or on Behalf of the Defendant or Defendants in ſuch Action or Suit, nor unleſs ſuch Action or Suit ſhall be laid and brought in the County of Middleſex; and the Defendant or Defendants, in any Action or Suit to be commenced for any Thing done in purſuance of this Act, ſhall and may plead the General Iſſue, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon; and that the Matter or Thing for which ſuch Action or Suit ſhall be brought, was done in purſuance and by the Authority of this Act: And if ſuch Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Suit was brought before Thirty Days Notice thereof was given in Writing to the Clerk or Treaſurer of the ſaid Commiſſioners, ſigned by the Plaintiff or Plaintiffs; or if it ſhall appear that ſuch Action or Suit was not commenced before the Expiration of Six Months next after the Fact committed; or if it ſhall appear that Tender of reaſonable Amends was made by or in Behalf of the Defendant or Defendants in ſuch Action or Suit, before ſuch Action or Suit was commenced or brought, or ſuch Action or Suit ſhall be brought in any other County or Place than the County of Middleſex, that then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and ſhall have ſuch Remedy for the ſame, as any Defendant or Defendants hath or have in other Caſes by Law.

General Iſſue.

Treble Coſts.

Publick Act.

LXXXIX. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

CAP. LV.

An Act to incapacitate *John Burnett*, *Charles Hannington*, *Thomas Haſelgrove*, *Ralph Moor*, *Thomas Parſons*, *Thomas Snook* junior, *Thomas Hannington*, *John Hannington*, *John Robinſon*, *William Cheeſman*, *George Browne*, *John Parſons*, *John Curl*, *Frederick Dean*, *William Dean*, *Samuel Tuppen*, *John Sawyers*, *Thomas Crowter*, *Thomas Pockney*, *Joſeph Dedman*, *John Dean*, *John Whiting*, *William Stevens*, *John Bawcomb*, *Robert Parker*, *John Hogſfleſh*, *John Purſe*, *John Dean*, *Thomas Jennings*, *John Snook* junior, *Richard Tilſtone*, *William Turner*, *Walter Sawyers*, *Charles Mitchell*, *John Jarmand*, *John Wood*, *Friend Daniel*, *William Gratwick*, *Nathaniel Hillman*, *Thomas Roberts*, *John Aſhman*, *William Cooter*, *Thomas Froſt*, *Michael Smith*, *Richard Carver*, *Michael Durrant*, *Emery Churcher*, *Walter Broad*, *Richard Stoneham*, *James Bennett*, *Clement Freeman*, *William Jupp*, *Thomas Crowter*, *John Barnard*, *James Mitchell*, *James Millar* otherwiſe *Miller*, *William Newnham*, *Jeffery Carver*, *Randall Button*, *James Carver*, *John Martin*, *John Dedman* ſenior, *William Jennings*, *William Hards*, *Thomas Gear*, *William Ruſbridge*, *Henry Robinſon*, and *Henry Hannington*, from voting at Elections of Members to ſerve in Parliament, and for the preventing Bribery and Corruption in the Election of Members to ſerve in Parliament for the Borough of *New Shoreham*, in the County of *Suſſex*.

Preamble.

WHEREAS a wicked and corrupt Society, calling itſelf *The Chriſtian Society*, hath for ſeveral Years ſubſiſted in the Borough of *New Shoreham*, in the County of *Suſſex*, and conſiſted of a great Majority of Perſons having a Right to vote at Elections of Members to ſerve in Parliament for the ſaid Borough: And whereas it appears that the chief End of the Inſtitution of the ſaid Society was for the Purpoſe of ſelling, from Time to Time, the Seat or Seats in Parliament for the ſaid Borough: And whereas *John Burnett*, *Charles Hannington*, *Thomas Haſelgrove*, *Ralph Moor*, *Thomas Parſons*, *Thomas Snook* junior, *Thomas Hannington*, *John Hannington*, *John Robinſon*, *William Cheeſman*, *George Browne*, *John Parſons*, *John Curl*, *Frederick Dean*, *William Dean*, *Samuel Tuppen*, *John Sawyers*, *Thomas Crowter*, *Thomas Pockney*, *Joſeph Dedman*, *John Dean*, *John Whiting*, *William Stevens*, *John Bawcomb*, *Robert Parker*, *John Hogsfleſh*, *John Purſe*, *John Dean*, *Thomas Jennings*, *John Snook* junior, *Richard Tilſtone*, *William Turner*, *Walter Sawyers*, *Charles Mitchell*, *John Jarmand*, *John Wood*, *Friend Daniel*, *William Gratwick*, *Nathaniel Hillman*, *Thomas Roberts*, *John Aſhman*, *William Cooter*, *Thomas Froſt*, *Michael Smith*, *Richard Carver*, *Michael Durrant*, *Emery Churcher*, *Walter Broad*, *Richard Stoneham*, *James Bennett*, *Clement Freeman*, *William Jupp*, *Thomas Crowter*, *John Barnard*, *James Mitchell*, *James Millar* otherwiſe *Miller*, *William Newnham*, *Jeffery Carver*, *Randall Button*, *James Carver*, *John Martin*, *John Dedman* ſenior, *William Jennings*, *William Hards*, *Thomas Gear*, *William Ruſbridge*, *Henry Robinſon*, and *Henry Hannington*, were Members of the ſaid Society: In order therefore to prevent ſuch unlawful Practices for the future, and that the ſaid Borough from henceforth be duly repreſented in Parliament, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid John Burnett, Charles Hannington, Thomas Haſelgrove, Ralph Moor, Thomas Parſons, Thomas Snook junior, Thomas Hannington, John Hannington, John Robinſon, William Cheeſman, George Browne, John Parſons, John Curl, Frederick Dean, William Dean, Samuel Tuppen, John Sawyers, Thomas Crowter, Thomas Pockney, Joſeph Dedman, John Dean, John Whiting, William Stevens, John Bawcomb, Robert Parker, John Hogsfleſh, John Purſe, John Dean, Thomas Jennings, John Snook junior, Richard Tilſtone, William Turner, Walter Sawyers, Charles Mitchell, John Jarmand, John Wood, Friend Daniel, William Gratwick, Nathaniel Hillman, Thomas Roberts, John Aſhman, William Cooter, Thomas Froſt, Michael Smith, Richard Carver, Michael Durrant, Emery Churcher, Walter Broad, Richard Stoneham, James Bennett, Clement Freeman, William Jupp, Thomas Crowter, John Barnard, James Mitchell, James Millar otherwiſe Miller, William Newnham, Jeffery Carver, Randall Button, James Carver, John Martin, John Dedman ſenior, William Jennings, William Hards, Thomas Gear, William Ruſbridge, Henry Robinſon, and Henry Hannington, ſhall be, and, by virtue of this Act, are from henceforth incapacitated and diſabled from giving any Vote at any Election for the chuſing a Member or Members to ſerve in Parliament.

Freeholders above 21 Years of Age, of 40 *s.* annually, intitled to vote.

II. And be it further enacted by the Authority aforeſaid, That from henceforth it ſhall and may be lawful to and for every Freeholder, being above the Age of One and twenty Years, who ſhall have within the Rape of Bramber, in the ſaid County of Suſſex, a Freehold of the clear yearly Value of Forty Shillings, to give his Vote at every Election of a Burgeſs or Burgeſſes to ſerve in Parliament for the ſaid Borough of New Shoreham.

Right of Election, in whom veſted.

III. And be it further enacted by the Authority aforeſaid, That the Right of Election of a Member or Members to ſerve in Parliament for the ſaid Borough of New Shoreham ſhall be, and is hereby declared to be, in ſuch Freeholders as aforeſaid, and in the Perſons who, by the Cuſtom and Uſage of the ſaid Borough, have, or ſhall hereafter have, a Right to vote at ſuch Election, thoſe whoſe Names are mentioned herein, and incapacitated and diſabled by this Act, only excepted; and the Conſtable, or other proper Officer for the Time being, to whom the Return of ſuch Writ or Precept does belong, is hereby required to return the Perſon or Perſons to ſerve in Parliament for the ſaid Borough who ſhall have the major Number of Votes of ſuch Freeholders and other Perſons having a Right to vote at ſuch Election, (except ſuch Perſons as are herein-before excepted); any Law or Uſage to the Contrary notwithſtanding.

Freeholders, before admitted to poll, to take the following Oath.

IV. And be it further enacted by the Authority aforeſaid, That every ſuch Freeholder, before he is admitted to poll at any Election for the ſaid Borough, ſhall, if required by the Candidates, or any of them, or any other Perſon having a Right to vote at the ſaid Election, firſt take the Oath, (or being One of the People called Quakers, the ſolemn Affirmation) following; videlicet,

YOU ſhall ſwear, or, being a Quaker, ſolemnly affirm, That you are a Freeholder in the *Rape* of *Bramber*, in the County of *Suſſex*, and have a Freehold Eſtate, conſiſting of (*ſpecifying the Nature thereof; and if it conſiſts in Meſſuages, Lands, or Tithes, in whoſe Occupation the ſame are; and if in Rent, the Names of the Owners or Poſſeſſors of the Tenements out of which ſuch Rent is iſſuing, or of ſome of them*), lying or being at within the *Rape* of *Bramber*, in the County of *Suſſex*, of the clear yearly Value of Forty Shillings, over and above all Rents and Charges payable out of or in reſpect of the ſame; and that you have been in the actual Poſſeſſion or Receipt of the Rents and Profits thereof, for your own Uſe, above Twelve Calendar Months, (or that the ſame came to you within the Time aforeſaid by Deſcent, Marriage, Marriage-ſettlement, Deviſe, or Promotion to a Benefice in a Church, or by Promotion to an Office); and that ſuch Freehold Eſtate has not been granted or made to you fraudulently, on Purpoſe to qualify you to give your Vote; and that the Place of your Abode is at in and that you are Twenty-one Years of Age, as you believe; and that you have not been polled before at this Election.

Which Oath, or ſolemn Affirmation, the Conſtable, or other proper Officer, to whom the Return of any Writ or Precept for ſuch Election ſhall belong, is hereby required to adminiſter: And in caſe any Freeholder or other Perſon taking the ſaid Oath or Affirmation hereby appointed, ſhall thereby commit wilful Perjury, and be thereof convicted; or

Perſons guilty of Perjury, *etc.*

or if any Perſon ſhall unlawfully and corruptly procure or ſuborn any Freeholder or other Perſon to take the ſaid Oath or Affirmation, in order to be polled, whereby he ſhall commit ſuch wilful Perjury, and ſhall be thereof convicted, he and they, for every ſuch Offence reſpectively, ſhall incur ſuch Penalties as are inflicted on Perſons guilty of Perjury, or Subornation of Perjury, in and by Two Acts of Parliament, One made in the Fifth Year of the Reign of Queen Elizabeth, (intituled, An Act for puniſhing ſuch Perſons as ſhall procure or commit wilful Perjury, or ſuborn or procure any Perſon to commit any wilful or corrupt Perjury); and the other, made in the Second Year of His late Majeſty's Reign, (intituled, An Act for the more effectual preventing and further Puniſhment of Forgery, Perjury, and Subornation of Perjury, and to make it Felony to ſteal Bonds, Notes, or other Securities, for Payment of Money), contrary to the ſaid Acts.

liable to the Penalties as directed by

Act 5 *Eliz.*

and Act 2 *Geo.* II.

V. And be it further enacted by the Authority aforeſaid, That ſuch Conſtable, or other proper Officer, to whom any Writ or Precept ſhall be directed for making any Election for the ſaid Borough, ſhall, upon the Reception of ſuch Writ or Precept, indorſe upon the Back thereof the Day of his Receipt thereof, in the Preſence of the Party from whom he received ſuch Precept; and ſhall forthwith cauſe publick Notice to be given within the ſaid Borough of New Shoreham, and at the Towns of Bramber and Steyning, in the ſaid County of Suſſex, by fixing up a Notice thereof in Writing on the Market-houſes, or on the Doors of the Churches of the ſaid Towns, of the Day of Election; and ſhall proceed to Election thereupon, within the Space of Twelve Days, and not leſs than Eight Days, next after his Receipt of the ſame Precept.

Conſtable to back a Precept the Day of the Receeipt thereof.

VI. And be it further enacted by the Authority aforeſaid, That this Act ſhall be publickly read at every Election for the ſaid Borough of New Shoreham, immediately after the Acts directed by any Act of Parliament to be read thereat, and before the Perſons preſent ſhall proceed to make ſuch Election.

The Act to be read publickly.

CAP. LVI.

An Act for diveſting out of the Crown, and to veſt in *Gerald Fitzgerald* of *Rathrone*, in the County of *Meath*, in the Kingdom of *Ireland*, Eſquire, and his Heirs, the Reverſion in Fee of and in ſeveral Lands in *Ireland* thereinmentioned.

Preamble.

WHEREAS His Majeſty King *Charles* the Second, by Letters Patent, bearing Date the Twelfth of *December*, in the Thirty-ſixth Year of His Reign, did grant unto *Gerald Fitzgerald* of *Rathrone*, in the Kingdom of *Ireland*, and to his Heirs and Aſſigns, for ever, the Town and Lands of *Rathrone* aforeſaid, and ſeveral other Lands, in the Counties of *Eaſtmeath*, *Weſtmeath*, *Kildare*, and *Cavan*, to have and to hold the ſame to the ſaid *Gerald*, his Heirs and Aſſigns, for ever, ſubject to ſeveral yearly Quit-rents payable thereout, as by the ſaid Letters Patent, inrolled in the Rolls Office of His Majeſty's Court of Chancery in *Ireland*, may more at large appear: And whereas by an Act of Parliament, made and paſſed in the Eleventh and Twelfth Years of the Reign of His late Majeſty King *William* the Third, intituled, *An Act for granting an Aid to His Majeſty by Sale of the forfeited and other Eſtates and Intereſts in* Ireland, *and by a Land-tax in* England, *for the ſeveral Purpoſes therein mentioned*, all Honours, Manors, Lands, Tenements, Rents, Reverſions, Remainders, and other Hereditaments therein mentioned, the Eſtates of Perſons who ſtood convicted or attainted of High Treaſon or Rebellion, or other Treaſon committed in Foreign Parts ſince the Thirteenth Day of *February*, One thouſand ſix hundred and eighty-eight, were thereby veſted in Truſtees therein named, and their Heirs, according to the ſeveral Eſtates and Intereſts which the ſaid Perſons had therein, to the End the ſame might be ſold and diſpoſed of for the ſeveral Purpoſes therein mentioned, ſubject nevertheleſs to ſuch Decrees or Adjudications as the ſaid Truſtees ſhould make in favour of Perſons intereſted in ſuch Eſtates previous to ſuch Attainders; and when any of the ſaid Perſons were ſeiſed of an Eſtate-tail only in the ſaid Honours, Manors, Lands, and Hereditaments, the ſame were thereby enacted to be veſted in the ſaid Truſtees and their Heirs, in Fee-ſimple, to be ſold and diſpoſed of as aforeſaid, as by the ſaid Act, Relation being thereunto had, may more fully appear: And whereas, by another Act, made and paſſed in the Firſt Year of the Reign of Her late Majeſty Queen *Anne*, all the Eſtates veſted in the Truſtees to be ſold, which ſhould not be ſold before the Twenty-fourth Day of *June*, One thouſand ſeven hundred and three, or otherwiſe diſpoſed of, purſuant to the former Acts, were veſted in Her Majeſty, Her Heirs and Succeſſors, for the Uſes therein mentioned: And whereas *Gerald Fitzgerald* and *Edward Fitzgerald*, Minors, by *William Fitzgerald* of *Dublin*, Gentleman, their next Friend, did make and tender their Claim to the Truſtees, or Commiſſioners appointed to put in Execution the Firſt above-mentioned Act of Parliament, and thereby ſet forth, That the ſaid *Gerald Fitzgerald*, their Uncle, being ſeiſed in Fee of and in certain Lands and Tenements therein mentioned, ſituate and lying in the ſaid Counties of *Meath*, *Kildare*, *Weſtmeath*, and *Cavan*, by Indentures of Leaſe and Releaſe, bearing Date the Fourth and Fifth Days of *June*, One thouſand ſix hundred and eighty-five, made between the ſaid *Gerald Fitzgerald* of the one Part, and *Charles Moore*, *Chriſtopher Cuſack*, and *John Connor*, of the other Part; the ſaid *Gerald Fitzgerald*, by the ſaid Leaſe, in conſideration of Five Shillings, did bargain and ſell the ſaid Premiſes to the ſaid *Charles Moore*, and others, to have and to hold, for One Year, from the Day next before the Date of the ſaid Leaſe; and by the ſaid Releaſe, in conſideration of Five hundred Pounds Sterling by him received from the ſaid *John Connor*, as a Marriage Portion with *Mary Fitzgerald*, alias *Connor*, then married Wife of the ſaid *Gerald*, and for ſettling the ſaid Premiſes in his Name, Blood, and Family, did grant, remiſe, releaſe, alien, and confirm the ſaid Premiſes unto the ſaid *Charles Moore*, *Chriſtopher Cuſack*, and *John Connor*, and their Heirs, to the Uſe of the ſaid *Gerald*, for and during his natural Life; and as to Part thereof to the Uſe of the ſaid *Mary* his Wife, for her Jointure; Remainder to the Firſt, and every other Son,

Acts 11 and 12 *Gul.* III.

Act 1 *Anne.*

Tender of Claim to the Commiſſioners.

of

Act 4 Geo. III.

Act 1 and 2 *Anne.*

of the ſaid *Gerald*, in Tail-male; Remainder to *Henry Fitzgerald*, Brother of the ſaid *Gerald*, for his Life; Remainder to the Firſt, and every other Son, of the ſaid *Henry*, in Tail-male; to which Deed *Thomas Darcy*, *John Connor*, *Gerald Fitzgerald*, and *William Connor*, were ſubſcribing Witneſſes, as by the ſaid Deed, ready to be produced, might appear; by virtue whereof the ſaid *Gerald* became ſeiſed of the ſaid Premiſes in his Demeſne as of Freehold during his natural Life, with Remainder over as aforeſaid: That the ſaid *Henry* had Iſſue the Claimant *Gerald Fitzgerald*, his firſt Son, who was born in or about the Year One thouſand ſix hundred and eighty-four, whereby he became intitled to the ſaid Premiſes in Tail-male in Remainder as aforeſaid; and the ſaid *Henry* had alſo the Clamaint *Edward Fitzgerald*, his Second Son, who was born in or about the Year One thouſand ſix hundred and eighty-ſeven, whereby he became intitled to the ſaid Premiſes in Tail-male in Remainder as aforeſaid: That the ſaid *Henry* was attainted, as the Claimants were informed, and the Claimaints thereby repreſented their ſaid Right and Title, to the Intent the ſame might not be prejudiced, but that they might reſpectively have and enjoy the ſame: And whereas the ſaid Claim was heard on the Twenty-third Day of *March*, One thouſand ſeven hundred and One, and it was certified by the ſaid Truſtees or Commiſſioners, that the ſaid *Gerald Fitzgerald* made ſuch Settlement as in the ſaid Claim was ſet forth, and that thereby *Henry Fitzgerald*, attainted for the Treaſon in the ſaid Act mentioned, was intitled to a Remainder for Life, with Remainder to his Son in Tail-male, after the ſaid *Gerald* dying without Iſſue Male, and that the Claimants *Gerald* and *Edward* were the Sons of the ſaid *Henry*; and it was thereupon adjudged, determined, and decreed, by the ſaid Truſtees or Commiſſioners, that the ſaid Claimants ſhould be, and they were thereby reſpectively allowed their ſeveral and reſpective Remainders in Tail-male, limited to the Heirs Male of *Henry*, after Failure of Iſſue Male by the ſaid *Gerald Fitzgerald*, the Grantor, and the ſaid *Henry*'s Death: And whereas by an Act of Parliament, paſſed in the Fourth Year of His preſent Majeſty's Reign, intituled, *An Act for diveſting out of the Crown, and to veſt in* Gerald Fitzgerald *of* Rathrone, *in the County of* Meath, *in the Kingdom of* Ireland, *Eſquire, and his Heirs, the Reverſion in Fee of and in ſeveral Lands in* Ireland, reciting or taking Notice to the Effect herein-before recited; and alſo reciting, that the ſaid *Gerald Fitzgerald* the Patentee, and *Mary* his Wife, and the ſaid *Henry Fitzgerald*, died many Years ago; and that the ſaid *Gerald Fitzgerald* the Patentee, and the Grantor in the ſaid Settlement, died without Iſſue; and that after their Death, the ſaid *Gerald Fitzgerald* the younger, who was the eldeſt Son of the ſaid *Henry Fitzgerald*, and was alſo the Nephew and Heir at Law of the ſaid *Gerald Fitzgerald* the Patentee, being ſeized of an Eſtate in Tail-male of and in the ſaid Lands and Premiſes, had levied Fines and ſuffered Recoveries of all the ſaid Lands, except the ſaid Lands in the County of *Meath*; and alſo reciting, that *Elizabeth O'Farrell*, Widow, in *Eaſter* Term, One thouſand ſeven hundred and twenty-five, did obtain a Judgement in the Court of Common Pleas in the Kingdom of *Ireland* againſt the ſaid *Gerald Fitzgerald*, for the Sum of Five thouſand four hundred Pounds; and that the ſaid *Gerald* the younger afterwards died, leaving Iſſue Three Sons, *John* his eldeſt Son, *Gerald* the younger, his ſecond Son, and *Chriſtopher* his third Son; and reciting, that the ſaid *John* the eldeſt Son died without Iſſue ſoon after the Death of his ſaid Father, and that thereupon the ſaid *Gerald Fitzgerald*, the ſecond Son of the ſaid *Gerald Fitzgerald* the younger, became his eldeſt Son and Heir at Law, and was Heir at Law and Heir Male of the ſaid *Gerald Fitzgerald* the Patentee, and had entered into and became ſeiſed of and intitled to the ſaid Lands and Premiſes, ſubject to the above Incumbrance, and after the Death of the ſaid *Mary Fitzgerald*, otherwiſe *Connor*, (the Widow of the ſaid *Gerald Fitzgerald* the Grantor), levied Fines and ſuffered Recoveries of Part of the ſaid Lands, and had contracted ſeveral Debts, ſecured by ſeveral Judgements; and alſo reciting, that it had been lately diſcovered that the Reverſion in Fee of and in the Lands and Premiſes in the ſaid Letters Patent, Claim, and Adjudication mentioned, expectant as aforeſaid, was, by virtue of and under the ſaid Act, made in the Firſt and Second Years of the Reign of Her late Majeſty Queen *Anne*, intituled, *An Act for advancing the Sale of the forfeited Eſtates in* Ireland, *and for veſting ſuch as remain unſold by the preſent Truſtees in Her Majeſty, Her Heirs and Succeſſors, and for the more effectually ſelling and ſetting the ſaid Eſtates to Proteſtants; and for explaining ſeveral Acts relating to Lord* Bophin *and Sir* Redmond Everard, become veſted in His preſent Majeſty, His Heirs and Succeſſors, ſubject to the Order of Parliament; and that the ſaid *Gerald Fitzgerald*, the Grand Nephew and Heir of the ſaid Patentee, had no other Fund or Expedient to ſecure his Perſon, or to exonerate his ſaid Eſtate, but by ſelling ſome Part thereof, or mortgaging the ſame, for that Purpoſe, which he was unable effectually to do without diveſting the Reverſion in Fee of the ſaid Eſtate out of His Majeſty; and that it had been uſual and frequent, in ſuch Caſes, for the Crown to extend their Grace and Favour to Proteſtant Subjects well attached to His Majeſty, it was enacted, That the Remainder or Reverſion in Fee-ſimple, expectant on the Determination of the ſeveral Entails therein-before mentioned, and all other Eſtates, Right, Title, and Intereſt, of and in certain Towns and Lands, with their Appurtenances, ſituate in the Counties of *Meath*, *Weſtmeath*, *Kildare*, and *Cavan*, in the Kingdom of *Ireland*, therein particularly mentioned, which, in and by virtue of the ſaid Act of Parliament, were then veſted in His Majeſty, His Heirs and Succeſſors, ſhould be thereby diveſted, and the ſame was thereby diveſted out of the Crown, ſo that His preſent Majeſty, His Heirs or Succeſſors, or any of them, or any Perſon or Perſons whatſoever, claiming, or to claim, by, from, or under, or in Truſt for him, them, or any of them, or by, from, or under the ſeveral Acts of Parliament therein-before recited, by reaſon of the Forfeitures therein-before mentioned, or otherwiſe howſoever, ſhould not, nor might from thenceforth have any Right, Title, or Intereſt, therein or thereunto; and that the ſaid Reverſion or Remainder in Fee-ſimple, and other the Eſtates and Intereſts of and in the Lands and Hereditaments therein mentioned, ſhould, from and immediately after the paſſing of the ſaid Act, be veſted in, and the ſame were thereby from thenceforth veſted in the ſaid *Gerald Fitzgerald*, his Heirs and Aſſigns, for ever: And it was thereby further enacted, That all and every Papiſt, and Perſon profeſſing the Popiſh Religion, ſhould be diſabled and made incapable to purchaſe, either in his or her own Name, or in the Name or Names of any other Perſon or Perſons to his or her Uſe, or in Truſt for him or her, any of the Lands, Tenements, Hereditaments, and Premiſes aforeſaid, or any Rents, Profits, Terms, or Intereſts, in or out of the ſame; and that all and ſingular Eſtates, Terms, and other Intereſts and Profits whatſoever, in or out of the Premiſes, and all Conveyances and Declarations of Truſt concerning the ſame, which ſhould be made, ſuffered, or done, to or for the Uſe, Benefit, or Behoof of any ſuch Papiſt, contrary to the true Intent and Meaning of the ſaid-recited Acts of Parliament, ſhould be utterly void and of no Effect, to all Intents, Purpoſes, and Conſtructions whatſoever: And in the ſaid Act was contained a Clauſe for ſaving to His Majeſty, His Heirs and Succeſſors, all ſuch Crown-rents, Quit-rents, Compoſitions, Services, and Duties, as were due and payable, and ought to be paid or performed to His Majeſty on account of the Premiſes, or any Part thereof; and alſo a Saving to all and every Perſon and Perſons, Bodies Politick and Corporate, their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, of all ſuch Right, Title, Intereſt, Claim, and Demand whatſoever, of, in, to, or out of the ſaid Lands, Tenements, and Hereditaments, therein mentioned, or any of them, with the Appurtenances, or any Part thereof, (other than and except His Majeſty, His Heirs and Succeſſors, and the Truſtees named in and by the ſaid Acts of the Eleventh and Twelfth Years of the late King *William* the Third, and their Heirs), as they, every, or any of them, have, or had, or might have had, at or before the making the ſaid Act, as fully, to all Intents and Purpoſes, as if the ſaid Act had never been made: And whereas the ſaid *Gerald Fitzgerald* is ſeiſed of the Towns and Lands herein-after mentioned, claiming Title thereto in the ſame Manner as in the ſaid Act of the Fourth Year of His preſent Majeſty's Reign was mentioned with reſpect to the Lands therein compriſed, and His preſent Majeſty is alſo ſeiſed of the Reverſion in Fee of the Towns and Lands herein-after mentioned, claiming Title thereto in the ſame Manner, and by virtue of the ſame Forfeiture, as was mentioned and ſet forth in the ſaid Act of Parliament, paſſed in the Fourth Year of His preſent Majeſty's Reign: And whereas the Leaſes of the Lands in the laſt-mentioned Act, or the greateſt Part thereof, expired, and the ſaid Lands came into the Occupation of the ſaid *Gerald Fitzgerald*, the Grand Nephew and Heir of the ſaid *Gerald Fitzgerald* the Patentee, as the Owner thereof, in bad Condition, and, by reaſon of the many Debts and Incumbrances charged upon the ſaid Lands, the ſaid *Gerald Fitzgerald* hath not been able to put the ſaid Lands into a State of Cultivation and Improvement, ſo as to let the ſame to good and ſubſtantial Tenants; and in caſe the ſaid Lands were offered to Sale in their preſent Condition, the ſame muſt be ſold to a great Diſadvantage; but the ſaid *Gerald Fitzgerald*, for the Security of his Creditors, ſince the paſſing of the ſaid laſt-mentioned Act, hath executed a Mortgage of the Lands in the ſaid former Act mentioned, or Part thereof, unto the Reverend *John Magill* Clerk, One of his Creditors, for ſecuring Six thouſand ſix hundred thirty-three Pounds, Two Shillings and Seven Pence Three Farthings, being the Amount of his Demand, and the Demands of ſeveral other Creditors; which Mortgage is ſtill ſubſiſting: And whereas the Debt to *Elizabeth O'Farrell*, Widow, in the ſaid former Act mentioned to be due on a Judgement in the Court of Common Pleas in *Ireland*, appears to have been alſo ſecured by a Mortgage among other of the Lands herein-after mentioned, with the uſual Covenants in the ſaid Mortgage Deed; and the ſaid *Gerald Fitzgerald*, the Grand Nephew of the ſaid Patentee, who is ſeiſed in Tail-male of the Lands ſo mortgaged, with Reverſion in Fee to His preſent Majeſty, is adviſed, that no Perſon will contract or treat for the Purchaſe of the Lands in the ſaid former Act, unleſs they are diſcharged from all the Debts to which the ſame are liable, and put into proper Order and Condition, and let to Tenants; but a favourable Opportunity now offers for Sale of the Towns and Lands of *Inniſcoffy* and *Old Towne*, herein-after mentioned, at a high Price, which will raiſe Money ſufficient to pay off the ſaid *Elizabeth O'Farrell*'s Mortgage, in caſe the Fee-ſimple and Inheritance thereof could be ſafely conveyed to the Purchaſer thereof; whereby not only a more ready Fund for the Payment of the Debts affecting the ſaid Lands, and for the Security of the ſaid *Gerald Fitzgerald*'s Perſon, would be provided, but the ſaid *Gerald Fitzgerald* would be enabled to put the Lands in the ſaid former Act mentioned into proper Condition and Repair, whereby the ſame would alſo become ſaleable, and the many heavy Incumbrances which now affect the ſaid Lands be paid off and diſcharged; but the ſaid Lands herein-after mentioned cannot be mortgaged or ſold without diveſting the Reverſion in Fee thereof out of His Majeſty, in like Manner as in and by the ſaid laſt mentioned Act of Parliament was done, with reſpect to the Lands therein compriſed, and which ſaid laſt mentioned Act, paſſed by the Grace and Favour of His Majeſty, extended to the ſaid *Gerald Fitzgerald*, the Grand Nephew and Heir of the ſaid Patentee, who was then, and now is, One of His Majeſty's Proteſtant Subjects: Therefore, Your Majeſty's moſt loyal Subject, the ſaid Gerald Fitzgerald, doth moſt humbly beſeech Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Remainder or Reverſion in Fee-ſimple, expectant on the Determination of the ſeveral Entails herein-before mentioned, and all other Eſtates, Right, Title, and Intereſt, of and in the Towns and Lands of Enniſcoffy, otherwiſe Inniſcoffy, otherwiſe Iniſhcoffy, otherwiſe Iniſcooffy, otherwiſe Iniſhco, and Old Towne, lying and being in the Barony of Fertullagh, and County of Weſtmeath, in the Kingdom of Ireland, which, in and by virtue of the before mentioned Acts of Parliament, is now veſted in His preſent Majeſty, His Heirs and Succeſſors, ſhall be hereby diveſted, and the ſame is hereby diveſted out of the Crown, ſo that His preſent Majeſty, His Heirs or Succeſſors, or any of them, or any Perſon or Perſons whatſoever, claiming or to claim, by, from, or under the ſeveral Acts of Parliament before mentioned and recited, by reaſon of the Forfeiture as aforeſaid, or otherwiſe howſoever, ſhall not, nor may, from and after the paſſing of this Act, have any Right, Title, or Intereſt therein or thereunto; and that the ſaid Reverſion or Remainder in Fee-ſimple, and other the Eſtates and Intereſts of and in the Lands and Hereditaments herein-before mentioned, ſhall, from and immediately after the paſſing of this Act, be veſted in, and the ſame are hereby from henceforth veſted in the ſaid Gerald Fitzgerald, his Heirs and Aſſigns, for ever.

Papiſts incapable to purchaſe Lands.

II. And it is hereby further enacted by the Authority aforeſaid, That all and every Papiſt, and Perſon profeſſing the Popiſh Religion, ſhall be diſabled and made incapable to purchaſe, either in his or her own Name, or in the Name or Names of any other Perſon or Perſons, to his or her Uſe, or in Truſt for him or her, any of the Lands, Tenements, Hereditaments, or Premiſes aforeſaid, or any Rents, Profits, Terms, or Intereſts, in or out of the ſame; and that all and ſingular Eſtates, Terms, and other Intereſts, and Profits whatſoever, in or out of the Premiſes, and all Conveyances and Declarations of Truſt concerning the ſame, which ſhall be made, ſuffered, or done, to or for the Uſe, Benefit, or Behoof of any ſuch Papiſt, contrary to the true Intent and Meaning of the ſaid-recited Acts of Parliament, ſhall be utterly void and of no Effect, to all Intents, Purpoſes, and Conſtructions whatſoever.

Nothing contained to prejudice the Intereſt of the Repreſentatives of *Thomas Bomford.*

III. Provided always, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall in any-wiſe affect, impeach, or prejudice, or in any-wiſe ſtrengthen, inforce, or confirm, or be conſtrued, deemed, or taken to affect, impeach, or prejudice, or to ſtrengthen, inforce, or confirm any Right, Title, or Intereſt, which the Repreſentatives of Thomas Bomford, late of Rathingſtown, in the County of Meath, Eſquire, deceaſed, now have or claim, or which they ſhall, at any Time hereafter, have or claim, in or to a certain Grant or Leaſe, bearing Date the Twentieth Day of July, One thouſand ſix hundred and ninety-two, made by Gerald Fitzgerald of Rathrone, in the County of Meath, Eſquire, to the ſaid Thomas Bomford, of the Town, Town-land, and Land called Enniſcoffy and Old Towne before mentioned, with the Appurtenances, or any Part thereof; but the Right, Title, and Intereſt of the Repreſentatives of the ſaid Thomas Bomford, deceaſed, in and to the ſaid Grant or Leaſe, and the Benefit thereof, ſhall from henceforth be and remain in the ſame State, Plight, and Condition, and no other, as the ſame was before the paſſing of this Act.

Saving Clauſe.

IV. Saving to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, all ſuch Crown-rents, Quit-rents, Compoſitions, Services, and Duties, as are due and payable, and ought to be paid and performed to His Majeſty, on account of the Premiſes, or any Part thereof; and ſaving alſo to all and every Perſon and Perſons, Bodies Politick and Corporate, their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, all ſuch Right, Title, Intereſt, Claim, and Demand whatſoever, of, in, to, or out of the ſaid Lands, Tenements, and Hereditaments, herein-before mentioned, or any of them, with the Appurtenances, or any Part thereof, (other than and except our Sovereign Lord the King's Majeſty, His Heirs and Succeſſors, and the Truſtees named in and by the ſaid Acts of the Eleventh and Twelfth Years of the late King William the Third, and their Heirs), as they, every, or any of them, have or had, or might have had, therein or thereto, as fully to all Intents and Purpoſes, as if the Reverſion of the ſaid Towns, Town-lands, or Lands, had never been veſted in the Crown, or as if this Act had never been paſſed; any Thing herein contained to the Contrary thereof in any-wiſe notwithſtanding.

Anno duodecimo GEORGII III.

At the Parliament begun and holden at *Weſtminſter*, the Tenth Day of *May*, *Anno Domini* One thouſand ſeven hundred and ſixty-eight, in the Eighth Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* and from thence continued, by ſeveral Prorogations, to the Twenty-firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two; being the Fifth Seſſion of the Thirteenth Parliament of *Great Britain*.

CAP. I.

An Act to continue and amend an Act, made in the laſt Seſſion of Parliament, intituled, *An Act to continue the Prohibition of the Exportation of Corn, Grain, Meal, Flour, Bread, Biſcuit, and Starch; and alſo of the Extraction of Low Wines and Spirits from Wheat and Wheat Flour, for a further Time; and alſo to prohibit the Exportation of Malt for a limited Time.*

Preamble.

WHEREAS an Act was made in the laſt Seſſion of Parliament, intituled, *An Act to continue the Prohibition of the Exportation of Corn, Grain, Meal, Flour, Bread, Biſcuit, and Starch; and alſo of the Extraction of Low Wines and Spirits from Wheat and Wheat Flour, for a further Time; and alſo to prohibit the Exportation of Malt for a limited Time*; which ſaid Act was to continue in force until the Twentieth Day after the Commencement of the then next Seſſion of Parliament: And whereas it is expedient that the ſaid Act ſhould be continued for a further Time; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent

Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act ſhall be, and the ſame is hereby further continued, from the Time therein limited for the Exportation thereof, until the Twentieth Day after the Commencement of the next Seſſion of Parliament.

Act 11 *Geo.* III. continued till the 20th Day after the Commencement of Seſſ. VI.

II. And it is hereby further enacted by the Authority aforeſaid, That in caſe any Mariner, or other Perſon on Board any Ship or Veſſel, (other than and except the Maſter, or Perſon having the Charge or Command thereof), wherein any Corn, Grain, Meal, Malt, Flour, Bread, Biſcuit, or Starch, ſhall be exported, contrary to the Intent and Meaning of the ſaid recited Act hereby continued, ſhall diſcover any ſuch Offence to the Commiſſioners, or any Officer of His Majeſty's Cuſtoms, within the Space of Five Months after ſuch Offence ſhall be committed, ſuch Mariner, or other Perſon, (except as aforeſaid), making ſuch Diſcovery, ſhall, as an Encouragement, have, and be intitled to receive, One-third Part of the Net Money which ſhall be recovered and paid by Means of ſuch Diſcovery, after deducting from the Money recovered the Charges of proſecuting for and recovering the ſame; and One other third Part thereof ſhall be to the Uſe of His Majeſty, His Heirs and Succeſſors; and the other Third Part to ſuch Officer or Officers of His Majeſty's Cuſtoms, as ſhall ſue and proſecute for the ſame.

If any Perſon on Board (except the Maſter) ſhall diſcover an Offence to the Commiſſioners, *&c.* of Cuſtoms, within Three Months after the Offence, he ſhall be intitled to One-third of the Net Money recovered.

III. And be it further enacted by the Authority aforeſaid, That the Clauſe or Clauſes in the ſaid Act, inflicting Penalties on all Diſtillers or Makers of Low Wines or Spirits, who ſhall have in their Cuſtody or Poſſeſſion more than Five Quarters of Wheat or Wheat Flour, ſhall not extend, or be conſtrued to extend, to any Diſtiller or Maker of Low Wines or Spirits who practiſes the Trade of a Miller, and who was poſſeſſed of, and worked any Mill or Mills for grinding of Wheat, on or before the Firſt Day of October, One thouſand ſeven hundred and ſeventy-one, for or upon Account of any Quantity of Wheat or Wheat Flour which ſhall at any Time, during the Continuance of this Act, be found in any ſuch Mill or Mills; any Thing therein contained to the Contrary notwithſtanding.

The Clauſes in Act 11 *Geo.* III. inflicting Penalties on Makers of Low Wines, *&c.* not to extend to Millers.

IV. Provided nevertheleſs, That the ſaid Continuation may be abridged or ſhortened, and the ſaid Act, or any Part thereof, may be altered and varied, by any other Act or Acts to be made in this preſent Seſſion of Parliament.

Continuation may be abridged by Parliament.

CAP. II.

An Act to continue for a further Time an Act, made in the Eighth Year of His preſent Majeſty's Reign, intituled, *An Act to continue and amend an Act made in the Fifth Year of the Reign of His preſent Majeſty, intituled,* An Act for the Importation of Salted Beef, Pork, Bacon, and Butter, from *Ireland*, for a limited Time; and for allowing the Importation of Salted Beef, Pork, Bacon, and Butter, from the *Britiſh* Dominions in *America*, for a limited Time, till the Firſt of *March*, One thouſand ſeven hundred and ſeventy-three.

CAP. III.

An Act for granting an Aid to His Majeſty by a Land Tax, to be raiſed in *Great Britain*, for the Service of the Year One thouſand ſeven hundred and ſeventy-two.

CAP. IV.

An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters.

CAP. V.

An Act for the Regulation of His Majeſty's Marine Forces, while on Shore.

CAP. VI.

An Act for continuing and granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thouſand ſeven hundred and ſeventy-two.

CAP. VII.

An Act for explaining and amending an Act, made in the Seventh Year of His preſent Majeſty, intituled, *An Act for taking off the Inland Duty of One Shilling* per *Pound Weight upon all Black and Singlo Teas conſumed in* Great Britain; *and for granting a Drawback upon the Exportation of Teas to* Ireland, *and the* Britiſh *Dominions in* America, *for a limited Time, upon ſuch Indemnification to be made in reſpect thereof by the* Eaſt India Company, *as is therein mentioned, for permitting the Exportation of Teas in ſmaller Quantities than One Lot to* Ireland, *or the ſaid Dominions in* America; *and for preventing Teas ſeized and condemned from being conſumed in* Great Britain; and for ſettling certain Doubts and Diſputes which have ariſen upon the ſaid Act of Parliament.

WHEREAS by an Act of Parliament, made in the Seventh Year of His preſent Majeſty, intituled, *An Act for taking off the Inland Duty of One Shilling* per *Pound Weight upon all Black and Singlo Teas conſumed in* Great Britain; *and for granting a Drawback upon the Exportation of Teas to* Ireland, *and the* Britiſh *Dominions in* America, *for a limited Time, upon ſuch Indemnification to be made in reſpect thereof by the* Eaſt India Company, *as is therein mentioned, for permitting the Exportation of Teas in ſmaller Quantities than One Lot to* Ireland, *or the ſaid Dominions in* America; *and for preventing Teas ſeized and condemned from being conſumed in* Great Britain; amongſt other Things reciting, That the taking off the Inland Duty of One Shilling *per* Pound Weight, then payable as therein is mentioned, upon Black and Singlo Teas, and the allowing, upon the Exportation of all Teas which ſhall be exported to *Ireland*, and His Majeſty's Plantations in *America*, the whole of the Duty paid upon the Importation thereof into this Kingdom, appear to be the moſt probable and expedient Means of extending the Conſumption of Teas legally imported within this Kingdom, and of increaſing the Exportation of Teas to *Ireland*, and to His Majeſty's Plantations in *America*, which are now chiefly furniſhed by Foreigners in a Courſe of illicit Trade; and further reciting, That the United Company of Merchants of *England* trading to the *Eaſt Indies* are willing and deſirous to indemnify the Publick in ſuch Manner as is therein-after provided, with reſpect to any Diminution of the Revenue which ſhould or might happen from this Experiment, it is,

Preamble, recites Act 7 *Geo.* III.

amongſt other Things, enacted, That for and during the Space of Five Years, to be computed from the Fifth Day of *July*, One thouſand ſeven hundred and ſixty-ſeven, the ſaid Inland Duty of One Shilling *per* Pound Weight upon Teas ſhall not be paid for or in reſpect of any Bohea, Congo, Souchong, or Pekoe Teas, commonly called *Black Teas*, or any Teas known by the Denomination of *Singlo Teas*, which ſhall be cleared for Conſumption within *Great Britain* out of the Warehouſes of the ſaid United Company, but that all ſuch Teas ſo to be cleared, whether the ſame have been already or ſhall be hereafter ſold by the ſaid Company, or their Succeſſors, ſhall be, and are thereby freed and diſcharged, during the ſaid Term, from the ſaid Inland Duty: And it is thereby, amongſt other Things, further enacted, That for and during the like Space of Five Years, to be computed from the Fifth Day of *July*, One thouſand ſeven hundred and ſixty-ſeven, there ſhall be drawn back and allowed for all Teas exported from this Kingdom, as Merchandiſe to *Ireland*, or any of the *Britiſh* Colonies or Plantations in *America*, the whole Duties of Cuſtoms payable upon the Importation of ſuch Teas: And for making good any Diminution which might happen in the Revenues of Cuſtoms and Exciſe, by the Diſcontinuance of the ſaid Duty, and the Allowance of the ſaid Drawback, during the Term aforeſaid, it was further enacted, That on or before the Firſt Day of *September*, One thouſand ſeven hundred and ſixty-eight, and on or before the Firſt Day of *September*, in each of the Four ſucceeding Years, a true and exact Account ſhall be taken, ſtated, and made up, by the proper Officers of the Cuſtoms and Exciſe reſpectively, of the Net Produce of all the Duties of Cuſtoms, for and in reſpect of Teas ſold by the ſaid Company, and alſo of the Net Produce of the Duties of Exciſe, upon Teas cleared out of the Warehouſes belonging to the ſaid Company within the Year, ending the Fifth Day of *July* immediately preceding the taking, ſtating, and making up ſuch Accounts; and that a Sum, which ſhall be equal to the annual Net Produce of the Duties of Cuſtoms, paid upon the Importation of Teas which were exported to *Ireland*, and the *Britiſh* Colonies and Plantations in *America*, upon an Average for Five Years, preceding the Fifth Day of *July*, One thouſand ſeven hundred and ſixty-ſeven, ſhall be deducted from the Total of the Net Produce, ſo ſtated, of the ſaid Duties of Cuſtoms and Exciſe in the ſaid Account for the Year ending the ſaid Fifth Day of *July*, One thouſand ſeven hundred and ſixty-eight, and for each of the ſaid Four ſucceeding Years reſpectively: And if, after ſuch Deduction ſhall have been made, the remaining Sum ſhall not amount to the Sum as ſhall be equal to the annual Net Produce of all the Duties of Cuſtoms, for and in reſpect of Teas ſold by the ſaid Company, and alſo to the annual Net Produce of the Duties of Exciſe, upon Teas cleared out of the Warehouſes of the ſaid Company, on an Average for Five Years, preceding the ſaid Fifth Day of *July*, One thouſand ſeven hundred and ſixty-ſeven; then, and in every ſuch Caſe, from Time to Time, as often as ſuch Caſe ſhall ſo happen, the ſaid Company, or their Succeſſors, within Forty Days after a Copy of ſuch yearly Account reſpectively ſhall have been delivered, their Chairman, Deputy Chairman, Secretary, Caſhier, or Accomptant-general, ſhall advance and pay for every ſuch Year reſpectively, into the Receipt of His Majeſty's Exchequer, for His Majeſty's Uſe, ſuch Sum of Money as ſhall, with the Monies remaining in ſuch reſpective annual Account, after the Deduction aforeſaid ſhall have been made, amount to ſuch a Sum as ſhall be equal to the annual Net Produce of all the ſaid Duties of Cuſtoms and Exciſe upon Teas, on the ſaid Average of Five Years, preceding the ſaid Fifth Day of *July*, One thouſand ſeven hundred and ſixty-ſeven, ſo as the Money to be paid by the ſaid Company, or their Succeſſors, in purſuance of the ſaid Act, ſhall not, in any One of the ſaid Five Years, exceed ſuch a Sum, as ſhall be equal to the annual Net Amount of the ſaid Inland Duty of One Shilling *per* Pound Weight, upon Teas cleared from the Warehouſes of the ſaid Company for Conſumption within *Great Britain*, and alſo to the annual Net Amount of the Duties of Cuſtoms, paid on the Importation of Teas, which were exported to *Ireland*, and the *Britiſh* Colonies and Plantations in *America*, upon an Average for Five Years, preceding the Fifth Day of *July*, One thouſand ſeven hundred and ſixty-ſeven: And whereas the annual Net Produce of the Duties of Cuſtoms, paid upon the Importation of Teas, which were exported to *Ireland*, and the *Britiſh* Colonies and Plantations in *America*, upon an Average for Five Years, preceding the Fifth Day of *July*, One thouſand ſeven hundred and ſixty-ſeven, is found to amount to the Sumof Thirty-two thouſand three hundred and two Pounds, Four Shillings and Sixpence, and the annual Net Produce of all the Duties of Cuſtoms, for or in reſpect of Teas ſold by the ſaid Company, together with the annnal Net Produce of the Duties of Exciſe upon Teas, cleared out from the Warehouſes of the ſaid Company, on an Average of Five Years, preceding the Fifth Day of *July*, One thouſand ſeven hundred and ſixty-ſeven, is found to amount to the Sum of Seven hundred and eighteen thouſand, nine hundred and ſixty-ſix Pounds, One Shilling, and Two-fifth Parts of a Penny: And whereas, if the ſaid Sum of Thirty-two thouſand three hundred and two Pounds, Four Shillings and Sixpence, ſhould be deducted from the Total of the Net Produce of the Cuſtoms of Exciſe, upon Teas ſold by the ſaid United Company, and cleared out of their Warehouſes, after paying ſuch Drawbacks as are allowed by the ſaid in-part recited Act, in the Year ending on the ſaid Fifth Day of *July*, One thouſand ſeven hundred and ſixty-eight, and in each of the ſaid Four ſucceeding Years; and, if the ſaid United Company ſhould be bound to pay ſuch Sum, as will make the Sum which ſhall remain after ſuch Deduction equal to the ſaid Sum of Seven hundred and eighteen thouſand nine hundred and ſixty-ſix Pounds, One Shilling, and Two-fifth Parts of a Penny, Your Majeſty would probably, in every of the ſaid Years, receive from the ſaid United Company a greater Sum of Money, in the Name of Indemnity, than the actual Deficiency of Your Majeſty's Revenue, computed upon the Average in the ſaid recited Act mentioned, would amount to; and, on the other Hand, if the ſaid Deduction ſhould be made from the ſaid Total of the Produce of the Cuſtoms and Exciſe, upon Teas ſold by and cleared out of the Warehouſes of the ſaid United Company for the Year ending on the ſaid Fifth Day of *July*, One thouſand ſeven hundred and ſixty-eight, and for each of the ſaid Four ſucceeding Years, before paying or deducting ſuch Drawbacks as are allowed by the ſaid recited Act; and if the ſaid Company ſhould only pay ſuch Sum, as would make the Sum, in ſuch Caſe, remaining equal to the ſaid Sum of Seven hundred and eighteen thouſand nine hundred and ſixty-ſix Pounds, One Shilling, and Two-fifth Parts of a Penny, Your Majeſty would probably, in every of the ſaid Years, receive leſs than the actual Deficiency of Your Majeſty's Revenue, computed upon the Average in the ſaid Act mentioned, would amount to; ſo that the Rule preſcribed by the ſaid Act, for eſtimating the Indemnity therein provided, is inadequate and ineffectual, whereupon Doubts and Diſputes have ariſen between the Officers of Your Majeſty's Revenue and the ſaid United Company concerning the Manner of aſcertaining the ſame: And whereas it appears to have been the true Intent and Meaning of the ſaid Act, that the ſaid United Company ſhould fully indemnify Your Majeſty for any Diminution of Your Majeſty's Revenue, which might happen from the Experiment in the ſaid Act mentioned, by paying to Your Majeſty ſuch Sum of Money as ſhould be ſufficient to make the Net Produce of the Duties of Cuſtoms and Exciſe, upon Teas ſold by and cleared out of the Warehouſes of the ſaid Company in the ſaid Year, to be computed from the Fifth Day of *July*, One thouſand ſeven hundred and ſixty-ſeven, after paying the ſaid Drawbacks allowed by the ſaid Act, and in each of the ſaid Four ſucceeding Years, after the like Payment of the ſaid Drawbacks, equal to the ſaid Sum of Seven hundred and eighteen thouſand nine hundred and ſixty-ſix Pounds, One Shilling, and Two-fifth Parts of a Penny, and the ſaid United Company are willing, and have agreed to indemnify Your Majeſty accordingly, provided the ſeveral Sums ſo to be computed may be accepted in Satisfaction and Diſcharge of their Agreement, and of the Act herein-before recited; may it therefore pleaſe Your moſt Excellent Majeſty that it may be declared and enacted; and be it declared and enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That inſtead of the Rate of Indemnity provided by the ſaid Act, and to be computed as therein is mentioned, the ſaid United Company ſhall be liable to pay and make good to His Majeſty for the Year, ending on the Fifth Day of July, One thouſand ſeven hundred and ſixty-eight, and for each of the ſaid Four ſucceeding Years, ſuch Sum of Money as, together with the Net Produce of Cuſtoms upon Teas ſo by the ſaid Company, and the Net Produce of Exciſe upon Teas cleared out from the Warehouſes of the ſaid Company, ſhall, in and for each of the ſaid Years, amount to the Sum of Seven hundred and eighteen thouſand nine hundred and ſixty-ſix Pounds, One Shilling, and Two-fifth Parts of a Penny, and no more.

Inſtead of the Rate of Indemnity, provided thereby, the United Company ſhall pay annually to His Majeſty for each ſucceeding Year ſince 1768, 718,966 *l.* 1 *s.* and 2-5th Parts of a Penny.

II. And whereas, by an Account ſtated and made up in Conformity to the Rate of Indemnity herein-before laſt mentioned, for the firſt Four of the ſaid Five Years, the ſaid Four Years ending on the Fifth Day of *July*, One thouſand ſeven hundred and ſeventy-one, the ſaid United Company of Merchants of *England* trading to the *Eaſt Indies* ſtand indebted to His Majeſty in the Sum of One hundred and ſeventeen thouſand three hundred and fourteen Pounds, One Shilling, and Three-pence, and Seven-twentieth Parts of a Penny; be it further enacted by the Authority aforeſaid, That the ſaid Company ſhall, on or before the Fifth Day of July, which will be in the Year of our Lord One thouſand ſeven hundred and ſeventy-two, advance and pay into the Receipt of His Majeſty's Exchequer the ſaid Sum of One hundred and ſeventeen thouſand three hundred and fourteen Pounds, One Shilling, and Three-pence, and Seven-twentieth Parts of a Penny, without any Abatement or Defalcation whatſoever.

The United Company, before *July* 5, 1772, is to pay into the Receipt of Exchequer 117,314 *l.* 1 *s.* 3 *d.* and 7-20th Parts of a Penny.

III. And be it further enacted by the Authority aforeſaid, That all the Monies that ſhall be paid into the Receipt of His Majeſty's Exchequer, in purſuance of this Act, ſhall be applied to and for the Uſes and Purpoſes directed by the aforementioned Act of the Seventh Year of the Reign of His preſent Majeſty.

Monies payable ſhall be applied to the Uſes of Act 7 *Geo.* III.

IV. And be it further enacted by the Authority aforeſaid, That on or before the Firſt Day of September, which ſhall be in the Year of our Lord One thouſand ſeven hundred and ſeventy-two, a true and exact Account ſhall be taken, ſtated, and made up by the proper Officers of the Cuſtoms and Exciſe reſpectively, of the Net Produce of all the Duties of Cuſtoms for and in reſpect of Teas ſold by the ſaid United Company, and alſo the Net Produce of all the Duties of Exciſe upon Teas cleared out from the Warehouſes belonging to the ſaid United Company, within the Year ending the Fifth Day of July, One thouſand ſeven hundred and ſeventy-two: And if the Net Sum Total of both the ſaid Revenues, after paying the ſaid Drawback allowed by the ſaid-recited Act, ſhall not amount to the Sum of Seven hundred and eighteen thouſand nine hundred and ſixty-ſix Pounds, One Shilling, and Two-fifth Parts of a Penny, the ſaid United Company ſhall, within Forty Days after ſuch Account ſhall have been delivered to their Chairman, Deputy Chairman, Secretary, Caſhier, or Accomptant-general, advance and pay into the Receipt of His Majeſty's Exchequer, for His Majeſty's Uſe, ſuch Sum of Money as ſhall, together with the ſaid Sum Total of Cuſtoms and Exciſe, computed as aforeſaid, make up the ſaid Sum of Seven hundred and eighteen thouſand nine hundred and ſixty-ſix Pounds, One Shilling and Two-fifths Parts of a Penny.

Before *Sept.* 7. 1772, an exact Account to be taken by the Officers of the Cuſtoms of the Net Duties in reſpect of Teas ſold by the ſaid Company; and alſo of the Net Produce of the Duties of Exciſe upon Teas cleared out within the Year 1772.

V. And be it further enacted, That the ſaid Sum of One hundred and ſeventeen thouſand three hundred and fourteen Pounds, One Shilling, and Three-pence, and Seven-twentieth Parts of a Penny, and alſo ſuch Sum of Money as ſhall be payable by the ſaid United Company, in reſpect of the Account herein-before directed to be made up for the Year ending on the Fifth Day of July, One thouſand ſeven hundred and ſeventy-two, ſhall, in Default of Payment as aforeſaid, be ſued for and recovered in ſuch Manner and Form as the ſeveral Sums required to be paid in and by the ſaid recited Act are therein directed to be ſued for and recovered.

In Default of Payment by the ſaid Company, it may be ſued for, and recovered, in Manner directed by the former Act.

VI. And be it further declared and enacted by the Authority aforeſaid, That the ſaid recited Act is and ſhall be confirmed and eſtabliſhed, except ſo far as the ſame is hereby explained, altered, or repealed.

Act 7 *Geo.* III. confirmed, except as hereby altered and explained.

CAP. VIII.

An Act to explain and amend an Act, paſſed in the Tenth Year of His preſent Majeſty's Reign, for paving, lighting, and watching, the Town of *Plymouth*, in the County of *Devon*, and for regulating the Carmen and Porters within the ſaid Town.

Preamble.

WHEREAS an Act, paſſed in the Tenth Year of the Reign of His preſent Majeſty, intituled, *An Act for paving, lighting, and watching, the Town of* Plymouth, *in the County of* Devon, *and for regulating the Carmen and Porters within the ſaid Town*, has in many Reſpects been found inconvenient and defective: For Remedy whereof, may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That ſo much of the ſaid Act as relates to the Nomination and Appointment of Commiſſioners to put the ſame in Execution, ſhall be and is hereby declared to be repealed; and that from and after the paſſing of this preſent Act, the Mayor, Recorder, Aldermen, and Common Council of the Borough of Plymouth for the Time being, together with Thirty-eight other Perſons, Inhabitants of the ſaid Borough, to be elected at the Time and in Manner herein-after mentioned, ſhall be, and they are hereby declared to be appointed Commiſſioners for putting the ſaid former and this preſent Act in Execution; and, from and after ſuch Election, ſhall be veſted with the ſame Powers and Authorities for that Purpoſe as the Commiſſioners named and appointed in and by the ſaid former Act.

Corporation to meet for electing Commiſſioners.

II. And be it further enacted by the Authority aforeſaid, That the Mayor, Recorder, Aldermen, and Common Council of the ſaid Borough, or any Two or more of them, ſhall meet at the Guildhall within the ſame Borough on the Wedneſday Three Weeks next after the paſſing of this preſent Act, between the Hours of Ten of the Clock in the Forenoon and Two in the Afternoon, and ſhall then and there proceed to the Election of Thirty-eight proper Perſons, Inhabitants of the ſaid Borough, qualified as herein-after mentioned, to be added to the ſaid Mayor, Recorder, Aldermen, and Common Council, as Commiſſioners for putting the ſaid former and this preſent Act in Execution; which Election ſhall be determined by a Majority of the Votes of ſuch Perſons preſent at the ſaid Meeting as have been aſſeſſed to any Rate made in purſuance of the ſaid former Act; and the Names of the Perſons ſo elected ſhall be fairly entered and written in a proper Book, to be kept for that Purpoſe.

In caſe of their Death, new ones to be elected.

III. Provided always, and be it enacted, That as often as it ſhall happen that any of the ſaid Commiſſioners ſo to be elected as aforeſaid ſhall happen to die, or to remove out of the ſaid Borough, or refuſe to act, or become Recorder, Alderman, or Common Councilman, of the ſaid Borough; then, and in either of the ſaid Caſes, the Mayor, or in his Abſence, the ſenior Alderman there being, ſhall, within Ten Days after either of the ſaid Events ſhall have been duly notified to him, by a Certificate of any Two or more Commiſſioners, cauſe a publick Notice in Writing to be fixed upon the Guildhall of the ſaid Borough for the Space of Eight Days before ſuch intended Election, that he will proceed on a certain Day, to be ſpecified in ſuch Notice, which ſhall not exceed Three Days after the Expiration of the ſaid Eight Days, to the Election of a proper Perſon or Perſons to ſupply ſuch Vacancy or Vacancies, which Election ſhall be determined at the Guildhall of the ſaid Borough by the Majority of the Votes of ſuch Perſons preſent at the ſaid Meeting, who ſhall then have been duly aſſeſſed to any Rate made in purſuance of the ſaid former Act.

Mayor, Recorder, *&c.* not to have a Vote.

IV. Provided alſo, That neither the Mayor, Recorder, Aldermen, or Common Councilmen, of the ſaid Borough ſhall have any Vote or Votes in the Choice of the ſaid Thirty-eight Commiſſioners, or in the Choice of any Perſon or Perſons to be elected a Commiſſioner or Commiſſioners to ſupply ſuch Vacancy or Vacancies as aforeſaid.

Firſt Meeting of Commiſſioners.

V. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, ſhall meet at the Guildhall of the ſaid Borough on the Wedneſday next after ſuch Election of the Thirty-eight Commiſſioners, between the Hours of Ten of the Clock in the Forenoon and Two in the Afternoon, and afterwards, from Time to Time, as is directed by the ſaid former Act.

After Pavements are completed, Commiſſioners, at a Meeting, to determine how the ſaid Streets, Lanes, *&c.* are to be repaired in future.

VI. And be it further enacted by the Authority aforeſaid, That as ſoon as the Streets, Lanes, and Paſſages, in the ſaid former Act mentioned ſhall be paved, relaid, repaired, raiſed, lowered, altered, cleanſed, and freed from Annoyances, Obſtructions, Nuiſances, and Encroachments, and Drains made as in and by the ſaid former Act is directed, and the Monies raiſed, and to be raiſed, according to the Powers given by the ſaid former and this preſent Act, ſhall be repaid and diſcharged, with ſuch Intereſt as ſhall or may be due for the ſame, then it ſhall be lawful for the ſaid Commiſſioners, or the major Part of them, to aſſemble; and the Commiſſioners ſo aſſembled, or the Majority of them, ſhall and may, and they are hereby authoriſed and required to determine whether the ſaid Streets, Lanes, and Paſſages, ſhall from thenceforth be kept in Repair, or relaid, as Occaſion may require, in the Manner directed by the ſaid former Act, or by the reſpective Owners or Occupiers of the ſeveral Houſes, Buildings, Lands, Tenements, or Hereditaments, before which the Pavements are ſituate, at their own proper Coſts and Charges: And if the ſaid Commiſſioners ſhall then determine that the Owners or Occupiers ſhall thenceforth ſo repair, and keep in Repair, the Pavement before their reſpective Premiſes; then, and in ſuch Caſe, from and after ſuch Determination by the ſaid Commiſſioners, ſuch Part of the ſaid former Act as veſts the Property of all the preſent and future Pavements in the Streets, Lanes, and Paſſages, within the ſaid Borough in the Commiſſioners appointed by the ſaid Act, and impowers the ſaid Commiſſioners to direct all the ſaid Pavements to be repaired, taken up, paved, relaid, raiſed, lowered, or altered; and alſo ſo much of the ſaid former Act as directs the Paviors employed by the

Commiſſioners to repair the Pavements of the Parade, Quays, Markets, and the ſeveral other Places within the ſaid Borough, which had been uſually paved and kept in Repair by the ſaid Corporation, and the Owners thereof reſpectively, and which has provided a Remedy in caſe of Injury or Damage to any Part of the Pavements by any Perſon employed by the Owner or Owners of any Water Pipe, and by which the Commiſſioners are authoriſed to compound and agree with the ſaid Corporation and Owners of the ſaid Quays or Water Pipes reſpectively for a certain Sum of Money; and alſo ſo much of the ſaid former Act as impowers the ſaid Commiſſioners to cut, dig, take, and carry away, any Stones from any of the Quarries belonging to the ſaid Corporation, or from the Quarry under the Eaſtern Hoe; and alſo ſo much of the ſaid former Act as directs the Charges and Expences attending the repairing the Pavements, and removing Nuiſances and Obſtructions, from Time to Time to be borne by the Owners and Proprietors of the ſeveral Houſes, Buildings, Lands, Tenements, and Hereditaments, in the ſaid Town; and alſo ſo much of the ſaid former Act as impowers the ſaid Commiſſioners to contract for the paving, relaying, repairing, raiſing, lowering, mending, and altering, the Streets, Lanes, and Paſſages, within the ſaid Borough; and alſo ſo much of the ſaid former Act as gives Authority to the ſaid Commiſſioners to apply the Monies ariſing by the Rates and Aſſeſſments in that Act directed, and all Penalties and Forfeitures to be recovered or levied by virtue thereof, for the defraying the Expences of paving and repairing the ſaid Pavements, ſhall be, and the ſame are hereby declared to be repealed: And that from and after ſuch Determination, the Occupiers of the ſeveral Houſes, Buildings, Lands, Tenements, and Hereditaments, in the ſaid Town, ſhall be obliged, and they are hereby directed and required, from Time to Time, and at all Times hereafter, at their own proper Coſts and Charges, to repair, and keep in proper and ſufficient Repair, the Pavement before the Premiſes by them reſpectively held and occupied, in ſuch Sort, Manner, and Form, and to ſuch Extent, as ſhall be thought neceſſary by a Surveyor to be for that Purpoſe appointed at a Meeting of the ſaid Commiſſioners; which Surveyor ſhall, and he is hereby impowered and required to cauſe the ſaid Pavement to be repaired in a regular and uniform Manner, and the Streets, Lanes, and Paſſages, of the ſaid Town to be cleanſed and freed from all Annoyances, Obſtructions, Nuiſances, and Incroachments whatſoever.

The paving of the Streets, *&c.* how to be enforced and executed.

VII. And be it further enacted by the Authority aforeſaid, That if the Occupier or Occupiers of any Houſe, Building, Land, Tenement, or Hereditament, within the ſaid Borough, ſhall neglect or refuſe to repair the Pavement before the Premiſes ſo in his, her, or their Occupation, according to the Directions of ſuch Surveyor, within the Space of Ten Days next after ſuch Occupier or Occupiers ſhall have had Notice in Writing for that Purpoſe given, or left at their reſpective Dwellings, ſigned by Seven or more Commiſſioners preſent at a Meeting; or in caſe ſuch Premiſes ſhall be unoccupied, or the Owner or Owners thereof ſhall neglect or refuſe, as aforeſaid, for the Space of Ten Days next after a Notice in Writing, ſigned as aforeſaid, ſhall have been affixed to ſome conſpicuous Part of the ſaid Premiſes; then, and in either ſuch Caſes, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, as aforeſaid, from Time to Time, and ſo often as the ſame ſhall happen, to employ One or more Pavior or Paviors to repair ſuch Pavements under the Inſpection, and according to the Directions of the ſaid Surveyor; and the Sum or Sums due for ſuch Repairs ſhall be defrayed by any Occupier of ſuch Premiſes, or any Part thereof, and be paid to the ſaid Commiſſioners, or ſuch other Perſon or Perſons, as they ſhall appoint to receive the ſame; and if ſuch Premiſes ſhall be unoccupied then ſuch Sums ſhall be paid as aforeſaid by the Perſon or Perſons, or any of them, who ſhall firſt occupy the ſame, or by the Owner or Owners thereof; and all and every Occupier and Occupiers, chargeable with the Repairs of the Pavement, ſhall be at Liberty, and is and are hereby impowered to deduct and detain out of his, her, or their Rents ſuch Sum or Sums of Money as he, ſhe, or they, ſhall reſpectively pay for the Purpoſes aforeſaid; which Sum or Sums of Money the Owner or Owners of the Premiſes is and are hereby required to allow or pay to ſuch Occupier, any Leaſe, Contract, or other Matter or Thing to the Contrary notwithſtanding: And if in any Caſe any Perſon or Perſons hereby made liable to pay the ſaid Sum or Sums of Money ſhall refuſe to pay the ſame to the ſaid Commiſſioners, or ſuch other Perſon or Perſons as they ſhall appoint to receive the ſame, for the Space of Fourteen Days after lawful Demand made thereof, ſuch Sum or Sums of Money ſhall or may be recovered in Manner herein-after mentioned.

Sums due for Repairs to be defrayed by the Occupiers of the Premiſes.

After ſuch Determination, Corporation to repair ſuch Part of the Town as they formerly paved.

VIII. And be it further enacted by the Authority aforeſaid, That from and after ſuch Determination by the Commiſſioners, as is before mentioned, the Corporation of the ſaid Borough ſhall, from Time to Time, and at all Times, at their own Expence, repair, and keep in conſtant Repair, all ſuch Parts of the Pavements of the ſaid Town, as have heretofore been uſually repaired, and kept in Repair, by or at the Expence of the ſaid Corporation before the paſſing of the ſaid former Act.

Clauſe for Corporation to pay 40 *l. per annum*, repealed; and in lieu thereof 20 *l.* out of the Common Stock.

IX. And be it further enacted, That ſuch Part of the ſaid former Act as directs that the Corporation of the Borough of Plymouth ſhall pay the Sum of Forty Pounds yearly, and every Year, to the Commiſſioners for putting the ſaid former Act in Execution, or any Seven or more of them, or ſuch Perſon or Perſons as they ſhall, from Time to Time, order and appoint to receive the ſame, ſhall be, and the ſame is hereby declared to be, repealed; and that, from and after the paſſing of this preſent Act, the ſaid Corporation ſhall, in lieu of the ſaid Forty Pounds per Annum, out of the publick Stock of the ſaid Corporation, pay the Sum of Twenty Pounds yearly to the ſaid Commiſſioners.

Clauſe in former Act limiting Wages to Scavenger, cleanſing the Streets, *&c.* repealed.

X. And be it further enacted, That ſo much of the ſaid former Act as directs the ſaid Commiſſioners to appoint and pay, and alſo to limit and appoint, what Wages and Allowances ſhall be paid to any Scavenger, or other Officer, for the Purpoſe of ſweeping, cleanſing, and carrying away the Aſhes, Rubbiſh, Duſt, Dirt, Dung, and Filth; and alſo ſo much of the former Act as directs the Expences of ſweeping and cleanſing the ſaid Streets, Lanes, and Paſſages, to be defrayed out of the Rates made, or to be made, under the Authority of the ſaid former Act; and alſo ſo much of the ſaid former

Act as gives Authority to the Commiſſioners to compound with the Inhabitants, or any of them, for the ſweeping and cleanſing, and that gives Power to the ſaid Commiſſioners to buy or rent Land for depoſiting of Soil, Aſhes, Cinders, and Rubbiſh, be, and is hereby repealed: And that from and after the paſſing of this Act, the Mayor, Recorder, Aldermen, and Common Council of the ſaid Borough, or the major Part of them, ſhall or may appoint a ſufficient Number of Scavengers, or other Officers, for the Purpoſes aforeſaid, and ſhall pay a ſufficient Salary or Salaries to ſuch Scavengers, and other Officers, and ſhall defray all Expences for cleanſing, ſweeping, and removing all noiſome Matter within the Streets, Lanes, and Paſſages of the ſaid Town; and that from and after ſuch Appointment by the ſaid Mayor, Recorder, Aldermen, and Common Council, all and every Scavenger and Scavengers, Officer and Officers, aforeſaid, already appointed by the Commiſſioners under the ſaid former Act, ſhall be, and are hereby diſmiſſed; and that all Contracts made by the ſaid Commiſſioners with ſuch Scavengers, or other Officers, ſhall from thenceforth be null and void.

Proviſo.

XI. Provided nevertheleſs, That the ſaid Commiſſioners ſhall pay, out of the Rates levied, or to be levied, or out of the Monies borrowed, or to be borrowed, by the Authority of the former or this preſent Act, all Monies which ſhall be then due to ſuch Scavengers or Officers as aforeſaid.

Nothing contained to alter the Powers of the former Act.

XII. Provided alſo, That nothing in this preſent Act contained ſhall extend, or be conſtrued to extend, to repeal or alter any of the Powers or Authorities by the ſaid former Act given to the Commiſſioners over ſuch Scavengers, or other Officers, or to order and appoint how and in what Manner the Scavengers and other Officers ſhall reſpectively act and execute their ſeveral Offices, Places, and Employments; and it ſhall be lawful for the ſaid Commiſſioners to diſmiſs ſuch Scavengers, and ſuch other Officers ſo to be appointed by virtue of this Act, at their Will and Pleaſure, for any Neglect of Duty; in which Caſe, the ſaid Mayor, Recorder, Aldermen, and Common Council, ſhall, and they are hereby required to appoint other Scavengers, or other Officers, in the Place and Stead of them ſo diſmiſſed by the Commiſſioners; and that all Scavengers, or other Officers, ſo to be appointed by the ſaid Mayor, Recorder, Aldermen, and Common Council, ſhall be ſubject to the like Penalties and Forfeitures in ſuch Caſes, and for ſuch Offences, as ſuch Scavengers, and other Officers, are by the ſaid former Act liable to.

Mayor and Council may compound with Inhabitants.

XIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Mayor, Recorder, Aldermen, and Common Council, to compound with the Inhabitants of the ſaid Town by the Year, for the ſweeping and cleanſing any of the ſaid Streets, Lanes, or Paſſages, in ſuch Sort and Manner as the ſaid Commiſſioners were by the ſaid former Act impowered to do, though ſuch Compoſition-money be not paid in Advance.

Mayor, &c. to provide convenient Places for depoſiting of Soil, &c.

XIV. And be it further enacted, That the ſaid Mayor, Recorder, Aldermen, and Common Council, ſhall, and are hereby required to provide proper and convenient Places for depoſiting of the Soil, Aſhes, Cinders, and Rubbiſh, of the ſaid Streets, Lanes, and Paſſages; and the ſaid Commiſſioners, or any Seven or more of them, ſhall, and are hereby required, from and after the paſſing this Act, to order ſuch Scavengers, or other Officers, ſo to be appointed, to convey ſuch Soil, Aſhes, Cinders, and Rubbiſh, as he or they ſhall collect by virtue of this Act, to ſuch Place or Places within the ſaid Borough as the Mayor, Recorder, Aldermen, and Common Council ſhall provide as aforeſaid; and the ſaid Soil, Aſhes, Cinders, and Rubbiſh, ſo depoſited, ſhall from thenceforth be and remain the Property of the ſaid Mayor, Recorder, Aldermen, and Common Council.

Damage by Water Pipes, how to be repaired.

XV. And be it further enacted by the Authority aforeſaid, That after ſuch Determination by the ſaid Commiſſioners, as is before mentioned, if the Pavement of any of the ſaid Streets or Places directed to be repaired by the ſaid former or this preſent Act, ſhall be injured or damaged by the breaking or burſting of any Water-pipe or Pipes, the Expence of repairing ſuch Damage ſhall be reimburſed by the Owner or Owners of ſuch Pipe or Pipes to the Perſon or Perſons chargeable with ſuch Repair; and as often as it ſhall happen that any of the ſaid Pipes ſhall be injured or damaged in repairing any of the ſaid Pavements, the Perſon or Perſons chargeable with the ſaid Repairs ſhall make good all ſuch Damage as ſhall have been thereby ſuſtained by the Owner or Owners of ſuch Pipe or Pipes; and in caſe ſuch Owner or Owners of ſuch Pipe or Pipes, or the Perſon or Perſons chargeable with the Repairs of any of the ſaid Pavements, ſhall repectively refuſe to make ſuch Satisfaction as is hereby required of them, for the Space of Six Days after the ſame ſhall be demanded of them, the ſame ſhall be recovered and levied in Manner herein-after mentioned.

Commiſſioners may erect what Number of Lamps they think convenient.

XVI. And whereas the Number of Lamps directed by the ſaid former Act to be erected within the ſaid Borough is inſufficient, be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, as aforeſaid, ſhall have Power to cauſe to be erected ſo many Lamps as to them ſhall ſeem proper and convenient; the Property of which Lamps, and of the Lamp Irons and Poſts thereunto belonging, as well as of thoſe already erected by virtue of the ſaid former Act, ſhall be and is hereby veſted in the ſaid Commiſſioners, in as full and ample Manner as the Lamps, Lamp Irons and Poſts are veſted by the ſaid former Act; and all Clauſes in the ſaid former Act contained reſpecting Lamps, Lamp Irons and Poſts, erected by virtue of the ſaid Act, ſhall extend to every Lamp, Lamp Iron and Poſt, to be erected by virtue of this Act.

Offenders out of the Juriſdiction of the Town how to be puniſhed.

XVII. And be it further enacted by the Authority aforeſaid, That if any Offender againſt the ſaid former or this preſent Act ſhall be found out of the Juriſdiction of the ſaid Borough, any Juſtice or Juſtices of the Peace for the County or Place where ſuch Offender ſhall be found, ſhall have the ſame Power with reſpect to the apprehending and puniſhing ſuch reſpective Offenders, as by the ſaid former Act is given to the Juſtices of the Peace for the ſaid Borough.

XVIII. And

Watchmen to be appointed by the Commiſſioners.

XVIII. And whereas it may be neceſſary hereafter to employ more than Twenty Watchmen in watching and guarding the Streets, Lanes, and Paſſages of the ſaid Town, be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, ſhall have Power to appoint any competent Number of fit and able-bodied Men to watch and guard the Streets, Lanes, and Paſſages of the ſaid Town, under the Direction of One or more Conſtable or Conſtables for the ſaid Borough for the Time being, to be for that Purpoſe nominated by the Mayor of the ſaid Borough, or, in his Abſence, by any One of the ſaid Juſtices for the Time being; and out of the Aſſeſſments to be made by virtue of the ſaid former and this preſent Act, to make ſuch Allowance to the ſaid Conſtable or Conſtables, and Watchmen, for their Attendance, and to give ſuch Orders and Directions concerning the Manner in which the ſaid Watchmen ſhall be armed and ſtationed, and, from Time to Time, to remove any of the ſaid Watchmen, and appoint others in their Stead, as Occaſion may require.

Penalty on Perſons neglecting to ſerve the Office of Conſtable.

XIX. Provided always, and be it further enacted by the Authority aforeſaid, That if any Conſtable of the ſaid Borough, appointed as aforeſaid, ſhall refuſe or neglect to take upon him ſuch Direction of the Watchmen as aforeſaid, and to do his Duty therein, he ſhall, upon Conviction thereof before the Mayor and One other Juſtice of the Peace for the ſaid Borough, or, in the Abſence of the Mayor, before any Two Juſtices of the Peace for the ſaid Borough, be liable to the Payment of ſuch Fine for the ſame, (not exceeding Five Pounds), as the ſaid Mayor and Juſtice, or the ſaid Two Juſtices, ſhall think proper to impoſe; to be recovered and levied in Manner herein-after mentioned.

Nuiſances to be removed, on Forfeiture of 5 s.

XX. And be it further enacted by the Authority aforeſaid, That in caſe any Filth, Rubbiſh, or any other Matter whatſoever, (except Muck, Dung, or Manure, brought in order to be loaded and carried away by the Scavenger), lying or being in any of the ſaid Streets, Lanes, or Paſſages, ſhall, upon Complaint made to the ſaid Commiſſioners, be judged offenſive, the ſame ſhall be deemed a Nuiſance, and an Offence againſt the ſaid former Act; and in caſe the ſame ſhall not be removed within Four Hours after Requeſt made for that Purpoſe by the Party then complaining to the Perſon or Perſons who ought to remove the ſame, upon Proof made thereof, on Oath of One credible Witneſs before any Juſtice of the Peace for the ſaid Borough, ſuch Perſon or Perſons ſo offending ſhall forfeit and pay the Sum of Five Shillings for the ſaid Offence, and Five Shillings an Hour for every Hour that the ſame ſhall continue unremoved after the Expiration of the ſaid Four Hours; to be recovered and levied in Manner herein-after mentioned.

No Casks, &c. to be hooped in the Streets.

XXI. And be it further enacted by the Authority aforeſaid, That no Cooper, or other Perſon, ſhall hoop or burn, or cauſe to be hooped or burnt, any Cask or Casks of what Kind ſoever, in any Street of the ſaid Borough, upon Pain that every Perſon ſo offending ſhall, on Proof thereof made on the Oath of One credible Witneſs, before any Juſtice of the Peace of the ſaid Borough, forfeit and pay the Sum of Five Shillings for every ſuch Offence; to be recovered and levied in Manner herein-after mentioned.

Time for emptying Neceſſary-houſes.

XXII. And be it further enacted by the Authority aforeſaid, That if any Neceſſary-houſe in the ſaid Town ſhall be emptied at any Time, except between the Hours of Twelve at Night and Four in the Morning, or the Soil thereof ſhall be laid in any other Place than ſhall be appointed for that Purpoſe by the ſaid Commiſſioners, or any Seven or more of them, as aforeſaid, by any Perſon or Perſons; then, and in either of the ſaid Caſes, as well the Perſon or Perſons knowingly employing any Perſon or Perſons for that Purpoſe, as the Perſon or Perſons committing the Offence, ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings; and if any Perſon or Perſons ſhall wilfully or negligently ſpill any of the Soil of any Neceſſary-houſe in any of the ſaid Streets, Lanes, or Paſſages, and not immediately remove the ſame, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the like Sum of Forty Shillings.

Expences of the Act to be defrayed by Tenants.

XXIII. And be it further enacted by the Authority aforeſaid, That from and after ſuch Determination by the ſaid Commiſſioners, as is before mentioned, all Charges and Expences attending the removing Obſtructions, and lighting and watching the ſaid Streets, Lanes, and Paſſages, ſhall, from Time to Time, be paid, borne, and defrayed by the Tenants or Occupiers of the ſeveral Houſes and Buildings in the ſaid Town, and other the Inhabitants thereof; provided that no Aſſeſſment to be made for defraying the ſaid Expences ſhall exceed in the Whole Sixpence in the Pound in any One Year.

Aſſeſſments not to exceed 6 d. in the Pound.

Doubts in the former Act, obviated.

XXIV. And whereas Doubts have ariſen upon the Conſtruction of ſuch Part of the ſaid Act of the Tenth Year of His preſent Majeſty, as impowers the Commiſſioners to make a Rate or Aſſeſſment, which ſhall not exceed in the Whole Nine-pence in the Pound in the Two Firſt Years after the paſſing the Act; be it declared and enacted by the Authority aforeſaid, That the Rates or Aſſeſſments made by the ſaid Commiſſioners for the Payment of Nine-pence in the Pound in each Year for the Firſt Two Years after the paſſing the ſaid Act, are, and are hereby declared to be legal Rates; and that the reſpective Sums aſſeſſed upon the ſeveral Inhabitants by the ſaid Rates or Aſſeſſments, and all Arrears thereof, ſhall and may be recovered and levied in ſuch and the like Manner as any Rate or Aſſeſſment directed to be made by virtue of the ſaid former or this preſent Act, may be recovered and levied.

Rates, when made, to be ſigned by the Commiſſioners.

XXV. Provided always, and be it enacted, That when and ſo often as any Rate or Aſſeſſment ſhall be made by virtue of this or the ſaid former Act, the ſame ſhall be ſigned by the Commiſſioners, or any Seven or more of them, within Two Days after ſuch Rate or Aſſeſſment ſhall be made, and publick Notice ſhall be given thereof in the reſpective Pariſh Churches within the ſaid Borough, immediately after Divine Service on the Sunday next after the ſame ſhall be ſo ſigned; and the ſaid Rate or Aſſeſſment, or a Duplicate thereof, ſo long as the ſame ſhall continue in Force, ſhall lie open in the

Guildhall of the ſaid Town, or in ſuch other Place as the Commiſſioners at a Meeting ſhall appoint, for publick Inſpection, without Fee or Reward; and that any Rate to be made by virtue of this preſent Act ſhall be ſubject to ſuch and the ſame Regulations and Powers as the Commiſſioners are authoriſed to exerciſe over Rates made in purſuance of the ſaid former Act.

Perſons within certain Limits only to be rated.

XXVI. Provided alſo, That no Perſon or Perſons ſhall be ſubject or liable to the Payment of any Rate or Rates, or Aſſeſſments to be made in purſuance of this or the ſaid former Act, for ſweeping, cleanſing, lighting, watching, and removing Nuiſances, but the ſeveral Tenants or Occupiers of ſuch Houſes and Buildings as now are, or at any Time or Times hereafter ſhall be, erected in the ſaid Town.

Collectors, how to be appointed.

XXVII. And be it further enacted by the Authority aforeſaid, That ſo much of the ſaid former Act as impowers the Commiſſioners to appoint the Aſſeſſors therein mentioned, or any Six or more of the Inhabitants, to be Collectors of the Rates therein mentioned, be, and is hereby repealed; and from and after the paſſing this Act, the ſaid Commiſſioners, or any Seven or more of them, ſhall and may, by Writing under their Hands, from Time to Time, nominate and appoint Two or more Collectors of the Monies to be raiſed by virtue of the ſaid former and this preſent Act; which Collectors ſo appointed ſhall be ſubject to the ſaid Commiſſioners, and be liable to the ſame Forfeitures, as in and by the ſaid former Act is provided; and that each and every of ſuch Collectors ſhall have and be intitled to ſuch Sum, not exceeding Three-pence in the Pound, upon the Amount of the Money by them reſpectively received, as the ſaid Commiſſioners ſhall think reaſonable.

Collectors and Aſſeſſors to ſerve a limited Time.

XXVIII. Provided always, That no Perſon ſhall continue in either of the ſaid Offices of Aſſeſſor or Collector for any longer Time than the Space of One Year, nor ſhall be again nominated to either of the ſaid Offices in leſs than Five Years from the Time of his having ſerved the ſame, unleſs it ſhall happen to come ſooner to his Turn by general Rotation, or unleſs he ſhall particularly apply or requeſt to be ſo appointed.

Manner of Payment of Rates.

XXIX. And be it further enacted by the Authority aforeſaid, That all and every the Rate and Rates, Aſſeſſment and Aſſeſſments, which ſhall at any Time hereafter be made in purſuance of this and the ſaid former Act, ſhall be collected and received by the ſeveral Perſons appointed for that Purpoſe by Four equal quarterly Payments.

Perſons liable to Watch and Ward, to pay ſuch Sum as the Commiſſioners appoint.

XXX. And be it further enacted by the Authority aforeſaid, That the Inhabitants or Reſiants of the ſaid Town, who, by virtue of the ſaid former Act, were liable to be aſſeſſed Four Shillings a Year in lieu of the perſonal Duty of Watch and Ward, ſhall pay by quarterly Portions ſuch annual Sum as the ſaid Commiſſioners ſhall appoint, not exceeding the Sum of Four Shillings a Year each, in lieu of their ſaid perſonal Duty, to the Perſons appointed to collect and receive the Aſſeſſment to be made in purſuance of the ſaid former and this preſent Act; which ſaid Collector ſhall, from Time to Time, make a true and faithful Return of the Names of all Perſons making Default in ſuch Payment to the Commiſſioners, at their next publick Meeting; and the reſpective Payments ſo in arrear ſhall be recovered and levied in Manner herein-after mentioned:

Poor Perſons to be excuſed.

Provided, that if any ſuch Defaulter or Defaulters ſhall, through Poverty, be really unable to pay the Money ſo to be aſſeſſed on him or them as aforeſaid, and ſhall be proved ſo to be to the Satisfaction of the ſaid Commiſſioners, it ſhall and may be lawful to and for ſuch Commiſſioners, and they are hereby authoriſed and impowered to mitigate and leſſen the Amount of the Arrears ſo due from ſuch Defaulter or Defaulters, or wholly to diſcharge him or them from the ſame, as the Nature of the Caſe may require, and as the ſaid Commiſſioners in their Diſcretion ſhall think proper; any Thing in the ſaid former or this preſent Act contained to the Contrary thereof notwithſtanding.

Commiſſioners to borrow a further Sum, not exceeding 1500 *l.*

XXXI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding One thouſand five hundred Pounds, over and above all Sums already borrowed upon the Credit of the ſaid former Act, at ſome publick Meeting or Meetings, at which there ſhall be preſent no leſs than Fifteen of the ſaid Commiſſioners, upon the Credits of the Aſſignments to be made by virtue of the ſaid former and this preſent Act, which Leaſe ſhall be made under ſuch Regulations as are preſcribed by the ſaid former Act.

30 Days Notice to be given of borrowing Money.

XXXII. Provided alſo, That no Money ſhall be borrowed by virtue of the ſaid former or this preſent Act, unleſs Thirty Days Notice ſhall be given of the ſame, by Writing, affixed to the Guildhall of the ſaid Borough, ſigned by the Clerk or Treaſurer to the ſaid Commiſſioners for the Time being; and that all Creditors who ſhall have lent Money upon the Rates or Aſſeſſments granted by the ſaid former and this preſent Act, ſhall be deemed and taken to be Creditors in equal Degree, without any Priority.

Qualification of Commiſſioners.

XXXIII. Provided always, and be it further enacted by the Authority aforeſaid, That ſo much of the ſaid former Act as deſcribes the Qualification of the Commiſſioners for putting the ſaid Act in Execution be, and is hereby repealed; and that no Perſon (except the Mayor, Recorder, Aldermen, and Common Council of the ſaid Borough) ſhall be capable of acting as a Commiſſioner for putting the ſaid former or this preſent Act in Execution, who ſhall not be rated and pay for his own Property the Sum of Twenty Shillings by the Year, for the Relief of the Poor of the ſaid Borough for the Time being, or be ſeiſed in his own Right, or in the Right of his Wife, of Lands within the ſaid Borough, of which the reſerved Rent ſhall amount to Forty Pounds by the Year; or ſhall be poſſeſſed of a Term of Ninety-nine Years in ſuch Lands, determinable on Lives, of which the Rents and Profits to his own Uſe ſhall amount to Forty Pounds by the Year: And if any Perſon ſhall, from and after the Election of the Thirty-eight Commiſſioners as aforeſaid, act as a Commiſſioner for putting the ſaid former or this preſent Act in Execution, not being ſuch Member of the Corporation of the ſaid Borough for the Time being, and not being qualified as deſcribed by this preſent Act, ſuch Perſon or Perſons ſhall be ſubject to the Penalties inflicted by the ſaid former Act on Perſons acting as Commiſſioners, who ſhall not be qualified according to the Directions of the ſaid Act; which

Penalties ſhall be recovered and levied in the like Manner as by the ſaid former Act is directed in caſe of Perſons acting without a Qualification.

Recovery of Penalties.

XXXIV. And whereas, in the ſaid former Act, and in this preſent Act, divers Penalties and Forfeitures are directed for certain Offences particularly ſpecified, touching which no expreſs Proviſion is made how the Offenders liable to ſuch Penalties and Forfeitures ſhall be proceeded againſt: be it further enacted by the Authority aforeſaid, That, upon Complaint made to any Juſtice of the Peace for the ſaid Borough againſt any ſuch Offender or Offenders, it ſhall be lawful for the ſaid Juſtice, upon the Oath of One or more credible Witneſs or Witneſſes, to convict the Offender or Offenders; and that all Penalties and Forfeitures by this or the ſaid former Act incurred, and alſo all and every Sum and Sums of Money therein or herein directed to be raiſed or paid, touching which no other Proviſion is made, ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Perſons liable to pay the ſame, (unleſs ſuch Perſons ſhall voluntarily pay the ſame on Demand) by Warrant under the Hand and Seal of a Juſtice of the Peace of the ſaid Borough, (which Warrant the ſaid Juſtice is hereby impowered and required to grant); and the ſaid Penalties, Forfeitures, and Sums, when recovered, after rendering the Overplus (if any be) to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, (the Charges of ſuch Diſtreſs and Sale being firſt deducted) ſhall be applied (if not otherwiſe directed to be applied by this or the ſaid former Act) to the Purpoſe of carrying the ſaid former and this preſent Act into Execution.

Juſtices veſted with a Power of Mitigation.

XXXV. Provided always, That it ſhall be in the Power of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made to mitigate all or any of the Penalties inflicted by this Act, ſo that ſuch Mitigation do not extend to more than Three-fourths of the original Penalty.

Rails on the Quays to be placed by the Proprietors.

XXXVI. And be it further enacted, That ſo much of the ſaid former Act as directs, that the Owners or Proprietors of the ſeveral Quays adjoining to Sutton Pool ſhall cauſe Rails to be placed upon the Quays, and keep the ſame in Repair, be, and the ſame is hereby repealed; and that in order to prevent Accidents which may happen from the Want of proper Rails being placed upon the Quays near the Harbour called Sutton Pool, in the ſaid Town, the ſeveral Owners and Proprietors of the ſeveral publick Quays adjoining to the ſaid Harbour ſhall, within Six Calendar Months from and after the paſſing this Act, cauſe proper Rails to be placed and fixed upon the ſaid Quays next the ſaid Harbour, and ſhall, from Time to Time, keep ſuch Rails in proper Repair; or in Default thereof, the ſaid Commiſſioners are hereby authoriſed and required, with all convenient Speed, to order the ſaid Quays to be properly railed, or the Rails thereof repaired, as the Caſe ſhall happen to be, and the Expence attending the ſame ſhall be paid by the reſpective Owners or Occupiers of ſuch Quays to the ſaid Commiſſioners, or their Treaſurer or Clerk, or to ſuch other Perſon as they ſhall for that Purpoſe appoint; and in Default of ſuch Payment, the ſame may be recovered from the ſaid reſpective Owners or Occupiers of the ſaid Quays by Action of Debt, in any of His Majeſty's Courts of Record, in the Name of any Two of the ſaid Commiſſioners, or their Clerk, with full Coſts of Suit,

Watchmen to apprehend diſorderly Perſons, and carry them before a Juſtice.

XXXVII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Watchmen, or any of them, and they are hereby reſpectively authoriſed and required, during the Time of their keeping Watch and Ward, to apprehend and ſecure in the Watch-houſe, or ſome other Places of Safety, under the Direction of the Conſtable of the Watch for the Time being, all ſuch Diſturbers of the King's Peace, and ſuch diſorderly or ſuſpected Perſons as ſhall be found wandering or miſbehaving themſelves, and to carry them as ſoon as conveniently may be before the Mayor, or ſome Juſtice of the Peace of the ſaid Borough, in order to be examined and dealt with according to Law.

Clauſe in former Act to prevent Carts, &c. being left in the Streets, further extended to Drays, &c.

XXXVIII. And whereas by a Clauſe in the ſaid former Act, Carts, Waggons, and other Wheel-carriages are prohibited to remain in the Streets for any longer Time than the Space of Two Hours; be it further enacted by the Authority aforeſaid, That the ſaid Clauſe, and all and every the Penalties thereby impoſed, ſhall, from and after the paſſing of this Act, extend to all Drays, Sledges, or other Carriages of what Nature or Kind ſoever.

Power of Appeal.

XXXIX. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Aſſeſſment, Adjudication, or Penalty, in purſuance of the ſaid former or this preſent Act, ſuch Perſon or Perſons ſhall and may be at Liberty to appeal either to the Juſtices of the Peace for the ſaid Town, at the next Court of Quarter Seſſions of the Peace, to be holden in and for the ſame by Adjournment, or otherwiſe, ſuch Appellant or Appellants firſt giving reaſonable Notice to the ſaid Commiſſioners, or their Clerk; and if reaſonable Notice be not given, the Juſtices ſhall adjourn the Appeal to the next Court, to be holden as aforeſaid, at which ſaid Court the ſaid Juſtices ſhall have Power to hear and determine the ſame, or he, ſhe, or they, ſhall and may be at Liberty to appeal, in the Firſt Inſtance, to the Juſtices of the Peace at the next General Quarter Seſſions of the Peace to be holden for the ſaid County of Devon, ſuch Appellant or Appellants firſt giving ſuch Notice, and entering into ſuch Recognizances, as by the ſaid former Act is in that Behalf directed; and the Determination of the Quarter Seſſions, to which ſuch Appeal ſhall be made, ſhall be binding, final, and concluſive, to all Intents and Purpoſes.

Former Act confirmed.

XL. And be it further enacted by the Authority aforeſaid, That all and every the Clauſes, Articles, Proviſions, Penalties, Forfeitures, Matters, and Things, in the ſaid former Act contained, except ſuch and ſo many of them as are repealed, altered, or varied, by this preſent Act, ſhall be, and continue in full Force and Effect; and that all and every Contract and Agreement which have already been made in purſuance or by virtue of the ſaid former Act, ſhall be, and the ſame are hereby eſtabliſhed and confirmed.

Expences of the Act how to be defrayed.

XLI. And be it further enacted, That the Charges and Expences of obtaining and paſſing this Act, and attending all Contracts made in purſuance of the Execution of the

Powers of the ſaid former Act, and the Expences attending the ſeveral Applications to Parliament in the laſt Seſſion, for amending the ſaid former Act, ſhall be paid out of the firſt Monies to be raiſed by virtue of the ſaid former or this preſent Act.

Publick Act.

XLII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, and other Perſons whatſoever, without ſpecially pleading the ſame.

CAP. IX.

An Act to enable the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens, commonly called *Bedford Level*, to borrow upon Bonds further Money, upon account of the Middle and South Levels, Part of the ſaid Great Level; and for eſtabliſhing a further certain Fund for Payment of the Bonds of the ſaid Corporation out of the ſaid Middle and South Levels.

Preamble, recites Acts 15 *Car.* II.

20 *Car.* II.

27 *Geo.* II.

and 29 *Geo.* II.

WHEREAS by an Act of Parliament, made in the Fifteenth Year of King *Charles* the Second, intituled, *An Act for ſettling the draining of the Great Level of the Fens, called* Bedford Level, it was (amongſt other Things) enacted, That *William*, then Earl of *Bedford*, and the Adventurers and Participants of *Francis* Earl of *Bedford*, and the ſaid Earl *William*, or either of them, their Heirs and Aſſigns, in ſuch Manner as in the ſaid Act is contained, ſhould be a Body Politick and Corporate, and have Succeſſion for ever, by the Name of *The Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens*; with Power to lay Taxes upon the Ninety-five thouſand Acres allotted to them as a Recompence for draining the ſaid Great Level, (Twelve thouſand Acres whereof had been deſigned and intended for His late Majeſty King *Charles* the Firſt, and had been ſet forth by Bounds in Severalty) for the Support, Maintenance, and Preſervation of the ſaid Great Level, and to levy the ſame, with Penalties for Nonpayment; and to do all other Things, in order to the Support, Maintenance, and Preſervation of the ſaid Great Level, and Works made, and to be made, in ſuch Manner as in the ſaid Act is mentioned: And whereas by another Act, made in the Twentieth Year of the Reign of King *Charles* the Second, intituled, *An Act for the taxing and aſſeſſing of the Lands of the Adventurers within the Great Level of the Fens*, it was enacted, That Eighty-three thouſand Acres, Parcel of the ſaid Ninety-five thouſand Acres, ſhould, from Time to Time, be taxed and aſſeſſed by a gradual Acre-tax of different Sorts and Values of Lands; and that the ſaid Twelve thouſand Acres, Reſidue of the ſaid Ninety-five thouſand Acres, ſhould be rated at a Medium of the whole Tax, to be from Time to Time aſſeſſed upon the ſaid Ninety-five thouſand Acres: And, to the End that the ſaid Eighty-three thouſand Acres might be more equally taxed by a gradual Acre-tax, certain Perſons in the ſame Act named were appointed Surveyors and Valuers of the ſaid Eighty-three thouſand Acres, and were, within the Time limited by the ſaid Act, to digeſt the ſaid Eighty-three thouſand Acres into a Number of Sorts and Degrees, not under the Number of Seven Sorts and Degrees, and to rate and tax ſuch Degrees, and digeſt the ſame into Schedules, in Writing, and to make Returns thereof, upon their Oaths, into the Fen-office, in ſuch Manner as by the ſaid Act is preſcribed: And whereas by Valuations, made by the ſeveral Perſons appointed by the ſaid Act of the Twentieth of King *Charles* the Second, and duly returned into the Office of the ſaid Corporation in *London*, the ſaid Eighty-three thouſand Acres were ſet out and digeſted into Eleven different Sorts and Degrees of Land, and the ſeveral Sums to be rated and aſſeſſed upon each of the ſaid Sorts and Degrees, as their reſpective Proportions of the Taxes to be paid to the ſaid Corporation, were by the ſaid Valuations ſettled and limited; and the ſaid Eighty-three thouſand Acres have always ſince been taxed by a gradual Acre-tax, according to the Degrees and Proportions ſo ſet out and allotted, and the ſaid Twelve thouſand Acres at a Medium of ſuch Tax: And whereas by another Act, made in the Twenty-ſeventh Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for diſcharging the Corporation of the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens, commonly called* Bedford Level, *from a Debt due to the Duke of* Bedford *and Earl of* Lincoln; *and for enabling the Proprietors of Lands in the North Level, Part of the ſaid Great Level, to raiſe Money to diſcharge the Proportion of the ſaid North Level in the Debts of the ſaid Corporation; and for aſcertaining and appropriating the Taxes to be laid on the ſaid North Level, and for the more effectual draining and preſerving the ſaid North Level, and divers Lands adjoining thereto, in the Manor of* Crowland, taking Notice, amongſt other Things, That, at a Court of the ſaid Corporation, held the Tenth Day of *March*, One thouſand ſix hundred and ninety-ſeven, the ſaid Corporation declared, that the ſeveral Parts of the ſaid Great Level ſhould be diſtinguiſhed by the ſeveral Names of *The North Level, Middle Level,* and *South Level,* reſpectively, it was, amongſt other Things, enacted, That the ſaid North Level, or the Lands, Tenements, Rents, Taxes, and Revenues thereof, or of any Part thereof, ſhould not be ſubject or liable to the Payment of any Debt, or Sum or Sums of Money, which ſhould at any Time thereafter be contracted, taken up, or borrowed, by the ſaid Corporation, for or upon account of the ſaid Middle or South Levels, or either of them; and alſo, that the ſaid Middle and South Levels, or either of them, or the Lands, Tenements, Rents, Revenues, and Taxes of them, or either of them, ſhould not be ſubject or liable to the Payment of any Debt, or Sum or Sums of Money whatſoever, which ſhould at any Time thereafter be contracted, taken up, or borrowed, by the ſaid Corporation, on account of the ſaid North Level: And whereas, by another Act, made in the Twenty-ninth Year of His ſaid late Majeſty King *George* the Second, intituled, *An Act for eſtabliſhing a Fund for Payment of the Bonds of the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, commonly called* Bedford Level, *and for exchanging the preſent Bonds of the ſaid Corporation for other Bonds, payable out of the Revenues of the Middle and South Levels, Part of the ſaid Great Level, and for enabling the ſaid Corporation to borrow further Sums, for the Uſe of the ſaid Great Level,* to the End that a ſufficient Fund might be at all Times thereafter raiſed and ſecured for the Payment of the Bonds of the ſaid Corporation; and that the Bonds which had been given by the ſaid Corporation for the Sum of Twenty-ſeven thouſand four hundred and forty Pounds, the then Debt of the ſaid Corporation, might be exchanged; and that the ſaid Corporation might be enabled to borrow ſuch further Sums as ſhould be neceſſary for the Support and Preſervation of the ſaid Great Level; and that diſtinct Bonds might be given for the Money which ſhould be borrowed upon account of the ſaid Middle and South Levels, and upon account of the ſaid North Level, it was, (among other Things) enacted, That, during ſuch Time as any Debt, or Sum of Money, ſhould be due or owing from or upon account of the ſaid Middle and South Levels, all ſuch Parts of the ſaid Eighty-three thouſand Acres as lie within the ſaid Levels, or either of them, ſhould yearly and every Year be, and the ſame were thereby rated, taxed, charged, and aſſeſſed, by and with a ſingle gradual Acre-tax, and ſuch Part of the ſaid Twelve thouſand Acres as lie within the ſaid Middle or South Levels, with a Medium of ſuch ſingle gradual Acre-tax, according to the ſaid Act of the Twentieth of King *Charles* the Second, and the Valuations made in purſuance thereof: And it was thereby provided, That it ſhould be lawful for the Governor, Bailiffs, and Conſervators, of the ſaid Corporation, from Time to Time, to rate, tax, charge, or aſſeſs, all ſuch Parts of the ſaid Eighty-three thouſand Acres, and Twelve thouſand Acres, as lie within the ſaid Middle or South Levels, with any further Tax which they the ſaid Governors, Bailiffs, and Conſervators, ſhould judge neceſſary, in the ſame Manner as they might have done before the making of the ſaid Act: And it was thereby further enacted, That in lieu of the Bonds thentofore given by the ſaid Corporation, for ſecuring the Payment of the ſaid Debt of Twenty-ſeven thouſand four hundred and forty Pounds, the ſaid Governor, Bailiffs, and Conſervators, or any Five or more of them, whereof the ſaid Governor or Bailiffs, or any of them, to be Two, ſhould give other Bonds, under the Common Seal of the ſaid Corporation, for the reſpective Sums due to the Perſon or Perſons poſſeſſed of ſuch Bonds, mentioning in the Bonds ſo to be given, that the Money ſecured thereby was due and owing upon account of the ſaid Middle and South Levels; and that all and ſingular the Rents, Taxes, and Revenues, of the ſaid Middle and South Levels ſhould be, and they were thereby declared to be, a Security for, and ſhould be charged, and chargeable with the Payment of the Sums mentioned in ſuch Bonds, and all Intereſt due, and to become due thereupon; and that it ſhould be lawful for the ſaid Governor, Bailiffs, and Conſervators, or any Seven or more of them, whereof the ſaid Governor or Bailiffs, or any of them, to be Two, from Time to Time, to borrow upon Bonds, any Sum or Sums of Money which they ſhould judge neceſſary for the Uſe of the ſaid Middle and South Levels, or either of them, ſo as by the borrowing of ſuch Sum or Sums the Debt of the ſaid Corporation, upon account of the ſaid Middle and South Levels, ſhould not be at any Time made to exceed in the Whole the Sum of Thirty-two thouſand Pounds; declaring, in the Bonds to be given for ſuch Sum or Sums, that the Monies ſecured thereby was due and owing upon account of the ſaid Middle and South Levels; and that the Rents, Taxes, and Revenues, of the ſaid Middle and South Levels ſhould be, and they were thereby made a Security for Repayment of the Sums ſo to be borrowed, with legal or leſs Intereſt for the ſame, as ſhould be agreed upon between the ſaid Corporation and the Perſon or Perſons lending ſuch Money: And it was thereby further enacted, That all and ſingular the Rents, Taxes, and Sums of Money, to be received, raiſed, or levied, by the ſaid Corporation, from, upon, or upon account of, ſuch Part of the ſaid Ninety-five thouſand Acres as lie within the ſaid Middle and South Levels, or either of them, ſhould be charged and chargeable, in the firſt Place, with the Payment of the aforeſaid Debt of Twenty-ſeven thouſand four hundred and forty Pounds, and of ſuch other Sums of Money as ſhould be ſo borrowed upon account of the ſaid Middle and South Levels, and of the Intereſt of ſuch Debts and Sums of Money; and the Receiver of the ſaid Corporation was thereby impowered and required, out of the firſt Money which ſhould from Time to Time come to his Hands, ariſing from the Rents, Taxes, and Revenues, of the ſaid Middle and South Levels, to pay the Intereſt of ſuch Bonds as ſhould be entered into upon account of the ſaid Middle and South Levels, and alſo the Principal Monies due upon ſuch Bonds, upon Six Months Notice left for that Purpoſe at the Office of the ſaid Corporation in *London*, by the Perſon or Perſons poſſeſſed of ſuch Bonds: And it was thereby further enacted and declared, That, in caſe any of the Bonds to be given by the ſaid Corporation, upon account of the ſaid Middle and South Levels, ſhould not be paid by the ſaid Receiver, purſuant to ſuch Notice left or given as aforeſaid, then the Rents, Taxes, and Revenues, of the ſaid Middle and South Levels ſhould veſt in the Perſon or Perſons poſſeſſed of ſuch Bonds, until the ſame, together with all Intereſt due thereupon, ſhould be fully paid and ſatisfied; and ſuch Perſon or Perſons, their Executors, Adminiſtrators, and Aſſigns, ſhould have the ſame Power, Rights, and Privileges, of recovering the ſaid Rents, Taxes, and Revenues, of the ſaid Middle and South Levels, as the ſaid Corporation would have had, in caſe ſuch Bonds had been regularly paid and fully ſatisfied: And whereas, by an Order made by the ſaid Corporation, on the Tenth Day of *June*, One thouſand ſeven hundred and fifty-ſix, it was reſolved, That it ſhould be a ſtanding Order of the ſaid Corporation, that no Money ſhould be applied to any other Works in the ſaid Middle and South Levels until the South Banks of *Moreton's Leame*, beginning at *Standground*; the North Bank of the Hundred Foot, from *Erith* to *Salters Load*; the Bank from the *Hard Lands of Swaſey* to the *Hermitage*; the South Bank of the Hundred Foot, from the *Hermitage* to *Denver Sluice*; the Weſt Bank of *The Ouſe*, from *Denver Sluice* to *Littleport*; the Weſt Bank of *The Grant*, from *Harrimeer* to *Claybithe*; the Eaſt Bank of *The Ouſe*, from *Helgay Creek* to *Harrimeer*; and the Eaſt Bank of *The Grant*, from *Harrimeer* to *Claybithe*; and the ſeveral Sluices and Gates adjoining to thoſe Banks, (being the principal Works neceſſary for the Preſervation of the ſaid Middle and South Levels), ſhould be put into good Repair, unleſs, at any future General Meeting of the Corporation, it ſhould be found neceſſary for the Corporation to be at Part of the Expence of ſome particular material Works that might be wanting for the Preſervation of a particular Diſtrict within either of thoſe Levels: And whereas the Debt of the ſaid Corporation, on account of the ſaid Middle and South Levels, is increaſed to the Sum of Thirty thouſand ſeven hundred Pounds, which Debt ſtill remains due, and is ſecured by Bonds entered into purſuant to the ſaid Act, and the Intereſt of ſuch Bonds amounts annually to the Sum of Twelve hundred and twenty-eight Pounds; and a ſingle gradual Acre-tax on ſuch Part of the ſaid Eighty-three thouſand Acres, and the Medium

Order of *Bedford* Level Corporation, of 10th *June*, 1756, directing Money to be applied to the principal Banks of Middle and South Levels only.

The preſent Debt of the Corporation, on account of the Middle and South South Levels.

Annual Intereſt thereof.

Produce of a ſingle tax; alſo a Quarter Tax.

dium Tax on ſuch Part of the ſaid Twelve thouſand Acres, as lie within the ſaid Middle and South Levels, charged and aſſeſſed by the ſaid Act of the Twenty-ninth Year of His late Majeſty King *George* the Second, produce annually the Sum of Four thouſand four hundred and eighteen Pounds, Eighteen Shillings; and the further Tax of a Quarter of a ſingle gradual Acre-tax on the ſaid Lands will produce the further Sum of Eleven hundred and four Pounds, Fourteen Shillings, and Sixpence: And whereas, by the Floods which happened laſt Winter, great Damage hath been done to the Banks and principal Works before mentioned, which cannot be ſufficiently repaired, or the ſaid Middle and South Levels properly preſerved, by the ordinary Revenue of the ſaid Corporation, ariſing from the ſaid Middle and South Levels, nor unleſs a further Power is given to the ſaid Corporation to borrow Money beyond the Sum of Thirty-two thouſand Pounds, limited by the ſaid Act of the Twenty-ninth Year of His late Majeſty; and ſuch Parts of the ſaid Ninety-five thouſand Acres as lie in the ſaid Middle and South Levels are abſolutely charged with a further Tax than the ſame are charged with by the ſaid Act of the Twenty-ninth Year of His late Majeſty King *George* the Second, as a further certain Fund for the Payment of the Debts of the ſaid Corporation, upon account of the ſaid Middle and South Levels, which cannot be done without the Aid of Parliament; and as the maintaining and preſerving the ſaid principal Works will not only be for the Benefit of the Country in general, but will tend to the greater Security of the preſent Creditors of the ſaid Corporation, may it pleaſe Your Majeſty, upon the humble Petition of the ſaid Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the ſaid Great Level of the Fens, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful for the Governor, Bailiffs, and Conſervators, of the ſaid Corporation, or any Ten or more of them, whereof the Governor, or Bailiffs, or any of them, to be Three, to borrow upon Bonds, under the Common Seal of the ſaid Corporation, any Sum or Sums of Money which they ſhall ſee neceſſary for the Uſe of the ſaid Middle and South Levels, or either of them, at legal or leſs Intereſt for the ſame, as ſhall be agreed upon between the ſaid Corporation and the Perſon or Perſons lending ſuch Money, ſo as by the borrowing of ſuch Sum or Sums of Money the Debt of the ſaid Corporation, upon account of the ſaid Middle and South Levels, including the ſaid preſent Debt of Thirty thouſand ſeven hundred Pounds, be not at any Time made to exceed in the Whole the Sum of Forty-four thouſand Pounds; declaring in the Bonds to be given for ſuch Sum or Sums, that the Money ſecured thereby is due and owing upon account of the ſaid Middle and South Levels, any Thing in the ſaid Act of the Twenty-ninth Year of His late Majeſty King George the Second to the Contrary thereof in any-wiſe notwithſtanding.

Governor, &c. impowered to borrow more Money upon Bonds, on account of the Middle and South Levels, ſo as the whole Debt be not made to exceed the Sum of 44,000 *l.*

The ſeveral Parts of the 83,000 Acres as lie in the Middle and South Levels charged with a Tax and a Quarter during the Continuance of any Part of ſuch additional Debt.

II. And be it further enacted by the Authority aforeſaid, That during ſuch Time as the Debts which ſhall be due and owing from the ſaid Corporation, upon account of the ſaid Middle and South Levels, ſhall exceed the Sum of Thirty-two thouſand Pounds, all ſuch Parts of the ſaid Eighty-three thouſand Acres as lie within the ſaid Middle and South Levels, or either of them, ſhall yearly, and every Year, be, and the ſame are hereby rated, taxed, charged, and aſſeſſed, with a Quarter or Fourth Part of a ſingle gradual Acre-tax, over and above the ſingle gradual Acre-tax with which the ſame are rated, taxed, charged, and aſſeſſed, by the ſaid Act of the Twenty-ninth Year of His ſaid late Majeſty; and that, during ſuch Time as aforeſaid, ſuch Parts of the ſaid Twelve thouſand Acres as lie within the ſaid Middle and South Levels, ſhall likewiſe be, and the ſame are hereby rated, taxed, charged, and aſſeſſed, with a Medium of ſuch further Tax of a Quarter or Fourth Part of a ſingle gradual Acre-tax, according to the ſaid Act of the Twentieth of King Charles the Second, and the Valuations made in purſuance thereof.

Proviſo.

III. Provided always, That it ſhall and may be lawful for the Governor, Bailiffs, and Conſervators, of the ſaid Corporation, from Time to Time, to rate, tax, charge, or aſſeſs, all ſuch Parts of the ſaid Eighty-three thouſand Acres, and Twelve thouſand Acres, as lie within the ſaid Middle or South Levels, with any further Tax which they the ſaid Governor, Bailiffs, and Conſervators, ſhall judge neceſſary, in the ſame Manner as they might have done before the making of this Act.

Bonds to be transferrable, without Stamps.

Aſſignments to be entered with the Regiſter of the Corporation.

IV. And be it further enacted by the Authority aforeſaid, That all Bonds to be given by the ſaid Corporation, for the Money to be borrowed by them as aforeſaid, as well as the Bonds already given for the ſaid Debt of Thirty thouſand ſeven hundred Pounds, ſhall be transferrable or aſſignable, by Indorſement upon the original Bonds, without Stamp, to any Perſon or Perſons whomſoever; and ſuch Transfer or Aſſignment being produced to the Regiſter of the ſaid Corporation, and by him entered in a Book to be kept for that Purpoſe, (which Entry the ſaid Regiſter is hereby required to make upon Requeſt, the Perſon producing ſuch Transfer or Aſſignment paying the Sum of Two Shillings and Sixpence for every ſuch Entry), ſhall intitle the Perſon or Perſons to whom ſuch Transfer or Aſſignment ſhall be made, his, her, and their Executors, Adminiſtrators, or Aſſigns, to the Money ſecured by ſuch Bonds, and all Intereſt due, or to grow due thereupon; and ſuch Aſſignee or Aſſignees, his, her, and their Executors and Adminiſtrators, may, in like Manner, by Indorſement, without Stamp, aſſign and transfer ſuch Bonds ſo aſſigned as aforeſaid, and ſo toties quoties, as Occaſion ſhall require; every ſuch Aſſignment being entered in ſuch Book as aforeſaid.

Money raiſed by the Corporation upon the taxable Lands in Middle and South Levels, how to be applied.

V. And be it further enacted by the Authority aforeſaid, That all and ſingular the Rents, Taxes, and Sums of Money, to be received, raiſed, or levied, by the ſaid Corporation, from, upon, or on account of, ſuch Part of the ſaid Ninety-five thouſand Acres as lie within the ſaid Middle or South Levels, or either of them, ſhall be charged or chargeable, in the firſt Place, with the Payment of the aforeſaid Debt of Thirty thouſand ſeven hundred Pounds, and of all ſuch other Sums of Money as ſhall be borrowed upon account of the ſaid Middle and South Levels as aforeſaid, and of the Intereſt of ſuch Debt and Sums of Money; and the Receiver of the ſaid Corporation for the Time being is hereby impowered and required, out of the firſt Money which ſhall from Time to Time come to his Hands, ariſing from the Rents, Taxes, and Revenues, of the ſaid Middle and South Levels, to pay the Intereſt of the Bonds entered into, and to be entered into, upon account of the ſaid Middle and South Levels, and alſo the Principal Money due upon ſuch Bonds, upon like Notice left at the Office of the ſaid Corporation.

VI. Provided always, and it is hereby enacted and declared by the Authority aforeſaid, That in caſe any of the Bonds given by the ſaid Corporation, upon account of the ſaid Middle and South Levels, ſhall not be paid by the ſaid Receiver, purſuant to ſuch Notice left or given as aforeſaid, then the Rents, Taxes, and Revenues, of the ſaid Middle and South Levels, ſhall veſt in the Perſon or Perſons poſſeſſed of ſuch Bonds, until the ſame, together with all Intereſt due, and to become due thereupon, ſhall be fully ſatisfied and paid; and ſuch Perſon or Perſons, their Executors, Adminiſtrators, or Aſſigns, ſhall have the ſame Power, Rights, and Privileges, of recovering the ſaid Rents, Taxes, and Revenues, of the ſaid Middle and South Levels, as the ſaid Corporation would have had in caſe ſuch Bonds had been regularly and fully paid and ſatisfied.

If Bonds for Money on account of the Middle and South Levels be not paid by Receiver, Rents, Taxes, &c. to be veſted in Perſons poſſeſſed of ſuch Bonds.

VII. Provided alſo, and be it further enacted and declared by the Authority aforeſaid, That no Money to be borrowed by the ſaid Corporation, upon account of the ſaid Middle and South Levels, or either of them, ſhall be charged or chargeable upon any of the Rents, Taxes, or Revenues, of the ſaid Corporation, ariſing within the ſaid North Level, or any Part thereof.

No Money borrowed for ſaid Levels ſhall be charged on the Rents, &c. of North Level.

VIII. Provided always, and be it further enacted by the Authority aforeſaid, That the Money to be borrowed in purſuance of this Act, as aforeſaid, or any Part thereof, ſhall not be applied by the ſaid Corporation to any other Works, but the repairing, maintaining, and preſerving, the South Banks of Moreton's Leame, beginning at Standground; the North Bank of the Hundred Foot, from Erith to Salters Load; the Bank from the Hard Lands of Swaſey to the Hermitage; the South Bank of the Hundred Foot, from the Hermitage to Denver Sluice; the Weſt Bank of The Ouſe, from Denver Sluice to Littleport; the Weſt Bank of The Grant, from Harrimeer to Clayhithe; the Eaſt Bank of The Ouſe, from Helgay Creek to Harrimeer; and the Eaſt Bank of The Grant, from Harrimeer to Clayhithe; and the ſeveral Sluices and Gates adjoining to thoſe Banks.

How the Money borrowed is to be applied.

IX. Provided alſo, and be it further enacted by the Authority aforeſaid, That no more than the Sum of Six thouſand Pounds of the Money to be borrowed in purſuance of this Act, ſhall be applied for the Purpoſes aforeſaid; except in caſe of actual Breach of ſome or One of the Banks before mentioned; and that the Sum of Six thouſand Pounds, Reſidue of the Money ſo to be borrowed in purſuance of this Act, ſhall be applied only in repairing the Breaches which ſhall from Time to Time happen in the ſaid Banks, or any of them: And, to the End that there may always be a ſufficient Fund to repair the Breaches which may from Time to Time happen in the ſaid Banks, be it further enacted by the Authority aforeſaid, That all ſuch Sums of Money as ſhall be ſo applied in repairing and amending ſuch Breaches of Banks, ſhall, from Time to Time, be repaid and reimburſed by the ſaid Corporation, out of their general yearly Revenue ariſing from the Rents and Taxes of the ſaid Middle and South Levels, (but ſubject, and without Prejudice, to the Debts of the ſaid Corporation, and to the Remedies given for recovering the ſame), at the yearly Rate of Ten Pounds for every One hundred Pounds advanced for the Purpoſe aforeſaid, and ſo in proportion for a greater or leſſer Sum, till the capital Sums ſo advanced, (without any Intereſt for the ſame), ſhall, from Time to Time, be repaid or reimburſed; and that the Money, from Time to Time repaid or reimburſed, ſhall be again applicable to the repairing and amending of ſuch Breaches of Banks as aforeſaid, or to the Payment of the Money borrowed for that Purpoſe; and that ſo much thereof as ſhall be again applied in repairing ſuch Breaches of Banks, be again repaid or reimburſed out of the general yearly Revenue of the ſaid Corporation, ariſing from the Rents and Taxes of the ſaid Middle and South Levels, in Manner aforeſaid; and ſo toties quoties, as often as any Money ſo repaid or reimburſed ſhall be again laid out in Repairs of Breaches of Banks, as aforeſaid.

5000 *l.* to be applied only in Caſes of actual Breach of Bank;

and to be repaid, ſo as to be a perpetual Fund for that Purpoſe.

X. And be it further enacted and declared by the Authority aforeſaid, That this Act ſhall be deemed and allowed in all Courts within this Kingdom to be a Publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame.

Publick Act.

CAP. X.

An Act for allowing further Time for Inrolment of Deeds and Wills made by Papiſts; and for Relief of Proteſtant Purchaſers. EXP. 1ſt *January*, 1773.

CAP. XI.

An Act for the better regulating the future Marriages of the Royal Family.

Moſt Gracious Sovereign,

WHEREAS Your Majeſty, from Your Paternal Affection to Your own Family, and from Your Royal Concern for the future Welfare of Your People, and the Honour and Dignity of Your Crown, was graciouſly pleaſed to recommend to Your Parliament to take into their ſerious Conſideration, Whether it might not be wiſe and expedient to ſupply the Defect of the Laws now in being, and, by ſome new Proviſion, more effectually to guard the Deſcendants of His late Majeſty King *George* the Second, (other than the Iſſue of Princeſſes who have married, or may hereafter marry, into Foreign Families) from marrying without the Approbation of Your Majeſty, Your Heirs or Succeſſors, firſt had and obtained;

Preamble.

ed; we have taken this weighty Matter into our ſerious Conſideration; and, being ſenſible that Marriages in the Royal Family are of the higheſt Importance to the State, and that therefore the Kings of this Realm have ever been intruſted with the Care and Approbation thereof; and, being thoroughly convinced of the Wiſdom and Expediency of what Your Majeſty has thought fit to recommend upon this Occaſion, we, Your Majeſty's moſt dutiful and loyal Subjects, the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, do humbly beſeech Your Majeſty that it may be enacted; and **be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That no Deſcendant of the Body of His late Majeſty King** George **the Second, Male or Female, (other than the Iſſue of Princeſſes who have married, or may hereafter marry, into Foreign Families), ſhall be capable of contracting Matrimony without the previous Conſent of His Majeſty, His Heirs or Succeſſors, ſignified under the Great Seal, and declared in Council, (which Conſent, to preſerve the Memory thereof, is hereby directed to be ſet out in the Licence and Regiſter of Marriage, and to be entered in the Books of the Privy Council); and that every Marriage, or Matrimonial Contract, of any ſuch Deſcendant, without ſuch Conſent firſt had and obtained, ſhall be null and void to all Intents and Purpoſes whatſoever.**

No Deſcendant of *Geo.* II. (other than the Iſſue of Princeſſesmarried, or who may marry into Foreign Families) ſhall be capable of contracting Matrimony without the previous Conſent of His Majeſty.

II. **Provided always, and be it enacted by the Authority aforeſaid, That in caſe any ſuch Deſcendant of the Body of His late Majeſty King** George **the Second, being above the Age of Twenty-five Years, ſhall perſiſt in his or her Reſolution to contract a Marriage, diſapproved of, or diſſented from, by the King, His Heirs or Succeſſors; that then ſuch Deſcendant, upon giving Notice to the King's Privy Council, which Notice is hereby directed to be entered in the Books thereof, may, at any Time, from the Expiration of Twelve Calendar Months after ſuch Notice given to the Privy Council as aforeſaid, contract ſuch Marriage; and his or her Marriage with the Perſon before propoſed, and rejected, may be duly ſolemnized, without the previous Conſent of His Majeſty, His Heirs or Succeſſors; and ſuch Marriage ſhall be good, as if this Act had never been made, unleſs both Houſes of Parliament ſhall, before the Expiration of the ſaid Twelve Months, expreſsly declare their Diſapprobation of ſuch intended Marriage.**

How Deſcendants of *Geo.* II. being above 25 Years, may contract a Marriage diſapproved of by His Majeſty.

III. **And be it further enacted by the Authority aforeſaid, That every Perſon who ſhall knowingly or wilfully preſume to ſolemnize, or to aſſiſt, or to be preſent at the Celebration of any Marriage with any ſuch Deſcendant, or at his or her making any Matrimonial Contract, without ſuch Conſent as aforeſaid firſt had and obtained, except in the Caſe above mentioned, ſhall, being duly convicted thereof, incur and ſuffer the Pains and Penalties ordained and provided by the Statute of Proviſion and Premunire, made in the Sixteenth Year of the Reign of** Richard **the Second.**

Aſſiſtants at the Celebration of ſuch Marriage, without ſuch Conſent, ſhall, on Conviction, incur the Penalties provided by 16 *Rich.* II.

CAP. XII.

An Act for further continuing Two Acts, made in the Sixth and Ninth Years of His Majeſty's Reign, for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters, in His Majeſty's Dominions in *America*, till 24th *March*, One thouſand ſeven hundred and ſeventy-four.

CAP. XIII.

An Act for defraying the Charge of the Pay and Clothing of the Militia in that Part of *Great Britain* called *England*, for One Year, beginning the Twenty-fifth Day of *March*, One thouſand ſeven hundred and ſeventy-two.

CAP. XIV.

An Act for clearing, depthening, repairing, maintaining, and improving the Haven and Piers of *Great Yarmouth*; and for depthening, and making more navigable, the ſeveral Rivers emptying themſelves into the ſaid Haven; and for preſerving Ships wintering therein from Accidents by Fire.

Preamble.

Act 23 *Geo.* II.

WHEREAS by an Act, made in the Twenty-third Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for repairing, improving, and maintaining the Haven and Piers of* Great Yarmouth, *and for depthening and making more navigable the ſeveral Rivers emptying themſelves into the ſaid Haven, and alſo for preſerving Ships wintering therein from Accidents by Fire*, ſeveral Duties were granted for clearing, depthening, repairing, extending, maintaining, and improving, the ſaid Haven and Piers, and for depthening the Channel of that Part of the River *Yare*, called *Braydon*, and for making more navigable the ſaid River *Yare*, and the Rivers *Waveney* and *Bure*, which empty themſelves into the ſaid Haven, and for repairing the Bridge and publick Quays belonging to the ſaid Town; and alſo for preſerving Ships wintering in the ſaid Haven; which Act will expire at the End of this preſent Seſſion of Parliament: And whereas the ſaid Haven and Piers will ſoon fall into Decay, unleſs ſome timely and effectual Proviſion be made by Parliament for preſerving the ſame: Therefore, for preſerving to the Inhabitants of the ſaid Borough and the adjacent Counties, and of the City of *Norwich*, the Benefit of the ſaid Haven and Piers, and to the End that the ſaid Haven, which is of great Importance to the Trade of theſe Kingdoms, may be cleared and depthened, and the ſaid Piers and Jettee, on the North Side of the ſaid Haven, may be preſerved and kept in Repair, and Timber and other Materials for that Purpoſe provided from Time to Time, as Occaſion may require; and that the Channel of that Part of the River *Yare*, called *Braydon*, leading from *Great Yarmouth* to the ſaid City of *Norwich*, and ſo much of the River *Wenſon*, commonly called *Yare*, as lies between the *New Mills* in *Norwich* and *Hardly Croſs*, in *Hardly*, in the County of *Norfolk*, and alſo the River *Waveney*, and alſo the River *Bure*, commonly called the *North River*, (which ſaid Rivers empty themſelves into the ſaid Haven), may be depthened and made more navigable for Boats and Keels uſually paſſing upon the ſame; and that the Bridge and publick Quays belonging to the ſaid Town may be repaired; may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-two, the Duties granted by the ſaid recited Act, made in the Twenty-third Year of His late Majeſty's Reign, ſhall ceaſe, determine, and be no longer paid.

After the 25th *March*, 1772, the Duties granted by the former Act are to ceaſe.

II. And be it further enacted, That in lieu of the Duties hereby repealed, there ſhall be paid by every Maſter, or other Perſon or Perſons having the Rule and Command of any Ship or Veſſel which ſhall unlade within the ſaid Haven of Great Yarmouth, or in that Part of the Sea called Yarmouth Road, near adjoining to the ſaid Borough, extending from the South Part of the Town of Scratby, in the County of Norfolk, to the North Part of the Town of Corton, in the County of Suffolk, at the Time of unlading the ſaid Ship or Veſſel, for the Goods hereafter mentioned; (that is to ſay), For every Chaldron of Coals, Wincheſter Meaſure, Laſt of Wheat, Rye, Barley, Malt, or other Grain, and for every Weigh of Salt, and every Ton of all other Goods or Merchandiſe whatſoever, (Fiſh only excepted), which ſhall be unladen in or imported into the ſaid Haven or Road, the Sum of Ten-pence, or ſuch other greater Sum as the Twelve Commiſſioners, to be appointed as herein-after is directed, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk, Suffolk, and the City of Norwich), ſhall order and direct, not exceeding in the Whole the Sum of Twelve-pence; which ſaid Sums of Money ſhall, from Time to Time, be applied and diſpoſed of for the ſeveral Uſes, Intents, and Purpoſes, and in the Manner and Proportions herein-after directed concerning the ſame.

Duties on Goods, *&c.* unladen in the Haven of *Great Yarmouth*, *&c.*

III. And be it further enacted by the Authority aforeſaid, That the Mayor, Aldermen, Burgeſſes, and Commonalty of the Borough of Great Yarmouth, in Common Council aſſembled, ſhall, from Time to Time, during the Continuance of this Act, nominate and chuſe ſuch Perſon or Perſons as they ſhall think fit to be Collector or Collectors, Receiver or Receivers of all and every the Sum and Sums of Money by the Authority of this Act ordered and appointed to be paid; which Sum and Sums of Money the ſaid Collector or Collectors, Receiver or Receivers, ſhall, from Time to Time, pay, or cauſe to be paid, into the Hands of the Chamberlains of the ſaid Borough for the Time being, or into the Hands of ſuch other Perſon or Perſons as the Mayor, Aldermen, Burgeſſes, and Commonalty of the ſaid Borough, in Common Council aſſembled, ſhall, from Time to Time, direct and appoint to receive the ſame, for the Uſes and Purpoſes in and by this Act directed, and for no other Uſe, Intent, or Purpoſe whatſoever: And the Mayor, or Deputy Mayor, of the ſaid Borough for the Time being, is hereby authoriſed and required to adminiſter an Oath to every ſuch Collector or Collectors, Receiver or Receivers, who ſhall be nominated and choſen as aforeſaid, for the true and faithful executing of his or their Office in or about the Premiſes, according to the true Intent and Meaning of this Act: And the ſaid Collector or Collectors, Receiver or Receivers, to be nominated and choſen as aforeſaid, and every of them, ſhall, from Time to Time, be allowed, for his or their Pains in executing the ſaid Office, out of the Sums of Money by him or them received and paid, ſo much as the ſaid Mayor, Aldermen, Burgeſſes, and Commonalty, in Common Council aſſembled, ſhall think fit, not exceeding Sixpence for every Twenty Shillings by him or them received and paid as aforeſaid; and the Mayor, Aldermen, Burgeſſes, and Commonalty, of the ſaid Borough, ſhall be anſwerable for, and make good ſuch Money as ſhall be collected, levied, or received by, and paid into the Hands of, any Collector, Receiver, Chamberlain, or other Perſon or Perſons, by them to be appointed as aforeſaid: And alſo ſhall and may, during the Continuance of this Act, call before them the Collectors, Receivers, Chamberlains, or other Perſon or Perſons, ſo by them appointed as aforeſaid, who are hereby required to render to them, or to ſuch Perſon or Perſons as they ſhall direct to inſpect and take the Accounts of ſuch Collectors, Receivers, Chamberlains, or other Perſons ſo by them appointed, a full and perfect Account of all Monies which they the ſaid Collectors, Receivers, or other Perſons, ſhall have collected or received as aforeſaid; and in caſe they, or any of them, ſhall be found in Arrear, or ſhall refuſe to account or to pay the Money due upon the Balance of ſuch Account, then it ſhall and may be lawful for the Mayor, or Deputy Mayor, of the ſaid Borough for the Time being reſpectively, by Warrant under his Hand and Seal, to levy, by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons ſo refuſing to account, or to pay the Money due upon the Balance of ſuch Account, ſuch Sum or Sums of Money as he or they ſhall be required to account for, or as ſhall be found due upon the Balance of his or their Account, rendering the Overplus, (if any ſhall be), to the Perſon or Perſons upon whom ſuch Diſtreſs ſhall be made; and, for want of ſufficient Diſtreſs, it ſhall and may be lawful to and for the ſaid Mayor, or Deputy Mayor, for the Time being reſpectively, by like Warrant under his Hand and Seal, to commit ſuch Perſon or Perſons to the common Gaol of the Borough of Great Yarmouth, until he or they ſhall account for and pay, or ſecure to be paid, ſuch Sum or Sums of Money as hath or have been, or ſhall be, received by him or them, or found due upon the Balance of his or their Account.

Mayor, *&c.* to chuſe a Collector.

Collectors to take an Oath.

Allowance for their Trouble.

Collectors to account for Duties;

and not accounting, to be committed.

IV. And, for the better carrying into Execution the Purpoſes of this Act, be it further enacted by the Authority aforeſaid, That Twelve Commiſſioners ſhall yearly, and every Year, be nominated and appointed, in Manner, and at the Times following; (that is to ſay), Three of the ſaid Commiſſioners ſhall be nominated and appointed by the Mayor, Aldermen, Burgeſſes, and Commonalty of the ſaid Borough of Great Yarmouth, in Common Council aſſembled, before the End of the Week next after the Feaſt of Eaſter, and other Three of the ſaid Commiſſioners ſhall be nominated and appointed by the Mayor, Sheriffs, Citizens, and Commonalty of the ſaid City of Norwich, in Common Council aſſembled, before the End of the ſaid Week next after the Feaſt of Eaſter, and other Three of the ſaid Commiſſioners ſhall be nominated and appointed by the Juſtices of the Peace

Commiſſioners how to be annually appointed.

for the ſaid County of Norfolk, at the General Quarter Seſſions of the Peace, to be holden for the ſaid County, in the ſaid Week next after the Feaſt of Eaſter, and the other Three of the ſaid Commiſſioners ſhall be nominated and appointed by the Juſtices of the Peace for the ſaid County of Suffolk, at the General Quarter Seſſions of the Peace to be holden at Beccles or Loweſtoft, in and for the ſaid County, in the ſaid Week next after the ſaid Feaſt of Eaſter; which ſaid Commiſſioners, ſo annually nominated and appointed as aforeſaid, ſhall continue in their reſpective Offices from the Week next after Eaſter in every Year, until the Week next after Eaſter in the Year following; the Firſt Appointment of the ſaid Twelve Commiſſioners to be made in the Week next after the Feaſt of Eaſter, which ſhall happen next after the paſſing of this Act.

First Meeting of Commiſſioners.

V. And be it further enacted, That the ſaid Twelve Commiſſioners, ſo to be annually nominated and appointed as aforeſaid, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich), ſhall meet at the Guildhall in Great Yarmouth aforeſaid, upon the Second Tueſday in June, One thouſand ſeven hundred and ſeventy-two; and alſo upon the Second Tueſday in June in every Year, during the Continuance of this Act, and at ſuch other Time or Times, and at ſuch other Place in Great Yarmouth aforeſaid, as they the ſaid Commiſſioners, or any Seven or more of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich), or the major Part of them preſent at and conſtituting any Meeting, ſhall, at ſuch their annual or adjourned Meetings, adjourn themſelves unto, and at ſuch other Time or Times, and at ſuch Place in Great Yarmouth aforeſaid, as they ſhall think fit, (Notice in Writing thereof being given by any Two of the ſaid Commiſſioners to the reſt of the Commiſſioners, and alſo to the Mayor, or Deputy Mayor of the ſaid Borough of Great Yarmouth for the Time being, Fourteen Days at the leaſt before any ſuch Meeting).

Expences of the Act how to be paid.

VI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich), at any of their Meetings to be held at Great Yarmouth aforeſaid, to order and direct the Chamberlains of the ſaid Borough, or ſuch other Perſon or Perſons as ſhall be appointed in Manner before directed to receive the Money to be collected and levied by virtue of this Act, to pay out of all or any of the ſaid Monies then in his or their Hands, or which ſhall come to his or their Hands, ſuch Sum and Sums of Money as ſhall have been expended by the reſpective Counties, City, and Borough aforeſaid, in and about procuring this preſent Act of Parliament; and the ſaid Chamberlains, or other Perſon or Perſons appointed as aforeſaid, are hereby required to pay ſuch Sum and Sums of Money accordingly.

The Sum of 3*d.* to be divided in Manner herein mentioned, and applied for the Purpoſes of this Act.

VII. And be it further enacted, That the Sum of Three-pence, Part of the ſaid Duty of Ten-pence, granted by this Act, ſhall be divided and paid upon the Second Tueſday in June in every Year, by the Chamberlains of the ſaid Borough of Great Yarmouth for the Time being, or ſuch other Perſon or Perſons as ſhall be, from Time to Time, appointed to receive the Duties aforeſaid, in the Manner and Proportions following; (that is to ſay), The Sum of One Penny Halfpenny, Part of the ſaid Three-pence, unto the Chamberlain of the City of Norwich for the Time being, or ſuch other Perſon or Perſons as by the Mayor, Sheriffs, Citizens, and Commonalty of the ſaid City, in Common Council aſſembled, ſhall be appointed to receive the ſame, to be applied for and towards clearing and depthening that Part of the Channel of the ſaid River Wenſon, commonly called Yare, which lies between the New Mills in Norwich and Hardly Croſs aforeſaid, and for preventing Filth and Mud falling into the ſaid River, and for didelling or otherwiſe cleanſing the ſame, in ſuch Manner as the Mayor, Sheriffs, Citizens, and Commonalty of the ſaid City, in Common Council aſſembled, ſhall order and direct; and alſo for and towards defraying the Expence of procuring and carrying into Execution a Commiſſion of Sewers for improving the Navigation of ſuch Part of the ſaid River Wenſon, commonly called Yare, as is laſt above mentioned, and for removing all ſuch Impediments and Annoyances as ſhall be found to be dangerous and hurtful thereunto; and the Sum of One Halfpenny, other Part of the ſaid Three-pence, unto ſuch Perſon or Perſons as by the Juſtices of the Peace, at the Quarter Seſſions holden for the County of Norfolk, ſhall be yearly appointed to receive the ſame, to be applied for and towards clearing and depthening the ſaid River Bure, commonly called The North River, and alſo thoſe Branches of the ſaid River which lead from Saint Bennet's Abby to Dilham, and from Baſtwick Bridge to Hickling, in the ſaid County of Norfolk, in ſuch Manner as the ſaid Juſtices of the Peace, at the Quarter Seſſions holden as aforeſaid, ſhall order and direct; and alſo for and towards defraying the Expence of procuring and carrying into Execution a Commiſſion of Sewers for improving the Navigation of the ſaid River Bure, commonly called The North River, and its Branches aforeſaid, and for removing all ſuch Impediments and Annoyances as ſhall be found to be dangerous and hurtful thereunto; and the Sum of One Halfpenny, other Part of the ſaid Three-pence, unto ſuch Perſon or Perſons as by the Juſtices of the Peace, at the Quarter Seſſions holden at Beccles or Loweſtoft, in and for the ſaid County of Suffolk, ſhall be yearly appointed to receive the ſame, to be applied for and towards clearing and depthening the ſaid River Waveney, in ſuch Manner as the Juſtices of the Peace for the ſaid County of Suffolk, at the Quarter Seſſions holden as aforeſaid, ſhall order and direct; alſo for and towards defraying the Expence of procuring and carrying into Execution a Commiſſion of Sewers, for improving the Navigation of the ſaid River Waveney, and for removing all ſuch Impediments and Annoyances as ſhall be found to be dangerous and hurtful thereunto; and the Sum of One Halfpenny, Reſidue of the ſaid Three-pence, unto ſuch Perſon or Perſons as by the Mayor, Aldermen, Burgeſſes, and Commonalty of the ſaid Borough of Great Yarmouth, in Common Council aſſembled, ſhall be appointed to receive the ſame, to be applied for and towards repairing the Bridge, and the publick Quays belonging to the ſaid Borough, in ſuch Manner as the Mayor, Aldermen, Burgeſſes, and Commonalty of the ſaid Borough, in Common Council aſſembled, ſhall, from Time to Time, order and direct: Which ſaid ſeveral Sums hereby directed to be divided and paid to each of the ſaid Counties of Norfolk and Suffolk, the City of Norwich, and Borough of Great Yarmouth reſpectively, ſhall be annually accounted for during the Continuance of this Act, by the Perſons concerned in the Receipt and Expenditure thereof, before the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich), at their annual Meeting at Great Yarmouth aforeſaid; and the Surplus of the ſaid reſpective Sums, (if any), ſhall be applied for and towards the ſeveral Uſes herein-before directed, concerning the ſame reſpectively, in ſuch Manner as the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and City of Norwich), ſhall think fit.

Application of Surplus-money allotted to the County of *Suffolk*:

VIII. Provided always, and be it enacted, That in caſe the aforeſaid Surplus of the Quota or Sum of Money, Part of the ſaid Sum of Three-pence, herein-before allotted to the County of Suffolk, ſhall be more than ſufficient for the Purpoſes to which the ſame is appropriated as aforeſaid, it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich), and they, or the major Part of them, are hereby authoriſed, from Time to Time, to order ſuch Part of the ſaid Surplus as ſhall be unneceſſary for the Purpoſes aforeſaid, to be laid out and employed for ſuch publick Purpoſes within the ſaid County of Suffolk, as to them the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich), ſhall ſeem moſt meet and expedient; any Thing therein contained to the Contrary thereof notwithſtanding.

Three-pence (other Part of the ſaid Duties) how to be applied.

IX. And be it further enacted by the Authority aforeſaid, That the Sum of Three-pence, other Part of the ſaid Duty of Ten-pence, granted by this Act, ſhall be divided and paid in Manner following; that is to ſay, The Sum of One Halfpenny, Part of the ſaid laſt-mentioned Three-pence, to ſuch Perſon or Perſons as by the Juſtices of the Peace at the Quarter Seſſions, to be holden for the ſaid County of Norfolk, ſhall be appointed to receive the ſame, to be applied for and towards the further clearing and depthening the ſaid River Bure, commonly called The North River, and alſo thoſe Branches of the ſaid River which lead from Saint Bennet's Abby to Dilham, and from Baſtwick Bridge to Hickling, in the ſaid County of Norfolk, in ſuch Manner as the ſaid laſt-mentioned Juſtices of the Peace, at the Quarter Seſſion holden as aforeſaid, ſhall order and direct; and the Sum of Two-pence Halfpenny, Reſidue of the ſaid laſt-mentioned Sum of Three-pence, to ſuch Perſon or Perſons as by the Mayor, Aldermen, Burgeſſes, and Commonalty of the ſaid Borough of Great Yarmouth, in Common Council aſſembled, ſhall be appointed to receive the ſame, to be applied for and towards the full and effectual clearing and depthening that Part of the River Yare leading from Yarmouth to Norwich, called Braydon, in ſuch Manner as the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich), ſhall order and direct.

The laſt mentioned 3*d.* ſhall not be raiſed without Notice, that it is abſolutely neceſſary.

X. Provided always, and be it enacted, That the ſaid laſt-mentioned Sum of Three-pence, ſhall not, at any Time, be raiſed and levied, unleſs Notice in Writing, ſigned by the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich) at One of their Meetings at Great Yarmouth aforeſaid, ſhall be firſt given to the Mayor, or Deputy Mayor, of the ſaid Borough of Great Yarmouth for the Time being reſpectively, that it is neceſſary to raiſe the ſaid Sum of Three-pence for the Purpoſes aforeſaid; and that then ſuch Sum ſhall be raiſed accordingly.

How to be applied, if raiſed.

XI. Provided alſo, and be it further enacted, That the laſt-mentioned Sum of Three-pence, when raiſed, ſhall be annually accounted for by the ſeveral Perſons concerned in the Receipt and Expenditure thereof, before the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for ths Counties of Norfolk and Suffolk, and the City of Norwich) at their annual Meeting at Great Yarmouth aforeſaid; and the Overplus (if any) of the ſaid Halfpenny, Part of the ſaid laſt-mentioned Sum of Three-pence, ſhall be applied and diſpoſed of in clearing and depthening the ſaid River Bure, commonly called The North River, and its Branches aforeſaid, in ſuch Manner as the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich) at their annual Meeting as aforeſaid, ſhall order and direct; and the Overplus (if any) of the ſaid Two-pence Halfpenny, Reſidue of the ſaid laſt-mentioned Sum of Three-pence, ſhall remain in the Hands of ſuch Perſon or Perſons as the Mayor, Aldermen, Burgeſſes, and Commonalty, of the ſaid Borough of Great Yarmouth, in Common Council aſſembled, ſhall appoint, to be applied in keeping the ſaid Channel of Braydon cleared and depthened, at ſuch Times, and in ſuch Manner, as the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich) ſhall think fit.

The Four-pence (Part of the ſaid Duties) how to be applied, except when the further Duty of Two-pence ſhall be raiſed.

XII. And be it further enacted, That the Sum of Four-pence, other Part of the ſaid Duty of Ten-pence, granted by this Act, ſhall be applied and diſpoſed of in clearing and depthening the ſaid Haven, and in maintaining and keeping in Repair the ſaid Piers and Jettee, and all the Capſterns, Cables, and Ropes, thereunto belonging and neceſſary, proper and accuſtomed to be therewith uſed, in ſuch Manner as the Mayor, Aldermen, Burgeſſes, and Commonalty of the ſaid Borough of Great Yarmouth aforeſaid, in Common Council aſſembled, ſhall, from Time to Time, order and direct, except at ſuch Time or Times only as the further Duty of Two-pence herein-after mentioned ſhall be raiſed.

If Four-pence is not ſufficient, the Commiſſioners may raiſe the additional Sum of Two-pence.

XIII. Provided always, That if in any Year it ſhall appear to the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich), that the ſaid Sum of Four-pence, hereby directed to be applied in clearing and depthening the ſaid Haven, and in maintaining and keeping in Repair the ſaid Piers and Jettee, and the Capſterns, Cables, and Ropes thereto belonging, will not be ſufficient for thoſe Purpoſes, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich), at any of their Meetings at Great Yarmouth aforeſaid, to direct a further Sum of Two-pence, Part of the ſaid Duty of Twelve-pence, to be raiſed, until the next annual Meeting of the Commiſſioners to be appointed in purſuance of this Act; which further Sum of Two-pence, when raiſed, and all ſuch Sums as ſhall have ariſen from the aforeſaid Sum of Four-pence, Part of the ſaid Duty of Ten-pence, and ſhall then be remaining in Hand as a Surplus unexpended, and alſo all ſuch Sums as ſhall ariſe from the aforeſaid Sum of Four-pence, for and during ſo long Time only as the ſaid additional Duty of Two-pence ſhall be raiſed, ſhall be applied and diſpoſed of by the Mayor, Aldermen, Burgeſſes, and Commonalty, of the Borough of Great Yarmouth aforeſaid, in repairing, improving, and maintaining the ſaid Haven, Piers, and Jettee, and the Capſterns, Cables, and Ropes thereunto belonging, in ſuch Manner as the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich), ſhall judge neceſſary, and for no other Uſe or Purpoſe whatſoever.

The additional Two-pence not to be raiſed unleſs Notice thereof ſhall be firſt given.

XIV. Provided alſo, and it is hereby declared, That the ſaid further Sum of Two-pence ſhall not be raiſed and levied unleſs Notice in Writing, ſigned by Seven of the ſaid Commiſſioners, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich), at a Meeting of the ſaid Commiſſioners at Great Yarmouth aforeſaid, ſhall be firſt given to the Mayor, or Deputy Mayor, of the ſaid Borough for the Time being reſpectively, that it is neceſſary to raiſe the ſaid Sum of Two-pence for the Purpoſes aforeſaid.

Proviſo for ſaving Part of the Four-pence Duty.

XV. Provided alſo, That if at any Time or Times hereafter, it ſhall appear to the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich) that the ſaid Haven ſhall be ſo ſufficiently cleared and deepthened, and the ſaid Piers and Jettee, and the Capſterns, Cables, and Ropes thereunto belonging, ſhall be put in ſuch good and ſubſtantial Repair and Condition that the ſaid Haven may continue to be ſufficiently cleared and deepthened, and the ſaid Piers and Jettee, and the Capſterns, Cables, and Ropes thereunto belonging, may continue to be in ſuch good and ſubſtantial Repair and Condition, without collecting the whole Sum of Four-pence, Part of the ſaid Duties herein-before granted for thoſe Purpoſes; that then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich) at any of their Meetings to be held at Great Yarmouth aforeſaid, to order and direct ſuch Part only of the ſaid Duty of Four-pence, as they ſhall think neceſſary for the Purpoſes aforeſaid, to be collected and raiſed for ſuch Time as the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich) ſhall think neceſſary; and the ſaid Duty ſo reduced ſhall be collected, levied, and applied, in ſuch Manner, and by ſuch Ways and Means, as the ſaid Duty of Four-pence herein-before directed can or may be collected, levied, and applied.

In caſe neceſſary to increaſe the Duty, Commiſſioners may levy the whole Four-pence.

XVI. Provided nevertheleſs, That if at any Time or Times, after ſuch Reduction as aforeſaid, it ſhall be found neceſſary to increaſe the ſaid Duty ſo reduced as aforeſaid, the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich), ſhall, and they are hereby authoriſed and impowered, to order and direct the whole Sum of Four-pence, Part of the ſaid Duties, to be collected, levied, and applied in Manner herein-before directed according to the true Intent and Meaning of this Act.

If the Mayor, &c. ſhall neglect to apply the aforeſaid Duties, the Commiſſioners at large may do it.

XVII. And be it further enacted, That in caſe the Mayor, Aldermen, Burgeſſes, and Commonalty of the ſaid Borough of Great Yarmouth, ſhall neglect or refuſe to apply the Money ariſing by the ſaid further Duty of Two-pence, or ſuch Sums as ſhall be then remaining in Hand as a Surplus of the Money raiſed by the aforeſaid Sum of Four-pence, or which ſhall ariſe from the ſaid Sum of Four-pence, during all ſuch Time as the ſaid additional Duty of Two-pence ſhall be raiſed, in ſuch Manner, and for ſuch Purpoſes, as the ſaid Commiſſioners ſhall think proper, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich) to contract and agree with any fit Perſon or Perſons for the Performance of ſuch Works as they the ſaid Commiſſioners ſhall think neceſſary; and in ſuch Caſe, the Chamberlains of the ſaid Borough of Great Yarmouth, or ſuch other Perſon or Perſons as ſhall be appointed to receive the Duties to be collected and levied by virtue of this Act, ſhall pay the Money ariſing by the ſaid further Duty of Two-pence; and all ſuch Sums as ſhall be remaining in Hand as a Surplus of the Money raiſed by the aforeſaid Sum of Four-pence, or which ſhall ariſe from the ſaid Sum of Four-pence, during all ſuch Time as the ſaid additional Duty of Two-pence ſhall be raiſed, to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich), ſhall, by Writing under their Hands, appoint to receive the ſame.

The Duty of 4 *d.* ſhall be applied as the Mayor, &c. ſhall direct, except when the additional Duty of 2 *d.* ſhall be paid.

XVIII. Provided always, That the ſaid Sum of Four-pence ſhall, at all Times, during the Continuance of this Act, be applied for the Purpoſes aforeſaid, in ſuch Manner as the Mayor, Aldermen, Burgeſſes, and Commonalty, of the Borough of Great Yarmouth aforeſaid, in Common Council aſſembled ſhall direct, ſave at and during ſuch Times only as the ſaid Duty of Two-pence ſhall be raiſed; any Thing herein-before contained to the Contrary notwithſtanding.

Commiſſioners may examine the Collectors upon Oath.

XIX. And, to the End that the reſpective Duties by this Act granted may be duly accounted for, and the ſeveral Sums hereby directed to be applied in repairing, improving, and maintaining the ſaid Haven, Piers, and Jettee, and other the Purpoſes aforeſaid, may be duly employed, be it further enacted by the Authority aforeſaid, That the ſaid Twelve Commiſſioners to be nominated in purſuance of this Act, or any Seven of them, (Five being

Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich), ſhall, at their annual Meeting at Great Yarmouth aforeſaid, during the Continuance of this Act, or any Adjournment thereof, if they ſhall think fit, examine upon Oath (which Oath the ſaid Commiſſioners, or any Seven of them, are hereby impowered to adminiſter) the Collectors or Receivers of all or any of the Monies to be collected and levied in purſuance of this Act; which ſaid Collectors or Receivers are hereby required to appear at ſuch Meeting, or any Adjournment thereof, and to render to the ſaid Commiſſioners, aſſembled as aforeſaid, a full and perfect Account of all and every the Sum and Sums of Money ſo by them collected or received as aforeſaid; and the ſaid Commiſſioners, or any Seven of them, aſſembled as aforeſaid, alſo ſhall and may, if they think fit, examine upon Oath, (which Oath the ſaid Commiſſioners, or any Seven of them, are hereby impowered to adminiſter), all Perſons concerned in, or intruſted with, the Receipt or Expenditure of all or any the ſeveral Sums hereby directed to be applied and diſpoſed of for the ſeveral Purpoſes aforeſaid; which Perſons concerned or intruſted as aforeſaid, are hereby required to appear at the ſaid annual Meeting, or any Adjournment thereof, and to render unto the ſaid Commiſſioners, or any Seven of them, as aforeſaid, full and perfect Accounts of the Receipt and Expenditure of all the Monies ſo by them received or expended, ſpecifying in the ſaid Accounts the particular Works for which the ſeveral Sums mentioned in the ſaid Accounts to have been disburſed were expended, and producing proper Vouchers for the Payment of the ſaid reſpective Sums; and ſhall alſo truly ſtate in the ſaid Accounts all and every Sum and Sums of Money which ſhall reſt due upon the Balance of ſuch Accounts; and the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich), ſhall, at their annual Meeting, or any Adjournment thereof, inſpect, examine, and audit the ſaid Accounts, and every Article thereof, and diſallow and ſtrike out of ſuch Accounts all unjuſt and unreaſonable Articles and Charges, if any ſuch there ſhall be; and alſo ſhall and may then order and direct all ſuch Monies as ſhall juſtly and without Fraud, appear to be due upon the Balance of ſuch Accounts to be applied and diſpoſed of for the ſeveral Purpoſes herein-before directed concerning the ſame; and the reſpective Accounts of the Receipt and Expenditure of all and every the Sum and Sums of Money by this Act directed to be applied and diſpoſed of, for the ſeveral Purpoſes herein-before mentioned, ſhall be made up yearly to the Twenty-fifth Day of March.

Perſons intruſted with Money to give in Accounts of their Diſburſements,

and pay over the Balance to the Commiſſioners.

XX. And be it further enacted, That if any of the Perſons who are hereby required to appear before the ſaid Commiſſioners, at their ſaid annual or adjourned Meetings at Great Yarmouth aforeſaid, ſhall refuſe or wilfully neglect to attend at any ſuch Meeting, or ſhall then and there refuſe to render ſuch Account, or to anſwer upon Oath to all ſuch lawful Queſtions as ſhall be put to them by the ſaid Commiſſioners, or any of them, touching the Receipt or Expenditure of any of the Monies mentioned or charged in ſuch Accounts; then, and in any of the ſaid Caſes, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich), by Warrant under their Hands and Seals, to commit the Perſon or Perſons ſo refuſing or neglecting to the common Gaol of the ſaid Borough of Great Yarmouth, there to remain until he or they ſhall ſubmit to render ſuch Account, and be ſo examined upon Oath as aforeſaid.

Perſons to appear and be examined with regard to their Accounts before the Commiſſioners, or be committed.

XXI. Provided always, and be it further enacted, That in caſe the ſaid Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich, or any Five of them, ſhall not meet yearly as aforeſaid, in order to inſpect, examine, and audit the Accounts of the Receipt and Expenditure of the ſeveral Sums by this Act granted and made payable; then, in every ſuch Year in which they ſhall not ſo meet and inſpect, examine, and audit the ſaid Accounts as aforeſaid, it ſhall and may be lawful to and for the Mayor, Aldermen, Burgeſſes, and Commonalty of the Borough of Great Yarmouth aforeſaid, in Common Council aſſembled, to inſpect, examine, and audit the ſaid Accounts, in the ſame Manner as the ſaid Commiſſioners are herein-before impowered to inſpect, examine, and audit the ſame.

Commiſſioners neglecting to attend at the yearly Meeting, the Mayor, *&c.* to examine the Accounts.

XXII. And whereas ſeveral Sums of Money raiſed in purſuance of the ſaid Act, made in the Twenty-third Year of His late Majeſty's Reign, will, at the Commencement of this Act, remain unaccounted for; be it therefore enacted by the Authority aforeſaid, That the Commiſſioners to be appointed to put this Act in Execution, or any Seven of them, (Five being Commiſſioners for the Counties of Norfolk and Suffolk, and the City of Norwich), ſhall and may, at their Firſt Meeting, to be held at Great Yarmouth as aforeſaid, inſpect, examine, and audit, the Accounts of the Receipt and Expenditure of the ſaid reſpective Sums; which Accounts ſhall be made up to the ſaid Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-two; and the ſaid Commiſſioners alſo ſhall and may, at ſuch their Firſt Meeting, execute all other the Powers and Authorities of the ſaid Act, made in the Twenty-third Year of His late Majeſty's Reign, relating to the ſaid Sums, and every of them, and to all Perſons concerned in the Collection, Receipt, and Expenditure thereof, as fully and effectually as the Commiſſioners appointed, or to be appointed, in purſuance of the ſaid laſt-mentioned Act, could or might have done during the Continuance of the ſaid Act.

Accounts up to *March* 25, to be ſettled by the Commiſſioners.

XXIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Mayor, Aldermen, Burgeſſes, and Commonalty, of the ſaid Borough of Great Yarmouth, in Common Council aſſembled, from Time to Time, and as often as they ſhall think fit, to remove or diſplace any Collector, Receiver, Officer, Overſeer, Workman, or Labourer, who ſhall be by them employed in the Receipt or Collection of any of the Monies to be collected and levied by virtue of this Act, or in any Work or Employment in or about the ſaid Haven, Piers, and Jettee, or Channel of Braydon aforeſaid, and, from Time to Time, to diſpoſe of, order, and direct, the Payment of ſuch Sum or Sums of Money as they ſhall contract or agree for, for Materials, Workmen's Wages, or otherwiſe, for clearing and depthening the ſaid Haven or Channel of Braydon,

Mayor, *&c.* may remove Officers, *&c.*

and inſpect Accounts, Receipts, and Expenditure of Money, &c.

and for repairing and maintaining the ſaid Piers and Jettee; and alſo to inſpect and take Accounts of the Receipts and Diſburſements of all ſuch Monies as ſhall be by them applied and diſpoſed of in clearing and depthening the ſaid Haven or Channel of Braydon, and in repairing and maintaining the ſaid Piers and Jettee; and to ſummon before them all Perſons who ſhall be by them employed in or intruſted with the Receipt or Expenditure of the Monies to be collected and levied for the Purpoſes aforeſaid; which Perſons are hereby required to render to the ſaid Mayor, Aldermen, Burgeſſes, and Commonalty, or to ſuch Perſon or Perſons as they ſhall direct to inſpect and take ſuch Accounts, a true and perfect Account of all Monies ſo by them received and diſburſed for the Purpoſes aforeſaid: And in caſe they, or any of them, ſhall be found in arrear, or refuſe to account, as aforeſaid, that then it ſhall and may be lawful to and for the Mayor, or Deputy Mayor, of the ſaid Borough for the Time being reſpectively, by Warrant under his Hand and Seal, to levy, by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons ſo refuſing to account as aforeſaid, or to pay the Money due upon the Balance of his or their Account, ſuch Sum and Sums of Money as he or they ſhall be ſo charged with, rendering the Overplus (if any) to the Perſon or Perſons upon whom ſuch Diſtreſs ſhall be made; and, for want of ſufficient Diſtreſs, it ſhall and may be lawful to and for the ſaid Mayor, or Deputy Mayor, reſpectively, by like Warrant under his Hand and Seal, to commit ſuch Perſon or Perſons to the common Gaol of the ſaid Borough of Great Yarmouth, until he or they ſhall account for and pay, or ſecure to be paid, ſuch Sum or Sums of Money as he or they ſhall be ſo reſpectively charged with.

and enforce the Payment of all Money in Arrear.

Mayor, &c. not to remove any Officer, &c. while the additional Duty is raiſed.

XXIV. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to impower the Mayor, Aldermen, Burgeſſes, and Commonalty, of the ſaid Borough of Great Yarmouth to remove or diſplace any Officer, Overſeer, Workman, Labourer, or other Perſon, who ſhall be employed by the ſaid Commiſſioners, or by any other Perſons with whom they ſhall contract for the Performance of any Works by them directed to be done in purſuance of this Act, during ſuch Time only as the ſaid Duty of Two-pence ſhall be raiſed.

Collectors may enter Veſſels to collect Duties;

XXV. And, in order the better to collect the ſaid Duties, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Collector and Collectors, Receiver and Receivers, for the Time being, at all ſeaſonable and convenient Times, to enter into any Ship or Veſſel within the ſaid Haven or Road, in order to ſee and diſcover what Goods are in ſuch Ship or Veſſel before the unlading thereof; and in caſe the ſaid Duties, ſo directed to be paid as aforeſaid, ſhall not be by the Maſter, or other Perſon or Perſons having the Rule or Command of any Ship or Veſſel upon the unlading thereof within the ſaid Haven or Road as aforeſaid, according to the true Intent and Meaning of this Act, that then it ſhall and may be lawful to and for every ſuch Collector or Receiver, by Warrant from the Mayor, or Deputy Mayor, of the ſaid Borough of Great Yarmouth for the Time being, under his Hand and Seal, to take and diſtrain every ſuch Ship or Veſſel, and all Tackle, Apparel, and Furniture, thereunto belonging, or any Part thereof; and in caſe of Neglect or Delay of or in the Payment of the ſaid Duties for the Space of Ten Days after any Diſtreſs ſhall be made as aforeſaid, that then it ſhall and may be lawful to and for every ſuch Collector or Receiver to ſell the ſaid Diſtreſs or Diſtreſſes ſo taken, and therewith to ſatisfy himſelf, as well for the Duty ſo neglected or delayed to be paid, as alſo for his reaſonable Charge in taking, keeping, and ſelling, ſuch Diſtreſs or Diſtreſſes, rendering to the Maſter, or other Perſon having the Rule or Command of the Ship or Veſſel ſo diſtrained as aforeſaid, the Overplus, (if any there be) when demanded.

and, in caſe of Neglect of Payment for Ten Days, may be levied by Diſtreſs and Sale.

Officers of Cuſtoms not to ſuffer Ships to clear until the Duties are paid.

XXVI. And be it further enacted, That no Cuſtomer, Collector, Comptroller, Surveyor, Searcher, Waiter, or other Officer whatſoever of the Cuſtoms, in the Port of Great Yarmouth aforeſaid, ſhall permit any Ship or Veſſel to clear at the Cuſtom-houſe, or to go out of the ſaid Port, until the Maſter, or other Perſon or Perſons having the Rule or Command of ſuch Ship or Veſſel ſhall produce a Certificate from the Collector or Collectors, Receiver or Receivers, of the Duties by this Act impoſed, that the ſaid Duties are paid, or ſecured to be paid, according to the true Intent and Meaning of this Act; which Certificate ſuch Collector or Collectors, Receiver or Receivers, is and are hereby required to give, without Fee or Reward, on Pain of forfeiting, for every Neglect or Refuſal ſo to do, the Sum of Ten Pounds to the Mayor, Aldermen, Burgeſſes, and Commonalty, of the Borough of Great Yarmouth aforeſaid; and that every Cuſtomer, Collector, Comptroller, Surveyor, Searcher, Waiter, or other Officer of the ſaid Cuſtoms, making Default in the Premiſes enjoined them by this Act, ſhall forfeit the like Sum of Ten Pounds to the Mayor, Aldermen, Burgeſſes, and Commonalty, of the Borough of Great Yarmouth aforeſaid; both which Sums ſhall be recovered by the ſaid Mayor, Aldermen, Burgeſſes, and Commonalty, together with full Coſts of Suit, in any of His Majeſty's Courts of Record, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoin, Wager of Law, or Protection, nor more than One Imparlance, ſhall be allowed; which Sums ſo to be forfeited ſhall, when recovered, be applied for and towards clearing and depthening the ſaid Haven.

Proviſions exempt from the Duties.

XXVII. Provided always, That all ſuch Fiſh Oil or Fiſh Livers as ſhall be obtained in and upon any Fiſhing Voyage or Voyages, and ſuch Remainder of Salt, Bread, Beer, and other Proviſions, as ſhall be taken into any Ship or Veſſel, for accompliſhing any Fiſhing Voyage or Voyages, or into any Ship or Veſſel, for the Maintenance of the Maſter or Commander thereof, or Mariners ſerving therein, upon any Voyage or Voyages to be made with ſuch Ship or Veſſel, and not ſpent therein, ſhall be exempted from the Payment of the ſaid Duties; any Thing herein contained to the Contrary in anywiſe notwithſtanding.

Duties on certain Goods imported to be repaid on Exportation.

XXVIII. And whereas great Quantities of Coals, and other Goods, would oftentimes be imported into the ſaid Haven, and be re-exported, to the great Advantage of the Inhabitants of the ſaid Town of *Great Yarmouth*, and Trade in general, if the Duties paid upon the Importation

tation of ſuch Coals, and other Goods, were repaid upon the Exportation thereof; for the Encouragement therefore, and Increaſe of ſuch Trade, be it enacted by the Authority aforeſaid, That, on the Exportation of all Coals, and other Goods, for which the Duties charged on the Importation thereof ſhall have been paid by virtue of this Act, as aforeſaid, any Collector or Receiver of the Duties, payable by virtue of this Act, (due Proof in Writing, upon Oath, before ſuch Collector or Receiver being firſt made of the Payment of the ſaid Duties, which Oath the ſaid Collector or Receiver is hereby impowered and required to adminiſter), ſhall, out of ſuch Monies as ſhall then remain in his Hands, or out of the firſt Monies which he ſhall receive, on account of the Duties payable by virtue of this Act, repay unto the Perſon or Perſons ſo exporting ſuch Coals, or other Goods, all ſuch Duties as ſhall have been paid on the Importation of the ſame; any Thing herein contained to the Contrary notwithſtanding.

Engineer to ſurvey that Part of the River *Wenſon* or *Yare* between the *New Mills* and *Hardly Croſs*;

who is to report the State of the River to the Juſtices.

Copy of the Report to be given to every Offender, as relates to his Offence, and the Juſtices to order Reparation to be made.

Perſons offending, and refuſing to remove the Incroachments, *&c.* to be proceeded againſt by the Juſtices as the Law directs.

XXIX. And be it further enacted by the Authority aforeſaid, That the Juſtices of the Peace in and for the ſaid City and County of the City of Norwich, are hereby impowered and required, at any of the Quarter Seſſions to be held in and for the ſaid City and County of the City of Norwich, to appoint a ſkilful Engineer, with ſuch Reward as they ſhall order and direct, from Time to Time, and as often as the ſaid Juſtices ſhall think proper, to ſurvey and examine that Part of the ſaid River Wenſon, commonly called Yare, which lieth between the New Mills in Norwich and Hardly Croſs aforeſaid, and all Incroachments, Impediments, Obſtructions, Annoyances, and Nuiſances, that ſhall be made upon or in the ſame; and that ſuch Engineer ſhall, upon every ſuch Survey ſo to be made by him, have full Power and Authority to ſummon and cauſe all and every or any of the Conſtables of the ſeveral Pariſhes, Wards, Hamlets, or Precincts, abutting on the ſaid River, within the Limits aforeſaid, to attend him in ſuch Survey, and give him ſuch Information as he ſhall require as to ſuch Incroachments, Impediments, Obſtructions, Annoyances, and Nuiſances, and the Names of the ſeveral Perſons guilty of the ſame, and of the Owners and Inhabitants of the ſeveral Meſſuages, Lands, Tenements, and Hereditaments, bordering upon and adjoining to the ſaid River, within the Limits aforeſaid; and that ſuch Surveyor ſhall, at the Quarter Seſſions to be held for the ſaid City and County of the ſaid City of Norwich, next and immediately after every ſuch Survey to be made and taken by him, make his Report in Writing, ſigned by him with his own Hand, to the ſaid Juſtices then and there aſſembled, as to the State of the ſaid River, within the Limits aforeſaid, and all Incroachments, Impediments, Obſtructions, Annoyances, and Nuiſances, upon and in the ſaid River within the Limits aforeſaid, and his Opinion as to the Means and Manner of remedying and removing the ſame, and the Names of the ſeveral Perſons guilty of making, and bound to repair, amend, remove, and make Satiſfaction for ſuch Incroachments, Impediments, Obſtructions, Annoyances, and Nuiſances; and that a Copy of ſo much of ſuch Report as ſhall relate to every Offender, in all and every or any of the Reſpects aforeſaid, or that ſhall be guilty of any ſuch Incroachment, Impediment, Obſtruction, Annoyance, or Nuiſance, ſhall be given to every ſuch Offender, or left for him or her at the Dwelling-houſe of any Occupier of the Meſſuages, Lands, or Grounds, where the ſame ſhall be committed, or made; and the ſaid Juſtices ſhall and may, and are hereby impowered and directed, to give Notice to all and every or any of the Parties who, in ſuch Report, ſhall be mentioned to have made or done, or to have been guilty of any ſuch Incroachment, Impediment, Obſtruction, Annoyance, or Nuiſance, to remove, or to repair, amend, and make good, the ſame, or to ſhew Cauſe to the contrary by a Time limited by ſuch Juſtices: And that if the Perſon or Perſons to or for whom ſuch Notice ſhall be given or left, ſhall neglect or refuſe to appear before the ſaid Juſtices of the Peace at ſuch Quarter Seſſions; or if ſuch Juſtices ſhall, after hearing what ſuch Party or Parties may allege in his, her, or their Behalf, be of Opinion, that ſuch Incroachments, Impediments, Obſtructions, Annoyances, or Nuiſances, or any of them, ought to be removed or amended, repaired, or made good; then, and in ſuch Caſe, the ſaid Juſtices of the Peace, aſſembled at the Quarter Seſſions for the City, and County of the City of Norwich, ſhall and may, and are hereby required, to order the ſame to be removed or amended, repaired or made good, by a Time to be limited by ſuch Juſtices; and that if ſuch laſt-mentioned Order ſhall not be complied with within the Time ſo to be limited by all or any of the Parties againſt whom ſuch Order ſhall be ſo made; then, and in ſuch Caſe, the Commiſſioners of Sewers for the Time being, acting for or in reſpect of the ſaid laſt-mentioned River, ſhall and may, and they are hereby declared to be at Liberty to proceed, as by Law they are impowered, only againſt ſuch of the Parties guilty of any ſuch Incroachment, Impediment, Obſtruction, Nuiſance, or Annoyance, as ſhall refuſe to comply with the ſaid laſt-mentioned Order of the ſaid Juſtices of the Peace.

Proviſo.

XXX. Provided always, That if any of the Perſons by ſuch Report charged with having been guilty of any ſuch Incroachment, Impediment, Obſtruction, Nuiſance, or Annoyance, ſhall, by the ſaid Juſtices, aſſembled at the Quarter Seſſions, be adjudged not to be guilty thereof, or ſhall comply in all Reſpects, to the Satiſfaction of ſuch Juſtices, with the Order of the ſaid Juſtices for the removing or repairing, amending or making good the ſame; then, and in either of the ſaid laſt-mentioned Caſes, the ſaid Commiſſioners of Sewers, or any Perſon in their Behalf, or under or by virtue of their Order or Authority, ſhall not, in any Way or Manner whatſoever, proceed againſt ſuch Perſon or Perſons; any Law, Statute, Uſage, or Cuſtom, to the Contrary thereof in any-wiſe notwithſtanding.

Engineer to give Notice of his Intention to make a Survey.

XXXI. And be it further enacted by the Authority aforeſaid, That ſuch Engineer, ſo to be appointed, ſhall, at all Times, by Advertiſements to be inſerted in the Norwich News-paper or Papers, give a Fortnight's previous Notice of his Intention to make ſuch Survey; and that the Reward of ſuch Surveyor ſhall be payable out of the ſaid Allotment of One Penny Halfpenny, hereby directed to be paid according to the Appointment of the ſaid Corporation of the City of Norwich; and that it ſhall be lawful for the ſaid Juſtices, aſſembled at the Quarter Seſſions, to be held for the ſaid City and County of the City of Norwich, to remove ſuch Engineer, or any other Engineer to be hereafter appointed; and to nominate and appoint any other Perſon to be an Engineer for the Purpoſes aforeſaid, in the Place and Stead of the Perſon ſo to be removed, who ſhall be paid in Manner herein-before mentioned.

Penalty on emptying Rubbiſh, *&c.* into the Haven.

XXXII. And, for the better Preſervation of the ſaid Haven, be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-two, no Perſon or Perſons whomſoever, ſhall throw or empty any Ballaſt, Earth, Duſt, Rubbiſh, or Stones, into the ſaid Haven, or do any Act, Matter, or Thing, to prejudice or annoy the ſame; and if any Act, Matter, or Thing, ſhall be done to the Prejudice or Annoyance of the ſaid Haven, the ſame ſhall be deemed to be a publick Nuiſance, and ſhall be examined, heard, tried, and determined as common Nuiſances are to be examined, heard, tried, and determined, by or according to the Laws of this Realm; and all Offenders therein, being thereof lawfully convicted upon Information or Indictment in His Majeſty's Court of King's Bench at Weſtminſter, or by Indictment at the Aſſizes or General Goal Delivery, or the General or Quarter Seſſions of the Peace for the ſaid County of Norfolk, or by Indictment at the General or Quarter Seſſions of the Peace for the ſaid Borough of Great Yarmouth, ſhall be liable to ſuch Fines, Penalties, and Puniſhments, as Perſons convicted of common and publick Nuiſances are by the Statutes of this Realm ſubject and liable to.

In order to prevent Accidents by Fire from the Ships within the Haven, Watchmen, *&c.* to be appointed.

XXXIII. And whereas by reaſon of the Commodiouſneſs and Safety of the ſaid Haven for Ships in the Winter Seaſon, ſeveral Hundred Ships and Veſſels are yearly laid up and do Winter therein, which Ships lie contiguous to one another, and ſo near to the Houſes of the ſaid Town of *Great Yarmouth*, that if a Fire ſhould happen, not only ſuch Ships and Veſſels, but alſo the ſaid Town would be in great Danger of being deſtroyed; therefore, for preventing any ſuch Miſchief, be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Mayor, or Deputy Mayor, of the ſaid Borough of Great Yarmouth for the Time being reſpectively, yearly, and every Year, to appoint ſo many Watchers or Clappermen as ſhall be neceſſary to keep Watch on the Quays of the ſaid Town, nightly and every Night, from the Firſt Day of November to the Firſt Day of March, yearly, and every Year, in ſuch Manner as hath hitherto been uſed, or as the ſaid Mayor, or Deputy Mayor, ſhall think proper; and in order to defray the Expence of the ſaid Watchmen and Clappermen, there ſhall be paid by every Maſter, or other Perſon or Perſons having the Rule or Command of any Ship or Veſſel which ſhall lie in the Haven of the ſaid Town, from the South End of the Ballaſt Quay upwards, for the Space of One Month between the Firſt Day of November and the Firſt Day of March in any Year, ſuch Sum of Money, not exceeding One Halfpenny per Ton of the full Burthen of ſuch Ship or Veſſel, as the Mayor, or Deputy Mayor, of the ſaid Borough for the Time being ſhall from Time to Time order and appoint.

Watchmen and Clappermen by whom to be paid.

No Fire nor lighted Candle ſhall be allowed on Board Ships between *Nov.* 1. and *March* 1.

XXXIV. And be it further enacted, That if any Maſter, or other Perſon or Perſons having the Rule and Command of any Ship or Veſſel wintering in the ſaid Haven as aforeſaid, or lying in the ſaid Haven at any Time between the Firſt Day of November and the Firſt Day of March in any Year, ſhall make, uſe, permit, or ſuffer, any Fire or lighted Candle to be in ſuch Ship or Veſſel lying from the South End of the ſaid Ballaſt Quay upwards in the ſaid Haven, on any Pretence whatſoever, (ſuch Ships which ſhall have Officers of the Cuſtoms or Exciſe lawfully boarded on them by the Direction of the Chief Officer of the Cuſtoms or Exciſe belonging to the Port or Town of Great Yarmouth only excepted), ſuch Maſter, or other Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings of lawful Money of Great Britain; One Moiety thereof ſhall be paid to the Perſon or Perſons who ſhall give Information thereof upon Oath, before the Mayor, or Deputy Mayor, of the ſaid Borough for the Time being reſpectively, and the other Moiety to be paid to the Chamberlains of the ſaid Borough, for the Uſe of the Mayor, Aldermen, Burgeſſes, and Commonalty, of the ſaid Borough of Great Yarmouth; and it ſhall and may be lawful to and for the Perſons appointed to keep Watch as aforeſaid, at any Time or Times to go on Board any Ship or Veſſel lying or wintering in the ſaid Haven as aforeſaid, to view, remove, or extinguiſh any lighted Candles or Fire which ſhall be on Board ſuch Ship or Veſſel.

Maſter, *&c.* mooring Ships ſo as to prejudice the Haven,

XXXV. And whereas the lying or mooring Ships in the ſaid Haven, with their Sides towards the ſaid Quay, has been found prejudicial to the ſaid Haven, by obſtructing the free Current and Force of the Water; and Ships are often moored or placed in the ſaid Haven in ſuch a Situation as to impede and obſtruct the Engineers and Workmen employed in depthening the ſaid Haven; for Remedy whereof, be it enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-two, no Ship or Veſſel ſhall lie or be moored in the ſaid Haven with her Side towards the Quay longer than One Tide, unleſs upon ſome unavoidable Occaſion; nor ſhall any Ship or Veſſel lie or be moored in the ſaid Haven in ſuch a Situation as to impede or obſtruct the Work of depthening the ſaid Haven by the Engineers and Workmen employed therein; and the Mayor, or Deputy Mayor of the ſaid Borough, or any Two of the ſaid Commiſſioners for the Time being, ſhall, from Time to Time, take ſuch Order therein as to him or them ſhall appear juſt and reaſonable; and in caſe any Maſter, or other Perſon having the Charge of ſuch Ship or Veſſel, ſhall neglect or refuſe to obey the Order of the ſaid Mayor, or Deputy Mayor, or any Two of the ſaid Commiſſioners, for altering the Situation of any ſuch Ships or Veſſels, the ſaid Maſters, or other Perſons, as aforeſaid, ſhall, for every ſuch Neglect or Refuſal, forfeit any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, to be applied towards the Maintenance and Repair of the ſaid Haven; and it ſhall and may be lawful to and for the Mayor, or Deputy Mayor, of the ſaid Borough, or any Two of the ſaid Commiſſioners for the Time being, by Warrant under his or their Hand and Seal, or Hands and Seals, to levy the ſaid Forfeiture by Diſtreſs and Sale of the Goods and Chattels of the Maſter, or other Perſon having the Charge of ſuch Ship or Veſſel, or by Diſtreſs and Sale of the Anchors and Cables, or other Tackle, Apparel, and Furniture thereof.

to forfeit not exceeding 5*l*.

XXXVI. And

The Duty of the Pier Maſter, and his accuſtomed Fee for that Duty.

XXXVI. And whereas it is the Duty of the Pier Maſter for the Time being of the ſaid Town of *Great Yarmouth* to attend at all proper Times on the Pier Heads to regulate and direct the Uſes of the Crabs and Capſterns there for the Aſſiſtance and Convenience of Ships coming into the ſaid Haven, and alſo to regulate and direct the Mooring of the ſaid Ships at the Haven's Mouth, which has at all Times been found very uſeful and neceſſary, and the Paſſage of Ships over the Bar into the ſaid Haven is thereby rendered more ſecure and convenient, for which the ſaid Pier Maſter hath received as a Fee or Reward the Sum of One Shilling of the Maſter, or other Perſon having the Rule or Command of every Ship or Veſſel coming into the ſaid Haven; and it is reaſonable that the ſame ſhould continue to be paid to the ſaid Pier Maſter for his Trouble and Attendance as aforeſaid; be it therefore enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-two, every Maſter, or other Perſon having the Rule or Command of any Ship or Veſſel coming into the ſaid Haven, ſhall pay into the Hands of the Perſon or Perſons who ſhall be appointed Collector or Collectors, Receiver or Receivers of the Duties to be collected by virtue of this Act, the ſaid Fee or Sum of One Shilling, for the Uſe of the ſaid Pier Maſter, for and in conſideration of his Trouble and Attendance as aforeſaid; and in caſe any Maſter, or other Perſon having the Rule or Command of any ſuch Ship or Veſſel, ſhall neglect or refuſe to pay the ſaid Fee or Sum of One Shilling to ſuch Collector or Collectors, Receiver or Receivers, as aforeſaid, the ſame ſhall and may be levied by Warrant under the Hand and Seal of the Mayor or Deputy Mayor of the ſaid Borough for the Time being, in ſuch Manner as is herein-before directed and appointed for levying and recovering the ſeveral Duties, Sum and Sums of Money, herein-before ordered and appointed to be paid by the Authority of this Act; and it ſhall not be lawful for any Collector or Collectors, Receiver or Receivers, of the Duties by this Act impoſed, to give any Certificate or Certificates that the Duties are paid, or ſecured to be paid, until the ſaid Fee or Sum of One Shilling ſhall be received by him or them for the Uſe of the ſaid Pier Maſter; any Thing in this Act contained to the Contrary hereof in any-wiſe notwithſtanding.

The ſame Fee as formerly to be paid to the Pier Maſter, and how to be recovered.

Pier Maſter neglecting his Duty,

to forfeit not exceeding 40 s.

XXXVII. Provided always, That in caſe the ſaid Pier Maſter ſhall refuſe or neglect to attend at all proper Times, and to do and perform the Duty of Pier Maſter as he ought to do, and ſhall be convicted thereof before the ſaid Mayor, or Deputy Mayor, of the ſaid Borough of Great Yarmouth for the Time being, or any Two of the ſaid Commiſſioners, by the Oath of One or more credible Witneſs or Witneſſes, (which Oath ſuch Mayor, or Deputy Mayor, or Two Commiſſioners, are hereby impowered to adminiſter), every ſuch Pier Maſter ſhall, for every ſuch Refuſal, Neglect, or Non-performance of his Duty, as aforeſaid, forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Ten Shillings, for every ſuch Offence, to be applied towards the Maintenance and Repair of the ſaid Haven, after deducting the Charges of recovering thereof; and in caſe of Refuſal to pay the ſaid Penalty, the ſame may be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Pier Maſter, by Warrant under the Hand and Seal of the ſaid Mayor, or Deputy Mayor, or under the Hands and Seals of ſuch Two Commiſſioners.

Injuring the Haven, by laying Ballaſt, &c. on the Quays, how to be prevented.

XXXVIII. And whereas the laying Ballaſt, Earth, Sand, Rubbiſh, or Stones, upon the Quays near the ſaid Haven, and ſuffering the ſame to continue there, hath been found very injurious to the ſaid Haven, and to contribute much to the filling up the ſame, as great Part of ſuch Ballaſt, Earth, Sand, Rubbiſh, and Stones, often unavoidably fall into the ſaid Haven, or is driven therein by Winds, ſo that it is very difficult to preſerve a ſufficient Depth of Water for Ships to come up to the Quays: For Remedy whereof, be it enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-two, if any Perſon or Perſons ſhall lay any Ballaſt, Earth, Sand, Rubbiſh, or Stones, on the ſaid Quays, within Ten Feet of the Quay Head, for the Purpoſe of ballaſting Ships, or for any other Purpoſe whatſoever, (except for making or repairing Quays, and during ſuch Time only as ſuch Quays are making or repairing), and ſhall ſuffer the ſame to continue there for the Space of Seven Days, and ſhall be thereof convicted before the Mayor, or Deputy Mayor, of the ſaid Borough for the Time being, upon the Oath of One or more credible Witneſs or Witneſſes, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Ten Shillings; to be applied towards the Repair and Maintenance of the ſaid Haven.

Money directed to be paid for keeping Watchmen, &c. and alſo Penalties, how to be recovered.

XXXIX. Provided always, and be it further enacted, That in caſe the Maſter, or other Perſon or Perſons having the Rule or Command of any Ship or Veſſel lying in the ſaid Haven, ſhall neglect or refuſe to pay ſuch Sum or Sums of Money as ſhall be ordered and appointed to be paid for keeping Watchmen and Clappermen as aforeſaid, or any Forfeitures or Penalties which ſhall be incurred by reaſon of any Offence or Offences againſt this Act, (the Manner of levying and recovering whereof is not herein-before particularly directed), it ſhall and may be lawful to and for the Mayor, or Deputy Mayor, of the ſaid Borough reſpectively, from Time to Time, by Warrant under his Hand and Seal, to levy ſuch Sum or Sums of Money, and alſo all ſuch Forfeitures and Penalties to be incurred as aforeſaid, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo refuſing to pay ſuch Sum or Sums of Money, or any or the Penalties or Forfeitures which ſhall be incurred as aforeſaid, together with the reaſonable Charges of levying the ſame.

Commencement and Continuance of this Act.

XL. And be it further enacted by the Authority aforeſaid, That this Act ſhall commence and take Place from and after the ſaid Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-two, and ſhall continue in Force for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

Not to prejudice the Tolls, &c. payable to the Mayor, &c. by Grants,

XLI. Provided always, and it is hereby declared, That this Act, or any Thing herein contained, ſhall not ſuſpend or extinguiſh the Payment of ſuch Port Duties and Tolls, as the Mayor, Aldermen, Burgeſſes, and Commonalty, of the ſaid Borough of Great Yarmouth are intitled to have and receive by immemorial Cuſtom or Uſage, which for

Twenty Years laſt paſt have been paid and received, and which they are intitled to recover by Action at Law, without ſhewing or alleging any Benefit which they are bound to perform to the Publick, or any Cauſe or Conſideration whatſoever, whereon to found their preſcriptive Right thereto; but all ſuch Port Duties and Tolls as aforeſaid ſhall and may be recovered and received by the ſaid Mayor, Aldermen, Burgeſſes, and Commonalty, in ſuch Manner as the ſame have heretofore been recovered and received, or might have been recovered and received, in caſe this Act, or any former Act relating to the ſaid Haven and Piers, had not been made.

Limitation of Actions.

General Iſſue.

Treble Coſts.

XLII. Provided always, and be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be brought or proſecuted againſt any Perſon or Perſons for any Thing done, or to be done, in purſuance of this Act, or any-wiſe in relation to the Premiſes, every ſuch Action or Suit ſhall be commenced within Six Months next after the Fact committed, and not afterwards, and ſhall be laid and brought in the County of Norfolk, and not elſewhere; and the Defendant or Defendants, in every ſuch Action or Suit, may plead the General Iſſue, Not Guilty, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done; or if any ſuch Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought in any other County than as before directed, then the Jury ſhall find for the Defendant or Defendants; and if the Plaintiff or Plaintiffs ſhall be nonſuited, or ſuffer a Diſcontinuance of his, her, or their Action or Actions; or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs; or if, upon Demurrer, Judgement ſhall be given againſt him, her, or them, the Defendant or Defendants ſhall recover Treble Coſts, and have the like Remedy for the ſame, as any Defendant or Defendants hath or have for Coſts of Suit in any other Caſe by Law.

Publick Act.

XLIII. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

CAP. XV.

An Act for lighting, cleanſing, and watching, the Streets, Lanes, and other Paſſages, of the Burgh of *Canongate*, and the Liberties of *Pleaſance* and *Leith Wynd*, adjoining to the Royalty of the City of *Edinburgh*.

Preamble.

WHEREAS the Burgh of *Canongate* is the great Outlet from the City of *Edinburgh*, but has not the Benefit of being lighted and cleanſed along with the ſaid City, or the Security and Protection ariſing from the City Guard: And whereas the Streets called *Pleaſance* and *Leith Wynd* are alſo Parts and Dependencies of the ſaid Burgh of *Canongate*, but are not lighted, cleanſed, and watched, along with the Suburbs of the City of *Edinburgh*: And whereas it would not only be a great Advantage and Safety to the Inhabitants of the ſaid Burgh of *Canongate* and its ſaid Dependencies, but likewiſe to the Inhabitants of the ſaid City of *Edinburgh*, and of all Perſons reſorting to and from the ſaid City of *Edinburgh*, by and through the *Canongate* and its ſaid Dependencies, that the Lanes, Ways, Paſſages, Streets, Vennels, and Avenues thereof, were properly lighted, cleanſed, and watched, and a Fund eſtabliſhed for that Purpoſe: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the preſent Magiſtrates and Treaſurer of the Burgh of Canongate, with the Preſes of the Stent-maſters thereof, and their Succeſſors in Office, ſhall, in all Time coming, within the aforeſaid Bounds or Limits of the Burgh of Canongate, have Power, and they are hereby authoriſed and impowered to direct, order, and appoint, in Manner hereafter ſpecified, in all Matters and Things reſpecting the lighting, cleanſing, and watching, of the ſaid Burgh of Canongate and its ſaid Dependencies, and of the Streets, Lanes, Ways, Paſſages, Avenues, and Vennels, within or leading to the ſame; and to nominate and appoint Clerks, Servants, Scavengers, Watchmen, and other Officers, neceſſary for the Execution of this preſent Act, and at Pleaſure to remove and diſplace them, or any of them; and to limit and appoint the Salaries, Wages, and other Allowances to be given to ſuch Officers and Servants, and to the Collector hereafter appointed; and to direct and appoint the Number of Lamps to be ſet up, and the Places to which they ſhall be affixed; and to appoint proper Perſons for watching and cleanſing the ſaid Streets, Lanes, Paſſages, and others; and to make all ſuch other Orders, Rules, and Regulations, from Time to Time, as ſhall appear neceſſary in the Premiſes; and to alter and vary the ſame as they may ſee Cauſe: And the ſaid Magiſtrates, Treaſurer, and Preſes, ſhall meet at all Times, in relation to the Execution of this Act, in the Court Houſe of the Canongate, upon Twenty-four Hours previous Notice in Writing to be given by One of the Officers of Canongate, by Order of any of the Magiſtrates, Treaſurer, or the ſaid Preſes of the Stent-maſters thereof; and in all ſuch Meetings Three ſhall be a Quorum; and the eldeſt Magiſtrate preſent ſhall preſide in the reſpective Meetings, and all Queſtions ſhall be determined by the Majority of Perſons preſent at the Time, and the Preſes, in caſe of an Equality, ſhall have the caſting Vote.

Magiſtrates, &c. of *Canongate*, to direct the lighting, cleanſing, and watching, the Streets, &c.

Proceedings to be entered in Books.

II. And be it further enacted, That all Acts, Orders, and Proceedings, of the ſaid Meetings, ſhall be regularly entered, from Time to Time, in Books to be kept for that Purpoſe, and ſhall be ſigned by the Preſes and Clerk of the ſaid Meetings; and ſuch Entries ſhall be held and taken to be the original Orders and Proceedings of the ſaid Meetings; and ſuch Books ſhall and may be produced and taken as Evidence in all Courts whatſoever.

III. And be it enacted, That it ſhall be lawful to the ſaid Magiſtrates, Treaſurer, and Preſes of the Stent-maſters of Canongate, and they are hereby impowered to contract with any Perſon or Perſons, for lighting and cleanſing the Streets, Ways, Paſſages, and others, of the ſaid Burgh of Canongate, and its ſaid Dependencies; and that ſuch Contract or Contracts ſhall be ſigned by the Preſes and Clerk, in Name of the Meeting, at which the ſaid Agreement or Contract ſhall be made and entered into.

Contracts may be made for lighting and cleanſing.

IV. And be it further enacted, That no Contract ſhall be entered into by the ſaid Magiſtrates and Preſes of the Stent-maſters for lighting the ſaid Streets, Lanes and Paſſages, and others, of the ſaid Burgh of Canongate, Pleaſance, and Leith Wynd, till after Four Weeks previous Notice has been given in each of Two of the Edinburgh News-papers, to Perſons to give in ſigned Propoſals for lighting the ſaid Lamps; and the ſaid Magiſtrates and Preſes of the Stent-maſters ſhall accept of, and contract with, the Perſons whoſe Propoſals ſhall appear to be moſt reaſonable and beneficial.

Contracts not to be entered into till Notice given.

V. And be it further enacted, That it ſhall not be lawful to any of the ſaid Magiſtrates, Treaſurer, Preſes, or any of the ſaid Stent-maſters, to have any Concern, directly or indirectly, in undertaking to light the ſaid Lamps; declaring, That if any ſuch Concern ſhall be made appear, the Perſon ſo concerned ſhall loſe and forfeit any Right or Claim to Payment; or if Payment is made, ſhall be ſubject to reſtore the Sum to which his Share in the ſaid Contract or Undertaking ſhall amount, beſide full Coſts of Suit; and Action for that Purpoſe ſhall be competent at the Inſtance of any One of the ſaid Magiſtrates, Treaſurer, Preſes, or any One of the ſaid Stent-maſters, at the Time, or at the Inſtance of any Two or more Heritors, qualified to be Stent-maſters in Terms of this Act.

Magiſtrates, &c. to have no Concern in Contracts for lighting.

VI. And be it further enacted, That the ſaid Magiſtrates, Treaſurer, and Preſes of the Stent-maſters, are hereby authoriſed and impowered to order ſuch Sum or Sums as they ſhall contract for, to be paid out of the Monies to be raiſed for the Purpoſes of this Act, in Manner hereafter directed.

Contracts to be paid out of Monies raiſed for the Purpoſe of this Act.

VII. Provided always, and be it further enacted, That no Nomination, Contract, Bond, or other Writing whatſoever, under the Hand of the ſaid Preſes and Clerk, concerning, or in Execution of the Powers veſted in them by this Act, ſhall be chargeable with any Stamp-duty whatſoever.

Writings exempt from Stamp Duties.

VIII. And, in order to raiſe a Fund for defraying the Charges of lighting the Streets, Lanes, Paſſages, and others, of the ſaid Burgh of *Canongate*, be it enacted by the Authority aforeſaid, That the Stent-maſters of the Canongate ſhall be, and they are hereby impowered and required, at the Time of impoſing and proportioning the Land-tax or Ceſs of the ſaid Burgh of Canongate, for the Service of the Year One thouſand ſeven hundred and ſeventy-two, and annually thereafter, to aſſeſs and lay upon all Heritors, Liferenters, and other Proprietors of Houſes, Lands, and Tenements, within the ſaid Burgh of Canongate, and its ſaid Dependencies, ſubject to the Payment of Land-tax or Ceſs, an annual Aſſeſſment not exceeding Two and an Half per Centum in the Pound of the real Rents, as the ſame now are, or ſhall at any Time hereafter ſtand rated in the Ceſs Books of the ſaid Burgh of Canongate, or ſo much of the ſaid Sums as the ſaid Magiſtrates, Treaſurer, and Preſes, of the Stent-maſters aforeſaid ſhall judge neceſſary for the ſaid Service at the Time; which annual Aſſeſſment ſhall be payable in the ſame Proportions, and at the ſame Times, with the Ceſs for each Year reſpectively, and ſhall be levied and collected by the Clerk of Canongate, Collector of the Ceſs for the ſaid Burgh of Canongate; for collecting of which Aſſeſſment, ſuch Allowance ſhall be made as the ſaid Magiſtrates, Treaſurer, and Preſes, of the Stent-maſters, ſhall judge proper; and the like Action and Execution ſhall be, and is hereby directed and appointed to be, competent for recovering and levying ſuch Aſſeſſment as is authoriſed by the Law and Practice of Scotland, and uſed there for levying and in-bringing of the Ceſs or Land-tax; and the ſaid Collectors of the Ceſs for the ſaid Burgh of Canongate for the Time being are hereby impowered and required ſo to levy, collect, and afterwards pay over the ſaid Aſſeſſment to the ſaid Magiſtrates, Treaſurer, and Preſes of the Stent-maſters, or to ſuch Perſon or Perſons as they, or a Majority of them, ſhall appoint.

Aſſeſſments to be made for lighting the Streets, &c.

IX. And it is hereby further enacted, That in Time coming, no Perſon ſhall be appointed a Stent-maſter within the ſaid Burgh of Canongate, who is not a reſiding Heritor for the Time, poſſeſſed of Lands and Tenements to the Value of Fifteen Pounds Sterling of yearly Rent.

Qualification of the Stent-maſters.

X. And be it enacted, That the ſaid Lamps within the Canongate, Pleaſance, and Leith Wynd, ſhall be lighted with, and continue burning as long as the Lamps within the City of Edinburgh, or longer, if judged neceſſary.

Lamps within the *Canongate, etc.* how long to continue burning.

XI. And, for raiſing and eſtabliſhing a fund for defraying the Expence of watching and cleanſing the ſaid Streets, Lanes, Ways, Paſſages, Vennels, and Avenues of the ſaid Burgh of *Canongate, Pleaſance,* and *Leith Wynd,* be it enacted, That from and after the Twenty-fifth Day of March next, the ſaid Magiſtrates ſhall annually, in all Time coming, apply Three-fourth Parts of the Monies or Tack-duties ariſing, or that ſhall ariſe, from the Sett of the Dung or Fulzie of or upon the ſaid Streets, Avenues, Ways, Paſſages, Cloſes, Vennels, and others, of the ſaid Burgh of Canongate, Pleaſance, and Leith Wynd, towards defraying the Expence of cleanſing and watching the ſaid Streets, Avenues, Paſſages, and others.

Three-fourth Parts of the Monies ariſing from the Sett of the Dung, &c. to be applied towards cleanſing and watching.

XII. And be it further enacted, That it ſhall only in Time coming be lawful to the ſaid Magiſtrates to ſett or leaſe the ſaid Dung or Fulzie by publick Roup, upon previous Notice of Four Weeks in each of Two of the Edinburgh News-papers, and for no longer Space than Five Years at each Sett or Leaſe.

Dung, &c. to be let by publick Roup.

XIII. And be it further enacted, That from and after the ſaid Twenty-fifth Day of March next, the ſaid Magiſtrates ſhall be impowered, and they are hereby impowered and required, annually, to levy the whole Monies leviable from the Inhabitants within the ſaid Burgh of Canongate, in virtue of an Act of the Parliament of Scotland, in the Year One thouſand ſix hundred and ſixty-three, by the Name of Annuity, or ſo much

Magiſtrates to levy the Monies leviable by Act of Parliament of *Scotland,* in 1663, for the Purpoſes of the Act.

thereof as they ſhall judge neceſſary to anſwer the Purpoſe of the ſaid Act, in the firſt Place; and in the next Place, for defraying the Deficiency of the Expence of watching and cleanſing the Streets, Lanes, Paſſages, and others, of the ſaid Burgh of Canongate, Pleaſance, and Leith Wynd, after Application of the aforeſaid Three-fourth Parts of the Monies or Tack-duties ariſing, or that ſhall ariſe, from the Sett of the Dung or Fulzie of the Streets, Ways, and others, of the ſaid Burgh of Canongate, Pleaſance, and Leith Wynd.

Deficiency of the Fund for lighting, how to be ſupplied.

XIV. And be it further enacted by the Authority aforeſaid, That if the aforeſaid Aſſeſſment of Two and an Half per Centum upon the real Rent of the Houſes and Tenements directed to be levied by the Authority of this Act, for lighting the Streets of the ſaid Burgh of Canongate, Pleaſance, and Leith Wynd, ſhall prove inſufficient for defraying that Expence; and that the Three-fourth Parts of the Monies and Tack-duties ariſing, or that may ariſe, from the Dung and Fulzie of the Streets; and that the whole Fund of Annuity aforeſaid, authoriſed to be levied by the Act of the Parliament of Scotland, in the Year One thouſand ſix hundred and ſixty-three, ſhall be more than ſufficient for anſwering the Purpoſes of that Act, and for defraying the Expence of watching and cleanſing the Streets, Lanes, Paſſages, and others, of the ſaid Burgh of Canongate, Pleaſance, and Leith Wynd; it ſhall and may be lawful to the ſaid Magiſtrates of Canongate to apply the Surplus ariſing from the ſaid Tack-duties and Annuity towards the making up the Deficiency of the Fund for lighting the Streets of the ſaid Burgh of Canongate, Pleaſance, and Leith Wynd, or ſo much thereof as ſhall be wanted to make up ſuch Deficiency.

Deficiency of the Fund for watching and cleanſing, how to be ſupplied.

XV. And be it further enacted by the Authority aforeſaid, That if the aforeſaid Tack-duties and Annuity, authoriſed to be levied in virtue of the aforeſaid Act of Parliament of Scotland, ſhall not be ſufficient for anſwering the Purpoſes of that Act, and for defraying the Expence of watching and cleanſing the Streets, Lanes, Paſſages, and others, of the ſaid Burgh of Canongate, Pleaſance, and Leith Wynd; and that the aforeſaid Aſſeſſment of Two and an Half per Centum upon the Houſes and Tenements ſhall be more than ſufficient for anſwering the Purpoſes for which it is impoſed, it ſhall and may be lawful for the ſaid Magiſtrates, Treaſurer, and Preſes of the Stent-maſters of Canongate, to apply the Surplus of the ſaid Fund towards the making up the Deficiency of the Expence neceſſary for wathing and cleanſing the Streets, Lanes, Paſſages, and others, of the ſaid Burgh of Canongate, Pleaſance, and Leith Wynd, or ſo much thereof as ſhall be thought neceſſary.

Expence of the Act to be paid in the firſt Place.

XVI. And be it further enacted, That the Sums to be raiſed and levied, in virtue of this Act, ſhall be applied by the ſaid Magiſtrates, Treaſurer, and Preſes of the Stent-maſters of Canongate, in the Firſt Place, to defray the Charges of paſſing this Act; and afterwards, wholly and ſolely to the Uſes and Purpoſes herein-before mentioned, and to no other Uſe or Purpoſe whatſoever.

Accounts to be kept.

XVII. And be it further enacted, That the ſaid Magiſtrates, Treaſurer, and Preſes of the Stent-maſters of Canongate, ſhall keep diſtinct and ſeparate Accounts of all Monies raiſed, levied, and paid, by virtue of this Act, from and upon account of the aforeſaid Aſſeſſment, Tack-duties, and Annuity reſpectively; which Accounts ſhall be entered in a Book, and ſigned by the Preſes and Clerk of the ſaid reſpective Meetings; and the ſaid Clerk ſhall permit any Perſon aſſeſſed to inſpect the ſame at reaſonable Times, paying Sixpence for each Inſpection; and ſhall, upon Demand, give Copies of the ſame, or any Part thereof, to ſuch Perſon, on his paying at the Rate of Sixpence for every Page, containing Two hundred Words.

Saving the Rights of the City of *Edinburgh*.

XVIII. Saving and reſerving to the City of Edinburgh all Juriſdictions, Commodities, Rights, and Privileges, competent and belonging thereto, within or over the ſaid Burgh of Canongate, and its ſaid Dependencies aforeſaid, in the ſame Manner as the City and Community now have and enjoy, or might enjoy the ſame.

Publick Act.

XIX. And it is hereby further enacted, That this Act ſhall be taken and allowed in all Courts of Juſtice as a Publick Act; and all Judges, and others, are hereby required to take Notice thereof as ſuch, without the ſame being ſpecially pleaded.

CAP. XVI.

An Act for deepening, cleanſing, ſcouring, preſerving, and maintaining, the Harbour of *Port Glaſgow*, for enlarging and improving the Quays and Piers, for erecting new Breaſts, Jettees, and Piers, and for regulating Ships, Lighters, and other Veſſels, trading into and going out of the ſaid Harbour; and for other Purpoſes therein mentioned.

Preamble.

WHEREAS the Harbour of *Port Glaſgow*, in the County of *Renfrew*, has of late Years, by the Flux and Reflux of the Tide, and various other Cauſes, been greatly choaked, and filled up with Mud and Dirt, which hinders Veſſels of Burthen from getting into the Piers and Quays, and expoſes the Shipping lying in the ſaid Harbour to many Dangers and Inconveniencies: And whereas the Trade of the City of *Glaſgow*, and Port of *Port Glaſgow*, hath of late Years greatly increaſed, and the Ships and Veſſels now belonging to, and trading to and from the ſaid Port, are more numerous, and of larger Dimenſions than heretofore: And whereas the Quays and Piers already made and conſtructed, by and at the Expence of the Magiſtrates and City Council of *Glaſgow*, within the ſaid Port and Harbour, are not ſufficient for the Reception and convenient lying of the Ships and Veſſels reſorting thereto, and for the requiſite and convenient Diſpatch in lading and unlading the ſame, which render the deepening, cleanſing, and ſcouring of the ſaid Harbour, and the building and erecting new and additional Piers and Quays, highly neceſſary, and the ſame will be of great publick Utility, as well as of Advantage to the Trade of the ſaid City and Port: And as the deepening, cleanſing, and ſcouring, of the ſaid Harbour, and the building and erecting the ſaid new and additional Piers and Quays, and other proper and neceſſary Works, will be attended with conſiderable Expence, which the ordinary Revenue of the ſaid City cannot defray; and as the ſame cannot be effected without the Aid and Authority of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the Magiſtrates and City Council of Glaſgow, and their Succeſſors in Office, or ſuch Perſon or Perſons as they ſhall appoint, from Time to Time, and at all Times hereafter, as they ſhall ſee Occaſion, to deepen, clean, ſcour, and preſerve the ſaid Harbour of Port Glaſgow, and the Improvements and Additions which ſhall be made thereto by virtue of this preſent Act, from Dirt and Mud, and other Obſtructions whatſoever; and alſo to build and erect, or cauſe to be built and erected therein, (except as herein-after is excepted) Piers and Quays of proper Dimenſions, particularly a Mid Quay or Pier in the preſent Harbour, and another Quay or Pier at and from a Point of Land called The Black Houſe Nook, near the old Caſtle of Newark, and to carry out the ſame from the ſaid Point into the Sea; and likewiſe ſuch and ſo many other Quays, Piers, Jettees, and Breaſts, in the open Harbour or old Bay of Newark, and other neceſſary Works within the ſaid Harbour and Bay, for the Reception of Ships and Veſſels reſorting to the ſaid Port and Harbour, and for the more convenient lading and unlading of ſuch Ships and Veſſels of ſuch Dimenſions, and to be executed in ſuch Manner as the Commiſſioners herein-after named, or any Ten or more of them, at a General Meeting aſſembled, in Manner as herein-after directed, ſhall judge to be neceſſary and expedient.

No Pier, *etc.* to be built eaſtward of *Black Houſe Nook.*

II. Provided always, That no Quay, Pier, Jettee, Breaſt, or any other Work hereby authoriſed to be built and erected, ſhall be built and erected to the Eaſtward of the ſaid Point of Land called The Black Houſe Nook, without the Conſent in Writing of Robert Hamilton of Wiſhaw, Eſquire, his Heirs or Aſſigns, under his or their Hands and Seals firſt had and obtained for that Purpoſe; any Thing herein-before contained to the Contrary in any-wiſe notwithſtanding.

No Wharfs, *etc.* to be erected on the Lands belonging to Mr. *Hamilton.*

III. Provided alſo, and be it further enacted and declared by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to enable, authoriſe, or impower, the ſaid Magiſtrates and City Council of Glaſgow, or their Succeſſors or Aſſigns, to make, build, or erect any Wharfs, Quays, Piers, Jettees, Breaſts, or other Works or Buildings, in or upon the Lands or Grounds of or belonging to the ſaid Robert Hamilton, his Heirs or Aſſigns, without the ſpecial Licence and Conſent of the ſaid Robert Hamilton, his Heirs and Aſſigns, in writing under his or their Hands and Seals reſpectively, firſt had and obtained for that Purpoſe; nor to authoriſe or impower the ſaid Magiſtrates and City Council of Glaſgow, or their Succeſſors or Aſſigns, to make, erect, or build any Houſes, Warehouſes, or other Buildings, ſave and except Piers, Quays, Jettees, Breaſts, and Engines, Cranes, or Weigh-beams, for lading and unlading of Ships and other Veſſels, in or upon any Part of the Scite, Ground, or Soil of the ſaid Harbour of Port Glaſgow, or any Part thereof, between the Dry Dock belonging to the ſaid City of Glaſgow on the Weſt, and the ſaid Point called Black Houſe Nook on the Eaſt; any Thing herein contained to the Contrary thereof notwithſtanding.

Proviſo.

IV. Provided alſo, and be it further enacted by the Authority aforeſaid, That it ſhall not be lawful for the ſaid Robert Hamilton, his Heirs or Aſſigns, without the Licence or Conſent in Writing of the ſaid Magiſtrates and City Council of the City of Glaſgow, to make, build, or erect, any Buildings or Erections of what Kind or Nature ſoever, from High Water Mark to Low Ground Ebb, or within the Full Sea Mark, from the ſaid Dry Dock to the ſaid Point called Black Houſe Nook.

Truſtees appointed.

V. And be it further enacted by the Authority aforeſaid, That the ſaid Magiſtrates and City Council, and their Succeſſors in Office, ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution, and for the better effecting the Ends and Purpoſes of the ſame; and that the Fee and Property of the Quays, Piers, Breaſts, and other Works to be made, built, and erected, by virtue of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Truſtees, to and for the End and Purpoſes aforeſaid; and that the ſaid Truſtees are, and ſhall be bound to apply the Rates and Duties after mentioned, in making and repairing, and in keeping and maintaining the ſame in good Order and Repair, and in preſerving the ſaid Harbour clean and free from Mud, Dirt, and other Obſtructions whatſoever.

Harbour Duties to be paid, after *June* 1, 1772.

VI. And be it further enacted by the Authority aforeſaid, That from and after the Firſt Day of June, in the Year One thouſand ſeven hundred and ſeventy-two, it ſhall and may be lawful to and for the ſaid Truſtees, and ſuch Perſon and Perſons as they ſhall appoint, to demand, collect, receive, and take, (over and above all other Rates and Duties which at preſent ſubſiſt and are levied from Ships, Veſſels, Barks, Lighters, and Boats, coming into, or going out of, the ſaid Port or Harbour of Port Glaſgow), of and from all and every the Maſters and Owners of any Ships, Veſſels, Barks, and Lighters, bound outward from the ſaid Port or Harbour of Port Glaſgow on any foreign Voyage, or to any foreign Country or Place, or to any of the Britiſh Plantations, One Penny Half-penny Sterling for each and every Ton which ſuch Ships, Veſſels, Barks, and Lighters, ſhall meaſure; and alſo One Penny Half-penny Sterling for each and every Ton of ſuch Ships, Veſſels, Barks, and Lighters, coming into the Port and Harbour aforeſaid, from any foreign Voyage, Country, or Place, or Britiſh Plantation; and from the Maſters and Owners of all Veſſels of Thirty Tons or upwards, trading or coming into and out of the ſaid Port, from or to any Part of Great Britain or Ireland, without proceeding to or coming from any other Place or Country, Three Farthings Sterling for each Ton Burthen ſuch Veſſel ſhall meaſure, every Time they ſhall arrive in, or ſail from, the Port or Harbour aforeſaid; and from the Maſters and Owners of all ſmall Veſſels above the Burthen of Fifteen Tons, and under the Burthen of Thirty Tons, trading to or from any Port of Great Britain or Ireland, without proceeding to or coming from any other Place or Country, Three-pence Sterling for each Ton of Burthen every Year they ſhall ſail to or from the Port and Harbour aforeſaid; the Commencement of which Year to be reckoned from the Time of their coming into, or going out of, the ſaid Harbour, after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, and the Payment of the ſaid Duty for the then current Year to be paid before clearing out of the Port and Harbour aforeſaid.

What Ships, *etc.* are exempted from Duties.

VII. Provided always, That all Ships and Veſſels, Lighters, and Boats, coming into the Port and Harbour of Port Glaſgow aforeſaid, ſolely and only loaded with Fiſh, freſh or ſalted, or with Proviſions of any Kind; or ſolely and only loaded with Corn, Grain, or Meal, or with Stones, Slates, and Coals, which ſhall be diſcharged within the Port and Harbour aforeſaid, or that may proceed from thence with the ſaid Loading to any Part within the River of Clyde; and all Lighters, Boats, and Veſſels, loaded with Salt and Cask only, going to or coming from the Herring Fiſhing; and all Ships or Veſſels arriving in the Port and Harbour aforeſaid in Ballaſt, and without any Kind of Goods or Merchandiſe on Board, ſhall be free and exempted from the Rates and Duties granted by this Act.

Maſters to allow their Ships, *etc.* to be meaſured by the Truſtees, or forfeit 5 *l.*

VIII. And be it alſo further enacted, That the Maſters and Owners of all Ships, Veſſels, Barks, and Lighters, trading to and from the ſaid Port and Harbour, and liable to the Payment of the Rates and Duties by this Act impoſed, ſhall permit and ſuffer the ſaid Ships, Veſſels, Barks, and Lighters, to be meaſured by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall, from Time to Time, appoint for that Purpoſe, and ſhall pay the Rates and Duties aforeſaid according to ſuch Meaſurement; and that every Owner or Maſter aforeſaid, who ſhall refuſe to have his or their Ship, Veſſel, Bark, or Lighter, meaſured as aforeſaid, ſhall, for every ſuch Offence reſpectively, forfeit and pay to the ſaid Truſtees the Sum of Five Pounds Sterling.

Truſtees to appoint Collectors, Receivers, and others Officers, and to ſettle their Salaries.

IX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees to nominate and appoint a Collector or Collectors, Receiver or Receivers, for levying the Rates and Duties by this Act granted, and ſuch other Officers and Servants as they ſhall judge neceſſary to be employed under them for carrying the ſame into Execution; and, from Time to Time, to remove ſuch Officers and Servants, or any of them, and to appoint others in their Stead; and to ſettle ſuch reaſonable Fees or Salaries for them, as to the ſaid Truſtees ſhall appear to be juſt and proper; and that all and every the Collectors and Receivers of the ſaid Rates and Duties ſhall keep fair and regular Books and Accounts of all Monies received under the Authority of this Act, (which Books and Accounts ſhall be open and patent to the ſaid Truſtees, and to the Commiſſioners after named, or any Two of them, at all Times when they ſhall demand Inſpection of the ſame), and ſhall pay and diſpoſe thereof in ſuch Manner as by the ſaid Truſtees ſhall be directed; and that the Collector and Collectors, Perſon or Perſons, ſo to be appointed to receive the ſaid Rates and Duties, and all and every of them,

Collectors to give Security to the Truſtees.

ſhall give good and ſufficient Security to the ſaid Truſtees for anſwering and paying the Monies ariſing from the ſame, and which ſhall be by him or them reſpectively collected or received, and ſhall make Oath to the Truth of his or their Accounts ſo often as he or they ſhall be thereunto required; and that it ſhall be in the Power of the ſaid Truſtees to let in Leaſe, to the beſt Bidder or Bidders, at publick Roup or Sale for that Purpoſe appointed, (and advertiſed in all the Glaſgow News-papers Two ſeveral Times, fourteen Days at leaſt before ſuch Roup or Sale), the Rates and Duties aforeſaid, for any Term or Space not exceeding Three Years.

Maſters of Veſſels to produce Receipts of the Payment of the Duties before Ships are cleared.

X. And, to prevent any Delay or Evaſion in the Payment of the Rates and Duties aforeſaid, be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of June, there ſhall be produced to the Collector, or other Officers of His Majeſty's Cuſtoms at Port Glaſgow, by the Maſter or Owners of every Ship, Veſſel, Bark, or Lighter, coming into or ſailing out of the ſaid Port or Harbour of Port Glaſgow, or liable in the Rates and Duties in this Act granted, a Receipt, or other ſufficient Voucher, of the Payment of the ſaid Rates and Duties; and that, until ſuch Production be made, and the Collector or other Officers aforeſaid ſhall be ſatisfied with the ſame, the ſaid Collector, and other Officers, ſhall not take or receive any Entry or Cocket, or other Diſcharge or Clearance, or take any Report outward of any Ship, Veſſel, Bark, or Lighter, Foreign or Britiſh, liable or ſubject to the Payment of the ſaid Rates and Duties, under the Penalty of Ten Pounds Sterling.

Harbour Duties to be levied, in caſe of Refuſal to pay them, by Diſtreſs and Sale.

XI. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, and to ſuch Perſon and Perſons as ſhall be for that Purpoſe authoriſed by them, to go on Board any Ship, Bark, Lighter, or Veſſel, and to take the Dimenſions thereof, and to demand, collect, and receive, from any Owner, Maſter, or other Perſon having the Charge of any Ship, Bark, Lighter, or Veſſel, the Rates and Duties by this Act impoſed, and made due and payable; and in caſe of Delay, or Refuſal of Payment, to take, ſeize, and detain, preferable to, and, notwithſtanding of, any Attachment, Arreſtment, or other Right whatſoever, claimable by or due to any other Perſon or Perſons, any of the Goods, Merchandiſe, Tackle, Furniture, and Apparel, of or belonging to any ſuch Ship, Bark, Lighter, or other Veſſel, and the ſame to take, ſeize, and detain, until the ſaid Duty and Duties be ſatisfied and paid; and that, in caſe of any Neglect or Delay in the Payment of the ſaid Rates and Duties, or any of them, for the Space of Three Days after ſuch taking, ſeizing, and detaining aforeſaid, it ſhall and may be then lawful to and for the ſaid Truſtees, and to and for ſuch Perſon and Perſons authoriſed by them as aforeſaid, to cauſe the ſame to be appraiſed by Two or more ſufficient Perſons, and afterwards to ſell and diſpoſe of the Goods, or other Effects, ſo taken and appraiſed, and therewith to ſatisfy the Duty and Duties ſo neglected or delayed to be paid, together with the Charges of ſuch ſeiſing, taking, detaining, and ſelling, (as the ſame ſhall be aſcertained by the Sellers upon Oath) rendering to the Maſter or Owners of ſuch Ship, Bark, Lighter, or other Veſſel, or Owners of ſuch Goods, the Overplus, (if any be) on Demand.

Shipmaſters, *etc.* evading the Payment of the Duties, to forfeit 5 *l.* and be ſtill liable for the Rates.

XII. And be it further enacted by the Authority aforeſaid, That if any Maſter, Commander, or other Perſon taking upon himſelf the Command, or appearing to be Maſter or Commander, or any Owner, Factor, or Conſignee of any Ship, Bark, or other Veſſel, ſhall, at any Time from the Commencement of this Act, elude or avoid the Payment of any Rates and Duties hereby granted, by any Method whatever, every ſuch

Maſter, Commander, or other Perſon aforeſaid, ſhall, for every ſuch Offence, forfeit unto the ſaid Truſtees the Sum of Five Pounds Sterling, and ſhall notwithſtanding ſtand charged with and be liable to the Payment of the ſaid Rates and Duties.

Truſtees may borrow 5000 *l.* on the Credit of the Duties.

XIII. And be it likewiſe enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall and may, and they are hereby authoriſed and impowered, from Time to Time, to borrow and take up at Intereſt any Sum or Sums of Money not exceeding at any One Time the Sum of Five thouſand Pounds Sterling, and to grant, aſſign, and ſet over the ſeveral Rates, Duties, and Tonnage, given and granted by this Act, to any Perſon or Perſons whatſoever who ſhall be willing to advance and lend Money thereon, for ſecuring the Payment of the ſame, with Intereſt reſpectively; and that the Money ſo to be borrowed and advanced ſhall be employed for the Ends and Purpoſes of this Act, and not otherwiſe.

Duties received to be applied after paying Expence of the Act, towards improving the Harbour, *etc.*

XIV. And be it further enacted by the Authority aforeſaid, That all and every Sum and Sums of Money which ſhall be levied and received from the Rates and Duties aforeſaid, and which ſhall be recovered for Forfeitures incurred under and by virtue of this Act, ſhall, by the ſaid Truſtees, after paying the Expence of this Act, be applied for and towards the deepening, clearing, ſcouring, enlarging, and improving, maintaining and cleanſing, the Harbour of Port Glaſgow from all Dirt and Mud, and other Obſtructions whatſoever, and for keeping and preſerving the ſame clean, and for and towards the making, erecting, building, and finiſhing, ſuch Piers, Quays, and Jettees, and other Works, in the Manner directed, appointed, and provided, by this Act, and for the executing and performing of all neceſſary Works, and paying the Officers and Servants to be employed in and about or concerning the ſame, and to no other Uſe or Purpoſe whatſoever.

Obſtructions, *etc.* in the Harbour may be removed by the Magiſtrates.

XV. And whereas the Magiſtrates and City Council of *Glaſgow* are Superiors of the Village of *Port Glaſgow*, and have the Nomination and Appointment of the Bailie or Civil Magiſtrate of the ſaid Village, and of the Water Bailie and Shore Maſter for the Port and Harbour of *Port Glaſgow*: And whereas it will tend greatly to the Improvement of the ſaid Harbour, and to the Accommodation of the Publick, that the ſaid Magiſtrates and City Council, and Officers appointed by them, had Power and Authority to remove (after reaſonable Notice to the Perſon or Perſons immediately intereſted) all unneceſſary Obſtructions within the ſaid Port and Harbour, and upon the Quays and Piers belonging to the ſame, and to order and regulate, with reſpect to the Stations and Places of Mooring of the Ships and other Veſſels within the ſaid Port and Harbour, and with reſpect to the Time of Continuance upon the ſaid Quay, of Goods and Merchandiſe, or others whatſoever; and to make ſuch other Byelaws, Orders, and Regulations, for the better Government and Management of the ſaid Port and Harbour, as to them the ſaid Magiſtrates and Council ſhall ſeem meet and expedient; be it therefore further enacted by the Authority aforeſaid, That no Ship, Bark, Lighter, Boat, or Veſſel, which ſhall be laid by, as unfit for further Sea Service, or neglected by the Owner, ſhall be permitted to be and remain in any of the Piers or Quays erected within the ſaid Harbour of Port Glaſgow, ſo as to incumber the ſame; but that, in every ſuch Caſe, it ſhall and may be lawful to and for the Water Bailie or Shore Maſter, nominated yearly by the ſaid Magiſtrates and City Council of Glaſgow, and their Succeſſors in Office, for the ſaid Port, immediately to cauſe ſuch Ship, Bark, Lighter, Boat, or Veſſel, ſo unſerviceable or neglected, to be, at the Expence of the Owner or Owners of the ſame, removed from the ſaid Quays and Piers, or any of them, and to lay the ſaid Ship or other Veſſel on any Part of the Strand or Sea-ſhore, within the Highwater Mark, or any other Place of Safety without the ſaid Harbour, and there to moor ſuch Ship or other Veſſel; and that, on or before Demand of Payment is made by ſuch Water Bailie or Shore Maſter from the Owner or Owners, Maſter or Agents of ſuch Ship, Bark, or other Veſſel, of the Charge of removing aud mooring ſuch Ship, Bark, or other Veſſel, as aforeſaid, ſuch Charges and Expences ſhall be firſt ſeen and allowed by the Bailie or Magiſtrate of Port Glaſgow, yearly nominated by the Magiſtrates and Council of the City for the Time being: And that, in caſe of Refuſal or Neglect of Payment of ſuch Charges and Expences allowed as aforeſaid for the Space of Five Days after Demand ſhall be made; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Water Bailie or Shore Maſter to levy ſuch Expences by Diſtreſs and Sale of ſuch Ship, Bark, Lighter, Boat, or other Veſſel, or any of her Tackle, Apparel, or Furniture, or any Part thereof, rendering the Overplus, if any ſuch there be, (after deducting the Charge of taking, keeping, and Sale of ſuch Diſtreſs) to the Owner or Owners, Maſter, Factor, or Agent, of ſuch Ship, Bark, Lighter, Boat, or Veſſel, whenever the ſame ſhall be demanded.

Ships, *etc.* unfit for Service to be moved out of the Harbour at the Owners Expence,

and in caſe Payment be refuſed, to be levied by Diſtreſs.

Goods not to remain on the Quays or Piers longer than Forty-eight Hours.

XVI. And be it alſo enacted by the Authority aforeſaid, That it ſhall not be lawful to, or in the Power of, any Perſon or Perſons, who ſhall have landed, and cauſed to be landed, and laid, any Goods or Merchandiſe, Timber, Wood of any Kind, Maſts, Yards, Pumps, Boats, Anchors, Cables, Casks, Guns, Ballaſt, Paving Stones, Lime Stones, Slates, Soaper's Waſte, Dung, or Manure, or any other Thing, (other than Materials for the neceſſary Repair of the Piers and Quays, and for immediate Uſe in Shipping), upon any of the Piers and Quays, or Landing-places, within the ſaid Harbour, or in any of the adjacent Streets and Avenues leading to the ſaid Quays and Peers, or any of them, to continue or permit the ſame, or any Part thereof, to remain and lie thereon, for any longer Time than Forty-eight Hours; and that, in all Caſes where the ſaid Goods or others aforeſaid ſhall have ſo continued beyond the ſaid Space of Forty-eight Hours, it ſhall and may be lawful to and for the ſaid Water Bailie or Shore Maſter for the Time being to remove, or cauſe to be removed, all ſuch Goods and other Things as he ſhall ſo find lying, continuing, and being on the ſaid Quays and Piers, and other Places, above the ſaid limited Time, to ſome Place or Places of Safety, and therein to detain and keep the ſame till Payment of the Charges of ſuch Removal and Detention, and of ſuch Conſideration beſides to the ſaid Officers, for their Trouble in and about the ſame, as the ſaid Bailie or Magiſtrate of Port Glaſgow ſhall think reaſonable: And if ſuch Charges and Expences ſhall not be paid within the Space of Five

Days after Demand made thereof by the ſaid Water Bailie or Shore Maſter; then, and in every ſuch Caſe, he and they reſpectively, are hereby authoriſed and required to levy the ſame by Diſtreſs and Sale of the ſaid Goods and Chattels ſo reſpectively ſecured, and render the Overplus, if any be, to the Owner or Owners thereof, the Charges of taking, keeping, and making Sale of ſuch Diſtreſs being deducted and allowed, and on the ſame being demanded.

Truſtees may hire Warehouſes for lodging Goods ſo removed.

XVII. And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or their Bailie and Magiſtrate at Port Glaſgow aforeſaid, ſhall and may, and they are hereby authoriſed and impowered, out of any of the Rates and Duties aforeſaid, to rent or hire, by the Year, or otherwiſe, any convenient Warehouſe, Yard, or other Place for the receiving, ſafe keeping, or lodging of ſuch Goods and other Things, ſo to be removed from off the Quays and other Places as aforeſaid; or to incloſe, erect, or build in any ſuch Yard, Warehouſe, or other Buildings, on their own Ground, or on Ground to be purchaſed by them, as to them ſhall ſeem moſt meet and fitting.

Gunpowder, and other combuſtible Matter, not to remain on Quays or Piers longer than 24 Hours,

XVIII. And be it further enacted by the Authority aforeſaid, That no Gunpowder, Tar, Pitch, Roſin, Hemp, Flax, Faggots, Furze, Brandy or other Spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Greaſe, Shavings of Wood, or other ſuch combuſtible Things, ſhall be ſuffered to be and remain on the Quay and Piers aforeſaid, already conſtructed, or hereafter to be conſtructed, within the ſaid Port and Harbour of Port Glaſgow, or in any Part thereof, or upon the Deck of any Ship or Veſſel in the ſaid Piers or Quays lying in the Harbour aforeſaid, for above the Space of Twenty-four Hours after paſſing the Cuſtom-houſe Officers: And that in caſe ſuch Goods and Things cannot be conveniently removed or got off from ſuch Quays, Place or Places, by Daylight; that then, and in every ſuch Caſe, the Owners of ſuch Goods and Things ſhall be obliged, and are hereby required, to ſet and maintain, at their own Expence, a ſufficient Number of careful, diſcreet, and ſober Perſons, to guard and watch over the ſame, for ſuch and ſo many Hours, according to the Seaſon of the Year, as the ſaid Water Bailie or Shore Maſter ſhall ſignify and appoint; and in caſe the Owner or Owners of ſuch Goods and other Things, or the Maſter and Maſters of Ships, Barks, or other Veſſels, ſhall make Default herein, every ſuch Owner or Owners, Maſter or Mate, ſhall forfeit and pay, for every ſuch Offence, the Sum of Ten Pounds Sterling.

on Forfeiture of 10*l.*

Ships and Veſſels may be removed from one Birth to another, by Order of the Water Bailie, *etc.*

XIX. And be it alſo enacted by the Authority aforeſaid, That the ſaid Truſtees, or the ſaid Water Bailie or Shore Maſter of Port Glaſgow for the Time being, or ſuch other Perſon or Perſons as they ſhall authoriſe and appoint, ſhall and may, and he or they are hereby authoriſed and impowered, when and ſo often as he or they ſhall judge neceſſary, to remove, or cauſe to be removed, any Ship, Veſſel, Bark, Lighter, or Boat, lying in any of the Entrances or Paſſages of the ſaid Harbour of Port Glaſgow, or at any Quay, Pier, and Breaſt, already built, or hereafter to be built, by virtue of this Act, or in any other Part of the ſaid Harbour, from the Birth or Lying-place at which they ſhall reſpectively happen to be ſtationed or moored at the Time, to any other Birth or Lying-place, as he or they ſhall think proper; and in caſe the Maſter, Mate, or any other Perſon, having and taking the Command and Charge of the ſaid Ship, Veſſel, Bark, Lighter, or Boat, ſhall, after Notice given him in Writing, or left in Writing on Board the Ship or Veſſel intended to be removed, Twelve Hours before the Time of Removal, by the ſaid Water Bailie or Shore Maſter, or ſuch other Perſon or Perſons as he ſhall appoint, neglect or refuſe to remove, or cauſe to be removed, during the firſt High Water or Tide after ſuch Notice, ſuch Ship, Veſſel, Bark, Lighter or Boat, from her ſaid Birth to ſuch other Birth or Mooring-places as are or ſhall be appointed unto them by the ſaid Water Bailie or Shore Maſter, or any other Perſon authoriſed by him; that then, the ſaid Truſtees, or the Water Bailie or Shore Maſter of Port Glaſgow for the Time being, or any other Perſon or Perſons he or they ſhall order or appoint, ſhall have Power, and are hereby directed and impowered, immediately after ſuch Notice, Neglect, or Refuſal, to remove, or cauſe to be removed, ſuch Ship, Veſſel, Bark, Lighter, or Boat, lying as aforeſaid, from their preſent Birth and Mooring-place to ſuch other Birth and Mooring-places as the ſaid Water Bailie or Shore Maſter ſhall judge proper; and that the Maſters, Commanders, Owners, and Conſignees of ſuch Ship, Veſſel, Bark, Lighter, or Boat, ſo to be removed as aforeſaid, ſhall reſpectively pay to the ſaid Truſtees all ſuch Coſts and Charges as ſhall be reaſonably expended in removing ſuch Ship, Veſſel, Bark, Lighter, or Boat; to be recovered, levied, and applied, in like Manner as the Forfeitures and Penalties impoſed by this Act are herein-after ordered to be recovered, levied, and applied: And that every Maſter, Commander, Mate, or other Perſon, taking upon himſelf the Command of any Ship, Veſſel, Bark, Lighter, or Boat, or the Owner, Factor, Conſignee, or Agent, or other Perſon or Perſons whatſoever, who ſhall obſtruct or hinder the Removal of any ſuch Ship, Veſſel, Bark, Lighter, or Boat, ſhall, for every ſuch Offence, forfeit the Sum of Ten Pounds Sterling.

Maſter, *etc.* hindering a Removal to forfeit 10*l.*

Veſſels coming into the Harbour in Diſtreſs to have the Preference as to the Birth and Diſcharge of other Ships;

XX. And be it further enacted by the Authority aforeſaid, That in caſe any Ship or Veſſel ſhall arrive or come into the ſaid Road or Harbour of Port Glaſgow in Diſtreſs, or meet with any Misfortune in the Road or Harbour aforeſaid, it ſhall and may be lawful to and for the Bailie or Magiſtrate of Port Glaſgow aforeſaid, upon a Petition to him in Writing by the Maſter, Commander, or Owner of ſuch Ship or Veſſel, or Owner of any Goods on Board of ſuch Ship or Veſſel; and upon Proof being made before him of ſuch Diſtreſs, to give a Preference to ſuch Ship or Veſſel being in Diſtreſs as aforeſaid, both as to the Birth at the Piers and Quays, and as to the Courſe of diſcharging, to any other Ship or Veſſel arrived before her in the Port aforeſaid; and that every Maſter or Commander of any Ship or Veſſel lying within the Harbour of Port Glaſgow, who ſhall refuſe or delay to comply with the Order of the ſaid Bailie, in Favour of the ſaid Ship or Veſſel in Diſtreſs as aforeſaid, ſhall forfeit the Sum of Ten Pounds Sterling; to be levied and applied in the Manner herein-after directed.

Maſter, *etc.* refuſing, to forfeit 10 *l.*

XXI. And be it enacted by the Authority aforeſaid, That from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, it ſhall not be lawful to any Perſon or Perſons to throw or empty any Ballaſt, Duſt, Aſhes, or Rubbiſh, Shingle, Stones, or other Things, into the ſaid Harbour, or to dig and take away any Ballaſt, Shingle, Stones, or other Things, from within the ſame, to the Hurt or Prejudice of the ſaid Harbour, or of the Works erected, or to be erected, for the Security and Accommodation of the ſame, or to do any other Act or Deed to prejudice or annoy the ſame, or any Part thereof, under the Penalty of Forty Shillings Sterling for every ſuch Offence.

Perſons throwing Ballaſt, *etc.* into the Harbour to forfeit 40*s.*

XXII. And be it further enacted by the Authority aforeſaid, That ſuch Perſon or Perſons, who ſhall or may hereafter have Occaſion to throw or caſt out any Ballaſt from out of any Ship or other Veſſel, upon any Quay, Pier, or Breaſt, or other Place in or about the ſaid Quays, Piers, Breaſts, or other Works, made or to be made, as before mentioned, belonging to the ſaid Port and Harbour, ſhall not ſuffer the ſame to be and remain on the ſaid Quays, Piers, Breaſts, or other Places, but ſhall immediately after cart and carry away, or cauſe the ſame to be carted and carried away, to ſuch Place or Places as the Bailie or Magiſtrates of Port Glaſgow, or the Water Bailie or Shore Maſter aforeſaid ſhall for ſuch Purpoſes provide and appoint, on Pain of forfeiting, for every ſuch Offence, Forty Shillings Sterling.

Ballaſt thrown on the Quays, *&c.* to be immediately removed, on Pain of 40*s.*

XXIII. And be it enacted by the Authority aforeſaid, That the Maſter or Owner of every Ship, Bark, Lighter, Boat, or other Veſſel, lying or trading in the Harbour of Port Glaſgow, ſhall be, and is hereby made anſwerable to the ſaid Truſtees for the Amount or Value of any Damage or Miſchief that ſhall be done by any of the Servants, Boatmen, Bargemen, or Watermen, on board the ſame, to any of the Piers, Quays, Breaſts, or other Works already conſtructed, or that ſhall be conſtructed by virtue of this Act, with full Coſts of Suit; and that ſuch Damages and Coſts ſhall be ſued for and recovered in Manner herein-after directed.

Maſters of Veſſels anſwerable for Damages done by their Crews.

XXIV. And be it enacted by the Authority aforeſaid, That it ſhall not be lawful for any Perſon or Perſons whatſoever, to pack, or cauſe to be packed, upon any of the Piers, Quays, or Breaſts, built, or to be built, as aforeſaid, any Herrings or other Fiſh, or to ſuffer Herrings and other Fiſh, which are packed, to lie upon the ſaid Piers, Quays, and Breaſts, longer than Forty-eight Hours; and that after they have lain the ſaid Space, it ſhall and may be lawful to and for the Water Bailie or Shore Maſter aforeſaid to carry away the ſaid Herrings or other Fiſh, and lay them up in a Cellar or Warehouſe at the Expence of the Owner or Proprietor; and that the ſaid Water Bailie or Shore Maſter ſhall detain the ſaid Herrings and other Fiſh, till the Charges of carrying them from the Piers, Quays, and Breaſts, ſhall be ſatisfied, and the Cellar Rent paid.

Herrings, and other Fiſh, not to be packed, or lie on the Quays.

XXV. And be it enacted by the Authority aforeſaid, That the Water Bailie or Shore Maſter, nominated and appointed by the Magiſtrates and City Council of Glaſgow for the ſaid Port and Harbour of Port Glaſgow, ſhall be, and he is hereby authoriſed and required, from Time to Time, and at all Times after the paſſing of this Act, carefully to inſpect into the State of the ſaid Piers, Quays, Breaſts, and other Places, within the Port and Harbour of Port Glaſgow, and to prevent, as far as his Power ſhall extend, any Offences made puniſhable by this Act from being committed; and that in caſe of any wilful Neglect or Default therein, the ſaid Water Bailie or Shore Maſter reſpectively ſhall forfeit and pay Twenty Shillings Sterling for each and every ſuch Offence.

Water Bailie or Shore Maſter to inſpect into the State of the Piers.

XXVI. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to the ſaid Truſtees, or any Collector to be appointed by them for receiving any Part of the Rates and Duties granted by this Act, to proſecute and recover the ſeveral Fines, Penalties, Forfeitures, Damages, and Coſts of Suit, by this preſent Act impoſed, in all ſuch Caſes where the Sum to be recovered ſhall amount to Five Pounds Sterling, or upwards, by Action, Bill, Complaint, or Information, within Six Months after ſuch Offence is committed, before Two or more Juſtices of the Peace, or any other Judge competent for Civil Actions, within whoſe Juriſdiction the Offender or Offenders ſhall reſide, or be apprehended; and that the ſaid Juſtices of the Peace ſhall, and they are hereby impowered and required to proceed to the Trial of ſuch Offences in a ſummary Way; and, upon Conviction of the Offender or Offenders, by their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, to award and give ſuch Orders, Judgements, and Decrees, as to them ſhall ſeem moſt agreeable to the true Intent and Meaning of this Act; and that, in Default of Payment of the ſeveral Fines, Penalties, Forfeitures, Damages, and Coſts of Suit herein-before enacted, which ſhall be awarded and ordered by the Juſtices of Peace or Judge aforeſaid, the Perſon or Perſons which ſhall be convicted of any of the Offences before deſcribed, ſhall and may be ſent, by the Juſtices of the Peace, and Judges aforeſaid, to the Priſon or Houſe of Correction neareſt to the Place where the Offender or Offenders ſhall be apprehended, and there to be kept to hard Labour for ſuch Time, not exceeding Six Months, as ſuch Juſtices or Judges ſhall direct; and that the whole Fines, Penalties, and Forfeitures aforeſaid, which ſhall be recovered by the ſaid Truſtees, or their Collectors as aforeſaid, after Deductions of the neceſſary Charges of recovering the ſame, ſhall be applied for and towards the building, making, erecting, maintaining, and repairing the Work or Works aforeſaid, and to no other Uſe or Purpoſe whatſoever.

Fines and Forfeitures, amounting to 5*l.* how to be ſued for, recovered, and applied.

XXVII. And be it further enacted by the Authority aforeſaid, That every other Penalty, Fine, and Forfeiture impoſed, and which ſhall be incurred by virtue of this Act, and not amounting to the Sum of Five Pounds Sterling, ſhall and may be ſued for and recovered by the ſaid Truſtees, or any Collector appointed by them, before the Bailie or Magiſtrate of Port Glaſgow aforeſaid, or any One Juſtice of the Peace within whoſe Juriſdiction the Offender or Offenders before mentioned ſhall be apprehended, or reſide for the Time, by Action, Bill, and Complaint or Information made in that Behalf, within Six

Fines not amounting to 5*l.* how to be recovered.

Months after ſuch Offence ſhall have been committed; and that the ſaid Bailie of Port Glaſgow, or Juſtice of Peace aforeſaid, ſhall have Power, and he and they is and are hereby impowered and required to proceed to the Trial of ſuch Offences ſummarily; and upon Conviction of the Offender or Offenders in any of the Ways before mentioned, to give ſuch Orders, Judgements, and Decrees, as to him or them ſhall ſeem moſt agreeable to the true Intent and Meaning of this Act; and, in Default of Payment of the ſeveral Fines, Forfeitures, and others laſt mentioned, ſo to be awarded by the ſaid Bailie or Juſtice of the Peace, the Perſon who ſhall be convicted as aforeſaid ſhall and may be ſent by the ſaid Bailie or Juſtice of the Peace to the neareſt Priſon or Houſe of Correction, for ſuch Time as the ſaid Judges ſhall direct, not exceeding Three Months; and that the ſaid pecuniary Penalties, not exceeding Five Pounds Sterling, ſhall, after Deduction of the neceſſary Charge of recovering the ſame, be applied, One Half thereof to the Uſe of the Informer, and the other Half to the Miniſter and Kirk Seſſion of Port Glaſgow, for the Uſe of the Poor of that Pariſh.

Penalties may be mitigated.

XXVIII. Provided always, That it ſhall and may be lawful to and for the ſaid Juſtices of the Peace, Bailie, and other Judges aforeſaid, or any of them, by whom ſuch Judgement, Sentence, or Determination, ſhall be given, pronounced, or made, from Time to Time, where they ſee Cauſe, to mitigate, compound, or leſſen any of the Penalties or Forfeitures aforeſaid, as he or they, in his or their Diſcretion, ſhall think fit; ſo as ſuch Mitigation or Compoſition do not extend to remit above One Moiety of the Penalty inflicted and directed to be levied by this Act; and that every ſuch Mitigation or Compoſition ſhall be a ſufficient Diſcharge for the Perſons offending reſpectively, for ſo much of the ſaid Penalties and Forfeitures as ſhall be ſo mitigated, leſſened, or remitted.

For getting Materials,

XXIX. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or their Deputies, Agents, Officers, and Servants, to open Stone Quarries, Sand, Clay, and Gravel Pits, and to dig, gather, take, and carry away from ſuch Quarries and Pits, any Stone, Sand, Gravel, Clay, and other Materials, in and out of any Waſte or Common Grounds, lying within Two Miles of the River and Firth of Clyde, or of any River that diſcharges itſelf into the ſaid River or Firth of Clyde, for carrying on, executing, and repairing the ſeveral Piers, Quays, and Breaſts, and other Works already built in the ſaid Harbour of Port Glaſgow, or authoriſed to be built by virtue of this Act, without paying any Thing for ſuch Waſte and Common Ground opened and uſed as aforeſaid; the ſaid Truſtees being obliged, at their own Expence and Charge, to fill up and level all ſuch Holes and Pits which ſhall be made in ſuch Common or Waſte Ground, by quarrying, digging, and carrying away Stone, Sand, Gravel, Clay, and other Materials aforeſaid, as ſoon as they ſhall have no further or immediate Uſe for the ſame: And that, in caſe the ſaid Truſtees ſhall judge it improper and inconvenient to open, dig, and carry away Stones and Gravel, Clay, and other Materials, from the ſaid Waſte or Common Ground, and that ſufficient Materials, for the Purpoſes aforeſaid cannot eaſily be got from the ſame, that then it ſhall and may be lawful to, and in the Option of the ſaid Truſtees, their Deputies, Agents, Officers, or Servants, to open, quarry, and dig ſuch Stones, Sand, Gravel, Clay, and other Materials aforeſaid, and to carry the ſame in and out of the Grounds of any Perſon or Perſons within Two Miles of the River or Firth of Clyde, or of any River that diſcharges itſelf into the ſaid River and Firth of Clyde, (not being Ground on which ſtands any Houſes, Garden, Orchard, planted Walk or Walks, or Avenue to a Houſe), where ſuch Materials are or may be found, and from Time to Time to cauſe the ſame to be carried off, or ſo much thereof as the ſaid Truſtees, and their Deputies, Agents, Officers, or Servants, ſhall judge neceſſary for the Purpoſes aforeſaid, and for keeping the ſaid Works in good Order and Repair; the ſaid Truſtees making reaſonable Satiſfaction for the Damage done to the Surface of the ſaid Ground, and for the Value of the Stones, Sand, Gravel, Clay, and other Materials, ſo to be carried in and out of the aforeſaid Ground, to the Proprietors, Liferenters, Tackſmen, and other Parties intereſted in ſuch Grounds, to which ſuch Damage ſhall be done or occaſioned, and Materials carried away in Manner aforeſaid.

and levelling the Pits.

If proper Materials cannot be got in Commons, &c. private Grounds may be uſed;

making Satiſfaction for the Damage.

Truſtees impowered to make Roads to the Harbour through common or private Ground, &c. after making Satiſfaction.

XXX. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, and their Deputies, Agents, Officers, and Servants, to make, uſe, and maintain Roads from the ſaid Waſte and Common Ground, or other Grounds aforeſaid, opened for quarrying and digging Stones, Sand, Gravel, Clay, and other Materials, to any Part of the River or Firth of Clyde, or to any River that diſcharges itſelf into the ſaid River or Firth of Clyde, or from the ſaid Pits and Quarries ſo to be opened as aforeſaid, directly to the Harbour of Port Glaſgow; and to make the ſame through any Ground belonging to any Perſon or Perſons whatſoever, (not being the Ground on which any Houſe, or any Garden, Orchard, and Walk or Walks planted, or Avenue to any Houſe), the ſaid Truſtees making reaſonable Satiſfaction for the Damage done to the Ground through which the ſaid Road or Roads paſs to the Proprietor, Liferenter, Tackſman, and other Parties concerned and intereſted in ſuch Grounds to which ſuch Damage ſhall be done or occaſioned, as aforeſaid.

Proviſo.

XXXI. Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That it ſhall not be in the Power of the ſaid Magiſtrates and City Council of Glaſgow, or of their Servants or Agents, or of any other Perſon or Perſons employed by them, to dig or carry away any Sand, or other Materials for the making of the ſaid Piers, Quays, or other Works, as aforeſaid, from or out of any of the Sand Banks and Fiſhing Places belonging to the Borough of Dumbarton in the River Clyde, or in the River of Leven, without the Conſent of the Magiſtrates and Council of the ſaid Borough of Dumbarton firſt had and obtained.

Perſons deſtroying the Works deemed guilty of Felony.

XXXII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever ſhall, after the paſſing of this Act, maliciouſly, wilfully, or wantonly demoliſh, break down, deſtroy, or ſet on Fire, any of the Jettees, Piers, Quays, Breaſts, or other Works, conſtructed, or to be conſtructed, in or belonging to the ſaid Harbour of Port Glaſgow, or any Ship, Boat, or other Veſſel, lying or being therein; every ſuch Perſon or Perſons, ſo offending, ſhall be adjudged guilty of Felony; and the Court and Courts, by and before whom ſuch Perſon or Perſons ſhall be indicted and tried, ſhall, and hereby have Power and Authority to tranſport ſuch Felon or Felons for the Space of Seven Years, in like Manner as other Felons are directed to be tranſported by the Laws and Statutes of this Realm.

Bye-laws may be made by the Magiſtrates of *Glaſgow*.

XXXIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Magiſtrates and City Council of Glaſgow, and their Succeſſors in Office, in Common Council aſſembled, at any Time or Times hereafter, to make, ordain, and eſtabliſh ſuch Orders, Rules, and Bye-laws, for the better deepening, clearing, cleanſing, and keeping in Repair, the Harbour of Port Glaſgow aforeſaid; and for the better regulating, governing, and managing the Jettees, Piers, Quays, and every other the Works erected, or to be erected, made, or ſet up, in the Harbour aforeſaid; and for the better executing the other Purpoſes of this Act; And alſo, from Time to Time, as Occaſion may require, to repeal, add to, amend, or alter, ſuch Rules, Orders, and Bye-laws, as to them ſhall ſeem meet, fitting, and requiſite; and to fix and appoint reaſonable pecuniary Penalties, not exceeding Forty Shillings Sterling, for the Non-obſervance, or other Breach of all or any ſuch Rules or Bye-laws, or any Part of them; to be recovered and applied in ſuch Manner, and according as the Penalties under Five Pounds Sterling are ordained to be recovered, levied, and applied: And the ſaid Magiſtrates and City Council, and their Succeſſors in Office, ſhall cauſe the ſaid Rules, Orders, and Bye-laws, to be printed and diſtributed, and hung up in the moſt conſpicuous Place of the Cuſtom-houſe of Port Glaſgow; and to pay the Expence and Charge thereof out of the Rates and Duties aforeſaid.

The Perſons who ſhall be appointed Commiſſioners for authoriſing, *&c.* all the Works, *&c.*

XXXIV. And be it enacted by the Authority aforeſaid, That the following Perſons ſhall be Commiſſioners for allowing, authoriſing, and confirming all the additional Piers, Quays, Breaſts, and other Works, which ſhall be made in purſuance of this Act; and for inſpecting, auditing, and adjuſting the Accounts of all the Collectors Receipts and Diſburſements, under and by virtue of the ſame, for the Ends and Purpoſes before mentioned; that is to ſay, The Provoſt and Three Bailies, Dean of Guild, and Convener, of the City of Glaſgow, for the Time being; Robert Hamilton of Wiſhaw Eſquire, his Heirs and Succeſſors in the Barony of Newark, in the County of Renfrew aforeſaid; the Bailie of the ſaid Barony for the Time being; Eight Merchants, Inhabitants of the City of Glaſgow, to be nominated in Manner as herein-after mentioned; the Bailie of Port Glaſgow for the Time being; and Two Perſons, Inhabitants of Port Glaſgow, to be alſo nominated in Manner as herein-after mentioned, ſhall be Commiſſioners for the Ends and Purpoſes laſt mentioned.

How Commiſſioners are to be choſen on Behalf of the Merchants of *Glaſgow*;

XXXV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Dean of Guild of Glaſgow for the Time being, and he is hereby authoriſed and required, to call and convene the Merchants of Glaſgow, Owners, or Part Owners, of Ships or Veſſels trading in or belonging to the Port of Port Glaſgow, by publick Advertiſements in the Glaſgow News-papers, Fourteen Days preceding the Meeting; and they are hereby required to meet together at and in the Merchants Hall of the City of Glaſgow, at Eleven of the Clock in the Forenoon, on the Firſt Tueſday of November, One thouſand ſeven hundred and ſeventy-two, and ſo yearly on every following Firſt Tueſday of November; and then and there, by Plurality of Voices of ſuch as are preſent, to nominate and appoint Eight Perſons to be Commiſſioners on their Part, for the Purpoſes before mentioned; and that the Eight Perſons ſo elected and choſen ſhall be and continue Commiſſioners under this preſent Act for One Year afterwards, and until the Firſt Tueſday of November immediately following: Provided always, That none of the ſaid Commiſſioners to be nominated as aforeſaid ſhall be Members of the Council of the City of Glaſgow at the Time of ſuch Nomination.

and how for the Merchants of *Port Glaſgow*.

XXXVI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Bailie and Magiſtrate of Port Glaſgow, named yearly by the City Council of Glaſgow, and he is hereby authoriſed and required, to call and convene the Owners, or Part Owners, of Ships or Veſſels, belonging to the ſaid Town of Port Glaſgow, being Inhabitants of the ſame, by publick Advertiſements in the Glaſgow News-papers, Fourteen Days preceding the Meeting; and they are hereby required to meet together, in any publick Place at Port Glaſgow aforeſaid, at Eleven of the Clock in the Forenoon, on the Firſt Tueſday of November, One thouſand ſeven hundred and ſeventy-two, and ſo yearly on the Firſt Tueſday of November, and then and there elect, nominate, and appoint, by Plurality of Voices of ſuch as are preſent, Two Perſons to be Commiſſioners for the Purpoſes before mentioned; and that Two Perſons ſo choſen ſhall continue Commiſſioners for One Year, and until the Firſt Tueſday of November immediately following.

General annual Meeting to be held at *Glaſgow*;

XXXVII. And be it further enacted by the Authority aforeſaid, That an annual General Meeting of the ſaid Commiſſioners ſhall be held at the Office of the Town Clerk of the City of Glaſgow, upon the Firſt Tueſday of February in every following Year; and that the ſaid Magiſtrates and Council, and their Succeſſors, ſhall, at every ſuch General Meeting, cauſe to be laid before the ſaid Commiſſioners, or any Seven or more of them, a true and fair Account of all the Monies which ſhall have been collected and levied the Year preceding from the Rates, Duties, Fines, and Forfeitures before mentioned, and of every Sum or Sums of Money which ſhall have been borrowed during the Year preceding, for the Uſes and Purpoſes before mentioned; and alſo of all the Monies which ſhall have been uſed, paid, and applied out of the ſame, for the deepening, cleaning, ſco ing, preſerving, and maintaining, of the ſaid Harbour of Port Glaſgow, and for making, building, and erecting the Piers, Quays, Jettees, Breaſts, and other Works before mentioned; and that all the ſaid Accounts ſhall be examined and certified by the Commiſſioners preſent at ſuch annual Meeting, or by the Majority of them; and that the ſaid Commiſſioners ſhall, at every ſuch Meeting, bear their own Charges.

and the Commiſſioners to bear their own Expences.

Commiſſioners at the annual Meetings may adjourn from Time to Time.

XXXVIII. And be it enacted by the Authority aforeſaid, That it ſhall be in the Power of the ſaid Commiſſioners, or the Majority of them, ſo aſſembled at ſuch annual General Meetings, to adjourn themſelves, from Time to Time, as they ſhall ſee Cauſe; and alſo that it ſhall be in the Power of the ſaid Truſtees, at all Times, to call Meetings of the ſaid Commiſſioners, by Advertiſements for that Purpoſe, publiſhed at leaſt Fourteen Days before the Day of ſuch Meeting, in all the Glaſgow News-papers for the Time being; and that no Buſineſs ſhall be proceeded on at any of the ſaid Meetings unleſs there be Seven Commiſſioners at leaſt preſent; and that all Queſtions ſhall be determined by Plurality of Voices.

Rates may be leſſened with Conſent of Truſtees and Creditors.

XXXIX. And be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Eleven or more of them, at General Meetings as aforeſaid aſſembled, may, and they are hereby impowered, by and with the Conſent of the ſaid Truſtees, and Lenders of Money, to leſſen and reduce the aforeſaid Rates and Duties granted by this Act, as they ſhall judge reaſonable and expedient, and the State of the Rates and Duties aforeſaid will permit.

Rates and Duties to ceaſe on Repayment of Money borrowed.

XL. Provided always, and it is hereby further enacted, That from and after the Repayment out of the Rates, Duties, and Forfeitures aforeſaid, of all and every Sum and Sums of Money which ſhall be borrowed or advanced by the ſaid Truſtees by virtue of this Act, and applied in Terms thereof, with the legal Intereſt from the reſpective Terms of borrowing and advancing the ſame, the Rates and Duties hereby granted and impoſed ſhall ceaſe and determine.

Saving the Juriſdictions of the City of *Glaſgow*, and the Rights of Lords of Manors.

XLI. Provided always, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to take away, alter, abridge, leſſen, change, or intrude upon any Juriſdiction or Power of the Magiſtrates and Council of the City of Glaſgow, and Corporation, in and about or concerning the Harbour, Docks, Piers, and Quays, built, or to be built, as aforeſaid; and alſo ſaving and reſerving to the ſaid Magiſtrates and City Council, and to the ſaid Robert Hamilton, his Heirs and Aſſigns, and to all other Lords of Baronies, and to all other Bodies Politick or Corporate, and other Perſons, all their legal Right, Eſtates, and Intereſts, in the Premiſes aforeſaid.

Magiſtrates, &c. of *Dumbarton* to enjoy former Privileges.

XLII. Provided alſo, and be it further enacted by the Authority aforeſaid, That the Magiſtrates, Town Council, and Inhabitants, of the Borough of Dumbarton, ſhall have and enjoy all Privileges, Immunities, and Exemptions, at the Port, and in the Harbour, of Port Glaſgow, to which they were intitled before the paſſing of this Act, by virtue of any Contracts or Agreements between the ſaid City of Glaſgow and the ſaid Borough of Dumbarton, in the ſame Manner, and as fully and effectually, as the ſaid Magiſtrates, Town Council, and Inhabitants, of the ſaid Borough of Dumbarton, were, before the paſſing of this Act, intitled to, at the aforeſaid Port and Harbour; any Thing in the ſaid Act to the Contrary notwithſtanding.

Act may be pleaded in Actions brought in purſuance thereof.

XLIII. And be it further enacted by the Authority aforeſaid, That in caſe any Suit or Action ſhall be commenced againſt the ſaid Magiſtrates and Council, or their Succeſſors, or any other Perſon or Perſons, for any Thing done in purſuance of this Act, the Defendant or Defendants in ſuch Suit or Action may produce this Act, and plead, that the ſaid Things were done in purſuance, and by the Authority of this Act: And if it ſhall appear ſo to be done, that then the Defendants ſhall be abſolved from every ſuch Suit, Action or Actions, and ſhall have Treble Coſts and Expences in the Defence thereof awarded to them, from and againſt the Proſecutor or Proſecutors of the ſame.

Sheriffs, *etc.* to aſſiſt in the Execution of the Act.

XLIV. And be it further enacted by the Authority aforeſaid, That all Sheriffs, Juſtices of the Peace, Judges, and Magiſtrates, with their Officers, Meſſengers at Arms, and all other Officers and Executioners of the Law whatſoever, and every of them, are hereby required to be aiding and aſſiſting in putting this Act into due and effectual Execution: And that this Act ſhall be deemed, taken, and allowed, in all the Courts of Law and Equity as a Publick Act; and all Judges and Juſtices are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

Publick Act.

CAP. XVII.

An Act for lighting ſuch Part of the Town of *Iſlington* as lies in the Pariſh of *Saint Mary, Iſlington*, in the County of *Middleſex*; and for eſtabliſhing a regular Nightly Watch therein.

Preamble.

WHEREAS ſuch Part of the Town of *Iſlington*, as lies in the Pariſh of *Saint Mary, Iſlington*, in the County of *Middleſex*, is very populous and extenſive, and daily increaſing; and, from its Situation, the Inhabitants thereof are expoſed to frequent Murders, Robberies, Burglaries, and other Outrages: And whereas the lighting ſuch Part of the ſaid Town, and eſtabliſhing therein a proper and well-regulated Nightly Watch, would greatly contribute to remedy thoſe Evils, and render the Inhabitants thereof more ſafe and ſecure in their Perſons and Property: And whereas by the Laws now in being the ſaid Inhabitants are not authoriſed and impowered to raiſe Money for effecting and carrying into Execution thoſe good and ſalutary Purpoſes; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Vicar and Churchwardens of the ſaid Pariſh of Saint Mary, Iſlington, for the Time being, together with Roger Altham, Charles Ambroſe, Nathaniel Biſhop, Claude Boſanquet, Hammond Croſſe, Thomas Croſſe, Thomas Cogan, Peter Contencin,

Commiſſioners Names.

Contencin, John Dawes, William Huſſey, John Lloyd, Thomas Luffingham, Francis Marſhall, John Mackintoſh, Liſcombe Price, John Simes, Richard Smith, Richard Strong, William Savage, William Welby, George Welſh, Eſquires; the Reverend Robert Lloyd, the Reverend Henry Fly, the Reverend Thomas Toller, the Reverend John Palmer, James Burgh, Charles Brown, Devereux Bowly, William Blackborrow, Kelſey Bull, James Crane, Nathaniel Clarkſon, John Cumberlege junior, Edmund Clutterbuck, William Curtis, Dionyſius Callaghan, John Church, Thomas Dale, Robert Dower, Thomas Dickens, Iſaac Mendez Furtado, Edward Grace, Richard Horton, John Hole, William Hyde, Francis Hayford, Joſeph Hodges, John Lewis, Joſeph Manwaring, John Piggott, William Powell, John Pearce, Walter Sebbon, John Shield, Thomas Shirley, Thomas Stoneſtreet, John Spencer, John Sayer, Joſeph Thornthwaite, Barnard Frederick Taylor, Robert Withy, Gentlemen; ſhall be, and they and their Succeſſors, to be qualified and elected in Manner herein-after mentioned, are hereby nominated, conſtituted, and appointed Commiſſioners, for the Purpoſe of carrying and putting this Act in Execution.

Commiſſioners, when reduced to leſs than Forty, others to be choſen.

II. And, for a Continuance of a ſufficient Number of fit and able Perſons to be Commiſſioners for the Purpoſes aforeſaid, be it further enacted by the Authority aforeſaid, That from Time to Time, and at all Times hereafter, during the Continuance of this Act, as the Number of the ſaid Commiſſioners appointed by this Act, or hereafter to be elected and appointed in purſuance thereof, ſhall, by Death, or Removal out of the ſaid Town, or otherwiſe by Refuſal to act, be reduced to leſs than Forty, it ſhall and may be lawful to and for the ſurviving and remaining Commiſſioners, or any Nine or more of them, by Writing or Writings under their Hands and Seals, (without any Stamp thereupon), to nominate, elect, and appoint, One or more fit and able Perſon or Perſons, either Landlords or Tenants, to be Commiſſioners in the Place and Stead of the Commiſſioners ſo dying, removing, or refuſing to act, as aforeſaid, Ten Days publick Notice of the Time and Place of Meeting for every ſuch Election being previouſly given, by affixing the ſame in Writing upon the principal Door of the Pariſh Church of Saint Mary, Iſlington, aforeſaid; and every Perſon and Perſons ſo as aforeſaid to be elected and choſen, ſhall be, and they are hereby inveſted with the ſame Powers and Authorities for putting this Act in Execution, as by this Act are granted and given to the Commiſſioners herein and hereby particularly nominated and appointed.

Ten Days publick Notice to be given of the Election of Commiſſioners.

Qualification of Commiſſioners.

III. And be it further enacted by the Authority aforeſaid, That no Perſon ſhall be eligible, or capable of acting as a Commiſſioner in the Execution of this Act, (except the Vicar and Churchwardens of the ſaid Pariſh for the Time being), but for and during ſo long and ſuch Time only as he ſhall either pay or be liable to pay, as Landlord or Tenant, for Premiſes ſituate in the ſaid Town, valued and rated at the Sum of Twenty Pounds a Year at the leaſt, for and towards the Rate and Aſſeſſment herein-after mentioned to be made for the Purpoſes of this Act; or ſhall, in his own Right, or in the Right of his Wife, be in the actual Poſſeſſion or Receipt of the Rents of Lands, Tenements, or Hereditaments, in any Part of Great Britain, of the clear Value of Twenty Pounds a Year; or ſhall be poſſeſſed of or intitled unto a perſonal Eſtate of the Value of Five hundred Pounds: And if any Perſon, not being ſo qualified as aforeſaid, ſhall preſume or take upon himſelf to act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Pounds, together with Coſts of Suit, to any Perſon or Perſons who ſhall or will ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Plaint, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed, and wherein the Proof of Qualification ſhall be on the Perſon proſecuted; and it ſhall be ſufficient for the Proſecutor to prove, that the Perſon ſo proſecuted had acted as a Commiſſioner in the Execution of this Act.

Penalty of acting if not qualified.

No Victualler, &c. to act as a Commiſſioner.

IV. Provided always, and it is hereby enacted and declared by the Authority aforeſaid, That no Perſon who ſhall ſell Ale, Beer, Wine, or any ſpirituous or fermented Liquors, by Retail, ſhall be eligible, or capable of acting as a Commiſſioner under this Act.

First Meeting.

V. And be it further declared and enacted by the Authority aforeſaid, That the Firſt publick Meeting of the Commiſſioners to be had by virtue of and under this Act, ſhall be held within Fourteen Days after the paſſing of this Act in the Veſtry-room of the ſaid Pariſh Church of Saint Mary, Iſlington; and the ſaid Commiſſioners ſhall then and there proceed (the Number then preſent not being leſs than Nine) to put this Act in Execution; and they are hereby authoriſed and impowered to adjourn themſelves from Time to Time, and to meet at the ſame or any other Place within the ſaid Town or Pariſh.

Notice of adjourned publick Meetings to be given to Commiſſioners; and if a ſufficient Number do not attend, publick Notice to be given of the next Meeting.

VI. Provided always, That every Commiſſioner ſhall have Notice to attend at ſuch adjourned publick Meeting by a Summons given or ſent to him for that Purpoſe; and if at any Meeting ſo appointed, from Time to Time, there ſhall not appear a ſufficient Number of Commiſſioners preſent to act, or adjourn to another Day or Time; or, in caſe the ſaid Commiſſioners, ſo met and aſſembled, ſhall omit, neglect, or refuſe, to adjourn themſelves; then, and in every ſuch Caſe, the Commiſſioners then preſent ſhall, by cauſing Notice in Writing to be affixed upon the principal Door of the ſaid Pariſh Church, at leaſt Three Days before ſuch intended Meeting, appoint the Commiſſioners to meet at the Place where the laſt Meeting was appointed to be held, upon ſome Day, not exceeding Ten Days next after the Day upon which ſuch laſt Meeting was appointed to have been holden.

Commiſſioners to defray their own Expences.

VII. Provided always, That the Commiſſioners, at all their Meetings and Adjournments to be had in purſuance of this Act, ſhall bear, pay, and defray, their own Charges and Expences.

No Commiſſioner to be intereſted in any Contract, &c.

VIII. Provided alſo, That no Perſon hereby appointed, or hereafter to be appointed, a Commiſſioner, as aforeſaid, ſhall be, directly or indirectly, intereſted or concerned in any Contract which ſhall be made or entered into by or on Behalf of the ſaid Commiſſioners, for or concerning any of the Work or Buſineſs, from Time to Time to be done or performed by virtue of or in purſuance of this Act, or for or concerning any Thing to be uſed, provided, or employed therein, upon Pain that every ſuch Contract ſhall be null and void; nor ſhall any Commiſſioner be capable of acting as ſuch during the Time he ſhall enjoy any Office of Profit or beneficial Employment in purſuance of the Powers given by this Act; and that the Perſon being a Commiſſioner as aforeſaid, and who ſhall be ſo intereſted or concerned therein, ſhall, for every ſuch Offence, forfeit and pay the Sum of One hundred Pounds to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, Bill, Plaint, or Information, wherein no Protection, Eſſoin, or Wager of Law, or more than One Imparlance, ſhall be allowed; and every Perſon againſt whom the ſaid Penalty ſhall be recovered, ſhall for ever thereafter be diſabled from being elected a Commiſſioner for the Purpoſes of this Act.

and if intereſted, to forfeit 100*l.*

Commiſſioners may appoint a Treaſurer, *&c.*

IX. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Nine or more of them, ſhall and may, and they are hereby impowered, from Time to Time, to appoint One or more Treaſurer or Treaſurers, reſident within the ſaid Town, for receiving all the Monies to be raiſed and collected in purſuance and for the ſeveral Purpoſes of this Act, and, from Time to Time, as they ſhall think neceſſary, to remove ſuch Treaſurer or Treaſurers, and appoint ſuch other Perſon or Perſons in his and their Stead and Place, as they the ſaid Commiſſioners, or any Nine or more of them, ſhall think proper; and ſuch Treaſurer or Treaſurers is and are hereby directed to keep diſtinct Accounts of all Monies by him or them received and paid for the different Purpoſes of this Act, and to account Once in every Year, or oftener, if thereunto required by the ſaid Commiſſioners, or any Nine or more of them, aſſembled and met together, as aforeſaid, for all the Monies by him or them received and paid purſuant to the Directions of this Act, and to pay all ſuch Monies, as upon the Balance of the ſaid Accounts reſpectively ſhall appear to be remaining in his or their Hands, to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Nine or more of them, ſhall, by Writing under their Hands and Seals, authoriſe and appoint to receive the ſame, to be applied to and for the ſeveral Uſes and Purpoſes for which the ſame were collected, raiſed, received, or levied; and in Default of rendering and making ſuch Accounts and Payments as aforeſaid, ſuch Treaſurer or Treaſurers ſhall be liable to ſuch Penalties as Overſeers of the Poor in the like Caſes are liable to.

Treaſurer to give Security.

X. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Nine or more of them, ſhall, and they are hereby authoriſed and required, from Time to Time, to take ſufficient Security from ſuch Treaſurer or Treaſurers for his or their faithful accounting for and paying all ſuch Monies as he or they ſhall receive by virtue of his or their ſaid Office or Offices.

Treaſurer to give 20 Days Notice of removing.

XI. And be it further enacted by the Authority aforeſaid, That in caſe any Perſon, by virtue of this Act appointed a Treaſurer, ſhall think proper to remove out of the ſaid Town before the Expiration of his Office, that then he ſhall, and is hereby required, before ſuch Removal, to give Twenty Days Notice in Writing of his Intention ſo to remove to the Vicar and Churchwardens of the ſaid Pariſh for the Time being, who are hereby required forthwith, upon receiving ſuch Notice, to ſummon a Meeting of the ſaid Commiſſioners, by affixing a Notice on the principal Door of the ſaid Church, expreſſing and ſpecifying the Time and Place for ſuch Meeting, to the End that a Meeting of the ſaid Commiſſioners may be held purſuant to this Act for taking the Account or Accounts of ſuch Treaſurer ſo removing as aforeſaid, and for directing and cauſing all the Monies, which upon ſuch Account or Accounts ſhall appear to be remaining in his Hands, to be forthwith paid over to ſuch other Perſon or Perſons as the ſaid Commiſſioners, preſent at ſuch Meeting, or the major Part of them, ſhall, by Writing under their Hands, authoriſe and appoint to receive the ſame, to be applied for the Uſes and Purpoſes of this Act; and the ſaid Treaſurer ſo removing as aforeſaid is hereby accordingly required to make up and render ſuch reſpective Account or Accounts, in ſuch Manner as is herein-before directed, to the ſaid Commiſſioners preſent at ſuch laſt-mentioned Meeting, and to pay over all the Monies then remaining in the Hands of ſuch Treaſurer to ſuch Perſon or Perſons as aforeſaid.

On Death of Treaſurer, Executors, *&c.* to account.

XII. And be it further enacted by the Authority aforeſaid, That if any ſuch Treaſurer ſhall die before the Expiration of his Office, that then his Executors or Adminiſtrators ſhall, within Forty Days next after his Death, make up and render to the ſaid Commiſſioners, aſſembled at any Meeting for that Purpoſe, an Account in Writing of all Monies received and paid by ſuch deceaſed Treaſurer, and alſo pay, as the major Part of the ſaid Commiſſioners ſo aſſembled ſhall direct, out of the Aſſets left by the ſaid Treaſurer, all Sums of Money remaining due, which ſuch deceaſed Treaſurer ſhall have received by virtue of his ſaid Office.

Commiſſioners to ſettle and aſcertain the Sum to be raiſed for the enſuing Year,

XIII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall meet together in the Veſtry-room of the ſaid Pariſh Church, or ſome other fit and convenient Place within the ſaid Town or Pariſh, on the Fifteenth Day of February in every Year after the paſſing of this Act, or within Fourteen Days after; and they, or the major Part of them, who ſhall be aſſembled at ſuch Meetings reſpectively, ſhall ſettle and aſcertain the ſeveral Sums of Money neceſſary to be raiſed in the enſuing Year, for the Purpoſe of lighting ſuch Part of the ſaid Town of Iſlington as lies in the ſaid Pariſh of Saint Mary, Iſlington, and eſtabliſhing and keeping a regular Nightly Watch therein.

and ſign a Rate or Aſſeſſment by way of Pound-rate.

XIV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall aſſemble and meet together within Fourteen Days next after the ſaid ſeveral Sums of Money ſhall have been ſo ſettled and aſcertained as aforeſaid; and they, or any Nine of them, ſo aſſembled, ſhall, and they are hereby required to make and ſign a Rate or Aſſeſſment by way of Pound-rate, not exceeding in any One Year One Shilling and Two-pence in the Pound of their yearly Rent, to be charged upon all and every Perſon and Perſons who now do or ſhall at any Time hereafter inhabit, hold, uſe, occupy, or enjoy any Houſes, Gardens, Shops, Warehouſes, Coach-houſes, Stables, and other Buildings now erected, or at any Time hereafter, during the Continuance of this Act, to be erected in any Part of the ſaid Town, within the ſaid Pariſh of Saint Mary, Iſlington,

ton, upon and according to the improved Rent or Value thereof, and as the ſame are aſcertained and rated in and by the Land-tax Books for the Time being; which ſaid Rate or Aſſeſſment ſhall be paid quarterly, and ſhall be entered in ſeparate Books, to be provided for that Purpoſe by the ſaid Commiſſioners, wherein there ſhall be Four diſtinct Columns for the Four Quarters of the Year, and a Fifth Column for the Sum Total of the ſaid Four Quarters.

Landlords to pay the Rate for Houſes lett out in Apartments, or ready-furniſhed to Lodgers:

XV. And whereas there are divers Houſes in the ſaid Town which are lett out to ſeveral Perſons occupying different Apartments therein, and other Houſes lett ready-furniſhed to Lodgers, whereby the Payment of the ſaid Rate or Aſſeſſment may be evaded; for Remedy whereof, be it further enacted by the Authority aforeſaid, That every Perſon, whether Landlord or Tenant, who ſhall ſett his or her Houſe in ſeparate Apartments, or ready-furniſhed to a Lodger or Lodgers, ſhall, for the ſeveral Purpoſes of this Act, be deemed and taken to be the Occupier thereof, and may be rated or aſſeſſed accordingly, and ſhall be liable and ſubject to the Payment of the ſeveral Sums ſo rated and aſſeſſed.

Goods of ſuch Lodgers ſhall be liable to pay the Rate.

XVI. Provided always, That the Goods and Chattels of each and every Perſon renting or occupying any ſeparate Apartment or Apartments in ſuch Houſe or Houſes, or renting or occuping any ready-furniſhed Houſe, ſhall be liable to be diſtrained and ſold for the Payment of the ſaid Rate or Aſſeſſment; and that each and every Perſon who ſhall pay ſuch Rate or Aſſeſſment ſo charged on his or her reſpective Landlord, or upon whoſe Goods and Chattels the ſame ſhall be levied in purſuance of this Act, ſhall and may deduct the ſame from and out of the Rent due and payable, from Time to Time, to his, her, or their reſpective Landlord or Landlords, and the Receipt for ſuch Payment ſhall be a ſufficient Diſcharge to his or her Landlord or Landlords for ſo much Money as he or ſhe ſhall have ſo paid, or which ſhall have been levied on his or her Goods and Chattels in purſuance of this Act.

Perſons to pay the Rate in Proportion to the Time of occupying Houſes, &c.

XVII. And whereas Perſons frequently remove without paying the Rates aſſeſſed on them, and other Perſons do enter and occupy or hold their Houſes, Gardens, Tenements, or Hereditaments, Part of the Year, by reaſon whereof great Sums of Money may be annually loſt; be it therefore enacted by the Authority aforeſaid, That where any Perſon or Perſons ſhall come into or occupy any Houſe, Garden, Tenement, or Hereditament, or other Premiſes, out of or from which any other Perſon or Perſons aſſeſſed ſhall be removed, or which, at the Time of making ſuch Rates as aforeſaid, was empty or unoccupied; that then, and in every ſuch Caſe, ſuch Perſon ſo removing from, and every Perſon ſo coming into or occupying the ſame, ſhall be liable to pay ſuch Rates and Aſſeſſments, in Proportion to the Time that ſuch Perſon occupied the ſame reſpectively, in the ſame Manner, and under the like Penalties, as if ſuch Perſon ſo removing had not removed, or ſuch Perſon ſo coming in or occupying, had been originally rated and aſſeſſed in ſuch Rates; which ſaid Proportion, in caſe of Diſpute, ſhall be aſcertained, ſettled, and finally determined, by any Five or more of the ſaid Commiſſioners.

Commiſſioners to compound or remit the Rate to Perſons who may appear unable to pay.

XVIII. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, as they ſhall judge fit and neceſſary, at any of their Meetings to be had in purſuance of this Act, to compound with, or in Part, or wholly to remit, to any Perſon or Perſons ſo rated or aſſeſſed as aforeſaid, and who ſhall or may, at any Time hereafter, on account of his, her, or their Poverty, Diſability, or Diſtreſs, be exempted from or excuſed the Payment of the Church and Poors Rates, or either of them, in the ſaid Pariſh, all ſuch Sum or Sums of Money which he or they ſhall be ſo rated or aſſeſſed as aforeſaid, when, and as often as it ſhall, from Time to Time, be made to appear, to the Satiſfaction of the ſaid Commiſſioners, or any Five of them, as aforeſaid, that ſuch Perſon or Perſons, ſo rated or aſſeſſed, as aforeſaid, is or are, on account of ſuch his, her, or their Poverty, Diſtreſs, or Inability, real and proper Objects of ſuch Compoſition or Exemption.

Collectors to be appointed by the Commiſſioners.

XIX. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Nine or more of them, ſhall and may, and they are hereby authoriſed and impowered, yearly and every Year, to appoint Two or more Perſons, ſubſtantial Inhabitants and Houſeholders in the ſaid Town, to collect and gather quarterly the Rate and Aſſeſſment hereby impowered and directed to be made, raiſed, and collected, for the Purpoſe of lighting and watching ſuch Part of the ſaid Town as lies in the ſaid Pariſh of Saint Mary, Iſlington, and as ſhall be lighted and watched by virtue and in purſuance of this Act.

Collectors to account, on Oath, for all Sums received by them.

XX. And be it further enacted by the Authority aforeſaid, That every Collector who ſhall have collected or received any Money by virtue of this Act, for the Purpoſes of lighting and watching ſuch Part of the ſaid Town as aforeſaid, ſhall, as often as required by the ſaid Commiſſioners, or any Five or more of them, deliver, in Writing, under his Hand, to the ſaid Commiſſioners, at ſuch Meeting as they ſhall appoint, a true and perfect Account upon Oath, (which Oath may be taken in Writing without Stamp), before any Three of the ſaid Commiſſioners, (who are hereby impowered to adminiſter the ſame) of all ſuch Sum and Sums of Money which any ſuch Collector ſhall have collected or received, or which ſhall have been rated or aſſeſſed, as aforeſaid, and remain unreceived; and alſo of all Sums paid, and of all other Matters and Things relating to his Office, committed to his Charge, by virtue of this Act; and alſo all Books, Papers, and Vouchers, relating to every ſuch Account, and ſhall pay all the Money which ſhall be then remaining in the Hands of ſuch Collector to the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint to receive the ſame: And in caſe any ſuch Collector ſhall refuſe or neglect to account as aforeſaid, or to deliver all or any ſuch Books, Papers, and Vouchers, as aforeſaid; that then, and in any or either of the ſaid Caſes, it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid County of Middleſex, and they are hereby required, upon Proof thereof upon Oath of One or more Witneſs or Witneſſes, at the Requeſt of the ſaid Commiſſioners, or any Three or more of them, to commit every ſuch Collector ſo refuſing or neglecting as aforeſaid, by Warrant under

In caſe of Refuſal to deliver Vouchers, &c. to be committed for Six Calendar Months.

their Hands and Seals, to the common Gaol of the ſaid County, there to remain without Bail or Mainprize for the Space of Six Calendar Months, or until he ſhall have made and delivered a true and perfect Account as aforeſaid, and ſhall have delivered all the Books, Papers, and Vouchers, in his Hands or Power relating thereto; and in caſe any ſuch Collector ſhall refuſe or neglect to pay any ſuch Sum or Sums of Money collected or received by virtue of this Act, and which ſhall remain in his Hands, it ſhall and may be lawful for any Two Juſtices of the Peace for the ſaid County, upon Oath of One or more Witneſs or Witneſſes, that any of the Monies ſo collected by virtue of this Act are then in the Hands of ſuch Collector, to grant a Warrant under their Hands and Seals, directed to the Conſtables, or One or more of the Headboroughs of the ſaid Pariſh, for the levying the ſame by Diſtreſs and Sale of the Goods and Chattels of ſuch Collector, rendering the Overplus, (if any), after the Arrears and Charges of ſuch Diſtreſs and Sale are deducted and paid, to ſuch Collector or Collectors, whoſe Goods and Chattels ſhall be ſeiſed and diſtrained as aforeſaid; and if no ſufficient Diſtreſs can be found to anſwer and ſatisfy the ſaid Money, and the Charges of ſuch Diſtreſs and Sale, then it ſhall and may be lawful for any Two Juſtices of the Peace for the ſaid County, by Warrant under their Hands and Seals, at the Requeſt of the ſaid Commiſſioners, or any Three or more of them, to commit ſuch Collector to the common Gaol of the ſaid County, there to remain without Bail or Mainprize for Six Calendar Months, or until ſuch Collector, or his Security or Securities, ſhall have paid over all Money in his Hands, and alſo the Charges occaſioned by the Delay of Payment thereof, or have compounded for the ſame to the Satisfaction of the ſaid Commiſſioners, or the major Part of them, aſſembled at any publick Meeting to be held for that Purpoſe; which Compoſition the ſaid Commiſſioners, or the major Part of them, who ſhall be ſo aſſembled, are hereby authoriſed to make and accept.

Goods may be aſſeſſed in another County.

XXI. And be it further enacted by the Authority aforeſaid, That, for the more effectual levying and raiſing the Money rated and aſſeſſed for the ſeveral Purpoſes of this Act, the Goods and Chattels of any Perſon rated or aſſeſſed as aforeſaid, and neglecting or refuſing to pay the Sum or Sums by him reſpectively payable as aforeſaid, ſhall and may be diſtrained in Manner aforeſaid, not only in the Pariſh where ſuch Rate or Aſſeſſment was made, but in any other Place in the ſame County; and if ſufficient Diſtreſs cannot be found within the ſame County, then upon Oath thereof made before any One or more Juſtice or Juſtices of the Peace of any other County, City, Liberty, or Place, (which Oath ſhall be certified under the Hand of the ſaid Juſtice or Juſtices, on the Warrant made for ſuch Diſtreſs), the Goods and Chattels of the ſaid Perſon ſo neglecting or refuſing to pay ſhall be ſubject and liable to ſuch Diſtreſs and Sale in ſuch other County, City, Liberty, or Place, where the ſame ſhall be found, and may, by virtue of ſuch Warrant and Certificate, be diſtrained in the ſame Manner as if the ſame had been found within the ſaid Town of Iſlington.

Collectors may inſpect the Land-tax and Poors Rates Books *gratis.*

XXII. And, in order to enable the ſaid Commiſſioners to form a proper Judgement, and aſcertain the Rates and Aſſeſſments, neceſſary to be made and raiſed by virtue of and in purſuance of this Act; be it further enacted by the Authority aforeſaid, That the Collectors appointed by the ſaid Commiſſioners ſhall have free Liberty, at all convenient Times, to inſpect any of the Books of the Aſſeſſment of the Land-tax, and alſo any of the Books of the Aſſeſſment of the Rates, towards the Relief of the Poor within the ſaid Pariſh, gratis, and to take Copies of ſuch Books, or any Part thereof, as they, or any of them, ſhall think fit, at their own Expence: And if any Perſon or Perſons, in whoſe Cuſtody, Poſſeſſion, or Power, any of the ſaid Books or Rates ſhall be, ſhall refuſe to produce the ſame, and to ſuffer or permit the ſaid Collectors, or any of them, to inſpect ſuch Books or Rates, and take Copies of them, as aforeſaid; then, and in every ſuch Caſe, every Perſon who ſhall ſo refuſe, ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Rates under former Acts diſcontinued.

XXIII. Provided always, and it is hereby enacted and declared, That the Rate or Aſſeſſment made or charged by virtue of, or in purſuance of any former Act or Acts of Parliament, for or towards lighting ſuch Part of the ſaid Town of Iſlington, as is in the ſaid Pariſh of Saint Mary, Iſlington, ſhall, from and after the paſſing of this Act, be diſcontinued, repealed, annulled, and made void.

Perſons rated refuſing to pay, the Sums to be levied by Diſtreſs.

XXIV. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons who ſhall be rated or aſſeſſed by virtue of, or in purſuance of this Act, ſhall, by the Space of Fourteen Days after Demand made thereof by the Collector or Collectors authoriſed and appointed to collect and receive the ſame, (ſuch Demand being either perſonally made to the reſpective Perſon or Perſons ſo charged, or left in Writing at his or their reſpective Houſe or Houſes, Place or Places of Abode), refuſe, neglect, or omit to pay, ſatisfy, and diſcharge ſuch Sum or Sums of Money, at which he, ſhe, or they, ſhall be ſo rated or aſſeſſed; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Collector or Collectors, every or any of them, having a Warrant or Warrants under the Hands and Seals of any Two Juſtices of the Peace for the ſaid County of Middleſex, and with the Aſſiſtance of a Conſtable or Peace Officer of the ſaid Town, to enter the Houſe or Houſes, Apartment or Apartments, of the Perſon or Perſons ſo refuſing or neglecting to pay the ſame, and then and there to ſeize and diſtrain his, her, or their Goods and Chattels; and if the ſame ſhall not be replevied, or ſuch Rate or Aſſeſſment paid, within Five Days next after ſuch Diſtreſs made, together with the Coſts and Charges thereof, then to appraiſe and ſell ſo much and ſuch Part of the ſaid Goods and Chattels as ſhall be ſufficient to ſatisfy and pay the ſaid Rate or Aſſeſſment, with the Coſts and Charges attending ſuch Diſtreſs and Sale, returning the Overplus, (if any), to the Owner or Owners of ſuch Goods and Chattels, (the ſaid Coſts and Charges to be ſettled and allowed by the ſaid Commiſſioners, or any Five or more of them.)

XXV. And be it further enacted by the Authority aforeſaid, That if any Perſon appointed to the Office of Collector as aforeſaid, ſhall, during the Year for which he ſhall be ſo appointed to collect the Rate or Aſſeſſment aforeſaid, remove out of the ſaid Town, or die, or ſhall be guilty of any Neglect or Miſbehaviour in the Performance of his Duty, or ſhall become inſolvent; then, and in any of the Caſes aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, preſent at any Meeting to be held for that Purpoſe, by Appointment under their Hands and Seals, to nominate and appoint ſome other fit and proper Perſon, inhabiting within the ſaid Town, to be a Collector of the ſaid Rate or Aſſeſſment in and for the remaining Part of that Year, in the Room and Stead of ſuch Perſon ſo removing, dying, or being guilty of any Neglect or Miſbehaviour, or becoming inſolvent, as aforeſaid; and the Perſon ſo appointed in the Room and Stead of any ſuch Collector, ſhall immediately, upon being ſo appointed, enter upon and execute the ſaid Office of Collector, ſubject to the like Penalties, Orders, and Rules, in all Reſpects, as the preceding Collector, in whoſe Place and Stead ſuch new Collector ſhall have been ſo appointed, was ſubject to by this Act.

On Collector's removing out of the Town, dying, or if guilty of any Neglect, or becoming inſolvent, another proper Perſon to be appointed.

XXVI. And be it further enacted by the Authority aforeſaid, That if any Collector appointed in purſuance of this Act, ſhall, within the Time of his being Collector, remove out of the ſaid Town before the Expiration of his Office, ſuch Collector ſhall, before ſuch Removal, give Twenty Days Notice in Writing of ſuch his Intention to remove to the Vicar and Churchwardens of the ſaid Pariſh for the Time being, or One of them, who are thereupon hereby required and directed forthwith to ſummon a Meeting of the ſaid Commiſſioners, by affixing a Notice on the principal Door of the ſaid Church, ſpecifying the Time and Place for ſuch Meeting, to the End that a Meeting of the ſaid Commiſſioners may be held purſuant to this Act, for taking the Account or Accounts of ſuch Collector ſo removing, and for directing and cauſing all the Monies which upon ſuch Accounts ſhall appear to be and remain in his Hands, together with all Books, Papers, and Vouchers relating thereto, to be forthwith delivered and paid over to ſuch Perſon or Perſons as the ſaid Commiſſioners preſent at ſuch Meeting, or the major Part of them, ſhall, by Writing, under their Hands, authoriſe, direct, and appoint to receive the ſame, to be applied for and towards the Uſes and Purpoſes of this Act; and the ſaid Collector is hereby accordingly required to make up and render ſuch reſpective Account or Accounts in ſuch Manner as is herein-before directed to the ſaid Commiſſioners preſent at ſuch laſt-mentioned Meeting, and to pay over all the Monies then remaining in the Hands of ſuch Collector, to ſuch Perſon as aforeſaid; and that in caſe any ſuch Collector ſhall, within the Time of his being Collector as aforeſaid, remove out of the ſaid Town, ſuch Collector ſhall, before ſuch Removal, deliver over to the ſaid Commiſſioners, or to ſuch Perſon as the major Part of ſuch Commiſſioners preſent at any Meeting ſhall for that Purpoſe appoint to receive the ſame, his Account or Accounts in Writing, under the Hands of ſuch Collector, verified upon Oath if required, (which Oath the ſaid Commiſſioners, or any Three of them, are hereby impowered to adminiſter), with all Rates, Aſſeſſments, Books, Papers, Vouchers, and other Things concerning the ſaid Office, and alſo the Balance of all Money which ſhall have been received by any ſuch Collector by virtue of his ſaid Office, under the like Penalties as are inflicted by this Act upon Collectors refuſing or neglecting to account, when thereunto required, as before directed; and if any ſuch Collector ſhall die, as aforeſaid, his Security or Securities, Executors, or Adminiſtrators, ſhall, within Thirty Days next after his Deceaſe, deliver all Books, Papers, Vouchers, Writings, and Things, concerning and relating to the ſaid Office, to ſuch Perſon or Perſons as the major Part of the ſaid Commiſſioners, at any Meeting to be by them held, ſhall order, direct, or appoint; and if any Sum or Sums of Money ſhall be due from, or remain in the Hands of ſuch Collector, at the Time of his Deceaſe, on the Balance of his Collections as aforeſaid, the ſame ſhall be paid by ſuch Executors or Adminiſtrators as a Debt on ſpecial Contract, and in Preference to any Debts of any ſuch Collector on ſimple Contract.

Collector removing out of Town, to give 20 Days Notice in Writing to the Vicar, &c. of the Pariſh; and to account, &c.

and if he ſhall die in his Office, his Executors, etc. to deliver Vouchers, etc. to a proper Perſon appointed by the Commiſſioners.

XXVII. And be it further enacted by the Authority aforeſaid, That in caſe any Perſon ſhall be in arrear for the Rate or Aſſeſſment, to be made by virtue and in purſuance of this Act, the Perſon or Perſons hereby impowered to collect the ſame, ſhall and may demand ſuch Arrears; and, upon Refuſal or Neglect, after ſuch Demand, levy ſuch Arrears in Manner herein-before directed.

Arrears of Rates how to be recovered.

XXVIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, at any publick Meeting to be holden for the Purpoſe of putting this Act in Execution, and they are hereby authoriſed and impowered, by and out of the Monies raiſed and collected by virtue and in purſuance of this Act, to make ſuch Allowance to ſuch Collector or Collectors, for his or their Trouble in collecting the ſame, as they, or any Nine or more of them, ſo aſſembled as aforeſaid, ſhall think fit and reaſonable, not exceeding the annual Sum of Three-pence in the Pound, of the Monies ſo by him or them to be collected as aforeſaid; and the ſaid Commiſſioners, or any Five of them, ſhall and may, and they are hereby required, from Time to Time, to take ſufficient Security from ſuch Collector and Collectors, for his and their due and faithful Diſcharge of the Duties of the ſaid Office.

Allowance to be made to Collectors.

Collectors to give Security.

XXIX. Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon who ſhall be appointed a Collector of any Rate or Aſſeſſment made by virtue of or in purſuance of this Act, ſhall, during the Time he ſhall remain and continue in his Office of Collector, act as a Commiſſioner in the Execution of this Act.

No Collector to act as a Truſtee.

XXX. And be it further enacted by the Authority aforeſaid, That all Monies which ſhall be raiſed by any Rate or Aſſeſſment made in purſuance of this Act, ſhall be iſſued and applied to and for the reſpective Purpoſes only in and by this Act directed and preſcribed, and to no other Uſe or Purpoſe whatſoever; and in caſe it ſhall happen that the

Deficiencies of One Year to be made good by the next.

Surplus to be carried to next Year's Account.

Monies which ſhall be rated and aſſeſſed in any One Year by virtue of this Act, ſhall not be ſufficient to anſwer the Ends and Purpoſes for which the ſame were ſo rated and aſſeſſed, ſuch Deficiency ſhall be made good, and ſupplied by and out of the Monies which ſhall ariſe out of the Rate or Aſſeſſment of the next enſuing Year; and in caſe there ſhall remain, at the End of any One Year, any Surplus of Money collected and received by virtue of this Act, ſuch Surplus ſhall, from Time to Time, as the ſame ſhall happen to accrue, be carried to the Account of, and be applied in Aid of the ſucceeding Year's Expence in carrying into Execution the Purpoſes of this Act.

Commiſſioners to direct the Number of Lamps, *etc.* and they may appoint or contract with Perſons for the ſame; and direct how and where they are to be placed, *etc.*

XXXI. And, for the better enlightening of the ſaid Town, be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Nine or more of them, ſhall and may, from Time to Time, order, direct, and appoint, what Number and Sort of Lamps ſhall be erected, ſet up, and placed, and in what Manner, and in what Parts within the ſaid Town, and may appoint or contract with any Perſon or Perſons for furniſhing ſuch Lamps, or may find and provide the ſame themſelves, if they ſhall think fit; and alſo for the lighting, cleanſing, ſupplying, maintaining, and repairing, ſuch Lamps from Time to Time, and ſhall likewiſe direct and appoint both how and where the ſaid Lamps ſhall be placed, all proper Care being taken in fixing and placing the ſame to avoid any Damage being done to the Premiſes of any Perſon or Perſons whatſoever; and ſhall alſo direct and appoint at what Time and how long the ſaid Lamps ſhall be and continue lighted, and what Sum or Sums of Money ſhall be paid to the Perſon or Perſons appointed or contracted with to light, maintain, and repair the ſame; and ſhall make all ſuch further and other Orders and Regulations concerning the ſaid Service as ſhall appear to them, or any Nine or more of them, to be neceſſary or needful for the Purpoſe of well and ſufficiently lighting the ſaid Town.

The Property of the Lamps, Poſts, *etc.* veſted in Commiſſioners.

XXXII. And be it further enacted by the Authority aforeſaid, That if the ſaid Commiſſioners ſhall, for the Purpoſe of putting this Act in Execution, at any Time during the Continuance thereof, themſelves purchaſe any Poſts, Lamps, Irons, or other neceſſary Materials relating thereto, for the Uſe of the ſaid Town, the Property thereof, as well as of all ſuch other Poſts, Lamps, Irons, Materials, and other Furniture thereunto belonging, or relative thereto, and heretofore found and provided by or at the Expence of the ſaid Town or Pariſh, or at the publick Expence of the Inhabitants thereof, and now uſed for the publick Benefit and Service in the ſaid Town, ſhall be veſted in the Commiſſioners for the Time being, and they are hereby authoriſed and impowered to bring and proſecute, or cauſe and procure to be brought and proſecuted, any Indictment or Indictments, Action or Actions, againſt any Perſon or Perſons, for ſtealing, taking away, breaking, extinguiſhing, damaging, or ſpoiling the ſame, or any Part thereof.

Perſons breaking or damaging Lamps, Poſts, Irons, *etc.*

ſhall forfeit, for Firſt Offence 10 *s.* for Second Offence, 15 *s.* and for ſubſequent Offences 20 *s.*

XXXIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall wilfully break, throw down, or otherwiſe damage or deſtroy, any of the ſaid Lamps, or any of the Poſts, Irons, or other Furniture thereof, or ſhall extinguiſh any of the ſaid Lamps when lighted, it ſhall and may be lawful to and for any Juſtice of the Peace for the ſaid County, and he is hereby required, upon Oath made of the Commiſſion of any ſuch Offence, to iſſue a Warrant or Warrants for the apprehending and bringing before him the Party or Parties ſo accuſed; or it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, who ſhall ſee ſuch Offence committed, to apprehend, as alſo for any other Perſon or Perſons to aid and aſſiſt in apprehending the Offender or Offenders, and, by the Authority of this Act, and without any other Warrant, to convey ſuch Offender or Offenders, and to deliver him, her, or them, into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid County, to be dealt with as herein-after is directed; and the Party accuſed being brought before any ſuch Juſtice, or Oath being made before him that ſuch Party cannot be found and apprehended, ſuch Juſtice ſhall proceed to examine, upon Oath, any Witneſs or Witneſſes who ſhall appear and be produced to give Information touching ſuch Offences; and if the Party accuſed ſhall be convicted of ſuch Offence, either by his own Confeſſion, or upon ſuch Information as aforeſaid, he ſhall, for the Firſt Offence, forfeit and pay the Sum of Ten Shillings for each Lamp, Poſt, Iron, or other Furniture thereof, ſo broken, thrown down, damaged, deſtroyed, or extinguiſhed, as aforeſaid; and for the Second Offence the Sum of Fifteen Shillings, for every ſuch Lamp, Poſt, Iron, or other Furniture thereof; and for the Third, and every other ſubſequent Offence, the Sum of Twenty Shillings for every ſuch Lamp, Poſt, Iron, or other Furniture thereof, and ſhall alſo make full Satiſfaction to the ſaid Commiſſioners for the Damage ſo by him or them done and committed as aforeſaid: And in caſe ſuch Offender ſhall not, upon Conviction, pay ſuch Forfeiture ſo by him incurred, and alſo make ſuch Satiſfaction as aforeſaid, the Juſtice, before whom ſuch Offender ſhall be convicted is hereby required to commit ſuch Offender to the common Gaol, or Houſe of Correction, for the ſaid County, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months; and ſuch Offender ſhall not be diſcharged before the Expiration of the Time for which he ſhall be ſo committed, unleſs ſuch Forfeiture and Satiſfaction ſhall be ſooner paid; One Moiety of which Forfeiture ſhall be paid to the Informer or Informers, and the other Moiety ſhall be applied towards lighting ſuch Parts of the ſaid Town as ſhall be lighted by virtue of this Act: And if any Perſon ſhall careleſsly, negligently, or accidentally break, throw down, or otherwiſe damage, any of the ſaid Lamps, or any of the Poſts, Irons, or other Furniture thereof, and ſhall not immediately, upon Demand, make Satiſfaction to the ſaid Commiſſioners for the Damage by ſuch Perſon done, as aforeſaid; then, and in every ſuch Caſe, it ſhall and may be lawful to and for any Juſtice of the Peace for the ſaid County, and he is hereby required, upon Complaint to him made by any Three or more of the ſaid Commiſſioners, to ſummon before him the Party who ſhall be ſo complained of; and upon his Appearance, (or making Default to appear, Oath being made that the Party complained of was ſerved with ſuch Summons, or that the ſame was left at his Dwelling-houſe, or Place of Abode, and that he could not be found), ſuch Juſtice ſhall proceed to examine the Matter of the ſaid Complaint, and, upon Proof thereof, either by the Confeſſion of the Party complained of, or by the Oath of One or more credible Witneſs or Witneſſes, ſhall award and order ſuch Satiſfaction to be made by the Party complained of, for the Damage ſo by him done, as to ſuch Juſtice ſhall appear juſt and reaſonable; and ſhall cauſe the Sum ſo awarded, in caſe the ſame be not forthwith paid upon the making of ſuch Award or Order, to be levied by Diſtreſs and Sale of the Goods or Chattels of the Perſon ſo complained of, rendering to him the Overplus (if any) ariſing by ſuch Diſtreſs and Sale, after the Charges of proſecuting ſuch Complaint, and of ſuch Diſtreſs and Sale, ſhall be firſt deducted.

In caſe of Refuſal, to be levied by Diſtreſs.

XXXIV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Nine or more of them, ſhall and may order, direct, and appoint, what Number of Watchmen they ſhall judge neceſſary or proper to be provided and kept in the ſaid Town for each Year, and nominate, elect, and chuſe, ſuch honeſt and able-bodied Men to be employed in that Service, as they ſhall think beſt qualified for the ſame; and ſhall likewiſe direct and appoint where the ſeveral Watchmen ſhall be ſtationed, and in what Manner they ſhall be armed and clothed, and how often they ſhall go their Rounds, how long they ſhall continue on their Duty, and what Wages ſhall be allowed ſuch Watchmen for ſuch their Attendance and Service; and the ſaid Commiſſioners ſhall and may, for the Purpoſe of this Act only, have or make uſe of the preſent Watch-houſe, now ſituate, ſtanding, and being in the ſaid Town of Iſlington, and belonging to the ſaid Pariſh of Saint Mary, Iſlington, or may erect or build ſome other proper Place within ſuch Part of the ſaid Town as lies in the ſaid Pariſh, for the Reception of the ſaid Watchmen; and they are hereby authoriſed and impowered to erect, build, and ſet up, or cauſe or procure to be erected, built, and ſet up, ſuch and ſo many proper and convenient Boxes or Stands for each reſpective Watchman in the ſaid Town, and at ſuch Places and Diſtances reſpectively, as they ſhall think proper; and further, to make and give all other neceſſary and needful Orders and Regulations relative thereto, as the Nature of ſuch Service or Employment ſhall or may, from Time to Time, neceſſarily require.

Commiſſioners to direct the Number of Watchmen, *etc.*

Commiſſioners may make uſe of the preſent Watch-houſe ſituate in the Town.

XXXV. And be it further enacted by the Authority aforeſaid, That all Acts, Orders, and Regulations, of the ſaid Commiſſioners, which ſhall, from Time to Time, be made, for the better Direction and Government of the Watchmen as aforeſaid, ſhall be entered in a Book or Books to be for that Purpoſe provided and kept by the ſaid Commiſſioners, or by the Clerk who ſhall be appointed by ſuch Commiſſioners, and ſhall be ſigned by the Chairman for the Time being, or any Three other of the Commiſſioners then preſent at the Meeting, who ſhall cauſe a Copy of all ſuch Orders and Directions, ſigned as aforeſaid, to be delivered to the ſeveral Watchmen for the Time being; which Orders and Directions the ſaid ſeveral Watchmen, and each and every of them, ſhall, to the utmoſt of his and their Power, obſerve, perform, and keep, upon Pain to forfeit and pay, for every Neglect or Refuſal, a Sum not exceeding the Sum of Ten Shillings.

Copy of Orders for the Watchmen to be ſigned, and given to them ſeverally.

XXXVI. And be it further enacted by the Authority aforeſaid, That, from and immediately after the paſſing of this Act, the ſaid Watchmen ſo to be appointed, ſhall attend to do Duty, and ſhall keep regular Watch and Ward within the ſaid Town, at ſuch Times, and in ſuch Manner, as ſhall be, from Time to Time, directed and appointed by the ſaid Commiſſioners, or any Five or more of them, and ſhall, in their Courſe of Watching, uſe their beſt Endeavours to prevent all Miſchiefs by Fires, and all Murders, Burglaries, Robberies, and other Outrages, Diſorders, and Diſturbances; and to that End the ſaid Watchmen, and alſo the Superviſors of the ſaid Watch herein-after appointed, and each of them, ſhall, and they are hereby authoriſed, impowered, directed, and required, to apprehend and detain all Night-walkers, Malefactors, and ſuſpected Perſons, who ſhall be found wandering or miſbehaving themſelves, or whom they ſhall have Reaſon to ſuſpect of any evil Deſigns or Intentions, and ſhall confine them, in order to be carried, as ſoon as conveniently may be, before One or more Juſtice or Juſtices of the Peace for the ſaid County, to be examined and dealt with according to Law: And the ſaid Commiſſioners, or any Five or more of them, ſhall and may, and they are hereby impowered to appoint the Conſtables and Headboroughs belonging to and reſident in the ſaid Town, or ſuch other Perſon or Perſons as they ſhall think proper, to be, and who ſhall be. Superviſor or Superviſors of the Watch, and ſhall alternately or in Turn, as the ſaid Commiſſioners, or any Five or more of them, from Time to Time, ſhall direct, go about and patrole the ſaid Town, and take Notice whether all the Watchmen perform their reſpective Duties in their ſeveral Stations, according to ſuch Orders and Regulations as ſhall be made for that Purpoſe by the ſaid Commiſſioners, or any Five or more of them: And in caſe the Superviſor or Superviſors, ſo appointed as aforeſaid, ſhall find any Watchman miſbehaving or neglecting, or being remiſs in his Duty, he or they ſhall, as ſoon as conveniently may be, give Notice thereof to the Treaſurer ſo appointed as aforeſaid for the Time being, who is hereby authoriſed and required to ſuſpend and diſplace every ſuch Watchman from the Execution of his ſaid Office, and to nominate and appoint ſome other fit and proper Perſon or Perſons in his or their Place and Stead, to officiate therein until the next Meeting of the ſaid Commiſſioners ſhall be had, when ſuch Superviſor or Superviſors ſhall attend, and acquaint the ſaid Commiſſioners, met and aſſembled at ſuch Meeting, with the Neglect of Duty, or other Miſbehaviour of ſuch Watchmen, in order for the ſaid Commiſſioners to proceed to the Examination of the Offence, and to make ſuch Order in the Premiſes, as to them ſhall ſeem juſt: And if any Superviſor or Superviſors of the ſaid Watchmen, as aforeſaid, ſhall omit or neglect to attend the ſaid Commiſſioners at their ſaid next Meeting, to make out his Charge and Complaint againſt any ſuch Watchman, every ſuch Superviſor or Superviſors ſo neglecting or refuſing to attend the ſaid Commiſſioners, ſhall forfeit and pay for

every

Duty of the Watchmen.

Commiſſioners to appoint Superviſors.

If any Watchman be negligent, Superviſor to appoint another till next Meeting.

Superviſor neglecting to make good his Complaint againſt a negligent Watchman, to forfeit 10 *l.*

and being negligent in his Duty, *&c.* to forfeit, for every Offence, 40 *s.*

every ſuch Neglect or Default the Sum of Ten Shillings of lawful Money of Great Britain: And in caſe any or either of the ſaid Conſtables or Headboroughs, or other Perſon or Perſons who ſhall be ſo appointed ſuch Superviſor or Superviſors as aforeſaid, ſhall refuſe or neglect, within Six Days next after ſuch Appointment, on his being ſerved with Notice thereof, to act in the ſaid Office, or having taken upon him the ſame, ſhall be afterwards negligent in the Diſcharge of the Duty thereof, he ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings of like lawful Money of Great Britain.

Superviſors to attend the Commiſſioners at their ſeveral Meetings, or forfeit 10 *s.* for every wilful Neglect.

Commiſſioners to make an Allowance to Superviſors.

Puniſhment on Watchmen neglecting Duty.

Watchmen neglecting to attend, others to be appointed.

XXXVII. And be it enacted by the Authority aforeſaid, That every Superviſor or Superviſors, to be appointed as aforeſaid, ſhall, upon every Notice in Writing being for that Purpoſe given to or left for him at his uſual Place of Abode, attend the ſaid Commiſſioners at any of their publick or adjourned Meetings to be held in purſuance of this Act; and if any ſuch Superviſor, upon having ſuch Notice as aforeſaid, ſhall wilfully neglect or refuſe to attend at any ſuch Meetings, he ſhall forfeit and pay for ſuch wilful Neglect, Omiſſion, or Refuſal, the Sum of Ten Shillings of lawful Money of Great Britain: And the ſaid Commiſſioners are hereby authoriſed, out of the Monies ariſing or to ariſe by virtue of this Act, to allow and pay unto ſuch Superviſor or Superviſors ſuch Salary, Allowance, or Gratuity, as they, or any Nine of them, ſhall judge fit and reaſonable for ſuch their Service and Services; that is to ſay, Not exceeding the Sum of One Shilling and Sixpence a Night for the Months of October, November, December, January, February, and March, in each Year, and not exceeding the Sum of One Shilling a Night for the Months of April, May, June, July, Auguſt, and September, in each Year: And in caſe any Watchman ſhall neglect to keep Watch, in Manner, or during the Time which ſhall be appointed by the Commiſſioners, or any Nine or more of them, for that Purpoſe, or ſhall depart from or leave keeping Watch during the reſpective Hours appointed by the ſaid Commiſſioners for keeping the ſame, or ſhall otherwiſe neglect his Duty, or miſbehave himſelf; in each and every of the ſaid Caſes the Perſon or Perſons ſo neglecting or offending ſhall forfeit and pay the Sum of Five Shillings of lawful Money of Great Britain: And when and as often as any Watchman appointed by virtue and in purſuance of this Act ſhall make Default in appearing at the Watch-houſe, or other Place appointed for that Purpoſe, and at ſuch Hour as ſhall be from Time to Time appointed by the ſaid Commiſſioners, or any Nine or more of them, for the Meeting of the ſaid Watchmen, before they ſhall proceed to their reſpective Stands or Stations; that then, and ſo often, it ſhall and may be lawful to and for the ſaid Superviſor or Superviſors of the ſaid Watchmen for the Time being, who ſhall be preſent at ſuch Watch-houſe or Place to be appointed as aforeſaid for the above Purpoſe, to procure and appoint One other fit and able Perſon, who ſhall be willing to undertake the ſaid Service, to patrole and watch in the Place and Stead of every Watchman who ſhall ſo make Default in appearing as aforeſaid; and ſuch Perſons ſo appointed and undertaking ſuch Service, ſhall be deemed to be, and ſhall be, for ſuch reſpective Night, a Watchman appointed in purſuance of this Act, and ſhall be in like Manner veſted with the ſeveral Powers and Authorities given by this Act, as if ſuch Watchman had been appointed, by virtue and in purſuance thereof, by the ſaid Commiſſioners, or any Nine or more of them, and ſhall incur and forfeit the ſame Pains and Penalties for Miſbehaviour or Neglect of Duty.

The Property of Watch-houſes, Boxes, Stands, *&c.* built for the Purpoſes hereof, to be veſted in the Commiſſioners.

XXXVIII. And be it further enacted by the Authority aforeſaid, That the Right and Property of all ſuch Watch-houſe or Watch-houſes, Boxes, Stands, or Places, for the Reception of the Watchmen, to be erected, built, or ſet up, for the Purpoſes of this Act, and all the Materials and Things uſed, or to be uſed, in and about the ſame; and alſo all the Arms, Accoutrements, and Materials, which ſhall be allowed and furniſhed to the ſaid Watchmen, ſhall be veſted in the ſaid Commiſſioners, and they are hereby impowered to diſpoſe thereof; and to bring, or cauſe to be brought, any Action or Actions, or to prefer, or order to be preferred, any Indictment or Indictments, againſt any Perſon or Perſons who ſhall ſteal, take, or carry away, damage, or deſtroy the ſame, or any of them, or any Part or Parts thereof.

Penalties and Forfeitures how to be applied.

XXXIX. And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed, (the Manner of recovering and levying whereof is not hereby otherwiſe particularly directed), ſhall be recovered and levied by Diſtreſs and Sale of the Offenders Goods and Chattels, by Warrant under the Hand and Seal of any Juſtice of the Peace acting in and for the ſaid County, (which Warrant ſuch Juſtice is hereby impowered to grant, upon the Confeſſion of the Party or Parties, or upon Information of any One or more credible Witneſs or Witneſſes upon Oath); and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) upon Demand, to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, (the Charges of ſuch Diſtreſs and Sale being firſt deducted), ſhall be paid to the Treaſurer of the ſaid Commiſſioners for the Time being; and be applied, One Half to the Informer, and the other Half towards the Purpoſes of this Act.

Juſtices of the Peace to adminiſter Oaths.

XL. And be it further enacted by the Authority aforeſaid, That in all Caſes where any Oath is required to be made, or any Teſtimony to be given, upon Oath, by virtue or in purſuance of this Act, before any One or more of His Majeſty's Juſtices of the Peace for the ſaid County of Middleſex, it ſhall and may be lawful to and for any ſuch Juſtice or Juſtices to adminiſter ſuch Oath, and they are hereby authoriſed and required to adminiſter the ſame.

Penalties may be mitigated.

XLI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Five or more of the ſaid Commiſſioners, from Time to Time, when and as often as they ſhall ſee Cauſe ſo to do, to mitigate or leſſen any of the ſaid Forfeitures or Penalties in which any ſuch Offender or Offenders ſhall be convicted as aforeſaid, in Favour of any ſuch Offender or Offenders, who ſhall immediately pay down or give Security to the Satisfaction of the ſaid Commiſſioners for the Payment of ſuch Sum or Sums of Money, to which the ſaid Commiſſioners ſhall mitigate ſuch Forfeiture or Penalty, ſo as ſuch Mitigation or Leſſening do not extend to remit more than One Moiety of the ſaid Forfeiture or Penalty; and every ſuch Mitigation ſhall be a ſufficient Diſcharge to ſuch Offender or Offenders reſpectively, for ſo much of the ſaid Penalties or Forfeitures as ſhall be ſo leſſened, mitigated, or remitted; but that no Mitigation or Leſſening of any of the Forfeitures or Penalties inflicted by this Act ſhall be made or allowed in Favour of any Offender or Offenders, unleſs he or they ſhall reſpectively pay down, or give Security as aforeſaid, for the Payment of ſuch Sum of Money to which ſuch Commiſſioners ſhall think proper to mitigate, leſſen, or remit ſuch Forfeiture or Penalty.

XLII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Commiſſioner or Commiſſioners appointed, or to be appointed, to put this Act in Execution, who now is, or ſhall be, in the Commiſſion of the Peace for the County of Middleſex, to act as a Juſtice or Juſtices of the Peace within his or their reſpective Juriſdictions, for putting in Execution the ſeveral Powers and Authorities granted by this Act, notwithſtanding his or their being ſuch Commiſſioner or Commiſſioners as aforeſaid.

Commiſſioners, who are in the Commiſſion of the Peace, may act as Juſtices.

XLIII. And be it further enacted by the Authority aforeſaid, That a Book or Books ſhall be prepared and kept by the ſaid Commiſſioners, or ſuch other Perſon or Perſons as they ſhall appoint, wherein ſhall be fairly entered, from Time to Time, the Names of ſuch Perſons as they ſhall nominate and appoint to put in Execution the Purpoſes of this Act, and Copies of all Orders and Proceedings relating thereunto, and alſo an Account of what Monies have been aſſeſſed, raiſed, levied, and paid, by virtue of this Act, and how the ſame have been applied; which Book or Books all Perſons contributing to the ſaid Rates or Aſſeſſments may, at all convenient Times, peruſe and inſpect without Fee or Reward; and which ſaid Book or Books, and all the Proceedings of the Meetings to be held in purſuance of this Act, ſhall be ſigned by the Chairman of the ſaid Commiſſioners for the Time being, and ſhall be kept in the Veſtry-room of the ſaid Pariſh Church, or in ſuch other Place as ſhall be directed by the ſaid Commiſſioners, or any Five or more of them, and ſhall be deemed and taken to be original Orders, as if the ſame were under the Hands and Seals of Five or more of the ſaid Commiſſioners; which ſaid Book or Books ſhall and may be produced and read in all Caſes of Appeals, and in any Suits or Actions touching any Thing done in purſuance and by Authority of this Act.

Proceedings to be entered in Books;

and all Perſons concerned may inſpect the ſame without Fee, &c.

XLIV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Nine or more of them, are hereby authoriſed and impowered to appoint a Clerk for the Purpoſes aforeſaid, and, from Time to Time, to remove ſuch Clerk, and appoint another in his Stead; and to allow ſuch Clerk ſuch Salary, Allowance, or Recompence, out of the Monies to be raiſed by virtue of this Act, as to the ſaid Commiſſioners, or any Nine or more of them, ſhall ſeem meet.

Commiſſioners to appoint a Clerk.

XLV. Provided always, and be it further enacted by the Authority aforeſaid, That no Meeting of the ſaid Commiſſioners, or any of them, ſhall be held for the Execution of this Act, or any of the Powers thereof, other than and except the Meetings by Adjournment, unleſs publick Notice be firſt given in the Church of the ſaid Pariſh of Saint Mary, Iſlington, immediately after Divine Service in the Forenoon of the Lord's Day next before ſuch Meeting, by an Order in Writing ſigned by Three or more of the ſaid Commiſſioners for the Time being for putting this Act in Execution.

Notice of Meetings to be given.

XLVI. Provided always, and be it further enacted by the Authority aforeſaid, That no Writing whatſoever, under the Hands and Seals of, or only ſigned by, any of the ſaid Commiſſioners, or any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, or any Contract or Agreement whatſoever in Writing, concerning or in the Execution of any of the Powers or Authorities by this Act granted, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Writings, &c. to be without Stamps.

XLVII. Provided always, and be it further enacted by the Authority aforeſaid, That all incidental and neceſſary Charges and Expences which ſhall occaſionally ariſe and occur in carrying into Execution the ſeveral Purpoſes of this Act, ſhall be paid, defrayed, and made good by and out of the Monies to be raiſed and levied by virtue and in purſuance thereof.

Incidental Charges to be defrayed out of the Rates.

XLVIII. And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, it ſhall and may be lawful for any ſuch Perſon to appeal to the next General or Quarter Seſſions of the Peace to be held for the ſaid County of Middleſex, and it ſhall and may be lawful for the Juſtices aſſembled to make ſuch Order therein as to them ſhall ſeem meet; which Order ſhall be final and concluſive.

Perſons aggrieved may appeal to the Quarter Seſſions, whoſe Order ſhall be final.

XLIX. Provided alſo, That no Order, Judgement, or other Proceedings, to be made, given, or had, by or before the ſaid Commiſſioners, or any Juſtice or Juſtices of the Peace, touching the Conviction of any Offenders againſt this Act, ſhall be quaſhed or vacated for want of Form only, or be removed or removeable by Certiorari, or otherwiſe, into any of His Majeſty's Courts of Record at Weſtminſter: And if any Perſon or Perſons ſhall appeal as aforeſaid to the Juſtices of the Peace at the General or Quarter Seſſions for the County of Middleſex, the Perſon or Perſons appealing ſhall, Fourteen Days at leaſt before ſuch General or Quarter Seſſions, give Notice, in Writing, to the Treaſurer or Treaſurers for the Time being, appointed in purſuance of this Act, of ſuch his or their Intention to appeal; and ſhall, within Five Days after ſuch Notice given, and before any Appeal ſhall be allowed, enter into a Recognizance before ſome Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties, with Condition to try ſuch Appeal at the General or Quarter Seſſions of the Peace which ſhall be held for the ſaid County next after ſuch Notice, and alſo to pay ſuch Coſts and Charges as the ſaid Juſtices ſhall award, in caſe ſuch Appeal ſhall be diſallowed; and every ſuch Appeal ſhall, at ſuch General Quarter Seſſions, be heard and determined: And, to prevent any vexatious Actions or Suits againſt the ſaid Commiſſioners, or any or either of them, or againſt the ſaid Collectors, or either of them, or any other Perſon or Perſons whatſoever, acting by virtue of or under the Authority of this Act, for any Sum or Sums of Money, Fine, Forfeiture, or Penalty, due, laid, incurred, or inflicted, by virtue or in purſuance of this Act, for or on

Proceedings not to be quaſhed for want of Form, nor removeable by *Certiorari.*

Diſtreſs not unlawful for want of Form;

Account of any of the Purpoſes thereof, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in the Warrant of, or for the Appointment of ſuch Collector or Collectors, or in the Rate or Aſſeſſment, nor in any Warrant of Diſtreſs; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab Initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Party or Parties aggrieved by ſuch Irregularity ſhall or may recover full Satisfaction for the ſpecial Damage he, ſhe, or they, ſhall have ſuſtained thereby, and no more, in any Action of Treſpaſs, or on the Caſe, at the Election of the Plaintiff or Plaintiffs.

nor the Party deemed a Treſpaſſer *ab Initio.*

Plaintiff not to recover, if Tender of Amends hath been made.

L. Provided always that no Plaintiff or Plaintiffs ſhall recover in any ſuch Action or Actions for any Irregularity as aforeſaid, if Tender of Amends hath been made by the Party or Parties making ſuch Diſtreſs before ſuch Action or Actions was or were brought; nor if Tender of Amends ſhall be made at any Time after the ſaid Action or Actions ſhall have been brought ,and before the Trial thereof, together with Coſts of Suit, to the Time of ſuch laſt-mentioned Tender.

Limitation of Actions.

LI. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced or brought againſt any Perſon or Perſons for any Thing done in purſuance of this Act, or of any of the Powers thereby given, or any-ways in relation to the Premiſes; that then, and in every ſuch Caſe, the Action or Suit ſhall be commenced and brought within the Space of Six Months next after the Cauſe of Action ſhall ariſe, and not afterwards; and ſhall be laid and brought in the County of Middleſex, and not elſewhere; and the Defendant or Defendants, in ſuch Action or Suit, ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon: And if it ſhall appear to be done in purſuance of this Act, or that ſuch Action or Suit ſhall be brought after the Time herein-before limited in that Behalf, or ſhall be brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or ſhall diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, Judgement ſhall be given for the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and have and be intitled to the like Remedy for the ſame, as any Defendent or Defendants hath or have in other Caſes by Law.

General Iſſue.

Treble Coſts.

Publick Act.

LII. And be it further enacted by the Authority aforeſaid, That this Act ſhall be taken and allowed in all Courts of Juſtice as a Publick Act; and all Judges and Juſtices are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP. XVIII.

An Act for the better paving, cleanſing, lighting, and watching, the Streets and Lanes in the Town and Pariſh of *Chatham*, in the County of *Kent*, and for removing and preventing Nuiſances and Annoyances therein.

Preamble.

WHEREAS the Streets and Lanes within the Town and Pariſh of *Chatham*, in the County of *Kent*, are very ill paved, and not ſufficiently cleanſed and lighted; and by Annoyances and Incroachments therein, rendered incommodious and dangerous: And whereas it will tend greatly to the Benefit, Convenience, and Safety, of the Inhabitants of the ſaid Town and Pariſh of *Chatham*, and of all Perſons reſorting thereto, and travelling through the ſame, if the ſaid Streets and Lanes were properly paved, cleanſed, lighted, and kept clear and free from Annoyances and Incroachments; but the ſame cannot be remedied and effected without the Aid of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That James Beſt, Thomas Fletcher, Iſaac Wildiſh, Edward Pilcher, Charles Proby, John Parr, Milbourn Marſh, Joſeph Longley, John Coys, John Cazeneue, William Jones, William Witheridge, Harry Farmer, Thomas Kirby, John Roberts, Samuel Neale, Robert Wiſe Surgeon, John Crowcher, William Holmden, Orlando John Nicholls, Edward Muddle, James White, Edward Fry, John Halfhead, John Phillips, George Cattlet, Richard Cooke, Samſon Waring, John Townſon, Edward Ackworth, Phineas Kite, John Byers, Thomas Weſton, Thomas Hargood, John Naſh, John Simmons, being Proprietors and Owners of Houſes, or Inhabitants reſiding within the Town and Pariſh of Chatham aforeſaid, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be, and they are hereby appointed Commiſſioners for putting this Act in Execution: And, when any of the Commiſſioners herein named, or hereafter to be elected, ſhall die, or remove out of the ſaid Town or Pariſh, or ſhall at any Time, during the Space of One whole Year together, refuſe or neglect to act, (ſuch Death, Removal, Refuſal, or Neglect, to act, being declared at a publick Meeting), that then the ſurviving or remaining Commiſſioners ſhall and may, at a Meeting to be appointed on that Day Month next after ſuch Vacancy ſhall be declared, elect a fit Perſon or Perſons to be a Commiſſioner or Commiſſioners in the Place or Places of him or them ſo dying, removing, refuſing, or neglecting to act; and all Perſons who ſhall be ſo elected are hereby veſted with the ſame Powers for putting this Act in Execution, as the Perſons in whoſe Stead they ſhall be elected are veſted with.

Commiſſioners Names.

On Death, Refuſal, or Removal of Commiſſioners, others to be choſen.

Commiſſioners not to act if intereſted.

II. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act during the Time he ſhall hold any Office, Place of Profit, or have any Share or Intereſt in any Contract relating to the Execution of any of the Powers of this Act.

All the Powers of the Act veſted in any Number not being leſs than Five.

III. And be it further enacted, That all the Powers and Authorities by this Act granted to or veſted in the ſaid Commiſſioners, ſhall and may, from Time to Time, be exerciſed by the major Part of ſuch of them as ſhall attend at any publick Meeting of the ſaid

Commiſſioners, to be holden as herein-after mentioned, the Number of ſuch Commiſſioners preſent at ſuch publick Meetings not being leſs than Five, (except as herein-after excepted); and all Acts, Orders, and Proceedings, of the ſaid Commiſſioners ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſhall be ſigned by the Clerk at each Meeting, or at the next enſuing Meeting, and ſuch Orders ſhall then be deemed and taken to be original Orders; and ſuch Book or Books ſhall and may be produced and read in Evidence in all Courts whatſoever.

Proceedings to be entered in a Book.

IV. Provided always, and be it enacted, That no Act of ſuch Commiſſioners ſhall be valid, unleſs done or made at ſome publick Meeting to be held in purſuance of this Act, where Five or more Commiſſioners ſhall be preſent.

No Act valid unleſs done at a publick Meeting.

V. And be it further enacted, That the ſaid Commiſſioners ſhall meet at the Sun Inn, within the ſame Town and Pariſh, on that Day Sevennight next after the paſſing of this Act, between the Hours of Three and Five in the Afternoon, and afterwards at ſuch Time and Place within the ſaid Town and Pariſh as ſhall be appointed for that Purpoſe, as often as it ſhall be neceſſary for putting this Act in Execution: And if at any Meeting appointed to be held by virtue of this Act, there ſhall not appear a ſufficient Number of Commiſſioners to act, and to adjourn to another Day, or in caſe the Commiſſioners ſo aſſembled ſhall omit or neglect to adjourn themſelves; then, and in ſuch Caſe, the Clerk to the ſaid Commiſſioners, or any Two of the ſaid Commiſſioners, ſhall and may, by Notice in Writing, to be affixed at the Church Door and Market Place of the ſaid Pariſh, at leaſt Ten Days before the next Meeting, appoint the ſaid Commiſſioners to meet at the Place where the laſt Meeting was held; and the ſaid Commiſſioners ſhall, at all their Meetings, pay their own Expences.

Firſt Meeting of Commiſſioners; who may adjourn.

For want of a ſufficient Number to adjourn, publick Notice to be given of next Meeting.

Commiſſioners to pay their own Expences.

VI. And be it further enacted, That no Perſon hereafter to be elected a Commiſſioner, by virtue of this Act, ſhall be qualified or capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall, in his own Right, or in Right of his Wife, be in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear and yearly Value of Ten Pounds, Freehold or Leaſehold, ariſing within the Limits of the ſaid Town and Pariſh of Chatham; and that no Perſon who ſhall be an Inhabitant or Reſident within the ſaid Town and Pariſh of Chatham ſhall be qualified or capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be a Tenant or Occupier of Lands, Tenements, or Hereditaments, of the clear yearly Rent of Twelve Pounds, and ſhall alſo be poſſeſſed of a perſonal Eſtate to the Amount or Value of Five hundred Pounds: And if any Perſon (not being ſo qualified) ſhall act as a Commiſſioner for putting this Act, or any of the Powers herein contained, in Execution, contrary to the Intent and Meaning hereof, every ſuch unqualified Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of One hundred Pounds to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager at Law, or more than One Imparlance, ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch unqualified Perſon hath acted as a Commiſſioner in the Execution of this Act.

Qualification of future Commiſſioners.

100 *l.* Penalty for acting if not qualified.

VII. And be it further enacted, That the ſaid Commiſſioners ſhall and may, from Time to Time, at any of the ſaid publick Meetings, elect and appoint One or more Treaſurer and Clerk, Collector or Collectors; and alſo One or more Surveyor or Surveyors, and ſuch and ſo many other Officers as they ſhall find neceſſary for the Execution of this Act; and the ſaid Commiſſioners ſhall take Security as they ſhall think proper for the due Execution of their reſpective Offices; and ſhall and may, from Time to Time, remove any of the ſaid Officers at their Will and Pleaſure, and appoint others in the Room of ſuch as ſhall die, or be removed, as aforeſaid; and the ſaid Commiſſioners ſhall and may, out of the Monies ariſing, or to ariſe, by virtue of this Act, appoint and pay ſuch Salaries, Gratuities, and Allowances, as they ſhall judge reaſonable to ſuch Officers, and to all ſuch other Perſons as ſhall have been, or ſhall be employed in, or aiding and aſſiſting about, the Execution of this Act.

Commiſſioners may appoint Officers, take Security, and remove ſuch Officers, and appoint others, at their Pleaſure.

VIII. And be it further enacted, That if any Clerk, Surveyor, or other Officer or Servant, who ſhall be employed by the ſaid Commiſſioners in the Execution of this Act, or any Part thereof, ſhall forbear to do any Thing hereby or by the ſaid Commiſſioners directed to be done, or on any Account whatſoever, relative to the Execution of this Act, or ſhall any-way be concerned in Intereſt in any Bargain made, or to be made, by the ſaid Commiſſioners for any of the Purpoſes intended by this Act, every Perſon ſo offending ſhall from thenceforth for ever be incapable of being employed under this Act, and ſhall, over and above, forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, Bill, Plaint, or Information, to be commenced within Three Calendar Months after the Offence ſhall be committed, in which Action or Suit no Protection, Eſſoin, or Waget at Law, or more than One Imparlance, ſhall be allowed.

50 *l.* Penalty on Officers neglecting their Duty, *&c.*

IX. And be it further enacted, That from and after the paſſing of this Act, the Property of all the preſent and future Pavements in the Streets and Lanes within the ſaid Town and Pariſh of Chatham, as well in the Foot-ways as Carriage-ways, and of all Lamps, Lamp-irons, and Poſts, which ſhall be erected or fixed by virtue of this Act, and of all Materials, Implements, and other Things to be purchaſed for the Purpoſes of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners; and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Name or Names of any Two or more of them, or in the Name of their Treaſurer or Clerk, or other Perſon or Perſons to be appointed for that Purpoſe, or to prefer any Bill or Bills of Indictment, as the Caſe ſhall require, againſt any Perſon or Perſons who ſhall ſteal, take, or carry away, detain, ſpoil, injure, or deſtroy, any Part or Parts thereof; and the ſaid Commiſſioners ſhall have full Power and Authority to ſell and diſpoſe of

Pavements, *&c.* veſted in Commiſſioners,

who may bring Actions, and prefer Indictments.

all

Old Materials may be ſold.

all or any Part of the old Materials, to ſuch Perſon or Perſons as ſhall be willing to purchaſe the ſame; and the Money ariſing therefrom ſhall be applied to ſuch and the ſame Purpoſes, as the Monies ariſing from the Rates and Aſſeſſments, in and by this Act directed to be made, are directed to be applied.

Commiſſioners may order the Streets to be paved.

X. And be it further enacted, That from and after the paſſing of this Act, it ſhall and may be lawful to and for the ſaid Commiſſioners, from Time to Time, and at all Times, when and ſo often as the ſaid Commiſſioners ſhall think proper, to order and direct all or any of the Pavements in the High Street and Lanes adjoining, and leading into the High Street of the Town and Pariſh of Chatham aforeſaid, in being, or hereafter to be made, adjoining, and leading into and out of the ſaid High Street of Chatham in the ſaid Pariſh, or any Part or Parts thereof, as well thoſe Parts uſed by Carriages as thoſe uſed by Foot-paſſengers, from the King's Victualling Office, on both Sides of the Way, to a certain Lane called Cage Lane, in the High Street of Chatham aforeſaid, to be taken up, and the ſaid Street and Lanes to be paved, relaid, repaired, raiſed, lowered, or altered, and alſo to be cleanſed, lighted, and freed from all Annoyances, Obſtructions, Nuiſances, and Incroachments whatſoever, and proper Drains to be made for conveying the Water under Ground, or otherwiſe, when, in ſuch Manner, and as often as the ſaid Commiſſioners ſhall think fit; and the Perſon or Perſons authoriſed or directed by them to do the ſame, hath and have hereby full Power and Authority to do the ſame accordingly.

Commiſſioners may dig Gravel, &c. and employ Workmen, as they ſhall judge neceſſary.

XI. And be it further enacted, That the ſaid Commiſſioners ſhall alſo have full Power and Authority to cauſe to be dug, carted, and carried out of or brought into the ſaid Streets and Lanes, or into any of them, ſuch Gravel, Stones, and other Materials, and to employ ſuch Artificers, Workmen, Labourers, Carters, and others, and to iſſue ſuch Money on thoſe Accounts, and to do all and every ſuch Acts and Things as the ſaid Commiſſioners ſhall judge neceſſary, or conducive to the accompliſhing the Ends and Deſigns of this Act.

No Perſon to alter the Pavement.

XII. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time or Times, after the paſſing of this Act, make, or cauſe to be made, any Alteration in the Form of the Pavement of any Street or Lanes within the ſaid Town and Pariſh, without the Conſent and Approbation of the Commiſſioners, the Perſon or Perſons making, or cauſing the ſame to be made, ſhall, at his or their own Coſts and Charges, within Fourteen Days after Notice given for that Purpoſe by the ſaid Commiſſioners, or their Surveyor or Clerk, remove or take away the ſame, and put ſuch Part of the ſaid Street or Lanes, where the ſame ſhall have been made, in the ſame Form and Condition it was before the making the ſaid Alteration; and in caſe of his, her, or their Neglect or Refuſal ſo to do within ſuch Time as aforeſaid, then the Commiſſioners ſhall and may order any proper Workman or Workmen to reinſtate the ſame, and put the ſaid Street or Lanes in the ſame Form and Condition it was before, and, by Warrant under the Hands and Seals of the ſaid Commiſſioners, to levy, or cauſe to be levied, the Coſts and Charges attending the ſame, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who made, or cauſed to be made, ſuch Alteration, together with the Charges of ſuch Diſtreſs and Sale, rendering the Overplus (if any be) to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold when demanded.

Commiſſioners may make Contracts, for paving, &c.

XIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authoriſed and impowered, from Time to Time, to contract with any Perſon or Perſons for the paving, relaying, repairing, raiſing, lowering, amending, altering, cleanſing, and lighting the ſaid Streets and Lanes, within the ſaid Town and Pariſh; which Contract or Contracts ſhall ſpecify the Works to be done, and the Prices to be paid for the ſame, and the Time and Times when ſuch Works ſhall be performed and completed, and the Penalties to be ſuffered in caſe of Nonperformance thereof, and the ſame ſhall be ſigned by the ſaid Commiſſioners, and by the Perſon or Perſons contracting to perform ſuch Works; and the ſaid Commiſſioners are hereby authoriſed and impowered to pay ſuch Sum or Sums of Money for ſuch reſpective Works as they ſhall ſo contract and agree for, out of the Money to be raiſed for the Purpoſes of this Act; and all the Foot-ways, where practicable, ſhall be paved with Maidſtone Flats, Purbeck Squares, or other ſmooth Pavement, and a Kirb Stone, and the Horſe and Carriage-ways with good Kentiſh Blue Stones, or ſized Pebbles, or otherwiſe, as the ſaid Commiſſioners ſhall adjudge and ſee proper.

Old Materials to be made uſe of, making Allowance to Owners.

XIV. And be it further enacted, That ſuch of the Kentiſh Blue Stones, Pebbles, and Maidſtone Flats, now uſed in the Pavements of the ſaid Streets and Lanes in the ſaid Town and Pariſh, ſhall be relaid before the Houſe, Yard, Garden, Land, Tenement, or Hereditament, before which the ſame are now reſpectively laid, at the firſt Paving of the ſaid Streets or Lanes by the ſaid Commiſſioners, and the Owner or Owners of ſuch Houſe, Yard, Garden, Land, Tenement, or Hereditament, ſhall have all proper Allowances made to him, her, or them, for the ſame, in the Expence of ſuch Paving.

Expences of paving, &c. how to be paid.

XV. And be it further enacted, That all Charges and Expences attending the paving, maintaining, repairing, and keeping in Repair, the ſaid Streets and Lanes, by virtue of this Act, ſhall be borne and defrayed, under the Direction and Order of the ſaid Commiſſioners, by the Owner or Owners, Proprietor or Proprietors, of the ſeveral Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, lying near and adjoining to the High Street and Lanes in the ſaid Town of Chatham, in Manner and in Proportion following; (that is to ſay), The Owner or Owners, Proprietor or Proprietors, of every Houſe, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, ſhall pay for the Pavements before the reſpective Front or Fronts of his, her, or their Houſe, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, the whole Width of ſuch Front or Fronts to the Middle of the Street, Court, Lane, Way, Alley, or publick Paſſage, in or adjoining to which ſuch

Houſe, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, ſhall reſpectively ſtand, lie, or be; and the Owner or Owners, Proprietor or Proprietors, of every Corner Houſe, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, in all and every the ſaid Streets, Courts, Lanes, Ways, Alleys, or publick Paſſages, ſituate as aforeſaid, ſhall pay in equal Proportion for ſo much of the Pavement adjoining or contiguous to their reſpective Premiſes, as ſhall be ſufficient to complete the Pavement in the reſpective Streets, Courts, Lanes, Ways, Alleys, or publick Paſſages, at the Corner or Corners of which their reſpective Premiſes ſhall reſpectively ſtand, lie, or be.

Fronts of Houſes, &c. to be paved the Firſt Time by Commiſſioners.

XVI. Provided always, That the Pavement of the Fronts of all Houſes within the Limits aforeſaid, and which have been hitherto repaired by the Surveyors of the Highways, ſhall be paved for the Firſt Time by the ſaid Commiſſioners, out of the Rates to be raiſed by virtue of this Act, but ſhall, from Time to Time thereafter, be kept in Repair, at the Expence of the ſeveral Owners or Proprietors of the ſaid reſpective Houſes.

Charges of Paving, &c. to be paid by the Tenants, and to be deducted in paying their Rents.

Penalty on Neglect.

Houſes, &c. let to more than One Tenant, any One may be deemed the Occupier.

Tenants removing before Charges paid,

Premiſes to be a Security for the ſame.

Tenant paying more Money than ſhall be due for Rent, the Overplus to be made good by the Landlord.

XVII. And be it further enacted, That the Charges and Expences of Paving, and keeping in Repair, to be borne and defrayed by the reſpective Owners or Proprietors, and alſo of keeping in Repair ſuch parochial Pavement as aforeſaid, ſhall be paid to the Collector or Clerk for the Time being, appointed by the ſaid Commiſſioners, by the Tenants or Occupiers of the ſaid Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments; and ſuch Tenants or Occupiers ſhall be at Liberty, and they are hereby impowered to deduct and retain, out of his, her, or their Rent or Rents, ſuch Sum or Sums of Money as they ſhall reſpectively pay on account thereof for the reſpective Owners or Proprietors of the ſaid Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, who are hereby required to allow ſuch Deductions and Payments upon the Receipt of the Reſidue of their Rents: And if any Tenant, or Occupier of any Houſe, Building, Yard, Garden, Land, Tenement, or Hereditament, in the ſaid Town and Pariſh, ſhall neglect or refuſe to pay ſuch Charges within Ten Days after Demand thereof, by Notice in Writing under the Hand of the ſaid Collector or Clerk, to be delivered to, or left at the Dwelling-houſe of, ſuch Tenant or Tenants, Occupier or Occupiers, the ſame ſhall and may be levied on every ſuch Tenant or Tenants, Occupier or Occupiers, by Diſtreſs and Sale of his, her, or their Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Juſtice or Juſtices of the Peace acting for the Weſtern Diviſion of the ſaid County of Kent, or City of Rocheſter, in the ſaid County, (which Warrant the ſaid Juſtice or Juſtices are hereby authoriſed and required to grant upon Information on Oath of ſuch Neglect or Refuſal; which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter, without Fee or Reward), returning the Overplus (if any) of the Monies to be raiſed by ſuch Diſtreſs and Sale, after deducting all Coſts and Charges attending the ſame, to the Owner or Owners of ſuch Goods or Chattels ſo diſtrained on Demand: And where any Houſe, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, ſhall be let or demiſed to more than One Tenant or Tenants, Occupier or Occupiers, any One or more ſuch Tenant or Tenants, Occupier or Occupiers, ſhall be deemed the Tenant or Tenants, Occupier or Occupiers, for the Purpoſes of this Act; and the ſaid Charges ſhall be levied by Diſtreſs and Sale of all or any of the Goods or Chattels in ſuch Houſe, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament: And in caſe any Tenant or Tenants, Occupier or Occupiers, ſhall remove out of ſuch Houſe, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, before ſuch Charges ſhall be paid by him, her, or them; or if the Goods and Chattels of ſuch Tenant or Tenants, Occupier or Occupiers, ſhall not be ſufficient to defray ſuch Charges; or if it ſhall happen that any of the ſaid Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, in the ſaid Town and Pariſh, ſhall be untenanted at the Time the Pavements before them ſhall be begun; then, and in every ſuch Caſe, ſuch Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, ſhall be and the ſame is and are hereby made a Security for, and chargeable with, all ſuch Charges; and the ſame ſhall and may be levied by Diſtreſs and Sale, by Warrant as aforeſaid, of any Goods or Chattels which ſhall after be found in or upon the ſame Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, or of the Goods and Chattels of the Owner or Owners of ſuch Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments: And in caſe ſuch Owner or Owners ſhall neglect or refuſe to pay the ſame for the Space of Twenty Days next after the ſame ſhall be demanded of him, her, or them, by Notice in Writing under the Hand of the ſaid Collector or Clerk, to be delivered to, or left at the Dwelling-houſe, or uſual Place of Abode, of ſuch Owner or Owners, in caſe ſuch Owner or Owners ſhall then live within the ſaid Town and Pariſh of Chatham; and in caſe ſuch Owner or Owners ſhall not live within the ſaid Town and Pariſh of Chatham, then under the Hand and Seal, or Hands and Seals, of any One or more Juſtice or Juſtices of the Peace for the County, City, Borough, Town, Diviſion, or Place, where ſuch Owner or Owners ſhall reſide: And in caſe any Tenant or Tenants, Occupier or Occupiers, ſhall pay to the ſaid Collector more Money on account of the ſaid Charges than ſhall be due from him, her, or them, for the Rent of his, her, or their Houſe, Building, Yard, Garden, Land, Tenement, or Hereditament, the Overplus thereof ſhall and may be levied on the Owner or Owners of ſuch Houſe, Building, Yard, Garden, Land, Tenement, or Hereditament, by Diſtreſs and Sale of the Goods and Chattels of ſuch Owner or Owners, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Juſtice or Juſtices of the Peace for the County, City, Borough, Town, Diviſion, or Place, where ſuch Goods or Chattels ſhall be, ſuch Owner or Owners having refuſed or neglected to pay the ſame for the Space of Ten Days after Demand made thereof by ſuch Tenant or Tenants, Occupier or Occupiers, his or their Attorney or Agent, for that Purpoſe appointed.

Pariſhioners to pay for the Pavements before certain Places.

XVIII. And be it further enacted, That the Pariſhioners of the ſaid Town and Pariſh of Chatham ſhall bear and ſuſtain the Charges and Expences of paving, repairing, and keeping in Repair, the Pavements in the ſaid Streets adjoining and contiguous to the Poor-houſe for the ſaid Pariſh of Chatham, and alſo for paving, for the Firſt Time only, the Pavement before a certain Alms-houſe or Hoſpital called Sir John Hawkins's Hoſpital, in the ſaid Town and Pariſh; the Charges and Expences of maintaining and keeping in Repair the Pavement lying before the ſaid Alms-houſe or Hoſpital, called Sir John Hawkins's Hoſpital, ſhall thereafter be borne and ſuſtained by the Governors of the ſaid Alms-houſe or Hoſpital for the Time being, under the Direction and Powers of this Act; (that is to ſay), From the reſpective Fronts of the ſaid Poor-houſe, and Alms-houſe or Hoſpital, to the Middle of the Street adjoining thereto; and the Charges and Expences of repairing the Pavements lying before the ſaid Hoſpital or Alms-houſe ſhall, for the firſt Time only, be paid by the Churchwardens of the ſaid Town and Pariſh for the Time being to the ſaid Collector or Clerk; and the Charges and Expences of the Pavements adjoining to the ſaid Poor-houſe, ſhall be paid by the Overſeers of the Poor of the ſaid Pariſh of Chatham to the ſaid Collector or Clerk; and the ſeveral Charges and Expences to be paid by the ſaid Churchwardens and Overſeers of the Poor of the ſaid Town and Pariſh, ſhall be allowed to them reſpectively, in all Accounts touching their ſeveral Offices or Departments, and to all others whom it may concern: And in caſe the Churchwardens of the ſaid Pariſh of Chatham, the Governors of the ſaid Hoſpital, or the Overſeers of the Poor, or any or either of them, ſhall neglect or refuſe to pay to the ſaid Collector or Clerk the Charges and Expences hereby directed to be paid by them reſpectively for the Space of Twenty Days next after the ſame ſhall be demanded of them reſpectively, by Notice in Writing under the Hand of the ſaid Collector or Clerk, to be delivered to them reſpectively, or left at their reſpective Dwelling-houſes, or uſual Places of Abode; then, and in every ſuch Caſe, the ſaid Charges and Expences, ſo neglected or refuſed to be paid, ſhall and may be levied by Diſtreſs and Sale of the Goods and Chattels of the ſaid Churchwardens of the ſaid Town and Pariſh of Chatham, the Governors of the ſaid Hoſpital, and the ſaid Overſeers of the Poor, or of ſuch of them as by this Act is or are directed to pay the Charges and Expences ſo neglected or refuſed to be paid; and ſuch Diſtreſs ſhall be made by Warrant under the Hands and Seals of any Two or more Juſtices of the Peace acting for the Weſtern Diviſion of the ſaid County of Kent, (which Warrant ſuch Juſtices are hereby required and authoriſed to grant), and the Overplus of the Monies to be raiſed by ſuch Diſtreſs and Sale, (if any) after deducting the Charges attending the ſame, ſhall be returned to the Owner or Owners of the Goods and Chattels ſo diſtrained and ſold, on Demand.

Who ſhall be deemed Owners.

XIX. And be it further enacted, That neither the Mayor and Citizens of the City of Rocheſter, the Wardens and Commonalty of Rocheſter Bridge, the Dean and Chapter of Rocheſter, the Governors of Chatham Cheſt, the Patron and Brethren of Saint Bartholomew's Hoſpital, or any other Perſon or Perſons whomſoever, ſhall, on account of any Ground-rent iſſuing out of, or payable for, any Meſſuage, Yard, Garden, Land, Tenement, or Hereditament, in the ſaid Town and Pariſh, or on account of their Reverſion or Intereſt therein, be conſidered, deemed, taken, or adjudged to be, the Owner or Owners, Proprietor or Proprietors, of ſuch Meſſuage, Yard, Garden, Land, Tenement, or Hereditament, but the Leſſee or Leſſees of ſuch Bodies Corporate or Collegiate, Aggregate or Sole, or of ſuch other Perſon or Perſons, or their Aſſigns, ſhall, during the Exiſtence of the Term for which ſuch Meſſuage, Yard, Garden, Lands, Tenements, or Hereditaments, ſhall be demiſed, ſhall be conſidered, deemed, taken, and adjudged, for all and every the Purpoſes of this Act, to be the Owner or Owners, Proprietor or Proprietors, of ſuch Meſſuage, Yard, Garden, Lands, Tenements, and Hereditaments, and ſhall, during ſuch Term, bear and pay all Expences and Impoſitions whatſoever, by force or virtue hereof, to be borne or defrayed by the Owner or Owners, Proprietor or Proprietors, of the ſaid Meſſuage, Yard, Garden, Lands, Tenements, and Hereditaments; any Thing herein contained to the Contrary notwithſtanding.

Contracts between Landlords and Tenants not vacated.

XX. Provided always, That nothing herein contained ſhall be deemed or taken to make void any Contract, Covenant, or Agreement, between Landlord and Tenant, touching or concerning the paving the ſaid Streets and Lanes, or the keeping in Repair ſuch Pavement.

Commiſſioners impowered to [illegible] Watchmen.

XXI. And be it further enacted, That the ſaid Commiſſioners may, if they think proper, and they are hereby authoriſed and impowered, at any Time or Times after the paſſing of this Act, to appoint a competent Number of fit and able-bodied Men, not exceeding Six, to watch and patrol the ſaid Streets and Lanes, and out of the Rate or Aſſeſſment, or Monies ſo to be made and raiſed by virtue of this Act, to make ſuch Allowances to ſuch Watchmen for their Attendances and to give ſuch Orders and Directions concerning the Manner in which the ſaid Watchmen ſhall be armed and ſtationed, and for the due and regular Performance of the ſaid Service, as they the ſaid Commiſſioners ſhall judge reaſonable and expedient; and from Time to Time to remove any of the ſaid Watchmen, and to appoint others in their Stead.

and to purchaſe Lamps, &c.

XXII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby impowered and authoriſed to apply any Part of the Monies ariſing by this Act, in the purchaſing, providing, fixing, and renewing of ſuch and ſo many Lamps, of ſuch Sizes and Sorts, and ſuch and ſo many Poſts, Irons, and other Materials, for fixing thereof, as may be thought requiſite and neceſſary for the lighting all or any of the Streets and Lanes in the ſaid Town and Pariſh; and may, at any Meeting, order, direct, and cauſe ſuch Lamps to be ſet up within the ſaid Town and Pariſh of Chatham, in ſuch Manner, and in ſuch Places, and at ſuch Diſtances One from the other, as they the ſaid Commiſſioners ſhall, from Time to Time, think proper; and may alſo contract with any Perſon or Perſons, for lighting of all ſuch Lamps, at ſuch Seaſons of the Year, and at ſuch Hours in the Evening, as they ſhall think neceſſary, and may pay and apply any Part of the Monies ariſing by this Act, in Diſcharge of the Expences of lighting, cleanſing, ſupplying, and repairing the ſaid Lamps.

Perſons wilfully breaking Lamps to be committed;

and forfeit not exceeding 10 s. for each Lamp.

Any Perſon accidentally breaking Lamps, &c. to be liable for the Damage as to the Judge ſhall appear juſt;

and in caſe of Refuſal to be levied by Diſtreſs.

XXIII. And be it further enacted, That if any Perſon ſhall wilfully break, throw down, or otherwiſe damage, any of the Lamps which ſhall be erected by the ſaid Commiſſioners, or any of the Poſts, Irons, or other Furniture thereof, or ſhall extinguiſh any of the ſaid Lamps, it ſhall and may be lawful for any Juſtice of the Peace for the Weſtern Diviſion of the ſaid County of Kent, or City of Rocheſter aforeſaid, and he is hereby required, upon Oath made of the Commiſſion of any ſuch Offence, to iſſue a Warrant for apprehending the Party accuſed; or it ſhall and may be lawful for any Perſon or Perſons, who ſhall ſee ſuch Offence committed, to apprehend, as alſo for any other Perſon or Perſons to aſſiſt in apprehending the Offender or Offenders, and, by Authority oft his Act, and without any other Warrant, to deliver him, her, or them, into the Cuſtody of a Conſtable or Borſeholder, in order to be ſecured and conveyed before ſome Juſtice of the Peace acting for the Weſtern Diviſion of the ſaid County; and the Party accuſed being brought before any ſuch Juſtice, ſuch Juſtice ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear to be produced to give Information touching ſuch Offence; and if the Party accuſed be convicted of ſuch Offence, either by his, her, or their own Confeſſion, or upon Information, as aforeſaid, he, ſhe, or they, ſo convicted, ſhall forfeit and pay any Sum not leſs than Five Shillings, nor more than Ten Shillings, for each Lamp ſo broken, thrown down, damaged, or extinguiſhed, as aforeſaid, and ſhall make full Satiſfaction to the ſaid Commiſſioners, or to their Clerk, for the Damage ſo done by him, her, or them; and in caſe ſuch Offender or Offenders ſhall not, upon Conviction, pay the Forfeiture by him, her, or them, incurred, and make Satiſfaction as aforeſaid, the Juſtice, before whom ſuch Offender or Offenders ſhall be convicted, is hereby required to commit him, her, or them, to the Houſe of Correction, or common Gaol, for the ſaid County or City, there to be kept to hard Labour for any Space of Time not exceeding One Calendar Month; and ſuch Offender ſhall not be diſcharged before the Expiration of the Time for which he, ſhe, or they, ſhall be committed, unleſs ſuch Forfeiture and Satiſfaction ſhall be ſooner paid and given, One Moiety of the ſaid reſpective Forfeitures, when recovered, ſhall be paid to the Informer or Informers, and the other Moiety ſhall be applied as the Rates or Aſſeſſments to be made by virtue of this Act are directed to be applied: And if any Perſon ſhall negligently or accidentally break, throw down, or otherwiſe damage, any of the ſaid Lamps, or any of the Poſts, Irons, or other Furniture thereof, and ſhall not, upon Demand, pay to the ſaid Commiſſioners, or to their Clerk, for the Damage by ſuch Perſon done as aforeſaid, it ſhall and may be lawful for any Juſtice of the Peace acting for the Weſtern Diviſion of the ſaid County or City, and he is hereby required, upon Complaint thereof made by the ſaid Commiſſioners, or their Clerk, to ſummon the Party complained of, and, upon his, her, or their appearing, or making Default to appear, (Oath being made that the Party complained of was ſerved with ſuch Summons, or that the ſame was left at his or her Dwelling-houſe or Place of Abode, if known, or that he or ſhe could not be found), ſuch Juſtice ſhall proceed to examine the Matter of the ſaid Complaint, and, upon Proof thereof, either by the Confeſſion of the Party complained of, or by the Oath of One or more credible Witneſs or Witneſſes, ſhall award and order ſuch Satiſfaction to be made by the Party complained of for the Damage ſo by him or her done, as to ſuch Juſtice ſhall appear juſt and reaſonable; and ſhall cauſe the Sum ſo awarded, in caſe the ſame be not paid forthwith upon the making ſuch Award or Order, to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon complained of, rendering to him or her, upon Demand, the Overplus, (if any be) after the Charges of proſecuting ſuch Complaint, and of ſuch Diſtreſs and Sale, ſhall be deducted.

Commiſſioners are impowered to make Rates, annually, in *July*:

XXIV. And, for defraying the Charges and Expences attending the Execution of this Act, be it further enacted, That from and after the paſſing of this Act, One Rate or Aſſeſſment ſhall, Once in every Year, be made, laid, and aſſeſſed, by the ſaid Commiſſioners, or any Seven or more of them, upon all and every Perſon and Perſons who do or ſhall inhabit, hold, uſe, occupy, or enjoy, any Houſe, Shop, Warehouſe, or other Tenement or Hereditament, within the High Street and Lanes adjoining, and leading into and out of the High Street of the ſaid Town and Pariſh of Chatham, in ſuch Sum and Sums of Money as the ſaid Commiſſioners ſhall judge neceſſary, ſo as ſuch Rate or Aſſeſſment ſhall not exceed in the Whole Nine-pence in the Pound in any One Year, of the yearly Rent or Value of ſuch Houſe, Shop, Warehouſe, or other Tenements or Hereditaments, according to the Rack-rent, or full yearly Value thereof; and the ſaid Rate or Aſſeſſment ſhall be, and the ſame is hereby veſted in the ſaid Commiſſioners, and ſhall be by them applied for the Purpoſes of this Act; the ſaid Rate or Aſſeſſment to be made in the Month of July in each Year.

They may inſpect Poors Rates alſo;

XXV. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Perſon or Perſons by them authoriſed under their Hands for that Purpoſe, from Time to Time, to inſpect the Poors Rates of and for the ſaid Town and Pariſh, and to take Copies or Extracts therefrom, which the Overſeer or Overſeers, or other Perſon or Perſons having the Cuſtody thereof reſpectively, is and are hereby required, on producing ſuch Order as aforeſaid, to permit and ſuffer to be made and taken, without Fee or Reward; and on Refuſal thereof by the Overſeer or Overſeers, or other Perſon or Perſons, as aforeſaid, he or they ſo refuſing ſhall forfeit and pay the Sum of Five Pounds for each ſuch Offence; to be recovered and levied in Manner herein-after mentioned.

and appoint Collectors of the Rates.

XXVI. And be it further enacted, That from and after the paſſing of this Act, the ſaid Commiſſioners, or any Seven of them, ſhall and may, yearly, and every Year, and ſo often as there ſhall be Occaſion, under their Hands, nominate and appoint, and they are hereby authoriſed and impowered to nominate and appoint, One or more Inhabitant or Inhabitants, Collectors to pay over Money to the Clerk or Treaſurer.

Penalty on refuſing to execute the Office of Collector.

Inhabitants, Reſident or Reſidents, in the ſaid Town and Pariſh, to be Collector or Collectors of the Rate or Aſſeſſment; and ſhall and may, from Time to Time, as ſoon as may be after ſuch Rate or Aſſeſſment ſhall be made and confirmed as aforeſaid, iſſue their Order, under their Hands, to the ſaid Collector or Collectors for the Time being, requiring them, jointly or ſeverally, to collect and receive, as ſoon as may be, the reſpective Sums of Money expreſſed and contained in ſuch Rate or Aſſeſſment; Duplicates of which Rate or Aſſeſſment, under the Hands of the ſaid Commiſſioners, ſhall be delivered, together with the ſaid Order, to any One of ſuch Collector or Collectors reſpectively; and ſuch Collector or Collectors, to whom any Order or Orders from the ſaid Commiſſioners ſhall, from Time to Time, be directed, ſhall obey and execute the ſame in all Reſpects whatſoever; and the ſaid Commiſſioners ſhall and may, from Time to Time, as they ſhall ſee Occaſion, remove any Collector or Collectors, and appoint any others, being Inhabitants and Reſidents as aforeſaid, in their Stead; and the ſaid Collector or Collectors ſhall and are hereby required to pay the Money ſo collected and received by virtue of this Act, when, and ſo often as he or they ſhall have collected the Sum of Twenty Pounds, to the Clerk acting under the ſaid Commiſſioners, or to ſuch Perſon or Perſons as the Commiſſioners ſhall appoint to receive the ſame, to be applied for the Uſes and Purpoſes of this Act; and ſhall and hereby is and are required, at the Time of making every ſuch Payment, to deliver to the Perſon or Perſons impowered to receive the ſame a true and exact Copy or Duplicate of the Rate or Aſſeſſment whereby the ſame was collected, together with an Account thereof, and alſo of all and every Sum and Sums of Money rated and aſſeſſed in ſuch Rate or Aſſeſſment as remains uncollected, (if any ſhall be), together with the Reaſons why the ſame hath not been collected, to the End that it may appear whether the Nonpayment hath happened through the Inſolvency of the Party rated, or through the Default of the Collector or Collectors; and in caſe any Collector or Collectors ſhall refuſe or neglect to take upon him or them reſpectively the ſaid Office, or duly to execute the ſame, according to the true Intent and Meaning of this Act, every ſuch Collector or Collectors ſhall forfeit and pay the Sum of Five Pounds, and ſhall continue liable to be again appointed to the ſaid Office the Year following, or ſooner, if the ſaid Commiſſioners ſo aſſembled ſhall think fit; and in caſe of his or their Refuſal or Neglect afterwards to take upon him or them the ſaid Office, or duly to execute the ſame, he or they ſo refuſing or neglecting ſhall be again liable to the like Penalty, and in like Manner, as often as he or they ſhall refuſe or neglect to take upon him or them the ſaid Office.

Rates of Houſes let to Two or more Tenants are to be paid by them,

and deducted from their Rent.

XXVII. And whereas ſeveral Houſes within the ſaid Town and Pariſh may be, by the Landlords or Owners thereof, let out into Lodgings or Tenements to divers Tenants, whereby it may be difficult to rate or aſſeſs ſuch Houſes, and to recover ſuch Rates or Aſſeſſments when made: For Remedy thereof, be it enacted, That the ſaid Commiſſioners ſhall and may rate or aſſeſs the Landlord or Owner of any Houſe which ſhall be let to or occupied by Two or more Tenants; and ſuch Rate or Aſſeſſment ſhall be paid by One or more of the Occupiers of any Part or Parts of ſuch Houſe, who is and are hereby required to pay ſuch Sum or Sums of Money as ſhall be ſo rated or aſſeſſed upon ſuch Landlord or Owner, in purſuance of this Act, and to deduct the ſame out of his, her, or their Rent; and the Occupier or Occupiers paying ſuch Rate or Aſſeſſment, or any Part thereof, ſhall be acquitted and diſcharged of and for ſo much Money as he, ſhe, or they, ſhall have ſo paid, as if the ſame had been actually paid to the Landlord or Owner to whom his, her, or their Rent ſhall be due and payable; and every ſuch Landlord or Owner is hereby required to allow ſuch Deduction upon Receipt of the Reſidue of his or her Rent.

Rates are to be recovered by Diſtreſs and Sale.

XXVIII. And be it further enacted, That in caſe any Perſon or Perſons ſo rated or aſſeſſed, or charged or chargeable, and made liable as aforeſaid, ſhall refuſe or neglect to pay any ſuch Rate or Aſſeſſment to the Collector or Collectors for the Space of Three Days after perſonal Demand thereof made, or Demand in Writing, left at the laſt Place of Abode of ſuch Perſon or Perſons, it ſhall and may be lawful to and for any One or more Juſtice or Juſtices of the Peace acting for the Weſtern Diviſion of the ſaid County or City, upon Oath (which Oath he or they are hereby impowered and required to adminiſter without Fee or Reward) of ſuch Demand and Nonpayment, by Warrant under his or their Hand and Seal, or Hands and Seals, which he or they is and are hereby impowered and required to grant, to authoriſe and direct the ſaid Collector or Collectors to levy ſuch Rate, or Monies ſo in Arrear, together with the Coſts and Charges attending the ſame, to be aſcertained by ſuch Juſtice or Juſtices, by Diſtreſs and Sale of the Goods and Chattels of every ſuch Perſon and Perſons ſo in Arrear, and neglecting or refuſing to pay as aforeſaid, rendering the Overplus (if any be) to the Owner or Owners of ſuch Goods and Chattels, on Demand thereof being made by ſuch Owner or Owners.

Rates due on Houſes, &c. to be paid by Perſons removing from, and by thoſe who occupy the Premiſes, in proportion.

XXIX. And be it further enacted, That when any Perſon or Perſons ſhall come into and occupy any Houſe, Building, or other Premiſes aforeſaid, within the ſaid Town and Pariſh, out of or from which any other Perſon aſſeſſed towards Payment of any Rate or Aſſeſſment made by virtue of this Act ſhall have removed, every Perſon ſo removing from, and every Perſon ſo coming into, or occupying ſuch Premiſes, ſhall be liable to pay ſuch Rate or Aſſeſſment in Proportion to the Time each Perſon occupied the ſame reſpectively; and in caſe any Perſon ſhall quit his or her Houſe, Building, or other Premiſes aforeſaid, before he or ſhe ſhall have paid any Rate or proportionable Part thereof by him or her due and payable, and ſhall afterwards refuſe or neglect to pay the ſame when demanded, it ſhall and may be lawful to and for the Collector or Collectors, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Juſtice or Juſtices of the Peace for the County or Place wherein ſuch Perſon ſhall then reſide or be found, (which Warrant ſuch Juſtice or Juſtices is and are hereby required to grant, upon due Proof thereof made before him or them upon Oath), to levy ſuch Rate, or proportional Part thereof, by Diſtreſs and Sale of ſuch Perſon's Goods and Chattels, rendering the Overplus (if any be) on Demand, to the Perſon whoſe Goods and Chattels have been ſo diſtrained and ſold, after all Charges paid.

XXX. And

Churchwardens and Overſeers of the Poor deemed Occupiers of Poor-houſe.

XXX. And be it further enacted, That for the Purpoſes of this Act, the Churchwardens of the Town and Pariſh of Chatham for the Time being, and the Overſeers of the Poor of the ſaid Pariſh of Chatham for the Time being, ſhall be deemed the Owners and Occupiers of the ſaid Poor-houſe for the ſaid Pariſh of Chatham, and of every Poor-houſe and Building hereafter to be erected for the ſaid Town and Pariſh; and it ſhall and may be lawful to and for the ſaid Commiſſioners, in the ſaid Rate or Aſſeſſment ſo to be made by them as aforeſaid, to rate and aſſeſs the ſaid Churchwardens of the ſaid Pariſh of Chatham for the Time being to pay the annual Sum of Five Pounds; and the ſaid Overſeers for the Time being for the ſaid Poor-houſe, to pay the annual Sum of Five Pounds for repairing, and keeping in Repair, the Pavement before the ſaid Poor-houſe: And if any or either of ſuch Perſons ſo to be rated or aſſeſſed, ſhall neglect or refuſe to pay the ſame for the Space of Twenty Days next after Demand made thereof, by Notice in Writing under the Hand of the ſaid Collector or Collectors, to be delivered to or left at the reſpective Dwelling-houſes of him or them ſo neglecting or refuſing, the Rate or Aſſeſſment ſo neglected or refuſed to be paid ſhall and may be levied on the Perſon or Perſons hereby directed to be rated or aſſeſſed for the ſame, by Diſtreſs and Sale of his or their Goods or Chattels, by Warrant under the Hands and Seals of any Two or more Juſtices of the Peace acting for the Weſtern Diviſion of the ſaid County of Kent, (which Warrant the ſaid Juſtices are hereby authoriſed and required to grant, upon Information on Oath of ſuch Neglect or Refuſal; which Oath ſuch Juſtices are hereby impowered and required to adminiſter), returning the Overplus (if any be) to the Owner or Owners, on Demand, after all Charges paid.

Penalty on them for neglecting of Payment of Rates.

Exemption from being rated.

XXXI. Provided always, That no Perſon ſhall be rated, or pay to the Rates or Aſſeſſments which ſhall be made by virtue of this Act, upon account of any Gardens, Garden-ground, Arable, Meadow, or Paſture Ground, or for any Houſes out of the Town of Chatham, or for any Farms or Lands uſed, held, or occupied within the ſaid Town and Pariſh, except the Dwelling-houſes of ſuch Farmers as are ſituate in the High Street or Lanes of the ſaid Pariſh; any Thing herein contained to the Contrary notwithſtanding.

Tenants rated to the Pavements to be exempted from the Highway Duty or Compoſition-money;

XXXII. And whereas ſeveral Drains, Ceſſpools, Watercourſes, and Sewers, ſituate in the ſaid High Street of *Chatham*, and alſo ſeveral Parts of the Pavement of the ſaid High Street, are maintained, paved, repaired, and made good by the Surveyors of the Highways of the ſaid Pariſh of *Chatham*, at a large annual Expence: And whereas it is intended that the Monies ariſing from, or to be borrowed on the Credit of the ſaid Rate or Aſſeſſment, ſhall be appropriated to the repairing, paving, and keeping in Repair, ſuch parochial Drains, Ceſſpools, Watercourſes, and Pavements, ſituate in the High Street aforeſaid, whereby the ſaid Pariſh will be relieved and diſcharged from a very great annual Burthen and Expence; be it therefore enacted, That when and ſo often as any Owner or Owners, Tenant or Tenants, Inhabitant or Inhabitants, of any Houſe, Shop, Warehouſe, or other Tenements or Hereditaments, within the ſaid High Street, and the Lanes adjoining and leading into the High Street of the ſaid Town and Pariſh of Chatham, ſhall be rated or aſſeſſed to the paving or repairing, and keeping in Repair, the Pavements belonging to the ſaid Town and Pariſh, to repave, and keep in Repair, or to the cleanſing and lighting of the ſaid High Street, and the Lanes next adjoining to the ſaid High Street of the ſaid Pariſh of Chatham, all and every ſuch Owner or Owners, Tenant or Tenants, Inhabitant or Inhabitants, ſhall be, and they are hereby diſcharged and exempted from any Duty or Labour, or any Compoſition-money in lieu of Labour, and from the Payment of any Rate or Rates, Aſſeſſment or Aſſeſſments, that ſhall be made or demanded for the Repair of the Highways within the ſaid Town and Pariſh of Chatham; any Law, Uſage, or Cuſtom, to the Contrary notwithſtanding.

But not to excuſe other Perſons keeping Teams, *&c.* from Statute-duty.

XXXIII. Provided always, That nothing in this Act ſhall extend, or be conſtrued to extend, to excuſe any Perſon or Perſons keeping any Team, Draught, or Plough, from the Statute or Highway Duty or Labour, or Compoſition-money.

Inhabitants liable to aditional Aſſeſſment, as by Act 7 *Geo.* III.

XXXIV Provided always, and be it further enacted, That if any additional Aſſeſſment ſhall be laid upon the Inhabitants of the ſaid Pariſh of Chatham, for repairing the Highways within the ſaid Pariſh, by the Juſtices of the Peace, at their General or Quarter Seſſions of the Peace to be holden at Maidſtone, in and for the ſaid County, in purſuance of an Act of the Seventh Year of His preſent Majeſty's Reign, for the Amendment and Preſervation of the publick Highways of this Kingdom, the Inhabitants of the High Street and Lanes adjoining thereto ſhall be, and they are hereby declared to be, ſubject and liable to pay their Proportion of ſuch additional Aſſeſſment; any Thing in this Act contained to the Contrary notwithſtanding.

Certain Streets exempted until the Inhabitants are of Ability to contribute towards paving, &c.

XXXV. And whereas there are ſeveral Streets and Places called *King Street*, *Queen Street*, and *Croſs Street*, ſituate at a certain Place called *Smithfield Bank*, and alſo the ſaid Bank adjoining to the Town, and alſo ſeveral Houſes near the Church, in the Village called *Brompton*, in the ſaid Pariſh of *Chatham*, the Owners, Proprietors, and Inhabitants of which Eſtates are not of Ability to defray the Expence of new-paving, cleanſing, and lighting the ſame, under the Regulations of this Act; be it therefore enacted, That it ſhall not be lawful for the ſaid Commiſſioners appointed to put this Act in Execution to order or direct any of the ſaid Streets or Places to be new-paved or repaired, cleanſed or lighted; nor ſhall any Rate or Aſſeſſment be made by virtue of this Act for the Purpoſes of paving, repairing, cleanſing, or lighting, any Part of the Streets and Lanes on Smithfield Bank, and Places aforeſaid; any Thing in this Act contained to the Contrary thereof in any-wiſe notwithſtanding.

Proviſo.

XXXIV. Provided nevertheleſs, That if at any Time hereafter the Proprietors or Owners of the ſaid Eſtates, and Inhabitants thereof, which are exempted from being new-paved, lighted, and cleanſed, as aforeſaid, ſhall be of Ability to pave, repair, light, and cleanſe the ſame, to be determined on a Petition of the major Part of the Proprietors of Eſtates, and Inhabitants, living within the ſaid Streets and Lanes, to the Commiſſioners for executing this Act; then, and from thenceforth, ſuch particular Streets and Places ſhall be ſubject to be paved and repaired, and kept in Repair, in ſuch Manner, and by ſuch Ways and Means, as the ſeveral Streets and Lanes which are under the Direction of the ſaid Commiſſioners, can or may be paved and repaired; and for the Purpoſe of lighting and cleanſing ſuch particular Streets and Places, One Rate or Aſſeſſment ſhall be laid and aſſeſſed on all and every Perſon and Perſons who do or ſhall inhabit, hold, or occupy, any Houſes or Tenements whatſoever in ſuch particular Streets and Places, ſo as ſuch Rate or Aſſeſſment ſhall not exceed in the Whole, in any One Year, the Sum of Four-pence in the Pound, in conſideration of their Proportion of Statute-work.

Commiſſioners may borrow Money, by mortgaging the Aſſeſſment;

XXXVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, to borrow, either by mortgaging the ſaid Rate and Aſſeſſment, or on Life Annuities, any Sum or Sums of Money for the Purpoſes of this Act, not exceeding in the Whole the Sum of One thouſand five hundred Pounds; and if borrowed by Mortgage, to aſſign over, by Writing, ſigned by any Seven or more of the ſaid Commiſſioners, all or any Part of the Rate and Aſſeſſment directed to be made by virtue of this Act, as a Security for the Repayment of the Principal and Intereſt of the Money to be borrowed.

and by Annuities on Lives;

XXXVIII. And whereas many Perſons may chuſe to advance Money for the Purchaſe of Annuities, to be ſecured upon, and payable out of, the ſaid Rate and Aſſeſſment, it is hereby enacted, That it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay into the Hands of the ſaid Commiſſioners, for the Purpoſes of this Act, any Sum or Sums of Money, not exceeding in the Whole, either by Mortgage or Life Annuities, or both, the Sum of One thouſand five hundred Pounds, for the abſolute Purchaſe of One or more Annuity or Annuities, to be paid and payable during the full Term of the natural Lives of ſuch Perſons, being of the Age of Forty Years or upwards, as ſhall be nominated by or on the Behalf of ſuch reſpective Contributors, at the Time of Payment of their reſpective Contribution-monies; which Annuity or Annuities ſhall not exceed the Rate of Nine Pounds per Centum per Annum for every One hundred Pounds, and ſo in proportion for any greater or leſs Sum to be advanced and paid as aforeſaid: All which Annuities, ſo to be purchaſed, ſhall be payable and paid by the ſaid Commiſſioners, out of the Monies to ariſe by or from the ſaid Rate or Aſſeſſment, by Four equal Quarterly Payments; the Firſt Payment to be made to the reſpective Purchaſers, or their Aſſigns, at the Expiration of the Firſt Quarter after Payment of their reſpective Purchaſe-monies, the Rate whereof ſhall be ſettled and adjuſted by a publick Sale of the ſaid Annuities by the ſaid Commiſſioners, and the beſt Bidder for the ſame.

which Annuity not to exceed 9 *l. per Centum.*

If Annuitants die, any Perſon may purchaſe Annuities for their Lives.

XXXIX. Provided always, and it is hereby further enacted, That when and as often as any ſuch Aunuitants ſhall die, it ſhall and may be lawful for any Perſon or Perſons to purchaſe of the ſaid Commiſſioners One or more Annuity or Annuities, upon the Life of ſuch Perſons, and upon ſuch Terms and Conditions, and payable in ſuch Manner, as above mentioned, ſo that the Sum or Sums to be contributed for the Purchaſe of any Annuities to be granted by virtue of this Act ſhall at no One Time exceed the Sum of One thouſand five hundred Pounds.

Clerk to enter all Securities for Monies borrowed, or Annuities granted.

XL. And it is hereby enacted, That the Clerk of the ſaid Commiſſioners for the Time being ſhall enter in a Book or Books, to be provided for that Purpoſe, all Securities for Monies borrowed, or Annuities granted, by virtue or in purſuance of this Act, and all Aſſignments or Transfers thereof, expreſſing, in Words at Length, the Names, Surnames, Additions, Places of Abode, and other Deſcriptions of the Perſons for whoſe Lives the ſaid Annuities ſhall be reſpectively granted, and the Days whereon the ſaid Annuities ſhall reſpectively be payable; to which Book and Books the Perſon or Perſons intitled to and poſſeſſed of ſuch Annuities, and all and every Perſon or Perſons liable to the Payment of the ſaid Rates and Aſſeſſments, ſhall, at all ſeaſonable Times, have Acceſs, with free Liberty to inſpect the ſame, without Fee or Reward.

The Annuities ſhall not be liable to Taxes.

XLI. And it is hereby further enacted, That all and every Perſon and Perſons, who ſhall purchaſe ſuch Annuity or Annuities, and ſhall duly pay the Purchaſe monies for the ſame, at the Rates aforeſaid, and his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall have, receive, and enjoy, the reſpective Annuity or Annuities ſo purchaſed during the Term of the natural Life or Lives of the Perſon or Perſons by them reſpectively nominated at the Time of ſuch Purchaſe, and ſhall have good, ſure, abſolute, and indefeaſible Eſtates and Intereſts in the ſaid Annuities reſpectively, according to the true Tenor and Meaning of this Act; and that none of the ſaid Annuities ſhall be ſubject or liable to any Tax aſſeſſed upon Land by Authority of Parliament; and every ſuch Purchaſer ſhall, upon Payment of his or their Purchaſe-money as aforeſaid, have an Order, in Writing, for the Payment of the Annuity or Annuities ſo purchaſed by him or her, for and during the natural Life or Lives of ſuch Perſon or Perſons as ſhall be nominated by him or her, as aforeſaid, and ſhall be firm, good, valid, and effectual in Law, according to the Purport and Meaning thereof, and of this Act.

Securities may be aſſigned.

XLII. And it is hereby further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons intitled to any of the Securities aforeſaid, and his, her, or their Executors, Adminiſtrators, or Aſſigns, at any Time or Times, by Writing under his, her, or their Hand or Hands reſpectively, to aſſign or transfer ſuch Securities, by Indorſement on the Back thereof, to any Perſon or Perſons whatſoever, and ſo toties quoties; and ſuch Aſſignments or Transfers, after they ſhall reſpectively be entered by the Clerk to the ſaid Commiſſioners, in Manner aforeſaid, (which he is hereby required to do without Fee or Reward), ſhall intitle the Perſon or Perſons to whom they ſhall reſpectively be made, and his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security or Securities ſo aſſigned or transferred.

The Money borrowed on the Rates how to be charged.

XLIII. And be it further enacted, That all and every Sum and Sums of Money ſo to be advanced and lent, and the Intereſt thereof, and all and every the Annuity and Annuities ſo to be purchaſed under and by virtue of this Act, ſhall be, and they are hereby charged upon, and ſhall be paid and payable from Time to Time out of the Monies ariſing from the Rates and Aſſeſſments to be rated and aſſeſſed by virtue and for the Purpoſes of this Act; and all Perſons who ſhall be poſſeſſed of ſuch Securities, ſhall be Creditors in equal Degree, without Preference in reſpect of the Priority of his, her, or their advancing the Money thereon.

After Pavements compleated under this Act, Commiſſioners to order the ſame to be repaved on Complaint of Two Houſe-keepers.

XLIV. And be it further enacted, That if any Two Houſe-keepers within the ſaid Town and Pariſh of Chatham ſhall make Complaint, in Writing, under their Hands, to the ſaid Commiſſioners, of any Defect or Want of Repair in any of the Pavements of any of the ſaid Streets or Lanes, after the ſame ſhall have been new paved or repaired by virtue of this Act; then, and in every ſuch Caſe, the ſaid Commiſſioners, upon ſuch Complaint, or on their own View, ſhall forthwith cauſe the Pavement ſo complained of to be inſpected; and if the ſame ſhall be found defective, and ſo reported to be to the ſaid Commiſſioners, they the ſaid Commiſſioners ſhall forthwith repair, or cauſe the ſame to be repaired by their Contractor or Pavior, the Coſts and Charges whereof ſhall be paid and borne by the reſpective Owner or Owners, Proprietor or Proprietors, before whoſe Eſtate, and to whom ſuch Pavement ſhall belong; the ſame to be recovered of the reſpective Tenant or Tenants of ſuch Eſtate or Eſtates, or otherwiſe, in the ſame Manner, and by the ſame Ways and Means, as are herein-before directed for the Recovery of the Charges and Expences of firſt Paving the ſaid Streets and Lanes: And if the Contractor or Pavior to the ſaid Commiſſioners, to whom ſuch Order ſhall be given, ſhall not, within Four Days next after the Receipt thereof, repair the ſaid defective Pavements; then, and in every ſuch Caſe, the ſaid Contractor or Pavior ſhall forfeit and pay the Sum of Twenty Shillings for every Day that the ſaid defective Pavements ſhall remain unrepaired after the Expiration of the ſaid Four Days.

Signs, Spouts, &c. to be regulated, and Owners of Houſes to carry off their Water by Pipes on the Sides of the Houſes;

XLV. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe all Signs which now are, or at any Time hereafter ſhall be, placed or hung in any Part or Parts of the ſaid Streets and Lanes, to be fixed or placed on the Fronts of ſuch Houſes reſpectively whereunto the ſame ſhall belong; and alſo ſhall and may cauſe all and every Sign-irons, Sign-poſts, or any other Poſts, Pent-houſes, Spouts, Steps, Shop-windows, and Cellar-windows, and other Incroachments or Obſtructions, Projections and Annoyances, in and upon the ſaid Streets and Lanes, or any of them, to be removed, altered, and reformed, in ſuch Manner as they ſhall think fit; and ſhall and may cauſe all Water to be conveyed from the Roofs, Eaves, Cornices, and Pent-houſes, by proper and ſufficient Pipes or Trunks to be fixed to the Sides of the Houſe, Shop, Warehouſe, or other Building, whereto the ſame belongs: And in caſe the Owner or Occupier of any Houſe, Shop, Warehouſe, or other Building, in the ſaid Town and Pariſh, to which any Signs, Sign-irons, Sign-poſts, or any other Poſts, Pent-houſes, Spouts, Steps, Shop-windows, and Cellar-windows, or other Incroachments, now or may hereafter belong, ſhall not, (at the Coſts and Charges of ſuch Owner or Occupier, as the Caſe may be), within Fourteen Days after Notice in Writing ſhall be given to them reſpectively, or left at their reſpective Dwelling-houſes, under the Hands of the ſaid Commiſſioners, or under the Hand of their Clerk, or other Perſon to be appointed for that Purpoſe, remove, alter, and reform, all and every ſuch Signs, Sign-irons, Sign-poſts, or any other Poſts, Pent-houſes, Spouts, Steps, Shop-windows, Cellar-windows, and other Incroachments and Annoyances, in ſuch Manner as in ſuch Notice ſhall be expreſſed, it ſhall and may be lawful to and for the ſaid Commiſſioners to cauſe the ſame to be done, and to levy, or cauſe to be levied, the Coſts and Charges attending the ſame, by Diſtreſs and Sale of the Goods and Chattels of the Owner, Tenant, or Occupier, of ſuch Houſe, Shop, Warehouſe, or other Building, by Warrant under the Hand and Seal of One or more Juſtice or Juſtices of the Peace acting in and for the Weſtern Diviſion of the ſaid County or City, (which Warrant ſuch Juſtice or Juſtices is and are hereby required and authoriſed to grant), rendering the Overplus (if any be) when demanded, to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold; or, it ſhall and may be lawful for ſuch Tenant or Occupier to fix up Pipes and Trunks, and alſo to remove all ſuch Annoyances, Projections, and Incroachments, and to deduct and retain the Charges and Expences thereof, and alſo of any Money which ſhall or may be levied upon the Goods and Chattels of any ſuch Tenant or Occupier as aforeſaid, out of his or her Rent; and every Owner, Proprietor, or Landlord, is hereby required to allow the ſame accordingly.

or Tenants may fix Pipes, *etc.* and deduct the Charges out of their Rent.

Perſons occaſioning Nuiſances, by laying Dirt, *etc.* and Carriages ſtanding in the Road, and permitting Swine at large about the Streets,

XLVI. And, in order to prevent Annoyances and Obſtructions in the ſaid Streets and Lanes, be it further enacted, That if any Perſon or Perſons ſhall drive or place any Carriage whatſoever, or ſhall drive any Wheelbarrow, or ſhall run any Wheel, or draw any Sledge, upon the Foot-pavement within the ſaid Town and Pariſh; or ſhall throw or lay, or ſhall permit or ſuffer to be thrown or laid, any Aſhes, Dirt, Duſt, Soil, Straw, Fern, Dung, or any other Filth or Annoyance whatſoever, either upon the Carriage or Foot Pavements, in any of the ſaid Streets and Lanes within the ſaid Town and Pariſh; or ſhall careleſsly or wilfully break or damage the ſaid Pavements; or ſhall ſet out or leave, or cauſe or procure to be ſet out or left, any Carriage, Timber, Stone, Caſk, or any other Matter or Thing which may occaſion any Annoyance, Nuiſance, or Obſtruction whatſoever, in any of the ſaid Streets or Lanes, ſo as to ſtop, obſtruct, incommode, or endanger, any Perſon or Carriage paſſing therein, for the Space of Two Hours; or ſhall permit or ſuffer any Hog or Hogs to go at large in any Street, Lane, or publick Paſſage, within the ſaid Town and Pariſh; or ſhall take or carry away the Dirt, Filth, or Rubbiſh, which ſhall be in any of the ſaid Streets or Lanes, unleſs for that Purpoſe appointed by the ſaid Commiſſioners, and ſhall be thereof convicted upon the Oath of One or more Witneſs or Witneſſes; every Perſon offending in any of the Caſes aforeſaid ſhall, for every ſuch Offence, forfeit and pay to the ſaid Commiſſioners any Sum not exceeding Ten Shillings, nor leſs than Three Shillings, over and above the Coſts and Charges of ſuch Conviction.

to forfeit for every Offence not exceeding 10 s.

Perſons hooping any Caſk, &c. in any Street, &c. to forfeit, for each Offence, not exceeding 20 s.

XLVII. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall hoop any Caſk, or hew or ſaw, or cauſe to be hewed or ſawed, any Stone, Wood, or Timber; or bind, make, or repair, any Wheel; or ſhoe or bleed, clean or dreſs, or turn or drive looſe, or place, any Horſe; or wet, ſlack, or mix, any Lime, or wet, mix, or make, any Mortar; or ſhall or do aſſiſt in the making any Fire or Fires, commonly called Bonfires; or ſet fire to, or let off, or throw, any Squib, Serpent, or Rocket, or Fireworks whatſoever, in any of the Streets or Lanes within the ſaid Town and Pariſh; or ſhall ſet, place, or expoſe to Sale, or cauſe, permit, or ſuffer to be ſet, placed, or expoſed, to Sale, any Goods, Chattels, Wares, or Merchandiſes whatſoever, on the Foot or Carriage Ways of any of the Streets or Lanes in the ſaid Town and Pariſh, or any Part or Parts thereof; or hang up or expoſe any Goods, Wares, or Merchandiſes, or any Matter or Thing, ſo as to obſtruct or incommode the Paſſage of the Foot-way or Carriage-way of any Street or Lane in the ſaid Town and Pariſh; every Perſon ſo offending in either of the ſaid Caſes, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings, nor leſs than Three Shillings.

No Cart, &c. to be drawn with narrow Wheels, under the Penalty of 40 s.

XLVIII. And be it further enacted, That no Cart, Waggon, or other Carriage, ſhall be drawn upon any of the ſaid new Pavements with any other Tire, or larger Number of Horſes or Beaſts, than at ſuch Time they may lawfully paſs upon any Turnpike Road, under the Penalty of Forty Shillings for every Offence, to be paid by the Owner or Driver of every ſuch Carriage.

Foot-ways to be ſwept every Day, *Sundays* excepted.

XLIX. And be it further enacted, That every Occupier of any Houſe or Tenement within the ſaid Town and Pariſh, and (in reſpect to Houſes let to Inmates) every Houſe Owner ſhall, Once in every Day, (Sundays excepted) between the Hours of Eight and Ten of the Clock in the Forenoon of each Day, ſcrape, ſweep, and cleanſe, the Foot-way all along the Front of their reſpective Houſes or Tenements, or cauſe the ſame to be ſcraped, ſwept, and cleanſed; and in Default thereof ſhall, for every ſuch Offence, forfeit and pay any Sum of Money not exceeding Five Shillings, nor leſs than One Shilling.

Leave to incloſe before Houſes for rebuilding and repairing.

L. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or their Surveyor or Clerk, by Writing under his or their Hand or Hands, to give Liberty and Licence to any of the Proprietors or Inhabitants within the ſaid Town and Pariſh, or their Builders or Workmen, to make ſuch Incloſure before their reſpective Houſes, in order to their pulling down, rebuilding, or repairing the ſame, or any Vault, Drain, or Building, belonging thereto, and for laying the neceſſary Materials for the ſame, and the Rubbiſh ariſing therefrom; and no Perſon or Perſons, acting under Licence, and in purſuance thereof, ſhall, during the Time thereby to be limited, be ſubject or liable to any of the Penalties aforeſaid.

Commiſſioners may cauſe Houſes to be numbered.

LI. And be it further enacted, That the ſaid Commiſſioners ſhall and may cauſe every Houſe, Shop, Warehouſe, or Building, in each of the ſaid Streets, Lanes, and publick Paſſages, to be marked or numbered in ſuch Manner as they ſhall think moſt proper for diſtinguiſhing the ſame; and if any Perſon or Perſons ſhall wilfully or maliciouſly deſtroy, pull down, injure, obliterate, or deface, any ſuch Deſcription or Number, or any Part thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending, ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Shillings.

Houſes, &c. to riſe perpendicularly when built or new-fronted.

LII. And be it further enacted, That all Houſes and Buildings hereafter to be built or new-fronted in the ſaid Streets and Lanes, or either of them, ſhall, for the effectual and abſolute Prevention of all Manner of Projections, Annoyances, and Inconveniencies thereby, riſe perpendicularly from the Foundation; and if any Perſon or Perſons ſhall, at any Time or Times hereafter, preſume to build or new-front, or cauſe the ſame to be done, or riſe otherwiſe than perpendicularly from the Foundation, it ſhall and may be lawful to and for the ſaid Commiſſioners, under their Hands and Seals, to cauſe the ſame to be pulled down and removed by any Perſon, Workman, or Perſons, as they ſhall think fit, the Coſts and Charges whereof ſhall be paid and reimburſed to the ſaid Commiſſioners, or their Order, by the Owner or Owners of ſuch Houſes or Buildings, Perſon or Perſons, ordering or directing the ſame.

Penalty on obſtructing the Execution of this Act.

LIII. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time or Times hereafter, obſtruct, hinder, or moleſt, any Collector, Clerk, or Surveyor, or other Officer or Officers, Perſon or Perſons whatſoever, who are or ſhall be employed to put this Act in Execution, in the Performance or Execution of his or their Duty, every ſuch Perſon and Perſons ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Three Pounds.

Commiſſioners may dig Gravel, &c.

LIV. And be it further enacted, That, for the more effectual carrying this Act into Execution, the ſaid Commiſſioners, or any Surveyor, or other Perſon to be employed by them, or any Perſon or Perſons to be appointed or employed by ſuch Surveyor, or other Perſon, ſhall and may, and they are hereby impowered to dig for, take, and carry away, any Gravel, and other Materials, fit and proper for the paving and covering the Pevements in the ſaid Streets, Lanes, and publick Paſſages, or which they ſhall adjudge neceſſary or fitting to be uſed or and about the ſaid Streets, Lanes, and publick Paſſages, or the Pavements thereof, or for any other Purpoſe whatſoever, in the Execution of this Act, or any of the Powers and Authorities herein contained, in ſuch and the ſame Manner, and in and from ſuch and the ſame Places, as the Surveyors of the Highways are now impowered by Law to do.

Commiſſioners to widen *Globe Lane*, and pull down the *Round-about Houſe*.

LV. And whereas a certain Houſe, called *The Round-about Houſe*, is erected on the ſaid High Street, in that Part thereof which lieth in the ſaid Pariſh of *Saint Margaret*: And whereas a certain Lane, called *Globe Lane*, is very narrow, incommodious, and dangerous, and it would be greatly for the Benefit of the Publick, and of His Majeſty's Dock-yard, Ordnance, and Barracks, in particular, if ſeveral Houſes in the ſaid Lane were taken down, and the ſame laid open; and it would be alſo of publick Utility, if the ſaid Houſe, called

The Round-about Houſe, was taken down; be it therefore further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby authoriſed and impowered, at any Time or Times hereafter, when they ſhall think fit to widen the ſaid Streets and Lanes, or any Paſſage or Avenue leading into or through the ſame, to purchaſe, or contract for the Purchaſe of, any Meſſuage or Meſſuages, Lands, Grounds, or Tenements, and to pay for the ſame out of ſuch Monies as they may hereafter be ſupplied with for that Purpoſe; and it ſhall and may be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Manner of Perſon or Perſons, and Parties any Way intereſted in ſuch Meſſuages, Lands, Grounds, or Tenements, ſo contracted for or agreed to be ſold, whether Infants or of full Age, or otherwiſe, to make Conveyances thereof; which Conveyances, when made, ſhall be valid and effectual to all Intents and Purpoſes whatſoever; and all ſuch Perſons ſo conveyed are and ſhall be indemnified for what they ſhall do by virtue and in purſuance of this Act.

Eſtates may be valued by a Jury.

LVI. And be it further enacted by the Authority aforeſaid, That if any Perſon, Body Politick, Corporate or Collegiate, ſhall be willing to ſell any Eſtate for the Purpoſes of this Act, and ſhall nevertheleſs chuſe to have the Value aſcertained by a Jury, it ſhall and may be lawful to and for the Juſtices of the Peace for the ſaid County, at a General or Quarter Seſſions aſſembled, upon Application to them made by ſuch Perſon, Body Politick, Corporate or Collegiate, and they are hereby required to order and appoint the Jury, at ſuch Seſſions aſſembled, to view the Premiſes ſo to be purchaſed, and, by a Verdict, to determine the Value thereof; which Determination ſhall be final and concluſive to all Parties.

Penalties to be levied by Diſtreſs and Sale.

LVII. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed and incurred, (for the Recovery and Application whereof no particular Method is already directed), ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of any Juſtice or Juſtices of the Peace, acting in and for the Weſtern Diviſion of the ſaid County of Kent, which Warrant or Warrants the ſaid Juſtice or Juſtices is and are hereby impowered and required to iſſue upon the Information of One or more credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter without Fee or Reward); and ſuch Penalties and Forfeitures, when recovered, after rendering the Overplus, (if any be), when demanded, to the Perſon or Perſons whoſe Goods or Chattels ſhall be ſo diſtrained and ſold, the Charges of ſuch Diſtreſs and Sale being firſt deducted, ſhall go and be applied for ſuch of the Purpoſes of this Act as the ſaid Commiſſioners ſhall think fit: And, in all Actions, Proſecutions, Informations, Cauſes, and Proceedings whatſoever, relating to or concerning the Execution of this Act, any Inhabitant within the ſaid Town and Pariſh may and ſhall be admitted to give Evidence; the Rate or Aſſeſſment charged as aforeſaid upon any ſuch Inhabitant by virtue hereof notwithſtanding.

Inhabitants may be Witneſſes.

Commiſſioners may act as Juſtices.

LVIII. And be it further enacted, That every Commiſſioner, who is or ſhall be in the Commiſſion of the Peace for the ſaid County of Kent, may act as a Juſtice of the Peace for putting this Act in Execution, notwithſtanding his being a Commiſſioner.

Perſons aggrieved may appeal to the Quarter Seſſions.

LIX. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon or Perſons may, within Three Months after the Cauſe of Appeal ſhall have ariſen, appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be holden in and for the Weſtern Diviſion of the County of Kent, ſuch Appellant or Appellants firſt giving, or cauſing to be given, Twenty Days Notice at leaſt in Writing of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Treaſurer to the ſaid Commiſſioners, and, within Ten Days after ſuch Notice, enter into Recognizance before ſome Juſtices of the Peace acting within the Weſtern Diviſion of the ſaid County or City, with ſufficient Sureties, conditioned to try ſuch Appeal, and abide the Order of the Court, and to pay ſuch Coſts as ſhall be awarded by the ſaid Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices, at ſuch Seſſions, upon due Proof of ſuch Notice being given, and of the entering into ſuch Recognizance as aforeſaid, ſhall hear and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party or Parties appealing or appealed againſt as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be binding, final, and concluſive, to all Intents and Purpoſes.

Diſtreſs not illegal for want of Form.

LX. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Default or Want of Form in any Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall afterwards be done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the Special Damage in an Action on the Caſe.

Power to tender Amends.

LXI. Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for any Irregularity, Treſpaſs, or other Proceeding, if Tender of ſufficient Amends ſhall be made by or on Behalf of the Party or Parties who ſhall have committed any Irregularity, Treſpaſs, or wrongful Proceeding, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful to and for the Defendant or Defendants in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall ſee fit; whereupon ſuch Proceedings or Orders, and Judgement, ſhall be had, made, and given in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

No Conviction to be quaſhed for want of Form, &c.

LXII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or other Matter or Thing done or tranſacted in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form, or be removed by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; any Law or Statute to the Contrary notwithſtanding.

Writings to be without Stamps.

LXIII. And be it further enacted, That no Nomination, Appointment, Information, Warrant, Order, Judgement, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals, or only ſigned by any Commiſſioner or Commiſſioners conſtituted by this Act, or any Juſtice or Juſtices of the Peace, or exhibited before any of them, or under the Hand and Seal, or Hands and Seals, or only ſigned by any other Perſon or Perſons whatſoever, relating to the Execution of this Act, ſhall be chargeable with any Stamp-duty whatſoever.

Limitation of Actions.

LXIV. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Twenty Days Notice ſhall be thereof given in Writing to the Treaſurer or Clerk to the ſaid Commiſſioners, or within Six Months next after the Fact committed for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought; and every ſuch Action ſhall be brought, laid, and tried in the County of Kent, and not elſewhere; and that the Defendant or Defendants in ſuch Actions or Suits, and every of them, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which ſhall be had thereupon, and that the Matter or Thing for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by Authority of this Act: And if the ſaid Matter or Thing ſhall appear to be ſo done, or if it ſhall appear that ſuch Action or Suit was brought before Twenty Days Notice thereof given, as aforeſaid, or that ſufficient Satisfaction was made or tendered, as aforeſaid; or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County than as aforeſaid; then the Jury or Juries ſhall find for the Defendant or Defendants therein; and if a Verdict or Verdicts ſhall be found for the Defendant or Defendants, or if the Plaintiff or Plaintiffs in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant or Defendants may have for his, her, or their Coſts in any Caſe at Law.

General Iſſue.

Treble Coſts.

Expences how to be paid.

LXV. And be it further enacted, That the Charges and Expences of obtaining and paſſing this Act ſhall be paid out of the firſt Monies ariſing by this Act.

Publick Act.

LXVI. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and all other Perſons, without ſpecially pleading the ſame.

C A P. XIX.

An Act to enable His Majeſty to grant certain Houſes in *Fenchurch-ſtreet* and *Addle-ſtreet*, in the City of *London*, eſcheated to the Crown by the Death of Lieutenant-general *John Brown*, without Heir, unto *Frederick Montagu* Eſquire, and his Heirs, upon the Truſts therein mentioned.

C A P. XX.

An Act for the more effectual Proceeding againſt Perſons ſtanding mute on their Arraignment for Felony or Piracy.

Preamble.

FOR the more effectual Proceeding againſt Perſons ſtanding mute on their Arraingment for Felony or Piracy, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That if any Perſon, from and after the paſſing of this Act, being arraigned on any Indictment, or Appeal for Felony, or on any Indictment for Piracy, ſhall, upon ſuch Arraignment, ſtand mute, or will not anſwer directly to the Felony or Piracy, ſuch Perſon ſo ſtanding mute, as aforeſaid, ſhall be convicted of the Felony or Piracy charged in ſuch Indictment or Appeal; and the Court before whom he ſhall be ſo arraigned ſhall thereupon award Judgement and Execution againſt ſuch Perſon, in the ſame Manner as if ſuch Perſon had been convicted by Verdict or Confeſſion of the Felony or Piracy charged in ſuch Indictment or Appeal; and ſuch Judgement ſhall have all the ſame Conſequences, in every Reſpect, as if ſuch Perſon had been convicted by Verdict or Confeſſion of ſuch Felony or Piracy, and Judgement had been thereupon awarded.

Perſons hereafter to be arraigned for Felony or Piracy, ſtanding mute, ſhall be convicted of ſuch Felony or Piracy.

The Act to extend to *America*.

II. And be it further enacted, That the Proviſions of this Act ſhall extend to His Majeſty's Colonies and Plantations in America.

C A P. XXI.

An Act for giving Relief in Proceedings upon Writs of *Mandamus* for the Admiſſion of Freemen into Corporations; and for other Purpoſes therein mentioned.

Preamble.

WHEREAS divers Perſons, who have a Right to be admitted Citizens, Burgeſſes, or Freemen, of divers Cities, Towns Corporate, Boroughs, Cinque Ports, and Places, within that Part of *Great Britain* called *England* and *Wales*, being refuſed to be admitted thereto, have, in many Caſes, no other ordinary Remedy to procure themſelves to be admitted to the Franchiſes of being Citizens, Burgeſſes, or Freemen, than by Writs of *Mandamus*, the

Proceedings on which are very dilatory and expenſive; and although any ſuch Writ of *Mandamus* is obeyed, the Perſon applying is nevertheleſs put to great and unneceſſary Trouble, Delay, and Expence: And whereas, by the Laws now in being, in many Caſes, no Proviſion is made for giving Coſts to the Party ſuing out any ſuch Writ where the ſame is obeyed; for Remedy whereof, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of Auguſt, One thouſand ſeven hundred and ſeventy-two, where any Perſon ſhall be intitled to be admitted a Citizen, Burgeſs, or Freeman, of any ſuch City, Town Corporate, Borough, Cinque Port, or Place, and ſhall apply to the Mayor, or other Perſon, Officer or Officers, in ſuch City, Town Corporate, Borough, Cinque Port, or Place, who hath or have Authority to admit Citizens, Burgeſſes, and Freemen therein, to be admitted a Citizen, Burgeſs, or Freeman thereof, and ſhall give Notice, ſpecifying the Nature of his Claim to ſuch Mayor, or other Officer or Officers, that if he or they ſhall not ſo admit ſuch Perſon a Citizen, Burgeſs, or Freeman, within One Month from the Time of ſuch Notice, the Court of King's Bench will be applied to for a Writ of Mandamus, to compel ſuch Admiſſion; and if ſuch Mayor, or other Officer or Officers, ſhall, after ſuch Notice, refuſe or neglect to admit ſuch Perſon, and a Writ of Mandamus ſhall afterwards iſſue to compel ſuch Mayor, or other Officer or Officers, to make ſuch Admiſſion, and, in Obedience to ſuch Writ, ſuch Perſon ſhall be admitted by the ſaid Mayor, or other Officer or Officers, a Citizen, Burgeſs, or Freeman, of ſuch City, Town Corporate, Borough, Cinque Port, or Place, then ſuch Perſon ſhall, (unleſs the Court ſhall ſee juſt Cauſe to the Contrary), obtain and receive from the ſaid Mayor, or other Officer or Officers, ſo neglecting or refuſing, as aforeſaid, all the Coſts to which he ſhall have been put in applying for, obtaining, and ſerving ſuch Writ of Mandamus, and enforcing the ſame, by a Rule to be made by the Court out of which ſuch Writ ſhall iſſue, for the Payment thereof, together with the Coſts of applying for, obtaining, ſerving, and enforcing the ſaid Rule; and if the Rule ſo to be made ſhall not be obeyed, then the ſame ſhall be enforced in ſuch Manner as other Rules made by the ſaid Court are or may be enforced by Law.

After *Auguſt* 1, 1772, any Perſon intitled to be admitted a Citizen, &c. of any City, and applying to the Mayor, &c. for that Purpoſe, giving him Notice, ſpecifying the Nature of his Claim, &c. if ſuch Mayor, &c. ſhall refuſe to admit ſuch Perſon, and a *Mandamus* ſhall iſſue for compelling his Admiſſion, the Mayor to pay all Coſts.

II. And, in order that it may be known what Perſons are, from Time to Time, admitted Freemen or Burgeſſes of any City, Corporation, Borough, or Cinque Port, be it further enacted by the Authority aforeſaid, That the Mayor, Bailiff, Town-clerk, or other Officer of any City, Corporation, Borough, or Cinque Port, having the Cuſtody of, or Power over, the Records of the ſame, ſhall, upon the Demand of any Two Freemen or Burgeſſes, permit ſuch Freemen or Burgeſſes, and their Agent or Agents, at any Time whatſoever, between the Hours of Nine in the Morning and Three in the Afternoon, to inſpect the Entries of Admiſſion of Freemen, Burgeſſes, or other inferior Corporations, and to take Copies or Extracts therefrom, paying for every ſuch Inſpection Two Shillings and Sixpence; and for every ſuch Copy or Extract, not exceeding Seventy-two Words, the Sum of Four-pence; and ſo in proportion for all ſuch Copies or Extracts: And if any Mayor, Bailiff, Town-clerk, or other Officer, ſhall refuſe or deny the Inſpection of any ſuch Entries, or to give Copies or Extracts thereof, as before directed; he or they ſhall, for every ſuch Denial or Refuſal, forfeit and pay the Sum of One hundred Pounds to any Perſon who ſhall ſue for the ſame; to be recovered, with Full Coſts of Suit, by Action of Debt, in any of His Majeſty's Courts of Record at Weſtminſter; in which Action it ſhall be ſufficient for the Plaintiff to allege in his Declaration, that the Defendant or Defendants is or are indebted to the ſaid Plaintiff in the Sum of One hundred Pounds, for Money had and received to his Uſe; provided that ſuch Action ſhall be commenced within the Space of One Year after the Cauſe of it ſhall have ariſen, and not afterwards.

Freemen to be admitted to inſpect the Entries of Admiſſion, &c. and to take Copies thereof.

Mayor, Bailiff, &c. denying ſuch Inſpection, or not giving Copies thereof, ſhall, for every Refuſal, forfeit 100 *l*.

CAP. XXII.

An Act for deepening, cleaning, ſcouring, preſerving, and maintaining, the Harbour of *Ayr*; for enlarging and improving the Quays and Piers; for erecting Docks, Breaſts, Jettees, and Piers; and for regulating Ships, Lighters, and other Veſſels, trading into, and going out of the ſaid Harbour; and for other Purpoſes therein mentioned.

Preamble.

WHEREAS the Harbour of *Ayr*, in the County of *Ayr*, is not, in its preſent State, capable of receiving Ships or Veſſels of any conſiderable Burthen: And whereas the Trade of the Town of *Ayr*, and of *Newtown upon Ayr*, hath of late Years conſiderably increaſed; and the Ships and Veſſels employed in that Trade are more numerous, and of larger Dimenſions, than heretofore: And whereas it would be of great Benefit to the ſaid Trade that the Harbour of *Ayr* was cleanſed, ſcoured, deepened, and otherwiſe improved, and that Rules and Regulations were eſtabliſhed for Ships and Veſſels coming into or going out of the ſaid Harbour; but as theſe ſalutary Purpoſes cannot be obtained without the Aid of Parliament; may it pleaſe Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the Provoſt, Two Bailies, and Dean of Guild, of the Borough of Ayr, the Firſt Bailie of the Burgh of Barony of Newtown upon Ayr, the Sheriff-depute of the County of Ayr, and the Convener of the Trades of Ayr, and their Succeſſors in Office, and the Eight other Perſons after mentioned to be choſen by Ballot annually, (as herein-after provided for), to deepen, clean, ſcour, and preſerve the ſaid Harbour of Ayr, and the Improvements and Additions which ſhall be made thereto by virtue of this preſent Act, from Dirt, Mud, and other Obſtructions whatſoever; and alſo to raiſe, repair, and make ſufficient, or cauſe to be raiſed, repaired, and made ſufficient, the Dykes, Piers, Quays, and other Works, at preſent

Provoſt, Bailies, &c. empowered to deepen, clean, &c. the Harbour of *Ayr*;

preſent belonging to the ſaid Harbour of Ayr; and to alter and extend the ſame, or any Part thereof, as the ſaid Truſtees, or any Five or more of them, ſhall judge to be neceſſary, for the more effectual Improvement of the ſaid Harbour, and for ſcouring and cleanſing the Bed and Channel of the River of Ayr, from the ſaid Harbour to the Bay of Ayr; and likewiſe to build, erect, or cauſe to be built or erected, in the ſaid Harbour, Piers, Quays, Jettees, Breaſts, Dock or Docks, Lock or Locks, and other neceſſary Works, for the Improvement of the ſaid Harbour; and to fix and maintain ſuch Buoys, Moorings, Lamps, Light-houſes, and other Land-marks, as ſhall be judged neceſſary by the ſaid Truſtees, or any Five or more of them; and to do, or cauſe to be done, ſuch other and further Works as ſhall be proper and neceſſary for the Safety and Reception of Ships and Veſſels reſorting to the ſaid Harbour, and for the more convenient lading and unlading of ſuch Ships and Veſſels.

who are annually to be appointed Truſtees.

II. And be it enacted by the Authority aforeſaid, That the ſaid Provoſt, Two Bailies, and Dean of Guild of the Borough of Ayr, the First Bailie of the Borough of Barony of Newton upon Ayr, the Sheriff-depute of the County of Ayr, and the Convener of the Trades of Ayr, and their Succeſſors in Office, and the Eight Perſons before and after mentioned, (to be choſen annually by Ballot, as herein-after provided for), ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution, and for the better effecting the Ends and Purpoſes of the ſame.

What Harbour Duties are to be paid.

III. And be it further enacted by the Authority aforeſaid, That from and after the Firſt Day of June, in the Year of our Lord One thouſand ſeven hundred and ſeventy-two, it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, and ſuch Perſon or Perſons as they ſhall appoint, to demand, collect, receive, and take, (over and above all Duties at preſent ſubſiſting, and which are levied by the Magiſtrates and Town-council of the Burgh of Ayr, on Ships, Veſſels, Barks, Lighters, and Boats, coming in or going out of the ſaid Harbour of Ayr), of and from all and every the Maſters and Owners of any Ships, Veſſels, Barks, and Lighters, importing into or exporting from the Harbour of Ayr, any Kind of Goods or Merchandiſe, the Sum of Sixpence Sterling for each and every Ton which ſuch Ships, Veſſels, Barks, and Lighters, ſhall meaſure; and of and from the Maſters and Owners of Veſſels, above the Burthen of Seventy Tons, carrying out Coals, Three-pence Sterling for each Ton the ſame ſhall meaſure; and for all Veſſels, of the Burthen of Seventy Tons or under, carrying Coals outward-bound, Two-pence Sterling for each Ton; and of and from the Maſters or Owners of all Ships, Barks, and Lighters, arriving in the Harbour of Ayr, or put into the ſame by Streſs of Weather, or otherwiſe, when neither the Ship is ſold, nor any Part of the Cargo landed, Three-pence Sterling for each and every Ton.

Exemptions from Duties.

IV. Provided always, That all Ships and other Veſſels, under the Burthen of Seventy Tons, coming into the ſaid Harbour with Limeſtone, or any other Manure for the Improvement of Land, and going out in Ballaſt only, and all Veſſels or Boats of Seven Tons or under, coming into the ſaid Harbour with Fiſh, ſhall be, and are hereby declared to be, exempted from the Rates and Duties by this Act impoſed; and that all Ships and other Veſſels for which the Rates and Duties by this Act impoſed ſhall be paid on coming into the ſaid Harbour, ſhall be permitted to depart from the ſame, without paying the ſaid Rates and Duties a Second Time.

Ships and Veſſels to be meaſured;

V. And be it alſo further enacted, That the Maſters and Owners of all Ships, Veſſels, Barks, and Lighters, trading to and from the ſaid Harbour, and liable to the Payment of the Rates and Duties by this Act impoſed, ſhall permit and ſuffer the ſaid Ships, Veſſels, Barks, and Lighters, to be meaſured by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall, from Time to Time, appoint for that Purpoſe; and ſhall pay the Rates and Duties aforeſaid according to ſuch Meaſurement; and that every Owner or Maſter aforeſaid who ſhall refuſe to have his or their Ship, Veſſel, Bark, or Lighter, meaſured as aforeſaid, ſhall, for every ſuch Offence reſpectively, forfeit and pay to the ſaid Truſtees the Sum of Five Pounds Sterling.

and if the Owner refuſe, to forfeit 5*l.*

Truſtees to appoint Collectors, Receivers, and other Officers,

VI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees to nominate and appoint a Collector or Collectors, Receiver or Receivers, for levying the Rates and Duties by this Act granted, and ſuch other Officers and Servants, as they ſhall judge neceſſary to be employed under them, for carrying the ſame into Execution; and, from Time to Time, to remove ſuch Officers and Servants, or any of them, and to appoint others in their Stead; and to ſettle ſuch reaſonable Fees or Salaries for them as to the ſaid Truſtees ſhall appear to be juſt and proper: And that all and every the Collectors and Receivers of the ſaid Rates and Duties ſhall keep fair and regular Books and Accounts of all Monies received under the Authority of this Act, (which Books and Accounts ſhall be open and patent to the ſaid Truſtees at all Times when they ſhall demand Inſpection of the ſame), and ſhall pay and diſpoſe thereof in ſuch Manner as by the ſaid Truſtees ſhall be directed; and that the Collector or Collectors, Perſon or Perſons, ſo to be appointed to receive the ſaid Rates and Duties, and all and every of them, ſhall give good and ſufficient Security to the ſaid Truſtees for anſwering and paying the Monies ariſing from the ſame, and which ſhall be by him or them reſpectively collected or received, and ſhall make Oath to the Truth of his or their Accounts ſo often as required; and that it ſhall be in the Power of the ſaid Truſtees to let in Leaſe, to the beſt Bidder or Bidders, at publick Roup or Sale for that Purpoſe appointed, and advertiſed in all the Edinburgh and Glaſgow News-papers Two ſeveral Times, Fourteen Days at leaſt before ſuch Roup or Sale, the Rates and Duties aforeſaid, for any Term or Space not exceeding Three Years.

and to ſettle their Fees, *&c.*

Collectors, *&c.* to keep Books.

General Accounts of Receipts and Payments to be ſtated.

VII. Provided always, and be it further enacted, That the ſaid Truſtees ſhall, and they are hereby required, annually, at their General Meeting, which will be held on the Firſt Wedneſday of June in every Year, to make up and prepare a general State and Account of all the Receipts and Payments for the Year immediately preceding, and an Account of all the Debts and Sums of Money which they owe at the Time, and on or before the Twenty-fourth Day of the ſame Month, to affix, or cauſe to be affixed, ſuch State and

Accounts, (ſigned by the Preſes of the aforeſaid General Meeting), on One of the moſt publick and acceſſible Places within the Cuſtom-houſe of Ayr, for the Inſpection of all Perſons having an Intereſt in the ſame.

Evading the Payment of the Duties how to be prevented.

VIII. And, to prevent any Delay or Evaſion in the Payment of the Rates and Duties aforeſaid, be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of June, One thouſand ſeven hundred and ſeventy-two, there ſhall be produced to the Collector, or other Officers of His Majeſty's Cuſtoms at Ayr, by the Maſter or Owners of every Ship, Veſſel, Bark, or Lighter, coming into, or ſailing out of, the ſaid Harbour of Ayr, or liable in the Rates and Duties by this Act granted, a Receipt, or other ſufficient Voucher of the Payment of the ſaid Rates and Duties; and that, until ſuch Production be made, and the Collector or other Officers aforeſaid, ſhall be ſatisfied with the ſame, the ſaid Collector, and other Officers, ſhall not take or receive any Entry or Cocket, or other Diſcharge or Clearance, or take any Report outward of any Ship, Veſſel, Bark, or Lighter, Foreign or Britiſh, liable or ſubject to the Payment of the ſaid Rates and Duties, under the Penalty of Twenty Pounds Sterling.

Harbour Duties to be levied in caſe of Refuſal to pay them.

IX. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, and to ſuch Perſon and Perſons as ſhall be for that Purpoſe authoriſed by them, to go on Board any Ship, Bark, Lighter, or Veſſel, and to take the Dimenſions thereof; and to demand, collect, and receive from any Owner, Maſter, or other Perſon having the Charge of any Ship, Bark, Lighter, or Veſſel, the Rates and Duties by this Act impoſed, and made due and payable; and in caſe of Delay, or Refuſal of Payment, to ſeize, take, and detain, preferable to, and notwithſtanding of, an Attachment, Arreſtment, or other Right whatſoever claimable by or due to any other Perſon or Perſons, any of the Goods, Merchandiſe, Tackle, Furniture, and Apparel, of or belonging to any ſuch Ship, Bark, Lighter, or other Veſſel, and the ſame to detain and keep until the ſaid Duty and Duties be ſatisfied and paid; and that in caſe of any Neglect or Delay in the Payment of the ſaid Rates and Duties, or any of them, for the Space of Three Days after ſuch taking, ſeizing, or detaining, as aforeſaid, it ſhall and may be then lawful to and for the ſaid Truſtees, and to and for ſuch Perſon and Perſons authoriſed by them, as aforeſaid, to cauſe the ſame to be appraiſed by Two or more ſufficient Perſons; and afterwards to ſell and diſpoſe of the Goods and other Effects, ſo taken and appraiſed, and therewith to ſatiſfy the Duty and Duties ſo neglected or delayed to be paid, together with the Charge of ſuch ſeizing, taking, detaining, and ſelling, (as the ſame ſhall be aſcertained by the Sellers upon Oath), rendering to the Maſter or Owners of ſuch Ship, Bark, Lighter, or other Veſſel, or Owners of ſuch Goods, the Overplus, (if any be), on Demand.

Maſters, &c. of Ships evading the Payment of Duties to forfeit 5*l.*

X. And be it further enacted by the Authority aforeſaid, That if any Maſter, Commander, or other Perſon taking upon himſelf the Command, or appearing to be Maſter or Commander, or any Owner, Factor, or Conſignee, of any Ship, Bark, or other Veſſel, ſhall, at any Time from the Commencement of this Act, elude or avoid the Payment of any Rates and Duties hereby granted, by any Method whatſoever, every ſuch Maſter, Commander, or other Perſon aforeſaid, ſhall, for every ſuch Offence, forfeit unto the ſaid Truſtees the Sum of Five Pounds Sterling, and ſhall, notwithſtanding, ſtand charged with, and be liable to, the Payment of the ſaid Rates and Duties.

Truſtees may borrow Money.

XI. And be it likewiſe enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall and may, and they are hereby authoriſed and impowered, from Time to Time, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding at any One Time the Sum of Fifteen thouſand Pounds Sterling, and to grant, aſſign, and ſet over, the ſeveral Rates, Duties, and Tonage, given and granted by this Act, to any Perſon or Perſons whatſoever who ſhall be willing to advance and lend Money thereon, for ſecuring the Payment of the ſame, with Intereſt, reſpectively; and that the Money, ſo to be borrowed and advanced, ſhall be employed for the Ends and Purpoſes of this Act, and not otherwiſe.

Rates and Duties, after paying Expences of the Act, to be applied in improving the Harbour.

XII. And be it further enacted by the Authority aforeſaid, That all and every Sum and Sums of Money which ſhall be levied and received from the Rates and Duties aforeſaid, and which ſhall be recovered for Forfeitures incurred under and by virtue of this Act, ſhall, by the ſaid Truſtees, (after paying the Expence of this Act), be applied for and towards the deepening, clearing, ſcouring, enlarging, and improving, maintaining, and cleaning, the Harbour of Ayr, from all Dirt and Mud, and other Obſtructions whatſoever, and for keeping and preſerving the ſame clean; and for and towards making, erecting, building, and finiſhing, ſuch Docks, Piers, Quays, and Jettees, and other Works, in the Manner directed, appointed, and provided by this Act; and for executing and performing all neceſſary Works, and paying the Officers and Servants to be employed in and about, or concerning the ſame, and towards the Payment and Diſcharge of ſuch Sum and Sums of Money as ſhall be borrowed by the ſaid Truſtees upon the Credit of the ſaid Rates and Duties, in Manner as herein-before mentioned, and to no other Uſe or Purpoſe whatſoever.

Truſtees, at General Meetings, impowered to elect a Water Bailiff and Shore Maſter.

XIII. And whereas it will tend greatly to the Improvement of the ſaid Harbour, and to the Accommodation of the Publick, that the ſaid Truſtees had Power and Authority to nominate and appoint a Water Bailiff and Shore Maſter for taking Care of, and ſuperintending the ſaid Harbour, and the Docks, Piers, Quays, and other Works already made and to be made by virtue of this Act, within the ſame; and that the ſaid Truſtees, and the Water Bailiff and Shore Maſter, and Officers appointed by them the ſaid Truſtees, had Power and Authority to remove, after reaſonable Notice to the Perſon or Perſons immediately intereſted, all unneceſſary Obſtructions within the ſaid Harbour and Docks, and upon the Piers and Quays belonging to the ſame; and to order and regulate, with reſpect to the Stations and Places of Mooring of the Ships and other Veſſels within the ſaid Harbour and Docks, and with reſpect to the Time of Continuance upon the ſaid Docks, Piers, Quays, and others aforeſaid, of Goods and Merchandiſe, or others whatſoever; and to make ſuch other Bye-laws, Orders, and Regulations, for the better Government and Management of the ſaid Harbour, as to them the ſaid

Truſtees ſhall ſeem meet and expedient; be it therefore further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, in General Meetings aſſembled, ſhall have Power, and they are hereby impowered and authoriſed, from Time to Time, and at all Times, as they ſhall ſee Occaſion, to elect, nominate, and appoint a Bailiff and Shore Maſter for the Care and ſuperintending of the ſaid Harbour, and the Docks, Piers, Quays, and other Works within the ſame; and to change and remove ſuch Bailiff and Shore Maſter, and to appoint others in his or their Stead, under ſuch Orders, Conditions, and Regulations, as to the ſaid Truſtees, or any Five or more of them, at General Meetings aſſembled, as aforeſaid, ſhall ſeem proper and neceſſary.

Ships unſerviceable not to lie in the Docks, Piers, &c.

XIV. And be it alſo enacted by the Authority aforeſaid, That any Ship, Bark, Lighter, Boat, or Veſſel, which ſhall be laid by as unfit for further Sea Service, or neglected by the Owner, ſhall not be permitted to be and remain in any of the Docks, Piers, and Quays, erected within the ſaid Harbour, ſo as to incumber the ſame; but that, in every ſuch Caſe, it ſhall and may be lawful to and for the Water Bailiff or Shore Maſter, nominated by the ſaid Truſtees for the ſaid Harbour, immediately to cauſe ſuch Ship, Bark, Lighter, Boat, or Veſſel, ſo unſerviceable or neglected, to be, at the Expence of the Owner or Owners of the ſame, removed from the ſaid Docks, Quays, and Piers, or any of them, and to lay the ſaid Ship or other Veſſel on any Part of the ſaid River of Ayr, or upon the Strand or Sea Shore within the High Water Mark, or any other Place of Safety without the ſaid Harbour, and there to moor ſuch Ship or other Veſſel; and that, on or before Demand of Payment is made by ſuch Water Bailiff or Shore Maſter from the Owner or Owners, Maſter or Agents, of ſuch Ship, Bark, or other Veſſel, of the Charge of removing and mooring ſuch Ship, Bark, or other Veſſel, as aforeſaid, ſuch Charges and Expences ſhall be firſt ſeen and allowed by the Provoſt, or One of the Bailies of the ſaid Borough of Ayr, for the Time being: And that, in caſe of Refuſal or Neglect of Payment of ſuch Charges and Expences, allowed as aforeſaid, for the Space of Five Days after a Demand ſhall be made; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Water Bailiff or Shore Maſter to levy ſuch Expences by Diſtreſs and Sale of ſuch Ship, Bark, Lighter, Boat, or other Veſſel, or any of her Tackle, Apparel, or Furniture, or any Part thereof, rendering the Overplus, if any there be, (after deducting the Charge of taking, keeping, and Sale of ſuch Diſtreſs), to the Owner or Owners, Maſter, Factor, or Agent, of ſuch Ship, Bark, Lighter, Boat, or Veſſel, whenever the ſame ſhall be demanded.

Goods, &c. remaining on the Wharfs above a certain Time,

XV. And be it alſo enacted by the Authority aforeſaid, That it ſhall not be lawful to, and in the Power of, any Perſon or Perſons who ſhall have landed, and cauſed to be landed, and laid, any Goods or Merchandiſe, Timber, Wood of any Kind, Maſts, Yards, Pumps, Boats, Anchors, Cables, Caſks, Guns, Ballaſt, Paving-ſtones, Lime-ſtones, Slates, Soapers Waſte, Dung, or Manure, or any other Thing, (other than Materials for the neceſſary Repair of the Docks, Piers, and Quays before mentioned, and for immediate Uſe in Shipping), upon any of the Docks, Piers, and Quays, or Landing-places, within the ſaid Harbour, or in any of the adjacent Streets and Avenues leading to the ſaid Docks, Quays, and Piers, or any of them, to continue or permit the ſame, or any Part thereof, to remain and lie thereon for any longer Time than Forty-eight Hours: And that in all Caſes where the ſaid Goods, or others aforeſaid, ſhall have ſo continued beyond the Space of Forty-eight Hours, it ſhall and may be lawful to and for the ſaid Water Bailiff or Shore Maſter for the Time being, to remove, or cauſe to be removed, all ſuch Goods and other Things as he ſhall ſo find lying, continuing, and being on the ſaid Docks, Quays, and Piers, and other Places, above the ſaid limited Time, to ſome Place or Places of Safety, and therein to detain and keep the ſame till Payment of the Charges of ſuch Removal and Detention, and of ſuch Conſideration beſides, to the ſaid Officers, for their Trouble in and about the ſame, as the Provoſt, or One of the Bailies of the ſaid Borough of Ayr, ſhall think reaſonable: And if ſuch Charges and Expences ſhall not be paid within the Space of Five Days after Demand made thereof by the ſaid Water Bailiff or Shore Maſter; then, and in every ſuch Caſe, he and they reſpectively are hereby authoriſed and required to levy the ſame by Diſtreſs and Sale of the ſaid Goods and Chattels ſo reſpectively ſecured, and to render the Overplus, if any be, to the Owner or Owners of ſuch Goods, Merchandiſe, and others aforeſaid, (the Charges of taking, keeping, and making the Sale, being deducted and allowed) whenever the ſame ſhall be demanded.

Officers to remove them at the Expence of the Owners.

Truſtees may hire Warehouſes.

XVI. And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall and may, and they are hereby authoriſed and impowered, out of any of the Rates and Duties aforeſaid, to rent or hire, by the Year, or otherwiſe, any convenient Warehouſe, Yard, or other Place, for the receiving and ſafe-keeping or lodging of ſuch Goods, and other Things, ſo to be removed from off the Quays and other Places as aforeſaid, or to incloſe, erect, or build, any ſuch Yard, Warehouſe, or other Buildings, on their own Ground, or on Ground to be purchaſed by them, as to them ſhall ſeem moſt meet and fitting.

Gunpowder, and other combuſtible Matter, not to remain on Quays or Piers above a certain Time,

unleſs proper Perſons be appointed to guard them, or forfeit 10*l*.

XVII. And be it further enacted by the Authority aforeſaid, That no Gunpowder, Tar, Pitch, Roſin, Hemp, Flax, Faggots, Furze, Brandy or other Spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Greaſe, Shavings of Wood, or other ſuch combuſtible Things, ſhall be ſuffered to be and remain on the Docks, Quays, and Piers aforeſaid, already conſtructed, or hereafter to be conſtructed, within the ſaid Harbour of Ayr, or in any Part thereof, or upon the Deck of any Ship or Veſſel in the ſaid Docks, Piers, and Quays, lying in the Harbour aforeſaid, for above the Space of Twenty-four Hours next after paſſing the Cuſtom-houſe Officers: And that in caſe ſuch Goods and Things cannot be conveniently removed or got off from ſuch Docks, Quays, Place or Places, by Day-light; that then, and in every ſuch Caſe, the Owners of ſuch Goods and Things ſhall be obliged, and are hereby required to ſet and maintain, at their own Expence, a ſufficient Number of careful, diſcreet, and ſober Perſons, to guard and watch over the ſame, for ſuch and ſo many Hours, according to the Seaſon of the Year, as the ſaid Water Bailiff or Shore Maſter ſhall ſignify and appoint: And in caſe the Owner or Owners of ſuch Goods and other Things, or the Maſter or Maſters of Ships, Barks, or other Veſſels, ſhall make Default herein, every ſuch Owner or Owners, Maſter or Mate, ſhall forfeit and pay, for every ſuch Offence, the Sum of Ten Pounds Sterling.

Ships, &c. may be removed from one Birth to another.

XVIII. And be it alſo enacted by the Authority aforeſaid, That the ſaid Truſtees, or the ſaid Water Bailiff or Shore Maſter of Ayr for the Time being, or ſuch other Perſon or Perſons as they ſhall authoriſe and appoint, ſhall and may, and he and they are hereby authoriſed and impowered, when and ſo often as he or they ſhall judge neceſſary, to remove, or cauſe to be removed, any Ship, Veſſel, Bark, Lighter, or Boat, lying in any of the Entrances or Paſſages of the ſaid Harbour of Ayr, or at any Dock, Quay, Pier, and Breaſt, already built, or hereafter to be built, by virtue of this Act, or in any other Part of the ſaid Harbour, from the Birth or Lying-place at which they ſhall reſpectively happen to be ſtationed or moored at the Time, to any other Birth or Lying-place, as he or they ſhall think proper: And in caſe the Maſter, Mate, or any other Perſon, having and taking the Command and Charge of the ſaid Ship, Veſſel, Bark, Lighter, or Boat, ſhall, after Notice given him in Writing, or left in Writing on Board the Ship or Veſſel intended to be moved, Twelve Hours before the Time of Removal, by the ſaid Truſtees, or by the ſaid Water Bailiff or Shore Maſter, or ſuch other Perſon or Perſons as the ſaid Truſtees ſhall appoint, neglect or refuſe to move, or cauſe to be removed, during the firſt High Water or Tide after ſuch Notice, ſuch Ship, Veſſel, Bark, Lighter, or Boat, from her ſaid Birth to ſuch other Birth or Mooring-places as are or ſhall be appointed unto them by the ſaid Truſtees, Water Bailiff, or Shore Maſter, or any other Perſon authoriſed by the ſaid Truſtees, that then the ſaid Truſtees, or the Water Bailiff or Shore Maſter, or any other Perſon or Perſons they ſhall order or appoint, ſhall have Power, and are hereby directed and impowered, immediately after ſuch Notice, Neglect, or Refuſal, to remove, or cauſe to be removed, ſuch Ship, Veſſel, Bark, Lighter, or Boat, lying as aforeſaid, from their preſent Birth and Mooring-place to ſuch other Births or Mooring-places, as the ſaid Truſtees, or Water Bailiff or Shore Maſter, or other Perſon or Perſons aforeſaid, ſhall judge proper; and that the Maſters, Commanders, Owners, and Conſignees, of ſuch Ship, Veſſel, Bark, Lighter, and Boat, ſo to be removed as aforeſaid, ſhall reſpectively pay to the ſaid Truſtees all ſuch Coſts and Charges as ſhall be reaſonably expended in removing ſuch Ship, Veſſel, Bark, Lighter, or Boat; to be recovered, levied, and applied in like Manner as the Forfeitures and Penalties impoſed by this Act are herein-after ordered to be recovered, levied, and applied: And that every Maſter, Commander, Mate, or other Perſon, taking upon himſelf the Command of any Ship, Veſſel, Bark, Lighter, or Boat, or the Owner, Factor, Conſignee, or Agent, or other Perſon or Perſons whatſoever, who ſhall obſtruct or hinder the Removal of any ſuch Ship, Veſſel, Bark, Lighter, or Boat, ſhall, for every ſuch Offence, forfeit the Sum of Twenty Pounds Sterling.

Maſters, &c. refuſing to remove Ships, &c. after proper Notice, to forfeit 20 *l.*

Veſſels coming into the Harbour in Diſtreſs to have the Preference as to the Birth and Diſcharge;

XIX. And be it further enacted by the Authority aforeſaid, That in caſe any Ship or Veſſel ſhall arrive or come into the ſaid Harbour of Ayr in Diſtreſs, or meet with any Misfortune in the Bay of Ayr, or in the Harbour aforeſaid, it ſhall and may be lawful to and for the Provoſt, or any One of the Bailies of the ſaid Burgh of Ayr, upon a Petition to him in Writing, by the Maſter, Commander, or Owner of any ſuch Ship or Veſſel, or Owner of any Goods on board of ſuch Ship or Veſſel, and upon Proof being made before him of ſuch Diſtreſs, to give a Preference to ſuch Ship or Veſſel, being in Diſtreſs as aforeſaid, both as to the Births at the Docks, Piers, and Quays, and as to the Courſe of diſcharging, to any other Ship or Veſſel arrived before her in the Harbour aforeſaid; and that every Maſter or Commander of any Ship or Veſſel, lying within the Harbour of Ayr, who ſhall refuſe or delay to comply with the Order of the ſaid Provoſt, or Bailie, in favour of the Ship or Veſſel in Diſtreſs as aforeſaid, ſhall forfeit the Sum of Twenty Pounds Sterling; to be levied and applied in the Manner hereafter directed.

or the Maſter ſo refuſing to forfeit 20 *l.*

Maſters of Veſſels to lower the Sails before they enter the Docks, or forfeit 5 *l.*

XX. And be it further enacted by the Authority aforeſaid, That the Captain, Maſter, or Commander of every Ship, Sloop, or other Veſſel, that ſhall go in at or through the Gates of the ſaid Docks, ſhall, before ſuch Ship, Sloop, or other Veſſel, ſhall enter the ſame, lower or take down her Sails, ſo that ſuch Ship, Sloop, or other Veſſel, ſhall not go in ſailing or under Sail; and that every Captain, Maſter, or Pilot, taking the Care or Command of every ſuch Ship, Sloop, or other Veſſel, neglecting to lower or take down the ſame as aforeſaid, ſhall, for every ſuch Offence, forfeit to the Truſtees, the Sum of Five Pounds Sterling.

Ballaſt, &c. not to be thrown into the Harbour, or forfeit 40 *s.*

XXI. And be it enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of June, One thouſand ſeven hundred and ſeventy-two, it ſhall not be lawful to any Perſon or Perſons to throw or empty any Ballaſt, Duſt, Aſhes, or Rubbiſh, Shingle, Stones, or other Things, into the ſaid Harbour, or to dig and take away any Ballaſt, Shingle, Stones, or other Things, from within the ſame, to the Hurt or Prejudice of the ſaid Harbour, or of the Works erected, or to be erected, for the Security and Accommodation of the ſame, or to do any other Act or Deed to prejudice or annoy the ſame, or any Part thereof, under the Penalty of Forty Shillings Sterling for every ſuch Offence.

Ballaſt thrown on the Quays to be removed immediately, or forfeit 40 *s.*

XXII. And be it further enacted by the Authority aforeſaid, That ſuch Perſon or Perſons who ſhall or may hereafter have Occaſion to throw or caſt out any Ballaſt from out of any Ship or other Veſſel, upon any Dock, Quay, Pier, or Breaſt, or other Place in or about the ſaid Docks, Quays, Piers, or Breaſts, or other Works made, or to be made, as before mentioned, belonging to the ſaid Harbour, ſhall not ſuffer the ſame to be and remain on the ſaid Docks, Quays, Piers, Breaſts, or other Places, but ſhall immediately after, cart and carry away, or cauſe the ſame to be carted and carried away, to ſuch Place or Places, as the Water Bailiff or Shore Maſter aforeſaid

ſaid ſhall for ſuch Purpoſes provide and appoint, on Pain of forfeiting, for every ſuch Offence, Forty Shillings Sterling.

Maſters of Veſſels made anſwerable for Damages done by their Crews.

XXIII. And be it enacted by the Authority aforeſaid, That the Maſter or Owner of any Ship, Bark, Lighter, Boat, or other Veſſel, lying or trading in the Harbour of Ayr, ſhall be, and is hereby made anſwerable to the ſaid Truſtees, for the Amount or Value of any Damage or Miſchief that ſhall be done by any of the Servants, Boatmen, Bargemen, or Watermen, on board the ſame, to any of the Docks, Piers, Quays, Breaſts, or other Works, already conſtructed, or that ſhall be conſtructed, by virtue of this Act, with full Coſts of Suit; and that ſuch Damages and Coſts ſhall be ſued for and recovered in Manner herein-after directed.

Water Bailiff and Shore Maſter to inſpect the State of the Harbour.

XXIV. And be it enacted by the Authority aforeſaid, That the Water Bailiff or Shore Maſter, nominated and appointed by the ſaid Truſtees for the ſaid Harbour of Ayr, ſhall be, and he or they is and are hereby authoriſed and required, from Time to Time, and at all Times after the paſſing of this Act, carefully to inſpect into the State of the ſaid Docks, Piers, Quays, Breaſts, and other Places within the ſaid Harbour, and to prevent, as far as his or their Power ſhall extend, any Offences made puniſhable by this Act from being committed; and that in caſe of any wilful Neglect or Default therein, the ſaid Water Bailiff or Shore Maſter reſpectively ſhall forfeit and pay Twenty Shillings Sterling for each and every ſuch Offence.

Fines and Forfeitures above 5*l.* how to be recovered and applied.

XXV. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to the ſaid Truſtees, or any Collector to be appointed by them for receiving any Part of the Rates and Duties granted by this Act, to proſecute and recover the ſeveral Fines, Penalties, Forfeitures, Damages, and Coſts of Suit, by this preſent Act impoſed, in all ſuch Caſes where the Sum to be recovered ſhall amount to Five Pounds Sterling or upwards, by Action, Bill, Complaint, or Information, within Six Months after ſuch Offence is committed, before Two or more Juſtices of the Peace of the County of Ayr, or any other Judge competent for civil Actions within whoſe Juriſdiction the Offender or Offenders ſhall reſide or be apprehended; and that the ſaid Juſtices of the Peace, or other Magiſtrate aforeſaid, ſhall, and they are hereby impowered and required to proceed to the Trial of ſuch Offences in a ſummary Way; and, upon Conviction of the Offender or Offenders, by their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, to award and give ſuch Orders, Judgements, and Decrees, as to them ſhall ſeem moſt agreeable to the true Intent and Meaning of this Act; and that in Default of Payment of the ſeveral Fines, Penalties, Forfeitures, Damages, and Coſts of Suit herein-before enacted, which ſhall be awarded and ordered by the ſaid Magiſtrates, the Perſon or Perſons which ſhall be convicted of any of the Offences before deſcribed, ſhall and may be ſent by them to the Priſon, or Houſe of Correction, neareſt to the Place where the Offender or Offenders ſhall be apprehended, and there to be kept to hard Labour for ſuch Time, not exceeding Six Months, as ſuch Magiſtrate or Magiſtrates ſhall direct; and that the whole Fines, Penalties, and Forfeitures aforeſaid, which ſhall be recovered by the ſaid Truſtees, or their Collectors, as aforeſaid, after Deduction of the neceſſary Charges of recovering the ſame, ſhall be applied for and towards the building, making, erecting, maintaining, and repairing the Work or Works aforeſaid, and to no other Uſe or Purpoſe whatſoever.

Other Fines, *etc.* how to be recovered.

XXVI. And be it further enacted by the Authority aforeſaid, That every other Penalty, Fine, and Forfeiture impoſed, and which ſhall be incurred by virtue of this Act, and not amounting to the Sum of Five Pounds Sterling, ſhall and may be ſued for, and recovered by the ſaid Truſtees, or any Collector appointed by them, before the Provoſt, or One of the Bailies, of the Borough of Ayr, or any One Juſtice of Peace within whoſe Juriſdiction the Offender or Offenders before mentioned ſhall be apprehended or reſide for the Time, by Action, Bill, Complaint, or Information, made in that Behalf, within Six Months after ſuch Offence ſhall have been committed; and that the ſaid Provoſt, Bailie, or Juſtice of Peace aforeſaid, ſhall have Power, and he and they is and are hereby impowered and required to proceed to the Trial of ſuch Offences ſummarily; and, upon Conviction of the Offender or Offenders in any of the Ways before mentioned, to give ſuch Orders, Judgements, and Decrees, as to him or them ſhall ſeem moſt agreeable to the true Intent and Meaning of this Act; and in Default of Payment of the ſeveral Fines, Forfeitures, and others laſt-mentioned, ſo to be awarded by the ſaid Provoſt, Bailie, or Juſtice of the Peace, the Perſon which ſhall be convicted as aforeſaid ſhall and may be ſent by the ſaid Provoſt, Bailie, or Juſtice of the Peace, to the neareſt Priſon, or Houſe of Correction, for ſuch Time as the ſaid Judges ſhall direct, not exceeding Three Months; and that the ſaid pecuniary Penalties, not exceeding Five Pounds Sterling, after Deduction of the neceſſary Charges of recovering the ſame, ſhall be applied, One Half thereof to the Uſe of the Informer, and the other Half to the repairing and maintaining of the ſaid Harbour of Ayr.

Penalties may be mitigated.

XXVII. Provided always, That it ſhall and may be lawful to and for the ſaid Juſtices of the Peace, Provoſt, Bailie, and other Judges aforeſaid, or any of them, by whom ſuch Judgement, Sentence, or Determination, ſhall be given, pronounced, or made, from Time to Time, where they ſee Cauſe, to mitigate, compound, or leſſen, any of the Penalties or Forfeitures aforeſaid, as he or they, in his or their Diſcretion, ſhall think fit, ſo as ſuch Mitigation or Compoſition do not extend to remit above One Moiety of the Penalty inflicted and directed to be levied by this Act; and that every ſuch Mitigation or Compoſition ſhall be a ſufficient Diſcharge for the Perſons offending reſpectively, for ſo much of the ſaid Penalties and Forfeitures as ſhall be ſo mitigated, leſſened, or remitted.

Truſtees impowered to open Stone Quarries, and dig for Sand, *etc.* in waſte Grounds;

XXVIII. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or their Deputies, Agents, Officers, and Servants, to open Stone Quarries, Sand, Clay, and Gravel Pits, and to dig, take, gather, and carry away, from ſuch Quarries and Pits, any Stone, Sand, Gravel, Clay, and other Materials, in and out of any waſte or Common Grounds lying within Two Miles of the ſaid Harbour of Ayr, for carrying on, executing, and repairing, the ſeveral Docks, Piers, Quays, and Breaſts, and other Works already built in the ſaid Harbour, or authoriſed to be built, by virtue of this Act, without paying any Thing for ſuch waſte and common Ground, opened and uſed as aforeſaid, the ſaid Truſtees being obliged, at their own Expence and Charge, to fill up and level all ſuch Holes and Pits which ſhall be made in ſuch common or waſte Ground, by quarrying, digging, and carrying away, Stone, Sand, Gravel, Clay, and other Materials aforeſaid, as ſoon as they ſhall have no further or immediate Uſe for the ſame: And that in caſe the ſaid Truſtees ſhall judge it improper and inconvenient to open, dig, and carry away Stones and Gravel, Clay, and other Materials, from the waſte or common Ground, and that ſufficient Materials for the Purpoſes aforeſaid cannot eaſily be got from the ſame, that then it ſhall and may be lawful to and in the Option of the ſaid Truſtees, their Deputies, Agents, Officers, or Servants, to open, quarry, and dig ſuch Stones, Sand, Gravel, Clay, and other Materials aforeſaid, and to carry the ſame in and out of the Grounds of any Perſon or Perſons, within Two Miles of the ſaid Harbour of Ayr, (not being Ground on which ſtands any Houſes, Garden, Orchard, planted Walk or Walks, or Avenue to a Houſe, where ſuch Materials are or may be found, and, from Time to Time, to cauſe the ſame to be carried off, or ſo much thereof as the ſaid Truſtees, and their Deputies, Agents, Officers, and Servants, ſhall judge neceſſary for the Purpoſes aforeſaid, and for keeping the ſaid Works in good Order and Repair, the ſaid Truſtees making reaſonable Satiſfaction for the Damage done to the Surface of the ſaid Grounds, and for the Value of the ſaid Stones, Sand, Gravel, Clay, and other Materials, which ſhall be ſo carried out of the ſaid Grounds, to the Proprietors, Liferenters, Tackſmen, and other Parties intereſted in ſuch Grounds, to which ſuch Damage ſhall be done or occaſioned, or Materials taken away, in Manner aforeſaid.

and, for want of ſufficient Materials in Commons, private Grounds may be uſed,

making Satiſfaction to Owners.

Roads may be made to the Harbour through common or private Grounds, &c.

XXIX. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, and their Deputies, Agents, Officers, and Servants, to make, uſe, and maintain, Roads from the ſaid waſte and common Ground, or other Grounds aforeſaid, opened for quarrying and digging Stones, Sand, Gravel, Clay, and other Materials, from the ſaid Pits and Quarries ſo to be opened as aforeſaid, directly to the Harbour of Ayr, and to make the ſame through any Grounds belonging to any Perſon or Perſons whatſoever, (not being the Grounds on which ſtands any Houſe, or any Garden, Orchard, Walk or Walks planted, or Avenue to any Houſe), the ſaid Truſtees making reaſonable Satiſfaction for the Damage done to the Ground through which the ſaid Road or Roads paſs to the Proprietor, Liferenter, Tackſman, and other Parties concerned and intereſted in ſuch Grounds, to which Damage ſhall be done or occaſioned as aforeſaid.

Perſons wilfully deſtroying any of the Works to be adjudged guilty of Felony, and may be tranſported.

XXX. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever ſhall, after the paſſing of this Act, maliciouſly, wilfully, or wantonly, demoliſh, break down, deſtroy, or ſet on Fire, any of the Docks, Locks, Jettees, Piers, Quays, Breaſts, Gates, Bridges, Land-marks, or Buoys, or any Lights or Light-houſes, or other Works, conſtructed, or to be conſtructed, in or belonging to the ſaid Harbour of Ayr, or ſhall maliciouſly, wilfully, or wantonly, extinguiſh or put out any of the Fires or Lights uſed in the ſaid Light-houſes, and others aforeſaid; every ſuch Perſon or Perſons ſo offending ſhall be adjudged guilty of Felony, and the Court and Courts by and before whom ſuch Perſon or Perſons ſhall be indicted and tried, ſhall and have hereby Power and Authority to tranſport ſuch Felon or Felons for the Space of Seven Years, in like Manner as other Felons are directed to be tranſported by the Laws and Statutes of this Realm.

Truſtees at a General Meeting, may make Bye-laws, &c.

XXXI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, at any Time or Times hereafter, in General Meetings aſſembled, to make, ordain, and eſtabliſh, ſuch Orders, Rules, and Bye-laws, for the better deepening, clearing, cleanſing, and keeping in Repair the ſaid Harbour of Ayr, and for the better regulating, governing, and managing, the Docks, Piers, Quays, Jettees, and every other the Works erected, and to be erected, made or ſet up, in the Harbour aforeſaid, and for the better executing the other Purpoſes of this Act; and alſo, from Time to Time, as Occaſion may require, to repeal, add to, amend, or alter, ſuch Rules, Orders, and Bye-laws, as to them ſhall ſeem moſt fitting and requiſite, and to fix and appoint reaſonable pecuniary Penalties, not exceeding Forty Shillings Sterling, for the Non-obſervance, or other Breach, of all or any ſuch Rules or Bye-laws, or any Part of them; to be recovered and applied in ſuch Manner, and according to the Penalties under Five Pounds Sterling are ordained to be recovered, levied, and applied; and the ſaid Truſtees ſhall cauſe the ſaid Rules, Orders, and Bye-laws, to be printed and diſtributed, and hung up at the moſt conſpicuous Place of the Cuſtom-houſe of Ayr, and to pay the Expence and Charge thereof out of the Rates and Duties aforeſaid.

Perſons lending Money for the Purpoſes of the Act intitled to a Share in the Management, &c.

XXXII. And whereas it is reaſonable that the Perſon or Bodies Politick or Corporate, from whom Money ſhall be borrowed for the Purpoſes of carrying this preſent Act into Execution ſhould have a Share in the Execution of the ſame, and in the Management and Superintendence of the ſaid Harbour of *Ayr*, and of the Docks, Piers, Quays, or other Works already conſtructed, or to be conſtructed, within the ſame, ſo long as the ſaid Perſons, Bodies Politick or Corporate, ſhall continue Creditors upon the Rates and Duties by this Act granted; be it further enacted by the Authority aforeſaid, That, upon the Firſt Wedneſday of June, in the Year One thouſand ſeven hundred and ſeventy-two, and upon the Firſt Wedneſday of June in every following Year, there ſhall be held, within the ordinary Court-houſe of the Burgh of Ayr, an annual Meeting of all ſuch Perſons and Bodies Politick and Corporate who ſhall have contributed and lent, or ſhall have entered into Engagements to contribute and lend, any Sum or Sums of Money, (not under One hundred Pounds Sterling lawful Money of Great Britain for every ſuch Perſon or Body Politick or Corporate reſpectively, for carrying the Purpoſes of this preſent Act into Execution, upon the Credit and Security of the Rates and Duties by the ſame Act granted); and that the Perſons, at ſuch annual Meetings aſſembled, (poſſeſſed reſpectively at the Time of the Qualification aforeſaid,) ſhall then and there have Power, and are hereby impowered, authoriſed, and required, to elect and chuſe, out of their own Number, Eight Perſons, to be Truſtees for carrying the Purpoſes of this preſent Act into Execution, jointly and equally with the Provoſt, Two Bailies, and Dean of Guild, of the Borough of Ayr, the firſt Bailie of the Borough of Barony of Newtown upon Ayr, the Sheriff-depute of the County of Ayr, and the Convener of the Trades of Ayr, as before mentioned; and that every Perſon, or Body Politick or Corporate, poſſeſſed at the Time of the Qualification aforeſaid, ſhall have and give a ſingle Vote or Voice for every Sum of One hundred Pounds Sterling by him, her, or them, ſo contributed, or engaged to be contributed; and that any Perſon, properly authoriſed by Bodies Politick or Corporate, poſſeſſed of the aforeſaid Qualification, ſhall have and give the Votes and Voices of ſuch Bodies Politick and Corporate; and that the ſaid Election ſhall be made by Ballot, and by Plurality of Votes, among the Perſons preſent ſo balloting; and that the Eight Perſons ſo choſen at every ſuch annual Meeting ſhall be, and continue from thenceforth, and until the Firſt Wedneſday of June immediately following, Truſtees (jointly and equally with the other Perſons before named) for carrying this preſent Act into Execution.

and may chuſe Truſtees.

Time and Place of the General Meetings.

XXXIII. And be it alſo enacted by the Authority aforeſaid, That there ſhall be held Four General Meetings of the ſaid Truſtees, within the ſaid ordinary Court-houſe of the Borough of Ayr, upon every firſt Wedneſday of June, firſt Wedneſday of September, firſt Wedneſday of December, and firſt Wedneſday of March, during the Currency of this preſent Act; and that the firſt of the ſaid General Meetings ſhall be held upon the firſt Wedneſday of June, One thouſand ſeven hundred and ſeventy-two; and that the ſaid Truſtees ſhall have Power, and are hereby impowered, to adjourn to ſuch other Times and Places as to them, or to the Majority of them, at ſuch Quarterly Meeting aſſembled, ſhall ſeem meet and expedient; and in all ſuch Meetings the Provoſt or ſenior Magiſtrate of the Borough of Ayr, preſent for the Time, ſhall preſide; and, beſide his Vote in common with the other Truſtees, ſhall, in Caſes of Equality, have a caſting or deciſive Voice.

Duties may be leſſened.

XXXIV. And be it enacted by the Authority aforeſaid, That the ſaid Truſtees, in General Meetings aſſembled, may, and they are hereby impowered, with Conſent of the Lenders of Money aforeſaid, to leſſen and reduce the aforeſaid Rates and Duties granted by this Act, as they ſhall judge reaſonable and expedient, and the State of the ſaid Rates and Duties will permit.

Commencement and Continuance of this Act.

XXXV. And be it further enacted by the Authority aforeſaid, That this Act, and all the Powers and Authorities of the ſame, and the Rates and Duties thereby granted, ſhall commence and take Place from and after the Firſt Day of June, One thouſand ſeven hundred and ſeventy-two, and ſhall continue from thenceforth for the Term of Twenty-one Years, and until the End of the then next enſuing Seſſion of Parliament.

It may be pleaded in Actions brought.

XXXVI. And be it further enacted by the Authority aforeſaid, That in caſe any Suit or Action ſhall be commenced againſt the ſaid Truſtees, or any other Perſon or Perſons, for any Thing done in purſuance of this Act, the Defendant or Defendants, in ſuch Suit or Action, may produce this Act, and plead that the ſaid Things were done in purſuance and by the Authority of this Act; and if it ſhall appear ſo to be done, that then the Defendants ſhall be abſolved from every ſuch Suit, Action or Actions, and ſhall have Double Coſts and Expences in the Defence thereof awarded to them, from and againſt the Proſecutor or Proſecutors of the ſame.

Sheriffs, &c. to aſſiſt in the Execution of this Act.

XXXVII. And be it further enacted by the Authority aforeſaid, That all Sheriffs, Juſtices of the Peace, Judges, and Magiſtrates, with their Officers, Meſſengers at Arms, and all other Officers and Executioners of the Law whatſoever, and every of them, are hereby required to be aiding and aſſiſting in putting this Act into due and effectual Execution: And that this Act ſhall be deemed, taken, and allowed, in all the Courts of Law and Equity as a Publick Act; and all Judges and Juſtices are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

Publick Act.

CAP. XXIII.

An Act for the Relief of Inſolvent Debtors; and for indemnifying the Marſhal of the *King's Bench* Priſon from Proſecutions at Law, for certain Eſcapes from the ſaid Priſon.

Preamble.

WHEREAS many Perſons, by Loſſes, and other Misfortunes, are rendered incapable of paying their whole Debts; and though they are willing to make the utmoſt Satisfaction they can, and many of them are able to ſerve His Majeſty by Sea or Land, yet are detained in Priſon by their Creditors, or have been forced to go into foreign Parts out of this Realm: And whereas ſuch unhappy Debtors have always been deemed the proper Objects of publick Compaſſion; and, by ſeveral Acts of Parliament, have been diſcharged on the Conditions in ſuch Acts mentioned: For the Relief therefore of Inſolvent Priſoners and Fugitives, who ſhall comply with the Terms contained in this Act, to be reſpectively obſerved by them, and faithfully diſcover, upon Oath, and deliver up and aſſign, all their Effects and Eſtates whatſoever for the Benefit of their Creditors, and to prevent, as far as poſſible, the many Frauds and Abuſes which, in a great Meaſure, have obſtructed the good Ends of ſuch Acts, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, all and every Gaoler or Keeper of any Priſon, in any County, Riding, Diviſion, City, Town, Place, or Liberty, within this Kingdom, ſhall, is, and are hereby required to make a true, exact, and perfect Liſt, alphabetically, of the Name or Names of all and every Perſon or Perſons who, upon the Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, was or were, or at any Time ſince have been, and at the Time of making out every ſuch Liſt ſhall be, really an actual Priſoner or Priſoners, in the Cuſtody of any Gaoler or Gaolers, or Keeper of any Priſon reſpectively, upon any Proceſs whatſoever, for or by reaſon of any Debt, Damage, Coſts, Sum or Sums of Money, Contempt, or otherwiſe, and an Account of the Time when ſuch Priſoner or Priſoners was or were reſpectively charged in Cuſtody, or received in Priſon, together with the Name or Names of the Perſon or Perſons at whoſe Suit or Proſecution ſuch Priſoner or Priſoners is or are detained; and ſhall deliver the ſame to the Juſtices of the Peace, at their Firſt or Second General or General Quarter Seſſions of the Peace, to be held after the paſſing of this Act, or at ſome Adjournment thereof, for ſuch County, Riding, Diviſion, City, Town, Place, or Liberty reſpectively.

Alphabetical Liſts to be made out of Priſoners in Cuſtody for Debt on *Jan.* 1, 1772, or ſince that Date; with the Time when charged, and at whoſe Suit: The ſame to be delivered in to the Quarter Seſſions.

II. And be it further enacted, That the Warden of His Majeſty's Priſon of the Fleet, and Marſhal of the King's Bench Priſon, ſhall ſeverally, on the delivering in of any ſuch Liſt of Priſoners in their reſpective Cuſtody, take an Oath in the open Court of ſuch General or General Quarter Seſſion of the Peace, or at ſome Adjournment thereof, to the Effect following; (that is to ſay)

The Warden of the *Fleet*, and the Marſhall of the *King's Bench* Priſon, to take the following Oath.

I *A. B.* upon my corporal Oath, in the Preſence of Almighty God, do ſolemnly ſwear, profeſs, and declare, That all and every Perſon and Perſons, whoſe Name or Names is or are inſerted and contained in the Firſt Part of the Liſt by me now delivered in and ſubſcribed, was and were, to the beſt of my Knowledge and Belief, upon the Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, really and truly Priſoners, in actual Cuſtody, in the Priſon or Gaol of [*inſert the Name of the Priſon*] at the Suit or Suits of the ſeveral Perſon or Perſons therein reſpectively mentioned; and alſo, that all and every Perſon and Perſons, whoſe Name or Names is or are inſerted or contained in the Second Part of the ſaid Liſt now by me delivered in and ſubſcribed as aforeſaid, have, ſince the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, been committed or ſurrendered to the ſaid Gaol or Priſon of [*inſert the Name of the Gaol or Priſon*] at the Suit or Suits of the ſeveral Perſon or Perſons therein reſpectively mentioned; except ſuch Perſon or Perſons who is or are in ſuch Liſt particularly mentioned and deſcribed to have died, been diſcharged, or removed to ſome other Priſon, by Proceſs of Law, ſince the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two; and alſo except ſuch Perſon or Perſons who is or are in ſuch Liſt particularly mentioned and deſcribed to have been permitted to have gone out of the ſaid Priſon, by Day Rules of the Court of [*Common Pleas, or King's Bench, as the Caſe ſhall be*] ſince the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, to tranſact their Affairs; and alſo except ſuch Perſon or Perſons who is or are therein alſo particularly mentioned and deſcribed to have, upon the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, or ſince, been in the Rules of the ſaid Priſon [*of the Fleet, or King's Bench, as the Caſe ſhall be*] by Leave of the [*Warden, or Marſhal of the ſaid Priſon, as the Caſe ſhall be*] and have, to the beſt of my Knowledge and Belief, really and truly, ever ſince, continued and remained in actual Cuſtody in the ſaid Priſon [*of the Fleet, or King's Bench, as the Caſe ſhall be*] or the Liberties thereof, at the Suit or Suits of the ſeveral Perſons in the ſaid Liſt reſpectively mentioned, [*and if any Priſoners have, ſince the ſaid Firſt Day of* January, *One thouſand ſeven hundred and ſeventy-two, eſcaped out of either of the ſaid Priſons, then inſert*] except [*inſert the Name or Names of the Priſoner or Priſoners who have eſcaped*] who, without my Knowledge, Privity, or Conſent, hath or have eſcaped out of the ſaid Priſon of
and that the ſaid Liſt is a true, exact, perfect, and juſt Liſt, of all ſuch Perſons who were really and truly Priſoners in actual Cuſtody in the ſaid Gaol or Priſon of on the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, and who, ſince the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, have been committed to, and really have been, and now is or are Priſoner or Priſoners in actual Cuſtody in the ſaid Gaol or Priſon of or the Liberties thereof; and that none of ſuch Priſoners, to my Knowledge, or with my Privity, have, voluntarily, or with Deſign, or in Expectation to take any Benefit from or under any Act of Parliament to be made for Relief of Inſolvent Debtors, ſurrendered themſelves, or been committed to the ſaid Priſon, or got their Names entered as Priſoners in the Books of the ſaid Priſon; or ſince the ſame Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, to my Knowledge, or with my Privity, have reſided out of the ſaid Priſon of or the Rules thereof [*but if any have ſo done, add,* except *naming ſuch by Name.*]

And that every other Gaoler and Keeper of any other Priſon or Priſons in any County, City, Town, Riding, Diviſion, Place, or Liberty, ſhall ſeverally, on the delivering in of any ſuch Liſt reſpectively, take an Oath in the open Court of the General or General Quarter Seſſions of the County, City, Town, Diviſion, Liberty, or Place, for which he or ſhe ſhall deliver in any ſuch Liſt, and ſwear to the Effect following; (that is to ſay),

Other Gaolers, on delivering in their Liſts, to take the following Oath.

I *A. B.* upon my corporal Oath, in the Preſence of Almighty God, do ſolemnly ſwear, profeſs, and declare, That all and every Perſon and Perſons, whoſe Name or Names are inſerted or contained in the Firſt Part of the Liſt by me now delivered in and ſubſcribed, was and were, to the beſt of my Knowledge and Belief, upon the Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, really and truly Priſoners in actual Cuſtody, in the Priſon or Gaol of at the Suit or Suits of the ſeveral Perſons therein reſpectively mentioned; and alſo, that all and every Perſon and Perſons, whoſe Name or Names is or are inſerted or contained in the Second Part of the ſaid Liſt now by me delivered in and ſubſcribed as aforeſaid, have, ſince the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, been committed or ſurrendered to the ſaid Gaol or Priſon of
(*if any ſuch Priſoner or Priſoners hath or have, ſince the ſaid Firſt Day of* January, *One thou-*

ſand ſeven hundred and ſeventy-two, been committed or ſurrendered to ſuch Gaol or Priſon) at the Suit or Suits of the ſeveral Perſon or Perſons therein reſpectively mentioned; except [*if any Exception is neceſſary*] ſuch Perſons as are therein particularly mentioned and deſcribed to have died, been diſcharged, or removed to ſome other Priſon by Proceſs of Law, or to have eſcaped out of ſuch Priſon, without my Privity, Knowledge, or Conſent, ſince the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two; and that all and every of them, whoſe Name and Names is and are contained in the Firſt Part of the ſaid Liſt, (except as before excepted) to the beſt of my Knowledge and Belief, have really and truly continued in actual Cuſtody, in the ſaid Gaol or Priſon of ever ſince the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two; and that the ſaid Liſt is a true, exact, perfect, and juſt Liſt, of all ſuch Perſons as were really and truly Priſoners in actual Cuſtody in the ſaid Gaol or Priſon of on the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, and who, ſince the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, have been really and truly committed, or ſurrendered to the ſaid Gaol or Priſon of (*except as before excepted*) to the beſt of my Knowledge and Belief; and that none of ſuch Priſoners, to my Knowledge, or with my Privity, have voluntarily, or with Deſign, or in Expectation to take any Benefit from or under any Act of Parliament to be made for Relief of Inſolvent Debtors, ſurrendered, or been committed to the ſaid Priſon of or got his, her, or their Name or Names entered as Priſoner or Priſoners in the Books of the ſaid Priſon, or, ſince the Commitment, have, to my Knowledge, or with my Privity, reſided out of the ſaid Priſon of [*if any have ſo done, then add* except *inſerting their Names*]

Oath to be adminiſtered by the Juſtices in Court, and entered and ſubſcribed at the Bottom of each Liſt.

Which ſaid reſpective Oaths the ſaid Juſtices, at the Firſt or Second General or Quarter Seſſion aforeſaid, or at ſome Adjournment thereof, within their reſpective Juriſdictions, are hereby impowered and required to adminiſter in open Court; and the Words of the ſaid Oath herein-before directed to be taken by the ſaid Warden and Marſhal reſpectively, ſhall be entered or written at the End or Bottom of the Liſt which ſhall be delivered in by them reſpectively, and ſhall be ſubſcribed and ſworn to by them reſpectively in open Court; and the Words of the Oath to be taken by every other Gaoler or Keeper reſpectively ſhall be entered or written at the End or Bottom of the Liſt which ſhall be delivered by them reſpectively, and ſhall be ſubſcribed and ſworn to by them reſpectively in open Court: And every ſuch Liſt which ſhall be ſo delivered in, ſubſcribed, and ſworn to, in purſuance of this Act, ſhall be kept by the Clerk of the Peace, Town Clerk, or other Officer, acting as Clerk of the Peace of every ſuch County, Riding, Diviſion, City, Town, Place, or Liberty reſpectively, in which any ſuch Liſt as aforeſaid ſhall be ſworn to, for the better Satisfaction of the ſaid Juſtices, and Information of all or any Priſoner or Priſoners therein named; and ſo as the ſame may, from Time to Time, be ſeen and examined by any Creditor or Creditors of Priſoner or Priſoners, without Fee or Reward.

Liſt to be kept by the Clerk of the Peace.

Copies of the Liſts to be delivered in to be fixed up in the Priſons, and on the Gates thereof.

III. And be it further enacted by the Authority aforeſaid, That all and every Gaoler and Gaolers, and Keeper of any Gaol or Priſon, is and are hereby required, Ten Days at leaſt before the Firſt or Second General or Quarter Seſſion of the Peace ſhall be held after the paſſing of this Act, for the County, Riding, Diviſion, City, Town, Place, or Liberty, in which any Gaol or Priſon ſhall be, or to which the ſame belong, to fix up, in ſome conſpicuous Place or Places in every ſuch Priſon, and at the moſt frequented and uſual Gate, Door, or Entrance, into every ſuch Priſon, Three or more true Copies of the Liſt or Liſts propoſed or intended to be delivered in by any ſuch Gaoler or Keeper at the ſaid General or Quarter Seſſions, or at ſome Adjournment thereof.

Perſons inſerted in the Liſts, being Priſoners, without a fraudulent intention, on *Jan* 1. 1772, conforming to the Regulations of this Act, ſhall be diſcharged.

IV. And be it further enacted, That all and every Perſon and Perſons whoſe Name or Names ſhall be inſerted in any ſuch Liſt, to be delivered in as aforeſaid, who, upon the Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, were really and truly Priſoners in the actual Cuſtody of any Gaoler or Gaolers, or Keeper of any Priſon reſpectively of this Kingdom, and did not come into or get his, her, or their Names entered in the Book of any Gaol or Priſon as a Priſoner or Priſoners there, with a View or Deſign to take the Benefit of ſome Act for Relief of Inſolvent Debtors, and who ſhall take the Oath herein-after mentioned, and ſhall perform on his or her Part what is required to be done by him or her by this Act, ſhall be for ever releaſed and diſcharged from his or her Impriſonment, in ſuch Manner as hereafter is provided.

Priſoners in Cuſtody at the Time of paſſing this Act, who were arreſted for Debt on or before *Jan* 1. 1772, and held to Bail, and rendered themſelves on or before *Feb* 12, 1772, on conforming to the Regulations of this Act, ſhall be diſcharged.

V. Provided always, and be it enacted by the Authority aforeſaid, That any Priſoner or Priſoners who ſhall be in actual Cuſtody at the Time of paſſing this Act, and was or were, on or before the Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, arreſted, and in actual Cuſtody of an Officer, for any Sum or Sums of Money by virtue of any Writ or Proceſs iſſuing out of any Court of Record, and held to the Bail thereon, and did, on or before the Twelfth Day of February, One thouſand ſeven hundred and ſeventy-two, render him, her, or themſelves, or was or were ſurrendered in Diſcharge of his, her, or their Bail, and thereupon committed to Priſon, and has or have continued therein until the paſſing of this Act, by virtue of ſuch Commitment; every ſuch Priſoner or Priſoners ſhall, upon due Proof of the Premiſes, upon Oath, be diſcharged from ſuch Debt or Demand, in like Manner as if ſuch Priſoner or Priſoners had been actually in Priſon upon the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, and continued therein as aforeſaid; ſubject nevertheleſs to the ſame Reſtrictions and Proviſions, and a Compliance with the like Terms, Conditions, and Qualifications, herein-before impoſed upon Priſoners actually in Cuſtody upon the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two; and alſo ſubject to the ſame Terms and Proviſions relating to the Eſtate and Effects of every ſuch Priſoner as aforeſaid.

VI. And be it further enacted, That it ſhall be lawful for any Juſtice or Juſtices of any County, Riding, Diviſion, City, Town, Place, or Liberty, within this Kingdom, upon the Petition of any ſuch Priſoner or Priſoners to any Juſtice or Juſtices of the Peace within his or their reſpective Juriſdictions, upon every ſuch Priſoner or Priſoners ſo petitioning, and, at the Time of his or her ſo petitioning, leaving with the Juſtice or Juſtices of the Peace, who ſhall be ſo petitioned, a true Copy of the Schedule, containing his or her intended Diſcovery of his or her Real and Perſonal Eſtate, to be ſworn to at the Firſt or Second General or Quarter Seſſion next enſuing after every ſuch Petition, or ſome Adjournment thereof, by Warrant under his Hand and Seal, or their Hands and Seals, to require the Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of any ſuch Priſon, within the Juriſdiction of any ſuch Juſtice or Juſtices, to bring before the Juſtices, at the Firſt or Second next General or General Quarter Seſſion of the Peace, or any Adjournment thereof to be held, as the Caſe ſhall happen to be, next after the Expiration of Ten Days from the Date of ſuch Warrant, for ſuch reſpective County, Riding, Diviſion, City, Town, Place, or Liberty, the Body of any Perſon being in the ſaid Priſon as aforeſaid, with the Warrant or Warrants of his or her Detainer, together with a Copy or Copies of the Cauſe or Cauſes which he, ſhe, or they, is or are charged with in any ſuch Gaol or Priſon as aforeſaid, at the Time aforeſaid; which Warrant of every ſuch Juſtice or Juſtices every ſuch Sheriff and Sheriffs, Gaoler or Keeper, is and are hereby commanded to obey.

Juſtices upon the Petition of the Priſoner, *etc.* are to iſſue their Warrant for bringing the Priſoner to the Quarter Seſſions, *etc.*

Gaoler, *etc.* to obey ſuch Warrant.

VII. And be it alſo enacted, That the Copy of every Schedule which ſhall be left with any ſuch Juſtice or Juſtices, ſhall, within Ten Days after the ſame ſhall be ſo left, be tranſmitted by the Juſtice or Juſtices, with whom the ſame ſhall be ſo left, to the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace for the County, Riding, Diviſion, City, Town, Place, or Liberty, in which the ſame ſhall have been ſo left, there to remain and be inſpected, from Time to Time, as Occaſion ſhall require, by any Creditor of any ſuch Priſoner who ſhall deſire to inſpect the ſame.

Schedule of the Priſoner's Eſtate to be tranſmitted to the Clerk of the Peace, *etc.*

VIII. And be it alſo enacted, That every ſuch Juſtice or Juſtices who ſhall refuſe or omit, within the Space of Ten Days, to tranſmit the Copy of the Schedule ſo left with him as aforeſaid to the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace for the County, Riding, Diviſion, City, Town, Place, or Liberty, in which the ſame ſhall have been ſo left, ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Pounds; which ſhall and may be ſued for and recovered in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, together with Coſts of Suit, in the Name of any Perſon who ſhall proſecute for the ſame; and One Moiety of which Money forfeited ſhall, when recovered, go to the Party who proſecutes for the ſame, and the other Moiety thereof to the Poor of the Pariſh in which the Offence ſhall be committed.

Juſtices refuſing or omitting, for 10 Days, to tranſmit a Copy of the Schedule to the Clerk of the Peace, ſhall forfeit 10l.

IX. And be it further enacted, That all and every Priſoner and Priſoners, who ſhall intend to petition to be diſcharged under this Act, as aforeſaid, ſhall firſt cauſe publick Notice to be inſerted in Three ſeveral London Gazettes, previous to ſuch General or Quarter Seſſion, and the Adjournment thereof, at which the ſaid Priſoner or Priſoners ſhall apply to be diſcharged from any Gaol in London, or within the weekly Bills of Mortality; and if ſuch Priſoner ſhall be in Cuſtody in any Gaol out of London, or the Weekly Bills of Mortality, then alſo in ſome News-paper which ſhall be publiſhed in or near the County, Riding, Diviſion, City, Town, Liberty, or Place, in the Gaol whereof he or ſhe ſhall be ſo in Cuſtody; containing the Name, Trade, and Occupation, and Two laſt Places of Abode, if ſo many, of every ſuch Priſoner and Priſoners, and the Priſon wherein he, ſhe, or they, is or are confined, and of his, her, or their Intention to take the Benefit of this Act, and mentioning ſuch Notice in each Gazette or News-paper, to be the Firſt, Second, or Third Notice, according to the Time of publiſhing each of ſuch Notices; and for the inſerting of each of which ſaid ſeveral Notices in the ſaid Gazette, or in any other News-paper, there ſhall be paid, each Time, by every ſuch Priſoner, Two-pence, and no more: The Firſt of which ſaid Notices ſhall be ſo inſerted in the ſaid Gazette, or in the ſaid other News-papers, as the Caſe may require, Thirty Days at leaſt, and the laſt of the ſaid Notices Ten Days at leaſt, before any ſuch Firſt or Second General or Quarter Seſſion, and Adjournment thereof, ſhall be held as aforeſaid; ſo that as well all the Creditors who have not charged the ſaid Priſoner or Priſoners in Cuſtody, as thoſe Creditors who have charged ſuch Priſoner or Priſoners in the Execution, or on meſne Proceſs, or otherwiſe, may have ſufficient Notice thereof.

Priſoners intending to petition for their Diſcharge, are to give Notice thereof Thrice in the *Gazette*, &c.

2d. each Time, and no more, to be paid for inſerting ſuch Notices.

Firſt Notice to be inſerted at the leaſt 30 Days before the Quarter Seſſions.

X. And be it further enacted, That every ſuch Priſoner as aforeſaid, who, in purſuance of any ſuch Warrant as aforeſaid, ſhall be brought to any General or General Quarter Seſſions, or any Adjournment thereof, ſhall, in caſe it ſhall be proved upon Oath, or by producing the ſaid Three Gazettes and News-papers before mentioned to the ſaid Juſtices at any ſuch Seſſion, or the Adjournment thereof, that ſuch Notices were ſo inſerted in the London Gazette, and other News-papers, where required, in Manner as herein-before is directed, and that the Perſon or Perſons ſo petitioning was or were actually a Priſoner or Priſoners on the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, or ſince, in the Gaol or Priſon in which his, her, or their Name or Names is or are ſpecified in the Liſt of Priſoners there delivered in at any ſuch Firſt or Second Seſſion, or any Adjournment thereof, as aforeſaid, in purſuance of this Act, ſhall, in open Court at the ſaid General or Quarter Seſſions, or any Adjournment thereof, ſubſcribe and deliver in a true Schedule or Account of all his or her Real Eſtate, either in Poſſeſſion, Reverſion, Remainder, or Expectancy; and alſo of the Whole of his or her Perſonal Eſtate which he or ſhe, or any Perſon or Perſons in Truſt for him or her, or for his or her Uſe, Benefit, or Advantage, is or are ſeiſed of, intereſted in, or intitled to, with the Names of his or her ſeveral Debtors, and where they reſpectively live, or may be met with; and the ſeveral Sums of Money from them reſpectively owing, and how

Priſoner being brought into Court, and due Publication of the Notices being proved,

is to deliver in a Schedule of his Eſtate, Debts, &c.

the ſame reſpectively became due and are ſecured; and if by Mortgage, Specialty, Contract, Note, or other Writing, then the Name and Names, and Places of Abode of the ſeveral Witneſſes who can prove ſuch Debts or Contracts, (if there be any ſuch), and ſhall alſo make Oath and ſwear to the Effect following; (that is to ſay,)

Priſoner's Oath.

I *A. B.* upon my corporal Oath, in the Preſence of Almighty God, do ſolemnly ſwear, proteſt, and declare, That on the Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, I was a Priſoner, or elſe [*as the Caſe may be*] that ſince the Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, I have ſurrendered, or have been committed to the Priſon of   in Diſcharge of my Bail, or for want of Bail, [*as the Caſe ſhall be*]; and that I was actually arreſted, and in Cuſtody of an Officer before the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, in the Action or Suit, Actions or Suits, in which I ſurrendered, or was committed, as aforeſaid, to the ſaid Gaol or Priſon of   and that I have, ever ſince my ſaid Surrender or Commitment, continued a Priſoner within the Priſon of   in the actual Cuſtody of the Gaoler or Keeper of the ſaid Priſon of   or within the Liberties thereof, at the Suit of   and without any Fraud or Colluſion whatſoever; and that the Schedule now delivered by me, and ſubſcribed, doth contain, to the beſt of my Knowledge, Remembrance, and Belief, a full, juſt, true, and perfect Account and Diſcovery of all the Goods, Effects, and Eſtates, Real and Perſonal, either in Poſſeſſion, Reverſion, Remainder, or Expectancy, which I, or any Perſon in Truſt for me, or for my Benefit or Advantage, am ſeiſed or poſſeſſed of, intereſted in, or intitled to; and of all Debts as are to me owing, or to any Perſon or Perſons in Truſt for me; and of all the Securities and Contracts whereby any Money now is, or will or may hereafter become payable, or any Benefit or Advantage may accrue to me, or to my Uſe, or to any Perſon or Perſons in Truſt for me; and the Names and Places of Abode of the ſeveral Perſons from whom ſuch Debts are due and owing; and of the Witneſſes that can prove ſuch Debts or Contracts, [*if any ſuch there be*]; and that neither I, nor any other Perſon or Perſons in Truſt for me, or for my Uſe, have any Lands, Money, Stock, or any Eſtate Real or Perſonal, in Poſſeſſion, Reverſion, or Remainder, or Expectancy, other than what are in the ſaid Schedule contained, except Wearing Apparel, and Bedding for myſelf and Family, Working Tools, and neceſſary Implements for my Occupation and Calling, and theſe in the Whole not exceeding the Value of Twenty Pounds; and that I have not, nor any Body for me hath, directly or indirectly, ſold, leſſened, or otherwiſe conveyed, diſpoſed of in Truſt, or concealed, all or any Part of my Lands, Money, Goods, Chattels, Stock, Debts, Securities, Contracts, or Eſtate Real or Perſonal, whereby to ſecure the ſame, or to receive or expect any Profit or Advantage thereof, or with Intent to defraud or deceive any Creditor or Creditors, to whom I am or was indebted in anywiſe however.

So help me GOD.

Schedule and Oath to be ſubſcribed in the Court; and lodged with the Clerk of the Peace.

And the ſaid Schedule and Oath ſhall be by every ſuch Priſoner ſubſcribed in the Preſence of the Juſtices in open Seſſion of the Peace, as hereby is directed, and ſhall be kept by, and remain with, the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace for the County, City, Liberty, Diviſion, Town, or Place, where the ſame ſhall be ſubſcribed and taken, for the better Information of all the Creditors of ſuch Priſoner who ſhall deſire, or may have Occaſion, to reſort thereto; and every ſuch Creditor ſhall be at Liberty, at ſeaſonable Times in the Day-time, to peruſe and examine the ſame.

Court, if required by the Creditor, may adminiſter an Oath to the Goaler, or other Perſon, touching the Matters preſcribed to be ſworn to.

The Priſoner's Oath not being diſproved, the Court is to diſcharge him, upon paying a Fee of 1*s.* to the Gaoler.

XI. And be it further enacted, That the Juſtices within their reſpective Juriſdictions, at any ſuch General or General Quarter Seſſion, or Adjournment thereof, at the Requeſt of any Creditor or Creditors of any ſuch Priſoner, are hereby authoriſed to cauſe the Deputy Warden and Marſhal of the Fleet and King's Bench Priſon, and any other under Officer, Tipſtaff, and Turnkey of any Gaol or Priſon, and any other Perſon, to come before them, and to examine them reſpectively on Oath, touching any of the Matters contained in any of the Oaths preſcribed by this Act to be taken, and the Truth thereof; and if the Oath which ſhall have been taken in open Court by any ſuch Priſoner or Priſoners ſhall not be diſproved by good Teſtimony of any credible Perſon or Perſons on Oath, and ſuch Juſtices, or the major Part of them, preſent at any ſuch General or Quarter Seſſion, ſhall be ſatisfied with the Truth of the Oath taken by any ſuch reſpective Priſoner, then ſuch Juſtices ſhall, in ſuch Seſſion, or ſome Adjournment thereof, command the ſaid Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of ſuch Priſon or Priſons, forthwith to ſet at Liberty ſuch Priſoner or Priſoners, without having or taking any Fee or Reward, other than One Shilling for his or their Attendance with ſuch Priſoner or Priſoners at ſuch General or Quarter Seſſion, or any Adjournment thereof, in order for his, her, or their Diſcharge, and which every ſuch Sheriff or Sheriffs, Gaoler or Gaolers, Keeper or Keepers, of ſuch Priſon or Priſons, is and are hereby authoriſed to receive and take for every ſuch Order: And every ſuch Order ſhall be a ſufficient Diſcharge to the Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of ſuch Priſon or Priſons, and ſhall indemnify him or them againſt any Eſcape or Eſcapes, or Action or Actions whatſoever for Eſcape, which ſhall or may be brought, commenced, or proſecuted againſt him or them.

Gaoler indemnified for the Eſcape.

Eſtate and Effects of the Priſoner, upon his Diſcharge, to veſt in the Clerk of the Peace, who is to make over the ſame to the Aſſignees named by the Court.

XII. And be it further enacted by the Authority aforeſaid, That all the Eſtate, Right, Title, Intereſt, and Truſt, of ſuch Priſoner, of, in, and unto, all the Real Eſtate, as well Freehold and Copy as Cuſtomaryhold, and to all the perſonal Eſtate, Debts, and Effects of every ſuch Priſoner, ſhall, immediately after the Diſcharge of any ſuch Priſoner, be, and the ſame is hereby veſted in the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, of and for the County, Riding, City, Town Corporate, Diviſion, Liberty, or Place, where any ſuch Priſoner ſhall be reſpectively diſcharged; and every ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, is hereby directed and required to make an Aſſignment and Conveyance of every ſuch Priſoner's Eſtate and Effects, veſted in ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, as aforeſaid, to ſuch Creditor or Creditors of the ſaid Priſoner, as the Juſtices, at any General or General Quarter Seſſion of the Peace, or at any Adjournment thereof, which ſhall be held by them within their reſpective Juriſdictions, ſhall order or direct, (which Aſſignment and Conveyance ſhall be good and effectual in Law to all Intents and Purpoſes whatſoever, without being wrote on Parchment or Paper Stampt), and to veſt the Eſtates thereby aſſigned and conveyed in the Party or Parties to whom the ſame ſhall be ſo aſſigned and conveyed, his, her, and their Heirs, Executors, Adminiſtrators, and Aſſigns, according to the Eſtate and Intereſt the Priſoner had therein; and for the preparing, ingroſſing, and executing, of which Aſſignment and Conveyance, no Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, ſhall take any greater Fee than Two Shillings; and every ſuch Aſſignment and Conveyance ſhall be in Truſt for the Benefit of the Creditor or Creditors of every ſuch Priſoner to whom the ſame ſhall be made, and the reſt of the Creditors of ſuch Priſoner, in Reſpect or in Proportion to their reſpective Debts: And every Perſon or Perſons to whom any ſuch Aſſignment and Conveyance as aforeſaid ſhall be made, is and are hereby fully impowered to ſue, from Time to Time, as there may be Occaſion, in his, her, or their own Name or Names, for the Recovery and Attaining any Eſtate or Effects of any ſuch Priſoner, and alſo to execute any Truſt or Power veſted in, or created for, the Uſe or Benefit of any ſuch Priſoner; but in Truſt, for the Benefit of him or themſelves, and the reſt of the Creditors of every ſuch Priſoner; and to give Diſcharge and Diſcharges to any Debtor or Debtors of any ſuch Priſoner, as ſhall be requiſite: And every Aſſignee and Aſſignees ſhall, with all convenient Speed after his or their accepting any ſuch Aſſignment or Conveyance, uſe his and their beſt Endeavours to receive and get in the Eſtate and Effects of every ſuch Priſoner; and ſhall, with all convenient Speed, make Sale of all the Eſtates of ſuch Priſoner veſted in ſuch Aſſignee or Aſſignees; and if any ſuch Priſoner ſhall be intereſted in, or intitled to, any real Eſtate, either in Poſſeſſion, Reverſion, or Expectancy, the ſame, within the Space of Two Months after every ſuch Aſſignment and Conveyance, ſhall be ſold by publick Auction, in ſuch Manner, and at ſuch Place, as the major Part of the Creditors of any ſuch Priſoner who ſhall aſſemble together on any Notice, in Writing, publiſhed in the London Gazette, or in ſome Daily Paper, if the Priſoner before his going to Gaol reſided in London, or in the Weekly Bills of Mortality, and if elſewhere, then in ſome News-paper which ſhall be publiſhed in or near the County, Riding, Diviſion, City, Town, Liberty, or Place, in which ſuch Priſoner dwelt before he or ſhe was committed to Gaol, Thirty Days before any ſuch Sale ſhall be made, ſhall, under his Hand, or their Hands, agree on: And every ſuch Aſſignee and Aſſignees, at the End of Three Months at fartheſt from the Time of his accepting any ſuch Aſſignment or Conveyance as aforeſaid, ſhall make a juſt and fair Dividend of all ſuch Priſoner's Eſtates and Effects which ſhall have been then got in amongſt his or her Creditors, in Proportion and in Regard to each Creditor's reſpective Debts; but before any ſuch Dividend ſhall be made, ſuch Aſſignee or Aſſignees ſhall make up an Account of ſuch Priſoner's Eſtate, and make Oath in Writing before One or more Juſtice or Juſtices of the Peace of the County, Riding, Diviſion, Town, Liberty, or Place, in which any ſuch Priſoner ſhall have been diſcharged, that every ſuch Account contains a juſt and fair Account of the Eſtate and Effects of every ſuch Priſoner got in by or for ſuch Aſſignee or Aſſignees, and of all Payments made in reſpect thereof, and that all Payments in every ſuch Account charged, were truly and bona fide made and paid; and Notice of the making of every ſuch Dividend ſhall be publiſhed in like Manner as at a Meeting of Creditors is herein-before directed to be publiſhed, Thirty Days at leaſt before the ſame ſhall be made; and no Creditor ſhall be allowed to receive any Share of ſuch Dividend, until he ſhall have made out the Juſtneſs and Identity of his reſpective Debt by Oath, or due Proof in Writing, before ſome ſuch Juſtice or Juſtices: And if any Creditor of ſuch Priſoner ſhall be diſſatiſfied with the Reality or Fairneſs of any Debt claimed by any other Creditor, then the ſame, at the Requeſt of any ſuch Creditor or Creditors ſo diſſatiſfied, ſhall be examined into by the Juſtices of the County, Riding, Diviſion, City, Liberty, or Place, in which ſuch Priſoner ſhall have been diſcharged, at their next General or General Quarter Seſſion, and what they ſhall there determine in the Premiſes ſhall be concluſive to all Parties: And if, after Payment of all ſuch Priſoner's Creditors, there ſhall any of his Eſtate and Effects remain after Payment of all reaſonable Charges, the ſame ſhall be paid to ſuch Priſoner, his Executors or Adminiſtrators.

for which he is to be paid 2 s. and no more.

Aſſignees impowered to ſue and execute any Truſt in the Priſoner's Behalf;

and give Diſcharges.

Aſſignees to get in, with all Speed, the Eſtate and Effects of the Priſoner, &c. in Manner agreed upon by the Creditors, and make a Dividend within Three Months.

Accounts to be verified upon Oath.

30 Days Notice to be given of making Dividends.

Debts entered to be examined into and determined by the Court.

Surplus, after ſatisfying all Claims, to go to the Priſoner.

No Suit in Equity to be commenced but by Conſent of the Majority of the Creditors.

XIII. Provided further, and be it alſo enacted, That no Suit in Equity ſhall be commenced by any Aſſignee or Aſſignees of any ſuch Priſoner's Eſtate and Effects, without the Conſent of the major Part in Value of the Creditors of ſuch Priſoner, who ſhall meet together purſuant to a Notice to be given in the London Gazette for that Purpoſe.

Clerk of the Peace to exhibit to the Creditor, &c. upon Payment of 1 s. the Schedule of the Priſoner's Eſtate and Effects.

XIV. And be it further enacted by the Authority aforeſaid, That the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace of every reſpective County, City, and County Town, and County Riding, Diviſion, Cinque Port, Liberty, and Place, with whom any Schedule of the Eſtates of any Inſolvent Debtor or Debtors, Fugitive or Fugitives, ſhall be left, and his Succeſſors, Clerk of the Peace, Town Clerk, or other Officer, acting as Clerk of the Peace as aforeſaid, ſhall, on the reaſonable Requeſt of any Creditor or Creditors of ſuch Inſolvent Debtor or Debtors, Fugitive or Fugitives, or his or their Attorney, produce and ſhew to ſuch Creditor or Creditors, or his or their Attorney, in the Day-time, the Schedule of the Eſtates of any ſuch Inſolvent Debtor or Debtors, Fugitive or Fugitives, which ſhall be left with any ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, or his Predeceſſor in that Office; the Perſon ſo requiring to ſee and peruſe any ſuch Schedule paying or rendering to the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, in whoſe Cuſtody any ſuch Schedule ſhall be, or his Deputy, the Sum of One Shilling for his Trouble in ſearching for, and looking out, ſuch Schedule, Atteſted Copy ſhall be Evidence in all Courts.

Clerk of the Peace refuſing to produce ſuch Schedule, or taking exorbitant Fees for the ſame,

forfeits 10*l.* and Treble Coſts; One Moiety to the Proſecutor, and the other to the Poor of the Pariſh.

and attending, whilſt the ſame ſhall be peruſed by the Party or Parties requiring to have the ſame looked out, and to peruſe the ſame: And that a true Copy of every ſuch Schedule, ſigned by the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, in whoſe Cuſtody the ſame ſhall be, or his Deputy, purporting the ſame to be a true Copy of ſuch Schedule, without being wrote on Stampt Paper, and for which Copy no more ſhall be paid than Sixpence by the Sheet, each Sheet to contain Seventy-two Words, and ſo in proportion for a leſs Number of Words in any Sheet, ſhall, at all Times, be admitted in all Courts whatſoever as legal Evidence of the ſame: And if any Clerk of the Peace, or his Deputy, Town Clerk, or other Officer acting as Clerk of the Peace, ſhall, on reaſonable Requeſt as aforeſaid, neglect or refuſe to produce to any ſuch Creditor or Creditors as aforeſaid, or his or their Attorney, any ſuch Schedule as aforeſaid, and to permit the ſame to be inſpected as aforeſaid, in the Day-time, on ſuch Payment or Tender as aforeſaid being made to him; or ſhall aſk or take more than after the Rate of Sixpence by the Sheet, each Sheet to contain Seventy-two Words, and ſo in proportion for leſs than Seventy-two Words in a Sheet; or ſhall refuſe to make and deliver a Copy of any ſuch Schedule, on being requeſted as aforeſaid ſo to make the ſame, and having the Money tendered to him for Payment of ſuch Copy, after the Rate aforeſaid, ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Pounds; which ſhall and may be ſued for and recovered in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, together with Treble Coſts of Suit, in the Name of any Perſon who ſhall proſecute for the ſame: And One Moiety of which Money forfeited ſhall, when recovered, go to the Party who proſecutes for the ſame, and the other Moiety thereof to the Poor of the Pariſh in which the Offence ſhall be committed.

Aſſignees of Copyhold and Cuſtomary Eſtates to compound with the Lord of the Manor, and to be admitted Tenants thereupon.

XV. Provided always, and be it enacted, That before ſuch Time as any Aſſignee or Aſſignees, as aforeſaid, ſhall enter on, or take any Profit from any Copyhold or Cuſtomary Eſtate as aforeſaid, he or they ſhall agree and compound with the Lord or Lords of the Manor or Manors of whom the ſame ſhall be holden, for the Payment of ſuch Fine or Income as upon any Surrender and Admiſſion thereto hath heretofore been moſt uſually accuſtomed to be paid; and that upon every ſuch Agreement or Compoſition, the ſaid Lord or Lords for the Time being, at the next Court, or ſome ſubſequent Court, which ſhall be holden for the ſaid Manor or Manors, after ſuch Agreement made, ſhall admit ſuch Aſſignee or Aſſignees, Tenant to ſuch Copyhold or Cuſtomary Premiſes, according to the Cuſtom of the ſaid Manor or Manors of which the ſame ſhall be holden, for and during ſuch Eſtate and Intereſt as the Priſoner had therein at the Time of his or her being diſcharged as aforeſaid, reſerving the Rents, Duties, Heriots, Cuſtoms, and Services payable, and to be rendered in reſpect of the ſaid Copyhold or Cuſtomary Premiſes.

The Priſoner's Right and Intereſt, *&c* only to be affected by this Act.

XVI. Provided alſo, That nothing herein contained ſhall extend to prejudice or affect any Eſtate or Intereſt, or Right whatſoever, of any other Perſon or Perſons, other than the ſaid Priſoner or Fugitive, which may be expectant upon, or ſubject unto, the Eſtate or Intereſt of the ſaid Priſoner or Fugitive, hereby veſted in the ſaid Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace; but that the Eſtate, Intereſt, and Right whatſoever, of every other Perſon and Perſons, ſhall remain, continue, and be ſaved to them, in the ſame Manner, as if this Act had not been made.

All Mortgages, Statutes, Recognizances, *&c.* to take Place preferable to Claims of an inferior Nature.

XVII. Provided alſo, and be it enacted by the Authority aforeſaid, That nothing in this Act ſhall extend, or be conſtrued to hinder or prevent, any Mortgage or Mortgages upon the Eſtate of ſuch Priſoner or Priſoners, or any Part thereof, to take Place upon the Lands, Tenements, or Hereditaments, compriſed in ſuch Mortgage or Mortgages reſpectively; nor to prevent any Statute-ſtaple, Statute-merchant, Recognizance, or Judgement, acknowledged by, or obtained againſt, any ſuch Priſoner or Priſoners, to take Place upon the Lands, Tenements, or real Eſtate of ſuch Priſoner or Priſoners; and alſo where any Inquiſition ſhall have been taken upon any ſuch Statute or Recognizance, or any Writ or Execution ſhall have been taken out and delivered to the Sheriff or proper Officer, upon any ſuch Judgement, before ſuch Diſcharge ſhall be given in open Seſſion to any ſuch Perſon as aforeſaid, the perſonal Eſtate of every ſuch Priſoner reſpectively ſhall be ſubject thereto, in the firſt Place, for ſo much as ſhall remain due upon ſuch Mortgage, Statute, Recognizance, or Judgement reſpectively, in like Manner as ſuch Mortgagees and Creditors, by Statute, Recognizance, or Judgement, would have been preferred to other Creditors of an inferior Nature, againſt the real or perſonal Eſtate of ſuch Priſoner and Priſoners reſpectively, if this Act had not been made; any Thing herein-before contained to the Contrary thereof in any-wiſe notwithſtanding.

Power in the Priſoner of leaſing Lands, *&c.* to veſt in the Aſſignees.

XVIII. And whereas many Perſons who may be intitled to, and claim the Benefit of this Act, are ſeiſed and poſſeſſed of Lands, Tenements, and Hereditaments, to hold to ſuch Priſoners for the Term of their natural Lives, with Power of granting Leaſes, and taking Fines, reſerving ſmall Rents on ſuch Eſtates, for One, Two, or Three Lives, in Poſſeſſion or Reverſion, or for ſome Number of Years determinable upon Lives; which ſaid Powers ought to be executed for the Benefit of the Creditors of ſuch Priſoners; be it therefore enacted by the Authority aforeſaid, That, in every ſuch Caſe, all and every the Powers of leaſing ſuch Lands, Tenements, and Hereditaments, which are or ſhall be veſted in any ſuch Priſoner or Priſoners as aforeſaid, ſhall be, and are hereby veſted in the Aſſignee or Aſſignees of the real and perſonal Eſtate of ſuch Priſoner, by virtue of this Act, to be by ſuch Aſſignee or Aſſignees executed for the Benefit of all and every the Creditors of ſuch Priſoners as aforeſaid.

Acting Gaolers, at the Time of delivering the Liſts, only liable to be ſworn.

XIX. And whereas in ſome Gaols or Priſons in this Kingdom, the Office of Gaoler or Keeper is held in Fee for Life, or otherwiſe, by Perſons who never act as Gaolers or Keepers themſelves, or know any Thing of the Priſoners therein, but depute or employ ſome Perſon or Perſons under them as Gaolers or Keepers of ſuch Gaols or Priſons; be it therefore enacted, That, in every ſuch Caſe, the Perſon who ſhall have been actually employed and acted as deputed Gaoler or Keeper of any ſuch Gaol or Priſon, at the Time of the delivering in the Liſts, hereby directed to be delivered in, of Priſoners in any ſuch Gaol or Priſon, at any General or Quarter Seſſion of the Peace, or ſome Adjournment thereof, and not the principal Gaoler or Keeper, (unleſs where ſuch principal Gaoler or Keeper ſhall act as a Gaoler or Keeper himſelf), ſhall take the Oath herein-before appointed to be taken by the Gaoler or Keeper of every ſuch Gaol or Priſon.

XX. And be it further enacted by the Authority aforeſaid, That the Juſtices, at any General or Quarter Seſſion of the Peace, or Adjournment thereof, to which any Priſoner ſhall be brought in purſuance of this Act, ſhall, if required by any Creditor or Creditors of any ſuch Priſoner or Priſoners, who ſhall oppoſe his or her Diſcharge, adminiſter, and give to the Gaoler, or the Perſon who acts as Gaoler or Keeper of any ſuch Priſon, at the Time of bringing up any ſuch Priſoner, order to be diſcharged under this Act, an Oath to the following Effect; (that is to ſay),

If a Creditor oppoſe the Priſoner's Diſcharge, Court to adminiſter the following Oath to the Gaoler.

I *A. B.* do ſwear, That   was really and truly a Priſoner in my Cuſtody, in the Priſon of   to the beſt of my Knowledge and Belief, at or upon the Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two; and that the Copy or Copies of the Cauſe or Cauſes of his or her Commitment or Detainer, now by me brought with the Body of the ſaid   and produced to this Court, is or are a true Copy or Copies of the Cauſe or Cauſes of ſuch Detainer or Commitment, without any Fraud or Deceit by me, or any other Perſon whatſoever, to the beſt of my Knowledge and Belief.

The Oath.

So help me GOD.

And if any Perſon who was Gaoler or Keeper, or deputed Gaoler or Keeper, of any ſuch Gaol or Priſon on the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, or ſince, ſhall not happen to be the Gaoler or Keeper, or deputed Gaoler or Keeper, of any ſuch Gaol or Priſon, at the Time any ſuch Liſt as aforeſaid is hereby required to be delivered in, then the Juſtices, at any ſuch Seſſion, or at any Adjournment thereof, may, and are hereby required to adminiſter and give the reſpective Perſon or Perſons who ſhall be Gaoler or Keeper, or deputed Gaoler or Keeper, of any ſuch Gaol or Priſon, and deliver in any ſuch Liſt as aforeſaid, at any ſuch General or Quarter Seſſion, or any Adjournment thereof, an Oath, touching the Commitments, or Books of Commitment, of any ſuch Priſon, to the Effect following; (that is to ſay),

If ſuch Perſon was not Gaoler on *Jan.* 1, 1772, the following Oath is to be adminiſtered to him.

I *A. B.* do ſwear, That I have examined the Commitments, or Books kept of or concerning the Commitment, of Priſoners to the Priſon of   in the [*County, Riding, Diviſion, City, Town, Place, or Liberty of*   *as the Caſe ſhall be*;] and that I do verily believe that the ſaid Commitments, or Books of Commitment, are really true, and not fictitious, nor calculated for this Purpoſe; and by them it doth appear, that   was, on the Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, really and truly a Priſoner in the actual Cuſtody of   the then Gaoler or Keeper, or deputed Gaoler or Keeper, of the ſaid Priſon, without Fraud or Deceit by me, or any other Perſon or Perſons, to my Knowledge and Belief.

The Oath.

So help me GOD.

XXI. And, in order to diſcover any fraudulent Entries or Commitments of Priſoners in any Gaol Books, be it further enacted by the Authority aforeſaid, That the Juſtices, at any General or Quarter Seſſion of the Peace, or any Adjournment thereof, are hereby authoriſed, at the Requeſt of any Creditor or Creditors of any Priſoner, to convene before them, at ſome certain Time to be appointed by them, any Perſon or Perſons who was or were Gaoler or Keeper, or reputed Gaoler or Keeper, of any Gaol or Priſon within their reſpective Juriſdictions, on the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, or at any Time ſince; and to examine every ſuch Gaoler or Keeper, or deputed Gaoler or Keeper, on Oath, touching the Commitment and Continuance in Cuſtody of any ſuch Priſoner, as the Juſtices, at any ſuch General or Quarter Seſſion, or Adjournment thereof, ſhall think fit: And if any Sheriff, Gaoler or Keeper, or reputed Gaoler or Keeper, ſhall neglect or refuſe to bring before ſuch Juſtices, at any Seſſion of the Peace, or Adjournment thereof, any Priſoner, as ſhall be directed and required by Warrant of any Juſtice or Juſtices as aforeſaid, or to attend on being ſummoned for that Purpoſe; or if any Gaoler or Keeper attending, ſhall refuſe to make Anſwer and Diſcovery in the Premiſes, as ſhall be reaſonably required at ſuch General or Quarter Seſſion, or any Adjournment thereof, he, ſhe, or they, ſo offending in the Premiſes, ſhall, for every ſuch Offence, forfeit and pay the Sum of One hundred Pounds; to be recovered by and in the Name, and for the Uſe, of the Party injured, by Action of Debt to be brought in his or her Name, in any of His Majeſty's Courts of Record at Weſtminſter, together with Treble Coſts of Suit.

Court, if required by a Creditor, may ſummon the Perſon who acted as Gaoler on *Jan.* 1, 1772, or ſince,

and examine him touching the Commitment and Continuance in Cuſtody of the Priſoner.

Gaoler diſobeying the Warrant of the Court, &c. forfeits 100 *l.* with Treble Coſts.

XXII. And whereas great Number of Workmen, ſkilful in the ſeveral Trades and Manufactures of this Kingdom, and alſo many able Seamen and Mariners, finding themſelves unable to ſatisfy the Whole of their reſpective Debts, and dreading the Miſeries of a Gaol, have choſe to leave their Employments and Native Country, and have entered themſelves in Foreign Service: And whereas their Continuance Abroad muſt be of great Prejudice to the Trade of this Kingdom; in order therefore to induce and enable ſuch Perſons to return, be it enacted by the Authority aforeſaid, That all and every Debtor and Debtors, who was or were actually beyond the Seas in Foreign Parts on the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, and did not go into ſuch Foreign Parts with the View or Intent to gain or have the Benefit of an Inſolvent Debtor's Act, who ſhall return and ſurrender himſelf or themſelves, within Fourteen Days next immediately after his or their landing in England, unto the Gaoler or Gaolers, Keeper or Keepers, of the Priſons of the

Debtors who were beyond the Seas on *Jan.* 1, 1772, ſurrendering themſelves, may take the Benefit of this *Act.*

King's Bench, Marſhalſea, or Fleet, or to the Gaoler or Keeper, or deputed Gaoler or Keeper, of the Priſon or Priſons of ſuch County, City, Town, Riding, Diviſion, Liberty, or Place, where ſuch Debtor or Debtors laſt dwelt for the Space of Six Months, (which ſaid Gaoler or Gaolers, Keeper or Keepers, is and are hereby required and impowered to receive and detain ſuch Debtor or Debtors ſurrendering as aforeſaid, in order to their Diſcharge as herein-after mentioned) and who, from and immediately after ſuch Surrender, do continue in actual Cuſtody of ſuch Gaoler and Gaolers, Keeper or Keepers, until the Time of his Diſcharge, ſhall be deemed a Priſoner or Priſoners within, and be, to all Intents and Purpoſes, intitled to the Benefit of this Act; and ſhall, upon due Proof of the ſaid Premiſes, by the Oath of ſuch Debtor or Debtors, (not diſproved by any credible Witneſs), be diſcharged in the ſame Manner as if he, ſhe, or they, had been actually in Priſon on the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, and continued therein as aforeſaid; ſubject nevertheleſs to the ſame Reſtrictions and Proviſions, and a Compliance with the like Terms, Conditions, and Qualifications, herein-before impoſed upon the ſaid Priſoners actually in Cuſtody upon the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, and alſo ſubject to the Terms and Proviſions relating to the Eſtate and Effects of ſuch Priſoner as aforeſaid; excepting only ſuch Particulars thereof as require the Name of a Priſoner to be inſerted in the Gaoler's or Keeper's Liſt as aforeſaid, or relate to the Oaths of ſuch Gaoler or Keeper, herein-before appointed to be taken, which Particulars cannot poſſibly be applied to the Caſe of Perſons ſurrendering themſelves as aforeſaid; and alſo except the ſaid Oath herein-before appointed to be taken by Priſoners in Cuſtody upon the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two; inſtead whereof, the ſaid Perſon or Perſons, ſo ſurrendering, ſhall take an Oath in open Court, at ſome General or Quarter Seſſion of the Peace, or ſome Adjournment thereof, of the County, City, Town, Riding, Diviſion, Place, or Liberty, in the Priſon of which any ſuch Fugitive or Debtor ſhall be held, after the Surrender of any ſuch Fugitive or Debtor, to the Effect following; which the ſaid Juſtices, authoriſed to put this Act in Execution, are hereby required and impowered to adminiſter in ſuch Manner as the Oaths herein-before mentioned are to be adminiſtered.

upon the ſame Terms as other Priſoners;

excepting ſuch Particulars wherein the Caſes of both differ.

Fugitive's Oath.

I *A. B.* upon my corporal Oath, in the Preſence of Almighty God, ſolemnly ſwear, proteſt, and declare, That I was actually, on the Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, beyond the Seas in Foreign Parts, *videlicet*, at and that I did, within Fourteen Days next immediately after my landing ſurrender myſelf to the Cuſtody of the Keeper of [*as the Caſe may be*]; and that I have ever ſince ſuch my Surrender continued a Priſoner in his Cuſtody; and that the Schedule now delivered, and by me ſubſcribed, doth contain, to the beſt of my Knowledge, Remembrance, and Belief, a full, juſt, true, and perfect Account and Diſcovery of all the Real Eſtate, Goods, Effects, and other Perſonal Eſtate, in any-wiſe belonging to me; and alſo of all ſuch Debts as are to me owing, or to any Perſon or Perſons in Truſt for me; and of all the Securities and Contracts whereby any Money now is, or will, or may hereafter, become payable, or whereby or wherefrom any Benefit or Advantage may accrue to me, or to my Uſe, or to any other Perſon or Perſons in Truſt for me; and the Names and Places of Abode of the ſeveral Perſons from whom ſuch Debts are due and owing; and of the Witneſſes that can prove ſuch Debts or Contracts [*if any ſuch there be*]; and that neither I, nor any Perſon or Perſons in Truſt for me, is or are ſeiſed of any Real Eſtate in Poſſeſſion, Reverſion, or Remainder, or Expectancy, or of any Perſonal Eſtate of any Kind whatſoever, other than what are in the ſaid Schedules contained; except my Wearing Apparel, and Bedding for myſelf and Family, my Working Tools, and neceſſary Implements for my Occupation and Calling, not exceeding, in the Whole, the Value of Twenty Pounds; and that I have not, directly or indirectly, ſold, leſſened, or otherwiſe conveyed, diſpoſed of in Truſt, or concealed, all or any Part of my Real Eſtate, Money, Goods, Chattels, Stocks, Debts, Securities, Contracts, or other Perſonal Eſtate whatſoever, whereby to ſecure the ſame, ſo as to receive or expect any Profit or Advantage therefrom to myſelf or Family, or with any View, Intent, or Deſign, to defraud or deceive any Creditor or Creditors, to whom I am indebted in any-wiſe howſoever, or prevent their recovering or attaining their reſpective Debts.

So help me GOD.

Gaoler and Printer of the *Gazette*, or other News-paper, not complying with the Regulations in this Act, forfeit 100*l.* to the Priſoners, with Treble Coſts of Suit.

XXIII. And be it further enacted by the Authority aforeſaid, That if any Gaoler or Keeper of any Priſon, or his Deputy or Deputies, ſhall, without juſt Cauſe, to be approved of by the Juſtices at ſome General or Quarter Seſſion of the Peace, or Adjournment thereof, within their reſpective Juriſdictions, refuſe or delay to bring any ſuch Priſoner or Priſoners as aforeſaid to any ſuch General or Quarter Seſſion, or ſome Adjournment thereof, in order to his or her Diſcharge, or ſhall neglect, refuſe, or deſignedly omit to inſert, in any ſuch Liſt, the Name or Names of any ſuch Priſoner or Priſoners who was or were actually in Cuſtody in his or their reſpective Gaol or Priſon on the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, or ſince; or ſhall neglect or refuſe to make out, fix up, or deliver, ſuch Liſts as aforeſaid; or if any ſuch Gaoler or Keeper, or deputed Gaoler or Keeper, ſhall neglect or refuſe to take any of the ſaid Oaths before mentioned, and hereby required to be taken by him; or ſhall, upon any Account or Pretence whatſoever, take or receive more than the ſaid Sum of One Shilling herein-before allowed for his or her Attendance in order to be diſcharged of ſuch Priſoner or Priſoners as aforeſaid; or ſhall detain any ſuch Priſoner after he or ſhe ſhall be diſcharged as aforeſaid; or if the Printer of the London Gazette, or other News-paper, as aforeſaid, ſhall wilfully refuſe or neglect to inſert therein the Name, Trade, Occupation, and laſt Place of Abode, of ſuch Priſoner, on reaſonable Requeſt to him made for that Purpoſe, and Tender of the Money hereby directed to be paid; or ſhall take or receive any Fee or Gratuity more than Two-pence as aforeſaid for doing thereof; every ſuch Gaoler and Keeper of ſuch Priſon or Priſons, his Deputy or Deputies, and every ſuch Printer as aforeſaid, ſhall reſpectively forfeit and pay to each Priſoner, in any ſuch Caſe injured, the Sum of One hundred Pounds; which ſhall and may be recovered, with Treble Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of the Courts of Record at Weſtminſter, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Gaoler convicted of Perjury, forfeits 500 *l.* with Full Coſts of Suit;

XXIV. And be it further enacted by the Authority aforeſaid, That if any ſuch Gaoler or Gaolers, or Keeper or Keepers, or any deputed Gaoler or Keeper, of any Priſon, ſhall, in taking of the afore-mentioned Oaths, forſwear or perjure himſelf, and ſhall thereof be lawfully convicted, ſuch Gaoler or Keeper, or deputed Gaoler or Keeper, of ſuch Priſon or Priſons, (over and above ſuch Penalties as may be inflicted on Perſons convicted of Perjury), ſhall, upon every ſuch Conviction, forfeit and pay the Sum of Five hundred Pounds; to be recovered, with Full Coſts, by Bill, Plaint, or Information, or Action of Debt, in any of His Majeſty's Courts of Record at Weſtminſter, wherein no Eſſoin, Protection, or Wager of Law, ſhall be allowed, by and in the Name of ſuch Perſon or Perſons, his or their Executors and Adminiſtrators, to whom any Aſſignment or Conveyance, in purſuance of this Act, ſhall be made, of the Eſtate and Effects of ſuch Priſoner or Priſoners; and if no ſuch Aſſignee or Aſſignees ſhall be living, then, in the Name or Names of any other Creditor or Creditors who ſhall ſue for the ſaid Penalties; to be applied, One Moiety to the Informer or Informers, and the other Moiety towards Satiſfaction of the Debts of ſuch his Creditor or Creditors.

One Moiety to the Informer, and the other for ſatisfying the Debts of the Creditors.

Clerk of the Peace refuſing the Priſoner a Copy of his Diſcharge, *&c.* forfeits 20 *l.* to the Priſoner.

XXV. And be it further enacted, That if any Clerk of the Peace, or his Deputy, or Town Clerk, or other Officer acting as Clerk of the Peace, ſhall delay or refuſe to give every or any ſuch Priſoner ſo diſcharged as aforeſaid, within Fourteen Days after his or her Diſcharge, a Copy of the Order of his or her Diſcharge, on the Payment of Two Shillings and Sixpence; or ſhall take more than the ſaid Sum of Two Shillings and Sixpence for ſuch Copy; or ſhall take more than Two Shillings for an Aſſignment or Conveyance of ſuch Priſoner's Eſtate or Effects; every ſuch Clerk of the Peace, or his Deputy, or Town Clerk, or other Officer acting as Clerk of the Peace, who ſhall ſo offend, and who ſhall be convicted at any ſuch General or Quarter Seſſion of the Peace, or any Adjournment thereof, of any ſuch Offence, ſhall, for every ſuch Offence, forfeit and pay to every ſuch Priſoner the Sum of Twenty Pounds, as the Juſtices of the Peace, at any ſuch General or Quarter Seſſions of the Peace, or Adjournment thereof, ſhall order; and who are hereby impowered to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods of any ſuch Clerk of the Peace, or his Deputy, or Town Clerk, or other Officer acting as Clerk of the Peace, ſo offending.

Priſoner convicted of Perjury to ſuffer as a Felon.

XXVI. And be it further enacted by the Authority aforeſaid, That if any Priſoner as aforeſaid, or any other Perſon or Perſons, who ſhall take the Benefit of this Act, ſhall forſwear or perjure himſelf, herſelf, or themſelves, in any Oath to be taken under this Act, and ſhall be lawfully convicted thereof, he, ſhe, or they, ſo offending, ſhall be adjudged a Felon, and ſuffer as ſuch, without Benefit of Clergy.

Perſons diſcharged by this Act, not liable to Arreſt for Debts, *&c.* contracted before *Jan.* 1, 1772:

XXVII. And be it further enacted by the Authority aforeſaid, That no Perſon to be diſcharged by this Act ſhall, at any Time hereafter, be impriſoned by reaſon of any Judgement or Decree obtained for Payment of Money only, or for any Debts, Damages, Contempts, Coſts, Sum or Sums of Money contracted, incurred, occaſioned, owing, or growing due, before the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two; but that upon every Arreſt upon every Judgement of ſuch Decree, or for ſuch Debts, Damages, Contempts, Coſts, Sum and Sums of Money, it ſhall and may be lawful for any Judge of the Court where the Proceſs iſſued, upon ſhewing the Copy of the Order of ſuch Priſoner's Diſcharge or Diſcharges, to releaſe and diſcharge out of Cuſtody ſuch Priſoner or Priſoners as aforeſaid; and every ſuch Judge is hereby impowered ſo to do on ſuch Priſoner's cauſing a Common Appearance to be entered for him in every ſuch Action and Suit.

But no Priſoner to be diſcharged of Debts ſubſequent to *Jan.* 1, 1772.

XXVIII. And whereas, under former Acts of this Kind, Doubts have ariſen what was to be done with ſuch Priſoners who applied at any Seſſion to be diſcharged, who owed and ſtood charged with Debts, as well previous as ſubſequent to the Day limited by the reſpective Acts; to remedy which, be it therefore enacted by the Authority aforeſaid, That no Priſoner or Priſoners ſhall be diſcharged of any Debts ſubſequent to the Firſt Day of January, One thouſand ſeven hundred and ſeventy-two; and if it ſhall appear to the Juſtices, in any Seſſion or Adjournment, that any Priſoner or Priſoners then applying to them to be diſcharged ſhall ſtand charged as well with Debts previous to as ſubſequent to the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, that in ſuch Caſes it ſhall and may be lawful to and for the Juſtices to diſcharge him or her of all Debts previous to the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, and to remand him or her back to the Cuſtody of the Keeper of the Priſon from whence he or ſhe was brought, for all Debts with which he or ſhe ſtands charged with in his Cuſtody, ſubſequent to the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two.

Juſtices, Sheriffs, *&c.* may plead this Act to any Action, *&c.* brought againſt them, and recover Treble Coſts.

XXIX. And be it further enacted by the Authority aforeſaid, That if any Action of Eſcape, or any Suit or Action, be brought againſt any Juſtice or Juſtices of the Peace, Sheriff, Gaoler, or Keeper of any Priſon, for performing their Office, in purſuance of this Act, they may plead the General Iſſue, and give this Act in Evidence; and if the Plaintiff be nonſuited, or diſcontinue his Action, or Verdict paſs againſt him, or Judgement upon Demurrer, the Defendant ſhall have Treble Coſts.

Perſons may plead generally, *&c.* to all Actions brought againſt them before *Jan.* 1, 1772.

XXX. And be it further enacted by the Authority aforeſaid, That if any Scire Facias, or Action of Debt, or upon Judgement, ſhall be brought againſt any Priſoner, his or her Heirs, Executors, or Adminiſtrators, upon any Judgement obtained againſt any ſuch Priſoner, or on any Statute or Recognizance acknowledged by him or her, before the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, with reſpect and in other Suits, may plead in Diſcharge of their Perſons from Execution.

Plaintiff may reply generally, &c. but if nonſuited, is to pay Treble Coſts.

to Priſoners in actual Cuſtody, or with reſpect to Debtors beyond the Seas, as aforeſaid, upon the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, it ſhall be lawful for any ſuch Priſoner, his or her Heirs, Executors, or Adminiſtrators, to plead generally that ſuch Priſoner was actually a Priſoner in ſuch Priſon at ſuch a Perſon's Suit, or was or were beyond the Seas in Foreign Parts on the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, and was or were duly diſcharged according to this Act, at the General or Quarter Seſſions, or Adjournment thereof, held at ſuch Time and Place for ſuch County, Riding, Diviſion, Liberty, City, Town, or Place, (as his, her, or their Caſe is), without pleading any Matter ſpecially; and in caſe any other Suit or Action ſhall be commenced againſt him, her, or them, for any other Debt, Sum or Sums of Money, due before the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, to plead in Diſcharge of his or her Perſon from Execution, (over and above ſuch Matters as aforeſaid), that ſuch Debt or Sum of Money (as the Caſe ſhall happen) was contracted or due on or before the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, without pleading any other Matter ſpecially; whereto the Plaintiffs ſhall or may reply generally, and deny the Matters pleaded as aforeſaid, or reply any other Matter or Thing which may ſhew the ſaid Defendant not to be intitled to the Benefit of this Act, or not duly diſcharged according to it, in the ſame Manner as the Plaintiff might have replied, in caſe the Defendant had pleaded this Act, and his Diſcharge by virtue of this Act, ſpecially; and if the Plaintiff be nonſuited, diſcontinue his Action, or Verdict paſs againſt him, or Judgement on Demurrer, the Defendant to have Treble Coſts.

Bankrupts not obtaining their Certificates in due Time, excluded from the Benefit of this Act.

XXXI. Provided always, and be it enacted by the Authority aforeſaid, That no Perſon againſt whom a Commiſſion of Bankruptcy hath been awarded and iſſued out, and the Production whereof ſhall be deemed ſufficient Evidence to any Court of Quarter Seſſions, or Adjournment, and who hath not already obtained his Certificate and Diſcharge of his Debts, in purſuance of and in ſuch Manner as is directed by ſome or One of the Acts of Parliament now in Force relating to or concerning Bankrupts, or ſhall not obtain ſuch Certificate and Diſcharge before ſuch Time as he ſhall be brought before the Juſtices of the Peace at their General or Quarter Seſſion, or ſome Adjournment thereof, held as aforeſaid, in order to be diſcharged in purſuance of this Act, ſhall have or receive any Benefit or Advantage of or under this Act, nor be deemed to be within the Meaning thereof.

Attornies embezzling, &c. Clients Money or Effects, excluded the Benefit of this Act.

XXXII. Provided alſo, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to releaſe or diſcharge any Attorney at Law, or Solicitor, or any other Perſon or Perſons acting, or pretending to act, as ſuch, with regard to any Debt with which he or they ſhall ſtand charged, for any Money, or other Effects, recovered and received by him or them, for the Uſe of any Perſon or Perſons, Bodies Corporate or Politick, and by any Attorney, Solicitor, or other Perſon or Perſons acting as ſuch, embezzled, concealed, or converted, to his or their own Uſe; or to releaſe or diſcharge any Servant or Agent, or any Perſon or Perſons employed or intruſted as ſuch, with regard to any Debt or Demand with which he, ſhe, or they, ſhall ſtand charged, for and on account of any Money, Goods, or other Effects, received or poſſeſſed by him, her, or them, for the Uſe, and on Account of his, her, or their Maſter or Maſters, or Employers, and by ſuch Servant or Agent embezzled, concealed, or converted to his, her, or their own Uſe; any Thing herein contained to the Contrary thereof in anywiſe notwithſtanding.

Gaoler to permit the ſpeaking in private to Priſoners, whoſe Names are inſerted in the *Gazette*, &c. on Penalty of 40*l.* with Coſts of Suit.

XXXIII. And be it further enacted by the Authority aforeſaid, That every Gaoler or Keeper of any Priſon ſhall, and is hereby required to ſuffer, in the Day-time, any Perſon or Perſons deſiring the ſame, to ſee and ſpeak, in the Lodge, or ſome convenient Room of the ſaid Priſon, with any Priſoner or Priſoners, whoſe Names are inſerted in the afore-mentioned Liſt or Liſts, or London Gazette, or other News-paper, or any of them, or any Perſons ſurrendering themſelves purſuant to this Act; and alſo ſee, in the true and genuine Books of the ſaid Priſon, the Entries made of the Name or Names of ſuch Priſoner or Priſoners, together with the Name or Names of the Perſon or Perſons at whoſe Suit or Suits he, ſhe, or they, are detained: And if any ſuch Gaoler or Keeper ſhall neglect or refuſe to comply with what is here above required, every ſuch Goaler or Keeper, who ſhall ſo offend in the Premiſes, ſhall forfeit and pay to the Perſon ſo refuſed and aggrieved the Sum of Forty Pounds; to be recovered, with Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of the Courts at Weſtminſter, wherein no Eſſoin, Protection, Wager of Law, or more than One Imparlance, ſhall be allowed, by and in the Name or Names of the Perſon or Perſons ſo refuſed and aggrieved.

Priſoner's future Eſtate and Effects, notwithſtanding his perſonal Diſcharge, liable to Creditors; Wearing Apparel, Bedding, and Working Tools, &c. not exceeding 20*l.* Value, excepted.

XXXIV. Provided always, and be it enacted, That notwithſtanding the Perſon of any Priſoner or Priſoners, Fugitive or Fugitives, ſhall be diſcharged under this Act, the future Eſtates and Effects of every ſuch Priſoner and Fugitive ſhall remain and be liable to his, her, and their reſpective Creditors as before the making of this Act, (his, her, or their neceſſary Wearing Apparel, and Bedding for his, her, or their Families, and Working Tools and Implements neceſſary for his, her, or their Trade or Occupation, not exceeding the Value of Twenty Pounds in the Whole, only excepted), and any Creditor or Creditors of any ſuch Priſoner or Priſoners, Fugitive or Fugitives, may, at any Time hereafter, ſue out Execution, Extents, or other Proceſs, on any Judgement at the Time of ſuch Diſcharge recovered, or Statute-ſtaple, or Recognizance acknowledged by, or Sentence or Decree obtained againſt, any ſuch Priſoner or Fugitive, but not againſt his, her, or their Perſon, or his, her, or their reſpective Wearing Apparel, Bedding, Working Tools, and Implements, as aforeſaid.

Creditor may ſue for the Recovery of Debt due at

XXXV. And be it alſo enacted, That any Creditor or Creditors of any Priſoner or Priſoners, Fugitive or Fugitives, who ſhall be diſcharged under this Act, may, at any Time after any ſuch Diſcharge, commence and proſecute any Action or Suit againſt any ſuch Priſoner or Fugitive, his, her, or their reſpective Heirs, Executors, or Adminiſtrators, for the Recovery of any Sum or Sums of Money which ſhall be due from any ſuch Priſoner or Priſoners, Fugitive or Fugitives, at the Time of his or her ſaid Diſcharge, but ſhall not hold the Perſon of any ſuch Priſoner or Fugitive to Special Bail; nor ſhall take the Perſon, neceſſary Wearing Apparel, Bedding, Tools, or Implements, as aforeſaid, of any ſuch Priſoner or Fugitive in Execution, or any Judgement, Sentence, or Decree, which ſhall hereafter be recovered or obtained againſt any ſuch Priſoner or Fugitive: And in any Action or Suit, which ſhall be hereafter commenced againſt any ſuch Priſoner or Fugitive, his or her Heirs, Executors, or Adminiſtrators, no Benefit or Advantage ſhall be had or taken for that the Cauſe of Action did not accrue within Three Years next before the commencing of any ſuch Action or Suit; nor ſhall any Statute of Limitation be pleadable, or be allowed to be pleaded in Bar of or in any ſuch Action or Suit, which ſhall be hereafter commenced by any ſuch Creditor or Creditors againſt any ſuch Priſoner or Priſoners, unleſs ſuch Cauſe of Action or Suit did not accrue within Three Years next before any ſuch Priſoner or Fugitive ſhall be diſcharged under this Act; and in any ſuch Caſe, the ſame may be pleaded by any ſuch Priſoner, his or her Heirs, Executors, or Adminiſtrators.

the Time of the Priſoner's Diſcharge, but not hold the Priſoner to Special Bail, &c.

and no Advantage is to be taken of the Cauſe of Action not accruing within 3 Years, etc.

Exception.

XXXVI. Provided always, and be it likewiſe enacted, That by the Diſcharge of any Priſoner or Fugitive by Force of this Act, no other Perſon or Perſons who was or were Partner or Partners in Trade with any ſuch Priſoner or Fugitive at the Time of his or her Diſcharge under this Act, or then ſtood bound, engaged with, or liable to, the Payment of any Debt with any ſuch Priſoner or Fugitive, or engaged in any Contract together with any ſuch Priſoner or Fugitive, ſhall be diſcharged from any ſuch Debt or Demand; but every ſuch other Perſon and Perſons ſhall ſeverally ſtand and be chargeable with, and liable to pay, ſuch Debt and Debts, and to perform ſuch Contracts, in like Manner as if any ſuch Priſoner or Fugitive had never been diſcharged from the ſame.

Diſcharge of Priſoner no Acquital to the Copartner or Sureties.

XXXVII. And be it further enacted, That if any Gaoler or Keeper, or deputed Gaoler or Keeper, of any Priſon or Priſons, ſhall make, or cauſe to be made, any falſe Entry or Entries, in any Book or Books belonging to any Priſon or Gaol under his Care, or of which he is or was Gaoler, or ſhall prepare or keep, or cauſe to be prepared or kept, any falſe Book or Books, in order for any falſe or untrue Entry or Entries to be made therein; or ſhall inſert in any Liſt to be delivered in as aforeſaid, the Name or Names of any Perſon or Perſons who was not a Priſoner or Priſoners in actual Cuſtody in any ſuch Gaol or Priſon upon the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, or ſhall not have ever ſince remained in ſuch actual Cuſtody; except as in the Oath of any ſuch Gaoler or Keeper, or deputed Gaoler or Keeper, ſhall be excepted; every ſuch Gaoler or Keeper, or deputed Gaoler or Keeper, ſhall, over and above the Penalties which he ſhall be liable to for every ſuch Fraud, forfeit and pay the Sum of Five hundred Pounds; to be recovered, with Treble Coſts of Suit, by and in the Name, and for the Uſe, of any Perſon or Perſons who ſhall be prejudiced by any Entry, or ſuch falſe Entries; which Penalties ſhall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Gaoler making falſe Entries in the Priſon Book or Liſts, forfeit 500*l.* with Treble Coſts, &c.

XXXVIII. And be it further enacted, That if any Priſoner, being thereunto required by any Creditor, ſhall refuſe to diſcover and declare the Trade or Occupation, and Habitation or laſt Place of Abode, of the Perſon or Perſons at whoſe Suit he or ſhe is detained or charged in Cuſtody; or being called for and deſired, by any Creditor or Creditors, to come to the Lodge of the Priſon in which any ſuch Priſoner ſhall be confined, without ſome reaſonable Cauſe being made appear to the Contrary; every ſuch Priſoner, upon Proof being made thereof before the Juſtices at any General or Quarter Seſſion of the Peace, or any Adjournment thereof, to be held as aforeſaid, ſhall not have or receive any Benefit or Diſcharge by or under this Act; any Thing herein contained to the Contrary thereof in any-wiſe notwithſtanding.

Priſoner refuſing to declare the Abode of the Perſon at whoſe Suit he is detained, &c. is excluded the Benefit of this Act.

XXXIX. And whereas there is but One Common or County Gaol for each of the reſpective Counties of *York*, *Lincoln*, *Lancaſter*, and *Durham*, which ſaid Counties are each of them divided into ſeveral Ridings or Diviſions, all which have ſeveral Commiſſions of the Peace; and if the Gaolers of thoſe Gaols be obliged to carry the Debtors, Priſoners therein, to the Quarter Seſſion of each Riding or Diviſion, the ſame will be a very great Charge, not only to ſuch Gaolers, but alſo to the Priſoners, in thoſe large Counties; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful for Two or more Juſtices of the Peace for each of the Ridings and Diviſions in the reſpective Counties, at the Common or County Gaol thereof reſpectively, or at ſome convenient Place near thereto, and they are hereby required to aſſemble and meet, and to hold Seſſion there, by Adjournment from their reſpective Quarter Seſſion, from Time to Time, for the Diſcharge of the reſpective Priſoners therein, according to the Powers, Limitations, and Directions of this Act.

Juſtices to aſſemble near to either of the County Gaols, and hold Seſſion there, for Diſcharge of Priſoners.

XL. And whereas the next General Quarter Seſſion of the Peace for the County of *Surrey*, which will happen after the paſſing of this Act, will be in the County, and upwards of Twenty Miles from any of the ſaid Priſons; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for ſuch Juſtices as ſhall be aſſembled at the General Quarter Seſſion of the Peace to be holden for the County of Surrey, next after the paſſing of this Act, and they are hereby required forthwith to adjourn the ſaid Seſſion to the Town-hall in the Borough of Southwark, for the Purpoſe of adminiſtering the Oaths required to be taken and ſubſcribed by this Act by the ſeveral Gaolers within the ſaid County wherein any Priſoner or Priſoners are confined, and to the diſcharging ſuch reſpective Priſoner or Priſoners confined therein, according to the Powers limited, and Directions of this Act.

Juſtices for the County of *Surrey* may aſſemble at the Town-hall of *Southwark* for adminiſtering Oaths, &c.

Thoſe who are Priſoners for their Fees, or other Demands of the Gaoler or Officer, to be diſcharged.

XLI. And be it further enacted by the Authority aforeſaid, That all Debtors, and others, who were in Priſon on or before the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-two, or ſince, in any of the Gaols of this Kingdom, and now remain there for not paying their Fees, Rents, or any other Demands due, or claimed as due, to the Keeper or Gaoler of any Priſon reſpectively, or to any other Officer of any ſuch Priſon, and upon no other Account, ſhall be diſcharged therefrom, he, ſhe, or they, taking the Oath by this Act required to be taken by Priſoners.

Debtors to the Crown, and Priſoners who owe above 1000 *l.* to One Perſon, unleſs the Creditors Conſent, are excluded the Benefit of this Act.

Creditor oppoſing Priſoner's Diſcharge, to allow him 3 *s.* 6 *d. per* Week.

On Non-payment, Priſoner to be diſcharged.

XLII. Provided always, That this Act ſhall not extend to diſcharge any Perſon out of Priſon, ſeeking his or her Diſcharge under this Act, with reſpect to any Debt with which he or ſhe ſhall ſtand charged at the Suit of the Crown, or ſhall be indebted to any Body Politick or Corporate, or to any One Perſon, in any Sum exceeding the Sum of One thouſand Pounds, beſides Intereſt and Coſts, and whoſe Diſcharge ſhall be in Court oppoſed by the Crown, Body Politick or Corporate, or One Perſon, and whoſe Debts exceeds the Sum of One thouſand Pounds, and not otherwiſe, unleſs the Crown, ſuch Body Politick or Corporate, or Creditor, ſhall conſent thereto: And if any ſuch Body Politick or Corporate, Creditor or Creditors, to whom a Sum exceeding One thouſand Pounds ſhall be owing, ſhall oppoſe the Diſcharge of ſuch Priſoner, and ſhall inſiſt that ſuch Priſoner be continued in Gaol; that then, and in ſuch Caſe, ſuch Body Politick or Corporate, or Creditor or Creditors, oppoſing the ſaid Priſoner's Diſcharge as aforeſaid, ſhall, at his, her, or their proper Coſts and Charges, allow and pay, in the Whole, ſuch a weekly Maintenance to the ſaid Priſoner, not exceeding Three Shillings and Sixpence per Week, in ſuch Manner as the ſaid Juſtices in their General or Quarter Seſſion, or ſome Adjournment thereof, ſhall order; and, upon Non-payment of the ſame for the Space of Six Weeks, the ſaid Priſoner, upon Application to the ſaid Juſtices in their General or Quarter Seſſion held as aforeſaid, ſhall be diſcharged, purſuant to the Intent and Meaning of this Act.

Determination of the Juſtices to be final,

unleſs the Priſoner get rid of the Objection for which they refuſed his Diſcharge.

The Juſtices, on Proof by Two Witneſſes of Objection being removed, &c. may diſcharge ſuch Priſoner.

XLIII. And whereas, under former Acts, Creditors have been put to great Expences and Trouble in attending every Seſſion and Adjournment, during the whole Continuance of the Act, to oppoſe the Diſcharge of Priſoners clearly excluded from any Benefit under the ſaid reſpective Acts, but who, after having been before One Seſſion heard and refuſed a Diſcharge, to harraſs their Creditors, conſtantly gave freſh Notices for each ſubſequent Seſſion and Adjournment, of their intended Application to be diſcharged; to remedy which, be it further enacted by the Authority aforeſaid, That in all Caſes whatever, the Determination of the Juſtices in Seſſion ſhall be final to all Intents and Purpoſes, unleſs the Priſoner ſhall, during the Continuance of this Act, get rid of the Objection or Objections for which they refuſed his Diſcharge: And, in which Caſe, it ſhall and may be lawful to and for the Juſtices, at any ſubſequent Seſſion, upon Application from the Priſoner, upon due Proof on Oath made to them by Two or more credible Witneſſes, (and which Oath they are hereby impowered to adminiſter), of each Objection or Objections being removed, and on Proof of Notice ſerved, at leaſt Ten Days previous to ſuch Application, on the Creditor or Creditors who before oppoſed his Diſcharge, and of Notice likewiſe inſerted in the Gazette, in Manner before directed by this Act, to order ſuch Priſoner to be brought before them; and if they ſhall then be of Opinion the ſaid Priſoner is intitled to the Benefit of this Act, to order him to be diſcharged, he taking the Oath, and, in all other Reſpects, conforming to the Directions of this Act.

Diſcharges to be obtained by *Aug.* 1, 1774.

XLIV. Provided alſo, That every Perſon and Perſons intitled, or to be intitled, to the Benefit of this Act, ſhall obtain their reſpective Diſcharges on or before the Firſt Day of Auguſt, One thouſand ſeven hundred and ſeventy-four, or ſhall be excluded from all Benefit of this Act.

Perſons ſeiſed of an Eſtate Tail, claiming the Benefit of this Act, are to deliver up the ſame to the Creditors.

XLV. And whereas it may happen that ſeveral Perſons who may claim and be intitled to the Benefit of this Act, are ſeiſed of an Eſtate Tail, in ſome Freehold or Copyhold Lands, Tenements, or Hereditaments; which Entail, with the Remainders thereupon expectant, they have by Law Power to defeat and bar, either by levying a Fine or Fines, ſuffering a Common Recovery or Common Recoveries, or by Surrender or Surrenders thereof, whereby ſuch Perſon or Perſons ſaid Freehold or Copyhold Lands, Tenements, or Hereditaments, would be liable to the Payment of their Debts, and be delivered up, according to the Terms of this Act, for the Benefit of their Creditors; be it therefore enacted by the Authority aforeſaid, That, in every ſuch Caſe, ſuch Perſon or Perſons ſo ſeiſed as aforeſaid, and who ſhall be intitled to, and claim the Benefit of this Act, ſhall, to all Intents and Purpoſes whatſoever in Law, be deemed and taken, and is and are hereby declared to be ſeiſed of ſuch Lands, Tenements, and Hereditaments, in Fee; provided the ſame ſhall be delivered up to the Creditor or Creditors of every ſuch Priſoner, in the ſame Manner as if ſuch Perſon or Perſons had actually levied a Fine, ſuffered a Common Recovery or Recoveries, or made a Surrender or Surrenders thereof, and thereby had become ſeiſed in Fee; any Law, or Conſtruction of Law, to the Contrary thereof in anywiſe notwithſtanding.

Aſſignees may apply for further Examination of Priſoner, touching the Diſcovery of his Effects, *etc.*

XLVI. And whereas many Priſoners who may be intitled to, and claim the Benefit of this Act, have been great Dealers, or otherwiſe engaged in large Tranſactions, whereby they may be intitled to ſundry and great Debts and Demands of various and intricate Natures, and they may be intitled to Equities of Redemption of Eſtates, ſubject and liable to Mortgages, Judgements, or other Incumbrances, or to Reverſions, Remainders, or other contingent Eſtates in Lands, Tenements, or Hereditaments, or to other Truſts or Intereſts in Eſtates, both Real and Perſonal, which may not be ſufficiently deſcribed or diſcovered in the Schedule or Inventory before directed to be delivered in, upon Oath, by the Priſoner to be diſcharged as aforeſaid, or which may want his Aid or Aſſiſtance to adjuſt, make out, recover, or manage, for the Benefit of the Creditors; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the reſpective Aſſignees of the Eſtate and Effects of ſuch Priſoner or Priſoners, who ſhall obtain his, her, or their Diſcharge, in purſuance of this Act, or any other Perſon or Perſons duly authoriſed by them for that Purpoſe, from Time to Time, to apply to any Two or more of the Juſtices of the

Peace for the County, Riding, Diviſion, City, Town, Place, or Liberty, where ſuch Priſoner or Priſoners ſhall be then reſiding, thereby deſiring that ſuch Priſoner or Priſoners may be further examined as to any Matters or Things relating to his, her, or their Eſtate or Effects; whereupon ſuch Juſtices ſhall ſend for, or call before them, ſuch Priſoner or Priſoners, by ſuch Warrant, Summons, Ways, or Means, as they ſhall think fit; and, upon ſuch Priſoner's appearing, he ſhall examine him, her, or them, as well upon Oath as otherwiſe, as to ſuch Matters and Things as ſuch Aſſignee ſhall deſire, relating to the Eſtate and Effects of ſuch Priſoner or Priſoners: And if any Priſoner or Priſoners (on Payment or Tender of Payment of ſuch reaſonable Charges as ſuch Juſtices ſhall judge ſufficient) ſhall neglect or refuſe to come and appear, not having a lawful Excuſe, to be made known to ſuch Juſtices, and by them allowed, or, being come before them, ſhall refuſe to be ſworn, or to anſwer to all ſuch Queſtions as by ſuch Juſtices ſhall be put to him, her, or them, relating to the Diſcovery of his, her, or their Eſtate or Effects ſo veſted, or intended to be veſted, in ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, or in ſuch Aſſignees as aforeſaid, that then it ſhall and may be lawful to and for ſuch Juſtices, by Warrant under their Hands and Seals, to apprehend ſuch Priſoner or Priſoners ſo offending as aforeſaid, and him, her, or them, to commit to the County Gaol, there to remain without Bail or Mainprize, until ſuch Time as he, ſhe, or they, ſhall ſubmit him, her, or themſelves, to ſuch Juſtices, and anſwer upon Oath to all ſuch lawful Queſtions as ſhall by ſuch Juſtices be put to him, her, or them, for the Purpoſes aforeſaid.

and Juſtices may ſend for and examining the Priſoners accordingly.

Priſoners refuſing to appear, or to anſwer upon Oath, may be committed.

XLVII. And be it further enacted by the Authority aforeſaid, That all and every ſuch Perſon and Perſons who ſhall, within Twelve Months after the Diſcharge of ſuch Priſoner or Priſoners, voluntarily come in and make a Diſcovery of any Part of ſuch Debtor or Debtors Real or Perſonal Eſtate, as ſhall not be compriſed in ſuch Schedule as aforeſaid, before any Juſtices aforeſaid, ſhall be allowed after the Rate of Twenty Pounds per Centum, out of the Net Produce of ſuch Debtor or Debtors Eſtate, which ſhall be recovered on ſuch Diſcovery, and which ſhall be paid to ſuch Perſon or Perſons ſo diſcovering the ſame by the Aſſignee or Aſſignees of ſuch Priſoner's Eſtate and Effects.

20 *l.* per Cent. allowed on diſcovering within 12 Months any Part of the Priſoner's Eſtate not returned in the Schedule.

XLVIII. Provided always, and be it enacted, That notwithſtanding the Diſcharge of any Priſoner or Priſoners by virtue of this Act, if it ſhall hereafter appear the ſame was obtained fraudulently, or that any Part of the Oath taken by any ſuch Priſoner was not true; then, and in every ſuch Caſe, every ſuch Diſcharge ſhall be void and of none Effect.

Diſcharge obtained fraudulently, void.

XLIX. And, for the better Diſcovery of the Eſtate and Effects of any Priſoner who ſhall be diſcharged by virtue of this Act, be it enacted by the Authority aforeſaid, That any Perſon or Perſons who ſhall have accepted of any Truſt or Truſts, and ſhall wilfully conceal or protect any Eſtate, Real or Perſonal, of any ſuch Priſoner from his Creditors, and ſhall not, within Thirty Days after any Aſſignee or Aſſignees ſhall, in purſuance of this Act, be choſe of any ſuch Priſoner's Eſtate, diſcover and diſcloſe to ſuch Aſſignee or Aſſignees ſuch Truſt and Eſtate in Writing, and deliver up or make over the ſame to ſuch Aſſignee or Aſſignees, he, ſhe, or they, ſo offending, ſhall, for every ſuch Offence, forfeit the Sum of One hundred Pounds, and alſo Double the Value of the Eſtate, either Real or Perſonal, ſo concealed, to and for the Uſe of the Creditors of any ſuch Priſoner; to be recovered by Action of Debt, in any of His Majeſty's Courts of Record at Weſtminſter, in the Name or Names of the Aſſignee or Aſſignees of ſuch Priſoner's Eſtate, together with Treble Coſts of Suit.

Perſons concealing any Eſtate or Effects of the Priſoner, forfeit 100 *l.* and Double Value, with Treble Coſts of Suit.

L. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful, at all Times hereafter, for any Aſſignee or Aſſignees of the Eſtate or Effects of any Priſoner or Priſoners, who ſhall be choſe in purſuance of this Act, by and with the Conſent of the major Part in Value of ſuch Priſoner or Priſoner's Creditors, who ſhall be preſent at a Meeting to be had on Twenty-one Days publick Notice being previouſly given for the Purpoſe hereafter mentioned in the London Gazette, if the Priſoner was in Cuſtody in London, or within the Weekly Bills of Mortality, and if not, then alſo in ſome News-paper which ſhall be publiſhed in the County, City, or Place, in or near which any ſuch Perſon ſhall have been in Gaol, to make Compoſition with any Perſon or Perſons, Debtors or Accountants to ſuch Priſoner or Priſoners, where the ſame ſhall appear neceſſary or reaſonable; and to take ſuch reaſonable Part of any ſuch Debt as can, upon ſuch Compoſition, be gotten, in full Diſcharge of ſuch Debts and Accounts; and alſo to ſubmit any Difference or Diſpute between ſuch Aſſignee or Aſſignees, and any Perſon or Perſons, for or on Account, or by Reaſon or Means of any Matter, Cauſe, or Thing, relating to ſuch Priſoner or Priſoners Eſtate or Effects, or to any Debt or Debts due, or claimed to be due, to or from ſuch Priſoner or Priſoners, to the final End and Determination of Arbitrators to be choſen by the ſaid Aſſignee or Aſſignees, and the major Part in Value of ſuch Creditors, and the Party or Parties with whom they ſhall have no Difference, and to perform the Award of ſuch Arbitrators, or of any Umpire to be choſen by them; or otherwiſe to ſettle and agree the Matters in Difference and Diſpute between them, in ſuch Manner as the ſaid Aſſignee or Aſſignees, with ſuch Conſent as aforeſaid, ſhall think fit, and can agree, and the ſame ſhall be binding to all the Creditors of ſuch Priſoner or Priſoners; and every ſuch Aſſignee or Aſſignees is and are hereby indemnified for what they ſhall fairly do in the Premiſes, in purſuance of this Act.

Aſſignees, with Conſent of the Majority in Value of the Creditors, may compound for Debts due to the Priſoner's Eſtate;

and may ſubmit any Diſpute relating thereto to Arbitration;

or otherwiſe may ſettle and agree the ſame as they think fit.

LI. And, to the Intent and Purpoſe that the Eſtate and Effects of ſuch Priſoner or Priſoners as ſhall be diſcharged by virtue of this Act may be duly and faithfully applied for the Benefit of his, her, or their real Creditors, be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the reſpective Courts at Weſtminſter, and the Courts of Great Seſſion in Wales, and the Principality of Cheſter, and the Counties Palatine of Lancaſter and Durham, reſpectively, from whence any Proceſs iſſued upon which any

Aſſignees may be complained againſt for Unfaithfulneſs, Fraud, Miſmanagement, or other Miſbehaviour, ſuch Priſoner or Priſoners was or were committed, or where the Proceſs iſſued out of any other Court, to and for the Judges of the Court of King's Bench, Common Pleas, and Exchequer, or of Great Seſſions aforeſaid, within their reſpective Juriſdictions, or any One of them, from Time to Time, upon the Petition of any ſuch Priſoner, or the Creditor or Creditors of ſuch Priſoner or Priſoners, complaining of any Inſufficiency, Fraud, Miſmanagement, or other Miſbehaviour of any Aſſignee or Aſſignees of the Eſtate or Effects of any ſuch Priſoner or Priſoners, to ſummon all Parties concerned; and, upon hearing the Parties concerned therein, to make and give ſuch Orders and Directions therein, either for the Removal or Diſplacing ſuch Aſſignee or Aſſignees, and the appointing any new Aſſignee or Aſſignees in the Place or Stead of ſuch Aſſignee or Aſſignees ſo to be removed or diſplaced, or for the prudent, juſt, or equitable Management or Diſtribution of the Eſtate and Effects of any ſuch Priſoner for the Benefit of the reſpective Creditors, as the ſaid Courts or Judges reſpectively ſhall think fit; and in caſe of the Removal or Diſplacing of any Aſſignee or Aſſignees, and the appointing of any new Aſſignee or Aſſignees, the Eſtate or Effects of ſuch Priſoner or Priſoners ſhall, from thenceforth, be diveſted out of the Aſſignee or Aſſignees ſo removed or diſplaced, and be veſted in, and delivered over to, ſuch new Aſſignee or Aſſignees, in the ſame Manner, and for the ſame Intents and Purpoſes, as the ſame were before veſted in the Aſſignee or Aſſignees firſt choſe as aforeſaid; any Thing in this Act contained to the Contrary notwithſtanding.

the Court thereupon is to ſummon the Parties, and make ſuch Orders therein as they ſhall think fit.

Where mutual Credit has been given, the Balance to be ſtated and allowed.

LII. Provided always, and be it enacted by the Authority aforeſaid, That in all Caſes where mutual Credit hath been given between any Priſoner or Priſoners, who ſhall be diſcharged in purſuance of this Act, and any other Perſon or Perſons, or Body Politick or Corporate, before the Delivery of ſuch Schedule or Inventory of the Eſtate and Effects of ſuch Priſoner or Priſoners, upon Oath, as aforeſaid, the reſpective Aſſignee and Aſſignees of ſuch Priſoner or Priſoners is and are hereby authoriſed and required, on his and their Parts, to ſtate and allow an Account between them and the other Party or Parties concerned; and nothing more ſhall be deemed to be veſted in ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, or ſuch Aſſignee or Aſſignees under ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, as the Eſtate or Effects of ſuch Priſoner or Priſoners, than what ſhall appear to be juſtly due to him, her, or them reſpectively, as and for the Balance of ſuch Account when truly ſtated.

Priſoners, for not paying Money awarded under Submiſſions to Arbitration; for not paying Coſts; and upon Writ of *Excommunicato Capiendo*, &c. are intitled to the Benefit of this Act.

LIII. And whereas many Perſons are often committed on Attachments, for not paying Money awarded to be paid under Submiſſions to Arbitration by Rules of Court, or under Submiſſions to Arbitration Bonds, and which Submiſſions have been made Rules of the Court, in purſuance of an Act paſſed in the Ninth and Tenth Years of the Reign of *William* the Third, for determining Differences by Arbitration; and likewiſe for not paying of Coſts duly and regularly taxed and allowed by the proper Officer, after proper Demands made for that Purpoſe; and alſo upon any Writ of *Excommunicato Capiendo*, or other Proceſs for, or grounded on, the Nonpayment of Coſts or Expences in any Cauſe or Proceeding in any Eccleſiaſtical Court; it is hereby declared and enacted, That all ſuch Perſons are and ſhall be intitled to the Benefit of this Act, on and ſubject to the ſame Terms and Conditions as are herein expreſſed and declared with reſpect to Priſoners for Debt only.

Priſoners upon Proceſs out of Courts of Conſcience, to have the Benefit of this Act.

LIV. And whereas great Numbers of poor People have been, and are now, impriſoned for Debt upon Proceſſes iſſuing out of Courts of Conſcience; it is hereby enacted and declared, That all ſuch Priſoners ſhall be intitled to have the Benefit of this Act, and be diſcharged under the ſame, provided he, ſhe, or they, conform to the Directions herein before preſcribed, touching other Priſoners who ſhall be diſcharged by virtue of this Act.

Quaker's Affirmation to be taken in lieu of an Oath.

LV. And be it further enacted by the Authority aforeſaid, That in all Caſes wherein by this Act an Oath is required, the ſolemn Affirmation of any Perſon being a Quaker ſhall and may be accepted and taken in lieu thereof; and every Perſon making ſuch Affirmation, who ſhall be convicted of wilful and falſe Affirming, ſhall incur and ſuffer ſuch and the ſame Penalties as are inflicted and impoſed by this Act upon Perſons convicted of wilful and corrupt Perjury.

Perſons who took the Benefit of the Act of 9 *Geo.* III. excluded.

LVI. Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon who took the Benefit of an Act paſſed in the Ninth Year of the Reign of his preſent Majeſty King George the Third, intituled An Act for the Relief of Inſolvent Debtors, ſhall have or receive any Benefit or Advantage of or under this Act, nor be deemed to be within the Intent and Meaning thereof, ſo as to be diſcharged under the ſame; any Thing herein-before contained to the Contrary notwithſtanding.

Not to extend to *Scotland*.

LVII. Provided alſo, and it is hereby enacted, That nothing in this Act contained ſhall extend to that Part of Great Britain called Scotland.

LVIII. And whereas the Priſoners confined in the Priſon of the *King's Bench* have lately unwarrantably, and without Colour of Law, conceived that Impriſonment for Debt at the Suit of a Subject was contrary to Law, and have therefore formed many dangerous Schemes to ſet themſelves at Liberty; and on the Nineteenth Day of *November*, One thouſand ſeven hundred and ſeventy, the Priſoners confined in the ſaid Priſon, to the Number of Sixty and upwards, did combine, conſpire, confederate, and agree together, by Force and Violence, to break the ſaid Priſon and eſcape thereout, and to enable them ſo to do, did clandeſtinely procure divers Weapons to be conveyed into the ſaid Priſon, and did on the ſaid Day ſuddenly and with Violence knock down the Turnkeys, and overpower them, and ſeize the Keys, and ſet open the Doors of the ſaid Priſons, and divers Priſoners eſcaped charged, with Debts to a large Amount, and although the Marſhal or Keeper of the ſaid Priſon uſed all poſſible Diligence to retake them, yet *John M'Cullock*, One of the ſaid Priſoners, eſcaped, and cannot be retaken; and on the Thirteenth Day of *May*, One thouſand ſeven hundred and ſeventy-one, a great many other Priſoners, to the Number of One hundred, did wickedly, and unknown to the ſaid Marſhal, conſpire together by Force and Violence again to break the ſaid

Priſon, and to eſcape thereout, and in order to effect the ſame, did clandeſtinely procure to be brought into the ſaid Priſon a great Number of Fire Arms, and other deſtructive Weapons, and the ſaid Priſoners in the Night of the ſaid Thirteenth Day of *May*, with the ſaid Fire Arms, and deſtructive Weapons, did ſuddenly and riotouſly break through Part of the Wall of the ſaid Priſon, and many Priſoners eſcaped thereout, charged with Debts to a large Amount, notwithſtanding the Marſhal and his Keepers, with all the Aſſiſtance he could raiſe, reſiſted the ſaid Eſcape at the Hazard of their Lives, but were overpowered by the Multitude and irreſiſtible Force of the ſaid Priſoners; and notwithſtanding the moſt immediate and freſh Purſuit was made, and every Effort uſed to retake the ſaid Priſoners, yet *Daniel Quarrington, Daniel Scott, John Henry Maurer,* and *Iſaac de Rovery,* Four of the ſaid Priſoners, made their Eſcape, and cannot be heard of or retaken; and many of the Plaintiffs, at whoſe Suit the ſaid Priſoners were detained, have brought Actions againſt the Marſhal or Keeper of the ſaid Priſon, charging him with negligent Eſcapes of the ſaid Priſoners, with a View and Deſign to recover of him the full Debt or Debts with which ſuch Priſoner or Priſoners ſtood charged, though they well know the ſaid Eſcapes happened from the unlawful Conſpiracy of the ſaid Priſoners, and from the irreſiſtible Violences aforeſaid: And whereas it would tend to the Ruin of the Marſhal or Keeper of the ſaid Priſon, and alſo to encourage the moſt dangerous and illegal Conſpiracies, if Plaintiffs were permitted to ſue for and recover the Sums with which ſuch Priſoners ſtood charged, as in Caſes of voluntary, wilful, and negligent Eſcapes; be it therefore enacted by the Authority aforeſaid, That the Marſhal or Keeper of the ſaid Priſon ſhall be, and he is hereby indemnified, freed, and diſcharged of, and from and againſt the Eſcape of the ſaid John M'Cullock, Daniel Quarrington, Daniel Scott, John Henry Maurer, and Iſaac de Rovery, and of, from, and againſt, all Action and Actions which now are, or ſhall or may be commenced or proſecuted againſt him, for or by reaſon or means of the ſaid Eſcape of the ſaid John M'Cullock, Daniel Quarrington, Daniel Scott, John Henry Maurer, and Iſaac de Rovery, out of his Cuſtody on the ſaid Nineteenth Day of November, One thouſand ſeven hundred and ſeventy, or the ſaid Thirteenth Day of May, One thouſand ſeven hundred and ſeventy-one, or in the Night-time of thoſe reſpective Days; and, at the Trial of any ſuch Action or Actions, it ſhall and may be lawful to and for the ſaid Marſhal of the ſaid Priſon to plead the General Iſſue, or ſuch other Pleas as he by Law is intitled to do, and to give this Act in Evidence, and thereupon the Plaintiff or Plaintiffs, in ſuch Action, ſhall be nonſuited; or in caſe of a Demurrer in any Action already brought, or hereafter to be brought, againſt the ſaid Marſhal or Keeper, for or by reaſon of the ſaid Eſcapes of the ſaid John M'Cullock, Daniel Quarrington, Daniel Scott, John Henry Maurer, and Iſaac de Rovery, Judgement ſhall be given for the Defendant: Saving nevertheleſs, to each and every the Creditors of the ſaid John M'Cullock, Daniel Quarrington, Daniel Scott, John Henry Maurer, and Iſaac de Rovery, all the Remedies againſt them the ſaid John M'Cullock, Daniel Quarrington, Daniel Scott, John Henry Maurer, and Iſaac de Rovery, and his and their reſpective Lands and Tenements, Goods, Chattels, and Effects, as he, ſhe, or they, would have been intitled unto, in caſe the ſaid John M'Cullock, Daniel Quarrington, Daniel Scott, John Henry Maurer, and Iſaac de Rovery, had not eſcaped.

The Marſhal or Keeper indemnified from the Eſcape of Priſoners, and all Actions commenced relative thereto.

CAP. XXIV.

An Act for the better ſecuring and preſerving His Majeſty's Dock Yards, Magazines, Ships, Ammunition, and Stores.

Preamble.

WHEREAS the Safety and Preſervation of His Majeſty's Ships of War, Arſenals, Magazines, Dock Yards, Rope Yards, Victualling Offices, Military, Naval, and Victualling Stores, and the Places where ſuch Stores are kept or depoſited, either within this Realm or in any of the Iſlands, Countries, Forts, or Places thereunto belonging, is of great Importance to the Welfare and Security of the Kingdom; may it pleaſe Your moſt Excellent Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That if any Perſon or Perſons ſhall, either within this Realm, or in any of the Iſlands, Countries, Forts, or Places thereunto belonging, wilfully and maliciouſly ſet on fire, or burn, or otherwiſe deſtroy, or cauſe to be ſet on fire, or burnt, or otherwiſe deſtroyed, or aid, procure, abet, or aſſiſt in the ſetting on fire, or burning, or otherwiſe deſtroying, of any of His Majeſty's Ships or Veſſels of War, whether the ſaid Ships or Veſſels of War be on float or building, or begun to be built, in any of His Majeſty's Dock Yards, or building or repairing by Contract in any private Yards, for the Uſe of His Majeſty, or any of His Majeſty's Arſenals, Magazines, Dock Yards, Rope Yards, Victualling Offices, or any of the Buildings erected therein, or belonging thereto; or any Timber or Materials there placed, for building, repairing, or fitting out of Ships or Veſſels; or any of His Majeſty's Military, Naval, or Victualling Stores, or other Ammunition of War, or any Place or Places where any ſuch Military, Naval, or Victualling Stores, or other Ammunition of War is, are, or ſhall be kept, placed, or depoſited; that then the Perſon or Perſons guilty of any ſuch Offence, being thereof convicted in due Form of Law, ſhall be adjudged guilty of Felony, and ſhall ſuffer Death, as in Caſes of Felony, without Benefit of Clergy.

Perſons who ſhall wilfully ſet on fire, burn, or deſtroy Ships of War, or aſſiſt in ſo doing, in any of His Majeſty's Dock Yards, Arſenals, &c. or any Military, Naval, or Victualling Stores, &c. being thereof convicted, ſhall ſuffer Death, without Benefit of Clergy.

II. And be it further enacted by the Authority aforeſaid, That any Perſon who ſhall commit any of the Offences before mentioned, in any Place out of this Realm, may be indicted and tried for the ſame, either in any Shire or County within this Realm, in like Manner and Form, as if ſuch Offence had been committed within the ſaid Shire or County, or in ſuch Iſland, Country, or Place, where ſuch Offence ſhall have been actually committed, as His Majeſty, His Heirs or Succeſſors, may deem moſt expedient for bringing ſuch Offender to Juſtice; any Law, Uſage, or Cuſtom notwithſtanding.

Perſons offending out of this Realm, may be tried in any Shire, &c. within the Realm.

CAP. XXV.

An Act for the more effectual veſting in the Royal Hoſpital at *Greenwich* the forfeited and unclaimed Shares of Naval Officers, Seamen, and Marines, in Prizes taken from the Enemy; and for other Purpoſes therein mentioned.

Preamble.

WHEREAS, previous to, and during the Courſe of, the late Wars againſt *France* and *Spain*, divers Ships and Veſſels were taken from the Enemy by ſeveral of His Majeſty's Ships of War, and *Fort Lewis* at *Senegal*, the Iſland of *Goree*, the Iſlands of *Martinico*, *Guadeloupe*, and ſeveral other of the *Leeward* Iſlands, the Towns of *Pondicherry* and *Karical*, and divers other Settlements on the Coaſt of *Coromandel*, the Fortreſſes of *Chandenagore*, *Budgia*, *Tanna*, and *Hughley*, in or near the Province of *Bengal*, and the Fortreſs of *Geriah*, the Town of *Havanna*, and ſundry Ships of War in the Harbour thereof, the City, Town, and Fort of *Manilla*, and divers other Forts, Settlements, and Places of or belonging to or under the Dominion of the Crowns of *France* and *Spain*, or their Allies, were reduced and taken by the conjunct Force of His Majeſty's Navy and Army; and large Quantities of Money, Goods, Wares, and Merchandiſes, were taken and ſeiſed, as Booty or Plunder, by ſuch conjunct Force; and divers Sums of Money were paid, or given or agreed to be paid, by way of Ranſom, to the Officers, Soldiers, and Sailors, who had conjunctively taken and ſeiſed ſundry Goods, Wares, and Merchandiſes, as Booty, or Plunder; and alſo for the Ranſom of ſundry Forts, Places, Settlements, and Iſlands, ſo reduced and taken by ſuch conjunct Force as aforeſaid; and alſo divers Sums of Money were given by certain foreign Princes, in Alliance with the Crown of *Great Britain*, and of the trading Companies thereunto belonging, and ſubject, by way of Donation to, and to be diſtributed among, ſuch Officers, Soldiers, and Sailors, as had aſſiſted ſuch foreign Princes, in Recompence for their good Service and Aſſiſtance:

Acts 29 and 33 *Geo.* II. and Act 2 *Geo.* III.

And whereas certain Acts were made in the Twenty-ninth and Thirty-third Years of the Reign of His late Majeſty, and in the Second Year of the Reign of His preſent Majeſty, for the Encouragement of Seamen, and the more ſpeedy and effectually manning His Majeſty's Navy; and for the more effectual ſecuring the Payment of ſuch Prize and Bounty Money as were thereby appropriated to the Uſe of *Greenwich* Hoſpital: And whereas Doubts have ariſen, whether the Ships and Veſſels ſo taken previous to the Commencement of the late War, and the Booty or Plunder ſo taken on Shore by ſuch conjunct Force, and the ſaid Ships ſo taken in the Harbour of *Havanna*, and ſuch Ranſom, and alſo ſuch Donations as aforeſaid, can be conſidered as ſubject to ſuch Diſtribution as in the ſaid Acts are mentioned; and whether ſuch Shares thereof, as have been forfeited and unclaimed by the Officers and Seamen ſerving on Board His Majeſty's Navy, do belong to the Royal Hoſpital for Seamen at *Greenwich*, in the County of *Kent*; and whether ſuch Shares ought to be paid by the ſeveral Agents, or other Perſons in whoſe Hands the ſaid forfeited and unclaimed Shares do now remain to the Treaſurer of the ſaid Hoſpital, for the Uſe thereof: For Remedy whereof, and to obviate all Doubts and Difficulties which have ariſen, or may ariſe, concerning the ſaid forfeited and unclaimed Shares, may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame,

All Sums ariſing by Sale of Ships, *&c.* taken previous to the Commencement of the late War, mentioned therein, are hereby deemed to be included in the ſaid Acts; and are ſubject to the ſame Mode of Diſtribution and Application.

That all and every Sum and Sums of Money, ariſing by Sale of any Ship or Veſſel taken from the Enemy previous to the Commencement of the late War, and now remaining unpaid to the Captors thereof, and all and every the Booty Money, Goods, Wares, and Merchandiſes, which were ſo taken by ſuch conjunct Force, on Shore, and the Money paid, or agreed to be paid, for the Ranſom of any Ship, Town, Fort, Place, Settlement, or Iſland, ſo reduced and taken by ſuch conjunct Force, or of the Goods, Wares, and Merchandiſes found therein; and all and every Ship and Ships taken by, or ſurrendered by virtue of any Capitulation, or otherwiſe, to ſuch conjunct Force, and alſo all ſuch Monies as have been given by way of Donation as aforeſaid, ſhall be deemed and taken to be included in the ſaid Acts, and to be ſubject to ſuch and the ſame Mode of Diſtribution, Management, and Application, as any other Ships, Veſſels, Goods, and Merchandiſes, were, purſuant to the ſaid Acts, liable to, or ought to be ſubject, but not ſo as to impeach, affect, or diſturb any Mode of Diſtribution, which may have been already adopted, or any Payments which have been actually and bona fide made agreeable thereto.

Court of Admiralty to have no additional Juriſdiction by this Act.

II. Provided always, nevertheleſs, That nothing herein contained ſhall extend, or be conſtrued to extend, ſo as to make it neceſſary to have any Capture on Shore condemned as lawful Prize in any Court of Admiralty, or to give any Court of Admiralty any greater or other Power or Juriſdiction than what ſuch Court would be intitled to in caſe this Act had not been made.

All Agents reſiding in *Britain*, appointed for Receipt and Diſtribution of Booty, *&c.* or of the Ranſom of Ships, Forts, *&c.* ſhall, before *March* 25, 1773, pay to the Treaſurer of the Royal Hoſpital at *Greenwich* all Sums then remaining in their Hands, on account of the Shares of Officers, *&c.* who have deſerted;

III. And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons, Agent and Agents, (who, at the Time of paſſing this Act, ſhall be reſiding in Great Britain), nominated and appointed for the Receipt and Diſtribution of the Booty and Plunder found in the Fortreſs of Geriah, or of the Money ariſing by the Sale of any Ship, Veſſel, Goods, and Merchandiſe, taken from the Enemy during the late Wars with France and Spain, or of the Booty and Plunder found in any Town, Fort, Place, or Settlement, reduced and taken, during ſuch Wars as aforeſaid, or of the Ranſom of any Ship, Town, Fort, Place, Settlement, or Iſland, or of any Goods, Wares, and Merchandiſes, reduced and taken as aforeſaid, or of any ſuch Donation as aforeſaid, or on any Bounty Bill or Bounty Bills, given or granted for the taking, burning, ſinking, or deſtroying, any of the Enemies Ships of War, or Privateers, during ſuch Wars as aforeſaid, their Executors or Adminiſtrators, and all and every Perſon and Perſons acting as ſuch Agent or Agents, and reſiding in Great Britain as aforeſaid, their Executors or Adminiſtrators, ſhall, on or before the Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-three, account for, and pay to the Treaſurer of the Royal Hoſpital for Seamen at Greenwich, in the County of Kent, or to his ſufficient Deputy or Agent, for the Uſe of the ſaid Hoſpital, all and every Sum and Sums of Money, as ſhall be then remaining in their Hands, on account of ſuch Shares of the Money ariſing as aforeſaid, as would have belonged to ſuch Officers and Men of His Majeſty's Navy and Marines, who had forfeited the ſame, by deſerting from His Majeſty's Service, in caſe they had not ſo deſerted, and alſo ſuch Shares thereof as were forfeited by the ſeveral Naval Officers, Seamen, and Marines, intitled thereto, on Occaſion of their not claiming the ſame, within Three Years from the reſpective Times appointed for the Payment of the ſaid Shares, by the publick Notifications given of the Times of ſuch Payment, purſuant to the ſaid Acts of Parliament.

and all forfeited Shares, not claimed within Three Years from the reſpective Times appointed for the Payments.

IV. And whereas it hath frequently happened that divers Naval Officers, Seamen, and Marines, have been prevented, by Abſence, or other inevitable Accidents, from claiming their Shares of Prize and Bounty Money within Three Years after publick Notifications have been given of the Time appointed for Payment thereof, be it enacted by the Authority aforeſaid, That if any Naval Officer, Seaman, or Marine, his Executors or Adminiſtrators, ſhall, after his Share of Prize or Bounty Money has been paid to the Treaſurer of the ſaid Hoſpital, or his Deputy, for the Uſe thereof, by virtue of this Act, give ſufficient Proof to the Board of Directors of the ſaid Hoſpital of his Inability of claiming his Share of Prize and Bounty Money in due Time, it ſhall and may be lawful to and for the ſaid Board of Directors, and they are hereby impowered, to order the Treaſurer of the ſaid Hoſpital to refund and pay to ſuch Naval Officer, Seaman, or Marine, his Executors or Adminiſtrators, ſuch his Share of Prize or Bounty Money ſo received by the ſaid Treaſurer; and that the Treaſurer of the ſaid Hoſpital ſhall be allowed ſuch Payment on paſſing his Account before the Auditor of the ſaid Hoſpital.

Naval Officers, *&c.* prevented from claiming within the limited Time, giving ſufficient Proof to the Board of Directors of their Inability, to have their Shares refunded by the Treaſurer.

V. And be it further enacted by the Authority aforeſaid, That all and every the forfeited and unclaimed Shares of Prizes, and other Benefits accruing to the ſaid Hoſpital, by virtue of this or any former Act, ſhall and may be recovered by any Action, Bill, Plaint, Suit, or Information, to be brought in the Name of the Maſter or Governor, and Treaſurer of the ſaid Hoſpital, for the Time being.

Forfeitures and unclaimed Shares to be recovered by Bill or Information.

VI. And whereas many Agents appointed for the Receipt and Diſtribution of Prize Money, and Money ariſing on Bounty Bills, have been induced to delay the Payment of forfeited and unclaimed Shares, due to the ſaid Royal Hoſpital, by virtue of the ſaid Acts, and to carry on long and expenſive Litigations with the Governor and Treaſurer of the ſaid Hoſpital, in conſideration that the Intereſt of the Money due to the ſaid Hoſpital, for ſuch forfeited and unclaimed Shares, does ſometimes far exceed, or may be at leaſt equivalent to the Coſts of the ſaid Agents attending ſuch Litigations; for Remedy whereof, be it further enacted by the Authority aforeſaid, That if any Suit ſhall, after the ſaid Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-three, be brought in any of His Majeſty's Courts of Law or Equity, by or on the Behalf of the ſaid Hoſpital, againſt any Agent or Agents nominated and appointed for the Purpoſes aforeſaid, or either of them, or againſt any Perſon or Perſons acting as ſuch Agent or Agents, (who at the Time of paſſing this Act ſhall be reſiding in Great Britain), their Executors or Adminiſtrators, for an Account of, or to compel Payment of any ſuch Shares as aforeſaid; ſuch Agent or Agents, or Perſon or Perſons acting as ſuch, their Executors or Adminiſtrators, ſhall pay to the Treaſurer of the ſaid Royal Hoſpital, or to his ſufficient Deputy, for the Uſe thereof, Intereſt at the Rate of Five Pounds per Centum per Annum, for ſuch Sums of Money as ſhall, in the Event of the ſaid Suit, appear to be remaining in the Hands of ſuch Agent or Perſon reſpectively, on account of ſuch forfeited and unclaimed Shares as aforeſaid, together with the Amount of ſuch forfeited and unclaimed Shares; ſuch Intereſt to be computed from the End of Three Years next after the Time appointed by ſuch Notifications as ſhall have been given purſuant to the ſaid Acts for the Payment of ſuch Shares as aforeſaid.

After *March* 25, 1773, Suits brought in Behalf of the Hoſpital againſt Agents,

5 *l. per Cent.* Intereſt for Monies in their Hands, to be paid by ſaid Agents.

VII. And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons, Agent and Agents, (who at the Time of paſſing this Act ſhall be reſiding in Parts beyond the Seas), nominated and appointed for the Receipt and Diſtribution of the Money ariſing by the Sale of any Ship, Veſſel, Goods, and Merchandiſe, taken from the Enemy during the late Wars with France and Spain, or of the Booty and Plunder found in any Town, Fort, Place, or Settlement, reduced and taken during ſuch Wars as aforeſaid, or of the Ranſom of any Ship, Town, Fort, Place, Settlement, or Iſland, or of any Goods, Wares, and Merchandiſes, reduced and taken as aforeſaid, or on any Bounty Bill, or Bounty Bills, given or granted for the taking, burning, ſinking, or deſtroying, any of the Enemies Ships of War or Privateers, during ſuch Wars as aforeſaid, their Executors or Adminiſtrators, and all and every Perſon and Perſons acting as ſuch Agent or Agents, and reſiding in Parts beyond the Seas as aforeſaid, their Executors or Adminiſtrators, other than and except ſuch Agents or Perſons as are or ſhall be reſiding in Eaſt India, ſhall, on or before the Thirty-firſt Day of December, One thouſand ſeven hundred and ſeventy-three, account for and pay to the Treaſurer of the Royal Hoſpital for Seamen at Greenwich, in the County of Kent, or to his ſufficient Deputy, Attorney, or Agent, for the Uſe of the ſaid Hoſpital, all and every Sum and Sums of Money as ſhall be then remaining in their Hands, on account of ſuch Shares of the Money ariſing as aforeſaid, as would have belonged to ſuch Officers and Men of His Majeſty's Navy and Marines, who had forfeited the ſame by deſerting from His Majeſty's Service, in caſe they had not ſo deſerted, and alſo ſuch Shares thereof as were forfeited by the ſeveral Naval Officers, Seamen, and Marines, intitled thereto, on Occaſion of their not claiming the ſame within Three Years from the reſpective Times appointed for the Payment of the ſaid Shares, by the publick Notifications given of ſuch Payment, purſuant to the ſaid Acts; and that ſuch Agents or Perſons as are or ſhall be reſiding in Eaſt India ſhall account for, and pay to the Treaſurer of the ſaid Hoſpital, or to his ſufficient Deputy, Attorney, or Agent, for the Uſe thereof, ſuch Shares as aforeſaid, on or before the Twenty-fourth Day of June, which will be in the Year of our Lord One thouſand ſeven hundred and ſeventy-four:

Agents, before *Dec.* 31, 1773, to pay to the Treaſurer of the Hoſpital all Sums remaining in their Hands on account of ſuch Shares;

Suits brought againſt Agents *&c.* except ſuch as are in *Eaſt India*, to compel Payment of Shares, ſuch Agents ſhall pay 5 *l per Cent.* &c. Intereſt to be computed after 3 Years Notification.

And that if any Suit ſhall, after the ſaid Thirty-firſt Day of December, One thouſand ſeven hundred and ſeventy-three, be brought in any of His Majeſty's Courts of Law or Equity by or on Behalf of the ſaid Hoſpital, againſt any Agent or Agents nominated and appointed for the Purpoſes aforeſaid, or either of them, or againſt any Perſon or Perſons acting as ſuch Agent or Agents, (who at the Time of paſſing this Act ſhall be reſiding in Parts beyond the Seas), their Executors or Adminiſtrators, other than and except ſuch as are or ſhall be reſiding in Eaſt India, for an Account of, or to compel Payment of any ſuch Shares as aforeſaid; ſuch Agent or Agents, Perſon or Perſons acting as ſuch, their Executors or Adminiſtrators, ſhall pay to the Treaſurer of the ſaid Royal Hoſpital, or to his ſufficient Deputy, Attorney, or Agent, for the Uſe thereof, Intereſt at the Rate of Five Pounds per Centum per Annum, for ſuch Sum of Money as ſhall, in the Event of the ſaid Suit, appear to be remaining in the Hands of ſuch Agent or Perſon reſpectively, on account of ſuch forfeited and unclaimed Shares as aforeſaid, together with the Amount of ſuch forfeited and unclaimed Shares; ſuch Intereſt to be computed from the End of Three Years next after the Time appointed by ſuch Notifications, as have been given purſuant to the ſaid Acts, for the Payment of ſuch Shares as aforeſaid.

No Agreement vacated between Commanders of Sea and Land Forces.

VIII. Provided alſo, That nothing in this Act contained ſhall extend, or be conſtrued to extend, ſo as to vacate any Agreement entered into between the Commanders of His Majeſty's Sea and Land Forces conjunctively employed in the Expedition againſt Manilla, or any other Place, during the late Wars with France and Spain.

Money due to Land Forces now unclaimed, in the Hands of any Agent, to be forthwith paid to the Commiſſioners, as by Act 5 *Geo.* III.

IX. And be it further enacted by the Authority aforeſaid, That all ſuch Sum and Sums of Money as by virtue of ſuch Agreements became due to His Majeſty's Land Forces, and are now remaining unclaimed in the Hands of any Agent or Agents, ſhall be forthwith paid to the Commiſſioners appointed by an Act made in the Fifth Year of His preſent Majeſty, intituled, An Act to oblige Agents for Prize Money to account for ſuch Sums of Money as remain in their Hands unclaimed, the Property of any of His Majeſty's Land Forces, and for the Application thereof; to be applied by the ſaid Commiſſioners according to the Directions of the ſaid Act.

Publick Act.

X. And be it further enacted and declared, That this Act ſhall be deemed a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP. XXVI.

An Act for Imbanking, Draining, and Preſerving, certain Fen Lands and Low Grounds in the Pariſh of *Ramſey*, in the County of *Huntingdon*; and in the Pariſhes of *Doddington, March, Benwick, Wimblington*, and *Chatteris*, within the *Iſle of Ely*, in the County of *Cambridge*; and for amending the Road from a certain Bridge in the Pariſh of *Chatteris* aforeſaid, called *Carter's Bridge*, by a Drain called *Vermuyden's*, or *The Forty Feet Drain*, to a Bridge called *The Forty Feet Bridge*, in the ſaid Pariſh of *Ramſey*.

Preamble.

WHEREAS the Bank of the Drain called *Vermuyden's*, or *The Forty Feet Drain*, from a certain Bridge in the Pariſh of *Chatteris*, within the *Iſle of Ely*, in the County of *Cambridge*, called *Carter's Bridge*, to a certain Bridge called *The Forty Feet Bridge*, on the North Side thereof; and the Bank on the Weſt Side of Lands called *Thiſtle Green*, to *Broadall's* otherwiſe *Broadwell's Old Bank*, on the Eaſt Side of *Ramſey Meer*, in the Pariſh of *Ramſey*, in the County of *Huntingdon*, and the Bank of the *Great Hilks*, in *Ramſey* aforeſaid; and the Banks of the River *Nene*, on the South and South Eaſt Sides thereof, from *Ramſey Meer* aforeſaid, along the ſaid River to *Benwick*; and from thence to a certain Houſe called *Copalder Houſe*; and from thence by or along the ſaid River to a certain Place in the Pariſh of *Doddington*, within the *Iſle of Ely*, in the County of *Cambridge*, called *Flood's Ferry*, by *Ranſon Moore*; and from thence by *Borough Moore* to *Borough Moore Common*; are in ſo ruinous a State that they cannot be any longer preſerved or kept in Repair, whereby the Lands lying adjoining to the ſaid Banks are, through the Inſufficiency of the ſame, overflowed with Water, to the great Prejudice of the Owners and Occupiers thereof: And whereas the ſaid Lands, ſo overflowed by ſuch Inſufficiency of the Banks, contain in the Whole Eight thouſand ſix hundred Acres, or thereabouts, and are abutted and bounded as follows; that is to ſay, On the South, by the ſaid Drain called *Vermuyden's Drain*, otherwiſe *The Forty Feet Drain*, from *Carter's Bridge* aforeſaid, to the ſaid Bridge called *The Forty Feet Bridge*, in the ſaid Pariſh of *Ramſey*; and from thence, on the Weſt Side of *Thiſtle Green* aforeſaid, to *Broadall's Bank* aforeſaid; and from thence, along the ſaid Old Bank on the Eaſt Side of *Ramſey Meer*, in the ſaid Pariſh of *Ramſey*, to the Weſt Side of Lands called *The Great Hilks*; and from thence along the ſaid *Great Hilks*, on the North and Weſt Sides thereof, to the River *Nene*; and from thence, along the Eaſt Side of the ſaid River *Nene*, by and through the ſaid Hamlet of *Benwick*, to a certain Houſe called *Copalder Houſe*; and from thence, along the ſaid River *Nene*, to *Flood's Ferry*; and from thence, along the ſaid River, through Lands called *Little Bradney Moore* and *Borough Moore*, to the North Eaſt Side of Lands of Mr. *John Houſehold*, next a certain Place called *Borough Moore Common*; and from thence, along the ſaid Lands of the ſaid *John Houſehold*, next *Borough Moore Common* aforeſaid, but excluding the ſaid Common, to a certain Drove or Bank in *March*, called *Ranſon Moore Black Bank*, and along the ſaid Bank to the Hard Lands of *Borough Moore Common*; and from thence, on the Eaſt Side of Lands of *John Waddington* Eſquire, next *Linwood Farm*, excluding the ſaid Farm, to a certain Drain called *Middle Drain*; and from thence, along and acroſs the ſaid Drain, to *Sedge Fen Drove*; and by and along the ſaid Drove, towards the South Eaſt, to the North Eaſt Corner of Lands of *Walden Orme, Humphry Sturt*, Eſquires, and others; and along the Eaſt End of the ſaid Lands, and the Eaſt End of Lands of the ſaid *John Waddington* and of *Elizabeth Johnſon*, to the Weſt End of an old Partition Dyke, running acroſs a certain Dole of the ſaid *Elizabeth Johnſon*, lying next *Wimblington Green*; and then along the ſaid Partition Ditch to the Eaſt Side of the ſaid Dole; and then Southward, along the Eaſt Side of the ſaid Dole, and the Eaſt

Side of a certain Dole of *John Waddington* Eſquire, next *Wimblington Green* aforeſaid; and acroſs a Ditch at the South Eaſt Corner thereof, to the Hard Lands of the *Park Leys*; and along the Skirts of the ſaid Hard Lands of *Park Leys* aforeſaid, and the Skirts of the Hard Lands of *Appleborough*, and other Hard Lands of *Doddington*, to *Copalder Drove* aforeſaid, excluding the ſaid Hard Lands; and from thence, by and along the ſaid Hard Lands of *Doddington* aforeſaid, but on the Weſt Side thereof, to the Turnpike Road at *Doddington Cauſeway*; and by and along the ſaid Turnpike Road to *Carter's Bridge* aforeſaid: And whereas the ſaid Fen Lands and Low Grounds, ſo deſcribed as aforeſaid, by reaſon of the low Situation thereof, and the Decay of the ſaid Banks, cannot be ſufficiently drained by the Means now uſed for draining the ſame without the Aid and Aſſiſtance of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid ſeveral Fen Lands and Low Grounds ſo abuttalled, bounded, and deſcribed, as aforeſaid, ſhall be and are hereby made Two ſeparate Diſtricts, with reſpect to the repairing and keeping in Repair the ſaid Banks of the ſaid River Nene, and the ſaid Forty Feet Drain, otherwiſe Vermuyden's Drain, and the ſeveral other outward Banks herein-before particularly abuttalled, bounded, and deſcribed; that is to ſay, That ſo much of the ſaid Fen Lands and Low Grounds as lie on the South Side of Copalder Drove aforeſaid, ſhall be and be called The Upper Diſtrict or Diviſion; and that the Remainder of the ſaid Lands and Grounds lying on the North Side of the ſaid Drove, ſhall be and be called The Lower Diſtrict or Diviſion; and that the ſaid ſeveral Fen Lands and Low Grounds, ſo abuttalled and deſcribed as aforeſaid, ſhall be and are hereby divided into Five Diſtricts, with reſpect to the draining the ſame; and that the Lands and Grounds, containing Five hundred and thirty Acres, or thereabouts, being Part and Parcel of the Lands and Grounds herein-before deſcribed, and called by the ſeveral Names of The Great Hilks, Broadall's otherwiſe Broadwell's, Broadall's Holt otherwiſe Broadwell's Holt, and The Pollin's, and abutted and bounded as follows; that is to ſay, From the Weſt Corner of Lands of William Fellowes Eſquire, in Broadall's otherwiſe Broadwell's aforeſaid, in the ſaid Pariſh of Ramſey, called Betty's Noſe, next the ſaid Forty Feet Bank, by and along the ſaid Bank to the High Lands near the ſaid Forty Feet Bridge; and from thence, on the Weſt Side of Lands called Thiſtle Green to Broadall's otherwiſe Broadwell's Old Bank; and from thence along the ſaid Old Bank, on the Eaſt Side of Ramſey Meer, to the Great Hilks, and along the ſaid Great Hilks, on the South Weſt Side thereof, to the ſaid River Nene, including the ſaid Hilks; and along the ſaid Bank of the ſaid River Nene, to a certain Stile in the ſaid Lands, called The Pollins, on the Eaſt Side thereof, next Lands of the ſaid William Fellowes; and along the ſaid Lands called The Pollins, on the Eaſt Side thereof, to the North End of a Drove called The Four Hundred Acre Drove, including the Outring Ditch, which parts The Four Hundred Acre Farm, Pollins, and Broadalls; and along the ſaid Drove to the North Corner of Lands of Thomas Searle; and from thence Eaſtward along the ſaid Lands, but on the North Side thereof, to the Weſt Corner of Benwick Turff Fen, and from thence along a certain Droveway called The Turff Fen Drove, leading to Ramſey aforeſaid; and from thence, along the ſaid Drove, towards the South Weſt to Lands of Francis Ibberſon, in Broadwell's Holt, and from thence, by the Diviſion Ditch of the ſaid Lands of the ſaid Francis Ibberſon, and the ſaid Lands called Betty's Noſe, to the Forty Feet Drain aforeſaid; and that the ſaid laſt-mentioned Lands, ſo deſcribed as aforeſaid, ſhall be called and taken as and for the Firſt Diſtrict or Diviſion: And that the Lands and Grounds, containing by Eſtimation Four hundred and Forty Acres, or thereabouts, lying in the Hamlet of Benwick aforeſaid, being other Part and Parcel of the Lands and Grounds within the ſaid Upper Diſtrict, and abuttalled and bounded as follows; that is to ſay, From a certain Stile called The Chapel Stile, in the Hamlet of Benwick aforeſaid, next the ſaid River Nene, on the South Side thereof; and from thence, along the ſaid River, to a certain old Drain, Sewer, or Dike, called The Smee Dike, on the Weſt Side thereof, to a certain old Drain or Sewer called The Weſt Water; and from the ſaid old Sewer or Drain called The Weſt Water, on the South Side of Lands of the ſaid Francis Ibberſon, ſome Time ſince the Eſtate of Thomas Weddington Eſquire, deceaſed, and along the ſaid Lands to the South Side of Lands of John Burgeſs the elder, Gentleman; and along the ſame Lands, on the South Side thereof, to the South Side of Lands of John Gaſcoyne and John Byfield; and along the ſame Lands, to the South Side of Lands of David Burgeſs, Gentleman; and along the ſame Lands, on the South Side thereof, to Lands of Maſter John Cooper; and along the ſame Lands, on the Southward Side thereof, to the Lands called Benwick Turff Fen, and along the ſaid Turff Fen, on the South Side thereof, and including the ſame, to the Weſt Side of Lands of Thomas Langman; and from thence, along the ſame Lands, on the Weſt Side of the ſaid Lands of the ſaid Thomas Langman, to the North Side thereof; and from thence to the North Side of the ſaid Benwick Turff Fen; and along the ſame, on the North, to the North Side of the Lands of the ſaid John Cooper; and along the ſaid Lands of the ſaid John Cooper, to Lands of the ſaid John Burgeſs; and along the ſame Lands, by the Outring Ditch, dividing Lands of the ſaid John Burgeſs and David Burgeſs, to the Chapel Stile of Benwick aforeſaid; and that the laſt-mentioned Lands ſhall be called The Second Diſtrict or Diviſion: And that the Lands and Grounds, containing, by Eſtimation, Seven hundred and ſeventy Acres, or thereabouts, lying and being in Dykeamoore, in Doddington and Benwick aforeſaid, and being other Part and Parcel of the ſaid Lands and Grounds within the ſaid Upper Diſtrict, and abuttalled and bounded as follows; that is to ſay, From the Eaſt Side of Lands of Maſter Thomas Burgeſs, along the ſaid River Nene, to the Weſt Side of Lands of Maſter William Langman, at a certain Drove called Copalder Drove; and by or along the ſaid Lands of the ſaid William Langman, Iſaac Garner's Heirs, John Abbot, the ſaid William Langman, and John Waddington Eſquire, next Copalder Drove, aforeſaid, but on the South Side of the ſaid Drove; and

The whole Fen Lands deſcribed make Two ſeparate Diſtricts for imbanking the River *Nene*;

and the ſaid Fen Lands, ſo deſcribed, are divided into Five Diſtricts for draining.

Firſt Diſtrict for draining.

Second Diſtrict.

Third Diſtrict.

along the ſaid Lands of the ſaid John Waddington on the Eaſt, to the Eaſt End of Lands of the ſaid William Langman; and along the ſame Lands, on the Eaſt Side thereof, to the Eaſt Side of other Lands of the ſaid John Waddington; and along the ſaid Lands, to the Eaſt Side of Lands of Richard Brooks; and along the ſame Lands, on the Eaſt Side thereof, acroſs Dykeamoore Drove, to the Eaſt Side of Lands called Boot's Piece; and along the ſaid Piece of Land called Boot's Piece, on the Eaſt Side thereof, to the South Eaſt Corner of the ſaid Lands; and from thence along the Ditch, on the South Side of Boot's Piece aforeſaid, to the North Eaſt Corner of Lands of Walden Orme and Humphry Sturt, Eſquires, and others; and from thence, along the Eaſt Side of the ſaid Lands, to the ſaid Forty Feet Bank; and along the ſaid Forty Feet Bank, Weſtward, to the Weſt End of Lands late of Fleming Eſquire, in the Occupation of Richard Lovell; and from thence, along the ſaid Lands, by a Ditch dividing the ſame from the Lands of the ſaid Francis Ibberſon, called Morris's Farm, to the ſaid Old Sewer called The Weſt Water, and along the ſaid Weſt Water, by Lands formerly of Jarman, but now of William Hutchinſon, to the ſaid Smee Dike; and from thence along the ſaid Smee Dike to Lands of John Garner, in Right of his Wiſe, late Gardine's; and from thence along the ſaid Lands, but on the North Side thereof, to the Weſt Side of Lands of James Loomes; and from thence along the ſaid Lands of the ſaid James Loomes, but on the Weſt Side thereof, to the Weſt Side of Lands of the ſaid William Langman; and along the ſaid Lands of the ſaid William Langman, but on the Weſt Side thereof, to the ſaid River Nene; and that the ſaid laſt-mentioned Lands do and ſhall be called The Third Diſtrict or Diviſion:

Fourth Diſtrict.

And that the Lands and Grounds, containing One thouſand and Eighty Acres, or thereabouts, lying and being in Doddington and Chatteris aforeſaid, being other Part or Parcel of the ſaid Lands and Grounds within the ſaid Upper Diſtrict, and abuttalled and bounded as follows; that is to ſay, From the Eaſt End of the ſaid Lands of the ſaid John Waddington Eſquire, at Copalder Drove aforeſaid, along Lands late of Sir Thomas Peyton Baronet, deceaſed, but now of Henry Peyton Eſquire, by the ſaid Drove, to the Eaſt End of Lands of the ſaid John Waddington Eſquire, and Thomas Thompſon, on the North Side thereof, to Doddington Hards, including the Low Lands of the ſaid Thomas Thompſon; and along the ſaid Hard Lands towards the South, but on the Weſt Side thereof, to the Turnpike Road; and from thence, by or along the ſaid Turnpike Road, to Carter's Bridge aforeſaid, at the Forty Feet Drain aforeſaid; and from the ſaid Bridge along the ſaid Drain, called Vermuyden's Drain, otherwiſe The Forty Feet Drain, towards the Weſt, to the Eaſt End of Lands of the ſaid Walden Orme, and others; and from thence along Lands of the ſaid Henry Peyton, Walden Orme, Humphry Sturt, and Felton Harvey, and John Waddington, to the Ditch dividing the ſaid Lands of the ſaid John Waddington, from Boot's Piece aforeſaid, and along the ſaid Lands of the ſaid John Waddington, to the ſaid Drove called Dykeamoore's Drove; and from thence along other Lands of the ſaid Walden Orme, and others, lying next the laſt-mentioned Diſtrict, to Lands of Doctor Gordon, and along the ſame Lands to Lands of Thomas Burgeſs the younger; and from thence to the Weſt Side of other Lands of the ſaid Doctor Gordon; and from thence along the ſaid Lands to other Lands of the ſaid John Waddington; and from thence along Lands to the Weſt Side of Lands of Edward Ingle; and from thence along the ſaid Lands to the Weſt Side of Lands of the ſaid Henry Peyton; and from thence along the ſaid Lands to the Weſt Side of Lands of the ſaid Walden Orme, and others; and from thence along the ſaid Lands to the Weſt Side of Lands of the ſaid Henry Peyton, and along the ſaid Lands next the laſt-mentioned Boundary of the ſaid Third Diſtrict or Diviſion, to Copalder Drove aforeſaid; and that the ſaid laſt-mentioned Lands ſhall be called The Fourth Diſtrict or Diviſion:

Fifth Diſtrict.

And that the Lands and Grounds, containing by Eſtimation Four thouſand one hundred and eighty Acres, or thereabouts, lying and being in Ranſon Moore, Little Bradney Moore, Borough Moore, Benwick Lott, Benwick Broadentlap, Bedlam Coneywood Fen, and the Doles, being other Part or Parcel of the ſaid Lands and Grounds herein-before abuttalled, bounded, and deſcribed, and abuttalled and bounded as follows; that is to ſay, From Copalder Drove, at Copalder Houſe aforeſaid, along the ſaid River Nene, through Ranſon Moore aforeſaid, to Flood's Ferry; and from thence along the ſaid River Nene, through Little Bradney Moore aforeſaid, to Lands of John Houſehold, called Borough Moore, aforeſaid, at Ranſon Moore, Black Bank, and along the ſaid Drove or Bank to the Hard Lands of Borough Moore Common aforeſaid; and from thence along the Eaſt Side of Lands of the ſaid John Waddington Eſquire, next Linwood Farm, but excluding the ſaid Farm, to a certain Drain called The Middle Drain; and from thence along and acroſs the ſaid Drain to Sedge Fen Drove, and by and along the ſaid Drove towards the South-eaſt to the North-eaſt Corner of Lands of the ſaid Walden Orme, Humphry Sturt, Eſquires, and others, and along the Eaſt End of the ſaid Lands, and the Eaſt End of Lands of the ſaid John Waddington and of Elizabeth Johnſon, to the Weſt End of an old Partition Dike running acroſs a certain Dole of the ſaid Elizabeth Johnſon, lying next Wimblington Green, and then along the ſaid Partition Dyke to the Eaſt Side of the ſaid Dole, and then Southward along the Eaſt Side of the ſaid Dole, and the Eaſt Side of a certain Dole of John Waddington Eſquire, next Wimblington Green aforeſaid, and acroſs a Ditch at the South Eaſt Corner thereof, to the Hard Lands of the Park Leys, and along the Skirts of the ſaid Hard Lands of Park Leys aforeſaid, and the Skirts of the ſaid Hard Lands of Appleborough, and other Hard Lands of Doddington, to Copalder Drove aforeſaid, including the ſaid Hard Lands, but excluding ſuch Parts of the Lands as are or ſhall be taken or deemed to be High Lands, or not liable to be overflowed, and along the ſaid Drove Weſtward to the ſaid River Nene at Copalder Houſe aforeſaid; and that the ſaid laſt-mentioned Lands ſhall be called The Fifth Diſtrict or Diviſion; and that the Waters of the ſaid Diſtricts, and every of them, ſhall be conveyed from and out of the ſaid Diſtricts reſpectively into the ſaid River Nene, and the ſaid Forty Feet Drain, and in no other Manner whatſoever.

Commiſſioners appointed for General Diſtrict for imbanking.

II. And it is hereby further enacted by the Authority aforeſaid, That the ſeveral Perſons herein-after mentioned ſhall be, and hereby are conſtituted and appointed General Commiſſioners, for the executing and effecting the Powers, Authorities, and Purpoſes of this preſent Act within the ſaid Upper Diſtrict, ſo far as the ſame relates to the imbanking the ſaid River Nene and Forty Feet Drain, and for the erecting and building Toll-houſes and Turnpikes on the ſaid Forty Feet Bank, and receiving and collecting Tolls of Paſſengers going thereon; that is to ſay, The Lord or Lords, Lady or Ladies, of the Manor of Ramſey, the Lord or Lords, Lady or Ladies, of the Manor of Doddington, and, in their Abſence, his, her, or their reſpective Agents or Stewards, the Rector of Doddington for the Time being, and each and every Owner for the Time being of Ten Acres of Land, ſubject to be taxed by virtue of this Act, and lying within the Limits of the ſaid Upper Diſtrict, ſhall be, and are hereby appointed Commiſſioners for putting this Act, and ſhall and may put this Act, and all the Powers and Authorities herein-after contained, in Execution within the ſaid Diſtrict, with reſpect to the imbanking the ſaid River Nene and the Forty Feet Drain, and erecting and building Toll-houſes and Turnpikes on the ſaid Forty Feet Bank, and receiving and collecting Tolls of Paſſengers going thereon, notwithſtanding their being intereſted therein.

Owners of 100 Acres of Land in the General Diſtrict may appoint a Commiſſioner.

III. Provided always, and be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon who is the real Owner of One hundred Acres of Land lying within the ſaid Upper Diſtrict, and paying Taxes thereto, and every ſuch reſpective Owner, is hereby authoriſed and impowered to appoint, by Writing under his or her Hand and Seal, from Time to Time, and for ſuch Time as he or ſhe ſhall think proper, One Commiſſioner for every One hundred Acres of ſuch taxable Lands lying within the Limits of the ſaid Diſtrict, ſuch Deputy or Deputies to be the real Owner or Owners of Six Acres of taxable Lands, or to be poſſeſſed of a perſonal Eſtate of the Value of Fifty Pounds, and not acting as a Commiſſioner in his own Right, except Lords and Ladies of Manors, over and above the Commiſſioners herein-before appointed for the putting this Act, and all the Powers and Authorities herein-after contained, in Execution, with reſpect to the imbanking the ſaid River Nene and Forty Feet Drain, and the erecting and building Toll-houſes and Turnpikes on the ſaid Forty Feet Bank, and receiving and collecting Tolls of Paſſengers going thereon, notwithſtanding their being intereſted therein.

Owner of Six Acres of Land to be a Commiſſioner for Firſt Diſtrict.

Owner of Six Acres of Land to be a Commiſſioner for the Second Diſtrict.

Owner of Ten Acres of Land to be a Commiſſioner for the Third Diſtrict.

Owner of Ten Acres to be a Commiſſioner for the Fourth Diſtrict.

Owner of Twenty Acres to be a Commiſſioner for the Fifth Diſtrict.

IV. And, in order that a ſufficient Number of Commiſſioners may be appointed for carrying this Act into Execution for the ſaid Five Diſtricts or Diviſions, with reſpect to the draining the ſame, be it enacted by the Authority aforeſaid, That each and every Owner for the Time being reſpectively of Six Acres of Land in their own Right, ſubject to be taxed by virtue of this Act, and lying reſpectively within the ſaid Firſt Diſtrict or Diviſion, ſhall be, and are hereby appointed Commiſſioners for the ſaid Firſt Diſtrict or Diviſion, for putting this Act, and all the Powers and Authorities herein-after contained, into Execution, with reſpect to the ſaid Firſt Diſtrict; and that each and every Owner for the Time being reſpectively of Six Acres of Land in their own Right, ſubject to be taxed by virtue of this Act, and lying reſpectively within the ſaid Second Diſtrict or Diviſion, ſhall be, and are hereby appointed Commiſſioners for the ſaid Second Diſtrict or Diviſion, for putting this Act, and all the Powers and Authorities herein-after contained, into Execution, with reſpect to the ſaid Second Diſtrict; and that each and every Owner for the Time being reſpectively, of Ten Acres of Land in their own Right, ſubject to be taxed by virtue of this Act, and lying reſpectively within the ſaid Third Diſtrict or Diviſion, ſhall be, and are hereby appointed Commiſſioners for the ſaid Third Diſtrict or Diviſion, for putting this Act, and all the Powers and Authorities herein-after contained, into Execution, with reſpect to the ſaid Third Diſtrict; and that each and every Owner for the Time being reſpectively, of Ten Acres in their own Right, ſubject to be taxed by virtue of this Act, and lying reſpectively within the ſaid Fourth Diſtrict or Diviſion, ſhall be, and are hereby appointed Commiſſioners for the ſaid Fourth Diſtrict or Diviſion, for putting this Act, and all the Powers and Authorities herein-after contained, into Execution, with reſpect to the ſaid Fourth Diſtrict; and that the ſaid ſeveral Perſons herein-after mentioned ſhall be, and are hereby appointed Commiſſioners for executing and effecting all the Powers, Authorities, and Purpoſes of this Act, relating both to the imbanking and draining, with reſpect to that Part or Parcel of the ſaid Lands and Grounds called the ſaid Lower Diſtrict; and that each and every Owner for the Time being reſpectively, of Twenty Acres in their own Right, ſubject to be taxed by virtue of this Act, and lying reſpectively within the ſaid Lower or Fifth Diſtrict or Diviſion, ſhall be, and are hereby appointed Commiſſioners for the ſaid Lower or Fifth Diſtrict or Diviſion, for putting this Act, and all the Powers and Authorities herein-after contained, into Execution, with reſpect to the ſaid Lower or Fifth Diſtrict.

Owner of Fifty Acres of taxable Land to appoint a Commiſſioner for Fifty Acres.

V. Provided always, and be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon who is the real Owner of Fifty Acres or more of taxable Land lying within the ſaid Four Upper Diſtricts, and every ſuch reſpective Owner is hereby authoriſed and impowered to appoint, by Writing under his or her Hand, from Time to Time, and for ſuch Time or Times as he or ſhe ſhall think proper, One Commiſſioner for every ſuch Fifty Acres of taxable Lands lying within each of the ſaid Four Upper Diſtricts reſpectively, over and above the Commiſſioners herein-before appointed for the putting this Act, and all the Powers and Authorities herein contained, into Execution, ſuch Deputy to be the real Owner of Two Acres of taxable Lands in ſome One of the ſaid Four Upper Diſtricts or Diviſions, or poſſeſſed of a perſonal Eſtate of the Value of Fifty Pounds; and ſuch Commiſſioner ſo nominated and appointed by ſuch Owner or Owners of ſuch Fifty Acres reſpectively, as aforeſaid, ſhall be a Commiſſioner to all Intents and Purpoſes for carrying this Act into Execution, ſo far as the ſame relates to the Drainage of the ſaid Four Upper Diſtricts reſpectively.

Owners of Fifty Acres in Lower or Fifth Diſtrict to appoint a Commiſſioner for imbanking and draining.

VI. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon who is the real Owner of Fifty Acres or more of taxable Lands, lying within the ſaid Lower or Fifth Diſtrict or Diviſion, and every ſuch reſpective Owner, is hereby authoriſed and impowered to appoint, in Manner aforeſaid, One Commiſſioner for every Fifty Acres of taxable Lands lying within the ſaid Lower or Fifth Diſtrict, over and above the Commiſſioners herein-before appointed for putting this Act, and all the Powers and Authorities hereby given, into Execution, with reſpect to the ſaid Lower or Fifth Diſtrict, and ſuch Commiſſioner ſo to be nominated and appointed by ſuch Owner or Owners of ſuch Fifty Acres reſpectively as aforeſaid, ſhall be a Commiſſioner to all Intents and Purpoſes for carrying this Act into Execution, ſo far as the ſame relates to the imbanking and draining the ſaid Lower or Fifth Diſtrict.

Power of Commiſſioners of the Fifth Diſtrict to make Sub-diviſions.

VII. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners of the ſaid Lower or Fifth Diſtrict, or any Five or more of them, aſſembled at any of their Meetings as aforeſaid, and they are hereby impowered to divide the ſame into Three or more Sub-diviſions, for the more eaſy draining the ſame, and for that Purpoſe to make Dams, Banks, and other Works, and make and erect ſuch Engines, or other Devices, for the Benefit of ſuch Sub-diviſions, as they ſhall think proper; but no ſuch Diviſion ſhall take Place until the Engine, or other Device, ſhall be erected and made, which is intended to drain the Sub-diviſion or Diſtrict in which the Whole or Part of Coneywood Fen will be included; and that all and every Perſon or Perſons cutting or deſtroying any of the ſaid Works ſo intended to be made in the ſaid Sub-diviſions, or any of them, ſhall be ſubject and liable to the like Pains and Penalties as if they had cut or deſtroyed any of the publick Banks, Cuts, or Works, herein-before mentioned; any Thing herein contained to the Contrary notwithſtanding.

Commiſſioners to meet Twice in every Year.

VIII. And, for the effectual raiſing and levying Money for the general imbanking the ſaid River *Nene* and *Forty Feet Drain*, and preſerving the Lands and Grounds compriſed in the ſaid Upper and Lower Diſtrict from being drowned or overflowed with Water by the Inſufficiency of the ſaid Banks, or any of them, or any Breach hereafter to be made therein, it is hereby further enacted by the Authority aforeſaid, That the Commiſſioners hereby nominated and appointed for the imbanking of the ſaid River and Drain, and ſuch other Commiſſioners as ſhall hereafter ſucceed them, or be nominated or appointed, elected or choſen, in their or any of their Steads, by virtue of the Power and Authority hereby given for that Purpoſe, or any Nine or more of them, ſhall meet Twice in every Year alternately, at Ramſey, and at Doddington, or in the Precincts thereof; (videlicet) The Firſt Meeting of the ſaid Commiſſioners to be held at Ramſey aforeſaid, within Twenty-one Days after the paſſing of this Act, and every Half-yearly Meeting to be held on the Ninth Day of July, and the Firſt Day of October, in each Year, except when the ſaid Days ſhall happen on a Sunday, in which Caſe the ſaid Half-yearly Meetings ſhall be held on the Day following in each and every Year, or at ſuch other Times and Places near the Limits aforeſaid as the ſaid Commiſſioners, or any Five of them, ſhall ſee Cauſe, or think convenient, purſuant to Notice in Writing for that Purpoſe, ſigned by any Five or more of them, and to be affixed upon the Outſide of the Church or Chapel Doors of Ramſey, Doddington, and Benwick aforeſaid, Ten Days at the leaſt before any ſuch Meeting, except thoſe appointed to be held on the ſaid Ninth Day of July and the Firſt Day of October; and may, from Time to Time, adjourn themſelves, and meet again purſuant to ſuch Adjournments, as often as they ſhall think proper, and then and there, from Time to Time, ſhall aſſeſs, rate, tax, and charge, all and every the reſpective Owner and Owners, Occupier or Occupiers, of all and ſingular the Lands and Grounds, being private Property, ſituate and being within the ſaid ſeveral Diſtricts or Diviſions, and other the Lands and Grounds ſituate and being within the ſaid Upper Diſtrict or Boundary, and not included in the ſaid ſeveral Diſtricts or Diviſions, or either of them, except the ſaid Farm and Lands of the ſaid John Houſehold, lying in Borough Moore aforeſaid, and ſuch Parts of the ſaid Lower or Fifth Diſtrict as ſhall be deemed High Lands, and the Commons or Turf Fens included in the ſaid Second and Fourth Diſtricts, which are not intended to be charged with the Rate or Tax of One Shilling per Acre hereafter mentioned, by and with equal and proportionable yearly Rates, Taxes, or Sums of Money, at the Diſcretion of the ſaid Commiſſioners, or the major Part of them that ſhall be preſent at any ſuch yearly General Meeting; ſo that the ſaid Rates or Taxes do not exceed, in any One Year, except in the Firſt Year after the paſſing of this Act, One Shilling for every Acre of the Lands and Grounds compriſed within the ſaid Upper Diſtrict, (except as is before excepted); and ſo that no Part of the ſaid Lands and Grounds be at any Time charged by virtue of this Act with any greater or leſſer Rate or Tax than the Reſt of the ſaid Lands are or ſhall be charged with; which ſaid Rates, Taxes, and Sums of Money, ſo to be taxed and aſſeſſed as aforeſaid, ſhall be paid Half-yearly by the reſpective Owner or Owners, Occupier or Occupiers, of the ſaid Low Lands and Fen Grounds, at the Place of Abode of ſuch Perſon or Perſons as the ſaid Commiſſioners, or the major Part of them who ſhall be preſent at any ſuch General Meeting, ſhall order, direct, or appoint, to collect and receive the ſame; the Firſt Payment thereof to be made on the Ninth Day of June after the paſſing of this Act, and every other Half-yearly Payment to be made on the Ninth Day of September, and the Ninth Day of March, in each and every Year; and which ſaid Rates and Taxes ſhall be ſubject to and chargeable with ſuch Sum and Sums of Money as ſhall be advanced, borrowed, raiſed, and received, on the Credit thereof, in Manner herein-after mentioned.

IX. And

Commiſſioners of the Lower Diſtrict to lay a Tax of 1s. per Acre for imbanking.

XI. And, for the effectual raiſing and levying Money for the imbanking the ſaid River *Nene* againſt the ſaid Lower or Fifth Diſtrict, from *Copalder Houſe* aforeſaid, through *Ranſon Moore* to *Flood's Ferry*, and from thence through *Little Bradney Moore* to the ſaid Lands of *John Houſehold*, called *Borough Moore* aforeſaid, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners of the ſaid Lower or Fifth Diſtrict, or the major Part of them, aſſembled at ſuch yearly General Meeting as aforeſaid, Once in every Year, at the Times aforeſaid, to aſſeſs, rate, tax, and charge all and every the reſpective Owner and Owners, Occupier and Occupiers, of all and ſingular the Lands and Grounds ſituate or being within the ſaid Lower or Fifth Diſtrict, and not included in the ſaid other Diſtricts or Diviſions, (except the ſaid Farm and Lands of the ſaid John Houſehold, and except ſuch Lands as ſhall be deemed High Lands), by and with equal and proportionable Acre-rates, Taxes, or Sums of Money, at the Diſcretion of the ſaid Commiſſioners of the ſaid Lower or Fifth Diſtrict, or the major Part of them that ſhall be preſent at any ſuch yearly General Meeting, ſo that the ſaid Rates and Taxes do not exceed in any One Year, (except in the Firſt Year after the paſſing of this Act), One Shilling for every Acre of the Lands and Grounds compriſed within the ſaid Lower or Fifth Diſtrict, (except as before excepted), and ſo that no Part of the ſaid Lands and Grounds within the ſaid Lower or Fifth Diſtrict, (except as before excepted), be at any Time charged, by virtue of this Act, with any greater or leſſer Rate or Tax than the reſt of the ſaid Lands in the ſaid Lower or Fifth Diſtrict are or ſhall be charged with; which ſaid Rate, Tax, or Sum of Money, ſo to be taxed and aſſeſſed by virtue of this Act as aforeſaid, upon the ſaid Lower or Fifth Diſtrict, ſhall be paid and payable at the ſeveral Days and Times, and in Manner herein-before directed, for Payment of the ſaid Rates or Taxes rated and charged upon the ſaid Upper Diſtrict; and which ſaid Rates and Taxes, ſo charged upon the ſaid Lower or Fifth Diſtrict, ſhall be ſubject to and chargeable with ſuch Sum and Sums of Money as ſhall be advanced, borrowed, raiſed, and received on the Credit thereof, in Manner herein-after mentioned.

Quantity of Lands to be given in by Owners.

X. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or the major Part of them, preſent at any Meeting, to order a Survey to be made of the Quantity of Acres contained in the Lands and Grounds liable to be taxed by virtue of this Act, by ſuch Perſon or Perſons as they ſhall think proper, (ſuch Perſon or Perſons ſhall and may, and they are hereby authoriſed and impowered to enter into and upon any of the Lands ſo liable to be taxed for the Purpoſe of ſuch Survey); and ſuch Survey, when ſo made, ſhall be delivered in to the Commiſſioners, or any Five or more of them, at ſome One of their Meetings, and ſhall be verified upon the Oath of the Perſon or Perſons ſo making the ſame; which Oath any One of the ſaid Commiſſioners is hereby impowered to adminiſter; and ſuch Survey ſo to be given in as aforeſaid, and made by Order of the ſaid Commiſſioners, ſhall be ſufficient Authority for the ſaid Commiſſioners to collect the ſaid Rates and Taxes by, and ſhall be binding to the ſeveral Perſons charged with the Payment thereof for their ſeveral Lands ſo charged with ſuch Payment; and ſuch Survey being ſigned by the Perſon or Perſons ſo making the ſame, and alſo by any Seven or more of the Commiſſioners preſent at any Meeting, ſhall be allowed as Evidence in all Courts whatever.

Allowing a Reſurvey of Land.

XI. Provided always, and be it enacted, That in caſe any Owner or Proprietor of the ſaid Fen Lands or Low Grounds ſhall think himſelf aggrieved by ſuch Survey, that it ſhall be lawful for ſuch Owner or Proprietor to have his ſaid Lands and Grounds reſurveyed by ſuch Surveyor as he or they ſhall think proper; and in caſe, by ſuch new Survey, it ſhall appear that ſuch Owner or Proprietor ſhall be overcharged by ſuch former Survey, or pay for a greater or leſs Number of Acres, Roods, and Perches, than the real Quantity of his ſaid Lands or Grounds, that ſuch Owner or Proprietor ſhall, upon ſuch Reſurvey, to be delivered to the ſaid Commiſſioners on the Oath of ſuch Surveyor, (which Oath the ſaid Commiſſioners, or any Two of them, are hereby impowered to adminiſter), be abated in proportion to ſuch Overcharge; but if it ſhall appear on ſuch Survey that ſuch Owner or Proprietor ſhall not be overcharged to ſuch Rates or Aſſeſſments, then that Owner or Proprietor ſo applying ſhall be at the Charge of making ſuch Survey; but in caſe, by ſuch Reſurvey, that ſuch Owner or Proprietor ſhall be overcharged, then that the Expences of ſuch Reſurvey ſhall be borne and paid by the ſaid Commiſſioners out of the Rates and Taxes of ſuch Diſtrict where ſuch Reſurvey ſhall be taken as aforeſaid.

How the Money rated and aſſeſſed, &c. is to be applied.

XII. And it is hereby further enacted and declared by the Authority aforeſaid, That the ſaid Tax and Sum of One Shilling an Acre, ſo to be aſſeſſed, rated, raiſed, and received, as aforeſaid, and alſo all Sums of Money to be borrowed and received on the Credit thereof, in Manner herein-before mentioned, ſhall, from Time to Time, be applied and diſpoſed of by the Commiſſioners for putting this Act into Execution, or the major Part of them, who ſhall be preſent at any General Meeting, in Manner following; that is to ſay, In the Firſt Place, in paying and defraying the Charges and Expences of this Act, and of taking the ſaid Survey, according to an equal and proportionable Acre Rate or Tax of the ſeveral Lands contained in the ſaid Upper and Lower Diſtricts; and, in the next Place, for and towards the repairing, heightening, and ſtrengthening the ſaid Banks of the ſaid River Nene and Forty Feet Drain, and ſuch other general Banks included in the ſaid general Works, from the Tenth Day of October laſt paſt to the Commencement of this Act; and after Payment thereof, for and towards the ſupporting, repairing, heightening, ſtrengthening, amending, and maintaining the ſaid Banks of the ſaid River Nene and Forty Feet Drain, in ſuch good and ſubſtantial Manner as ſhall be ſufficient to prevent the Waters in the ſaid River or Drain from running over the ſame, and in making up and repairing any Breach or Breaches which ſhall at any Time or Times after the paſſing of this Act happen therein, or in any other Part or Parts thereof.

Monies ariſing in the Upper and Lower Diſtrict how to be applied.

XIII. Provided always, That the Monies ariſing by virtue of this Act, in the ſaid Upper Diſtricts, ſhall be applied for and towards the Repairs of ſuch Part of the Bank of the ſaid River Nene and Forty Feet Drain as lies between Carter's Bridge and Copalder

Houſe aforeſaid, from the ſaid Tenth Day of October laſt paſt, and the Monies ariſing in the ſaid Lower or Fifth Diſtrict, from the Commencement of this Act, for and towards the Repairs of ſuch Part of the Bank of the ſaid River Nene as lies between the ſaid Copalder Houſe and the ſaid Lands of the ſaid John Houſehold in Borough Moore aforeſaid.

General Commiſſioners may borrow 4000 *l.* for imbanking.

XIV. And, in order that the ſaid Banks may be properly repaired, ſtrengthened, and heightened, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid General Commiſſioners of the Upper Diſtrict, or any Nine or more of them, to borrow, take up, and receive, any Sum or Sums of Money, not exceeding the Sum of Four thouſand Pounds, upon the Credit of the ſaid Tax, Rate, or Aſſeſſment, of One Shilling per Acre, to be raiſed within the ſaid Four Firſt Diſtricts, and upon the Lands of the ſaid William Fellowes, Francis Ibberſon, David Burgeſs, and Thomas Burgeſs; and that it ſhall and may be lawful to and for the Commiſſioners of the ſaid Lower or Fifth Diſtrict, or any Seven or more of them, to borrow, take up, and receive, any Sum or Sums of Money, not exceeding the Sum of Four thouſand Pounds, upon the Credit of the ſaid Tax, Rate, or Aſſeſſment, of One Shilling per Acre to be raiſed within the ſaid Lower or Fifth Diſtrict, and, by Writing under the Hands and Seals of any Seven or more of them, to mortgage, charge, aſſign, and convey, or incumber the ſaid Tax or Rate of One Shilling per Acre, ſo to be aſſeſſed and levied upon the ſaid Fen Lands and Low Grounds in the ſaid Lower or Upper Diſtricts reſpectively, with and for the Repayment of the Sums ſo borrowed, with ſuch Intereſt, at ſuch Times, and with ſuch Proviſoes and Conditions of Redemption as ſhall be agreed upon; and that ſuch Money ſhall be ſeparately and diſtinctly borrowed for the Uſe and Purpoſe of ſupporting, heightening, and ſtrengthening, the ſaid Banks within the ſaid Upper and Lower Diſtricts reſpectively, as before mentioned, and for no other Purpoſe whatſoever.

Tax of 1 *s.* *per* Acre not to be leſſened ſo long as any Money is due thereon.

XV. Provided always, and be it enacted by the Authority aforeſaid, That the ſaid Tax ſhall not, during the Time any Principal or Intereſt Money ſhall be due and owing on the ſeveral Securities thereof, be leſs in any One Year than the ſaid Sum of One Shilling per Acre.

Securities aſſignable, and to be entered in a Book for that Purpoſe.

XVI. And be it further enacted by the Authority aforeſaid, That the ſaid Mortgages and Securities, ſo to be made by the ſaid Commiſſioners of the ſaid Rate and Tax of One Shilling per Acre, ariſing as aforeſaid, ſhall and may be aſſignable and transferrable by Indorſement on the original Grant or Securities thereof, to any Perſon or Perſons whomſoever; and the Perſon or Perſons to whom ſuch Aſſignment or Transfer ſhall be made ſhall and may, from and after the Time that the ſame is entered in a Book, to be kept for that Purpoſe for the ſaid Upper and Lower Diſtricts reſpectively, be well and ſufficiently intitled to ſuch Mortgage Monies and Intereſt, and all the Monies due and to grow due thereon; which Entries are hereby required to be made on Requeſt, and producing ſuch Aſſignment, and paying Two Shillings and Sixpence for every ſuch Entry; and ſuch Aſſignee or Aſſignees, and every other Aſſignee or Aſſignees, ſhall and may, in like Manner, by Indorſement or otherwiſe, aſſign and make over ſuch Mortgage or Mortgages and Securities, ſo aſſigned as aforeſaid, and ſo toties quoties, as Occaſion ſhall require, every ſuch Aſſignment or Transfer being entered in ſuch Book as aforeſaid.

Tax of 1 *s.* *per* Acre chargeable with Payment of the Principal Money, and veſted in Creditors.

XVII. Provided always, and it is hereby enacted, That the ſaid Tax or Aſſeſſment of One Shilling per Acre, to be raiſed by virtue of this Act on the Lands and Grounds herein-before mentioned, ſhall be charged with the Payment of the Principal Money ſo to be borrowed by the ſaid Commiſſioners, as aforeſaid; and the Intereſt of ſuch Money, from Time to Time, ſhall veſt in the Creditors of the ſaid Two Diſtricts reſpectively, upon Default of Payment of ſuch Principal Money and Intereſt, until the ſame, and every Part thereof, ſhall be fully ſatisfied and paid, together with the Coſts and Charges occaſioned by the Nonpayment thereof; and the ſaid Creditors, their Executors, Adminiſtrators, and Aſſigns, reſpectively, ſhall have the ſame Powers, Rights, and Privileges, of aſſeſſing, raiſing, and recovering the ſeveral Taxes and Aſſeſſments payable by the ſeveral Owners and Occupiers of Lands and Grounds on which the ſame are chargeable by virtue of this Act, for or in reſpect of ſuch Principal Money and Intereſt, in caſe of Default of Payment thereof, as the ſaid reſpective Commiſſioners, and their Collectors or Receivers, could have had in caſe ſuch Principal Money and Intereſt had been regularly and fully ſatisfied and paid.

No Money to be borrowed but at a Meeting, and with Conſent of the Commiſſioners.

XVIII. Provided always, That no Sum or Sums of Money whatſoever ſhall be borrowed and taken up at Intereſt upon the ſaid Rate or Tax of One Shilling per Acre, charged upon the ſaid Lands and Grounds by virtue of this Act, with the Payment thereof, by the ſaid Commiſſioners at any ſuch Meeting as aforeſaid, unleſs Nine Commiſſioners at leaſt, in their own Right, and Deputies, for the ſaid Upper Diſtrict, and Seven Commiſſioners at leaſt for the ſaid Lower or Fifth Diſtrict, including Deputies, ſhall be then and there preſent, and conſenting and agreeing thereto.

Tax of 1 *s.* to be raiſed, from Perſons rated, and refuſing to pay,

XIX. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, rated, taxed, or aſſeſſed, as aforeſaid, with the Payment of the ſaid Rate or Tax of One Shilling per Acre, ſhall refuſe or neglect to pay the ſaid Tax or Aſſeſſment charged upon him, her, or them reſpectively, for or on account of their ſeveral Lands and Grounds lying within the Limits aforeſaid, upon a Day to be appointed by the ſaid Commiſſioners, or any Five or more of them, within their reſpective Diſtricts, for ſuch Payment, publick Notice of ſuch Day of Payment Twenty-one Days before ſuch Day of Payment being firſt given in The Cambridge Chronicle and Journal for that Purpoſe, ſo long as the ſame ſhall continue to be publiſhed, or any other Weekly Paper circulated in the ſaid Iſle of Ely and County of Huntingdon, and alſo affixed upon the ſeveral Church or Chapel Doors of Ramſey, Doddington, and Benwick aforeſaid, reſpectively; which Notice, ſo to be given in ſuch Paper, and affixed upon ſuch Church or Chapel Door as aforeſaid, ſhall be deemed and taken to be as publick Notice as if Demand thereof had been actually made by the ſaid Receiver or Collector of the Perſon or Perſons by whom ſuch Rate or Tax is to be paid as aforeſaid, and it ſhall and may be lawful for the Collector or Receiver

ceiver of ſuch Rate or Tax to be appointed by the ſaid Commiſſioners, or for any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of Three or more of the ſaid Commiſſioners appointed by this Act, for the ſupporting, maintaining, and repairing, the Banks of the ſaid River Nene and Forty Feet Drain, which Warrant or Precept ſuch Commiſſioners, or any Three or more of them reſpectively, are hereby impowered and required, from Time to Time, to make, as Occaſion ſhall require, to enter into and upon the ſaid Fen Lands and Low Grounds within the ſaid Upper and Lower Diſtricts ſo rated, aſſeſſed, and taxed, with the ſaid Rate, Tax, or Sum of One Shilling per Acre as aforeſaid, in Poſſeſſion of ſuch Perſon or Perſons as ſhall ſo make Default in Payment as aforeſaid, and all Meſſuages, Tenements, or Buildings, thereupon ſtanding, or belonging thereunto, with their and every of their Appurtenances, and to levy the Sum or Sums of Money by him, her, or them payable for ſuch Rate or Tax of One Shilling per Acre, and the Arrears thereof, by Diſtreſs and Sale of the Goods and Chattels which ſhall be found on the Premiſes ſo charged with any ſuch Rate or Tax, or the Arrears thereof, as aforeſaid; and in caſe no ſufficient Diſtreſs can be found on the Premiſes, it ſhall and may be lawful for ſuch Collector or Collectors, Receiver and Receivers, or other Perſon or Perſons, by virtue of ſuch Warrant or Precept, as aforeſaid, to levy the ſaid Taxes, and all Arrears for the ſame, by Diſtreſs of the Goods and Chattels of the Perſon and Perſons ſo making Default in Payment as aforeſaid, which ſhall be found in any other Place within the Kingdom of Great Britain, and the Goods and Chattels ſo diſtrained to impound on the Premiſes, or to take, lead, drive, carry, impound, and keep in any Place, for the Space of Five Days, at the Coſts and Charges of the Owner or Owners thereof, leaving at ſuch Meſſuages, Tenements, Grounds, and Premiſes, Notice in Writing of the Cauſe of ſuch Diſtreſs, and the Place where ſuch Goods and Chattels ſhall be ſo impounded: And if the Owner or Owners of the Goods and Chattels ſo diſtrained ſhall not pay the Sum or Sums of Money ſo rated, taxed, or aſſeſſed, and the Arrears thereof, as aforeſaid, together with all Coſts and Charges attending ſuch Diſtreſs, or replevy the ſaid Goods and Chattels ſo diſtrained, with ſufficient Security to be given to the Sheriff of the County where ſuch Diſtreſs ſhall be ſo taken, or Chief Bailiff of the Iſle of Ely, (if taken within the ſaid Iſle of Ely), according to the Laws now in being for Diſtreſſes in caſe of Nonpayment of Rent, within Five Days next after ſuch Diſtreſs made, and Notice thereof given as aforeſaid, the Perſon or Perſons ſo diſtraining may, with the Sheriff or Under Sheriff of the County, Chief Bailiff of the Iſle of Ely, Conſtable or Headborough of the Pariſh or Place where ſuch Diſtreſs ſhall be made, (who are hereby required to aſſiſt therein), cauſe the Goods and Chattels ſo diſtrained to be appraiſed by Two or more indifferent Perſons, to be ſworn by ſuch Sheriff, Under Sheriff, Chief Bailiff, Conſtable, or Headborough, (who are hereby impowered to adminiſter ſuch Oath), to appraiſe the ſame according to the beſt of their Judgement; and, after ſuch Appraiſement, it ſhall and may be lawful for ſuch Collector or Collectors, Receiver or Receivers, or other Perſon or Perſons ſo making ſuch Diſtreſs, to ſell the Goods and Chattels ſo diſtrained for the beſt Price that can be got for the ſame, for and towards Satiſfaction for the Monies for which ſuch Diſtreſs ſhall be ſo taken, and the Charges of taking, keeping, appraiſing, and ſelling the Goods and Chattels ſo diſtrained, leaving the Overplus (if any be) in the Hands of ſuch Sheriff, Under Sheriff, Chief Bailiff, Conſtable, or Headborough, for the Owner's Uſe; and the Tenant and Tenants of all and ſingular the ſaid Fen Lands and Low Grounds, which ſhall be rated and aſſeſſed by virtue of this Act, is and are hereby required and authoriſed to pay ſuch Taxes or Aſſeſſments, and deduct the ſame out of his, her, and their Rent; and every Tenant, paying ſuch Tax or Aſſeſſment, ſhall be acquitted and diſcharged for ſo much Money as ſuch Aſſeſſment ſhall amount unto, as if the ſame had been actually paid to the Perſon or Perſons intitled to the Rent of ſuch Fen Lands and Low Grounds; except where there is a Leaſe for Three or more Years to come from the Commencement of this Act, in which Caſe the Proportion of the Tax or Aſſeſſment which the Tenant ought to bear and pay, in conſideration of the Benefit he or ſhe receives by ſuch Leaſe, ſhall be adjudged and awarded by the ſaid Commiſſioners, or any Five or more of them, at a Meeting to be held for the ſaid General Diſtrict, by virtue of this Act.

to be levied by Diſtreſs and Sale,

with the Charges of appraiſing, &c.

XX. And whereas the ſaid Bank of the ſaid *Forty Feet Drain* is a common Road from the ſaid *Forty Feet Bridge* aforeſaid to *Carter's Bridge* aforeſaid, and the repairing and making the ſame a good and ſubſtantial Road will be to the Advantage of the Publick, as well as the Owners and Occupiers of the Lands and Grounds herein-before mentioned and deſcribed, and adjoining thereupon: And whereas the Expence of making the ſame a good and ſubſtantial Road will amount to a large Sum of Money; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Commiſſioners of the ſaid Upper and Lower Diſtricts, or the major Part of them, aſſembled at any Meeting to be held purſuant to this Act, to cauſe to be erected all ſuch Gates, Turnpikes, and Fences, in, upon, or acroſs, the ſaid Bank, leading from Carter's Bridge aforeſaid to the Forty Feet Bridge aforeſaid, or acroſs any Drove leading into the ſame, or any of them, and all ſuch Fences on the Sides thereof, and all ſuch Toll-houſes thereupon, near to the ſaid Gates or Turnpikes, and from Time to Time to remove or alter the ſame, or every or any of them, as they the ſaid Commiſſioners, or the major Part of them, ſo aſſembled as aforeſaid, ſhall think proper; and that the Tolls following ſhall be paid at each of the ſaid Turnpikes to ſuch Perſon or Perſons as the ſaid Commiſſioners, or the major Part of them, ſo aſſembled as aforeſaid, ſhall, in ſuch Manner as is hereafter mentioned, appoint to receive the ſame, before any Horſe, Cattle, Beaſt, or Carriage whatſoever, ſhall be permitted to paſs through the ſame; that is to ſay,

Commiſſioners to ſet Turnpikes on the *Forty Feet Bridge.*

For every Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, Caravan, Hearſe, or Litter, drawn by Six or more Horſes, Mares, Geldings, Mules, or other Beaſts of Draught, the Sum of Two Shillings:

The Tolls.

For every Coach, Berlin, Chariot, Landau, Calaſh, Chaiſe, Caravan, Hearſe, or Litter, drawn by Four or Five Horſes, Mares, Geldings, Mules, or other Beaſts of Draught, the Sum of One Shilling and Sixpence:

For every Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, Chair, Caravan, Hearſe, or Litter, drawn by Two or Three Horſes, Mares, Geldings, Mules, or other Beaſts of Draught, the Sum of Nine-pence:

For every Calaſh, Chair, or Chaiſe, drawn by One Horſe, Mare, Gelding, Mule, or other Beaſt of Draught, the Sum of Sixpence:

For every Waggon, Wain, Cart, or Carriage, drawn by Six Horſes, Mares, Oxen, or other Beaſts of Draught, the Sum of Two Shillings:

For every Waggon, Wain, or Cart, drawn by Four or Five Horſes, Mares, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Nine-pence:

For every Waggon, Wain, Cart, or other Carriage, drawn by Three Horſes, Mares, Oxen, or other Beaſts of Draught, the Sum of One Shilling:

For every Waggon, Wain, Cart, or Carriage, drawn by Two Horſes, Mares, Oxen, or other Beaſts of Draught, the Sum of Sixpence; and for every Waggon, Wain, Cart, or other Carriage, drawn by One Horſe, Mare, Ox, or other Beaſt of Draught, the Sum of Four-pence:

For every Horſe, Mare, Gelding, Aſs, or Mule, loaded or unloaded, and not drawing, the Sum of One Penny Halfpenny:

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling per Score, and ſo in Proportion for any greater or leſs Number:

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Four-pence per Score, and ſo in Proportion for any greater or leſs Number:

Tolls veſted in Commiſſioners; who may diſtrain in caſe of Nonpayment.

Which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of and as a Toll; and all the ſaid Tolls ſhall be, and they are hereby veſted in the ſaid Commiſſioners, and their Succeſſors, and ſhall be applied in ſuch Manner as is herein-after mentioned: And if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand made thereof, neglect or refuſe to pay the ſame, it ſhall and may be lawful to and for the Perſon and Perſons appointed as aforeſaid to collect ſuch Tolls to ſeize and diſtrain any Horſe and Horſes, or other Cattle, upon which ſuch Tolls are by this Act impoſed, or any of the Goods and Chattels of ſuch Perſon and Perſons ſo refuſing or neglecting to pay the ſame; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of detaining and keeping the ſame, ſhall not be paid within the Space of Four Days after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Cattle and Goods ſo ſeized and diſtrained, returning the Overplus (if any there be) upon Demand, to the Owner or Owners thereof, after ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of detaining and keeping the ſame, and alſo of ſuch Sale, ſhall be deducted.

Tolls to be paid only Once a Day.

XXI. Provided alſo, and be it enacted by the Authority aforeſaid, That no Perſon or Perſons who ſhall have paid the Toll hereby granted for the paſſing with any Horſe, Cattle, Beaſt, or Carriage, between Carter's Bridge aforeſaid and the ſaid Forty Feet Bridge, at One Gate or Turnpike ſet up by virtue of this Act between the ſaid Places, ſhall be ſubject or liable to pay any farther or other Toll the ſame Day at any other Gate or Turnpike ſet up between the ſaid Places, for paſſing with the ſame Horſe, Cattle, Beaſt, and Carriage, but ſhall be permitted to paſs Toll-free through ſuch other Gate or Turnpike-gates, or Turnpikes, upon producing a Note or Ticket of his, her, or their having paid the Toll at any One of the ſaid Gates or Turnpikes, which ſaid Note or Ticket the Collectors are hereby required to give gratis; nor ſhall any Perſons, who have paid the Toll hereby granted for the paſſing with any Horſe, Cattle, Beaſt, or Carriage, through any Gate or Turnpike ſet up by virtue of this Act, be ſubject or liable to pay the ſame Day at the ſame Gate or Turnpike for the paſſing with the ſame Horſe, Cattle, Beaſt, or Carriage, but ſhall be permitted to paſs Toll-free through ſuch Gate or Turnpike, at which he, ſhe, or they, ſhall have ſo paid, upon producing a like Note or Ticket, to be in like Manner given for that Purpoſe, of his, her, or their having paid that Day at ſuch Gate or Turnpike; every ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night.

Fences to be ſet up on the Side of the Road or Gate for Occupiers of Lands, and a Key to be given, at the Expence of the Commiſſioners.

XXII. Provided alſo, and be it enacted, That if the ſaid Commiſſioners, or their Succeſſors, ſhall, at any Time or Times, ſet up or place any Rails or Fences acroſs any Lands or Droves leading into the ſaid Roads, where no Toll-houſe ſhall be erected, then they the ſaid Commiſſioners, or their Succeſſors, ſhall ſet a Gate in ſuch Fences, and find and provide gratis for every Occupier of Lands, who from the Situation of his or her Land ſhall have Occaſion to paſs through the ſaid Fences, One or more Key or Keys to open the Lock or Locks on ſuch Gate or Gates, ſo that ſuch Occupier or Occupiers ſhall and may have a Paſſage for himſelf or herſelf, his, her, or their Servants, Cattle, and Carriages, to and from his or her Land; and that if ſuch Occupiers ſhall loſe ſuch Key, then he or ſhe ſo loſing the ſame ſhall provide another at his or her own Expence.

Perſons permitting private Paſſages to evade Tolls, forfeit 40 s.

XXIII. Provided, That if any ſuch Occupier of Land, his or her Servant or Servants, ſhall wilfully leave any ſuch Gate or Gates open, or permit any Perſon or Perſons not intitled to ſuch Paſſage to paſs through ſuch Gate or Gates to evade the Payment of the Tolls to be collected by virtue of this Act, then every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings; to be recovered and applied as the other Penalties and Forfeitures are herein-after directed to be recovered and applied.

Gates, Fences, and Toll-houſes, veſted in Commiſſioners.

XXIV. And be it further enacted by the Authority aforeſaid, That the Property of all the Turnpikes, Fences, and Toll-houſes, to be erected by virtue of this Act, and of the Materials for building the ſame, and all Materials actually got for repairing the ſaid

Roads, ſhall be, and are hereby veſted in the ſaid Commiſſioners, and their Succeſſors; and that they, or any Five or more of them, are hereby impowered to commence or proſecute any Action or Actions in the Name or Names of any One or more of them, or of their Treaſurer or Clerk, or to prefer any Indictment or Indictments againſt any Perſon or Perſons who ſhall diſturb them in the Poſſeſſion thereof.

Power to leaſe Tolls for 3 Years, on 28 Days Notice.

XXV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and their Succeſſors, and the major Part of them, aſſembled at any of the General Half-yearly Meetings, upon Twenty-eight Days Notice in Writing being affixed upon the ſeveral Turnpikes upon the ſaid Road, and on the Church-doors of Ramſay and Doddington aforeſaid, to demiſe and leaſe the Tolls ariſing by virtue of this Act, or any of them, unto any Perſon or Perſons, from Year to Year, or for any Term of Years, not exceeding Three Years, for the beſt Rent that can be got for the ſame, payable at ſuch Times, and under ſuch Covenants, and to ſuch Perſon or Perſons, as they the ſaid Commiſſioners, or their Succeſſors, or the major Part of them, aſſembled at ſuch General Meeting as aforeſaid, ſhall direct or appoint.

Application of Tolls.

XXVI. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, and their Succeſſors, and the major Part of them, ſo aſſembled as aforeſaid, ſhall, from Time to Time, apply the Monies ariſing from the ſaid Tolls in erecting and repairing Turnpikes and Toll-houſes, and in repairing, widening, altering, and keeping in Repair, the ſaid Roads, leading from Carter's Bridge aforeſaid, along the ſaid Forty Feet Bank, to the ſaid Forty Feet Bridge, and for no other Purpoſe whatſoever.

Qualifications of Commiſſioners of Roads and Tolls.

XXVII. Provided always, and be it enacted by the Authority aforeſaid, That the ſeveral Perſon and Perſons herein-before nominated and appointed Commiſſioners for the imbanking the River Nene and Forty Feet Drain, ſhall be and hereby are appointed Commiſſioners for putting this Act into Execution with reſpect to the ſaid Road, and Tolls to be collected thereon; and that no Perſon ſhall be capable of acting as a Commiſſioner for the ſaid Road, and Tolls to be collected thereon, unleſs he ſhall have or be ſeiſed in his own Right, and be in the actual Poſſeſſion, Enjoyment, or Receipt of the Rents and Profits of the ſame Quantity of Land which intitles him to act as a Commiſſioner under this Act, relating to the imbanking and draining the Lands and Tenements therein compriſed.

Commiſſioners may lower the Tolls, with Conſent of the Creditors, on 28 Days Notice.

XXVIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, from Time to Time, at any Meeting or Meetings to be held for that Purpoſe, with the Conſent of the Mortgagee or Mortgagees of the ſaid Tolls, to leſſen or vary all or any of the Tolls by this Act granted, for ſuch Time and Times as they the ſaid Commiſſioners, or any Nine or more of them, ſhall think proper; and may afterwards, if there ſhall be Occaſion, advance or raiſe the ſame again, ſo as the ſame do not exceed the Tolls by this Act granted; and ſuch Tolls, ſo leſſened or altered, ſhall be collected, recovered, and applied, in the ſame Manner as the Tolls hereby granted are directed to be collected, recovered, and applied; but no Meeting ſhall be held for the leſſening the ſaid Tolls, unleſs Twenty-eight Days previous Notice at the leaſt be given thereof in Writing, to be affixed upon all the Gates and Turnpikes to be erected by virtue of this Act, and upon the Church Doors of Ramſay and Doddington aforeſaid.

Perſons evading Payment of Tolls to forfeit 40 s.

XXIX. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, with any Horſe, Cattle, Beaſt, or Carriage whatſoever, paſs through any Gate, Land, Paſſage, for private Way, adjoining to or lying near any Turnpike to be by virtue of this Act erected, through which ſuch Perſon or Perſons ſhall have no Right to paſs; or if any Occupier of any Land, Gate, Paſſage, or private Way, which ſhall adjoin or lie near to any ſuch Turnpike, ſhall knowingly or willingly permit or ſuffer any ſuch Perſon or Perſons with any Horſe, Cattle, Beaſt, or Carriage, to paſs through the ſame, whereby the Payment of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſon or Perſons ſhall give to or receive from any Perſon or Perſons, or ſhall forge or counterfeit any Ticket directed to be given by the Collector of the ſaid Tolls, whereby the Payment of the ſaid Tolls, or any Part thereof, ſhall be avoided; or ſhall forcibly paſs through or over any of the ſaid Turnpikes, to be ſet up by virtue of this Act, with any Horſe or other Beaſt, without Payment of Toll; or ſhall take off, or cauſe to be taken off, from any Carriage, any Horſe or other Beaſt, with an Intent to avoid any of the ſaid Tolls, or any Part thereof; or ſhall leave upon or near to any of the ſaid Roads, any Horſe, Cattle, Beaſt, or Carriage, with ſuch Intent as aforeſaid; every Perſon ſo offending ſhall, for every Offence, forfeit and pay the Sum of Forty Shillings; One Moiety thereof to the Informer or Informers, and the other Moiety thereof to ſuch Perſon or Perſons, and for ſuch Purpoſes, as the other Penalties and Forfeitures are herein directed to be paid and applied.

Exemptions from Tolls.

XXX. And be it further enacted by the Authority aforeſaid, That no Toll ſhall be demanded or taken of any Perſon or Perſons whatſoever for any Horſe, Cattle, Beaſt, or Carriage, employed in repairing the ſaid Roads, or any of them, or any other Road in the Pariſhes, Hamlets, or Places, in or through which the ſaid Roads, or any of them, ſhall paſs; or in the Conveyance of any Dung, Soil, or Compoſt of any Kind, for the manuring of any Land in the ſaid Pariſhes, Hamlets, or Places; or in the ploughing, ſowing, tilling, or cultivating, of any Land therein; or for any Horſe, Cattle, Beaſt, or Carriage, employed in the Conveyance of any Hay, Straw, or Corn in the Straw, not ſold or intended for Sale, but only to be ſtacked or laid up in the ſaid Pariſhes, Hamlets, or Places; or for any Turf or Turves not intended for Sale, but to be laid up and burnt in any of the ſaid Hamlets, Pariſhes, or Places; or in the Conveyance of any Hemp, Flax, or Cole Seed, intended to be ſtacked or laid therein from the Lands where ſuch Hemp, Flax, or Cole Seed, ſhall be growing, to the Place where it ſhall be wetted, watered, or ſpread, and from thence to the Place where the ſame is intended to be ſo ſtacked or laid up; or of any Perſon or Perſons reſiding in ſuch Hamlets or Places, for any Horſe, Beaſt, or Cattle, employed in the Carriage of any Lime, Dung, Soil, or Compoſt of any Kind, for the manuring of any Land in any of the adjoining Hamlets, Pariſhes, or Places; or in the ploughing, ſowing, tilling, or cultivating, of any Land in any of the ſaid adjoining Pariſhes, Hamlets, or Places; or in the drawing of any Plough, Harrow, or Implement of Huſbandry, for the repairing thereof; or of the Owners or Occupiers of any of the ſaid Hamlets, Pariſhes, or Places, in or through which the ſaid Road ſhall paſs, or their Servants going to or from their ſaid reſpective Lands on the Buſineſs only of looking after ſuch Lands, or the Stock and Crop upon the ſame; or for any Cattle or Carriages employed by the Corporation of Bedford Level, or the Commiſſioners of the River Nene, their Officers or Agents, for the Purpoſes of carrying Materials for the making, repairing, or amending, any Works which ſhall by them, or either of them, be deemed neceſſary for the draining the great Level of the Fens, or the Preſervation of the Navigation through the ſame; or of any Perſon or Perſons reſiding in the ſaid Pariſhes, Hamlets, or Places, going to or from their parochial Church, Chapel, or other Place of religious Worſhip; or for any Poſt-horſe carrying or drawing the publick Mail or Packet; or for any Horſe, Cattle, or Sheep, going to or from Water or Paſture, or any Cows going to or from Milking, in any of the ſaid Pariſhes, Hamlets, or Places; or for any Sheep going to or from any Place uſed for the waſhing or clipping of Sheep near the ſaid Road; or for the Horſes of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriages employed for the Conveyance of Vagrants legally paſſed from one Place to another; or for any Coach, Berlin, Calaſh, Chaiſe, Chair, or any Paſſengers on Horſeback, going to and from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the Counties of Cambridge and Huntingdon: And if any Perſon ſhall claim or take the Benefit of the ſaid Exemptions, not being intitled to the ſame, every ſuch Perſon ſhall forfeit and pay, for every ſuch Offence, the Sum of Forty Shillings; One Moiety thereof to the Informer or Informers, and the other Moiety ſhall be applied in the ſame Manner as the other Forfeitures are by this Act intended to be applied.

Penalty on claiming Exemptions if not intitled.

Commiſſioners may borrow Money on Credit of the Tolls,

XXXI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners, and their Succeſſors, or any Nine or more of them, to borrow and take up at Intereſt, on the Credit of the Tolls to be collected by virtue of this Act, any ſuch Sum or Sums of Money as they the ſaid Commiſſioners ſhall think proper, not exceeding the Sum of One thouſand five hundred Pounds, to be applied by the ſaid Commiſſioners towards making, repairing, and keeping in Repair, the ſaid Road from Carter's Bridge to the ſaid Forty Feet Bridge; and that it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, by Writing or Writings under their Hands and Seals, to mortgage and aſſign over the ſaid Tolls, or any Part or Parts thereof, the Coſts and Charges of mortgaging and aſſigning the ſame to be paid out of ſuch Tolls, to any Perſon or Perſons, for any Term of Years during the Continuance of this Act, as a Security for any Sum of Money which ſhall be ſo borrowed, with Intereſt for the ſame; and that Copies of all ſuch Mortgages and Aſſignments ſhall be entered in a Book or Books, to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Commiſſioners and their Succeſſors; but that no Money ſhall be borrowed upon the Credit of the ſaid Tolls at any Meeting after the ſaid Firſt Meeting, until Twenty-eight Days Notice of ſuch Meeting, and the Purpoſe for which it is to be held, ſhall be given by the Clerk to the ſaid Commiſſioners, and affixed on all the Gates and Turnpikes erected by virtue of this Act, and on the Church Doors of Doddington and Ramſey aforeſaid; and that it ſhall and may be lawful for all and every Perſon and Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, from Time to Time, and at all Times, by any Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, to be duly executed in the Preſence of Two or more credible Witneſſes, to aſſign and transfer his, her, or their Right to the Principal Money and Intereſt thereby ſecured to any Perſon or Perſons whomſoever; and that ſuch Aſſignments or Transfers ſhall be produced and notified to the ſaid Clerk or Treaſurer within Three Calendar Months after Date thereof, who ſhall cauſe an Entry or Memorial to be made, containing the Date of ſuch Aſſignments or Transfers, Names of the Parties, and Sums of Money therein mentioned to be aſſigned or transferred, in the ſaid Book or Books, to be kept for entering the ſaid original Mortgages and Aſſignments; for which the ſaid Clerk or Treaſurer ſhall be paid the Sum of Two Shillings and Sixpence, and no more; and that after ſuch Entry made, ſuch Aſſignment or Transfer ſhall intitle ſuch Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon; and every Aſſignee or Aſſignees ſhall and may, in like Manner, from Time to Time, aſſign and transfer the ſame; and that no Perſon or Perſons who ſhall have made any ſuch Aſſignment or Transfer, ſhall, after the making thereof, releaſe, diſcharge, or make void the ſame, or any Money thereon due; and that all and every Perſon and Perſons to whom ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, ſhall be, in proportion to the Sum or Sums therein mentioned, Creditors on the ſaid Tolls in equal Degree one with another, and ſhall have no Preference in reſpect to the Priority of advancing any ſuch Money.

and aſſign over ſaid Tolls for Payment.

Aſſignments to be entered in a Book.

Truſtee may lend Money on Security of the Tolls.

XXXII. And be it further enacted by the Authority aforeſaid, That all and every Commiſſioner and Commiſſioners appointed by this Act, or which ſhall be hereafter appointed by any Power or Authority hereby given, ſhall, and lawfully may, notwithſtanding his or their being ſuch Commiſſioner or Commiſſioners, Truſtee or Truſtees, lend any Sum or Sums of Money on the Security of the ſaid Tolls, or on the Aſſignment of any of the Taxes rated or aſſeſſed by virtue of this Act, in ſuch Manner as any other Perſon or Perſons may, can, or ſhall do, by means or virtue hereof; and that ſuch Commiſſioner or Commiſſioners, Truſtee or Truſtees, ſo advancing or lending ſuch Sum or Sums of Money, ſhall and lawfully may accept and take a Mortgage or Mortgages, Aſſignment or Aſſignments, of the ſaid Tolls, Rates, and Taxes, from the ſaid Commiſſioners, or any Five or more of them, as a Security or Securities for the ſaid Sum or Sums of Money ſo to be by him or them advanced and lent; which Mortgage or Mortgages, Aſſignment or Aſſignments, being ſo executed by the ſaid Commiſſioners, or any Five or more of them, ſhall be effectual and binding to all Intents and Purpoſes whatſoever; and that the Commiſſioner or Commiſſioners, ſo advancing or lending ſuch Sum or Sums of Money, and accepting and taking ſuch Security or Securities, ſhall, by means and virtue thereof, have and exerciſe ſuch and the like Powers and Remedies for recovering and receiving the ſaid Sum or Sums of Money, and the Intereſt thereof, as any other Mortgagee or Mortgagees of the ſaid Tolls, Rates, or Taxes, can, may, or ſhall, have and take, by means and virtue of this Act.

Preference to Perſons lending Money on lower Intereſt.

XXXIII. And be it enacted, That if any Perſon or Perſons ſhall give Notice to the ſaid Commiſſioners, or any Five or more of them, aſſembled at any of their Meetings as aforeſaid, that they are willing to advance any Sum or Sums of Money on the Credit of the ſaid Taxes or Tolls at any leſs Intereſt than the ſaid Commiſſioners ſhall pay for the Monies borrowed by them, the ſaid Commiſſioners reſpectively are hereby required to accept the ſame, and apply the ſame to the Payment of ſuch Part of the Monies as they ſhall have borrowed on the Credit of the ſaid Taxes or Tolls, as they ſhall think proper; any Thing to the Contrary notwithſtanding.

Continuance of this Act.

XXXIV. And be it further enacted, That ſo much of this Act as relates to repairing and widening the ſaid Bank, ſo as to make the ſame a Turnpike Road, ſhall commence and have Continuance from the Day of the paſſing thereof, for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

Commiſſioners for the Drainage to meet Twice in every Year.

XXXV. And be it further enacted by the Authority aforeſaid, That the Commiſſioners hereby nominated and appointed for the Drainage of the ſaid Five Diſtricts or Diviſions reſpectively, or their Succeſſors, or any Five or more of them, ſhall meet Twice in every Year in Manner following; to wit, For the Firſt Diſtrict at the Town of Ramſey aforeſaid, and for every other Diſtrict at the Town of Doddington, or in the Precincts thereof, or at ſome Place adjoining to the ſaid Diſtricts; the Firſt Meeting of the ſaid Commiſſioners for the ſaid Firſt Diſtrict to be held at the George Inn in Ramſey aforeſaid; for the ſaid Second Diſtrict, at the Blue Bell in Benwick aforeſaid; and for the Third and Fourth Diſtricts, at the Three Tons in Doddington aforeſaid; and for the ſaid Lower or Fifth Diſtrict, at the White Hart in March aforeſaid, within Twenty-one Days after the paſſing of this Act; and every Half-yearly Meeting for the ſaid Firſt Diſtrict at Ramſay aforeſaid, or in the Precincts thereof, to be held on the Eleventh Day of July, and the Second Day of October, (except when the ſaid Days ſhall happen on a Sunday), in which Caſe the ſaid Meeting ſhall be held the Day following; for the ſaid Second Diſtrict, on the Third Monday in May, and the Third Monday in November, and for the ſaid Third and Fourth Diſtricts, on the Third Tueſday in May, and the Third Tueſday in November; and for the ſaid Lower or Fifth Diſtrict, on the Third Wedneſday in May, and the Third Wedneſday in November, in each Year, or at ſuch other Time or Times, within or near the Place or Places within the ſeveral Pariſhes or Hamlets in which the ſaid Five Diſtricts reſpectively lie, as the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall ſee Cauſe, or think convenient, purſuant to Notice in Writing for that Purpoſe, ſigned by any Three or more of them, and to be affixed upon the Outſide of the Church or Chapel Doors of Ramſey, Doddington, and Benwick aforeſaid, Ten Days at the leaſt before any ſuch Meeting, except thoſe appointed to be held for the ſaid General Half-yearly Meetings, and may, from Time to Time, adjourn themſelves, and meet again purſuant to ſuch Adjournments, as often as they ſhall think proper.

Commiſſioners may aſſeſs 3 *s. per* Acre for Firſt Diſtrict;

XXXVI. And it is hereby further enacted by the Authority aforeſaid, That over and above the ſaid Rate and Tax of One Shilling per Acre herein-before authoriſed and directed to be raiſed, levied, and received, for the general imbanking the ſaid River Nene and Forty Feet Drain, and ſuch other General Works as are herein-before directed, it ſhall and may be lawful to and for the ſaid reſpective Commiſſioners of each of the ſaid Diſtricts or Diviſions reſpectively, or for any Five or more of them, who ſhall be preſent at ſuch reſpective Firſt, or any other yearly General Meeting, as aforeſaid, for each reſpective Diſtrict, then and there, from Time to Time, to aſſeſs, rate, tax, and charge, all and every the Owner and Owners, Occupier and Occupiers, of all and ſingular the Lands and Grounds ſituate and lying within their ſeveral Diſtricts or Diviſions reſpectively, except the ſeveral Lands and Grounds lying within the ſaid Five Diſtricts or Diviſions, and herein-after exempted and diſcharged from the Payment of any Rate, Tax, or Sum of Money to be laid, rated, or taxed, by virtue of this Act, by and with a proportionable yearly Rate, Tax, or Sum of Money, at the Diſcretion of the ſeveral and reſpective Commiſſioners for the Time being, of and for the ſaid Five Diſtricts or Diviſions reſpectively, or the major Part of them that ſhall be preſent at any ſuch yearly General Meeting as aforeſaid, ſo that ſuch Rate, Tax, or Sum of Money, do not exceed in any One Year the Sum of Three Shillings for every Acre of Land or Ground within the ſaid Firſt Diſtrict or Diviſion, and ſo in proportion for any greater or leſs Quantity; and for every Acre of Land or Ground in any One Year in the ſaid Second Diſtrict or Diviſion, the like Sum of Three Shillings per Acre, and ſo in proportion for any greater or leſs Quantity; and for every Acre of Land or Ground in any One Year in the ſaid Third Diſtrict or Diviſion, the Sum of Two Shillings and Sixpence per Acre, and ſo in proportion for any greater or leſs Quantity than an Acre; and for every Acre of Land or Ground in any One Year in the ſaid Fourth Diſtrict or Diviſion, the like Sum of Two Shillings per Acre, and ſo in proportion for any greater or leſs Quantity than an Acre; and for every Acre of Land or Ground in any One Year in the ſaid Lower or Fifth Diſtrict or Diviſion, the like Sum of Two Shillings per Acre, and ſo in proportion for any greater or leſs Quantity than an Acre: Which ſaid yearly Rates or Taxes ſo to be ſeverally and reſpectively taxed and aſſeſſed by the ſeveral and reſpective Commiſſioners of the ſaid Five Diſtricts or Diviſions reſpectively, as aforeſaid, ſhall be paid by the Owners and Occupiers of the Lands or Grounds compriſed in the ſaid Diſtricts or Diviſions reſpectively, to ſuch Perſon or Perſons, at ſuch Time or Times, and in ſuch Manner and Proportion, as the reſpective

3 *s. per* Acre for Second Diſtrict;

2 *s.* 6 *d. per* Acre for Third Diſtrict;

2 *s. per* Acre for Fourth Diſtrict;

2 *s. per* Acre for the Fifth Diſtrict.

reſpective Commiſſioners for the Time being of the ſaid Five Diſtricts or Diviſions reſpectively, or the major Part of them that ſhall be preſent at any ſuch Meeting as aforeſaid, ſhall, from Time to Time, ſeverally order, direct, and appoint the ſame; and ſhall, together with the ſeveral Sums of Money herein-after directed to be borrowed by the ſaid Commiſſioners on the Credit of the ſaid Rates and Taxes, to be applied and diſpoſed of by the ſaid Commiſſioners, for the ſaid Five Diſtricts or Diviſions, in and about the particular Works, Banks, Drains, Mills, Engines, Headings, Dams, and other Matters and Things neceſſary for draining each of the ſaid Five Diſtricts or Diviſions reſpectively, and to or for no other Uſe or Purpoſe whatſoever; provided, that the Rates and Taxes of each of the ſaid Diſtricts, and the Money to be borrowed on the Credit thereof, may be applied by the ſaid Commiſſioners for the particular Works of each of the ſaid Diſtricts ſeparately, and not for the joint Works of the ſaid Five Diſtricts.

Tenants of Part of the Fifth Diſtrict ſhall pay the Taxes during the Continuance of their Leaſes.

XXXVII. And be it enacted, That all the Rates, Taxes, and Aſſeſſments, laid, rated, and taxed, by virtue of this Act, upon the ſeveral and reſpective Lands of the Reverend John Gordon, D. D. Miſtreſs Cole, and Miſtreſs Williams, lying and being in Ranſon Moore, Dykeamoore, and Bezleings reſpectively, being Part and Parcel of the ſaid Lower or Fifth Diſtrict, ſhall be paid by the Tenant or Tenants thereof, his, her, or their Executors or Adminiſtrators, during the Reſidue of the ſeveral and reſpective Terms for which the ſame are granted upon Leaſe, and not by the ſaid John Gordon, Miſtreſs Cole, and Miſtreſs Williams, their Heirs, Executors, or Adminiſtrators; any Thing herein contained to the Contrary notwithſtanding.

No Dams, &c. ſhall be cut or opened before *Aug.* 1. after paſſing this Act.

XXXVIII. And be it further enacted, That no Dam or Stoppage already made for the Benefit of draining the ſeveral Lands and Grounds within the Limits aforeſaid, by the Mills or Engines now erected thereon for draining the ſame, ſhall be cut or opened by the Commiſſioners appointed for putting this Act into Execution with reſpect to the Drainage thereof, or any other Perſon or Perſons whomſoever, before the Firſt Day of Auguſt next after the paſſing of this Act; any Thing herein contained to the Contrary notwithſtanding.

Lands exempt from draining Tax.

XXXIX. Provided nevertheleſs, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to charge the Lands of William Fellowes Eſquire, lying next the River Nene, and called The Four Hundred Acre Farm, or the ſaid Farm of the ſaid William Fellowes Eſquire, lying next the ſaid Forty Feet Drain, called Betty's Noſe, or the Lands of the ſaid David Burgeſs, Gentleman, lying in Benwick aforeſaid, next the ſaid River Nene, and called by the Name of Chapel Farm, or the Lands of Maſter Thomas Burgeſs, lying next the ſaid River Nene, or the Lands of the ſaid Francis Ibberſon, lying next the ſaid Forty Feet Drain, called by the Names of Carter's Farm, Morris's Farm, and Benwick Meer, and the Brow or Weſt Water, and which ſaid ſeveral Lands are not deſcribed, or intended to be deſcribed, or taken as Part of any of the ſaid Five Diſtricts or Diviſions, or to be charged or chargeable with the Payment of any Rate or Tax laid, or to be laid, by virtue of this Act, except the ſaid Rate or Tax of One Shilling per Acre herein-before laid, rated, and taxed, for the Support of the ſaid Banks of the ſaid River Nene and Forty Feet Drain.

Slamps exempt from Payment of Taxes.

XL. Provided nevertheleſs, and be it enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to charge the Lands within the Limits aforeſaid, or any of them, which lie within Sixty Feet of the ſaid River Nene and Forty Feet Drain, with the Payment of any Rates or Taxes charged by virtue of this Act; and that a Soak Dike, not exceeding Three Feet wide, and Two Feet deep, (except by, next, and through the Yards in the ſaid Hamlet of Benwick, or where any Farm-houſes, Barns, Yards, or Droveways, do lie contiguous to, or adjoining upon, the ſaid Rivers), ſhall be cut or made by the ſaid Commiſſioners through the ſaid Sixty Feet of Land ſo exempted, and a Soak Bank laid thereon for the preſerving and keeping the Soak of the ſaid Rivers from the ſaid Fen Lands and Low Grounds, but that the ſaid Lands, ſo laid out for a Slamp to receive the ſaid Soak, ſhall always be exempt from the Payment of any Taxes, Rates, or Aſſeſſments, charged, or to be charged, by virtue of this Act; any Thing herein contained to the Contrary notwithſtanding.

General Survey for aſſeſſing the Lands ſufficient Authority to the Commiſſioners for aſſeſſing each of the Diſtricts, without a freſh Survey.

XLI. Provided always, and be it hereby enacted and declared by the Authority aforeſaid, That the Survey of the ſaid Lands and Grounds herein-before directed by this Act to be delivered in to the ſaid General Commiſſioners, or their Officers, for charging and aſſeſſing the ſaid Lands and Grounds, with the Payment of the ſaid Rate or Tax of One Shilling for every Acre thereof, for repairing the Banks of the ſaid River Nene and Forty Feet Drain, ſhall be a ſufficient Authority for the Commiſſioners of the ſaid Five Diſtricts reſpectively, to rate, tax, and charge the Lands and Grounds in each of the ſaid Five Diſtricts reſpectively, without any freſh Survey to be taken of the ſame, or any Part thereof.

Expences of draining the Second and Fourth Diſtrict how to be paid.

XLII. And be it further enacted, That it ſhall and may be lawful for the Commiſſioners of the ſaid Second and Fourth Diſtricts reſpectively, or any Five or more of them, at their Firſt Meeting, or any future Meeting appointed to be held after the paſſing of this Act, to incloſe, or cauſe to be incloſed, One Sixth Part of the ſaid Commons in the Second and Fourth Diſtricts reſpectively, to defray the Charge and Expence of draining the ſame jointly with the ſaid Second or Fourth Diſtricts, and alſo the Charges of making ſuch Incloſure private Property; and that the ſaid Commiſſioners of the ſaid Second and Fourth Diſtricts reſpectively, or any Five or more of them, ſhall and may, from Time to Time, ſo long as it ſhall be neceſſary for the Purpoſes aforeſaid, grant a Leaſe or Leaſes of the Land and Ground ſo to be incloſed in each Common reſpectively, unto any Perſon or Perſons, at or for the beſt yearly Rent they can get for the ſame, for any Term not exceeding Twenty-one Years; and that the Money ariſing from the Lands ſo to be incloſed out of the ſaid Commons by the Commiſſioners for the ſaid Second and Fourth Diſtricts reſpectively, by virtue and in purſuance of this Act, ſhall be applied towards defraying the Charges of the interior Works of each of the ſaid Diſtricts reſpectively; and after the ſaid Incloſure ſhall be made as aforeſaid, in caſe the Tenant or Tenants of ſuch incloſed Lands ſhall neglect or refuſe to pay the ſeveral Rents reſerved in and by the ſaid Leaſes at the ſeveral Times mentioned therein, for the Payment thereof, it ſhall and may be lawful for the ſaid Commiſſioners reſpectively, and they are hereby impowered to recover ſuch Rent and Arrears thereof by Diſtreſs and Sale, in ſuch and the ſame Manner as other Landlords are by Law impowered to do: And in caſe ſuch Tenant or Tenants, at the Expiration of ſuch Leaſes, ſhall refuſe to give up the Poſſeſſion of ſuch Lands ſo to be incloſed as aforeſaid to the ſaid Commiſſioners reſpectively, or their Succeſſors; then, and in ſuch Caſe, the ſaid Commiſſioners are hereby impowered to take the ſame Methods for recovering ſuch Poſſeſſions, by Ejectment, or otherwiſe, as any other Landlord is intitled to by the Laws of this Realm.

Proviſo.

XLIII. Provided always, That the Lands and Grounds ſo to be incloſed as aforeſaid ſhall not be ſubject to the Payment of any Tithes, Taxes, Parochial or other Rates, during the Time the ſame ſhall remain incloſed.

Commiſſioners in ſupporting and widening the General Diſtricts,

XLIV. And it is hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the reſpective Commiſſioners appointed by virtue of this Act, or the major Part of them, who ſhall be preſent at their reſpective Meetings, from Time to Time, to heighten, widen, ſtrengthen, make, maintain, and ſupport, or cauſe to be heightened, widened, ſtrengthened, made, maintained, and ſupported, the South and South-eaſt Bank of the ſaid River Nene, and the North Bank of the ſaid Forty Feet Drain, and the Weſt Bank of the ſaid Upper or Firſt Diſtrict, from the ſaid Forty Feet Drain, by the ſaid Ramſey Meer, to the ſaid River Nene, of ſuch Height, Width, Strength, and Dimenſions, as they, or the major Part of them, ſhall think proper, for the preventing the Waters thereof from running over the ſame, or making any Breach therein, or to repair and make up any Breach that may happen by reaſon or means of ſuch Water; and that it ſhall and may be lawful to and for the reſpective Commiſſioners of each of the ſaid Five Diſtricts or Diviſions, or the major Part of them for the Time being, who ſhall be preſent at ſuch Meeting, from Time to Time, to cleanſe, widen, make, cut, build, erect, purchaſe, and ſupport, all ſuch Banks, Bridges, Headings, Cuts, Drains, Dams, Outlets, Mills, Engines, and other Matters and Things already made, built, or erected, or hereafter to be made, built, or erected, by virtue of this Act, within their ſeveral and reſpective Diſtricts or Diviſions, for draining their reſpective Lands and Grounds, and conveying the Waters thereof into the ſaid River Nene and the Forty Feet Drain aforeſaid, in order that the ſame may be more eaſily conveyed to Sea, as the ſaid Commiſſioners reſpectively, or the major Part of them, preſent at their reſpective Meetings for the Time being, ſhall think proper; paying ſuch reaſonable Satisfaction to the Perſon or Perſons who have a Right to the Soil through or upon which any ſuch Cut, Drain, Dam, Bank, Bridge, Heading, Tunnel, or Outlet, ſhall be made, or whereupon any ſuch Engines or Mills ſhall be erected, for the Damages he, ſhe, or they, ſhall thereby ſuſtain, as ſhall be agreed upon between the ſaid Commiſſioners reſpectively, or the major Part of them, preſent at their reſpective Meetings for the Time being, and the Perſon or Perſons having ſuch Right as aforeſaid; and if the ſaid reſpective Commiſſioners for the ſaid Upper or Lower Diſtricts, or the major Part of them, preſent at their reſpective Meetings for the Time being, and ſuch Perſon or Perſons, having Right as aforeſaid, cannot agree concerning the Amount of ſuch Damages, then the ſame ſhall be aſſeſſed and adjudged by the Juſtices of the Peace, at the Quarter Seſſions to be holden for the Iſle of Ely, if ſuch Difference or Diſpute ſhall happen within the ſaid Iſle, or in the County of Huntingdon, if ſuch Diſpute ſhall happen in the ſaid County, not intereſted in the Premiſes, who are hereby authoriſed, impowered, and required, to examine into, hear, and determine the ſame; and the Determination which ſhall be ſo made by the ſaid Juſtices, in their ſaid Quarter Seſſions as aforeſaid, ſhall be final and concluſive to all Parties, and ſhall not be removed or removeable by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter.

ſhall make Satisfaction to the Owners of Soil.

Waters not to be conveyed to the Sea other than into the River *Nene* and *Forty Feet Drain*.

XLV. Provided nevertheleſs, and be it enacted by the Authority aforeſaid, That the Commiſſioners of the ſaid reſpective Diſtricts, and each of them, ſhall have no Power or Authority whatſoever, by virtue of this Act, to convey the Waters of each of the ſaid Diſtricts in any other Manner to Sea than by or by Means of the ſeveral Engines erected, or to be erected, within each of the ſaid ſeveral Diſtricts next the ſaid River Nene or Forty Feet Drain, as the ſame ſhall happen according to the Situation thereof; and that they ſhall not, by virtue of any Power under this preſent Act, convey the Waters of each Diſtrict into the ſaid Rivers by any other Means whatſoever than by virtue of the Engines erected in each of the ſaid Diſtricts for draining the ſame, nor ſhall, on any Pretence whatſoever, cut or deſtroy any of the outward Banks of any of the ſaid Diſtricts.

Commiſſioners may diſtreſs for Taxes.

XLVI. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſo taxed, rated, or aſſeſſed, as aforeſaid, ſhall refuſe or neglect to pay the Tax or Aſſeſſment charged upon him or them reſpectively, for or on account of their ſeveral Lands lying within the ſaid Diſtricts, upon a Day to be appointed by the ſaid Commiſſioners reſpectively, or any Five or more of them, for ſuch Payment, publick Notice of ſuch Day of Payment Twenty-one Days before the Day of ſuch Payment being firſt given in The Cambridge Chronicle and Journal for that Purpoſe, ſo long as the ſame ſhall continue to be publiſhed, or any other Weekly Paper circulated in the ſaid Iſle of Ely, and County of Huntingdon, and alſo affixed upon the Church or Chapel Doors of Ramſey, Benwick, Doddington, and March aforeſaid; which Notice, ſo to be given in ſuch Paper, and affixed upon ſuch Church or Chapel Doors, as aforeſaid, ſhall be deemed and taken as publick Notice of the ſaid Day of Payment as if Demand thereof had been actually made by the ſaid Receiver or Collector of the Perſon or Perſons by whom ſuch Rates or Taxes are to be paid as aforeſaid; and it ſhall and may be lawful for the reſpective Collector or Collectors, Receiver and Receivers, or for any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of Three or more of the ſaid Commiſſioners for the ſaid Five Diſtricts reſpectively, (which Warrant or Precept ſuch Commiſſioners, or any Three or more of them reſpectively, are hereby impowered and required from Time to Time to make, as Occaſion ſhall require), to enter into and upon the ſaid Fen Lands and Low Grounds within the ſaid Five Diſtricts, or either of them, ſo rated, aſſeſſed, and taxed, as aforeſaid, in Poſſeſſion of ſuch Perſon or Perſons as ſhall ſo make Default in Payment as aforeſaid, and all Meſſuages, Tenements, or Buildings thereupon ſtanding, or belonging thereto, with their and every of their Appurtenances; and to levy the Sum or Sums of Money by him, her, or them payable for ſuch Rate or Tax, and the Arrears thereof, by Diſtreſs and Sale of the Goods and Chattels then and there found, in ſuch and the ſame Manner as the ſaid Commiſſioners are hereby authoriſed and impowered to diſtrain for and recover the ſaid Rate or Tax of One Shilling per Acre.

Land-owners to pay a Penalty of 2 *d.* in 1 *s.* for Nonpayment of Taxes.

XLVII. And be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall refuſe or neglect to pay, or cauſe to be paid, to the Collector or Collectors for the Time being, to be appointed in purſuance of this Act, the Sum or Sums of Money which he, ſhe, or they, ſhall be reſpectively charged with for the Space of Two Calendar Months after a perſonal Demand made by ſuch Collector or Collectors; every ſuch Perſon ſhall forfeit and pay the Sum of Two-pence for every Shilling which ſhall be ſo in arrear and unpaid; to be levied by Diſtreſs and Sale of his, her, and their Goods and Chattels, in ſuch Manner as the aforeſaid Rates and Taxes are herein directed to be levied; and the Money ſo forfeited and levied ſhall be applied towards the Works of ſuch Diſtrict where the ſame ſhall be forfeited.

Soak Banks to be joined.

XLVIII. Provided nevertheleſs, and be it enacted by the Authority aforeſaid, That the Commiſſioners of the ſaid reſpective Diſtricts ſhall, and they are hereby impowered and required, at the joint Expence of each of the ſaid Diſtricts, to join the Soak Banks, and other Banks already made between the ſaid Diſtrict, in One Bank, to prevent the Soak Waters running or expanding themſelves between the ſaid Five Diſtricts reſpectively.

Commiſſioners may borrow Money on ſeparate Diſtricts.

XLIX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Commiſſioners of the ſaid Four Upper Diſtricts reſpectively, or any Seven or more of them, to borrow, take up, and receive, any Sum or Sums of Money that they ſhall think proper, upon the Credit of the Taxes and Aſſeſſments in each reſpective Diſtrict, Five of whom to be real Commiſſioners for the ſaid Firſt and Fourth Diſtricts, and Three for the ſaid Second, Third, and Lower or Fifth Diſtrict, and Deputies for the Diſtrict for which the ſaid Money ſhall be ſo borrowed, and, by Writing under the Hands of any Seven or more of them, to mortgage, charge, aſſign, and convey or incumber the Taxes or Aſſeſſments, ſo to be aſſeſſed and levied within each reſpective Diſtrict, with and for the Repayment of the Sums ſo borrowed, with ſuch Intereſt, at ſuch Times, and with ſuch Proviſoes and Conditions of Redemption, as ſhall be agreed upon; and ſuch Monies ſhall be ſeparately and diſtinctly borrowed for the Uſe of each Diſtrict, and ſhall be particularly ſet forth in every ſuch Aſſignment for which of the ſaid Diſtricts ſuch Monies are ſo reſpectively borrowed.

What Sums may be borrowed at One Time on each Diſtrict.

L. Provided always, and be it enacted by the Authority aforeſaid, That no more than the Sum of One thouſand Pounds ſhall be borrowed or owing at any One Time on the Credit or Security of the Taxes or Aſſeſſments ariſing within the ſaid Firſt Diſtrict; and that no more than the Sum of Eight hundred Pounds ſhall be borrowed or owing at any One Time on the Credit or Security of the Taxes or Aſſeſſments ariſing within or in relation to the ſaid Second Diſtrict; and that no more than the Sum of One thouſand Pounds ſhall be borrowed or owing at any One Time on the Credit or Security of the Taxes or Aſſeſſments ariſing within or in relation to the ſaid Third Diſtrict; and that no more than the Sum of One thouſand two hundred Pounds ſhall be borrowed or owing at any One Time on the Credit or Security of the Taxes or Aſſeſſments ariſing within or in relation to the ſaid Fourth Diſtrict; and that no more than the Sum of Two thouſand Pounds ſhall be borrowed or owing at any One Time on the Credit or Security of the Taxes or Aſſeſſments ariſing within or in relation to the ſaid Fifth Diſtrict; and that the Taxes on the ſaid Five Diſtricts or Diviſions reſpectively ſhall not, during the Time any Principal or Intereſt Monies ſhall be due on the ſeveral Securities thereof, be leſs in any One Year than the Sum of Three Shillings, Two Shillings and Sixpence, and Two Shillings, per Acre, for each of the ſaid Diſtricts reſpectively, in which ſuch Principal Money or Intereſt ſhall be owing.

Securities aſſignable.

LI. And be it further enacted by the Authority aforeſaid, That ſuch Mortgages and Securities, ſo to be made by the ſaid ſeveral and reſpective Commiſſioners of the ſaid ſeveral and reſpective Rates and Taxes ariſing within the ſaid reſpective Diſtricts, ſhall and may be aſſignable or transferrable by Indorſement on the original Grant thereof made, or otherwiſe, to any Perſon or Perſons whomſoever; and the Perſon or Perſons to whom ſuch Aſſignment or Transfer ſhall be made ſhall and may, from and after the Time the ſame is entered in a Book to be kept for that Purpoſe, be well and ſufficiently intitled to ſuch Mortgage-monies and Intereſt, and all the Monies due and to grow due thereof; which Entries are hereby required to be made on Requeſt, on producing ſuch Aſſignment, and paying Two Shillings and Sixpence for every ſuch Entry; and ſuch Aſſignee or Aſſignees, and every other Aſſignee and Aſſignees, ſhall and may, in like Manner, by Indorſement, or otherwiſe, aſſign and make over ſuch Mortgage or Mortgages, and Securities, ſo aſſigned as aforeſaid, and ſo toties quoties, as Occaſion ſhall require, every ſuch Aſſignment or Transfer being entered in ſuch Book as aforeſaid.

Money borrowed chargeable on Taxes, and veſted in Creditors.

LII. Provided always, and be it enacted, That all and every of the Taxes or Aſſeſſments raiſed within each reſpective Diſtrict, by virtue of this Act, ſhall be charged and chargeable with the Payment of the Principal Money ſo to be borrowed by the ſaid Commiſſioners reſpectively, and the Intereſt of ſuch Money, from Time to Time, ſhall veſt in the Creditors of the ſaid Diſtrict for which the ſame ſhall be ſo borrowed, upon Default of Payment of ſuch Principal Money and Intereſt, until the ſame, and every Part thereof, ſhall be fully ſatisfied and paid, together with the Coſts and Charges occaſioned by the Nonpayment thereof; and the ſaid Creditors, their Executors, Adminiſtrators, and Aſſigns reſpectively, ſhall have the ſame Power, Rights, Privileges, of aſſeſſing, raiſing, and recovering, the ſeveral Taxes and Aſſeſſments payable by the ſeveral Owners and Occupiers of Lands and Grounds within the ſaid Five Diſtricts reſpectively, for or in reſpect of ſuch Principal Money and Intereſt, in caſe of Default of Payment thereof, as the ſaid reſpective Commiſſioners, and their Collectors and Receivers, would have had in caſe ſuch Principal Money and Intereſt had been regularly and fully ſatisfied and paid.

Commiſſioners or Landowners impowered to drain any Ditches or Drains dividing Diſtricts or Lands.

LIII. And be it further enacted by the Authority aforeſaid, That in caſe there ſhall be any Drains or Ditches within the Limits aforeſaid, dividing the ſaid Five Diſtricts or Diviſions reſpectively from each other, or dividing the ſaid reſpective Diſtricts or Diviſions from the other Lands not included therein, and no Proviſion is by this Act made for draining the ſame, it ſhall and may be lawful for the Commiſſioners of the ſaid Five Diſtricts reſpectively, or any Five or more of them, or for the Owners of the Lands lying contiguous to ſuch Diſtricts, and adjoining to ſuch Ditches or Drains, at their reſpective Coſts and Charges, to drain ſuch Ditches or Drains by the Engines erected for draining the ſaid Five Diſtricts reſpectively, and the ſaid Lands not included in ſuch Diſtricts, in caſe they, or either of them, ſhall think proper; any Thing herein contained to the Contrary notwithſtanding.

Cutting up Lands, &c. into Firing, how to be prevented.

LIV. And whereas the Proprietors of the ſeveral Lands and Grounds frequently cut up the ſame into Firing, and ſell the ſame, whereby the Value thereof is ſo much leſſened, that the Rates and Taxes charged thereon cannot be levied and raiſed, whereby the Security of the ſaid Taxes become of leſs Value to the ſeveral Perſon or Perſons advancing Money thereon; be it therefore enacted by the Authority aforeſaid, That if any Perſon or Perſons, being Owner or Proprietor of any of the Lands or Grounds contained in the ſaid General Diſtrict, or in the ſaid Five Diſtricts reſpectively, or any of them, ſhall, from and after the paſſing of this Act, dig or cut up any of the ſaid Lands or Grounds into Firing for Sale, ſuch Owner or Owners of ſuch Land ſhall, within One Calendar Month after the ſame ſhall have been ſo dug or cut up into Firing, as aforeſaid, pay to the ſaid Commiſſioners reſpectively, after the Rate of Thirty Years Purchaſe of the ſaid Rates or Taxes ſo charged upon the ſaid Lands and Grounds which ſhall be ſo dug up as aforeſaid; and in caſe the ſaid Owners or Proprietors ſhall neglect or refuſe to pay the ſame within One Calendar Month after the ſame ſhall have been ſo dug up for the Purpoſe aforeſaid, that it ſhall and may be lawful for the ſaid Commiſſioners reſpectively, or the major Part of them, aſſembled at a Meeting to be called for that Purpoſe, to order and direct the Collector or Collectors, Receiver or Receivers, of the ſaid Diſtrict, to recover the ſame by Diſtreſs and Sale of the Firing ſo cut, in ſuch and the ſame Manner as the ſaid Rates and Taxes are hereby recoverable; and the ſaid Sum or Sums of Money, ſo to be paid or recovered as aforeſaid, ſhall, and hereby are veſted in the ſaid Commiſſioners, and to be placed out by them and their Succeſſors in their Names, or in the Names of any Five of them, at Intereſt, as a Security for the Money ſo borrowed on the Aſſignment of the ſaid Taxes, and the Intereſt thereof, to be yearly paid and applied by the ſaid Commiſſioners reſpectively, in the Firſt Place, for and towards the Intereſts of the Monies ſo due on the Credit of the ſaid Taxes; and after Payment thereof for the neceſſary Works of the ſaid Five Diſtricts reſpectively for which the ſame ſhall be ſo received.

Commiſſioners to appoint Officers.

LV. And be it enacted by the Authority aforeſaid, That the ſaid reſpective Commiſſioners, or any Five or more of them, aſſembled at any of the Meetings to be held in purſuance of this Act, ſhall have full Power and Authority to appoint One Clerk, and One or more Treaſurer or Treaſurers, Receiver or Receivers, for each of the ſaid reſpective Diſtricts or Diviſions, and alſo One or more Toll-keeper or Toll-keepers for the ſaid Road, or ſuch other proper Officer or Officers, as they the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall think fit, for the taking Care of all ſuch Banks, Roads, and Works, and for collecting the ſaid Tolls, and the Rates or Aſſeſſments which ſhall be laid, rated, or aſſeſſed, on the Lands and Grounds lying within the ſaid reſpective Diſtricts, or either of them; and to allow and appoint to be paid to ſuch Officers, out of ſuch Tolls, Rates, or Aſſeſſments reſpectively, ſuch yearly or other Wages or Salaries, for their Trouble and Pains, as they the ſaid reſpective Commiſſioners, or any Five or more of them, preſent at ſuch Meetings, ſhall think reaſonable; which ſaid Clerk, Collector or Collectors, Receiver or Receivers, Surveyor or Surveyors, Toll-keeper or Toll-keepers, and other Officer or Officers, ſo to be appointed, may be removed at the Will and Pleaſure of the ſaid reſpective Commiſſioners, or any Five or more of them, aſſembled at a Meeting to be held for that Purpoſe, of which Five Days Notice ſhall be given in Writing, to be affixed on the Church or Chapel Door of Ramſey, Doddington, and March aforeſaid, reſpectively, and upon the ſaid Turnpike-gates, and other or others to appoint in his or their Stead, as Occaſion ſhall require; and ſuch reſpective Treaſurer or Treaſurers, Toll-keepers, Collectors or Receivers, ſhall, before they act in the Execution of their reſpective Offices, give ſuch Security for the due Execution thereof, and for performing the ſeveral Truſts to them committed, as the ſaid reſpective Commiſſioners, or any Five or more of them, aſſembled at any Meeting for each reſpective Diſtrict, for that Purpoſe ſhall think fit.

Officers to account yearly.

LVI. And be it further enacted by the Authority aforeſaid, That Once in every Year, (that is to ſay), at the yearly General Meeting to be held for the ſaid General Diſtrict, and at the yearly General Meeting to be held for the ſaid Five Diſtricts reſpectively, or on any ſubſequent Day to which the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall adjourn, Inſpection ſhall be had by the ſaid reſpective Commiſſioners, or any Five or more of them, of the Receipts and Diſburſements of ſuch Monies as ſhall have been raiſed and received by virtue of this Act, and in relation to the ſaid General Diſtrict, or the ſaid Five Diſtricts reſpectively, for the Year then laſt paſt; and all Accounts relating to the ſaid reſpective Diſtricts ſhall be at ſuch Meeting made up and ſettled by the ſeveral Commiſſioners appointed for each of the ſaid Diſtricts, or any Five or more of them then aſſembled; at which Time the ſeveral Treaſurers, Collectors, or Receivers, of the ſaid Taxes or Aſſeſſments, in each of the ſaid Diſtricts, are hereby required to attend with proper Books of Accounts of their Receipts and Diſburſements, and all Vouchers for the ſame; and on conſidering and examining the ſaid Accounts, and all other Accounts of the Receipts and Diſburſements of the Money raiſed and received by virtue of this Act, within or in relation to the ſaid General Diſtrict and Road, or to the ſaid Five Diſtricts reſpectively, upon Oath, (if the ſame ſhall be required), by any Five or more of the ſaid Commiſſioners for each of the ſaid Five Diſtricts reſpectively, (which Oath any One of the ſaid Commiſſioners is hereby impowered to adminiſter), the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to allow and paſs under their Hands the ſaid Account or Accounts, or ſuch Part or Parts thereof as they ſhall think juſt and reaſonable; and ſuch Account or Accounts, or ſuch Part or Parts thereof, as ſhall be ſo paſſed and allowed as aforeſaid, ſhall be fairly entered in Two diſtinct or ſeparate Books, to be kept for that Purpoſe for each of the ſaid Diſtricts, One of which Books to be kept by the Treaſurer or Treaſurers, or ſuch other Perſon or Perſons, for each of the ſaid Diſtricts, as the ſaid Commiſſioners for ſuch Diſtrict, or any Five or more of them, ſhall appoint; and the other of the ſaid Books ſhall be depoſited in ſuch Place in the ſaid Town of Ramſey, Hamlet of Benwick, Towns of Doddington and March, as the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall direct and appoint at any Meeting to be held for each of the ſaid Diſtricts reſpectively, in a ſtrong Box, to be provided by the ſaid Commiſſioners reſpectively for that Purpoſe; and the Books ſo depoſited ſhall and may be inſpected and peruſed, at all reaſonable Times, by or at the Requeſt of any Perſon or Perſons rated or taxed in purſuance of this Act, on paying Sixpence for peruſing the ſame.

which the Commiſſioners are to paſs.

Accounts to be entered.

Officers to account upon Oath;

LVII. And be it further enacted by the Authority aforeſaid, That all and every ſuch Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors, Receiver or Receivers, or other Officer or Officers, ſo appointed for each reſpective Diſtrict as aforeſaid, ſhall, upon Oath, when thereunto required by the ſaid reſpective Commiſſioners, or any Five or more of them, (which Oath the ſaid reſpective Commiſſioners, or any One or more of them, is and are hereby impowered to adminiſter), give in to the ſaid reſpective Commiſſioners, or any Five or more of them, a true, exact, and perfect Account in Writing, under their reſpective Hands, with proper Vouchers, of all Monies which he or they, and every or any of them, ſhall to ſuch Time have received, paid, and diſburſed, by virtue of this Act, or by reaſon of their reſpective Offices; and in caſe the Monies ſo received ſhall remain in his or their or any of their Hands, the ſame ſhall be paid to the reſpective Commiſſioners for the reſpective Diſtricts, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall, by any Writing or Writings under their Hands reſpectively authoriſe and impower to receive the ſame: And in caſe any ſuch Clerk, Collector, Receiver, Toll-keeper, or other Officer, ſhall not give in and make ſuch Account and Payment as aforeſaid, or ſhall refuſe to deliver up all Books, Papers, and Writings, in his Cuſtody relating to the Execution of this Act; that then any One or more Juſtice or Juſtices of the Peace for the Iſle of Ely, or County of Huntingdon, ſhall and may make Inquiry of and concerning ſuch Default as aforeſaid, in a ſummary Way, as well by Confeſſion of the Party as by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath, (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter without Fee or Reward); and if any ſuch Clerk, Treaſurer, Collector, Receiver, Toll-keeper, or other Officer, ſhall be convicted of all or any of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall, upon ſuch Conviction, commit the Party to the common Gaol of the ſaid Iſle of Ely, or County of Huntingdon, there to remain without Bail or Mainprize until he ſhall have made a perfect Account and Payment as aforeſaid, and delivered up all ſuch Books, Papers, and Writings, in his Cuſtody, or until he ſhall have compounded and agreed with the reſpective Commiſſioners for each reſpective Diſtrict, or any Five or more of them, and have paid ſuch Compoſition-money; which Compoſition the ſaid reſpective Commiſſioners, or any Five or more of them, are hereby authoriſed and impowered to make.

and may be committed for Neglect or Refuſal.

Materials for for repairing Roads and Banks may be taken from waſte Lands, &c. by Officers appointed by the Commiſſioners.

LVIII. And be it further enacted, That it ſhall and may be lawful for the Surveyor or Surveyors, or other Officer or Officers, appointed by the ſaid Commiſſioners, or any Five or more of them, to cut, dig, gather, take, and carry away, or cauſe to be cut, digged, gathered, taken, and carried away, any Materials proper for repairing the ſaid Turnpike Road, from Carter's Bridge aforeſaid to the ſaid Forty Feet Bridge, in, upon, out of, or from, any River or Brook, Waſte or Common, in any Pariſh, Town, or Place, in, adjoining to, or lying near, the ſaid Road and Bank, leading from Carter's Bridge aforeſaid to the ſaid Forty Feet Bridge, without paying any Thing for the ſame, they the ſaid Surveyors, or other Officers, filling up or ſloping down the Pits and Holes made by digging ſuch Earth or Materials with all convenient Speed; and, in the mean Time, making a ſufficient Fence to prevent any Miſfortune or Accident happening in the Pits or Holes from whence ſuch Materials ſhall be taken: And if a Quantity of Materials ſufficient for that Purpoſe cannot be found in or upon any ſuch River, Brook, Waſte, or Common, then, by Order of the ſaid Commiſſioners, or any Five or more of them, to cut, dig, gather, take, and carry away, or cauſe to be cut, digged, gathered, taken, and carried away, any Quantity of Materials proper and ſufficient for that Purpoſe, in, upon, out of, or from, any of the Lands or Grounds of any Perſon, where the ſame may be had or found, to be uſed towards repairing the ſaid Turnpike Road from Carter's Bridge aforeſaid to the ſaid Forty Feet Bridge, ſuch Lands and Grounds not being a Yard, walled Garden, Park, Paddock, Wood, Coppice, Nurſery, planted Walk, or Avenue to any Houſe, they the ſaid Surveyors, or other Officers, paying, or tendering a reaſonable Compenſation to the reſpective Owners or Occupiers of ſuch Lands or Grounds for ſuch Materials, and for the Damage done by carrying the ſame over their Grounds: And in caſe of any Difference between the ſaid Commiſſioners, or their Surveyor or Surveyors, or other Officers, and any of the ſaid Owners or Occupiers, any Two or more Juſtices of the Peace for the County, Liberty, or Place, where the ſame ſhall happen, not intereſted in the Premiſes, ſhall and may, on Ten Days Notice thereof in Writing to be given by any ſuch Surveyor to ſuch Owner or Occupier, or by ſuch Owner or Occupier to ſuch Surveyor or other Officer, to be left at their reſpective Places of Abode with ſome or One of their reſpective Families, hear, ſettle, and determine, the Matters of the ſaid Damages; and that the Determination of ſuch Juſtice ſhall be final to the ſaid Parties, without any Appeal therefrom.

Orders and Proceedings of Commiſſioners to be entered in Books.

LIX. Provided always, and be it enacted, That all Orders and Proceedings of the ſaid Commiſſioners, or any of them, at any Meeting to be held for the General Diſtrict, or for each of the ſaid Diſtricts, or for the ſaid Turnpike Road reſpectively, ſhall be entered in diſtinct Books to be provided and kept for that Purpoſe; and ſuch Orders and Proceedings, ſo entered, ſhall be ſigned by Five or more of the ſaid Commiſſioners ſo aſſembled at ſuch Meetings; and, being ſo ſigned, ſhall be deemed and taken to be Originals; and all ſuch Books, and alſo the Books hereby directed to be kept for regiſtering the Securities, Aſſignments, and Transfers, ſhall and may be read in Evidence on all Trials at Law, of any Suits or Actions, touching any Thing done in relation to or in purſuance of this Act.

Orders not to be reverſed.

LX. Provided always, and be it enacted, That no Order which ſhall be made by the ſaid Commiſſioners, or any of them reſpectively, at any of their Meetings for each reſpective Diſtrict, except the Fifth Diſtrict, by virtue of this Act, ſhall be altered, reverſed, annulled, or made void, at any ſubſequent Meeting, unleſs Nine or more Commiſſioners be preſent, and Five or more of the ſaid Commiſſioners be real Owners of Lands, and Deputies in the ſaid Diſtrict, and conſenting thereto; nor unleſs Ten Days Notice in Writing of ſuch Meeting be affixed on the Doors of the Pariſh Churches or Chapels of Ramſey, Doddington, and March aforeſaid, in which ſaid Notice the Intent and Deſign of ſuch Meeting ſhall be declared; and that every Order for executing the Powers of this Act ſhall be made at a Meeting of the ſaid reſpective Commiſſioners, to be held in ſuch Manner as is herein-before authoriſed and appointed, and not otherwiſe; except only as to the granting Precepts or Warrants for levying Taxes, which ſhall and may be granted and ſigned by ſuch reſpective Commiſſioners for the reſpective Diſtricts, in Manner herein-before directed, whenever the ſame ſhall be neceſſary and required.

Perſons wilfully deſtroying Works, on Conviction, ſhall be deemed guilty of Felony.

LXI. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall wilfully and maliciouſly burn, cut, break down, deſtroy, or adviſe, counſel, or hire any Perſon to burn, cut, break down, or otherwiſe deſtroy any Bank, Mill, Engine, Flood-gate, or Sluice, Toll-houſe, or Gate, already erected, ſupported, maintained, or uſed, or hereafter to be made or erected, ſupported, maintained, or uſed, within the Limits aforeſaid, for the Purpoſes of draining and preſerving the Fens and Low Grounds within the ſame; every Perſon or Perſons ſo offending, and being thereof convicted, ſhall be guilty of Felony, and ſhall be ſubject and liable to the like Pains and Penalties as in Caſes of Felony; and the Court by or before whom ſuch Perſon or Perſons ſhall be tried and convicted, ſhall, and hereby have Power and Authority to tranſport ſuch Felon for Seven Years, in ſuch Manner as other Felons are directed to be tranſported by the Laws of this Realm.

Perſons maliciouſly damaging or deſtroying any River Drain, &c. to forfeit 20 l. on Conviction.

LXII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or maliciouſly ſtop, dam up, break down, demoliſh, damage, or deſtroy, or cauſe, procure, or hire any Perſon to dam up, break down, demoliſh, damage, or deſtroy, any River Drain or Watercourſe, Door, Dam, Bridge, Heading, or other Work or Works already made, cut, or erected, or which ſhall at any Time or Times hereafter be making, cutting, or erecting, or made, cut, erected, ſupported, maintained, or uſed for anſwering the Purpoſes of draining and preſerving the Fen Lands and Low Grounds within the Limits aforeſaid; every Perſon ſo offending, and being thereof convicted on the Oath of One or more credible Witneſs or Witneſſes, before One or more Juſtice or Juſtices of the Peace for the County or Place where ſuch Offence ſhall be committed, not intereſted therein, every ſuch Perſon or Perſons ſo convicted as aforeſaid, ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Twenty Pounds, nor leſs than Two Pounds; to be levied by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of ſuch Juſtice or Juſtices, and to be applied and diſpoſed of in the Improvement of Works of the Diſtrict where ſuch Offence ſhall be ſo committed, and not elſewhere; and for want of ſufficient Diſtreſs, ſuch Offender or Offenders ſhall be committed by ſuch Juſtice or Juſtices to the common Gaol of the County or Place where ſuch Offence ſhall be committed to hard Labour, for the Space of One Month, without Bail or Mainprize, or until ſuch Penalty ſhall be paid.

Perſons occaſioning Obſtructions in Mill Drains by Fiſhing Nets, to forfeit not exceeding 5 l.

LXIII. And whereas it frequently happens that the Paſſage of the Waters through the Mill Drains to the ſeveral Mills or Engines for the draining of Fen Lands is obſtructed by looſe and diſorderly Perſons ſetting Fiſhing Nets, and laying other Obſtructions in the ſaid Drains; be it therefore enacted by the Authority aforeſaid, That if any Perſon or Perſons, ſhall, from and after the paſſing of this Act, wilfully ſet any Nets or other Engines for the taking or catching of Fiſh, or throw any Earth or other Obſtructions in any of the Mill Drains already made, or hereafter to be made, in any of the ſaid Five Diſtricts reſpectively, by virtue of this Act; every Perſon or Perſons ſo offending, and being thereof convicted by any One or more Juſtice or Juſtices of the Peace for the ſaid Iſle of Ely, and County of Huntingdon, not intereſted in the Premiſes, who is and are hereby required to hear and determine the ſame on the Oath of One or more credible Witneſs or Witneſſes, ſhall forfeit and pay any Sum not exceeding Five

Pounds, nor leſs than Twenty Shillings; to be levied by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more of the Juſtices before whom ſuch Conviction ſhall be made; One Moiety thereof to be applied and laid out in the carrying on the Works and Improvements of the ſaid Diſtricts where ſuch Offence ſhall be committed, and the other Moiety thereof to the Informer or Informers; and for Want of ſuch ſufficient Diſtreſs, ſuch Offender or Offenders ſhall, by the ſaid Juſtice or Juſtices, be committed to the common Gaol of the ſaid Iſle of Ely, and County of Huntingdon reſpectively, for any Time not exceeding One Calendar Month; and that it ſhall and may be lawful for the ſaid Commiſſioners, or their Collector or Surveyor, to ſeize and take away any ſuch Nets or other Engines ſo ſet, and ſell and diſpoſe thereof, and apply the Money ariſing therefrom towards the neceſſary Works of ſuch Diſtrict where the ſame ſhall be ſet as aforeſaid.

Commiſſioners to make Allowance for catching Moles and Vermin.

LXIV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, may, and are hereby impowered, out of the Monies ariſing in or upon the ſaid Five Diſtricts reſpectively, to make ſuch Allowances for the catching and deſtroying Moles, or other Vermin, in the Banks and Lands belonging to and within the Limits aforeſaid, as they the ſaid Commiſſioners, or any Five or more of them, ſhall think proper.

Penalty on Perſons allowing Hogs to wander on the Banks.

LXV. And whereas the Banks of the ſaid River and Drain have of late Years been much damaged by Perſons ſuffering their Hogs and Swine to go thereon, be it enacted by the Authority aforeſaid, That if any Swine or Hogs ſhall, from and after the paſſing of this Act, be found upon the ſaid Banks, or any of them, other than and except ſuch Banks as are private Property, or Part of the Farm Yards belonging thereto, that the Owner or Owners of ſuch Swine or Hogs ſhall forfeit and pay to the ſaid Collector or Receiver, ſo to be appointed by the ſaid Commiſſioners, the Sum of Two Shillings for every ſuch Swine or Hog that ſhall be found on the ſaid Banks; ſuch Penalty to be applied for and towards the Repairs of the Banks where ſuch Swine or Hogs ſhall be reſpectively found; and that ſuch Penalty of Two Shillings ſhall, upon Proof of the Fact upon the Oath of One Witneſs, before any One or more Juſtices of the Peace for the ſaid Iſle of Ely, or County of Huntingdon, or by Confeſſion of the Owner or Owners of ſuch Swine or Hogs, be levied by Diſtreſs and Sale of the Goods and Chattels of the Owner or Owners of ſuch Swine or Hogs reſpectively, by a Warrant or Warrants under the Hand and Seal, or Hands and Seals, of ſuch Juſtice or Juſtices, (which Warrant or Warrants ſuch Juſtice or Juſtices is and are hereby authoriſed and required to grant, and to adminiſter ſuch Oath as aforeſaid), the Overplus remaining after ſuch Penalty recovered, and the Charges of ſuch Diſtreſs and Sale, to be returned to the Owner or Owners of ſuch Goods and Chattels.

Burning the Banks, how to be prevented.

LXVI. And whereas it frequently happens, by the Negligence or Careleſſneſs of Servants, or other Perſons employed in burning Fen Lands, in order to their being converted into Tillage, that the Banks lying contiguous to ſuch Lands are burnt and damaged by the Fire being ſuffered to remain too long on ſuch Lands, and thereby extending to ſuch Banks; be it therefore enacted by the Authority aforeſaid, That if any Perſon or Perſons who ſhall be employed in burning any of the Lands and Grounds lying within the Limits aforeſaid, ſhall, by Careleſſneſs or Negligence, ſet Fire to, or burn, or cauſe to be fired or burned, any of the Banks lying near or adjoining to any of the ſaid Fen Lands or Grounds, ſo as ſuch Banks be by Means of ſuch Fire deſtroyed or damaged, ſuch Perſon or Perſons, being thereof convicted by the Oath of One or more credible Witneſs or Witneſſes, or by Confeſſion, before any One or more Juſtice or Juſtices of the Peace for the ſaid Iſle of Ely, or County of Huntingdon, not intereſted within the Limits aforeſaid, (which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter, and alſo to hear and determine the ſaid Offence), ſhall give ſuch Recompence and Satisfaction to the ſaid Commiſſioners for the Damage done to the ſaid Banks as ſuch Juſtice or Juſtices ſhall think reaſonable; ſuch Damages and Recompence to be paid by ſuch Offender or Offenders, within ſuch Time as by ſuch Juſtice or Juſtices ſhall be ordered and appointed, into the Hands of the Receiver or Receivers for the Time being, appointed by virtue of this Act, to be applied by him for and towards the repairing and amending ſuch Banks; and in caſe of Nonpayment thereof, the ſame ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of the ſaid Juſtice or Juſtices before whom ſuch Conviction ſhall be made; and for want of ſufficient Diſtreſs ſuch Offender or Offenders ſhall by ſuch Juſtice or Juſtices be committed to the common Gaol for the ſaid Iſle or County, for ſuch Time or Times as ſuch Juſtice or Juſtices ſhall order and direct, not exceeding Three Calendar Months, or until ſuch Damage or Recompence ſhall be paid.

Perſons erecting any Horſe Mill, &c. to forfeit 50*l.*

LXVII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall erect, ſet up, uſe, or work any Horſe Mill, Gig, Engine, or other Device whatſoever, for draining or diſcharging Water from any Land in the ſaid Diſtricts through or upon the Lands of any other Perſon or Perſons, or in any other Manner than directly and immediately from the Lands of the reſpective Owner of ſuch Mill, Gig, Engine, or other Device, other than into the ſaid River Nene and Forty Feet Drain; every Perſon ſo diſcharging the ſaid Water other than as aforeſaid, ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon who ſhall ſue for the ſame; One Moiety thereof to be paid to the Perſon ſuing for the ſame, and the other Moiety to be paid to the Receiver or Collector for the Time being, within the Limits aforeſaid, and to be applied for the Purpoſes of draining, imbanking, and improving the ſaid Fen Lands and Low Grounds; and the Owner of ſuch Mill, Gig, Engine, or other Device, ſhall alſo make full Compenſation and Satisfaction to all and every Perſon and Perſons who ſhall be injured thereby, for the Damages ſuch Perſon and Perſons ſhall thereby ſuſtain; and ſuch Penalty, Compenſation, and Satisfaction, to be recovered, together with Full Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, in which no Eſſoin, Protection, Privilege, Wager of Law, or more than One Imparlance, ſhall be allowed.

No Hods to be cut within 66 Feet of Banks, under Forfeiture of 5 *l.*

LXVIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall cut or dig any Turves, Hods, or Seſſes, in the ſaid Fen Lands and Low Grounds, within the Diſtance of Sixty-ſix Feet from any Bank which may be made by virtue of this Act, every Perſon ſo offending ſhall forfeit and pay the Sum of Five Pounds for every Rood of ſuch Turves, Hods, or Seſſes, ſo cut and dug; and if any Perſon or Perſons ſhall make, or cauſe to be made, or cut, any Watering-places, or any Place of Acceſs for Cattle to drink, in the ſaid River Nene or Forty Feet Drain, within Twenty Feet of the Seat of the ſaid Banks, or in any Mill Drain within any of the ſaid Fen Lands or Low Grounds hereby intended to be drained and preſerved, every Perſon ſo offending ſhall forfeit, for every ſuch Offence, the Sum of Five Pounds: And if any Perſon or Perſons who ſhall make, or cauſe to be made, any Soak Dyke or Ditch, or Soak Gripple, in and upon any of the ſaid Fen Lands and Low Grounds, within the Diſtance of Thirty Feet from any Bank now made, or hereafter to be made, within the Limits aforeſaid, every Perſon ſo offending ſhall forfeit, for every ſuch Offence, the Sum of Four-pence for every Foot in Length of ſuch Soak Dyke or Gripple; and after the ſame Rate for every Month ſuch Soak Dyke or Gripple ſhall remain unfilled, after Notice given by the Clerk or Agent to the ſaid Commiſſioners to ſuch Perſon or Perſons who ſhall have dug, or cauſed to be digged, the ſame; and the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power, at any Times, at the Coſts and Charges of the Owner or Owners, Occupier or Occupiers, of ſuch Lands wherein ſuch Soak Dyke or Gripple ſhall be made, to fill up and level the ſame; all which Forfeitures ſhall, upon Conviction of the Offender or Offenders before any One or more Juſtice or Juſtices of the Peace for the ſaid Iſle of Ely, and County of Huntingdon, not intereſted in the Premiſes, upon the Oath of One or more credible Witneſs or Witneſſes, (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter, and alſo to hear and determine the ſaid Offence) be immediately paid into the Hands of the Treaſurer of the ſaid Diſtrict, to be applied for carrying on the Works thereof; and in caſe of Nonpayment thereof, ſuch Forfeitures ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of the Juſtice or Juſtices of the Peace before whom ſuch Conviction ſhall be made; and for want of ſufficient Diſtreſs ſuch Offender ſhall, by ſuch Juſtice or Juſtices, be committed to the Houſe of Correction for the ſaid Iſle of Ely, or County of Huntingdon, there to be kept to hard Labour for ſuch Time as the ſaid Juſtice or Juſtices ſhall order and direct, not exceeding Three Calendar Months.

Penalties for making Soak Banks, *&c.*

to be levied by Diſtreſs.

No Houſes to be built on Banks near Mills.

LXIX. Provided always, and be it enacted, That from and after the paſſing of this Act, no Houſes or Buildings, or any other Obſtruction whatſoever, ſhall be erected, or Trees or Holts planted, either within the ſaid Diſtricts, or any of them, or on the Outſide thereof, near or oppoſite to any Mill or Engine already built, erected, or employed, or hereafter to be built, erected, or employed, for draining the Fen Lands and Low Grounds within the Limits aforeſaid, than Fifty Poles, (being the Pole of Eighteen Feet); and if any Perſon or Perſons ſhall build or erect any Houſe, Barn, or other Building, or ſhall plant any Tree or Holt; place, lay, or put, any other Obſtruction within any leſs Diſtance than Fifty Poles; every ſuch Perſon ſhall forfeit and pay, for every ſuch Houſe or Building, the Sum of One hundred Pounds; to be recovered in like Manner as the Penalties herein-before mentioned for erecting Horſe Mills, Gigs, Engines, or other Devices for throwing of Water; and for every Tree the Sum of One Shilling; and Five Pounds for every Holt, or other Obſtruction, ſo planted; which ſaid Penalties of One Shilling, and Five Pounds, for the Offences aforeſaid, are to be levied and paid in like Manner as the Penalties inflicted for cutting Hods or Turves within Ninety Feet of the ſaid Banks; and the ſaid Commiſſioners, or any Five or more of them, are hereby impowered, at any of their Meetings, by an Order under the Hands and Seals of any Five or more of them, to direct their Agents or Servants to take down ſuch Buildings ſo erected, and pull up and remove ſuch Trees, Holts, and other Obſtructions, ſo placed contrary to this Act.

Trees growing near Banks to be pulled down.

LXX. Provided always, and be it enacted, That if any Trees or Holts are now growing within the Diſtance of Fifty Poles from any Mill or Engine already built, or hereafter to be built, within the Limits aforeſaid, it ſhall and may be lawful for the ſaid Commiſſioners for the ſaid Five Diſtricts reſpectively, or any Five of them, by like Order, under their Hands and Seals, to order the ſame to be pulled down, as if the ſame had been planted ſince the paſſing of this Act, making ſuch Satiſfaction to the Owners of ſuch Trees and Holts as ſhall be agreed upon between ſuch Owner and the ſaid Commiſſioners, or any Five or more of them; or, in caſe any Difference or Diſpute ſhall ariſe between the ſaid Commiſſioners and ſuch Owner touching ſuch Satiſfaction, and the ſame cannot be ſettled between them, then ſuch Satiſfaction and Recompence ſhall be finally determined in ſuch and the ſame Manner as is herein-before mentioned and preſcribed for aſcertaining the Recompence to be made for Damage, by making and erecting any Works in purſuance of this Act.

Owner or Occupier to cleanſe Dykes, *&c.*

LXXI. And be it further enacted by the Authority aforeſaid, That if the Owner or Owners, Occupier or Occupiers, of any Land lying within the Limits aforeſaid, through which any Drove-way Dyke, Outring Dyke, or Diviſion Dyke, leading to any of the Mill Drains within the ſaid Diſtricts reſpectively, doth or ſhall paſs, ſhall neglect or refuſe ſufficiently to road, ſcour, cleanſe, open, or repair, any ſuch Dyke, or to make the ſame of the Depth of Four Feet, and the Width of Nine Feet, at the leaſt, after Fourteen Days Notice in Writing to him, her, or them given, from Time to Time, by the Collector or Collectors, Receiver or Receivers, of the ſaid Diſtrict for that Purpoſe, that then it ſhall be lawful, from Time to Time, for ſuch Collector or Collectors, Receiver or Receivers,

Receivers, to cauſe ſuch Dykes to be roaded, ſcoured, cleanſed, opened, repaired, and deepened, in a ſufficient Manner, and made of the Width aforeſaid, at the proper Coſts, Charges, and Expences, of ſuch Owners or Occupiers; and that, wherever a Road or Way ſhall have been made over or acroſs any ſuch Dyke, without a ſufficient Tunnel lying therein, to cauſe ſuch Ways or Roads to be taken up, and ſuch Dyke to be made of a proper Width and Depth, for conveying the Waters through the ſame to the ſeveral Mills or Engines erected, or to be erected, for draining the ſaid Fen Lands and Low Grounds, and, by a Warrant or Precept under the Hands of Three or more of the ſaid Commiſſioners, to levy all ſuch Charges and Expences as ſhall be occaſioned by the deepening and widening the ſaid Dykes, or taking up the ſaid Roads, on the Owner or Owners, Occupier or Occupiers, of the Lands through which the ſaid Dykes ſhall paſs, or to which they ſhall be contiguous, and who ſhall make, or cauſe to be made, ſuch Road as aforeſaid.

Mills to be inſured.

LXXII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall cauſe all and every the Engines and Mills which ſhall be erected and employed by virtue of this Act, to be inſured againſt Fire in ſome of the publick Inſurance Offices, and, from Time to Time, to pay the Expence attending ſuch Inſurances out of the Money ariſing by virtue of this Act.

Perſons breaking down Bridges or Rails to forfeit 5 *l.*

LXXIII. And be it further enacted, That if any Perſon or Perſons, other than thoſe employed by the ſaid Commiſſioners, or their Surveyors, for that Purpoſe, ſhall break down, pull up, injure, or take away, any Bridge, Arch, Poſt, or Rail erected, or which ſhall be erected, on any Part of the ſaid Roads; or ſhall take, carry away, or deſtroy any Ballaſt, Gravel, or other Materials, laid, or which ſhall be laid, on any Part of the ſaid Roads or Banks for the Repairs thereof; or ſhall take or carry away any of the Drift-ſand from the ſaid Roads, without Leave, in Writing, under the Hands of the ſaid Commiſſioners, or any Five or more of them, ſpecifying the Quantity to be taken, and the Time for taking the ſame; or if any Perſon whatſoever ſhall take away any Materials that ſhall have been digged or gathered in any Lands, Fields, Waſtes, or Grounds, River, or Brook, for the repairing the ſaid Roads or Banks; or ſhall get or take away any Materials out of any Pit which ſhall have been made for the Purpoſe of getting ſuch Materials for repairing the ſaid Roads or Banks; every Perſon ſo offending, and being thereof convicted before One or more Juſtice or Juſtices of the Peace for the County, Liberty, or Place, where the ſame ſhall happen, upon the Oath or Oaths of One or more credible Witneſs or Witneſs, or by his or her own Confeſſion, ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds.

Incroachments in Roads how to be prevented.

LXXIV. And, for the better preventing Incroachments and Annoyances in and upon the ſaid Roads, be it further enacted, That if any Owner or Occupier of any Lands, Tenements, or other Premiſes, near to the ſaid Roads, ſhall refuſe or neglect, by the Space of Ten Days after Notice in Writing given to him or her, or left at his or her uſual Place of Abode, under the Hand of the Surveyor or Surveyors appointed by the ſaid Commiſſioners, to trim up, lop, cut down, or root up and remove any Trees or Buſhes, or other Annoyances, ſtanding, growing, and being, in or upon the ſaid Roads, or in or upon the Hedges or Banks adjacent thereto; or to ſcour or cleanſe any Ditch, Drain, or Watercourſe, contiguous to, or leading out of or from the ſaid Roads; or to make, build, or erect, acroſs ſuch Ditch, Drain, or Watercourſe, an Arch or Arches, ſufficient for the free Courſe of the Water under his or her Gateway or Paſſage leading from the ſaid Roads into any Field, Ground, or other Premiſes; or to pull down or take away any Incroachment; or if any Perſon ſhall ſuffer his or her Sink or Drain to run into the ſaid Roads; or ſhall throw, caſt, or lay, or cauſe, permit, or ſuffer to be thrown, caſt, or laid, any Duſt, Dirt, Aſhes, Rubbiſh, Dung, or other Filth or Annoyance, into or upon the ſaid Roads, or into or in any of the Ditches, Drains, or Watercourſes, thereto belonging, it ſhall be lawful for ſuch Surveyor or Surveyors, and for any Perſon by him or them employed, to trim up, lop, cut down, or root up and remove any ſuch Tree or Buſhes; and to ſcour and cleanſe any ſuch Ditch, Drain, or Watercourſe; and to make, build, or erect, ſuch Arch or Arches as aforeſaid, and effectually to turn, prevent, or ſtop up, ſuch Sink or Drain in running into any Part of the ſaid Roads, and to abate or pull down and take away any ſuch Incroachment, and to remove ſuch Duſt, Dirt, Aſhes, Rubbiſh, Dung, or other Filth or Annoyance, from the ſaid Roads, or from the Ditches, Drains, or Watercourſes, belonging thereto; and in any of the ſaid Caſes, by Warrant under the Hand and Seal of any Juſtice of the Peace for the County, Liberty, or Place, where the ſame ſhall happen, to levy the Charges thereof (the ſame being firſt ſettled and aſcertained by ſuch Juſtice) by Diſtreſs and Sale of the Goods and Chattels of ſuch reſpective Owner, Occupiers, or other Perſon, rendering upon Demand, to the Perſon whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, the Overplus, (if any be) after deducting the Charges of ſuch Diſtreſs and Sale; and every Perſon who ſhall permit or ſuffer his or her Sink or Drain to run into the ſaid Roads, or any Part thereof, or who, after the Abatement or Removal of an Incroachment or Annoyance by him or her made, cauſed, or permitted, ſhall again offend in like Manner, and ſhall be convicted upon the Oath of One or more credible Witneſs or Witneſſes, or by his or their own Confeſſion, ſhall forfeit and pay the Sum of Forty Shillings, over and above the Charges of removing every ſuch Incroachment or Annoyance, to be ſettled and aſcertained as aforeſaid.

Commiſſioners Power to contract with Workmen.

LXXV. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, or ſuch Perſon or Perſons as they ſhall for that Purpoſe authoriſe and appoint, may, and they are hereby impowered, to contract and agree with any ſuch Perſon or Perſons for any certain Sum or Sums of Money for the Repairs of any particular Proportion or Proportions of the ſaid Roads, or for the building or repairing of any Bridge or Bridges, or for any other neceſſary Work to be performed in purſuance of this Act; and that all ſuch Contracts and Agreements in Writing ſhall be valid, and that Actions may be maintained thereon, and Damages and Coſts recovered againſt the Parties failing in the Execution thereof.

No Damage to be done to Dwelling-houſes in turning Roads.

LXXVI. And be it further enacted, That, in widening, turning, or diverting, any Part or Parts of the ſaid Roads, nothing ſhall be done which ſhall or may in anywiſe injure or damage any Dwelling-houſe, Out-houſe, or other Building, or any Garden, Orchard, Yard, Court, Park, Paddock, Nurſery Ground, planted Walk, or Avenue to any Houſe; any Thing herein contained to the Contrary notwithſtanding.

Roads to be meaſured, and Mile-ſtones erected.

LXXVII. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, may cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be from Time to Time ſet up on the Sides thereof, with Inſcriptions, denoting the Number of Miles and Diſtances of Places; and if any Perſon ſhall wilfully or deſignedly break, pull down, dig up, injure, or deſtroy, any ſuch Stones or Poſts, or ſhall eraſe, obliterate, or deface, any of the Inſcriptions made thereon, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

No Timber to be dragged upon the Roads.

LXXVIII. And be it further enacted, That if any Perſon ſhall hale or draw, or cauſe to be haled or drawn, along any Part of the ſaid Roads, any Tree or Piece of Timber, otherwiſe than upon or by Wheel Carriages, or hale or draw, or cauſe to be haled or drawn, any Plough upon or acroſs any Part of the ſaid Roads, whereby the ſame ſhall be prejudiced; every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

Juſtices may adminiſter Oaths.

LXXIX. And be it further enacted, That in all Caſes wherein Juriſdiction is given to any Juſtice or Juſtices of the Peace by this Act, it ſhall and may be lawful for ſuch Juſtice or Juſtices to adminiſter an Oath to any Perſon for his or their more certain Information in the Matters then depending; and that any Juſtice of the Peace may act as ſuch in the Execution of this Act, notwithſtanding his being a Commiſſioner, except in Caſes wherein he ſhall be perſonally intereſted.

Convictions not to be removed by *Certiorari*.

LXXX. And be it further enacted, That no Order made touching or concerning any of the Matters aforeſaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders againſt this Act, ſhall be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; and that where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed to be unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any ſubſequent Irregularity in the Proceedings of the Perſon or Perſons making ſuch Diſtreſs; but the Perſon or Perſons aggrieved by ſuch Irregularities ſhall and may recover full Satisfaction for the Special Damages in an Action upon the ſame.

Proviſo.

LXXXI. Provided always, That where the Plaintiff or Plaintiffs ſhall recover in any ſuch Action, he, ſhe, or they, ſhall be paid his, her, or their full Coſts of Suit, and have the like Remedies for recovering the ſame, as for the recovering Coſts in any other Caſe by Law.

Double Coſts in Caſes of Nonſuit.

LXXXII. Provided alſo, That no Plaintiff ſhall recover in any Action for an Irregularity as aforeſaid, if Tender of good and ſufficient Amends ſhall have been made by or on Behalf of the Defendant or Defendants before ſuch Action brought; nor if ſuch Tender of Amends ſhall be made at any Time after the Action brought, and between Trial thereof, together with Coſts of Suit, to the Time of ſuch laſt-mentioned Tender; but on Proof made of ſuch Tender on any Trial to be had in ſuch Action, the Plaintiff or Plaintiffs ſhall ſuffer Judgement as in Caſes of Nonſuit, with Double Coſts; to be recovered in the ſame Manner as any Defendant or Defendants may recover Coſts in any other Caſe by Law.

Actions may be brought.

LXXXIII. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, (inſtead of levying the Penalties by this Act particularly impoſed, and proceeding againſt the Offender or Offenders in the ſummary Manner herein-before provided), may, at their Election, prefer and proſecute, with Effect, a Bill or Bills of Indictment againſt ſuch Offender or Offenders, or may bring an Action or Actions in the Names of any Two or more of them, or in the Name of their Treaſurer or Clerk.

Writings to be without Stamps.

LXXXIV. And be it further enacted, That no Order, Nomination, Appointment, Mortgage, Aſſignment, or other Security for the borrowing of Money, Contract, Agreement, Information, Conviction, Judgement, Warrant, or other Writing, under the Hand or Hands, Hand and Seal, or Hands and Seals, of any Commiſſioner or Commiſſioners, Juſtice or Juſtices of the Peace, or exhibited before any of them, in purſuance of any of the Powers or Authorities by this Act veſted in ſuch Commiſſioner or Commiſſioners, Juſtice or Juſtices of the Peace, nor any Transfer of any Mortgage, Security, nor any Bond taken from any Officer, or his Sureties, in purſuance of this Act, for the due Execution of his Office, nor any other Writing whatſoever, concerning the Execution of this Act, ſhall be charged or chargeable with any Stamp-duty.

Perſons not included in Diſtricts to make and ſupport Banks.

LXXXV. And be it further enacted by the Authority aforeſaid, That in caſe the ſaid William Fellowes, David Burgeſs, Thomas Burgeſs, John Houſehold, and Francis Ibberſon, their Heirs and Aſſigns, Owners and Proprietors of the ſaid Lands and Grounds not included in any of the ſaid Five Diſtricts or Diviſions, and herein-before exempted from Payment of any Tax, Sum or Sums of Money, by this Act rated or aſſeſſed thereon, with reſpect to the Drainage thereof, or any future Owner or Proprietor, Owners or Proprietors thereof, his, her, or their Heirs, or his, her, or their Tenant or Tenants, ſhall, at any Time or Times, from and after the paſſing of this Act, neglect or refuſe to make and erect proper Headings in their ſaid Lands or Grounds lying contiguous to or adjoining upon the ſaid River Nene, or adjoining to the ſaid Diſtricts reſpectively, to prevent the Waters of the ſaid ſeveral Lands from running into the ſaid ſeveral Diſtricts or Diviſions, or any of them reſpectively; that it ſhall and may be lawful to and for the ſaid Commiſſioners of the ſaid Five Diſtricts or Diviſions, or the major Part of them, aſſembled at a Meeting to be held for that Purpoſe, Three Days Notice of ſuch Meeting to be given to ſuch Owner or Owners of the ſaid Lands and Grounds, to order and direct their Surveyor, or any other Officer of any of the ſaid Five Diſtricts or Diviſions reſpectively, to give Notice in Writing, under his Hand, to the Owner of ſuch Land, to make ſuch Headings in or upon his or her ſaid Lands or Grounds in Manner aforeſaid: And in caſe the Owner or Proprietor of ſuch Lands or Grounds, or his or her Tenant or Tenants reſpectively, ſhall neglect or refuſe to make ſuch Headings for One Day after ſuch Notice; then, and as often as ſuch Caſe ſhall ſo happen, it ſhall be lawful for the Commiſſioners of the ſaid Diſtrict or Diviſion lying contiguous to or adjoining upon the ſaid Lands or Grounds ſo refuſing to make ſuch Heading, or any Three or more of them, to order and direct their Officers, with ſuch Workmen as they ſhall think proper, to enter into and upon ſuch Lands and Grounds, and to make and repair ſuch Headings as aforeſaid; and that it ſhall be lawful for ſuch Workmen, ſo employed by the ſaid Commiſſioners as aforeſaid, to take Earth out of the ſaid Lands or Grounds for the making ſuch Headings as aforeſaid; and the Expences neceſſarily incurred in raiſing and repairing ſuch Headings in Manner aforeſaid ſhall be reimburſed by the ſaid Owner or Owners, or the Occupier or Occupiers of ſuch Lands and Grounds where ſuch Headings ſhall be made: And in caſe of Nonpayment, that it ſhall and may be lawful for any Five or more of the ſaid Commiſſioners of ſuch Diſtricts lying contiguous to ſuch Lands and Grounds where ſuch Headings ſhall be made, by Warrant under their reſpective Hands and Seals, to levy, by Diſtreſs and Sale of the Goods and Chattels of ſuch Occupier or Occupiers, Owner or Owners, of ſuch Lands and Grounds, as aforeſaid, the Charges of making, raiſing, and repairing ſuch Headings, rendering the Overplus, (if any ſuch there be), after paying ſuch Diſburſements, and the Charges and Expences of levying the ſame, to ſuch Owner or Owners, Occupier or Occupiers, as aforeſaid; and if the Tenant or Tenants of ſuch Lands or Grounds ſhall, upon ſuch Notice as aforeſaid, raiſe or repair any ſuch Headings at his, her, or their own Expence, or ſhall pay the Expences of raiſing, making, and repairing ſuch Headings, as aforeſaid, by the Direction of ſuch Commiſſioners reſpectively, or in caſe ſuch Expences ſhall be levied on him, her, or them, the ſame ſhall be deducted by ſuch Tenant or Tenants out of his, her, or their Rent, and ſhall be allowed by ſuch Owner or Owners of Land contiguous to ſuch Diſtrict where ſuch Headings ſhall be made, (unleſs an Agreement ſhall be made to the contrary between ſuch Owner or Owners and their Tenant or Tenants), in ſuch Manner as the Taxes paid by the Tenant are by this Act to be deducted and allowed; and if any Diſpute ſhall ariſe between any ſuch Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers, and the ſaid Commiſſioners, touching the Amount of the Expences which ſhall have neceſſarily incurred in raiſing and repairing the ſaid Headings, ſuch Diſputes, and all Matters relating thereto, ſhall be finally determined and ſettled by the Juſtices of the Peace at the next General Quarter Seſſions for the Peace where the Matter of Diſpute ſhall happen, who are not intereſted in the Premiſes, without any farther or other Appeal whatſoever.

Commiſſioners of private Diſtricts and Land-owners to repair the Banks of the *Nene* and *Forty Feet Drain*, if neglected by the General Commiſſioners.

LXXXVI. And be it enacted by the Authority aforeſaid, That in caſe the Commiſſioners of the ſaid Upper Diſtrict herein-before appointed by this Act for the making and ſupporting the Banks of the ſaid River Nene and Forty Feet Drain, or the Officers appointed by them for that Purpoſe, ſhall, at any Time or Times, after the paſſing of this Act, neglect or refuſe to heighten or repair the Banks of the ſaid River and Drain, whereby a Breach or Breaches ſhall happen therein, or in any Part thereof, next to the ſaid Four Diſtricts or Diviſions, Part of the ſaid Upper Diſtrict, or any of them, or next to the Lands of any of the Owners and Proprietors within the Limits aforeſaid, not included in the ſaid Four Diſtricts, it ſhall and may be lawful for the Commiſſioners of the ſaid Four Upper Diſtricts or Diviſions, and the Commiſſioners of the ſaid Lower or Fifth Diſtrict reſpectively, or any Five or more of them, or for the Owner or Proprietor of ſuch Lands not included in the ſaid Four Diſtricts lying contiguous to ſuch Bank where ſuch Breach ſhall happen, or for any Perſon or Perſons appointed by them, or either of them reſpectively, to heighten and repair ſuch Bank, or make up ſuch Breach, in the beſt Manner they can; and that the Treaſurer or Receivers of the ſaid Commiſſioners of the ſaid Upper Diſtricts ſhall, and he and they is and are hereby required to pay the full Charges and Expences thereof to ſuch Perſon or Perſons, on his or their producing proper Vouchers for the Money laid out and expended therein, within Twenty Days after Demand thereof made from the ſaid Treaſurer or Receivers; and in caſe of Nonpayment thereof by ſuch Treaſurer or Receivers within the Time above limited for ſuch Payment, as aforeſaid, that then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, and they are hereby authoriſed and impowered, by Warrant under their Hands and Seals, to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of the Occupier or Occupiers of the Lands or Grounds lying adjoining upon the Banks where ſuch Breach or Breaches ſhall happen; and that it ſhall be lawful for ſuch Occupier or Occupiers to deduct the Sum or Sums of Money by him or them ſo paid out of the Taxes due, and to grow due, to the ſaid Commiſſioners for the ſaid Lands and Grounds where ſuch Diſtreſs or Diſtreſſes ſhall be ſo made; any Thing to the Contrary notwithſtanding.

Commiſſioners impowered to repair the Bank of the River *Nene*, in caſe of Neglect.

LXXXVII. And be it enacted by the Authority aforeſaid, That in caſe the Commiſſioners of the ſaid Lower or Fifth Diſtrict, herein-before appointed by this Act, for the making and ſupporting the Banks of the ſaid River Nene, from Copalder Houſe aforeſaid, to the ſaid Farm of the ſaid John Houſehold, at Borough Moore aforeſaid, or the Officers appointed by them for that Purpoſe, ſhall, at any Time or Times after the paſſing of this Act, neglect or refuſe to heighten or repair the Bank of the ſaid River Nene, within the ſaid Lower or Fifth Diſtrict, whereby a Breach or Breaches ſhall happen therein, or in any Part thereof, next to the ſaid Lower Diſtrict, it ſhall and may be lawful for the Commiſſioners of the ſaid Upper Diſtrict, and for the Commiſſioners of the ſaid Four Upper Diviſions within the ſaid Upper Diſtrict reſpectively, or any Five or more of them, or for the Owners or Proprietors of the ſaid Lands in the ſaid Upper Diſtrict, not included in the ſaid Four Upper Diviſions, or for any Perſon or Perſons appointed by them, or either of them reſpectively, to heighten and repair ſuch Bank of the ſaid River Nene in the ſaid Lower Diſtrict, or make up any Breach or Breaches therein, in the beſt Manner they can; and that the Treaſurer or Receiver of the ſaid Commiſſioners for the ſaid Lower Diſtrict ſhall, and he is hereby required to pay the full Charges and Expences thereof to ſuch Perſon or Perſons, on his or their producing proper Vouchers for the Money laid out and expended therein, within Twenty Days after Demand thereof made from the ſaid Treaſurer; and in caſe of Nonpayment thereof by ſuch Treaſurer within the Time above limited for ſuch Payment as aforeſaid, that then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, and they are hereby authoriſed and impowered, by Warrant under their Hands and Seals, to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of the Occupier or Occupiers of the Lands and Grounds lying adjoining upon the Banks where ſuch Breach or Breaches ſhall happen; and that it ſhall and may be lawful for ſuch Occupier or Occupiers to deduct the Sum or Sums of Money by him or them ſo paid out of the Taxes due, and to grow due, to the ſaid Commiſſioners for the ſaid Lands and Grounds where ſuch Diſtreſs or Diſtreſſes ſhall be ſo made; any Thing to the Contrary notwithſtanding.

Commiſſioners of the Five Diſtricts to make Headings againſt the *Nene*.

LXXXVIII. And be it further enacted by the Authority aforeſaid, That in caſe the Commiſſioners of the ſaid Five Diſtricts reſpectively, or their Officer or Officers, ſhall, at any Time or Times after the paſſing of this Act, neglect or refuſe to make and erect proper Headings or Stoppages at the End of the Ditches in the ſaid Diſtricts reſpectively, lying contiguous to, or adjoining upon, the ſaid River Nene, or next to the Lands of the ſaid William Fellowes, Francis Ibberſon, David Burgeſs, Thomas Burgeſs, and John Houſehold, to prevent the Soak Waters from running into the ſaid Lands reſpectively, that it ſhall and may be lawful for the ſaid William Fellowes, Francis Ibberſon, David Burgeſs, Thomas Burgeſs, and John Houſehold, and their Heirs, or any future Owner or Owners of the ſaid Lands, and they are hereby authoriſed and impowered to make and erect ſuch proper Headings within ſuch Diſtricts reſpectively; and that the Treaſurer or Receiver of ſuch of the ſaid Five Diſtricts reſpectively ſhall pay the full Charges and Expences thereof to the Perſon or Perſons ſo making and erecting ſuch proper Headings as aforeſaid, on his and their producing proper Vouchers for the Money laid out and expended therein.

If Breaches happen in the Banks of the River *Nene*, &c. Engines to be employed in draining the Lands overflowed.

LXXXIX. And whereas, in caſe any Breach or Breaches ſhould by any Accident happen in the Banks of the ſaid River *Nene* and *Forty Feet Drain*, the Lands lying contiguous thereto will be overflown with Water, to the great Prejudice and Diſadvantage of the Owners thereof: And whereas the Waters of each of the ſaid Five Diſtricts reſpectively, and the Lands of the ſaid *William Fellowes*, *Francis Ibberſon*, *David Burgeſs*, *Thomas Burgeſs*, and *John Houſehold*, are herein-before particularly directed to be thrown by the Mills or Engines erected, or to be erected thereon, into the ſaid River *Nene* and *Forty Feet Drain*, and in no other Manner whatſoever; be it further enacted by the Authority aforeſaid, That in caſe any ſuch Breach or Breaches ſhall happen in the ſaid Banks of the ſaid River Nene, or Forty Feet Drain, or any Part thereof, it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, for any of the ſaid Five Diſtricts reſpectively, at a Meeting to be held for that Purpoſe, to order and direct the Mill or Engines erected in any of the ſaid Diſtricts, for the better draining the ſame, to be uſed and employed as well for draining the Lands ſo overflowed by ſuch Breach or Breaches as aforeſaid as the Diſtrict where ſuch Engine ſhall ſtand, the Perſon or Perſons for whoſe Uſe ſuch Engine ſhall be ſo employed paying to ſuch Commiſſioners ſuch Sum and Sums of Money as ſhall be agreed upon between them and the Perſon or Perſons for whoſe Uſe ſuch Engine or Engines ſhall be ſo employed.

Commiſſioners to repair the Banks of the River *Nene* in Mr. *Houſehold*'s Farm, if neglected.

XC. And whereas the Lands of the ſaid *John Houſehold*, lying in *Borough Moore* aforeſaid, within the ſaid Limits, are not ſubject or liable to the Payment of any Taxes hereby charged by this Act, but particularly exempted therefrom: And whereas the ſaid Lands are bounded by the Bank of the ſaid River *Nene*, and the ſaid Bank maintained, repaired, and ſupported, by the ſaid *John Houſehold*; and in caſe the ſaid *John Houſehold*, his Heirs or Aſſigns, or any future Owner or Owners of the ſaid Lands, ſhall, at any Time or Times hereafter, neglect or refuſe to repair, heighten, and maintain the ſaid Bank, and the Waters of the ſaid River *Nene* ſhould overflow the ſame, or a Breach or Breaches ſhould happen therein, not only the ſaid Lands of the ſaid *John Houſehold*, but the Lands contained in the ſaid Five Diſtricts, or great Part thereof, would be overflown and covered with Water: In order that the ſaid Bank may be maintained and ſupported by the ſaid *John Houſehold*, his Heirs or Aſſigns, or any other future Owner or Owners thereof, be it enacted by the Authority aforeſaid, That in caſe the ſaid John Houſehold, his Heirs or Aſſigns, Owner or Owners, of the ſaid Lands, or any future Owner or Owners thereof, his, her, or their Heirs or Aſſigns, or his, her, or their Tenant or Tenants, ſhall, at any Time or Times, from and after the paſſing of this Act, neglect or refuſe to keep and maintain the ſaid Bank of the ſaid River Nene, next to his ſaid Lands, of a ſufficient Height and Strength, to prevent the Waters of the ſaid River from running over or breaking through the ſaid Bank, and the Waters thereof ſhall at any Time or Times hereafter run over or break through the ſame, it ſhall and may be lawful for the ſaid Commiſſioners of the ſaid Five Diſtricts or Diviſions, or any Five or more of them, by Writing under their Hands and Seals, to authoriſe and impower the Surveyor, or other Officer for any of the ſaid Five Diſtricts or Diviſions reſpectively, to give Notice to the ſaid John Houſehold, his Heirs or Aſſigns, and ſuch future Owner or Owners of the ſaid Lands, his, her, or their

Heirs or Aſſigns, or his, her, or their Tenant or Tenants, that the ſaid Bank is in Danger of being broke; and in caſe the ſaid John Houſehold, his Heirs or Aſſigns, or any future Owner or Owners of the ſaid Lands, his, her, or their Heirs or Aſſigns, Tenant or Tenants, ſhall neglect or refuſe, upon ſuch Notice, to employ proper Perſons to prevent the Waters of the ſaid River from running over or breaking through the ſaid Bank; or if an actual Breach or Breaches ſhall, before ſuch Notice be made therein, neglect or refuſe to ſtop and make up the ſame, it ſhall and may be lawful for ſuch Officer or Officers, ſo authoriſed as aforeſaid, together with ſuch Workmen as he ſhall think proper to employ, to enter into and upon the ſaid Lands and Grounds of the ſaid John Houſehold, and to make good and repair the ſaid Bank, and alſo to ſtop ſuch Breaches: And, in order to enable them ſo to do, it ſhall and may be lawful to and for ſuch Workmen, ſo employed as aforeſaid, to dig and take Earth out of the ſaid Lands or Grounds for the raiſing and ſtrengthening the ſaid Bank, and ſtopping ſuch Breaches as aforeſaid; and the Expences neceſſarily incurred therein ſhall be reimburſed by the ſaid John Houſehold, his Heirs or Aſſigns, or any future Owner or Owners, his, her, or their Heirs or Aſſigns, Tenant or Tenants: And, in caſe of Nonpayment thereof, it ſhall and may be lawful for any Five or more of the ſaid Commiſſioners, by Warrant under their Hands and Seals, to levy by Diſtreſs and Sale of the Goods and Chattels of ſuch Occupier or Occupiers, Owner or Owners, of ſuch Lands and Grounds as aforeſaid, the Charges of raiſing and repairing the ſaid Bank, and of ſtopping and making up ſuch Breaches, rendering the Overplus (if any) to ſuch Owner or Owners, Occupier or Occupiers, as aforeſaid: And if the Tenant or Tenants of ſuch Lands and Grounds ſhall, upon ſuch Notice as aforeſaid, raiſe and ſtrengthen the ſaid Bank, or ſtop and make up the ſaid Breaches therein, at his, her, or their own Expence, or ſhall pay the Charges thereof, if done by Order of the ſaid Commiſſioners; or in caſe ſuch Charges and Expences ſhall be levied on him, her, or them, by Diſtreſs and Sale of his, her, and their Goods and Chattels, as aforeſaid; it ſhall and may be lawful for ſuch Tenant or Tenants to deduct the ſame out of his or her Rent; and the Owner or Owners of ſuch Lands and Grounds is and are hereby required to allow ſuch Deduction, unleſs an Agreement ſhall be made to the contrary between ſuch Owner or Owners and his or their Tenant or Tenants, in ſuch and the ſame Manner as the Taxes paid by the Tenants are by this Act to be deducted and allowed: And if any Diſpute ſhall ariſe, touching the Amount of the Expences which ſhall have been incurred in raiſing and ſtrengthening the ſaid Bank, or in ſtopping and making up the ſaid Breaches, ſuch Diſputes, and all Matters relating thereto, ſhall be finally ſettled and determined by the Juſtices of the Peace, at the Firſt or Second General Quarter Seſſions for the ſaid Iſle of Ely, who are not intereſted in the Premiſes, without any further or other Appeal whatſoever.

Mr. *John Houſehold* to make and repair Two Headings againſt the Fifth Diſtrict next *Borough Moore Common*, and the River *Nene*;

and in caſe of Neglect, Commiſſioners impowered to repair the ſame.

XCI. And be it enacted by the Authority aforeſaid, That the ſaid John Houſehold, his Heirs and Aſſigns, Owner or Owners, of the ſaid Farm and Lands, lying in Borough Moore aforeſaid, and all and every future Owner or Owners thereof, ſhall, at all Times after the paſſing of this Act, at his and their own proper Coſts and Charges, make and erect, or cauſe to be made and erected, and at all Times to ſupport and maintain, Two good and ſubſtantial Dams or Headings in his ſaid Farm next to the ſaid Lower or Fifth Diſtrict; One of ſuch Dams or Headings to be made acroſs the End of his outſide Ditch, next Borough Moore Common aforeſaid, and the other of the ſaid Dams or Headings to be made acroſs the End of the Ditch in the ſaid Farm next the ſaid River Nene, to prevent the Waters of the ſaid River from doing any Damage to the ſaid Lower or Fifth Diſtrict; and in caſe the ſaid John Houſehold, his Heirs or Aſſigns, or any future Owner or Owners of the ſaid Farm, or the Tenant or Tenants thereof, ſhall neglect or refuſe to make and erect, and at all Times hereafter to ſupport and maintain the ſame, it ſhall and may be lawful for the ſaid Commiſſioners of the ſaid Lower or Fifth Diſtrict, or any Five or more of them, and they are hereby impowered to order and direct their Officer or Officers, together with ſuch Workmen as he or they ſhall think proper, to enter into and upon the ſaid Farm and Lands of the ſaid John Houſehold, and to make up and repair the ſame; and that the ſaid Commiſſioners ſhall have, and are hereby inveſted with, the ſame Powers and Authorities to recover the Charges and Expences thereby incurred as are herein-before veſted in the ſaid Commiſſioners of the ſaid Upper and Lower or Fifth Diſtrict for recovering the Charges and Expences of repairing, ſtopping, and making up any Breach or Breaches in the Banks of the ſaid River Nene, next the Lands of the ſaid John Houſehold; any Thing herein contained to the Contrary notwithſtanding.

Experienced Engineers to eſtimate the Value of any Imbankment to be made 23 Years hence.

XCII. And be it further enacted, That in caſe the preſent Owner, or any future Owner or Owners of Ramſey Meere and Hemmings, ſhall, within Twenty-three Years after the paſſing of this Act, make a ſufficient Bank againſt the River Nene, ſo as effectually to prevent the Water of the ſaid River from overflowing the ſaid Ramſey Meere and Hemmings, (which Imbankment may be of Benefit to the Upper Diſtrict), for imbanking; then, and in that Caſe, ſuch Benefit ſhall be eſtimated and valued by Two able and experienced Engineers or Surveyors not intereſted, to be choſen, One by the Owner or Owners of the ſaid Ramſey Meer and Hemmings for the Time being, and the other by the major Part of the general Commiſſioners of the ſaid Upper Diſtrict, aſſembled at One of their Half-yearly Meetings in purſuance of this Act, the Owner or Owners of the ſaid Meer and Hemmings, or his or their Agents, not to have a Voice in the Choice of ſuch Engineer or Surveyor ſo to be choſen on the Behalf of the ſaid Diſtrict, which Engineer or Surveyor the ſaid general Commiſſioners are hereby authoriſed and required to nominate at their next Half-yearly Meeting, after Notice ſhall have been given to the ſaid Commiſſioners of the ſaid Upper Diſtrict, or any Five or more of them, at a Meeting, by the Owner or Owners of the ſaid Ramſey Meer and Hemmings for the Time being, that ſuch Bank has been fully completed for the Space of Three Winters; and the ſaid Engineers or Surveyors ſhall, and they are hereby authoriſed and required, within Three Calendar Months after ſuch Half-yearly Meeting, as well by viewing and examining

ing the ſaid Bank as by other Means that may appear neceſſary in that Behalf, and after taking into their Conſideration every Circumſtance and Conſequence between the Owner of the ſaid Meer and Hemmings and the ſaid Upper Diſtrict, to eſtimate and value, if any, or what annual Benefit and Advantage will accrue to the ſaid Bank of the ſaid Upper Diſtrict, by reaſon of keeping in Repair ſuck Bank ſo made by ſuch Owner or Owners of Ramſey Meer and Hemmings, againſt the ſaid River Nene; and ſuch Eſtimate or Valuation ſhall be delivered in to the ſaid Commiſſioners at their next Half-yearly Meeting after the ſame ſhall have been ſettled and adjuſted by the ſaid Engineers or Surveyors, and ſhall be ſigned by, and verified upon Oath of the ſaid Engineers or Surveyors, which Oath any One of the ſaid Commiſſioners is hereby impowered and required to adminiſter, and ſhall be entered in the Books of the ſaid General Commiſſioners of the ſaid Upper Diſtrict; and the Sum or annual Benefit, if any, which ſhall be ſo eſtimated by the ſaid Engineers or Surveyors, ſhall yearly and every Year, ſo long and for ſuch Time as ſuch Imbankment of Ramſey Meer and Hemmings ſhall continue to be in perfect and complete Repair, ſo as to prevent the Waters of the ſaid River Nene from overflowing the ſaid Ramſey Meer and Hemmings, be paid by the ſaid General Commiſſioners of the ſaid Upper Diſtrict to the Owner or Owners of the ſaid Ramſey Meer and Hemmings for the Time being, or his or their Order, out of the Monies to be raiſed by virtue of this Act, for the Purpoſe of ſupporting the Banks of the ſaid River Nene and Forty Feet Drain, by even Half-yearly Payments; the Firſt Payment thereof to commence and take Effect from that Day Twelvemonth previous to ſuch Notice, and the next Payment thereof to be made to ſuch Owner or Owners of Ramſey Meer and Hemmings aforeſaid, on the next of the ſaid Half-yearly Days of Payment after ſuch Eſtimate and Valuation ſhall have been delivered in to the ſaid General Commiſſioners of the ſaid Upper Diſtrict, at One of their ſaid Half-yearly Meetings: And in caſe any of the ſaid Half-yearly Payments ſhall be behind-hand and unpaid upon any of the ſaid Half-yearly Days of Payment, or within One Month after Demand thereof having firſt been made by the Owner or Owners of the ſaid Ramſey Meer and Hemmings for the Time being, or his or their Agent, or the Treaſurer of the ſaid General Commiſſioners of the ſaid Upper Diſtricts; then, and in that Caſe, the ſaid Owner or Owners of Ramſey Meer and Hemmings may bring, or cauſe to be brought, any Action againſt the ſaid Treaſurer on Nonpayment of the Money then due, and ſhall and may recover the ſame, with Double Coſts of Suit.

Annual Benefit by the Imbankment of *Ramſey Meer*, and the Diminution of the Soak Water, to be paid to Owners.

XCIII. And be it further enacted, That the ſaid Engineers or Surveyors ſhall and may, and they are hereby authoriſed and required, to eſtimate and value at the ſame Time when they make the Eſtimate and Valuation herein-before directed, if any, and what annual Benefit will accrue to the Lands lying within the ſaid Firſt Diviſion in the ſaid Upper Diſtrict, by ſuch Imbankment of the ſaid Ramſey Meer and Hemmings, on Account and by Means of the Diminution of the Soak Water which now flows on the Lands within the ſaid Firſt Diviſion in the ſaid Upper Diſtrict from the ſaid Ramſey Meer and Hemmings; and ſuch Eſtimate and Valuation ſhall, within Three Calendar Months after the ſame ſhall have been made, be delivered in by the ſaid Engineers or Surveyors to the Commiſſioners of the ſaid Firſt Diviſion in the ſaid Upper Diſtrict, at ſome One of their Meetings, and ſhall be ſigned by and verified upon the Oath of the ſaid Engineers or Surveyors, and ſhall be entered in the Books of the Commiſſioners of the ſaid Firſt Diviſion in the ſaid Upper Diſtrict; and the Sum or annual Benefit, if any, which ſhall be ſo eſtimated to accrue to the Lands lying within the ſaid Firſt Diviſion in the ſaid Upper Diſtrict, ſhall, ſo long as the ſaid Imbankment of Ramſey Meer and Hemmings ſhall continue in perfect and complete Repair, as before-mentioned, be paid to the Owner or Owners of the ſaid Ramſey Meer and Hemmings for the Time being, or his or their Order, out of the Monies to be raiſed by virtue of this Act within the ſaid Firſt Diviſion in the ſaid Upper Diſtrict, by even Half-yearly Payments; the Firſt Payment thereof to commence and take Effect from that Day Twelvemonth previous to ſuch Notice, and the next Payment thereof to be made on the next Half-yearly Day of Payment after ſuch Eſtimate and Valuation ſhall have been delivered in to the Commiſſioners of the ſaid Firſt Diviſion in the ſaid Upper Diſtrict: And that in caſe of Nonpayment thereof on the ſaid Half-yearly Days of Payment, or within Thirty Days after Demand having firſt been made by the ſaid Owner or Owners of Ramſey Meer and Hemmings aforeſaid for the Time being, or his or their Agent, or the Receiver or Collector of the Rates and Taxes within the ſaid Firſt Diviſion in the ſaid Upper Diſtrict; then the ſaid Owner or Owners of Ramſey Meer and Hemmings ſhall have the like Action, and ſhall recover the Sums due, with like Coſts, againſt ſuch Receiver or Collector, as he or they have or may recover, by virtue of this Act, againſt the Treaſurer of the ſaid General Commiſſioners, in Default of any Payment to be made to the ſaid Owner or Owners of Ramſey Meer and Hemmings by ſuch Treaſurer, in purſuance of this Act.

Annual Benefit to *The Four hundred Acre Farm* by the Diminution of the Soak Waters, to be paid to Owners.

XCIV. And be it further enacted, That the ſaid Engineers or Surveyors ſhall alſo eſtimate and value, if any, and what annual Benefit will accrue to the Lands called The Four hundred Acre Farm, in the ſaid Pariſh of Ramſey, by the Diminution of the Soak Waters as aforeſaid; and ſuch Eſtimate or Valuation ſhall be delivered in to the ſaid General Commiſſioners, at One of their Half-yearly Meetings as aforeſaid, and ſhall be ſigned by and verified upon the Oath of the ſaid Engineers or Surveyors, and entered in the Books of the ſaid General Commiſſioners; and the Sum or annual Benefit, if any, which ſhall be ſo eſtimated to accrue to ſuch Lands by ſuch Diminution of the Soak Water, ſhall be paid to and recovered by the Owner or Owners of the ſaid Ramſey Meer and Hemmings from the Owner or Owners of ſuch Lands for the Time being, in ſuch and the ſame Manner, and by the ſame Ways and Means, as any Sum is directed to be paid to, and recovered by, the ſaid Owner or Owners of Ramſey Meer and Hemmings from the Treaſurer of the ſaid General Commiſſioners, or from the Receiver or Collector of the ſaid Firſt Diſtrict.

Engineers and Surveyors diſagreeing concerning *Ramſay Meer*, &c. Juſtices to determine.

XCV. And be it enacted, That in caſe the ſaid Two Engineers or Surveyors, ſo to be choſen as aforeſaid, ſhall not agree in ſuch Eſtimates and Valuations; then, and in ſuch Caſe, the Opinions of the ſaid Two Engineers or Surveyors reſpectively, touching the Matters in queſtion, ſhall be fairly and ſeparately drawn up and ſtated by them reſpectively, in Writing, under their Hands, and ſhall be referred to the Juſtices of the Peace for the County of Cambridge, aſſembled at the next General Quarter Seſſions of the Peace to be held at Cambridge, within Six Calendar Months after the ſame ſhall be ſo referred, to judge of and determine the ſame; and the Determination of ſuch Juſtices, ſo aſſembled as aforeſaid, ſhall be final and concluſive to all Parties, without any further or other Appeal: And that it ſhall and may be lawful for ſuch Juſtices, ſo aſſembled as aforeſaid, and they are hereby impowered and required to examine the ſaid Engineers and Surveyors, or either of them, upon Oath, concerning their ſaid Opinions; and that ſuch Determination and Order of the ſaid Juſtices concerning the Premiſes ſhall be entered amongſt the Records of the ſaid Court, and a Copy thereof, ſigned by the Clerk of the Peace of the ſaid County, ſhall be Evidence in all Courts of Law.

Saving Clauſe to the Corporation of *Bedford Level.*

XCVI. Provided always, and it is hereby further enacted by the Authority aforeſaid, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to impower the ſaid Commiſſioners, or any Five of them, to have, uſe, or exerciſe any Power or Authority over, or to intermeddle with any of the Sewers or Works already made, or hereafter to be made, by the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, called Bedford Level, by virtue of an Act of Parliament, made in the Fifteenth Year of the Reign of King Charles the Second, intituled, An Act for ſettling the Draining of the Fens, called *Bedford Level*, or by virtue of any other Act or Statute whatſoever, or to invalidate, leſſen, diminiſh, alter, or take away, any of the Rights, Powers, and Authorities, veſted in the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, or Conſervators; but that all Rights, Powers, and Authorities whatſoever, which, by virtue of the ſaid Act, made in the ſaid Fifteenth Year of the ſaid King Charles the Second, or any other Act or Statute whatſoever, now are veſted in the ſaid Governor, Bailiffs, and Commonalty, or the ſaid Governor, Bailiffs, and Conſervators, or any of them, ſhall for ever hereafter remain, continue, and be in the ſaid Governor, Bailiffs, and Commonalty, and in the ſaid Governor, Bailiffs, and Conſervators, and every of them, as fully and amply, to all Intents and Purpoſes, as if this Act had never been made; ſave and except the repairing and keeping in Repair the ſaid Banks of the ſaid River Nene and the Forty Feet Drain.

Saving Clauſe to Commiſſioners of the River *Nene.*

XCVII. Provided alſo, and be it enacted, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to invalidate, leſſen, diminiſh, alter, or take away, any of the Rights, Powers, and Authorities, veſted in the Commiſſioners appointed in and by an Act of Parliament, paſſed in the Twenty-ſeventh Year of his late Majeſty King George the Second, intituled, An Act for preſerving and improving the Navigation from *Salter's Load Sluice*, in the County of *Norfolk*, to *Standground Sluice*, in the County of *Huntingdon*; and from *Flood's Ferry*, in the ſaid *Iſle of Ely*, in the County of *Cambridge*, to *Ramſey High Load*, in the ſaid County of *Huntingdon*; and alſo the Navigation from *Old Bedford Sluice*, in the ſaid County of *Norfolk*, to the River *Nene*, in the Pariſh of *Ramſey*, in the ſaid County of *Huntingdon*; but that all Rights, Powers, and Authorities whatſoever, which, by virtue of the ſaid Act, paſſed in the ſaid Twenty-ſeventh Year of the Reign of His late Majeſty King George the Second, now are veſted in the ſaid Commiſſioners thereby appointed, or any of them, ſhall for ever hereafter remain, continue, and be in the ſaid Commiſſioners, and every of them, as fully and amply, to all Intents and Purpoſes, as if this Act had never been made.

Limitation of Actions.

XCVIII. And be it further enacted by the Authority aforeſaid, That if any Action, Suit, or Information, ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing done, or to be done, in purſuance of this Act, every ſuch Action or Suit ſhall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid or brought in the particular County or Liberty where ſuch Offence ſhall be ſuppoſed to have been done, and not elſewhere; and the Defendant or Defendants, in ſuch Actions or Suits, ſhall and may plead the General Iſſue; and, if in Replevin, may juſtify and avow, by virtue of this Act, as Perſons acting by Authority of Commiſſioners of Sewers are enabled to do, and give the Special Matter in Evidence, without ſpecially pleading the ſame, otherwiſe than as aforeſaid, at any Trial to be had thereupon, and that the Fact alleged to have been done, was done in Purſuance and by Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought in any other County, Liberty, or Place, than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs ſhall become nonſuit, or forbear Proſecution, or diſcontinue his, her, or their Suit or Suits; or if any Verdict ſhall paſs againſt him, her, or them, upon Demurrer, or otherwiſe; then, and in any of the ſaid Caſes, the Defendant or Defendants, Avowant or Avowants, ſhall recover Treble Coſts; for which he, ſhe, or they, ſhall have like Remedy as where Coſts by Law are awarded.

General Iſſue.

Treble Coſts.

Publick Act.

XCIX. And be it further enacted and declared, by the Authority aforeſaid, That this Act ſhall be deemed a Publick Act; and all Judges, Juſtices, or other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP.

CAP. XXVII.

An Act to amend, and render more effectual an Act, made in the Twenty-ſecond Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the more effectual draining and preſerving of ſeveral Fen Lands and Field Lands, in the Bounds and Precincts of* Whittleſey, *in the* Iſle of Ely, *in the County of*-Cambridge, ſo far as the ſame relates to the ſeveral Fen and Field Lands lying in the Third, Fourth, and Fifth Diſtricts, deſcribed in the ſaid Act.

Preamble.

Act 22 *Geo.* II

WHEREAS by an Act made, in the Twenty-ſecond Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the more effectual draining and preſerving of ſeveral Fen Lands and Field Lands, in the Bounds and Precincts of* Whittleſey, *in the* Iſle of Ely, *in the County of* Cambridge, the Commſſioners therein named, or to be nominated and appointed in Manner therein mentioned, were authoriſed and impowered to aſſeſs, tax, and charge, all and ſingular the Fens and Low Grounds lying within the Third, Fourth, and Fifth Diſtricts or Diviſions, (Part of the Five Diſtricts or Diviſions into which the Fens and Low Grounds in the Bounds and Precincts of *Whittleſey* were by the ſaid Act divided), with an equal and proportionable Rate or Tax not exceeding Two Shillings and Sixpence an Acre in the Firſt Year after the Commencement of the ſaid Act, and One Shilling and Sixpence an Acre in any other ſucceeding Year, to be applied and diſpoſed of in making Cuts, Drains, and other Works, for the effecting the draining and improving the ſaid Fen Lands and Low Grounds within the ſaid reſpective Diſtricts or Diviſions, as in the ſaid Act deſcribed, and for the other Purpoſes therein mentioned: And whereas the ſaid Rates and Taxes have accordingly been applied by the Commiſſioners acting for the ſaid Three reſpective Diſtricts or Diviſions in purſuance of the Directions given by the ſaid Act, for and towards the erecting of proper Water Engines, and making Banks, Drains, and other Works, neceſſary for the proper draining the ſaid Three reſpective Diſtricts or Diviſions, and in maintaining and keeping the ſame in Repair: And whereas the ſaid Rate and Tax of One Shilling and Sixpence an Acre, charged upon the ſaid Lands and Grounds in the ſaid Three ſeveral Diſtricts or Diviſions, by virtue of the ſaid Act, has not for many Years paſt, by reaſon of the Wetneſs of the Seaſons, been near ſufficient to defray the yearly Expences of the Banks, Mills, Drains, and other Works, in the ſaid Three Diſtricts reſpectively, or to defray the conſiderable Debts which the ſaid reſpective Commiſſioners have been under a Neceſſity to contract, in order to preſerve the ſaid Three Diſtricts from being drowned and overflown with Water: And whereas the Maintenance of the ſaid Works is abſolutely neceſſary to the preſerving and well draining of the ſeveral and reſpective Lands lying within the ſaid Three Diſtricts reſpectively, and the Proprietors and Owners of the ſaid Lands are willing and deſirous that a further Rate or Tax ſhould be laid upon their ſaid Lands lying within the ſaid Three ſeveral Diſtricts and Diviſions reſpectively, in order to raiſe Money to anſwer the Purpoſes aforeſaid: And whereas ſuch Rate or Tax cannot be laid, nor the ſaid Lands effectually drained and preſerved, without the Aid and Authority of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and ſingular the Lands and Grounds ſituate and being in Whittleſey aforeſaid, within the ſaid Three Diſtricts or Diviſions reſpectively, and every of them, (except as in the ſaid Act is excepted), ſhall yearly and every Year be, and the ſame are hereby rated, charged, and aſſeſſed, in Manner following; that is to ſay, All the ſaid Lands and Grounds in Whittleſey aforeſaid, lying within the ſaid Third Diſtrict or Diviſion, (except ſuch Parts thereof as are in and by the ſaid former Act excepted), with an equal annual Rate or Tax, not exceeding in any One Year the Sum of Three Shillings and Sixpence for every Acre of the ſaid Lands and Grounds, over and above the ſaid Rate or Tax of One Shilling and Sixpence an Acre charged thereon by the ſaid former Act; and all the ſaid Lands and Grounds in Whittleſey aforeſaid, lying within the ſaid Fourth Diſtrict or Diviſion, (except ſuch Parts thereof as are in and by the ſaid former Act excepted), with an equal annual Rate or Tax, not exceeding in any One Year the Sum of Three Shillings for every Acre of the ſaid Lands and Grounds, over and above the ſaid Rate or Tax of One Shilling and Sixpence an Acre charged thereon by the ſaid former Act; and all the ſaid Lands and Grounds in Whittleſey aforeſaid, lying within the ſaid Fifth Diſtrict or Diviſion, (except ſuch Parts thereof as are in and by the ſaid former Act excepted), with an equal annual Rate or Tax, not exceeding in any One Year the Sum of One Shilling and Sixpence for every Acre of the ſaid Lands and Grounds, over and above the ſaid Rate or Tax of One Shilling and Sixpence an Acre, charged thereon by the ſaid former Act.

The Lands in Third, Fourth, and Fifth Diſtricts to pay a Rate of 3*s.* 6*d.* 3*s.* and 1*s.* 6*d.* *per* Acre, beſides the Rate of 1*s.* 6*d.* charged by Act 22 *Geo.* II. to pay Debts.

Rates to be laid by the Commiſſioners for Seven Years.

II. And be it further enacted, That the ſaid ſeveral Rates or Taxes hereby charged on the ſaid Three reſpective Diſtricts, ſhall be laid for the Space of Seven Years, from the Time of the paſſing of this Act, by the ſaid Commiſſioners of the ſaid Three Diſtricts reſpectively, and their Succeſſors, or any Five or more of them, on the Wedneſday after Trinity Sunday for the ſaid Third Diſtrict or Diviſion, on the Thurſday after Trinity Sunday for the ſaid Fourth Diſtrict or Diviſion, and on the Friday after Trinity Sunday for the ſaid Fifth Diſtrict or Diviſion, if a Meeting can be had of the ſaid Commiſſioners for each of the ſaid Diſtricts reſpectively on the ſaid reſpective Days; but if not, on any future Day to be appointed by the ſaid Commiſſioners reſpectively, or any One of them, for that Purpoſe, of which Meeting Seven Days Notice ſhall be given; and that ſuch Rates or Taxes then laid ſhall be paid by Two equal Half-yearly Payments, on the Eleventh Day of November and the Twenty-fifth Day of March in every Year after the paſſing of this Act, during the Term aforeſaid; the Firſt Payment thereof to be made on the Eleventh Day of November next after the paſſing of this Act to the Treaſurer or Receiver of each of the ſaid Diſtricts or Diviſions to be appointed by the ſaid Commiſſioners reſpectively, in Manner herein-after mentioned.

III. And

How the Rates of the Third, Fourth, and Fifth Diſtricts are to be levied after the Expiration of Seven Years.

III. And be it further enacted, That from and after the ſaid Term of Seven Years, it ſhall and may be lawful for the Commiſſioners of the ſaid Third Diſtrict or Diviſion, and their Succeſſors, or any Five or more of them, over and above the ſaid Rate or Tax of One Shilling and Sixpence an Acre, charged upon the Lands and Grounds lying in the ſaid Third Diſtrict or Diviſion by the ſaid former Act, Once in every Year, on the Days and Times, and in Manner aforeſaid, to aſſeſs, tax, and charge, all and every the Owner and Owners, Occupier and Occupiers, of all and every the ſaid Lands and Grounds lying within the ſaid Third Diſtrict or Diviſion, except as aforeſaid, with a further equal annual Rate or Tax, not exceeding in any One Year the Sum of One Shilling and Sixpence for every Acre of the Lands and Grounds lying within the ſaid Third Diſtrict or Diviſion; and alſo that it ſhall and may be lawful to and for the ſaid Commiſſioners for the Time being of the ſaid Fourth Diſtrict or Diviſion, or any Five or more of them, upon the Days and Times aforeſaid, to aſſeſs, tax, and charge, all and every the Owner and Owners, Occupier and Occupiers, of all and every the ſaid Lands and Grounds lying within the ſaid Fourth Diſtrict or Diviſion, except as aforeſaid, with a further equal annual Rate or Tax, not exceeding in any One Year the Sum of One Shilling and Sixpence for every Acre of the Lands and Grounds lying within the ſaid Fourth Diſtrict or Diviſion; and alſo that it ſhall and may be lawful to and for the ſaid Commiſſioners for the Time being of the ſaid Fifth Diſtrict or Diviſion, or any Five or more of them, upon the Days and Times aforeſaid, to aſſeſs, tax, and charge all and every the Owner and Owners, Occupier and Occupiers of all and every the ſaid Lands and Grounds lying within the ſaid Fifth Diſtrict or Diviſion, except as aforeſaid, with a further equal annual Rate or Tax, not exceeding in any One Year the Sum of One Shilling for every Acre of the Lands and Grounds lying within the ſaid Fifth Diſtrict or Diviſion; which ſaid additional Rates and Taxes ſo to be ſeverally and reſpectively taxed or aſſeſſed by the ſeveral and reſpective Commiſſioners of the ſaid Three Diſtricts or Diviſions reſpectively as aforeſaid, ſhall be paid by the Owners or Occupiers of the Lands or Grounds compriſed in the ſaid Three Diſtricts reſpectively, to ſuch Perſon or Perſons, at ſuch Time or Times, and in ſuch Manner and Proportion, as the reſpective Commiſſioners for the Time being of the ſaid Three Diſtricts reſpectively, or any Five or more of them, preſent at any ſuch annual Meeting as aforeſaid, ſhall from Time to Time ſeverally and reſpectively order and direct; and ſhall be applied and diſpoſed of at the Diſcretion of the ſeveral Commiſſioners for each of the ſaid Three Diſtricts reſpectively, or any Five or more of them, for the Time being, preſent at their reſpective Meetings, in or about the particular Works, Banks, Drains, Mills, Engines, and other Matters and Things neceſſary for draining each of the ſaid Three Diſtricts or Diviſions reſpectively, in ſuch and the ſame Manner as the ſaid Rate or Tax of One Shilling and Sixpence an Acre, charged on the ſaid Three Diſtricts or Diviſions reſpectively by the ſaid former Act, is directed to be applied, and to and for no other Uſe or Purpoſe whatſoever.

Application of Rates after Seven Years.

Quantities of Lands hereby rated to be aſcertained in purſuance of Act 22 *Geo.* II.

IV. And be it enacted, That the Quantities of the Lands and Grounds hereby rated, charged, and aſſeſſed, ſhall be taken according to the reſpective Quantities thereof aſcertained in purſuance of the ſaid former Act; and that the reſpective Owners or Occupiers of the ſaid Lands and Grounds ſhall pay the ſeveral Rates and Taxes hereby rated and aſſeſſed, according to the ſame Number of Acres, Roods, and Perches, as they are now rated and taxed at under the ſaid former Act, unleſs it ſhall appear to the Commiſſioners of the ſaid Three Diſtricts or Diviſions reſpectively, at any of their reſpective Meetings, upon Oath, that ſuch Perſon or Perſons do not pay Rates and Taxes for the Number of Statute Acres, Roods, and Perches, Ditches or Fences included, for which they are rated; which Oath any One of the ſaid Commiſſioners is hereby impowered to adminiſter; in which Caſe, it ſhall and may be lawful for the ſaid Commiſſioners reſpectively, or any Five or more of them, at any of their Meetings, and they are hereby impowered, to order and direct ſuch Lands to be ſurveyed or meaſured by an able and experienced Surveyor, whoſe Survey, delivered in to the ſaid Commiſſioners reſpectively, or any Five or more of them, at any of their Meetings, on the Oath of ſuch Surveyor, (ſuch Oath to be adminiſtered by any One of the ſaid Commiſſioners as aforeſaid), ſhall be final and concluſive to all Parties, and ſhall be made at the Coſts and Charges of the Perſon or Perſons applying for the ſame; and the ſaid Commiſſioners reſpectively are hereby impowered and required to rate ſuch Lands according to ſuch Survey.

Application of Tax for Seven Years.

V. And be it further enacted, That the Rates and Taxes hereby charged upon the Lands and Grounds within the ſaid Three Diſtricts or Diviſions, for and during the ſaid Term of Seven Years, ſhall be veſted in and applied and diſpoſed of by the ſaid Commiſſioners for the ſaid reſpective Diſtricts or Diviſions, and their Succeſſors, in the Firſt Place, for and towards the paying and defraying the Charges of this Act, according to an equal and proportionable Acre Rate or Tax of all the Lands within the ſaid Three Diſtricts or Diviſions; and after Payment thereof, in the next Place, for and towards the paying and diſcharging ſuch Debts as ſhall have been incurred and contracted by the ſaid Commiſſioners reſpectively, in and for repairing the ſeveral Works of the reſpective Diſtricts or Diviſions, and in and for repairing or rebuilding any of the Mills, Banks, Headings, Trays, Drains, Tunnels, or other Works within the ſaid Diſtricts or Diviſions reſpectively, or in and for the Purchaſe of any Piece or Pieces of Lands, in order that proper Drains, Slamps, and Soak Banks, might be made, cut, and laid out through the ſame, for conveying the Waters of each Diſtrict the eaſier and quicker to the reſpective Engines for draining the ſame; and after diſcharging ſuch Debts, as aforeſaid, then for and towards the ſeveral Purpoſes of this Act, and to and for no other Uſe, Intent, or Purpoſe whatſoever.

Commiſſioners appointed by the former to execute this Act.

VI. And be it further enacted, That the Commiſſioners contained and appointed for the ſaid Three Diſtricts or Diviſions reſpectively by the ſaid former Act, or elected or choſen in purſuance thereof, and their Succeſſors, ſhall be and are hereby appointed Commiſſioners for carrying into Execution this preſent Act, and all the Powers and Authorities hereby given; and that it ſhall and may be lawful for the ſaid Commiſſioners for the ſaid Three Diſtricts or Diviſions reſpectively, or any Five or more of them, to meet at the ſeveral Times and Places mentioned in the ſaid former Act, as well to put into Execution the ſeveral Powers and Authorities of this Act as of the ſaid former Act, ſo far as the ſame relate to the ſaid Three Diſtricts or Diviſions, and, from Time to Time, to adjourn ſuch Meetings, and meet again at ſuch other Times and Places as they ſhall think proper; and in caſe of the Death, Diſqualification, or Reſignation of any of the ſaid Commiſſioners for the ſaid Three Diſtricts or Diviſions reſpectively, the Vacancy or Vacancies occaſioned thereby ſhall, at all Times after the paſſing of this Act, be filled up by the major Part of the Commiſſioners for the ſaid Three Diſtricts or Diviſions reſpectively, at a Meeting to be held for that Purpoſe, in ſuch and the ſame Manner as by the ſaid former Act is directed, out of the Perſons qualified by the ſaid former Act, to ſit, vote, and act as Commiſſioners under the ſaid Act; and that ſuch Perſon or Perſons ſo to be choſen and elected Commiſſioners as aforeſaid, ſhall and may, after he or they ſhall be ſo choſen and elected a Commiſſioner or Commiſſioners as aforeſaid, ſit, vote, and act as a Commiſſioner or Commiſſioners for the Diſtrict or Diſtricts, Diviſion or Diviſions, for which he or they ſhall be ſo elected and choſen, and ſhall be, and is, and are hereby declared to be a Commiſſioner or Commiſſioners for putting this Act, and the ſaid former Act, in Execution, as far as the ſame relates to the ſaid Three Diſtricts or Diviſions, and ſhall be veſted with the ſame Powers and Authorities as the Commiſſioners appointed by the ſaid former Act for the ſaid Three Diſtricts or Diviſions are veſted with; any Thing to the Contrary notwithſtanding.

The Owner of *Beale's Farm* ſhall be a Commiſſioner.

VII. And be it further enacted, That from and after the paſſing of this Act, the Owner or Proprietor for the Time being of certain Lands lying within Wype Doles, in the ſaid Third and Fourth Diſtricts, called or known by the Name of, and belonging to a certain Farm called Beale's Farm, ſhall be added to, and joined with, the other Commiſſioners acting by virtue of the ſaid former and this preſent Act, for the ſaid Third and Fourth Diſtricts, and ſhall and may act as a Commiſſioner for the ſaid Third and Fourth Diſtricts, and ſhall have the ſame and like Powers for executing the ſaid former and this preſent Act, ſo far as the ſame relates to the ſaid Third and Fourth Diſtricts, as the other Commiſſioners acting by virtue of the ſaid former and this preſent Act are veſted with, in relation to the ſaid Third and Fourth Diſtricts: Provided nevertheleſs, That if the ſaid Lands ſhall at any Time become the Property of more than One Owner or Proprietor; then, and in that Caſe, the Right hereby given to the ſole Owner or Proprietor of the ſaid Lands to act as a Commiſſioner for the ſaid Third and Fourth Diſtricts ſhall for ever after ceaſe and determine, any Thing herein contained to the Contrary notwithſtanding.

Drains may be made through *Wype Doles*, paying 30 Years Purchaſe for Land on groſs Rental.

VIII. And in order that the ſaid reſpective Commiſſioners, or any Five or more of them, may be the better enabled to purchaſe ſuch Lands for the ſaid Purpoſe of draining, be it further enacted by the Authority aforeſaid, That in caſe the ſaid reſpective Commiſſioners, and their Succeſſors, or any Five or more of them, ſhall, at any Time or Times after the paſſing of this Act, think it neceſſary or convenient to make any Drains through any of the Lands called The Near Doles and Far Doles in Wype, in the Third and Fourth Diſtricts, in order that the Waters of ſuch Diſtricts may be conveyed with more Eaſe and Velocity to the ſeveral Mills erected in ſuch reſpective Diſtrict for the draining the ſame; that then, and in that Caſe, it ſhall and may be lawful for the Commiſſioners of ſuch Diſtrict, and their Succeſſors, or any Five or more of them, aſſembled at any Meeting to be held for ſuch Diſtrict, to make and cut, or order to be made and cut, ſuch Drain or Drains in ſuch reſpective Diſtrict, in ſuch Manner as they ſhall think proper, paying to the Owner of the Soil through which ſuch Drain or Drains ſhall be ſo cut, as aforeſaid, at a Rate not exceeding the Rate of Thirty Years Purchaſe upon the groſs reſerved Rent of ſuch Land where the ſame ſhall be ſo cut as aforeſaid, and making proper Bridges over the ſame, in ſuch Places as ſhall be thought moſt proper for the Paſſage of Cattle, Carts, or Carriages, and for ever after repairing, maintaining, and ſupporting the ſame, at the ſole Coſts and Charges of the ſaid reſpective Commiſſioners, and their Succeſſors; and the ſaid Drain or Drains, when cut as aforeſaid, ſhall be, and hereby is and are veſted in the ſaid reſpective Commiſſioners, and their Succeſſors, for the Benefit of ſuch Diſtrict where the ſame ſhall be ſo cut or made.

No Perſon to deſtroy Drains.

IX. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall dam up, fill in, or otherwiſe deſtroy the ſaid Drain or Drains, or moleſt the ſaid Commiſſioners, or their Succeſſors, and their Workmen or Labourers, in the cutting or doing thereof, that they ſhall be ſubject and liable to the ſame Pains, Penalties, and Puniſhments, as are inflicted on Perſons deſtroying Drains or other Works of the ſaid Commiſſioners in and by the ſaid former Act.

Taxes may be levied by Diſtreſs and Sale.

X. And, to the End that the ſaid Rates and Taxes hereby charged and aſſeſſed, may be from Time to Time the more eaſily collected and received, be it further enacted by the Authority aforeſaid, That upon Default made by any Perſon or Perſons ſo aſſeſſed, taxed, and charged, as aforeſaid, in his, her, or their reſpective Payments, to be limited and appointed as aforeſaid, by the Space of Seven Days next after the reſpective Times limited for the Payment thereof, and upon Demand made by the reſpective Collector or Collectors, Receiver or Receivers, or by any other Perſon or Perſons for that Purpoſe, appointed by Warrant or Precept under the Hands and Seals of Three or more of the ſaid Commiſſioners of the ſaid reſpective Diſtricts as aforeſaid, either left at the Dwelling-houſe or Houſes of ſuch Owner or Owners of ſuch Fen Lands or Low Grounds, or at or upon the Fen Grounds and Premiſes ſo reſpectively rated and aſſeſſed as aforeſaid, it ſhall and may be lawful to and for ſuch reſpective Collector or Collectors, Receiver or Receivers, or for any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of Three or more of the reſpective Commiſſioners of ſuch reſpective Diſtricts or Diviſions as aforeſaid, (which ſaid Warrant or Precept ſuch Commiſſioners, or any Three or more of them, are hereby impowered, from Time to Time, to make, as Occaſion ſhall require), to levy the Sum or Sums ſo aſſeſſed, taxed, and charged, and all the Arrears thereof, by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon and Perſons ſo refuſing and neglecting to pay the ſame, wherever ſuch Goods and Chattels ſhall be found, or to diſtrain upon the ſaid Grounds and Premiſes ſo charged with any ſuch Sum or Sums of Money, and the Hay, Corn, and other Goods and Chattels then and there found, and the Diſtreſs ſo taken, to take, lead, drive, carry away, and impound; and impounded, to detain and keep for the Space of Three Days, at the Coſts and Charges of the Owner, Notice being left in Writing upon the Premiſes from which ſuch Diſtreſs ſhall be ſo taken where ſuch Goods and Chattels ſhall be ſo detained and kept; and if the ſaid Owners do not pay the Sum or Sums of Money ſo aſſeſſed, taxed, and charged, together with the Arrears thereof, within the ſaid Space of Three Days, then the ſaid Diſtreſs ſhall be appraiſed by Two or more of the Inhabitants of the Pariſh or Place where the ſame ſhall be ſo taken, or by Two other ſufficient Perſons, and ſhall be ſold by the ſaid reſpective Collector or Collectors, Receiver or Receivers, for Payment of the ſaid Money; and the Overplus coming by ſuch Sale, (if any) over and above the Sum or Sums ſo aſſeſſed, taxed, and charged, and Charges of taking and keeping ſuch Diſtreſs, ſhall be immediately returned to the Owners thereof, or left in the Hands of the Conſtable for the Uſe of ſuch Owners: And that the ſeveral and reſpective Tenant and Tenants of all and ſingular the ſaid Fen Lands and Low Grounds within the ſaid Three Diſtricts, which ſhall be aſſeſſed, taxed, and charged, by virtue of this Act, ſhall, and they are hereby required and authoriſed to pay ſuch Sum and Sums of Money as ſhall be ſo aſſeſſed, taxed, and charged, upon ſuch Fen Lands and Low Grounds, and to deduct out of his, her, or their Rent, ſo much of the ſaid Rate or Tax as the ſaid Fen Lands or Low Grounds, or the Tenant or Tenants, in reſpect thereof, ſhall be aſſeſſed, taxed, and charged with; and the Landlords, both mediate and immediate, according to their reſpective Intereſts, are hereby required to allow ſuch Deduction and Payment, upon Receipt of the Reſidue of their Rents; and that every Tenant, paying ſuch Rate or Tax, ſhall be acquitted and diſcharged for ſo much Money as the ſaid Rate or Tax ſhall amount unto, as if the ſame had been actually paid to ſuch Perſon or Perſons unto whom his or her Rent ſhould have been due and payable, except where there are Leaſes for Three Years, or more; in which Caſe One Moiety, or Half Part of ſuch Rates or Taxes, ſhall be borne and paid by the Landlord or Landlords, and the other Moiety or Half Part thereof by the Tenant or Tenants of ſuch Lands and Tenements ſo in Leaſe for Three Years or more, as aforeſaid.

Tenants to pay, and deduct Charges out of Rent.

If Lands unoccupied, and no Diſtreſs to be taken, Collectors, &c. may diſtrain when occupied.

XI. Provided always, That in caſe any of the ſaid Fen Lands and Low Grounds ſhall at any Time be unoccupied, and no Diſtreſs can be found, by reaſon whereof the Sums of Money ſo aſſeſſed, taxed, and charged thereon, cannot be raiſed; then, and in ſuch Caſe, the Rate or Tax, and the Arrears thereof, ſhall remain a Charge upon the ſaid Lands and Grounds until the ſame ſhall be occupied; and when and as ſoon as the ſame ſhall be ſo occupied, it ſhall and may be lawful for ſuch reſpective Collector and Collectors, Receiver and Receivers, for the Time being, or for any other Perſon or Perſons, by virtue of ſuch Warrant or Precept as aforeſaid, to enter and diſtrain upon the ſaid Fen Lands and Low Grounds when there ſhall be any Diſtreſs thereon to be found, in whatever Poſſeſſion ſuch Fen Lands and Low Grounds ſhall happen to come or be; and the Diſtreſs and Diſtreſſes then and there found, to ſell, if not redeemed within Five Days, by Payment of ſuch Rates and Taxes, and Charges of ſuch Diſtreſs and Sale, rendering the Overplus to the Owner or Owners of ſuch Diſtreſs in Manner as aforeſaid.

Commiſſioners may borrow Money.

XII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Commiſſioners of the ſaid Three Diſtricts reſpectively, or any Seven or more of them, to borrow, take up, and receive, any Sum or Sums of Money that they ſhall think proper upon the Credit of the ſeveral Rates and Taxes by this Act charged upon the Lands and Grounds in the ſaid reſpective Diſtricts, and, by Writing, without Stamp, under the Hands and Seals of any Seven or more of the ſaid Commiſſioners, to mortgage, charge, aſſign, and convey, or incumber the Rates and Taxes within each reſpective Diſtrict, with and for the Repayment of the Sums ſo borrowed, with ſuch Intereſt, at ſuch Times, and with ſuch Proviſoes and Conditions of Redemption, as ſhall be agreed upon; and ſuch Monies ſhall be ſeparately and diſtinctly borrowed for the Uſe of each Diſtrict; and it ſhall be particularly ſet forth in every ſuch Aſſignment for which of the ſaid Diſtricts ſuch Monies are ſo reſpectively borrowed.

What Sums of Money ſhall be borrowed.

XIII. Provided always, and be it enacted, That no more than the Sum of One thouſand Pounds ſhall be borrowed or owing, at any One Time, on the Credit or Security of the ſaid Rate or Tax of One Shilling and Sixpence an Acre, charged by this Act upon the ſaid Third Diſtrict; and that no more than the Sum of One thouſand five hundred Pounds ſhall be borrowed or owing, at any One Time, on the Credit or Security of the ſaid Rate or Tax of One Shilling and Sixpence an Acre, charged by virtue of this Act, upon the ſaid Fourth Diſtrict; and that no more than the Sum of One thouſand five hundred Pounds ſhall be borrowed or owing, at any One Time, on the Credit or Security of the ſaid Rate or Tax of One Shilling an Acre, charged by this Act, upon the ſaid Fifth Diſtrict; and that the ſeveral and reſpective Rates and Taxes in the ſaid Three Diſtricts or Diviſions reſpectively, ſhall not, during the Time any Principal Monies or Intereſt ſhall be due on the ſeveral Securities thereof, be leſs in any One Year than the ſeveral Sums charged upon each of the ſaid Diſtricts reſpectively, in which ſuch Principal or Intereſt ſhall be owing.

Aſſignments to be tranſferrable.

XIV. And be it further enacted, That the ſaid Mortgages and Securities ſo to be made by the ſaid ſeveral and reſpective Commiſſioners of the ſaid ſeveral and reſpective Rates and Taxes ariſing within the ſaid reſpective Diſtricts, ſhall and may be aſſignable or transferrable by Indorſement on the original Grant, or Security thereof made, or otherwiſe, without Stamp, to any Perſon or Perſons whomſoever; and the Perſon or

Perſons, to whom ſuch Aſſignment or Transfer ſhall be made, ſhall and may, from and after the Time that the ſame is entered in a Book, to be kept for that Purpoſe, be well and ſufficiently intitled to ſuch Mortgage Monies, and Intereſt, and all the Monies due, and to grow due thereon; which Entries are hereby required to be made on Requeſt, and producing ſuch Aſſignment, and paying Two Shillings and Sixpence for every ſuch Entry; and ſuch Aſſignee and Aſſignees ſhall and may, in like Manner, by Indorſement, or otherwiſe, without Stamps, aſſign and make over ſuch Mortgage or Mortgages, and Securities, ſo aſſigned as aforeſaid, and ſo toties quoties, as Occaſion may require, every ſuch Aſſignment or Transfer being entered in ſuch Book as aforeſaid.

Taxes chargeable with Money borrowed.

XV. Provided always, and be it enacted, That all and every the Rates and Taxes raiſed within each reſpective Diſtrict, by virtue of this Act, ſhall be chargeable with the Payment of the Principal Money ſo to be borrowed by the ſaid Commiſſioners reſpectively, and the Intereſt of ſuch Money, from Time to Time, and ſhall veſt in the Creditors of the ſaid Diſtrict for which the ſame ſhall be ſo borrowed, upon Default of Payment of ſuch Principal Money and Intereſt, until the ſame, and every Part thereof, ſhall be fully ſatiſfied and paid, together with the Coſts and Charges occaſioned by the Nonpayment thereof; and the ſaid Creditors, their Executors, Adminiſtrators, and Aſſigns reſpectively, ſhall have the ſame Powers, Rights, and Privileges, of aſſeſſing, raiſing, and recovering the ſeveral Rates and Taxes payable by the ſeveral Owners and Occupiers of Lands and Grounds within the ſaid Three Diſtricts reſpectively, for or in reſpect of ſuch Principal Money and Intereſt, in caſe of Default of Payment thereof, as the ſaid reſpective Commiſſioners, and their reſpective Collectors and Receivers, could have, in caſe ſuch Principal Money and Intereſt had been regularly and fully paid and ſatiſfied.

Commiſſioners to elect a Receiver for each Diſtrict;

XVI. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners of each of the ſaid Diſtricts or Diviſions reſpectively, and they, or any Five or more of them, are hereby required, yearly, and every Year, to elect, from Time to Time, a Perſon reſiding in the Townſhip of Whittleſey aforeſaid to be their Receiver of the Rates and Taxes aſſeſſed by this Act for the Year enſuing; and they are hereby impowered to pay and allow unto ſuch Receiver, out of the Money ariſing by this Act, ſuch Sum and Sums of Money, by way of Salary, or otherwiſe, as a Recompence for ſuch Receiver's Trouble and Expences, as they, or any Five or more of them, ſhall ſee proper.

and to take Security from them.

XVII. And be it further enacted, That the ſaid reſpective Commiſſioners of each of the ſaid Diſtricts, or any Five or more of them, are hereby required and authoriſed to take ſuch Security from the ſaid Receiver or Receivers reſpectively, for the due Execution of his and their Office, and alſo for his and their yearly, or oftener, paſſing his and their Accounts for all Monies received and diſburſed out of the ſeveral Rates and Taxes, as to them ſhall ſeem meet.

Officers to account yearly,

XVIII. And be it further enacted by the Authority aforeſaid, That Once in every Year, (that is to ſay), at the yearly General Meeting to be held for the ſaid Diſtricts reſpectively, or on any ſubſequent Day to which the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall adjourn, Inſpection ſhall be had by the ſaid reſpective Commiſſioners, or any Five or more of them, of the Receipts and Diſburſements of ſuch Monies as ſhall have been raiſed and received by virtue of the ſaid former or this Act, in and relating to the ſaid Three Diſtricts reſpectively, for the Year then laſt paſt; and all Accounts relating to the ſaid reſpective Diſtricts, ſhall be at ſuch Meeting made up and ſettled by the ſeveral Commiſſioners appointed for each of the ſaid Diſtricts, or any Five or more of them then aſſembled; at which Time the ſeveral Treaſurers, Collectors, or Receivers, of the ſaid Rates and Taxes, are hereby required to attend with proper Books of Accounts of their Receipts and Diſburſements, and all Vouchers for the ſame; and on conſidering and examining the ſaid Accounts, and all other Accounts of the Receipts and Diſburſements of the Money raiſed and received by virtue of the ſaid former or this Act, within or in relation to the ſaid Three Diſtricts reſpectively, upon Oath, if the ſame ſhall be required by any Five or more of the Commiſſioners for each of the ſaid Three Diſtricts reſpectively, (which Oath any One of the ſaid Commiſſioners is hereby impowered to adminiſter), the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to allow and paſs under their Hands the ſaid Account or Accounts, or ſuch Part or Parts thereof as they ſhall think juſt and reaſonable; and ſuch Account or Accounts, or ſuch Part or Parts thereof as ſhall be ſo paſſed and allowed as aforeſaid, ſhall be fairly entered in Two diſtinct or ſeparate Books, to be kept for that Purpoſe for each of the ſaid Diſtricts; One of which Books ſhall be kept by the Treaſurer or Treaſurers, or ſuch other Perſon or Perſons as the ſaid Commiſſioners for ſuch Diſtrict, or any Five or more of them, ſhall appoint, and the other of the ſaid Books ſhall be depoſited in the Town Cheſt of Whittleſey aforeſaid, and may be inſpected and peruſed, at all reaſonable Times, by or at the Requeſt of any Perſon or Perſons rated or taxed in purſuance of this Act, on paying Sixpence for peruſing the ſame: And in caſe there ſhall appear to be in the Hands of ſuch Treaſurer, Receiver, or other Officer, on the paſſing of ſuch Accounts, any Sum or Sums of Money due to the ſaid Commiſſioners on the Balance of the ſaid Accounts; that then ſuch Treaſurer or Treaſurers, Receiver or Receivers, or other Officer or Officers, ſhall pay over the ſame to the ſaid Commiſſioners reſpectively, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall, by any Writing or Writings under their Hands reſpectively, authoriſe or impower to receive the ſame; and in caſe ſuch Treaſurer, Receiver, or other Officer, ſhall not give in and make ſuch Account and Payment as aforeſaid, or ſhall refuſe ſo to do, and to deliver up all Books, Papers, and Writings, in his Cuſtody, relating to the Execution of the ſaid former or this Act, within the ſaid Three Diſtricts, that then any One or more Juſtice or Juſtices of the Peace

which the Commiſſioners are to paſs.

Accounts to be entered.

for the ſaid Iſle of Ely, ſhall and may make Inquiry of and concerning ſuch Default as aforeſaid in a ſummary Way, as well by Confeſſion of the Party as by the Teſtimony of One or more credible Witneſs or Witneſſes, upon Oath, (which Oath the ſaid Juſtice or Juſtices is and are hereby required and impowered to adminiſter without Fee or Reward); and if any ſuch Treaſurer, Collector, Receiver, or other Officer, ſhall be convicted of all or any of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall, upon ſuch Conviction, commit the Party to the common Gaol for the ſaid Iſle of Ely, there to remain without Bail or Mainprize until he ſhall have made a perfect Account and Payment as aforeſaid, and delivered up all ſuch Books, Papers, and Writings, in his Cuſtody, or until he ſhall have compounded and agreed with the reſpective Commiſſioners for each reſpective Diſtrict, or any Five or more of them, and have paid ſuch Compoſition-money; which Compoſition the ſaid reſpective Commiſſioners, or any Five or more of them, are hereby authoriſed and impowered to make.

Orders and Proceedings of Commiſſioners to be entered in Books.

XIX. Provided always, and be it enacted, That all Orders and Proceedings of the ſaid Commiſſioners, at any Meeting to be held for each of the ſaid Diſtricts reſpectively, ſhall be entered in diſtinct Books, to be provided and kept for that Purpoſe; and ſuch Orders and Proceedings, ſo entered, ſhall be ſigned by Five or more of the ſaid Commiſſioners ſo aſſembled at ſuch Meeting for ſuch reſpective Diſtrict, and, being ſo ſigned, ſhall be deemed and taken to be Original Orders; and all ſuch Books, and alſo the Books hereby directed to be kept for regiſtering the Securities, Aſſignments, and Transfers, ſhall and may be read in Evidence on all Trials at Law of any Suits or Actions, touching any Thing done in relation to or in purſuance of this Act, or of the ſaid former Act.

Orders not to be reverſed.

XX. And be it enacted, That no Order which ſhall be made by the ſaid Commiſſioners of the ſaid Three Diſtricts or Diviſions reſpectively, or any Five or more of them, aſſembled at any of their Meetings to be held by virtue of this Act, or the ſaid former Act, ſhall be altered, reverſed, annulled, or made void, at any ſubſequent Meeting, unleſs Notice in Writing, ſigned by Three of the ſaid Commiſſioners, be delivered to the ſaid Commiſſioners for the Diſtrict or Diviſion for which ſuch Meeting is intended to be held, or affixed on the Outſide of the Door of the Pariſh Church of Whittleſey Saint Mary, Seven Days before ſuch ſubſequent Meeting, ſetting forth the Intent and Meaning of ſuch Meeting; at which Meeting no leſs Number than Seven Commiſſioners for the ſaid Third Diſtrict or Diviſion ſhall be preſent, and Five of ſuch Commiſſioners ſhall be aſſenting to the Reverſal of ſuch Order; and for each of the other Two Diſtricts or Diviſions Nine of the ſaid Commiſſioners ſhall be preſent at ſuch Meeting, and Seven of ſuch Commiſſioners ſhall be aſſenting to the Reverſal of ſuch former Order.

To prevent the erecting of Horſe Mills, &c.

XXI. And be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, after the paſſing of this Act, ſet up, uſe, erect, or work any Horſe Mill, Gig, Engine, or other Device whatſoever, for draining or diſcharging Water from any Land in the ſaid Three Diſtricts or Diviſions reſpectively, through or upon the Lands of any other Perſon or Perſons, or in any other Manner than directly and immediately from the Lands of the reſpective Owner of ſuch Mill, Gig, Engine, or other Device, into a certain Drain called Whittleſey Dyke, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon who ſhall or will ſue for the ſame; and the Owner of ſuch Mill, Gig, or other Device, ſhall alſo make full Compenſation and Satisfaction to all and every Perſon and Perſons who ſhall be injured thereby, for the Damages ſuch Perſon or Perſons ſhall thereby ſuſtain; and ſuch Penalty, Compenſation, and Satisfaction, ſhall be recovered, together with full Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, in which no Eſſoin, Protection, Wager of Law, or more than One Imparlance, ſhall be allowed.

Penalty of cutting Turves, &c. is 5 *l.* for each Rood,

XXII. And whereas the Owners and Proprietors of Lands within the ſaid Three Diſtricts or Diviſions reſpectively frequently cut and dig up the ſame for Firing, near the Banks of the Rivers running through the ſame, by which Means the Waters of the ſaid Rivers ſoak through the ſaid Banks, to the great Prejudice of the Lands ſo intended to be drained; in order therefore to prevent the ſame for the future, be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, from and after the paſſing of this Act, cut or dig any Turves, Hods, or Seſſes, within the ſaid Three Diſtricts or Diviſions reſpectively, within the Diſtance of Sixty Feet from any Bank which now is, or hereafter may be made by virtue of this Act, or the ſaid former Act, every Perſon ſo offending ſhall forfeit and pay the Sum of Five Pounds for every Rood of ſuch Turves, Hods, or Seſſes, ſo cut or digged as aforeſaid; and if any Perſon or Perſons ſhall make, or cauſe to be made, any Soak Dike, Ditch, or Soak Gripple, in or upon any of the ſaid Fen Lands or Low Grounds, within the ſaid Three Diſtricts or Diviſions reſpectively, within the Diſtance of Ninety Feet from the Banks of the ſaid River called Whittleſey Dyke, or Old Bevil's River, and Thirty Feet from any other Bank now made, or hereafter to be made, within the ſaid Three Diſtricts or Diviſions reſpectively, every ſuch Perſon ſo offending ſhall forfeit and pay, for every ſuch Offence, Four-pence, for every Foot in Length of ſuch Soak Dike, or Soak Gripple, and the like Sum for every Month for which the ſame ſhall be continued; and the ſaid Commiſſioners for the ſaid Three Diſtricts or Diviſions reſpectively, or any Five or more of them, are hereby authoriſed and impowered, at the Coſts and Charges of the Owner or Owners, or Occupier or Occupiers, of ſuch Lands wherein ſuch Soak Dike or Soak Gripple ſhall be made, to fill up and level the ſame; which ſaid reſpective Forfeitures ſhall, upon Conviction of the Offender or Offenders, before any One or more Juſtice or Juſtices of the Peace for the ſaid Iſle of Ely, not intereſted in the Premiſes, upon the Oath of One or more credible Witneſs or Witneſſes, (which Oath ſuch Juſtice or Juſtices is and are hereby required and impowered to adminiſter), be immediately paid into the Hands of the Treaſurer of the Diſtrict or Diviſion where ſuch Offence ſhall be committed, to be

and for cutting Soak Dikes, &c. 4 *d* for every Foot.

applied for the Improvement of the Works of ſuch Diſtrict or Diviſion; and in caſe of Nonpayment thereof, ſuch reſpective Forfeitures ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of the Juſtice or Juſtices of the Peace before whom ſuch Conviction ſhall be made, and for Want of ſuch ſufficient Diſtreſs, ſuch Offender or Offenders ſhall, by ſuch Juſtice or Juſtices, be committed to the Houſe of Correction for the ſaid Iſle of Ely, there to be kept to hard Labour for ſuch Time as ſuch Juſtice or Juſtices ſhall order and direct, not exceeding Three Calendar Months, or until ſuch Forfeiture or Forfeitures ſhall be paid.

Engines and Mills to be inſured.

XXIII. And be it further enacted by the Authority aforeſaid, That the ſaid reſpective Commiſſioners for the ſaid Diſtricts reſpectively, or any Five or more of them, ſhall cauſe all and every the Engines and Mills already erected upon the ſaid Three Diſtricts, or any of them, by virtue of the ſaid former Act, or which ſhall be erected and employed by virtue of this Act, to be inſured againſt Fire in ſome of the publick Inſurance Offices, and, from Time to Time, to pay the Expence attending ſuch Inſurance out of the Money ariſing from the ſaid former or this Act.

For catching Moles and Vermin.

XXIV. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, may, and they are hereby impowered, out of the Monies ariſing in or upon the ſaid Diſtricts reſpectively, to make ſuch Allowances for catching or deſtroying Moles or other Vermin in the Banks and Lands belonging to or in the ſaid Diſtricts reſpectively, as they the ſaid Commiſſioners, or any Five or more of them, ſhall think proper.

To prevent Buildings or Holts being built or planted within 40 Poles of a Mill.

XXV. Provided always, and be it enacted, That from and after the paſſing of this Act, no Houſes or Buildings ſhall be erected in any of the ſaid Diſtricts, without the Conſent in Writing of Two-thirds of the Commiſſioners acting for each of the ſaid Diſtricts or Diviſions, and aſſembled at a Meeting for that Purpoſe, or any other Obſtruction whatſoever laid or placed, (except Stacks of Corn or Hay in Yards already laid out for that Purpoſe), or Trees or Holts planted in the ſaid Diſtricts, or on the Outſide thereof, or any of them, within Forty Poles (being the Pole of Eighteen Feet) of any Mill or Engine already built, erected, or employed, or hereafter to be built, erected, or employed, for draining the Fen Lands and Low Grounds within the ſaid ſeveral Diſtricts; and if any Perſon or Perſons ſhall build or erect any Houſe, Barn, or other Building, or ſhall plant any Tree or Holt, or place, lay, or put, any other Obſtruction within any leſs Diſtance than Forty Poles of any ſuch Mill or Engine, (except with ſuch Permiſſion from the ſaid Commiſſioners as before mentioned), every ſuch Perſon ſhall forfeit and pay, for every ſuch Houſe and Building, the Sum of One hundred Pounds, to any Perſon who ſhall ſue for the ſame; One Moiety thereof to be paid to the Perſon ſo ſuing for the ſame, and the other Moiety to be paid to the Receiver or Collector for the Time being for ſuch reſpective Diſtrict, as the Caſe ſhall be; ſuch Penalty, Compenſation, and Satisfaction, to be recovered, together with Double Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, in which no Eſſoin, Protection, Privilege, Wager of Law, or more than One Imparlance, ſhall be allowed; and for every Tree the Sum of One Shilling, and Five Pounds for every Holt or other Obſtruction ſo planted or laid as aforeſaid; which ſaid Penalties of One Shilling, and Five Pounds, ſhall and may be recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, in ſuch Diſtrict where the ſaid Offence ſhall be committed, by Warrant under the Hand and Seal of any Juſtice of the Peace of the Iſle of Ely; which Warrant ſuch Juſtice is hereby impowered to iſſue; and the ſaid Commiſſioners, or any Five or more of them, are hereby impowered, at any of their Meetings, by an Order under the Hands and Seals of any Five or more of them, to order their Agents or Servants to take down ſuch Buildings ſo erected, and to pull up and remove ſuch Trees, Holts, and other Obſtructions, ſo placed contrary to this Act.

Trees and Holts may be removed.

XXVI. Provided always, and it is hereby enacted, That if any Trees or Holts are now growing within the Diſtance of Forty Poles from any Mill or Engine already built, or hereafter to be built within the ſaid Three Diſtricts, it ſhall and may be lawful for the ſaid Commiſſioners, or any Three or more of them, by like Order under their Hands and Seals, to order the ſame to be taken up or pulled down, as if the ſame had been planted ſince the paſſing of this Act, making ſuch Satisfaction out of the Monies ariſing by virtue of this Act, within ſuch reſpective Diſtrict, to the Owners of ſuch Trees or Holts, as ſhall be agreed upon betwixt ſuch Owners and the ſaid Commiſſioners; and in caſe any Difference or Diſpute ſhall ariſe betwixt the ſaid Commiſſioners and ſuch Owner touching ſuch Satisfaction, and the ſame cannot be ſettled between them, then ſuch Satisfaction and Recompence ſhall be finally ſettled and determined by Two Juſtices of the Peace for the ſaid Iſle of Ely, not intereſted in the Premiſes, whoſe Determination ſhall be final to all Parties.

Houſes burnt or blown down may be rebuilt.

XXVII. Provided nevertheleſs, That in caſe any Houſe or Building now erected and ſtanding in the ſaid Diſtricts ſhall happen to be burnt down, or blown down by Wind or Tempeſt, or deſtroyed by any other inevitable Accident, that it ſhall and may be lawful for the Owner or Proprietor thereof to rebuild the ſame upon the ſame Scite or Spot of Ground on which the ſaid Houſe or Building ſtood before it was burnt or blown down, and to build at the Back of ſuch Building any other Building, Shed, or Lean-to, ſo as the ſame be built and erected in ſuch Manner as not to obſtruct or hinder the working of any Mill or Engine already erected, or hereafter to be erected by the Authority of this Act; any Thing herein-before contained to the Contrary thereof notwithſtanding.

Diſtreſs not to be deemed unlawful for want of Form.

XXVIII. And be it further enacted by the Authority aforeſaid, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or want of Form in the Summons, Conviction, Notice, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satiſfaction for the Special Damage in an Action upon the Caſe.

Limitation of Actions.

XXIX. Provided always, and be it enacted, That if any Action, Suit, or Information, ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing done, or to be done, in purſuance of this Act, or in Execution of the Powers and Authorities thereby given, every ſuch Action, Suit, or Information, ſhall be commenced or proſecuted within Twelve Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid or brought in the County of Cambridge, or in the Iſle of Ely, or One of them, and not elſewhere; and the Defendant or Defendants, in ſuch Actions or Suits, ſhall and may plead the General Iſſue, not Guilty; and if in Replevin, may juſtify and avow, by virtue of this Act, as Perſons acting under and by Authority of Commiſſioners of Sewers are enabled to do, and give this Act, and the Special Matter, in Evidence, without ſpecially pleading the ſame, other than as aforeſaid, at any Trial to be had thereupon, and that the ſame was done in Purſuance and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done; or if any ſuch Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought in any other County or Juriſdiction, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs ſhall become nonſuit, or forbear Proſecution, or diſcontinue his or their Suit or Suits; or if any Judgement ſhall be given againſt him, her, or them, upon Demurrer, or otherwiſe; then, or in any of the ſaid Caſes, the Defendant or Defendants, Avowant or Avowants, ſhall recover Double Coſts, for which he, ſhe, or they, ſhall have like Remedy as where Coſts by Law are awarded.

General Iſſue.

Double Coſts.

This Act not to alter the former Act.

XXX. Provided always, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to repeal, alter, or take away, any of the Clauſes, Powers, and Authorities, given by the ſaid former Act, to the Commiſſioners acting by virtue and in purſuance thereof; but that every Clauſe, Power, and Authority, therein contained, ſhall remain and be in the ſame Force and Effect as if this Act had never been made, any Thing herein contained to the Contrary notwithſtanding: But that all the Clauſes, Powers, and Authorities, given by the ſaid former Act, ſhall, ſo far as the ſame relate to the ſaid Three Diſtricts or Diviſions, extend, and be conſtrued to extend, to this Act, as fully and effectually as if the ſame were repeated and re-enacted in this preſent Act.

Rights of the Corporation ſaved to themſelves.

XXXI. Provided always, and be it enacted, That all ſuch lawful Rights, Powers, Juriſdictions, and Authorities, ſhall be ſaved and reſerved unto the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, called Bedford Level, and their Succeſſors, and to all and every other Perſon and Perſons, his, her, and their Heirs, Executors, and Adminiſtrators, now veſted in, and enjoyed by them, as are not hereby taken away, altered, or repealed.

Publick Act.

XXXII. And be it further enacted and declared, That this Act ſhall be deemed and allowed in all Courts within this Kingdom, and upon all Occaſions whatſoever, to be a Publick Act; and ſhall be judicially taken Notice of as ſuch, by all Courts, Judges, and other Perſons, without ſpecially pleading the ſame.

CAP. XXVIII.

An Act to enlarge the Cœmetery or Churchyard of the Pariſh of *Watford*, in the County of *Hertford*, and to make an additional Building to the preſent Workhouſe for the Reception of the Poor of the ſaid Pariſh; and for other Purpoſes therein mentioned.

Preamble.

WHEREAS the Church-yard of the Pariſh of *Watford*, in the County of *Hertford*, is of very little Extent, and for a long Time paſt has been, and continues to be, too ſmall for the convenient and decent Interment of the Dead: And whereas the ſaid Pariſh of *Watford* is a large extenſive Pariſh, and the Inhabitants thereof are become very numerous, and by the great Increaſe of the Poor of the ſaid Pariſh of *Watford*, the preſent Workhouſe belonging thereto is become inſufficient to contain them, whereby an additional Building to the preſent Workhouſe is now very much wanted, for the better Reception and Employment of the ſaid Poor: And whereas by an ancient Deed of Feoffment, bearing Date on or about the Twenty-firſt Day of *February*, in the Year of our Lord One thouſand five hundred and eighty, perfected by Livery of Seiſin, *Francis* then Earl of *Bedford*, Knight of the moſt Noble Order of the Garter, and *Brigette* Counteſs of *Bedford*, his Wife, gave, granted, and confirmed, a certain Piece of Land, lying and being in *Watford*, in the County of *Hertford*, containing by Eſtimation Three Roods and Two Perches, be the ſame more or leſs, as it lay incloſed with Hedges and Ditches, in a certain Place there called *The Parſonage Barn Yard*, and lying between a Lane called *New Street*, of the South and Eaſt Parts, and the *Parſonage Barn* of the North and Weſt, and upon a certain Cloſe called *New Barn Cloſe*, on the South and Weſt, and upon the ſaid Lane called *New Street*, towards the North and Weſt, and all thoſe Eight Tenements, Houſes, or Meſſuages, and the Appurtenances, by the Appointment of the ſaid *Brigette* Counteſs of *Bedford*, erected upon Part of the ſaid Piece of Ground, with Eight Crofts adjoining to the ſaid Eight Meſſuages or Houſes, unto *Arthur* Lord *Graye*, Sir *Henry Nevell* Knight, Sir *John Souche* Knight, *Anthony Tarrall* Eſquire, *Miles Sans* Eſquire, *John Busſhye* Eſquire, *Charles Huſey* the elder, Eſquire, *Charles Huſey* the younger, Eſquire, and *John Huſey* Gentleman, their Heirs and Aſſigns, to the Uſe of them, their Heirs and Aſſigns for ever; to the Intent neverthleſs, that they, and their Heirs and Aſſigns, and all other Perſons who ſhould thereafter be enfeoffed of and in the Premiſes, or any Part thereof, ſhould, (amongſt other Things), from Time to Time, for ever thereafter, permit ſuch Eight poore

Almes-women, as, by a Writing thereto annext, ſhould be appointed or declared to inhabit or dwell in the ſaid Eight Meſſuages or Tenements, during the Life of each poore Woman: And to the further Intent and Purpoſe, that when the ſaid Feoffees, or any other Perſons who ſhould thereafter be enfeoffed in the Premiſes, or any Part or Parcel thereof, ſhould be reduced to Two or One, that the Survivors or Surviver ſhould enfeoff Six, Five, or Four other Perſons, and their Heirs, to the Uſe of them and their Heirs; upon Truſt nevertheleſs, and to the Intent that they who ſhould thereafter be enfeoffed in the Premiſes, their Heirs and Aſſigns, ſhould permit and act in all Things as therein before is mentioned: And whereas by the ſaid Writings ſo annexed to the ſaid Deed of Feoffment, and bearing equal Date therewith, the ſaid Earl and Counteſs of *Bedford* did appoynte, noteſie, and declare, that the ſaid Eight poore Women, and every of them, during the Lyffe of the ſaid Counteſſe, ſhould be thereunto appointed, elected, and choſen by the ſaid Counteſſe onlye; and that after her Death, the Nomination and Appointment of ſuch poore Women ſhould for ever apertayne to the Heirs of the Counteſſe, in Manner therein expreſſed: And whereas, by Indentures of Leaſe and Releaſe, bearing Date reſpectively the Fourth and Fifth Days of *September*, One thouſand ſeven hundred and ſixty, the Releaſe being Tripartite, and made, or mentioned to be made, between the Right Honourable *Ann Holles* Earl of *Eſſex*, Viſcount *Malden*, and Baron *Capel* of *Hadham*, only Son and Heir of the Right Honourable *William* late Earl of *Eſſex*, deceaſed, by the Right Honourable *Elizabeth* Counteſs of *Eſſex*, his Wife, (then Counteſs Dowager of *Eſſex*) of the Firſt Part; the Right Honourable the Lady *Frances Hanbury Williams*, Widow, and the Right Honourable the Lady *Mary Forbes*, the Wife of the Honourable *John Forbes*, then One of the Lords Commiſſioners of the Admiralty, of the Second Part; and the moſt Noble *John* Duke of *Bedford*, the Right Honourable *Edward* Earl of *Oxford* and *Mortimer*, and the ſaid *Elizabeth* Counteſs Dowager of *Eſſex*, of the Third Part; in Conſideration of a Marriage had and ſolemnized between the ſaid *Ann Holles* Earl of *Eſſex* and *Frances* late Counteſs of *Eſſex*, his Wife; and in purſuance of certain Articles of Agreement, bearing Date on or about the Thirty-firſt Day of *July*, One thouſand ſeven hundred and fifty-four, (and therein recited), ſo far as the Uſes and Truſts thereof were then ſubſiſting, and could be carried into Execution, and for other the Conſiderations therein mentioned, the ſaid *Ann Holles* Earl of *Eſſex* did grant and convey all that Rectory or Parſonage of *Watford*, and the Advowſon of the Vicarage of the Church of *Watford*, in the ſaid County of *Hertford*, together with all and ſingular other the Manors, Lands, Rectories, Tithes, Tenements, and Hereditaments whatſoever, of him the ſaid *Ann Holles* Earl of *Eſſex*, in the ſaid County of *Hertford*, and in the County of *Middleſex*, (except a certain Meſſuage or Tenement and Farm, and all and ſingular the Lands and Appurtenances thereto belonging, at *Leaveſden*, in the Pariſh of *Watford* aforeſaid, formerly a Wood, and known by the Name of *Leaveſden Wood*), and alſo except a certain other Meſſuage, Tenement, or Farm, with all and ſingular the Lands and Appurtenances thereto belonging, ſituate at or near *Barnet*, in the ſaid County of *Hertford*, (therein particularly mentioned and deſcribed), unto the ſaid Lady *Frances Hanbury Williams*, and Lady *Mary Forbes*, and their Heirs, to the Uſes therein after limited; (that is to ſay), To the Uſe of the ſaid *Ann Holles* Earl of *Eſſex*, for his Life, without Impeachment of Waſte; Remainder to the Uſe of the ſaid Lady *Frances Hanbury Williams* and Lady *Mary Forbes*, and their Heirs, to preſerve contingent Uſes and Eſtates; Remainder to the Uſe of the ſaid *John* Duke of *Bedford*, *Edward* Earl of *Oxford* and *Mortimer*, and *Elizabeth* Counteſs Dowager of *Eſſex*, their Executors, Adminiſtrators, and Aſſigns, for the Term of One thouſand Years, without Impeachment of Waſte; in Truſt by Sale or Mortgage of the Premiſes ſo limited to them, for the ſaid Term of One thouſand Years, or of a competent Part thereof, for all or any Part of the ſaid Term, or by the Rents and Profits thereof, or by Sale of Timber thereupon growing, to raiſe the Sum therein mentioned, for the Portion of Lady *Elizabeth Capel*, the Daughter of the ſaid *Ann Holles* Earl of *Eſſex*, by the ſaid *Frances* late Counteſs of *Eſſex* his Wife, to be paid to her at ſuch Age or Time, in ſuch Manner, and with ſuch Maintenance, as therein is mentioned; with a Declaration, that after the Performance of the ſaid Truſts therein mentioned, the ſaid Term of One thouſand Years ſhould ceaſe, determine, and be abſolutely void; and after the End or other ſooner Determination of the ſaid Term of One thouſand Years, to the Uſe of the Right Honourable *George* Lord Viſcount *Malden*, the only Son of the ſaid *Ann Holles* Earl of *Eſſex*, by the ſaid Lady *Frances*, his late Wife, and the Heirs Male of his Body; Remainder to the right Heirs of the ſaid *Ann Holles* Earl of *Eſſex*, for ever: And whereas the ſaid Rectory and Parſonage of *Watford*, and the Advowſon of the Vicarage of the Church of *Watford*, together with divers Manors, Lands, and Hereditaments, is alſo charged with and now remains ſubject and liable to the Payment of a large Annuity or yearly Rent Charge to the ſaid *Elizabeth* Counteſs Dowager of *Eſſex*, (Mother of the ſaid *Ann Holles* Earl of *Eſſex*), for her Life: And whereas the moſt convenient and contiguous Pieces of Ground for the Enlargement of the Cœmetery or Church-yard of the Pariſh of *Watford*, and for making a Road in the Place and Stead of the preſent Road, which lieth between and ſeparateth the preſent Cœmetery or Church-yard from the Court or Alms-yard belonging to the ſaid Alms-houſes, conſiſt of the whole of the ſaid Alms-yard or Court-yard belonging to the ſaid Alms-houſes, and of a ſmall Part of a Garden belonging to One of the ſaid Alms-houſes, and alſo of a Nook, or ſmall Parcel of Land, being Part of a certain Cloſe or Yard, called *Almonwick Yard*, and which ſaid laſt-mentioned Cloſe or Yard is Part or Parcel of the Rectory or Parſonage of *Watford*, in the ſaid County of *Hertford*; which ſaid Pieces of Ground, together with the preſent Road, ſo lying contiguous to and being convenient for the Enlargement of the ſaid Church-yard, and for making ſuch new Road, as aforeſaid, contain in the Whole about Half an Acre, little more or leſs: And whereas the ſaid *Ann Holles* Earl of *Eſſex* hath, from Time to Time, as the Heir and Deſcendent of the ſaid *Brigette* Counteſs of *Bedford*, appointed poor Women to inhabit and dwell in the ſaid Alms-houſes, but no Feoffment appears to have been made by the ſurviving Truſtees or Truſtee named in the ſaid Deed of Feoffment, bearing Date the ſaid Twenty-firſt Day of *February*, One thouſand five hundred and eighty, of the ſaid Meſſuages, Lands, and Premiſes, thereby ſettled and aſſured to ſuch charitable Uſes as are herein-before mentioned, and at this very remote Period of Time it is apprehended that it would be very difficult, if not impracticable, to diſcover which of them the ſaid *Arthur* Lord *Graye*, Sir *Henry Nevell*, Sir *John Souche*, *Anthony Tarrall*, *Miles Sans*, *John Buſhye*, *Charles Huſey* ſenior, *Charles Huſey* junior, Eſquires; and *John Huſey* Gentleman, was the Survivor or longeſt Liver, and who is now the Heir of ſuch Survivor; and, admitting that ſuch Heir could be found, yet, by reaſon of the charitable Uſes and Truſts limited and declared of and concerning the ſaid Alms-yard or Court-yard, and other the Premiſes compriſed in the ſaid ancient Deed of Feoffment, no Part thereof could be appropriated, or effectually conveyed or aſſured for the Purpoſes aforeſaid, without the Aid of an Act of Parliament: And whereas the ſaid *Elizabeth* Counteſs Dowager of *Eſſex*, the ſaid *Ann Holles* Earl of *Eſſex*, and the ſaid *George* Lord Viſcount *Malden*, and Lady *Elizabeth Capel*, the only Son and Daughter of ſaid *Ann Holles* Earl of *Eſſex* by the ſaid *Frances* late Counteſs of *Eſſex*, his Wife, deceaſed, are the only Perſons now in being who have any Eſtate, or are intereſted in the Manors, Lands, Rectories, Tithes, Tenements, and Hereditaments, in the ſaid County of *Hertford*, compriſed in and entailed by the ſaid Deed of Releaſe or Settlement of the ſaid Fifth Day of *September*, One thouſand ſeven hundred and ſixty: And the ſaid *Ann Holles* Earl of *Eſſex*, on the Behalf of himſelf, and of the ſaid *George* Lord Viſcount *Malden*, his Son, and the ſaid Lady *Elizabeth Capel*, his Daughter, who are both Infants under the Age of Twenty-one Years; and the ſaid *Elizabeth* Counteſs Dowager of *Eſſex*, and alſo *Anne Bowden*, *Mary Prieſt*, *Elizabeth Hone*, *Suſanna Moſſendew*, *Elizabeth Pitkin*, *Anne Bone*, *Ruth Hodſdon*, and *Martha Lemon*, the Eight poor Perſons now inhabiting and reſiding in the ſaid Alms-houſes, ſo ſettled in and by the ſaid Deed of Feoffment of the Twenty-firſt of *February*, One thouſand five hundred and eighty, as aforeſaid, are willing and deſirous that the ſaid Cœmetery or Church-yard of *Watford* aforeſaid ſhall and may be enlarged and made convenient for the Burial of the Dead, by the Addition of the ſaid ſeveral ſmall Pieces or Parcels of Land before mentioned, lying contiguous thereto, or ſo much thereof reſpectively as ſhall be neceſſary; and, in order to anſwer the pious Intentions, and other the Purpoſes in this Act mentioned, that the Fee-ſimple and Inheritance of the ſaid Pieces or Parcels of Land and Premiſes, or ſo much thereof as ſhall be convenient and neceſſary, ſhall be granted and conveyed by the ſaid *Ann Holles* Earl of *Eſſex*, and *Thomas Clutterbuck* the elder, of *Great Stanmore*, in the County of *Middleſex*, Gentleman, or the Survivor of them, or his Heirs, to proper Truſtees to be appointed by this Act, and their Heirs and Succeſſors; but by reaſon of the ſtrict Uſes, Truſts, and Limitations, created by the ſaid Deeds of Feoffment and Settlement reſpectively, the ſame cannot be effectuated, nor can the ſaid Cœmetery or Church-yard be enlarged, or made convenient, or the ſaid preſent Road altered or taken away, without the Aid and Authority of an Act of Parliament; may it therefore pleaſe Your moſt Excellent Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Reverend the Lord Biſhop of London, and the Vicar and Churchwardens of the ſaid Pariſh of Watford for the Time being, and the ſaid Ann Holles Earl of Eſſex; the Right Honourable Thomas Lord Hyde, Baron of Hindon, in the County of Wilts; John Aſkel Bucknall, Richard Capper, Richard Phrip, Samuel Moody, Nicholas Martin, and Thomas Clutterbuck the younger, Eſquires; Joſhua Pickerſgill, John Dyſon, Thomas Deacon, Jonathan Cox Lovett, Thomas Munn, William Smith, John Ailway, George Philip Ehret, John Edlin Tuach, and Thomas Nicholl, Gentlemen; being Owners of Land in or Inhabitants of the ſaid Pariſh of Watford, ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution.

Truſtees appointed to put this Act in Execution.

Truſtees not to act when intereſted.

II. Provided always, and be it enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, during the Time he ſhall hold any Office or Appointment to which any Salary or pecuniary Profit ſhall be annexed by virtue of this Act; nor ſhall any ſuch Truſtee, on his own private Account, enter into any Contract, or have any Share or Intereſt in any Contract, relating to the Execution of any of the Powers in this Act.

Time and Place of Truſtees Meetings.

III. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, to meet together in the Veſtry-room of the ſaid Pariſh on the Wedneſday Fortnight next after the paſſing of this Act, or as ſoon after as conveniently may be, between the Hours of Nine of the Clock in the Forenoon and Two of the Clock in the Afternoon; and the ſaid Truſtees ſhall then and there proceed to put the ſaid Act in Execution, and then, and from Time to Time afterwards, adjourn themſelves to meet, or meet according to ſuch Notice as is hereinafter directed to be given at ſuch Place or Places within the ſaid Pariſh, as ſuch Truſtees ſhall think proper and convenient.

Notice to be given of Truſtees Meetings.

IV. Provided always, and it is hereby enacted and declared, That, of all the Meetings to be held in purſuance of this Act, (unleſs by Adjournments), previous Notice ſhall be given in the Church of the Pariſh of Watford aforeſaid, on the Sunday next before ſuch Meeting, (which Notice the Miniſter or Curate of the ſaid Pariſh is hereby required to read and give, or cauſe to be read and given), and alſo by Writing to be affixed on the Door of the ſaid Church, and likewiſe on the Market Poſt on the Tueſday next after ſuch Notice ſhall be given in the Pariſh Church, as aforeſaid; which Notice ſhall ſet forth the Day, Hour, and Place of ſuch Meeting; and at all ſuch Meetings the ſaid Truſtees ſhall pay their own Expences.

Truſtees to pay their own Expences.

Truſtees to appoint Officers;

V. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, at any publick Meeting to be held in purſuance of this Act, to appoint a Treaſurer and Clerk, and alſo ſuch One or more fit and ſkilful Perſons, (if they ſhall think proper ſo to do), as may be neceſſary for any of the Purpoſes of this Act, or that may be neceſſary and proper to execute any Rules, Orders, and Regulations, to be made in purſuance of the ſame, with ſuch Allowances as ſhall be judged reaſonable by the ſaid Truſtees, or any Seven or more of them, ſo aſſembled as aforeſaid; and ſhall and may take Security, if they ſhall think proper, from ſuch Treaſurer and Clerk, or any other Perſon or Perſons ſo to be employed and appointed as aforeſaid, or any of them; and likewiſe may, from Time to Time, remove

take Security; and remove them, and appoint others;

move ſuch Officer or Officers, or other Perſon or Perſons, and appoint others in the Room of ſuch of them as ſhall be ſo removed, or that ſhall die, or may diſcontinue any ſuch Officer or Officers, when they ſhall think proper ſo to do; and ſuch Truſtees ſo aſſembled as aforeſaid, or any Seven or more of them, ſhall and may, out of the Monies ariſing by this Act, pay, or cauſe to be paid, ſuch Salaries or other Allowances as the ſaid Truſtees ſhall judge reaſonable, for and in Conſideration of his and their Employment and Service reſpectively, and to ſuch other Perſon or Perſons as ſhall be aiding and aſſiſting in and about the Execution of this Act.

and allow them Salaries.

VI. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act the ſeveral Pieces or Parcels of Ground herein-after particularly mentioned, ſhall be, and the ſame are hereby veſted in the ſaid Ann Holles Earl of Eſſex, and Thomas Clutterbuck the elder, and their Heirs; and that it ſhall and may be lawful for the ſaid Ann Holles Earl of Eſſex, and Thomas Clutterbuck the elder, and the Survivor of them, and the Heirs and Aſſigns of ſuch Survivor, and they are hereby authoriſed, enabled, and required, by any Deed or Deeds. Writing or Writings, under their Hands, or under the Hand of the Survivor of them, and the Heirs and Aſſigns of ſuch Survivor, to be executed in the Preſence of Two or more credible Witneſſes, to grant, releaſe, and convey, to the ſaid Truſtees appointed by this Act, or ſuch of them as ſhall be then living, and their Heirs and Succeſſors, all that Piece or Parcel of Ground, containing by Admeaſurement One Rood and Two Perches, little more or leſs, being the Court-yard or Alms-yard lying in Front of and belonging to the ſaid Eight Alms-houſes herein-before mentioned, and abutting towards the Eaſt on the preſent Road, near the Wall of the ſaid Church-yard, and towards the Weſt on the ſaid Alms-houſes; and alſo all that ſmall Part or Nook of a Garden belonging to One of the ſaid Alms-houſes, in the Poſſeſſion of the ſaid Anne Bowden, containing by Admeaſurement One Perch, little more or leſs; and alſo all that ſmall Piece, Nook, or Corner, of the ſaid Cloſe or Yard, called Almonwick Yard, above particularly mentioned, and which ſaid Nook or Corner containeth by Admeaſurement Thirty-three Perches, little more or leſs, and abutteth upon and is bounded by the ſaid Alms-yard towards the South, and the ſaid preſent Road and a Gate and Engine-houſe belonging to the ſaid Pariſh of Watford towards the Eaſt; and alſo all ſuch Part of the preſent Road, containing by Admeaſurement Thirty-two Perches, little more or leſs, as lieth between the ſaid Nook or Corner of the ſaid Cloſe or Yard, called Almonwick Yard, the ſaid Alms-yard, and the South End of the ſaid Alms-houſes, and the preſent Church-yard, and the Meſſuage, Cottage, and Yard, belonging to and occupied by John Whitfeld Eſquire, towards the South, (all which ſaid ſeveral Pieces of Ground and Road, ſo intended to be appropriated for the Purpoſes in and by this Act expreſſed, contain together Two Roods and Twenty-eight Perches, little more or leſs): And that from and after the executing of ſuch Deed or Writing, Deeds or Writings, by the ſaid Ann Holles Earl of Eſſex, and Thomas Clutterbuck the elder, or the Survivor of them, or the Heirs or Aſſigns of ſuch Survivor, as aforeſaid, the ſaid Truſtees, and their Heirs and Succeſſors, ſhall and may hold, occupy, poſſeſs, and enjoy, the ſaid ſeveral Pieces or Parcels of Ground, and the ſaid Road, or ſo much thereof reſpectively as ſhall be granted or releaſed to them, for all or any of the Purpoſes in and by this Act expreſſed, by virtue of the Authority hereby given, freed, and abſolutely diſcharged, indemnified, and protected, from and againſt all and every the Uſes, Truſts, Limitations, Powers, Proviſoes, Conditions, and Agreements, limited, expreſſed, or contained, either in the ſaid Deed of Feoffment, bearing Date the Twenty-firſt Day of February, One thouſand five hundred and eighty, and Writing thereunto annexed, bearing equal Date therewith, or in the ſaid Indenture of Releaſe or Settlement, dated the ſaid Fifth Day of September, One thouſand ſeven hundred and ſixty, each and every of them.

Several Parcels of Ground veſted in the Earl of *Eſſex*, *&c* may be conveyed to Truſtees;

and, after Conveyance, Truſtees, their Heirs, *&c.* may occupy the ſaid Land for the Purpoſes of the Act.

VII. And be it further enacted by the Authority aforeſaid, That the ſaid Ann Holles Earl of Eſſex, and Thomas Clutterbuck the elder, and their Heirs, ſhall be, and they, and each and every of them, are hereby indemnified and ſaved harmleſs, for and in reſpect of their or either of their executing ſuch Grant, Releaſe, or Conveyance, as aforeſaid; and alſo for or in reſpect of every other Act and Acts, Matters and Things, which they, or any or either of them, ſhall or may do, execute, or perform, in purſuance of this Act, and the Power hereby given to them reſpectively.

Lord *Eſſex* and Mr. *Thomas Clutterbuck* the elder, indemnified.

VIII. And be it further enacted by the Authority aforeſaid, That from and after the Firſt Day of June, in the Year of our Lord One thouſand ſeven hundred and ſeventy-two, all the above mentioned ſeveral Pieces or Parcels of Ground, and every Part thereof, with their Appurtenances, and the ſaid preſent Road, ſo containing together Two Roods and Twenty-eight Perches, little more or leſs, and hereby directed to be conveyed and aſſured to the ſaid Truſtees, as aforeſaid, or ſuch Part or Parts thereof reſpectively as ſhall be neceſſary and proper to be employed and made uſe of for the Purpoſes herein next after mentioned, ſhall be annexed to the Coemetery or Church-yard of the ſaid Pariſh of Watford, and ſhall alſo for ever be, and be deemed, taken, and uſed, as and for an additional Part of the Coemetery or Church-yard of the ſaid Pariſh of Watford, to all Intents and Purpoſes whatſoever.

The Cœmetery to be enlarged.

IX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, their Heirs and Succeſſors, and they are hereby directed and required, at any Time after the ſaid Firſt Day of June, One thouſand ſeven hundred and ſeventy-two, to convey and aſſure the Quantity of Fourteen Perches, little more or leſs, being all ſuch Part of the preſent Road or Way as lies between the ſaid Alms-houſes, the Alms-yard, and the ſaid Meſſuage or Tenement and Cottage, in the Poſſeſſion of the ſaid John Whitfeld, and as ſhall not be neceſſary to be employed in making the new Road, intended to ſupply the Place of the preſent Road; and alſo all ſuch Part of the ſaid preſent Road as lieth in Front of the ſaid laſt-mentioned Cottage, and of the Yard belonging to the ſaid John Whitfeld, and as extendeth itſelf Northward to the South-eaſt Corner of the ſaid Alms-houſe Yard, and to that Part of the Wall of the preſent Church-yard which is directly oppoſite to the ſaid Corner of the ſaid Alms-yard,

Small Piece of Ground, not neceſſary in making the new Road, to be a new Road to the Church.

unto the ſaid John Whitfeld, and his Heirs, for ſuch Price or Conſideration as to the ſaid Truſtees for the Time being ſhall ſeem meet, ſuch Price or Conſideration to be applied and diſpoſed of towards defraying the Charges and Expences incident to or attending the obtaining and paſſing of this Act; and alſo that ſo much and ſuch Part of the ſaid Court or Alms-yard, and of the ſaid ſmall Piece or Nook, being Part of the ſaid Cloſe or Yard called Almonwick Yard, as ſhall not be neceſſary to be appropriated for all or any of the Purpoſes aforeſaid, ſhall, together with the ſaid Piece or Nook of the Garden in the Occupation of the ſaid Anne Bowden, be appropriated and ſet apart for a new Road to the Church, between the ſaid Alms-houſes and the ſaid new-intended Wall, in lieu and ſtead of the preſent Road.

Truſtees to enter into Contracts,

X. And be it further enacted and declared by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, at any publick Meeting to be holden in purſuance of this Act, to receive Propoſals from, and contract with any Surveyor, or Builder or Builders, or with Workmen, for the erecting a Wall or Walls to incloſe the additional Ground within the ſaid Coemetery or Churchyard, and for making the ſaid new Road to the Church between the ſaid Alms-houſes and the ſaid new-intended Wall, in lieu and ſtead of the preſent Road; and alſo for erecting an additional Tenement or Building to the preſent Workhouſe, and properly furniſhing the ſame, for the better Reception and Employment of the Poor of the ſaid Pariſh, and for finding and providing Materials and Furniture for that Purpoſe; and alſo to make Contracts for, or purchaſe or provide any other Materials, Matters, or Things, neceſſary and proper for the effectually carrying into Execution the Purpoſes of this Act; which Contract and Contracts ſhall ſpecify the ſeveral Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſaid Works ſhall be completed, and the Quantity and Quality of the Materials to be delivered, and the Penalties to be ſuffered or ſuſtained, in caſe of Nonperformance of ſuch Contract or Contracts; and which Contract or Contracts ſhall be ſigned by the ſaid Truſtees, or any Seven or more of them, and alſo by the Perſon or Perſons ſo reſpectively contracting, and ſhall be entered in a Book or Books, to be kept for that Purpoſe by the

giving 21 Days Notice,

Clerk to the ſaid Truſtees; but, previous to the making any ſuch Contract, Twenty-one Days Notice at the leaſt ſhall be given in Writing, and be fixed by ſuch Clerk to the ſaid Truſtees on the Outſide of the Porch or Church Door of the ſaid Pariſh of Watford, and alſo on the Market Poſt in the ſaid Town of Watford, expreſſing the Intention of making ſuch Contracts, in order that any Perſon or Perſons may have an Opportunity of ſending Propoſals, under Seal, to any of the ſaid Truſtees, or of making ſuch Propoſals at a certain Time and Place in ſuch Notice to be mentioned;

and taking Security.

and it ſhall and may be lawful to and for the ſaid Truſtees, ſo aſſembled as aforeſaid, to take ſuch Security from any Perſon or Perſons for the Performance of any Contract or Contracts for the Purpoſes aforeſaid, as to the ſaid Truſtees ſhall ſeem neceſſary.

Surveyors to inſpect the Works.

XI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, and they are hereby directed to cauſe all and every the Works to be done in purſuance of this Act to be inſpected by a Surveyor, or by ſuch other ſkilful Perſon or Perſons as they ſhall from Time to Time appoint; and in caſe the ſame ſhall not be well and ſufficiently performed, according to the true Intent and Meaning of ſuch Contract or Contracts, or ſhall not be finiſhed or completed at or within the Time or Times that the ſame is or are agreed

Truſtees may bring Actions for Nonperformance.

to be completed, ſuch Surveyor, or other Perſon or Perſons, ſhall report the ſame to the ſaid Truſtees, or any Seven or more of them, at their next, or any other ſubſequent Meeting, who ſhall and may, in their own Name or Names, or in the Names of any Two or more of them, or in the Name of their Treaſurer for the Time being, bring an Action of Debt, or upon the Caſe, in any of His Majeſty's Courts of Law at Weſtminſter, againſt any Perſon or Perſons ſo contracting and neglecting to perform the ſame, in the Manner, or in the Time ſet forth in any ſuch Contract, for any Penalty or Penalties which ſhall be contained in any ſuch Contract or Security, or for any Breach of the Covenants or Agreements therein reſpectively to be contained; and on proving the ſigning the ſame, and Nonperformance thereof, the ſaid Truſtees ſhall be intitled to, and ſhall recover ſuch Penalty or Penalties, and which, when recovered, ſhall be applied for the Purpoſes of this Act.

Truſtees may compound with Perſons.

XII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, from Time to Time, according to the beſt of their Judgement, without Partiality, to compound and agree with any Perſon or Perſons ſo contracting, and neglecting to perform the Contract, in Manner, or within the Time therein expreſſed, for any Penalty or Penalties contained in any Contract or Contracts, Security or Securities, or Damages for ſuch Sum or Sums of Money as they ſhall think reaſonable.

Truſtees may raiſe Money by granting Annuities for Lives.

XIII. And foraſmuch as borrowing a reaſonable and adequate Sum or Sums of Money upon the Credit of this Act, by granting Annuities for Lives, will not only be the leaſt burthenſome to the Owners of Lands in, and Inhabitants of, the ſaid Pariſh, but alſo the moſt ſpeedy and effectual Method to accompliſh the Purpoſes aforeſaid, be it therefore further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay to the ſaid Truſtees, or to any Seven or more of them, from Time to Time, or to ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall, by any Writing under their Hands, authoriſe and impower to receive the ſame, for the Uſes before mentioned, any Sum or Sums of Money, not exceeding in the Whole the Sum of One thouſand five hundred Pounds, for the abſolute Purchaſe of One or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of each ſuch Contributor reſpectively, or the natural Life of ſuch other Perſon as ſhall be nominated by or on the Behalf of each ſuch reſpective Contributors, at the Time of Payment of their reſpective Purchaſe or Contribution Money; which Annuity or Annuities ſhall not exceed the Rate of Ten Pounds per Annum for every One hundred Pounds, and ſo in proportion for any greater or leſſer Sum ſo to be advanced and paid as aforeſaid; and the ſaid Annuities ſhall be payable and paid by the ſaid Truſtees, or any Seven or more of them, in the Veſtry Room of the ſaid Pariſh, or at ſuch other Place in the ſaid Pariſh as they, or any Seven or more of them, ſhall for that Purpoſe appoint, by equal Half-yearly Payments, or otherwiſe, as in the Grant or Grants thereof ſhall be reſpectively expreſſed, and to commence from the Receipt of any Sum or Sums of Money reſpectively; and ſuch Annuity or Annuities ſhall not be ſubject or liable to any Deduction or Abatement for or in reſpect of any Tax, Charge, or Aſſeſſment impoſed, or to be impoſed, by the Authority of Parliament, or otherwiſe howſoever, upon the Lands, Tenements, or Perſons charged therewith, or by whom, or out of which the ſame are to be anſwered and paid; nor ſhall any ſuch Annuitant or Annuitants, their Executors, Adminiſtrators, or Aſſigns, or any of them, be anſwerable or accountable for the Miſapplication or Nonapplication of, or liable to make good any Loſs that ſhall or may happen, in or of any ſuch Purchaſe or Conſideration-money, that ſhall be ſo advanced or paid as aforeſaid, or any Part thereof.

Notice to be given of borrowing Money.

XIV. Provided always, and it is hereby enacted and declared, That previous to the Grant or Sale of ſuch Annuities, in order to raiſe the ſaid Sum of One thouſand five hundred Pounds, or any Part thereof, One Calendar Month's Notice at the leaſt ſhall Four or more different Days be given in ſome One or more of the publick Newspapers, and the like previous Notice in Writing ſhall, in Manner aforeſaid, be fixed on the Outſide of the Church Door of the ſaid Pariſh, and on the Market Poſt in the Town of Watford, expreſſing the Intention of the Grant or Sale of ſuch Annuity or Annuities, ſo as to raiſe the ſaid Sum of One thouſand five hundred Pounds, or any Part thereof, in order that any Perſon may have an Opportunity to deliver in Propoſals for what annual Intereſt per Centum they are willing to lend or advance their Money; and the ſaid Truſtees, or any Seven or more of them, ſhall (if they think any ſuch Propoſals reaſonable) give the Preference to the loweſt Propoſer, Regard being had to the Circumſtances of Age and Health; and the ſaid Annuities ſhall, at ſuch Meeting or Meetings, be granted or ſold by the ſaid Truſtees, or any Seven or more of them, to the beſt Advantage they can.

Contributors Names, and the Sums paid in, to be entered in Books.

XV. And be it further enacted by the Authority aforeſaid, That there ſhall be provided by the ſaid Truſtees, and kept in the Veſtry Room of the ſaid Pariſh, or in ſuch other Place within the ſaid Pariſh as the ſaid Truſtees, or any Seven or more of them ſhall appoint, a Book or Books, in which ſhall be fairly written, in Words at Length, the Names and Surnames, with the proper Additions and Places of Abode, of all Perſons who ſhall be Purchaſers of any of the Annuities aforeſaid, and of all Perſons by whoſe Hands the ſaid Purchaſers ſhall pay in any Sum or Sums of Money upon the Credit of this Act; and alſo the Sum and Sums ſo paid for the Purchaſe of ſuch Annuities, and the reſpective Days of Payment thereof; and alſo by the ſame, or any other Books, to ſhew the Application of all Sums of Money raiſed in purſuance of this Act; to which Book or Books it ſhall and may be lawful for the ſaid reſpective Purchaſers, and their Aſſigns, or any Perſon or Perſons who ſhall be liable to any Aſſeſſments to be made by virtue of this Act, from Time to Time, and at all ſeaſonable Times, to have Recourſe, and to inſpect the ſame without Fee or Reward; and the ſaid Truſtees ſhall cauſe an Account to be made up yearly of all Monies paid by them in ſuch Year, and ſhall cauſe the Balance of ſuch Account to be carried on and accounted for in the next Year's Account; and ſhall alſo eſtimate or ſtate all Monies due from and payable by the ſaid Truſtees, or their Collectors, and alſo all Monies due from and payable by the ſaid Truſtees, by virtue of this Act.

Annuitants impowered to ſue for and recover the Annuities and Arrears.

XVI. And, for the more effectual ſecuring to the ſaid Annuitants the full and regular Payment of their reſpective Annuities as aforeſaid, be it further enacted by the Authority aforeſaid, That if it ſhall happen that the ſaid reſpective Annuities ſo as aforeſaid to be granted or ſold, or any Part thereof, ſhall be behind or unpaid by the Space of Thirty Days next after the ſame ſhall reſpectively become due and payable as aforeſaid, (being demanded), they the ſaid Annuitants reſpectively, and his and their reſpective Executors, Adminiſtrators, and Aſſigns, are hereby impowered, from Time to Time, to commence and proſecute One or more Action or Actions at Law upon the Caſe, or in Debt, in any of His Majeſty's Courts of Record at Weſtminſter, in order to recover ſuch Annuity or Annuities or yearly Sums, and all Arrears thereof, that ſhall be due to him, her, or them reſpectively, againſt the Treaſurer or Receiver appointed by the ſaid Truſtees for the Time being refuſing or neglecting to pay the ſame; and ſhall and may, upon ſuch Action or Actions, recover the Money ſo due and payable: And moreover, if a Verdict paſſes for the Plaintiff or Plaintiffs in ſuch Action or Actions, he, ſhe, or they, ſhall recover Full Coſts, and ſhall have the like Remedies for the ſame as by the Law is allowed in other Caſes.

Annuities may be transferred.

Aſſignments may be entered in a Book.

XVII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Purchaſer or Purchaſers of any ſuch Annuities, and his, her, and their Aſſigns, to aſſign over their reſpective Annuities, and the Deeds of Grant, or Securities for the ſame, to any Perſon or Perſons whomſoever; all which Aſſignments or Transfers ſhall be produced and notified to the Clerk appointed by the ſaid

Truſtees, within Thirty Days after the Date thereof, who ſhall cauſe an Entry of ſuch Tranſfers or Aſſignments to be made in a proper Book or Books, to be provided for that Purpoſe, containing, in Words at Length, the Dates, Names of the Parties, and the Annuity therein mentioned to be aſſigned and transferred, for which the Clerk ſhall be paid the Sum of Two Shillings and Sixpence, and no more; all which ſaid Books ſhall and may, at all ſeaſonable Times, be peruſed and inſpected, without Fee or Reward, by any Perſon or Perſons intereſted in any ſuch Security, Aſſignment, or Annuity; and after ſuch Entry made, ſuch Aſſignment and Tranſfer ſhall intitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, or Aſſigns, to the Benefit thereof, and Payment thereon; and ſuch Aſſignee may in ſuch Manner aſſign or transfer again, and ſo toties quoties; and it ſhall not be in the Power of any Perſon, who ſhall have made ſuch Aſſignment and Tranſfer, to make void or diſcharge the ſame, or any Monies due thereon.

Clerk's Fees.

Proviſo.

XVIII. Provided always, That no Aſſignment ſhall be deemed good and effectual, nor ſhall the Truſtees be obliged to take Notice thereof, until ſuch Entry ſhall have been made in ſuch Book or Books as aforeſaid.

A Rate of 6 *d.* in the Pound to be raiſed for the Purpoſes of defraying the Expences of this Act;

XIX. And, for the more effectually ſecuring the Payment of the ſaid Annuities ſo to be granted or ſold, for the raiſing Money to pay for the incloſing the ſaid Pieces or Parcels of Ground, ſo to be annexed to the ſaid Church-yard, and making the ſame fit and commodious for the Burial of the Dead; as alſo for the erecting and furniſhing the additional Building for the better Reception and Employment of the Poor; and likewiſe for making the ſaid intended Road, and all Charges and Expences incident to and attending the obtaining and paſſing this Act; be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of June, One thouſand ſeven hundred and ſeventy-two, it ſhall and may be lawful to and for the ſaid Truſtees herein-before named and appointed, or any Seven or more of them, being Owners of Land in, or Inhabitants of, the ſaid Pariſh, and they are hereby required to make, or cauſe to be made, as ſoon as conveniently may be, after that Time, an Aſſeſſment or Aſſeſſments, upon all and every the Lands, Houſes, Mills, Shops, Warehouſes, or Tenements, and Hereditaments, within the ſaid Pariſh, ſo as the ſame do not exceed in the Whole Sixpence in the Pound of the yearly Rent of ſuch Lands, Houſes, Mills, Shops, Warehouſes, Tenements, or Hereditaments, as the ſame ſhall at the Time of making ſuch Aſſeſſment or Aſſeſſments ſtand charged and rated to the Land-tax, Two-third Parts whereof ſhall be ſuſtained and paid by the reſpective Landlords and Owners of the ſaid Lands, Houſes, Mills, Shops, Warehouſes, Tenements, and Hereditaments reſpectively, and the remaining One-third Part ſhall be ſuſtained and paid by the reſpective Inhabitants, Tenants, or Occupiers thereof; which ſaid Aſſeſſment or Aſſeſſments, and all Arrears that ſhall or may become due, or remain unpaid thereof, ſhall and may be collected from the Tenants or Occupiers by the Collector or Collectors of the Land-tax for the Time being, or ſuch other Perſon or Perſons as the ſaid Truſtees, or any Seven or more of them, ſhall appoint, who are hereby required to give Receipts gratis to the Perſon or Perſons paying the ſame; and the ſaid Tenants and Occupiers ſhall and may deduct and detain out of the Rents payable to the Landlords and Owners of the ſaid Premiſes the ſaid Two-third Parts of ſuch Rate or Aſſeſſment ſo to be made and collected; and the ſaid Landlords, mediate or immediate, according to their reſpective Intereſts, are hereby required to allow to ſuch Tenants ſuch Deductions and Payments accordingly: And every Tenant paying ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, for and upon the Landlord's Account, ſhall be acquitted and diſcharged of and from ſo much Money as the ſame ſhall amount unto, as fully and effectually as if the ſame had been actually paid to any ſuch Landlord or Landlords, or other Perſon or Perſons, to whom his or her Rent was or ſhould have been paid or payable.

Two-thirds to be paid by Owners, and One Third by Tenants.

Tenants to make up Deficiencies, and deduct the ſame out of their Rents.

Collectors of the Land tax to attend on Two Days Notice given them, and produce their Aſſeſſments.

XX. And, for the more perfect, exact, and certain making and collecting all and every the Aſſeſſment and Aſſeſſments, hereby authoriſed to be made, be it further enacted by the Authority aforeſaid, That the Collector or Collectors for the Time being of the Land-tax, rated and charged upon every or any Part of the ſaid Pariſh, and every of them, upon Two Days Notice to him or them reſpectively given, or left at his or their reſpective Place or Places of Abode, by any Servant or Agent, to be employed by the Truſtees herein-before named, ſhall, and they are hereby required to attend with and to produce and ſhew the ſeveral Land-tax Aſſeſſments in the Cuſtody of each of them reſpectively, at the Time and Times of making the Aſſeſſment or Aſſeſſments, purſuant to this Act, to the Truſtees herein named, or ſuch of them as ſhall be aſſembled and met together for that Purpoſe.

Power of Truſtees.

XXI. And be it further enacted by the Authority aforeſaid, That they the ſaid Truſtees, and the Survivors of them, or any Seven or more of them, ſhall be, and are hereby impowered to demand, receive, and take of and from the Collectors, the Monies ariſing by the Aſſeſſment or Aſſeſſments herein-before mentioned, which Monies ſhall be by the ſaid Truſtees, or any Seven or more of them, paid and applied to and for the ſeveral Uſes and Purpoſes aforeſaid, and in ſuch Manner as herein-after is mentioned: And in caſe any Perſon or Perſons ſhall neglect or refuſe to pay ſuch Aſſeſſment or Aſſeſſments, then it ſhall and may be lawful to and for the ſaid Truſtees, or any

Rates may be levied by Diſtreſs.

Seven or more of them, for the Time being, or any Perſon or Perſons whom they, or any Seven or more of them, ſhall, by any Writing under their Hands and Seals, appoint and authoriſe, to levy the ſaid Aſſeſſment or Aſſeſſments upon every or any of the Perſon or Perſons liable to pay the ſame, according to the true Intent and Meaning of this Act, by Diſtreſs of the Goods and Chattels belonging to the Perſon and Perſons neglecting or refuſing to pay the ſame; and the Goods and Chattels ſo diſtrained to detain and keep until ſuch Aſſeſſment or Aſſeſſments, and the reaſonable Charges of ſuch Diſtreſs, ſhall be paid; and that it ſhall and may be lawful to and for ſuch Perſon and Perſons ſo diſtraining, after the Space of Three Days next after ſuch Diſtreſs taken, to ſell the Goods and Chattels ſo diſtrained, returning the Overplus, if any be, to the Owner or Owners thereof, after ſuch Aſſeſſment or Aſſeſſments, and the reaſonable Charges for or by reaſon of diſtraining, keeping, and ſelling the ſame, ſhall be deducted.

Collectors to have Allowance for their Trouble in collecting,

and pay the Rates to the Receiver appointed by the Truſtees.

Receiver to give Security.

Collectors to enter Sums collected in a Book,

and to account upon Oath.

XXII. And be it further enacted by the Authority aforeſaid, That the ſaid Collector or Collectors for the Time being, and every of them, ſhall have and be intitled to ſuch Allowance, for all ſuch Sum and Sums of Money, as he ſhall ſo collect as aforeſaid, for his Trouble in collecting the ſame, as the Truſtees, or any Seven or more of them, ſhall appoint, ſo as the ſame ſhall not at any Time exceed Sixpence in the Pound; and ſhall, from Time to Time, pay over all and every Sum and Sums of Money, by them reſpectively collected and received, after deducting or retaining ſuch Allowance, as herein laſt before is mentioned, to ſuch Perſon or Perſons as the ſaid Truſtees, or any Seven or more of them, ſhall, by any Writing or Writings under their Hands, authoriſe and impower to receive the ſame, (ſuch Treaſurer or Receiver giving a reaſonable Security to the ſaid Truſtees, or any Seven or more of them, for his due and faithful Execution of his ſaid Office), to be for the Purpoſes of, and according to, the Intent and Meaning of this Act, and not otherwiſe: And that every ſuch Collector ſhall fairly enter, or cauſe to be entered, in One or more Book or Books, to be kept for that Purpoſe, all and every Sum and Sums of Money which they, and every of them, ſhall have reſpectively received or collected by virtue of this Act, or by virtue of any Power or Authority in purſuance thereof, with the reſpective Times of their receiving the ſame; and ſhall, upon Oath, as often as required by the ſaid Truſtees, or any Seven or more of them, to be made before One or more Juſtice or Juſtices of the Peace of the Liberty of Saint Alban, in the ſaid County of Hertford, (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter), give a true, exact, and perfect Account in Writing, under his or their Hand or Hands, of all the Monies which he or they ſhall have collected, levied, or received.

Loſſes how to be made good.

XXIII. And be it further enacted by the Authority aforeſaid, That in caſe any of the Monies collected or received by virtue of this Act ſhall be loſt by Inſolvency, or otherwiſe, the ſaid Truſtees, or any Seven or more of them, ſhall and may make a new additional Rate or Aſſeſſment, or Rates or Aſſeſſments, for ſupplying and making good ſuch Deficiencies, and the Charges occaſioned by or on account of the ſame, which ſhall be collected and levied in Manner aforeſaid, any Thing herein contained to the Contrary notwithſtanding.

Rates collected chargeable with the Payment of Annuities.

On Default of Payment, the Rates to veſt in the Annuitants, until Annuities and Coſts be fully paid.

XXIV. And be it further enacted by the Authority aforeſaid, That the Aſſeſſment or Aſſeſſments herein directed to be collected and paid, ſhall be charged and chargeable with and for the Payment of the Annuity or Annuities ſo granted or ſold; and in caſe of Default of Payment of the ſaid Annuity or Annuities within the Space of Forty Days next after the Time or Times when the ſame ſhall become due and payable, the Monies due on ſuch Aſſeſſment or Aſſeſſments ſhall be from thenceforth veſted in the Perſon or Perſons who ſhall have contributed, advanced, and paid ſuch Sum or Sums of Money upon the Credit of this Act, or his, her, or their Executors, Adminiſtrators, or Aſſigns, until the ſame ſhall be fully paid and ſatisfied, and all Coſts and Charges occaſioned by the Nonpayment of the ſame; and ſuch Perſon and Perſons who ſhall contribute, advance, and pay the ſaid Monies, or his, her, or their Executors, Adminiſtrators, or Aſſigns, ſhall, in caſe the ſame Annuity or Annuities ſhall be unpaid for the Space of Forty Days as aforeſaid, and until full Payment thereof, with all Coſts and Charges aforeſaid, have the ſame Power, Rights, and Privileges of aſſeſſing, collecting, diſtraining for, and levying the ſaid Aſſeſſment or Aſſeſſments, payable by virtue of this Act, as the ſaid Truſtees, or any of them, could have had, in caſe the ſaid Annuity or Annuities had been regularly and fully paid.

Commencement and Continuance of the Rates.

XXV. And be it further enacted by the Authority aforeſaid, That the Aſſeſſment or Aſſeſſments to be made in purſuance or by virtue of this Act ſhall take Place from ſuch Time as ſhall be appointed by the ſaid Truſtees, or any Seven or more of them; and that the like Aſſeſſment or Aſſeſſments ſhall thenafter be made yearly, and Once or oftner in every Year, and be collected and levied in ſuch Manner and Proportion as the Firſt Aſſeſſment or Aſſeſſments is or are herein-before directed to be made, collected, and levied, and ſhall be and continue for and during the natural Life or Lives only of ſuch Perſon or Perſons reſpectively as ſhall have contributed, advanced, and paid, any Sum or Sums of Money, purſuant to this Act, (if any ſuch ſhall be contributed, advanced, and paid as aforeſaid); and in caſe no ſuch Annuity or Annuities ſhall be granted or ſold, or no ſuch Sum or Sums of Money ſhall be contributed, advanced, or paid, on account thereof, then, during ſo long Time, and until the Charges and Expences of annexing or incloſing the ſaid Pieces or Parcels of Ground ſo to be annexed to the ſaid Church-yard, and making the ſame fit and commodious for the Burial of the Dead; and alſo until the Expences of erecting and furniſhing the new additional Building to the ſaid Workhouſe, for the better Reception and Employment of the Poor of the ſaid Pariſh; and likewiſe the Expences of making the ſaid new-intended Road, and all other Charges incident thereunto; and alſo the Expences of applying for and obtaining this Act, ſhall be fully paid and ſatisfied: And from and after the Determination of ſuch Annuity or Annuities as ſhall be granted or ſold as aforeſaid, and Satisfaction made of all ſuch Sum and Sums of Money ſo to be contributed, advanced, and paid, as aforeſaid; and alſo from and after the Payment and Satisfaction of the Charges and Expences laſt before mentioned, (in caſe no ſuch Annuity or Annuities ſhall be granted or ſold, or no ſuch Sum or Sums ſhall be contributed, advanced, and paid on account thereof), ſuch Aſſeſſment or Aſſeſſments ſhall ceaſe and determine, any Thing herein contained to the Contrary notwithſtanding.

Truſtees dying, or refuſing to act, others may be choſen.

XXVI. And be it further enacted by the Authority aforeſaid, That, from Time to Time, and at all Times, during the Continuance of this Act, when any Truſtee or Truſtees appointed by this Act, or to be appointed in purſuance hereof, (other than and except the Vicar and Churchwardens for the Time being), ſhall die or refuſe to act, it ſhall and may be lawful for the ſurviving or remaining Truſtees, or any Seven or more of them, (other than and except the ſaid Vicar and Churchwardens for the Time being), aſſembled at any Meeting in purſuance of this Act, by any Writing or Writings under their Hands, to nominate and appoint ſome other fit and able Perſon or Perſons, being Inhabitants of or Owners of Land in the ſaid Pariſh of Watford, to be a Truſtee or Truſtees for putting this Act in Execution; all which Perſons ſo to be nominated and appointed ſhall be, and are hereby inveſted with the ſeveral Powers by this Act granted to the Truſtees herein and hereby nominated and appointed.

40 s. to the Alms-women to be paid by the Overſeers of the Poor for ever.

XXVII. And, in order to provide a reaſonable Recompence for the ſaid Eight poor Women, inhabiting the ſaid Alms-houſes, and for the Alms-women elected and appointed to reſide therein for the Time being, for the ſaid Court or Alms-yard ſo to be taken therefrom, and appropriated for the Purpoſes of this Act, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Overſeers of the Poor of the ſaid Pariſh of Watford for the Time being, and they are hereby authoriſed, impowered, and required, to pay, out of the Poors Rates of the ſaid Pariſh, the Sum of Forty Shillings yearly, for ever, to be paid to and equally divided among the ſaid Eight poor Alms-women for the Time being, on the Twenty-fourth Day of December, in every Year, the Firſt Payment thereof to begin and be made on the Twenty-fourth Day of December next after the paſſing of this Act.

No Tenant chargeable with the Poors Rate under 3 *l.* yearly Rent; nor the Proprietors of empty Houſes to be aſſeſſed.

XXVIII. Provided always, That no Tenant or Tenants of any Houſe or Houſes within the ſaid Pariſh of Watford ſhall be charged on his own Account to, or be liable to pay any Rate or Aſſeſſment to be made purſuant to this Act, unleſs ſuch Tenant or Tenants hold and occupy a Houſe or Houſes of the yearly Value of more than Three Pounds, or be rated towards the Support of the Poor of the ſaid Pariſh; but the Landlord or Landlords of ſuch Houſe or Houſes ſhall not be excuſed from paying his and their Two-third Parts for the ſame: And that no Landlord or Proprietor of any Houſe or Houſes ſhall be rated for, or liable to pay, any Tax or Aſſeſſment for any Houſe or Houſes, during the Time ſuch Houſe or Houſes ſhall be empty and unoccupied.

Houſes let to different Families to be charged with the whole Rate, *&c.*

XXIX. Provided alſo, and it is hereby declared, That in caſe any Houſe or Tenement ſhall be ſet, let, or occupied in different Apartments, Rooms, or Lodgings, to or by diſtinct and ſeparate Families, Lodgers, or Inmates, the whole Houſe or Tenement ſo let and occupied ſhall be charged with the whole Rate aſſeſſed, or to be collected, for or in reſpect of the ſame: And in caſe of Nonpayment, the ſaid Rate ſhall and may be levied and recovered upon and from any of the Inhabitants or Occupiers of any Part or Parts of ſuch Houſe or Tenement, in ſuch and the ſame Manner as the other Rates, directed by this Act to be raiſed, are appointed to be levied and recovered.

Perſons aggrieved may Appeal to the Quarter Seſſions.

XXX. Provided alſo, and be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall find him or themſelves aggrieved by any Order, Direction, or Appointment of the ſaid Truſtees, or by means of the ſaid Aſſeſſment or Aſſeſſments, in purſuance or under Colour of this Act; then, upon Appeal to the next Quarter Seſſions, to be held for the ſaid Liberty of Saint Alban, within the ſaid County of Hertford, it ſhall and may be lawful for the Juſtices of the Peace, or the greater Number of them, then and there aſſembled, to make ſuch Order therein as to them ſhall ſeem meet, which Order ſhall be final and concluſive to all Parties.

Juſtices Order to be final.

The accuſtomed Dues to be paid for Burials in the New Ground.

XXXI. And be it further enacted by the Authority aforeſaid, That the Vicar of the ſaid Pariſh of Watford for the Time being ſhall be intitled, from Time to Time, for ever, after the ſaid Ground ſo to be annexed to the ſaid Church-yard ſhall have been conſecrated, to have, hold, exerciſe, and enjoy the ſame Rights, Liberties, and Privileges, over all the Ground to be annexed to the preſent Church-yard, as he now lawfully hath, or can or may lawfully claim, over and in reſpect to the preſent Church-yard: And alſo that at the ſaid Vicar, and the Clerk and Sexton for the Time being, ſhall, for ever, er ſuch Conſecration, have, receive, and take the like Rates, Dues, Fees, and ofits, for and on account of Burials, in any Part or Parts of the ſaid Pieces or arcels of Ground, ſo to be annexed to the ſaid Church-yard, as by them, or any of em reſpectively, now are taken and received, for or on account of Burials in the eſent Coemetery or Church-yard.

Expences of the Act how to be paid.

XXXII. And be it further enacted by the Authority aforeſaid, That all the Coſts, harges, and Expences of paſſing this Act, and all other Charges incident to the taining thereof, ſhall be borne, paid, and defrayed, out of the Firſt Monies ariſing virtue of this Act.

Writings to be without Stamps.

XXXIII. And be it further enacted by the Authority aforeſaid, That no Nomina- n, Appointment, Information, Order, Judgement, Conviction, Warrant, Aſſign- ent, Transfer, Deed of Grant, or other Security for the borrowing of Money, or her Writing whatſoever, relating to the Execution of this Act, ſhall be charged or argeable with any Stamp-duty whatſoever.

Limitation of Actions.

XXXIV. And be it further enacted by the Authority aforeſaid, That if any Suit or tion ſhall be commenced or proſecuted againſt any Perſon or Perſons, for any Thing ne, or to be done, in purſuance of this Act, every ſuch Suit or Action ſhall be commenced within Six Months next after the Fact committed, and not afterwards, and ll be brought and tried in the County of Hertford, and not elſewhere; and the Defendant or Defendants, in ſuch Suit or Action may plead the General Iſſue, and e this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, d that the ſame was done in purſuance of and by Authority of this Act: And if it all appear to be ſo done, then the Jury ſhall find for the Defendant or Defendants; d upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their Action, after the Defendant or Defendants ſhall have appeared; or if upon Demurrer Judgement ſhall be given againſt the Plaintiff Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and ve the like Remedies for the ſame, as any Defendant or Defendants hath or have Coſts in other Caſes by Law.

General Iſſue.

Treble Coſts.

Publick Act.

XXXV. And it is hereby further enacted and declared, That this Act ſhall be deemed d taken to be a Publick Act; and all Judges, Juſtices, and other Perſons, e hereby required to take Notice thereof as ſuch, in all Courts and Places whatſoever, without ſpecially pleading the ſame.

CAP. XXIX.

n Act to explain and amend an Act, paſſed in the Sixth Year of the Reign of His preſent Majeſty, intituled, *An Act for taking down and removing certain Light-houſes now ſtanding near the* Spurn Point, *at the Mouth of the* Humber; *and for erecting other fit and convenient Light-houſes inſtead thereof.*

Preamble.
Act 6 *Geo.* III.

WHEREAS by an Act of Parliament, paſſed in the Sixth Year of the Reign of His preſent Majeſty, intituled, *An Act for taking down and removing certain Light-uſes now ſtanding near the* Spurn Point, *at the Mouth of the* Humber; *and for erecting her fit and convenient Light-houſes inſtead thereof*; after reciting, amongſt other Things, hat it was abſolutely neceſſary for the Safety of the Northern Navigation, that Two ew Light-houſes ſhould be erected in a proper Place nearer to the *Spurn Point* than the lace where the then Light-houſes ſtood; and that *John Angell*, then of *Stockwell*, in the ounty of *Surrey*, Eſquire, as Owner of Three-fourth Parts of the ſaid Light-houſes, evenues, Duties, and Profits, having had frequent Applications made to him, or his gents, by the Corporations of the *Trinity Houſes* of *Deptford Strond* and *Kingſton upon Hull*, nd alſo by *Leonard Thompſon*, therein named, and all poſſible Means having been uſed to revail on him to change the Situation thereof, in ſuch a Manner as that they might anſwer e good Ends and Purpoſes for which they were originally deſigned, had, from Time to ime, wholly neglected or refuſed ſo to do, or to contribute his Proportion of the Exence of taking down and removing the ſaid then Light-houſes, and of erecting and build- g others in the Stead thereof, as aforeſaid, whereby, and by Petitions to His Majeſty for at Purpoſe, and by References thereon, the ſaid Corporations, and alſo the ſaid *Leonard hompſon*, had been put to conſiderable Charges and Expences; and alſo reciting, That e ſaid *Leonard Thompſon* was ready and willing to take down and remove the ſaid then ight-houſes, and to erect and build others inſtead thereof, in ſuch Place or Places near to e preſent Point of the *Spurn*, and in ſuch Manner and Form, as ſhould be thought moſt roper and convenient by the ſaid Corporation of the *Trinity Houſe* of *Deptford Strond*, and nder their Inſpection and Direction, upon his being enabled to borrow and raiſe Money r that Purpoſe, and for repaying to the ſaid Corporations of the *Trinity Houſes* of *Dept-rd Strond* and *Hull*, and him the ſaid *Leonard Thompſon* reſpectively, their ſaid reſpective harges and Expences incurred concerning the ſaid Light-houſes, and alſo for defraying e Charges of ſoliciting and obtaining that Act, and ſo that the Three-fourth Parts of the d Revenues, Duties, and Profits, belonging to the ſaid *John Angell*, might be a re-emable Intereſt in him, or the Perſon or Perſons intitled thereto, on his of their paying e whole Amount of the ſaid Expences of the ſaid Corporations of *Deptford Strond* and *ull*, and of him the ſaid *Leonard Thompſon*, and the intereſt thereof, and Three-fourth

Parts of the Expences of obtaining that Act, and removing and rebuilding the ſaid Light-houſes, and the Intereſt of ſuch Three-fourth Parts, to the Perſon or Perſons who ſhould advance and lend the ſame, his, her, or their Executors, Adminiſtrators, or Aſſigns; but by reaſon of the Eſtate and Intereſt which the ſaid *John Angell* had in the ſaid Three-fourth Parts of the ſaid Lands, Light-houſes, Revenues, Duties, and Profits, and by reaſon that the ſaid *Leonard Thompſon* was only Tenant for Life, with ſuch Remainders over as in the ſaid Act is mentioned, in the ſaid Fourth Part of the ſaid Premiſes, the Purpoſes aforeſaid could not be effected without Aid and Authority of Parliament: Therefore, for promoting a Work ſo conducive to the Safety of His Majeſty's Subjects, and to remedy ſo great a detriment to Trade and Navigation, it was enacted, That it ſhould be lawful for the ſaid *Leonard Thompſon*, and other the Perſon and Perſons who ſhould for the Time being be intitled to his Fourth Part of the Duties and Profits by the ſaid Act granted or continued, by or under the therein recited Will of *Edward Thompſon*, and he and they were thereby authoriſed and required, with as much Speed as conveniently might be, after the Firſt Day of *June*, One thouſand ſeven hundred and ſixty-ſix, to erect and build, or cauſe to be erected and built, Two new and ſufficient Light-houſes, with ſuitable Offices and Conveniencies, at or near the ſaid *Spurn Point*, and according to ſuch Plan and Eſtimate as the Maſter, Wardens, and Aſſiſtants of the ſaid Corporation of the *Trinity Houſe* of *Deptford Strond* ſhould, by Writing under their Common Seal, ſpecify, appoint, and approve of, and for that Purpoſe to take down the then preſent Light-houſes, and to make uſe of all or any Part of the Materials thereof, or otherwiſe to ſell and diſpoſe of the ſame, and to apply the Money ariſing thereby towards building ſuch new Light-houſes; and, in the mean Time, and until ſuch new Light-houſes ſhall be completed, to erect and continue Two temporary Light-houſes as near as might be to the reſpective Places where the ſaid new Light-houſes ſhould, as aforeſaid, be appointed to be built, and alſo to keep ſufficient Lights and Fires continually burning in the Night Seaſon, ſo as to anſwer the Purpoſes intended by the ſaid Act, for the Benefit of Navigation, and from Time to Time to enlarge, contract, alter, or remove the ſaid new Light-houſes, or either of them, as Occaſion might require, with the Conſent and by the Direction of the ſame Corporation, to be ſignified as aforeſaid; and, for any of the Purpoſes aforeſaid, to enter upon and uſe ſuch Part or Parts of the Land at or near the *Spurn Point*, as the Corporation of the *Trinity Houſe* of *Deptford Strond* ſhould, from Time to Time, by Writing, under their Common Seal, appoint: And to the End that the Completion of ſo neceſſary a Work might not be obſtructed by the ſaid *John Angell*'s perſiſting in his Refuſal to co-operate with the ſaid *Leonard Thompſon* therein, and for enabling the ſaid *Leonard Thompſon*, or other Perſon or Perſons who ſhould come into Poſſeſſion of his Share or Intereſt in the ſaid Premiſes, to diſcharge to the Corporations of the *Trinity Houſes* of *Deptford* and *Hull*, and to him the ſaid *Leonard Thompſon* reſpectively, the Expences which he and they had been put to on the Occaſions aforeſaid, and to diſcharge the Expences of obtaining the ſaid recited Act, (ſuch Expences to be aſcertained as therein is directed), and to raiſe Money ſufficient for taking down the then preſent Light-houſes, and erecting and building the ſaid temporary Lights and new Light-houſes, it was by the ſaid Act further enacted, That it ſhould be lawful for the ſaid *Leonard Thompſon*, or other Perſon or Perſons in Poſſeſſion of his ſaid Fourth Part, to borrow and raiſe any Sum or Sums of Money, not exceeding in the Whole the Amount of the aforeſaid Expences and Eſtimate aſcertained in Manner as aforeſaid; and for ſecuring the Repayment thereof, to mortgage, leaſe, or demiſe, the Ground which ſhould be appointed in Manner aforeſaid, together with the Light-houſes which ſhould be erected thereon, with their Appurtenances, and the Duties and Profits thereby granted, for any Number of Years, not exceeding Five hundred Years, under and ſubject to ſuch Proviſoes, Covenants, and Conditions, as well for Redemption as other Purpoſes, as in the ſaid Act are particularly mentioned and expreſſed: And it was by the ſaid Act further enacted, That if the ſaid *Leonard Thompſon*, or other Perſon or Perſons who ſhould come into Poſſeſſion of his Share and Intereſt in the ſaid Premiſes, ſhould neglect or refuſe to perform the Works above mentioned within Two Years after receiving ſuch Plan and Eſtimate as aforeſaid, that then the ſaid Corporation of the *Trinity Houſe* of *Deptford Strond* ſhould cauſe the ſame to be compleated; and from and after the Erections of ſuch new Light-houſes, and placing Lights therein, by the ſaid Corporation, the ſaid Duties thereby granted or continued, with the Powers and Authorities for demanding, collecting, and receiving the ſame, ſhould immediately veſt in the ſaid Corporation, in Manner and for the Time therein mentioned: And whereas, in purſuance of the ſaid Act, the ſaid *Leonard Thompſon* hath proceeded to take down the ſaid old Light-houſes, and at his own Expence hath erected Two temporary Lights; but the ſaid *Leonard Thompſon* not being able to borrow a Sum of Money ſufficient to enable him to erect and build Two new Light-houſes at the ſaid *Spurn Point*, for the Purpoſes in the ſaid Act mentioned, was conſtrained to apply to the ſaid Corporation of the *Trinity Houſe* of *Deptford Strond*, to take upon them, according to the Directions of the ſaid recited Act, the erecting and building ſuch Two new Light-houſes, with ſuitable Offices and Conveniencies, at or near the ſaid *Spurn Point*, under their Care and Management, which the ſaid Corporation, after furniſhing a proper Plan and Eſtimate for that Purpoſe to the ſaid *Leonard Thompſon*, did accordingly undertake and agree to do, and, in purſuance thereof, have contracted and agreed with able and experienced Surveyors and Workmen for the erecting and building ſuch Two new Light-houſes, according to the ſaid Plan and Eſtimate approved of under their Common Seal, as by the ſaid Act is directed; and the ſaid Corporation are now proceeding, with all due Diligence, to conſtruct and finiſh the ſaid Two new Light-houſes, and for that Purpoſe have already expended and laid out ſeveral large Sums of Money, and will be under a Neceſſity of expending a ſtill further conſiderable Sum before the ſaid Light-houſes and Works can be compleated: And whereas the Duties granted or continued by the ſaid former Act are not to become veſted in the ſaid Corporation of the *Trinity Houſe* of *Deptford Strond*, under the Powers contained in the ſaid recited Act, until the ſaid Two new Light-houſes ſhall be erected, and Lights placed thereon, by the ſaid Corporation: And whereas the ſaid Corporation, and the ſaid Corporation of the *Trinity Houſe* of *Hull*, and alſo the ſaid *Leonard Thompſon*, have expended very conſiderable Sums of Money on the Occaſions in the ſaid Act mentioned, as alſo in the obtaining the aforeſaid Act of Parliament, (all which Expences have been aſcertained by the Commiſſioners therein named, according to the Directions and Authority of the ſaid Act), and ſince the paſſing thereof, in pulling down the ſaid old Light-houſes, and erecting the aforeſaid temporary Light-houſes, and in carrying on the preſent Works towards building and compleating the ſaid Two new Light-houſes, which Sums they have at preſent no Means of being reimburſed; and the Agents of the ſaid *John Angell* have alſo greatly obſtructed the Workmen employed by the ſaid Corporation of the *Trinity Houſe* of *Deptford Strond*, in erecting the ſaid new Light-houſes: And whereas it is highly neceſſary to the Navigation of this Kingdom, that the ſaid new Light-houſes ſhould be erected and compleated as ſoon as may be; and it is alſo very fit and reaſonable that the ſaid Corporations of the *Trinity Houſes* of *Deptford Strond* and of *Hull*, and alſo the ſaid *Leonard Thompſon*, ſhould be ſeverally paid their aforeſaid Charges and Expences; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, the ſaid Two temporary Light-houſes, erected as aforeſaid, and the Upholding, Maintenance, Management, and Care thereof, until the ſaid new Light-houſes ſhall be erected and compleated, and alſo all and every the Duties granted in or by all or any the Letters Patent in the ſaid recited Act mentioned or referred to, or by the ſaid Act continued, confirmed, or granted, together with the Powers and Authorities by the ſaid Act, or Letters Patent, given or granted, for demanding, collecting, and recovering the ſame, ſhall immediately veſt in the ſaid Corporation of the Trinity Houſe of Deptford Strond, and their Succeſſors, who may, from Time to Time, appoint proper Light-keepers, and other Officers and Servants, for the Care and Management of the ſaid temporary and new Light-houſes, and alſo proper Perſons to receive the ſame Duties; and the ſaid Corporation ſhall and may, and is hereby required and impowered, by and out of the Three fourth Parts of the ſaid Duties belonging to the ſaid John Angell, in the Firſt Place, to diſcharge and reimburſe to the ſaid Corporations of the Trinity Houſes of Deptford Strond and Hull, and to him the ſaid Leonard Thompſon, all the Expences which they have reſpectively been put to on the Occaſions in the ſaid Act mentioned, and which are, by the ſaid recited Act, directed to be wholly borne and paid by the ſaid John Angell, together with Intereſt for the ſame; and alſo by and out of the Whole of the ſaid Duties, to diſcharge and reimburſe to the ſaid Corporations and Leonard Thompſon all the Expences which they have reſpectively been put to in obtaining the ſaid recited Act of Parliament, as the ſame ſeveral Expences have been aſcertained, ſettled, and allowed by the Commiſſioners therein named, as herein-before mentioned; and, in the next Place, to diſcharge, ſatisfy, and reimburſe to the ſaid Leonard Thompſon, all ſuch Sum and Sums of Money as he ſhall have laid out and expended in, about, or incident to the ſaid Two temporary Light-houſes, together with the Intereſt for the aforeſaid ſeveral and reſpective Sums of Money; and after Payment and Satiſfaction thereof, then to ſatiſfy and reimburſe to the ſaid Corporation of the Trinity Houſe of Deptford Strond all ſuch Sum and Sums of Money as the ſaid Corporation hath already or ſhall hereafter expend or be put unto in maintaining and repairing, and alſo in the Management and Care of the ſaid temporary Lights, and in the erecting and compleating the ſaid Two new Light-houſes, and all Charges and Expences incident thereunto reſpectively, together with Intereſt of the ſame; and alſo the Expences of ſoliciting and obtaining this preſent Act: And from and after full Satiſfaction of all and every the Sums of Money, Charges, and Expences herein-before mentioned and enumerated, and hereby intended and directed to be paid by Receipt of the ſaid Duties, and alſo after Payment of the Charges and Expences of collecting the ſame, then the Power of the Receiver or Receivers to be appointed by the ſaid Corporation ſhall ceaſe and determine, and the ſaid Duties ſhall from thenceforth reveſt in the ſaid John Angell and Leonard Thompſon reſpectively, according to their proportionate Shares and Intereſts therein, or in the Perſons for the Time being intitled to the ſame, together with the Powers and Authorities by the ſaid Act granted for demanding, collecting, and recovering the ſame.

Temporary Light-houſes and Duties veſted in *Trinity Houſe* of *Deptford Strond*, until all Expences be paid, *&c.*

and after Satiſfaction of all Money due, Light-houſes, *&c.* to be reveſted in the former Proprietors.

II. Provided always, and it is hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Corporation of the Trinity Houſe of Deptford Strond, until ſuch Time as the ſaid Two new Light-houſes ſhall be completely erected, and Lights placed therein, from Time to Time, in caſe of abſolute Neceſſity, to alter,

Light-houſes to be altered in caſe of Neceſſity.

or remove the ſaid new Light-houſes, or either of them, and for any of the Purpoſes aforeſaid, to enter upon and uſe ſuch Part or Parts of the Land at or near the Spurn Point, be it the Soil or Ground of the King's moſt Excellent Majeſty, His Heirs or Succeſſors, or of any other Perſon or Perſons, Bodies Politick, Corporate or Collegiate; and that the Charges and Expences of ſuch Alterations or Removal of the ſaid new Light-houſes, and in the mean Time of erecting temporary Lights, if the ſame ſhall be found neceſſary, ſhall and may be detained from Time to Time by the ſaid Corporation out of all or any Part of the ſaid Duties, in Manner aforeſaid.

Proviſions for future Repairs.

III. Provided alſo, and it is hereby further enacted and declared, That if after the ſaid new Light-houſes ſhall have been built and completed, and the ſame ſhall be reveſted in the ſaid Leonard Thompſon or John Angell, or either of them, or in any other Perſon or Perſons intitled to their or either of their Shares therein, the ſaid new Light-houſes ſhall, at any Time thereafter, be out of Repair, ſo as not to anſwer the Purpoſes hereby intended, and ſhall not be put into ſufficient Repair and Condition within the Space of Forty Days after giving or leaving Notice or Warning in Writing from the ſaid Corporation of the Trinity Houſe of Deptford Strond with the Keeper or Keepers of the ſaid Light-houſes, requiring ſuch Defects or Wants of Reparations to be remedied and amended; then, and from thenceforth, the ſaid Corporation ſhall, and they are hereby required to cauſe the ſaid Light-houſes to be repaired, and from thenceforth the ſaid Duties hereby granted or continued, with the Powers and Authorities for demanding, collecting, and recovering the ſame, ſhall immediately again veſt in the ſame Corporation, who may, from Time to Time, appoint proper Perſons to receive the ſame Duties, and thereout reimburſe themſelves all the Expences, Coſts, and Charges, which they ſhall have ſuſtained in or about the repairing the ſaid Light-houſes, and all other incident Charges; and from and after Payment and Satisfaction thereof to the ſaid Corporation, the Power of the Receiver or Receivers, ſo to be appointed as aforeſaid, ſhall ceaſe and determine, and the ſaid Duties ſhall thenceforth reveſt in the ſaid Leonard Thompſon and John Angell, according to their proportionate Share or Intereſt, or in the Perſons for the Time being intitled to the ſame, with the Powers and Authorities hereby granted for demanding, collecting, and recovering the ſame.

The Duties ſhall be payable in the ſame Manner as for the Old Light-houſes.

IV. And be it enacted by the Authority aforeſaid, That the ſaid Duties to be demanded and raiſed in reſpect to the Light-houſes to be erected by virtue of this preſent or the ſaid former Act, ſhall be demanded and payable in like Manner, and to as full Extent, as the ſame were due and payable in reſpect of the ſaid former Light-houſes, which have been pulled down and abated by virtue of the ſaid former Act; any Thing herein contained to the Contrary notwithſtanding.

On Payment by Mr. *Angell* or Mr. *Thompſon* to the *Trinity Houſe* their reſpective Shares of Expences, *&c.* the Light-houſes to reveſt in either of them.

V. Provided always, and it is hereby further enacted, That in caſe either of them the ſaid John Angell and Leonard Thompſon, or the Perſon or Perſons intitled to their reſpective Shares of the ſaid Light-houſes and Duties, ſhall at any Time pay and reimburſe to the ſaid Corporation of the Trinity Houſe of Deptford Strond, his or their reſpective Parts and Proportions herein-before aſcertained of the ſeveral Sums charged upon the ſaid Duties, to be veſted in the ſaid Corporation for the Purpoſes herein-before directed, that then the ſaid Light-houſes and Duties ſhall, from thenceforth immediately reveſt in either of them the ſaid John Angell and Leonard Thompſon, or the Perſon or Perſons intitled as aforeſaid, according to their proportionate Shares and Intereſts in the ſaid Light-houſes and Duties, who ſhall have ſo paid his or their reſpective full Shares and Proportions of the ſaid Sums of Money; any Thing herein contained to the Contrary notwithſtanding.

Mr. *Thompſon* impowered to mortgage, *&c.*

VI. And whereas it would be unreaſonable that the Proportion of the Expences, charged by the ſaid former and this preſent Act, upon the Fourth or ſuch other Part of the ſaid Light-houſes and Duties, whereof the ſaid *Leonard Thompſon* is ſo Tenant for Life, ſhould be raiſed and paid out of or during his Life Eſtate therein, in Exoneration of the Perſon or Perſons who will be intitled to the ſame Fourth Part, expectant upon his Deceaſe; be it therefore further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Leonard Thompſon, and he is hereby fully authorized and impowered, by Mortgage, Grant, Leaſe, or Demiſe of the ſaid Fourth or other Part of the ſaid Light-houſes and Duties, and the Reverſion and Inheritance thereof, to borrow and raiſe any Sum or Sums of Money ſufficient to pay and diſcharge, and not exceeding in the Whole the Amount of the ſaid ſeveral Expences, to the Payment whereof the ſaid Fourth Part is made chargeable, and ſubjected by the ſaid former and this preſent Act; and ſuch Mortgage or Mortgages ſhall be valid and effectual to all Intents and Purpoſes, notwithſtanding the ſaid Light-houſes and Duties being inveſted in the ſaid Corporation, and notwithſtanding the ſaid Leonard Thompſon's being only Tenant for Life, as aforeſaid; ſo nevertheleſs, that ſuch Mortgage or Mortgages ſhall not defeat or obſtruct, or be conſtrued to defeat or obſtruct, the Purpoſes for which the ſaid Duties are hereby directed to be veſted in the ſaid Corporation of the Trinity Houſe of Deptford Strond; and ſo as every ſuch Mortgage ſhall contain a Proviſo, that the Perſon or Perſons who ſhall, upon the Deceaſe of the ſaid Leonard Thompſon, become intitled to the Reverſion or Remainder of the ſame Fourth or other Part, ſhall not, on his, her, or their coming into Poſſeſſion thereof, be liable to any larger Arrear of Intereſt than for One Year preceding the Time when the Title to ſuch Poſſeſſion ſhall accrue and commence; or in Default of raiſing by Mortgage, as aforeſaid, the Amount of the ſaid ſeveral Expences whereto the ſaid Leonard Thompſon's ſaid Fourth or other Part of the ſaid Light-houſes and Duties is charged or ſubjected by the ſaid former or this preſent Act, for the Purpoſes herein-before enumerated, the ſame ſhall be a Lien and Charge upon the Reverſion or Remainder of the ſame Fourth or other Part, expectant on his Deceaſe, and ſhall be payable to ſuch Perſon or Perſons as the ſaid Leonard Thompſon ſhall, by Deed or Will, to be duly executed by him in the Preſence of and atteſted by Two or more credible Witneſſes, direct and appoint, or in Default thereof, to the Executors or Adminiſtrators of the ſaid Leonard Thompſon, at the End of Six Months next after his Death, together with Intereſt for the ſame from the Day of his Deceaſe, by the Perſon or Perſons who ſhall thereupon become intitled to the Reverſion or Remainder of the ſame Fourth or other Part of the ſaid Light-houſes and Duties.

Saving Mr. *Conſtable*'s Rights.

VII. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to prejudice William Conſtable Eſquire, his Heirs or Aſſigns, or ſuch other Perſon or Perſons who now is, or hereafter ſhall be, Owner or Owners of the Soil or Ground whereon ſuch new-intended Light-houſes, Offices, or other Conveniencies, ſhall be built, with reſpect to the Satisfaction and Recompence made to him or them by the ſaid former Act; nor to defeat, leſſen, or prejudice the Right, Title, and Intereſt, of the ſaid William Conſtable, his Heirs or Aſſigns, as Lord or Lords of the Manor of Kilnſea, in the ſaid County, or as Lord or Lords of the Seigniority of Holderneſs; any Thing herein contained to the Contrary notwithſtanding.

Saving the Rights of the Corporation.

VIII. Provided alſo, and be it further enacted by the Authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to prejudice, leſſen, or defeat, any of the Powers, Privileges, Immunities, or Juriſdictions, of or belonging to the Corporation of the Trinity Houſe of Deptford Strond.

Limitation of Actions,

IX. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done, or to be done, in purſuance of this Act; that then, and in every ſuch Caſe, the Action or Suit ſhall be brought within Six Calendar Months next after the Fact committed, and ſhall be laid in the County of York, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſo to be brought ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon: And if the Plaintiff or Plaintiffs ſhall become nonſuit, or ſhall diſcontinue his, her, or their Action or Actions, Suit or Suits, or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants ſhall and may have in any Caſes by Law.

General Iſſue.

Treble Coſts.

Publick Act.

X. And be it further enacted by the Authority aforeſaid, That this Act ſhall be adjudged, deemed, and taken to be a Publick Act; and be judicially taken Notice of as ſuch in all Courts, and by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

CAP. XXX.

An Act for the further Augmentation of the Salaries of the Juſtices of *Cheſter*, and the Great Seſſions for the Counties in *Wales*.

Preamble.

Surplus ariſing from Stamp-duties, granted by 32 *Geo.* II. and 2 & 5 *Geo.* III.

WHEREAS it is highly reaſonable and expedient, that a further Augmentation ſhould be made to the Salaries of the Juſtices of *Cheſter*, and of the Great Seſſions for the Counties in *Wales*: And whereas the ſeveral Stamp Duties, granted by divers Acts of Parliament, made in the Thirty-ſecond Year of the Reign of His late Majeſty King *George* the Second, and in the Second and Fifth Years of His preſent Majeſty's Reign, and appropriated for the Payment of the augmented Salaries of the reſpective Judges therein mentioned, have, for the laſt Four Years, produced annually a conſiderable Surplus; and the ſame is, by the ſaid ſeveral Acts, reſerved for the Diſpoſition of Parliament; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the Fifth Day of April, One thouſand ſeven hundred and ſeventy-two, there ſhall be iſſued, paid, and applied, in every Year, and out of any of the Surpluſſes which ſhall ariſe upon the ſeveral Stamp-duties granted by the Acts aforeſaid, after the Payment already charged thereupon, ſhall, from Time to Time, have been ſatisfied, the Sums of Money following to the ſeveral Juſtices herein-after mentioned, as an Addition to, and in further Augmentation of, their reſpective Salaries; that is to ſay, The annual Sum of Three hundred Pounds to the Chief Juſtice of Cheſter for the Time being; the annual Sum of Two hundred Pounds to the Second Juſtice of Cheſter for the Time being, and to each of the Juſtices for the Time being of the Great Seſſions for the Counties in Wales: Which ſaid ſeveral and reſpective Sums of Money ſhall be, and are hereby charged

from *April* 5, 1772, to be applied as a further Augmentation to the Salaries of Juſtices; *viz.* 300 *l. per Ann.* to the Chief Juſtice of *Cheſter*; 200 *l. per Ann.* to the Second Juſtice, and to every Juſtice of the Great Seſſions of *Wales*; to be paid as uſual.

charged upon the Surpluſſes of the ſeveral Stamp-duties aforeſaid, and ſhall be paid thereout, in every Year, at ſuch Time or Times, and in ſuch Manner, as the Salaries of the ſaid Juſtices now are or have been uſed to be paid.

If the Surpluſſes prove inſufficient in any Year, a rateable Abatement to be made.

II. Provided always, and be it further enacted by the Authority aforeſaid, That if the Surpluſſes of the ſaid Duties ſhall prove inſufficient in any Year, to make good and anſwer the Sums herein-before appointed to be paid and applied yearly, in further Augmentation of the Salaries of the ſaid Juſtices; then, and in every ſuch Year, a rateable Abatement or Deduction, in Proportion to ſuch Deficiency, ſhall be made out of the ſeveral annual Sums hereby directed and appointed to be paid for that Year to ſuch Juſtices reſpectively; and if any Surplus ſhall remain in any Year of the Produce of the ſaid Duties, after Payment of the Monies hereby charged thereon, the ſame ſhall be reſerved for the Diſpoſition of Parliament, in the ſame Manner as it was directed to be reſerved before the making of this Act.

CAP. XXXI.

An Act to indemnify ſuch Perſons as have omitted to qualify themſelves for Offices and Employments; and to indemnify Juſtices of the Peace, or others, who have omitted to regiſter or deliver in their Qualifications within the Time limited by Law, and for giving further Time for thoſe Purpoſes; and to indemnify Members and Officers in Cities, Corporations, and Borough Towns, whoſe Admiſſions have been omitted to be ſtamped according to Law, or, having been ſtamped, have been loſt or miſlaid, and for allowing them Time to provide Admiſſions duly ſtamped, and to give further Time to ſuch Perſons as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors.

CAP. XXXII.

An Act for allowing the free Importation of Rice into this Kingdom, from any of His Majeſty's Colonies in *America*, for a limited Time.

Preamble.

WHEREAS the allowing the free Importation of Rice from any of His Majeſty's Colonies in *America* into *Great Britain*, for a limited Time, may be of great Advantage; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, it ſhall and may be lawful for any Perſon or Perſons to import into Great Britain, from any of His Majeſty's Colonies in America, at any Time or Times before the Firſt Day of May, One thouſand ſeven hundred and ſeventy-three, any Rice, without the Payment of any Subſidy, Cuſtom-duty, or Impoſition whatſoever, any Thing in any former Act or Acts of Parliament to the Contrary thereof in any-wiſe notwithſtanding.

Rice may be imported Duty-free, any Time before *May* 1, 1773.

Subſidy of 6 *d. per* Pound on all Rice imported, to be paid according to the Value thereof, to be levied as the Subſidy of Poundage on other Goods.

II. And be it further enacted by the Authority aforeſaid, That for and upon all Rice which ſhall be imported into this Kingdom Duty-free by this Act, and which ſhall be again exported thereout, there ſhall be paid and anſwered to His Majeſty, his Heirs and Succeſſors, a Subſidy of Poundage of Sixpence in the Pound, according to the Value or Rate upon Rice imported, in the Book of Rates, referred to by the Act of the Twelfth Year of King Charles the Second, which ſaid Subſidy of Sixpence in the Pound, upon ſuch Rice ſo exported, ſhall be raiſed, levied, collected, and recovered by ſuch Ways and Means, and under ſuch Rules, Regulations, Penalties, and Forfeitures, as the Subſidy or Poundage for any Goods or Merchandiſe exported from Great Britain may be raiſed, levied, collected, or recovered, by any Act of Parliament now in Force, as fully and effectually to all Intents and Purpoſes, as if the ſeveral Clauſes, Powers, Directions, Penalties, and Forfeitures, relating thereto, were particularly repeated and again enacted in the Body of this preſent Act.

Duties hereby granted to be paid into the Receipt of Exchequer.

III. And be it further enacted by the Authority aforeſaid, That the ſaid Duties granted by this Act upon Rice exported, ſhall (the neceſſary Charges of Management excepted) be paid into the Receipt of His Majeſty's Exchequer, and be there reſerved for the Diſpoſition of Parliament.

CAP. XXXIII.

An Act for allowing the Importation of Wheat, Wheat Flour, Rye, Rye Meal, and *Indian* Corn, into this Kingdom, for a limited Time, free of Duty.

Preamble.

WHEREAS the Importation of Wheat and Wheat Flour, Rye, and Rye Meal, from any Part of *Europe*, or from any of His Majeſty's Colonies in *America*, and alſo the Importation of *Indian* Corn from any of His Majeſty's Colonies in *America*, into this Kingdom, for a limited Time, free of Duty, may be advantageous to His Majeſty's Subjects; may it therefore pleaſe Your moſt Excellent Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, to import into Great

Britain, in any Ship or Veſſel whatſoever, at any Time or Times before the Firſt Day of December, One thouſand ſeven hundred and ſeventy-two, any Wheat, Wheat Flour, Rye, and Rye Meal, from any Part of Europe, or from any of His Majeſty's Colonies in America; and alſo any Indian Corn from any of His Majeſty's Colonies in America, into Great Britain, without the Payment of any Subſidy, Cuſtom-duty, or Impoſition whatſoever; and may alſo be carried Coaſtwiſe, under ſuch Regulations as Wheat and Wheat Flour, Rye, and Rye Meal, of the Growth of this Kingdom, are now allowed to be carried Coaſtwiſe, at all Times before the ſaid Firſt Day of December, One thouſand ſeven hundred aud ſeventy-two; any Thing in any former or other Act or Acts of Parliament to the Contrary thereof in any-wiſe notwithſtanding.

Flour, Rye, and Rye Meal, may be imported, without Payment of Duty, at any Time before *Dec.* 1, 1772, from any Part of *Europe* or *America*.

II. Provided always, and be it further enacted by the Authority aforeſaid, That a due Entry ſhall be made, in ſuch Manner and Form as were uſed or practiſed before the making of this Act, of all Wheat, Wheat Flour, Rye, and Rye Meal, and Indian Corn, which ſhall be imported or brought into this Kingdom, by virtue of this Act, before the ſaid Firſt Day of December, One thouſand ſeven hundred and ſeventy-two, at the Cuſtom-houſe belonging to the Port into which the ſame ſhall be imported or brought in; or otherwiſe, in Default of making ſuch Entry, ſuch Wheat, Wheat Four, Rye, and Rye Meal, and Indian Corn, ſhall be liable and ſubject to ſuch and the ſame Duties as were payable upon the Importation thereof before the making of this Act; any Thing herein contained to the Contrary notwithſtanding.

Due Entry to be made at the Cuſtomhouſe belonging to the Port into which the ſame ſhall be imported, on Penalty of being made liable to the uſual Duty formerly paid.

CAP. XXXIV

An Act to amend an Act of the Tenth Year of the Reign of His preſent Majeſty, for building a Workhouſe in the Pariſh of *Saint Martin in the Fields*, within the City of *Weſtminſter*, in the County of *Middleſex*.

WHEREAS by an Act of Parliament, made in the Tenth Year of the Reign of His preſent Majeſty, the Vicar, Churchwardens, Overſeers of the Poor, and Veſtrymen of the Pariſh of *Saint Martin in the Fields*, within the Liberty of *Weſtminſter*, are appointed Truſtees for building a Workhouſe within the ſaid Pariſh, and for executing the ſeveral other Purpoſes of the ſaid Act: And whereas the ſaid Truſtees have proceeded in the Execution of the ſaid Act, but are unable to complete the ſeveral Works aforeſaid, by reaſon of a Clauſe therein, by which they are reſtrained from borrowing more than the Sum of Six thouſand Pounds for the Purpoſes of the ſaid Act: In order therefore to enable the ſaid Truſtees to carry the ſaid Act into Execution, may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, ſo much of the Clauſe in the ſaid recited Act as reſtrains the ſaid Truſtees from borrowing more than the Sum of Six thouſand Pounds for the ſeveral Purpoſes of the ſaid Act, ſhall be, and the ſame is hereby repealed and made void.

Preamble.

Act 10 *Geo.* III.

The Clauſe in the former Act which reſtrains the borrowing more than 6000l. repealed.

II. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may meet together in the Veſtry-room belonging to the ſaid Pariſh of Saint Martin in the Fields, or in ſome other convenient Place within the ſaid Pariſh, upon Monday next after the paſſing of this Act, and ſhall and may then, or at any other Meeting or Meetings to be held by them from Time to Time, by virtue of the ſaid former Act, and this Act, aſcertain, order, and direct, what further Sum or Sums of Money ſhall be raiſed within the Limits of the ſaid Pariſh, for finiſhing, furniſhing, and completing the ſaid Workhouſe, and other Buildings, directed to be built and completed by virtue of the ſaid Act, and for defraying the ſeveral Expences attending the carrying into Execution the ſeveral Purpoſes of the ſaid former Act, and of this Act; which ſaid Sum and Sums of Money, ſo authoriſed to be raiſed, from Time to Time, as aforeſaid, ſhall and may be raiſed by the ſame Methods, and by ſuch Ways and Means, as are preſcribed in and by the ſaid recited Act for raiſing Money for the ſeveral Purpoſes thereof.

Truſtees may meet, and order what further Sum of Money ſhall be raiſed for the Purpoſes of this Act.

III. And be it further enacted, That the Charges and Expences of obtaining and paſſing this Act of Parliament ſhall be defrayed out of any Money already raiſed, or which ſhall hereafter be raiſed by virtue of the ſaid former Act, and this Act.

The Expences of paſſing this Act how to be defrayed.

IV. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

Publick Act.

CAP. XXXV.

An Act for enabling Their Majeſties to enfranchiſe Copyhold Lands holden of the Manor of *Richmond*, in the County of *Surrey*, and for enabling His Majeſty to ſhut up a Lane leading from *Richmond Green* to the River *Thames*, and to ſell and exchange certain Lands within the Manors of *Richmond* and *Wimbleton*.

WHEREAS His Majeſty, being ſeiſed in Right of His Crown of the Manor of *Sheene*, otherwiſe *Weſt Sheene*, otherwiſe *Richmond*, in the County of *Surrey*, did, by Letters Patent under the Great Seal, bearing Date the Fourth Day of *October*, in the

Preamble.

Tenth Year of His Reign, grant the ſaid Manor to His Royal Conſort Queen *Charlotte*, during the Term of Her natural Life, at the ancient reſerved yearly Rent of Twenty Pounds: And whereas it may be convenient to Their Majeſties to enfranchiſe the Copyhold Eſtates holden of the ſaid Manor, but ſuch Enfranchiſement cannot be made without the Aid of Parliament: And whereas His Majeſty, in Right of His Crown, or ſome Perſon or Perſons in Truſt for His Majeſty, is or are ſeiſed of a Farm conſiſting of a Meſſuage, Outbuildings, and Thirty-eight Acres of Land, or thereabouts, ſituate within the Manor of *Wimbleton*, in the ſaid County of *Surrey*; and it would be convenient to His Majeſty to have a Power of ſelling or exchanging the ſaid Farm, and alſo divers Eſtates belonging to His Majeſty in the ſaid Manor of *Sheene*, otherwiſe *Weſt Sheene*, otherwiſe *Richmond*, for other Eſtates more conveniently ſituate; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall be lawful for Their Majeſties, and the Survivor of them, at any Time or Times, during Their Lives, and Life of the Survivor of them, by any Writing or Writings to be by Their Majeſties, or the Survivor of them, ſubſcribed, in the Preſence of Two or more Witneſſes, to enfranchiſe all or any Copyhold Meſſuages, Lands, Tenements, or Hereditaments, holden of the ſaid Manor of Sheene, otherwiſe Weſt Sheene, otherwiſe Richmond, and to acquit and diſcharge the ſame Meſſuages, Lands, Tenements, and Hereditaments, and the reſpective Tenants thereof, of and from all Copyhold or Cuſtomary Tenure, Rents, and Services whatſoever; and ſuch Meſſuages, Lands, Tenements, or Hereditaments, ſhall, from the reſpective Times of ſuch Enfranchiſement, be, and be deemed Freehold Eſtates, holden of the ſame Manor, any Statute or Law to the Contrary thereof notwithſtanding.

Their Majeſties may, at any Time during Their Lives, enfranchiſe Copyhold Meſſuages, *&c* holden of the Manor of *Richmond*.

II. Provided always, and be it further enacted by the Authority aforeſaid, That every Inſtrument of Enfranchiſement made by virtue of this Act, ſhall, at One of the Two general Courts Baron which ſhall be holden for the aforeſaid Manor of Sheene, otherwiſe Weſt Sheene, otherwiſe Richmond, next after the Date of ſuch Enfranchiſement, be duly preſented and entered on the Court Rolls or Books of the ſaid Manor; and alſo within the Space of Six Months after the Day of the Date of ſuch Enfranchiſement be inrolled before the King's Auditor of the County of Surrey for the Time being, or his Deputy, and not being ſo preſented, entered, and inrolled, within the reſpective Times aforeſaid, ſhall be void, and of no Effect.

Inſtruments of Enfranchiſements, by virtue hereof, to be duly entered on the Court Rolls; and, within Six Months enrolled, or be otherwiſe void.

III. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for His Majeſty, at any Time or Times during His Life, to make Sale of all or any of the Freehold or Copyhold Meſſuages, Lands, and Hereditaments, of which His Majeſty, or any Perſon or Perſons in Truſt for His Majeſty, are or is now ſeiſed within the aforeſaid Manors of Wimbleton and Sheene, otherwiſe Weſt Sheene, otherwiſe Richmond, or either of them, for ſuch Price or Prices as can be obtained for the ſaid Freehold or Copyhold Eſtates, or to exchange the ſame, or any Part thereof, for the Fee-ſimple and Inheritance of any other Freehold or Copyhold Meſſuages, Lands, or Hereditaments, as to His Majeſty ſhall, from Time to Time, ſeem moſt convenient; any Statute or Law to the Contrary thereof in any-wiſe notwithſtanding.

His Majeſty, during His Life, may ſell any Freehold, *&c.* within the Manor of *Richmond*, in which he is ſeiſed, or exchange any Part thereof.

IV. Provided always, and be it further enacted by the Authority aforeſaid, That all Sums of Money which ſhall be raiſed by any Sale or Sales of His Majeſty's aforeſaid Eſtates, within the ſaid Manors of Wimbleton and Sheene, otherwiſe Weſt Sheene, otherwiſe Richmond, or of any Part thereof, ſhall be paid to the Chancellor of His Majeſty's Exchequer for the Time being, and ſhall, with all convenient Speed, be laid out and applied by Order of His Majeſty, His Heirs or Succeſſors, in the Purchaſe of the Fee-ſimple and Inheritance of ſuch Freehold and Copyhold Lands or Tenements, as to His Majeſty, His Heirs or Succeſſors, ſhall ſeem convenient, to be conveyed and aſſured to the Uſe of, or in Truſt for, His Majeſty, His Heirs and Succeſſors.

All Sums ariſing from the Sale of the ſaid Eſtates to be paid to the Chancellors of the Exchequer.

V. And whereas there is at preſent a Lane or Foot-path leading from the *Green* in *Richmond* to the Side of the River *Thames*, which Lane divides certain Grounds within the ſaid Manor belonging to Their Majeſties, which Lane might be ſhut up without any Inconvenience to the Inhabitants within the ſaid Manor, there being another Lane leading from the ſame *Green* to the River Side, called *Palace Lane*: And whereas it would be a great Improvement to the ſaid Grounds if the firſt-mentioned Lane or Foot-path was ſhut up: And whereas the King's moſt Excellent Majeſty hath been graciouſly pleaſed to ſignify His Royal Intention of cauſing *Palace Lane* to be amended and kept in good Repair for the future, and alſo to cauſe to be raiſed, made, and to be kept in good Repair, a Foot-path and Towing-path from the End of the ſaid Lane, along the Side of the ſaid River, to Two Ferries belonging to His Majeſty, One called *Railhead Ferry*, and the other *Iſleworth Church Ferry*, which will be advantageous to Perſons having Occaſion to paſs from the ſaid *Green* to the ſaid Ferries; be it therefore enacted by the Authority aforeſaid, That, from and after the paſſing of this Act, it ſhall and may be lawful to and for His Majeſty, His Heirs and Succeſſors, at His and their Coſts and Charges, to cauſe the Lane or Foot-path from the Houſe now in the Occupation of Lewis Shepheard Winemerchant, near Richmond Green aforeſaid, to the Side of the River Thames, to be ſhut up and diſcontinued; and it ſhall not be lawful for any Perſon or Perſons, at any Time after the

After the paſſing hereof, the Lane leading from *Richmond Green* to the *Thames* to be ſhut up.

the paſſing of this Act, to make uſe of the ſaid Lane or Foot-path, or any Part thereof, on Foot, or otherwiſe, from the ſaid Houſe in the Occupation of the ſaid Lewis Shepheard to the Side of the River Thames; any Right, Claim, Uſage, or Cuſtom, to the Contrary thereof in any-wiſe notwithſtanding.

Palace Lane to be amended by His Majeſty at His own Charges, *&c.*

VI. Provided, That the King's moſt Excellent Majeſty do and ſhall, at His own proper Coſts and Charges, cauſe the ſaid Lane, called Palace Lane, from Richmond Green aforeſaid to the Side of the River Thames to be well and ſufficiently amended and made commodious; and alſo do and ſhall cauſe a convenient Foot-path and Towing-path to be raiſed and made from the End of the ſaid Palace Lane, next the River Thames, along the Side of the ſaid River, to the ſaid Ferries called Railhead Ferry and Iſleworth Church Ferry; and that His Majeſty, His Heirs and Succeſſors, or any Perſon or Perſons claiming by, from, or under, or in Truſt for His Majeſty, His Heirs and Succeſſors, who ſhall, for the Time being reſpectively, hold, occupy, poſſeſs, or enjoy Richmond Lodge, Park, and Gardens, do and ſhall keep the ſaid Palace Lane, from Richmond Green to the Side of the River Thames, and alſo the Foot-path and Towing-path along the Side of the ſaid River, from the End of the ſaid Palace Lane to the ſaid Ferries, in ſuch good and ſufficient Repair as that the ſame ſhall be convenient at all Times hereafter for Paſſengers on Foot, and that the ſaid Foot-way along the Side of the ſaid River ſhall and may be uſed as a Towing-path by Perſons on Foot, towing and haling Barges, Boats, and other Veſſels, along the ſaid River.

CAP. XXXVI.

An Act for compleating a Building intended for a new Church or Chapel at *Richmond*, near *Everton*, in the County Palatine of *Lancaſter*; and for other Purpoſes.

Preamble.

WHEREAS the Inhabitants of the Vill of *Everton*, near *Liverpoole*, in the County Palatine of *Lancaſter*, and Dioceſe of *Cheſter*, are now become very numerous, and continue to increaſe: And whereas the ſaid Inhabitants, and many others in the Neighbourhood, are ſituated at the Diſtance of a Mile and an Half from any Church or Chapel, and the Pariſh Church of *Walton*, in the ſame County of *Lancaſter*, in which Pariſh the ſaid Vill of *Everton* lies, by reaſon of the Increaſe of People, is become inſufficient to accommodate with Seats the Inhabitants of the Pariſh and Neighbourhood, who are inclined to attend Divine Service there: And whereas it would be of great Benefit and Utility to the Inhabitants of *Everton* aforeſaid, and others that dwell in the Neighbourhood thereof, if another Church or Chapel was built in ſome convenient Part near to *Everton* aforeſaid, for the celebrating of Divine Service according to the Rites and Ceremonies of the Church of *England*: And whereas *Thomas Dobb*, *Richard Dobb*, and *Henry North*, of *Liverpoole* aforeſaid, Gentlemen, being ſenſible of the Evils and Inconveniencies attending, and which may ariſe to the ſaid Inhabitants from the Want of ſuch additional Place of Worſhip, and being deſirous to remedy the ſame, and to promote, as far as in them lie, the Service of Almighty God, have allotted and ſet out a Part of a certain Field or Piece of Ground at *Richmond*, near *Everton* aforeſaid, but within the Liberties of the Town and Pariſh of *Liverpoole* aforeſaid, of which Ground they are ſeiſed, to them and their Heirs in Fee-ſimple, containing in Length Forty-two Yards, and in Breadth Thirty-eight Yards, as and for the Scite of a new Church or Chapel, together with a Yard for a Burial-place or Coemetery thereto; and have already begun to erect, and are now, at their own Expence, carrying on a Building, which is in the Form of, and intended for, a new Church or Chapel, on the ſaid Ground, and propoſe to erect and make Pews or Seats within the ſaid intended Church or Chapel, and Vaults under the Floor thereof, and in all Things to finiſh and complete the ſaid Church or Chapel, in a proper, decent, and commodious Manner, fit for the performing of Divine Service therein: But although ſuch the Intentions of the ſaid *Thomas Dobb*, *Richard Dobb*, and *Henry North*, tend to promote the Worſhip of Almighty God, and the Good of the Inhabitants of *Everton* aforeſaid, and its Neighbourhood, yet as the ſame cannot be effectually carried into Execution without the Aid and Authority of Parliament, Your Majeſty's moſt dutiful and loyal Subjects, the ſaid *Thomas Dobb*, *Richard Dobb*, and *Henry North*, do moſt humbly beſeech Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the ſaid Thomas Dobb, Richard Dobb, and Henry North, and their Heirs, to allot and incloſe with a Wall the ſaid Piece of Ground, Parcel of the aforeſaid Field, containing Forty-two Yards in Length, and Thirty-eight Yards in Breadth, as and for the Scite of a Church or Chapel and Church or Chapel Yard, and to finiſh and complete the Building now carrying on and intended for a new Church or Chapel on Part of the ſaid Piece of Ground, and therein to make, erect, and ſet up, or cauſe to be made, erected, or ſet up, Pews and Seats, a Clock, Bell or Bells, and other Requiſites, Conveniencies, and Ornaments, and alſo to complete and finiſh the ſeveral Vaults now making and carrying on under the Floor of the ſaid intended Church, and which ſaid Church or Chapel, when built and completed, may be ſet apart, conſecrated, and dedicated, to and for the Service of Almighty God, as a Place of Divine Worſhip, according to the Uſage of the Church of England, for ever; and ſhall,

Power to allot Ground for the Scite of a Church or Chapel, and Church or Chapel Yard,

and finiſh the Buildings intended for a Church.

ſhall, when and ſo ſoon as the ſame ſhall be ſo conſecrated and dedicated as aforeſaid, be, and it is hereby declared to be from thenceforth a local and perpetual Cure and Benefice, and ſhall be called by the Name of Saint Anne's, Richmond, Church or Chapel.

Pews and Vaults to be numbered.

II. And be it further enacted, That all the Pews and Seats to be erected and ſet up in the ſaid Church or Chapel, and alſo all the Vaults to be made under the Floor thereof, ſhall be marked with and diſtinguiſhed by different Numbers and Figures, to be carved or painted on the Door of each Pew or Vault reſpectively; and all the ſaid Pews and Seats ſhall be, and the ſame are hereby veſted in the ſaid Thomas Dobb, Richard Dobb, and Henry North, and their Heirs and Aſſigns, and the Churchwardens for the Time being of the ſaid new-intended Church or Chapel, and their Succeſſors; and it ſhall and may be lawful to and for the ſaid Thomas Dobb, Richard Dobb, and Henry North, and their Heirs and Aſſigns, and to and for ſuch Churchwardens, and their Succeſſors, and they are hereby authoriſed and impowered, after the Conſecration of the ſaid new Church, to ſell, diſpoſe of, and convey, all or any of the ſaid Pews and Seats, together with the Fee-ſimple and Inheritance of the ſame reſpectively, to any Perſon or Perſons willing to become Purchaſers thereof; in Truſt nevertheleſs, that ſuch Churchwardens for the Time being, and their Succeſſors, ſhall apply and pay the Purchaſe-monies ariſing, and which they or either of them ſhall receive, from Time to Time, from the Sale of any of the ſaid Pews and Seats, to and for the Uſe of the ſaid Thomas Dobb, Richard Dobb, and Henry North, and their Heirs, and to and for no other Uſe or Purpoſe whatſoever.

Rent of Pews to be in proportion to Purchaſe-money.

III. Provided always, That on every ſuch Sale of the ſaid Pews and Seats, to be made as aforeſaid, there be on each Pew reſerved and made payable to ſuch Churchwardens, and their Succeſſors, a certain yearly Rent or Sum not exceeding the Rate of One Shilling and Four-pence for every Twenty Shillings, which ſhall be paid by ſuch Purchaſer or Purchaſers as aforeſaid, as and for the reſpective Purchaſe-money of ſuch Pews and Seats, ſo as the Rents of all the ſaid Pews and Seats, ſo to be ſettled and aſcertained as aforeſaid, do not amount in the Whole to leſs than the yearly Sum of One hundred Pounds, and ſo as the ſeveral Rents ſo to be fixed and aſcertained for and upon every ſuch Pew be entered in a Book, to be kept for that Purpoſe, and ſubſcribed by the ſaid Churchwardens for the Time being: Provided, moreover, that every ſuch Purchaſer, or other Perſon or Perſons, being ſeiſed of a Pew or Seat in the ſaid new Church, ſhall pay the Rent thereof, aſcertained as aforeſaid, at Two equal Half-yearly Payments, to wit, at Chriſtmas and Midſummer, the Firſt Payment thereof to begin and be made at and upon the Chriſtmas Day which ſhall next happen after the Conſecration of the ſaid new Church or Chapel: And in caſe the Rent of any ſuch Pew or Seat ſhall happen to be behind or unpaid by the Space of Thirty Days next after the ſame ſhall become due, then the Churchwardens for the Time being, to be appointed in purſuance of this Act, and their Succeſſors, ſhall and may either enter upon ſuch Pew or Seat, or Pews or Seats, and let and diſpoſe of the ſame to any other Perſon or Perſons, on the Terms and in the Manner above directed, until the Rent in arrear ſhall be duly paid and ſatisfied, or elſe may ſue for and recover the ſame Rent ſo in arrear by Action of Debt, or by Action upon the Caſe, for the Uſe and Occupation of ſuch Pew or Seat, in any of the Courts of Record at Weſtminſter, in the Court of Common Pleas held for the ſaid County Palatine of Lancaſter, or in the Borough Court of Liverpoole aforeſaid, with full Coſts of Suit.

Appointment of Churchwardens.

IV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Thomas Dobb, Richard Dobb, and Henry North, and their Heirs, and they are hereby authoriſed and impowered, upon or immediately after the Conſecration of the ſaid intended Church or Chapel, to nominate and appoint Two ſuch Perſons as they in their Diſcretion ſhall think fit, being Proprietors of One or more Seat or Seats in the ſaid intended Church or Chapel, to be and act as and in the Nature of Churchwardens of the ſaid intended Church or Chapel, until Thurſday in Eaſter Week next after ſuch Appointment, and from thenceforth upon Thurſday in Eaſter Week yearly, during the Second and Third Years next enſuing the Expiration of ſuch Firſt Appointment, and in like Manner to nominate and appoint Two ſuch other Perſons as they in their Diſcretion ſhall think fit, to be and act as or in the Nature of Churchwardens of the ſaid intended Church or Chapel for the Time being; and that from and after the Expiration of the ſaid Three Years, Two fit Perſons ſhall, upon Thurſday in Eaſter Week yearly, for ever, be nominated and appointed out of the Owners and Proprietors of the Pews or Seats in the ſaid intended Church or Chapel, to be and act as or in the Nature of Churchwardens of the ſame for the Time being, the One of ſuch Churchwardens to be nominated by the ſaid Thomas Dobb, Richard Dobb, and Henry North, and their Heirs, and the other by the Owners and Proprietors of the Seats and Pews in the ſaid intended Church or Chapel, or the major Part of them, to be therein aſſembled for that Purpoſe; and as well the Perſons to be nominated and appointed as aforeſaid by the ſaid Thomas Dobb, Richard Dobb, and Henry North, and their Heirs, during the Time above ſpecified, as alſo the Perſons to be afterwards nominated and appointed in Manner and by the Perſons above mentioned, ſhall reſpectively be, and ſhall act as or in the Nature of Churchwardens for the Time being of the ſaid intended Church or Chapel, and ſhall continue in the ſaid Office, till Thurſday in Eaſter Week, in the next enſuing

Year after ſuch reſpective Appointments: And they and their Succeſſors, and the Survivor of them, are hereby authoriſed and required to collect and receive the Rents of the ſaid Pews or Seats, and in caſe of Nonpayment to enter upon the ſame, or elſe to ſue and bring Actions for the Recovery of ſuch Rents in Manner aforeſaid, by the Name of the Churchwardens of the Church or Chapel of Saint Anne's, Richmond; and alſo to pay the Miniſter, Clerk, Sexton, and Verger, and other neceſſary Officers and Attendants of the ſaid intended Church or Chapel for the Time being, their reſpective Salaries, Stipends, and Wages; as likewiſe to furniſh Books and Surplices, to provide Bread and Wine for the Holy Euchariſt, with other neceſſary Things; and further, to ſupport and keep in Repair the ſaid intended Church or Chapel, and Church-yard or Coemetery, with the Walls, Gates, and other Appurtenances thereto, as alſo the Organ, Clock, Bells, and other Things to the ſaid intended Church or Chapel appertaining, or to appertain, and to do and perform all other Matters whatſoever which may be neceſſary or expedient for or concerning the Management, Support, Ornament, and good Order of the ſaid intended Church or Chapel: And ſuch Perſon and Perſons ſo to be nominated and appointed to act as Churchwardens as aforeſaid for the Time being, and their Succeſſors, ſhall, and they are hereby reſpectively required and enjoined to keep true and perfect Entries, in a proper Book or Books to be provided for that Purpoſe, of all and every Sum and Sums of Money by him or them received, on account of the Rents of the ſaid Pews or Seats, as aforeſaid, and otherwiſe, and of all and every Sum and Sums of Money by them iſſued and paid, and of all Debts and Credits due or owing, and of all Contracts made in purſuance of this Act; and all ſuch Books and Accounts ſhall and may be inſpected at all convenient Times, by all Owners and Proprietors of Seats, and by the Miniſter of the ſaid intended Church or Chapel, and the ſaid Thomas Dobb, Richard Dobb, and Henry North, and their Heirs, and all other Perſons intereſted therein.

Vaults to be veſted in and ſold by Meſſrs. *Dobb* and *North*.

V. And be it further enacted, That the ſeveral Vaults under the Floor of the ſaid intended Church or Chapel ſhall be, and the ſame are hereby veſted in the ſaid Thomas and Richard Dobb, and Henry North, their Heirs and Aſſigns, and they are hereby authoriſed and impowered to ſell, diſpoſe of, and convey all or any of the ſaid Vaults as and for Places of Burial, together with the Inheritance of the ſame, to any Perſon or Perſons willing to become Purchaſers thereof.

Nomination of the Firſt, Second, and Third Miniſters, by Meſſrs. *Dobb*, &c. and of all future Incumbents by the Corporation of *Liverpoole*.

VI. And be it further enacted, That when and ſo ſoon as the ſaid intended Church or Chapel ſhall be compleated and conſecrated, it ſhall and may be lawful to and for the ſaid Thomas Dobb, Richard Dobb, and Henry North, and their Heirs, and they are hereby authoriſed and impowered to nominate the Firſt, and, in caſe of Death, Reſignation, or Avoidance, of the Miniſter, to nominate the Second and Third Miniſters or Chaplains ſucceſſively to the ſaid Church or Chapel; and from and after the Death, Reſignation, or Avoidance, of ſuch Third Miniſter or Chaplain, then the Patronage, Advowſon, free Diſpoſition, Nomination, and Donation of and to the ſaid intended Church or Chapel, ſhall for ever appertain to, and the ſame are hereby veſted in, the Mayor, Bailiffs, and Burgeſſes, of the Town of Liverpoole aforeſaid, and their Succeſſors; and that the Mayor, Bailiffs, Aldermen, and Common Council, of the ſame Town, and their Succeſſors for the Time being, or the major Part of them, in common Council aſſembled, ſhall and may, upon every Vacancy or Avoidance after the Third of the ſaid new Church or Chapel as aforeſaid, preſent a Miniſter or Chaplain to officiate in the ſame, under the Common Seal of the ſaid Corporation; and every Miniſter or Chaplain of the ſaid Church or Chapel ſhall be thereto admitted and licenſed by the Biſhop of the ſaid Dioceſe for the Time being; and the ſaid intended Church or Chapel, and the Miniſter or Chaplain thereof for the Time being, as alſo the Perſons who ſhall act as or in the Nature of Churchwardens thereof for the Time being, to be reſpectively appointed as above directed, ſhall be under and ſubject to the ordinary Juriſdiction of the Biſhop of Cheſter, and his Succeſſors, and ſhall be viſited in ſuch Manner as other Churches in the Dioceſe of Cheſter are viſited.

Incumbent abſenting for 80 Days vacates the Church, (Sickneſs excepted)

VII. And be it further enacted, That in caſe any Miniſter or Chaplain of the ſaid intended Church or Chapel, to be nominated in Manner above mentioned and declared, ſhall not continue reſident in the Town or Pariſh of Liverpoole aforeſaid, or within Two Miles from the ſaid intended Church or Chapel, but ſhall be abſent therefrom for the Space of Eighty Days, unleſs prevented by Sickneſs, or other unavoidable Accident, in any One Year, to be judged of and determined by the Ordinary for the Time being; then, from and immediately after ſuch Non-reſidence as aforeſaid, the Office or Place of Miniſter or Chaplain of the ſaid intended Church or Chapel ſhall be adjudged to be void to all Intents and Purpoſes; and the Perſons or Body Corporate aforeſaid, to whom the then next Nomination ſhall appertain by the Authority of this Act, ſhall, according to their reſpective Rights, nominate and appoint ſome other fit Perſon to be Miniſter or Chaplain of and to the ſaid intended Church or Chapel, in the ſame Manner as if the Miniſter or Chaplain, ſo abſenting himſelf as aforeſaid, was then dead; any Licence or Diſpenſation to the Contrary notwithſtanding.

VIII. And be it further enacted, That in caſe the Office or Place of Miniſter or Chaplain of the ſaid intended Church or Chapel ſhall be ſuffered to remain void for the

Vacancies not filled up in the uſual Time, Right of Nomination to lapſe in uſual Order.

Space of Six Calendar Months, without any Nomination or Preſentation thereunto, by virtue of this Act; then, and in ſuch Caſe, the Nomination or Preſentation to the ſaid Church or Chapel ſhall lapſe to the Ordinary, and from him to the Metropolitan, and from him to the Crown, according to the Courſe of Law in preſentative Livings or Benefices, and the Right of Nomination and Preſentation to the ſaid intended Church or Chapel ſhall and may be recovered, and the Office and Place of Miniſter or Chaplain thereof may and ſhall ceaſe and be determined in like Manner as the Preſentation to or Incumbency in any preſentative Benefice may now be recovered or determined.

Miniſter's Duty.

IX. And be it further enacted, That the Miniſter or Chaplain of the ſaid intended Church or Chapel for the Time being ſhall himſelf, every Sunday Morning, with an audible Voice, read in the ſaid Church or Chapel the Morning Prayers preſcribed in the Book of Common Prayer, or publick Liturgy of the Church of England; and in the Afternoon of every Sunday, in like Manner read therein the Evening Prayers preſcribed in the ſaid Book of Common Prayer; and ſhall on every Tueſday and Thurſday, weekly, during the whole Year, and on every other Day which is ſet apart for that Purpoſe by the Church of England, in like Manner read in the ſaid Church or Chapel the Morning Prayer preſcribed in the ſaid Book of Common Prayer for ſuch Days reſpectively; and ſhall on every Sunday throughout the Year, as well in the Morning as in the Evening, and on every Chriſtmas Day, Good Friday, and Aſcenſion Day, in the Morning after Divine Service performed, preach a Sermon in the ſaid Church or Chapel; and ſhall alſo on every Eaſter Sunday, Whitſunday, and Chriſtmas Day, and alſo upon the laſt Sunday in every Month, (except in the Month of December, and the Months in which Eaſter Day and Whitſunday ſhall happen), adminiſter the Holy Sacrament in the ſaid Church or Chapel: And if the ſaid Miniſter or Chaplain ſhall be prevented or hindered by Sickneſs, or any other reaſonable Cauſe, from performing the Duties above reſpectively required and enjoined, or any of them; then, and in every ſuch Caſe, he ſhall find and procure ſome other duly qualified Miniſter or Curate to do and perform the ſame reſpectively.

Churchwardens to pay Miniſter's Salary.

X. And be it further enacted, That, for the Maintenance of the Miniſter or Chaplain for the Time being of the ſaid intended Church or Chapel, the Perſons who ſhall be appointed to act as Churchwardens thereof for the Time being, in purſuance of this Act, and their Succeſſors, ſhall, by and out of the Rents of the Pews or Seats which ſhall be erected therein, and the Monies to ariſe from the Burying Ground in the ſaid Churchyard only, as hereafter mentioned, yearly and every Year, well and truly pay, or cauſe to be paid, to ſuch Miniſter or Chaplain for the Time being, the Sum of Seventy Pounds of lawful Money of Great Britain, without any Deduction or Abatement for Taxes, or otherwiſe howſoever, at the Feaſts of the Nativity of our Saviour Chriſt, and of Saint John the Baptiſt, by even and equal Portions, the firſt Payment thereof to be made on ſuch of the ſaid Feaſts as ſhall happen next after the Conſecration of the ſaid Church or Chapel; and the Money ſo to be paid ſhall be allowed to ſuch Churchwardens in their Accounts.

Miniſter's Remedy for Recovery of his Salary.

XI. And be it further enacted, That if Default ſhall be made in Payment of the ſaid yearly Sum of Seventy Pounds, or any Part thereof, to the ſaid Miniſter or Chaplain for the Time being, by the Space of Thirty Days next after any of the Days of Payment whereon the ſame ought to be paid, then it ſhall and may be lawful to and for ſuch Miniſter or Chaplain, and their reſpective Executors and Adminiſtrators, to ſue for and recover the ſame, with full Coſts of Suit, againſt ſuch Churchwardens for the Time being, by Action of Debt, or upon the Caſe, for ſo much Money had and received to their Uſe, or for Work and Labour, in the Court of Common Pleas to be held for the ſaid County Palatine of Lancaſter, or in any of His Majeſty's Courts of Record at Weſtminſter, or in the ſaid Borough Court of Liverpoole, wherein reſpectively no Eſſoin, Protection, Privilege, Wager of Law, or more than One Imparlance, ſhall be allowed.

Not more than an Arrear of 35 *l.* to be recovered from ſucceeding Churchwardens.

XII. Provided always, and be it further enacted, That no Arrears of the ſaid yearly Sum of Seventy Pounds to be had and recovered againſt any ſucceeding Churchwardens, which ſhall have accrued in the Time of any of their Predeceſſors, ſhall exceed in the Whole One Half-yearly Payment of the ſaid yearly Sum; and that every Action for the Recovery thereof be made and commenced againſt ſuch ſucceeding Churchwardens within the Space of Six Calendar Months next after their firſt entering upon and being ſworn into the Office of Churchwarden.

Miniſter to appoint Clerk, Sexton, and Verger.

XIII. And be it further enacted, That it ſhall and may be lawful to and for the Miniſter or Chaplain for the Time being of the ſaid intended Church or Chapel to nominate and appoint ſuch Perſons as he ſhall think fit, to officiate as Clerk, Sexton, and Verger, in the ſaid Church or Chapel, and alſo, from Time to Time, to diſplace and remove ſuch Clerk, Sexton, and Verger reſpectively, upon juſt and reaſonable Cauſe; the Wages or Stipends of ſuch Clerk, Sexton, and Verger, to be fixed and aſcertained according to the Direction of the ſaid Thomas Dobb, Richard Dobb, and Henry North, and their Heirs and Aſſigns, who ſhall and may, from Time to Time, uſe the like Methods for the Recovery of their reſpective Wages as are herein-before given to the Miniſter or Chaplain of the ſaid intended Church, for the Recovery of his Maintenance or Salary.

Application of the Surplus of Rents of Pews.

XIV. And be it further enacted, That in caſe any Surpluſage Money, ariſing by and from the Rents of the ſaid Pews or Seats, ſhall remain after Payment and Diſburſement of the ſeveral Salaries or Sums herein-before directed to be iſſued and paid thereout unto or for the Miniſter, Clerk, Sexton, and Verger, and other Officers and Aſſiſtants as aforeſaid, and for the Repairs of the ſaid intended Church or Chapel, and Church-yard, with the Walls, Gates, Organ, Clock, Bells, and other Things to the ſame reſpectively appertaining, or to appertain, and for other the Purpoſes herein above mentioned, the ſame ſhall be laid out and applied by the Churchwardens for the Time being of the ſaid intended Church or Chapel, and their Succeſſors, in augmenting the Salary of the Miniſter, Clerk, or Sexton, or in the ornamenting or otherwiſe improving the ſaid Church or Chapel.

Salaries of Miniſter, Clerk, &c. not to be leſs than certain Sums.

XV. Provided always, That the Salary of the Miniſter or Chaplain for the Time being of the ſaid intended Church or Chapel, ſhall not at any Time be leſs than Seventy Pounds; nor the Salary of the Clerk be leſs than Four Pounds; nor the Salary of the Sexton be leſs than Two Pounds; nor the Salary of the Verger be leſs than Two Pounds per Annum reſpectively.

Saving Rights of *Liverpoole*.

XVI. And it is hereby alſo enacted, That nothing in this Act contained ſhall prejudice, impeach, defeat, leſſen, or abridge, or be conſtrued to prejudice, defeat, leſſen, or abridge, the Right, Title, Intereſt, Claim, or Demand, of the Rectors of the ſaid Pariſh of Liverpoole, of, in, or to, any Dues, Duties, Offerings, Oblations, Obventions, or any other Eccleſiaſtical Rights, Benefices, Perquiſites, or Advantages, or any other Right, Title, or Intereſt, within the Pariſh of Liverpoole aforeſaid, which were or are veſted in them, or which they can or may reſpectively claim, demand, or be intitled to, by virtue of an Act of Parliament made and paſſed in the Tenth and Eleventh Years of the Reign of King William the Third, for making and erecting the Town of Liverpoole into a Pariſh, ſeparate and diſtinct from that of Walton, whereof it was then Part, and wherein it was formerly compriſed; and that nothing in this preſent Act contained ſhall charge, or be conſtrued to charge, any of the Burgeſſes or Inhabitants within the ſaid Town and Pariſh of Liverpoole, or the Liberties thereof, in any other Manner than as in and by the ſaid former Act, and this preſent Act, they are already charged or chargeable to the Pariſh Church of Saint Peter, and the Parochial Chapel of our Lady and Saint Nicholas, within the ſaid Town.

Double Fees to be paid for Marriages, &c.

XVII. And be it further enacted, That there ſhall be paid to and into the Hands of the Miniſter of the ſaid new-intended Church or Chapel for the Time being, for the Performance of the ſeveral and reſpective Offices of Miniſter, Clerk, and Sexton there, Double the Fees, Dues, add Perquiſites, which are uſually and of Right ought to be paid for every Marriage, Churching, Burial, and opening the Ground for Graves in the Chapel-yard or Coemetery at the ſaid Pariſh Church and Parochial Chapel of our Lady and Saint Nicholas; and that the Miniſter of the ſaid intended Church or Chapel ſhall, from Time to Time, collect and receive ſuch Double Fees, Duties, and Perquiſites, and account for and pay, by equal Half-yearly Payments in every Year, on every Twenty-fourth Day of June and Twenty-fifth Day of December, One Moiety or Half Part thereof to and into the Hands of the Rectors of the ſaid Pariſh Church and Parochial Chapel of our Lady and Saint Nicholas for the Time being, to be divided among them and the Clerks and Sextons of the ſame Pariſh Church and Parochial Chapel within Ten Days after ſuch Rectors ſhall have received the ſame, in ſuch Shares and Proportions as the Fees payable at the ſame Church and Chapel are divided; and that the remaining Moiety ſhall, on the ſaid Half-yearly Days, be divided between the Miniſter, Clerk, and Sexton, of the ſaid new-intended Church or Chapel, in ſuch Shares and Proportions as Fees of the like Nature, and for the like Services, are uſually, or of Right ought to be divided among the Rectors, Clerks, and Sextons, of the ſame Pariſh Church, or the ſaid Parochial Chapel of our Lady and Saint Nicholas, the Firſt of which Payments to the ſaid Rectors, Clerks, and Sextons, of the ſaid Pariſh Church and the ſame Parochial Chapel ſhall begin and be made at and upon ſuch of the ſaid Half-yearly Days as ſhall firſt happen after the Conſecration of the ſaid intended Church or Chapel; and in caſe of Nonpayment thereof at any Time or Times within the Thirty Days after either of the ſaid Half-yearly Days, One Moiety of ſuch Fees, Dues, and Perquiſites, ſhall and may be ſued for and recovered from the Miniſter of ſuch intended Church or Chapel for the Time being, from Time to Time, by and in the Names of the Rectors of the Pariſh of Liverpoole, by Action for Monies had and received for their Uſe, in any of the ſaid Courts.

No Burials within the Church.

XVIII. And to the End that the ſaid new-intended Church or Chapel may be kept clean and decent, be it further enacted, That no Graves or Burying-places ſhall be made or allowed within the Body of the ſaid new-intended Church or Chapel, but only in the ſaid new-intended Church-yard or Coemetery to be incloſed and conſecrated as aforeſaid; and that all Chriſtenings and Marriages to be had and ſolemnized in the ſaid new-intended Church or Chapel, and all Burials in the ſaid new Church-yard and Vaults, ſhall be regiſtered as uſual in the Regiſter of the ſaid Pariſh Church of Saint Peter.

Limitation of Actions.

XIX. And be it further enacted, That if any Action or Suit ſhall be commenced or proſecuted againſt any Perſon or Perſons, for any Thing done in purſuance of this Act; then, and in every ſuch Caſe, ſuch Action or Suit ſhall be brought within Six Calendar Months next after the Cauſe of Action ſhall ariſe, and not afterwards, and ſhall be laid in the ſaid County Palatine of Lancaſter, and not elſewhere; and the Defendant or Defendants, in ſuch Action or Suit, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by Authority of this Act: And if it ſhall appear ſo to be done, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or ſhall diſcontinue his, her, or their Suit or Action, after the Defendant or Defendants ſhall have appeared; or if Judgement ſhall be given againſt the Plaintiff or Plaintiffs, upon Demurrer; then, and in any of the ſaid Caſes, the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for the ſame as any Defendant or Defendants hath or have by Law for Coſts in any other Caſe.

General Iſſue.

Treble Coſts.

Publick Act.

XX. And be it further enacted, That this Act ſhall be deemed, taken, and allowed to be a Publick Act; and all Judges and Juſtices are hereby required to take Notice thereof as ſuch, without the ſame being ſpecially pleaded.

C A P. XXXVII.

An Act for draining and preſerving certain Commons, Low Grounds, and Cars, in the Pariſh of *Market Weighton*, and other adjacent Pariſhes in the Eaſt Riding of the County of *York*; and for making a Navigable Cut or Canal from *Market Weighton* to the River *Humber*.

Preamble.

WHEREAS certain Commons, Low Grounds, and Cars, within or near the Villages, Townſhips, or Pariſhes of *Market Weighton*, *Blacktoft*, *Everingham*, *Harſewell*, *Seaton*, *Roſs*, *Holme upon Spalding Moor*, *Foggathrope*, *Gribthrope*, *Spaldington*, *Burſea*, *Haſſholm*, *Wholſea*, *North Cliffe*, *South Cliffe*, *Hotham*, *Houghton*, *Bromfleet*, *Faxfleet*, *Shipton*, *Sancton*, and alſo a certain Common called *Walling Fen*, in the Eaſt Riding of the County of *York*, containg Twenty thouſand Acres of Land, or thereabouts, are ſubject to be overflowed, or otherwiſe annoyed with Water, and by that Means rendered in a conſiderable Degree unprofitable to the Proprietors thereof: And whereas the draining of the ſaid Commons, Low Grounds, and Cars, and the making the Main or Principal Drain navigable from the River *Humber*, at or near a Place called *Foſſdike Clough*, ſituate on the Banks of the ſaid River, to or near a Place called *Bow Bridge*, at or near the Town of *Market Weighton* aforeſaid, will be of great Utility to the Publick, and tend to the conſiderable Benefit and Advantage of the Proprietors of the ſaid Commons, Low Grounds, and Cars; but the ſame cannot be effected without the Aid of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That John Lund of the City of York, Robert Foſter of Burton Conſtable, in the County of York, John Raines of Burton Conſtable aforeſaid, John Dunnington of Thorganby, in the ſaid County of York, and Edward Johnſon of the Town of Kingſton upon Hull, Gentlemen, and their Succeſſors, to be appointed as herein-after is expreſſed, ſhall be, and they are hereby appointed Commiſſioners for draining the ſaid Commons, Low Grounds, and Cars, and for making the Main or Principal Drain navigable, and for executing and completing all and ſingular the Works, Matters, and Things which ſhall be neceſſary or proper for the carrying thoſe Purpoſes into full and perfect Execution; and all and ſingular the Powers, Authorities, and Truſts by this Act given to and repoſed in the ſaid Commiſſioners hereby nominated as aforeſaid, and their Succeſſors, to be appointed as herein-after is expreſſed, ſhall remain and continue in them for all the Purpoſes hereafter expreſſed, until the Drainage and Navigation aforeſaid ſhall be completely made, effected, and perfected, and the Award herein-after mentioned ſhall be ſigned and ſealed by the ſaid Commiſſioners, or their Succeſſors, or the major Part of them reſpectively, without being ſubject to any Controul from the Truſtees herein-after conſtituted and appointed, or any of them, in the Direction and Management of the ſaid Drainage and Navigation, or any of the Works to be by the Order of the ſaid Commiſſioners made, conſtructed, or carried on for or towards the effecting thoſe Undertakings and Purpoſes reſpectively.

Commiſſioners.

II. And for the preſerving, ſupporting, and perpetuating ſuch Drainage and Navigation, when the ſame ſhall have been effected and perfected by the ſaid Commiſſioners, or their Succeſſors, and for the executing in the mean Time the ſeveral Powers and Truſts herein-after mentioned to be granted to, and veſted in, the Perſons next herein-after named, and their Succeſſors, to be choſen and appointed as herein-after mentioned; be it further enacted by the Authority aforeſaid, That the Right Honourable George Cavendiſh, commonly called Lord George Cavendiſh, the Right Honourable Frederick Cavendiſh, commonly called Lord Frederick Cavendiſh, the Right Honourable John Cavendiſh, commonly called Lord John Cavendiſh, the Right Honourable Richard Cavendiſh, commonly called Lord Richard Cavendiſh, the Right Honourable George Cavendiſh junior, commonly called Lord George Cavendiſh; the Right Honourable William Lord Viſcount Gallway in the Kingdom of Ireland, Sir William Anderſon, Sir Griffith Boynton, Sir Charles Hotham, Sir Digby Legard, Sir James Pennyman, Sir Joſeph Pennington, Sir William Saint Quintin, Sir Savile Slingſby, Sir George Strickland, Baronets; Sir George Montgomery Metham Knight, the Reverend John Fountayne Doctor in Divinity, William Anderſon, Almar, Ainſty, Francis Beſt, Thomas Barker, Thomas Bowman, Thomas Conſtable, William Cayley, John Cayley, Francis Drake, John Dealtry, Thomas Ellis, John Empſon, Robert Evans, Thomas Eglin, James Foſter, Ford, Richard Gee, Henry Goodrick, John Holmes, Randle Hancock, Samuel Johnſon, Thomas Leak, Robert Midgley, Francis Matſon, Thomas Moſeley, John Preſton, Ponſonby, John Robinſon, Robert Robinſon, James Stillingfleet, John Simpſon, Iſaac Thompſon, Francis Tong, Thomas Wakefield, John Whaley, William Ward, James Willoughby, William Welfit, Seymour Clerks; Charles Anderſon, Robert Appleton, Teavil Appleton, William Ayre, Robert Athorpe, George Athorpe, Jonathan Acklon, John Arthur, John Arthur the younger, Thomas Athorpe, Hugh Bethel, William Bethel, Chriſtopher Bethel, Francis Boynton, Francis Beſt, John Bowman, Iſaac Broadley, Thomas Broadley, Richard Beatniffe, Leuyns Boldero Barnard, Henry Barnard, Leuyns Barnard the younger, Robert Burton, William Brown, John Broadley, Richard Bell, Francis Bailby, Thomas Barſtow, Chriſtopher Bayles, Joſeph Blyth, John Banks, William Battle, George Brook, John Brown, William Breighton, Richard Battle, Richard Burton, Cornelius Caley, William Conſtable, William Haggerſton Conſtable, Marmaduke Conſtable, Marmaduke William Conſtable, William Middleton Conſtable, John Courtneay, James Collins, Nathaniel Cholmley, John Chambers, Robert Clark, William Carr, Stephanus Caiſter, William Caiſter, John Croyſer, Michael Clarkſon, Henry Brewſter Darley, Richard Darley, William Dixon, William Denniſon, John Drinkrow, Henry Drinkrow, Robert Dewſberry, John Dunn, Joſhua Dunn, William Dickens, John Danſer, Roger Manwaring Ellerker, William Ellerker, Edward Ellerker, Henry Etherington, Samuel Everingham, John Edwards, Amaziah Empſon, Barnard Foord, George Flint, John Grimſton, Robert Grimſton, Chriſtopher Goulton, Roger Gee, Thomas Goulton, James Grabourn, Elliner Garton, Cary Gill, Cary Gill junior, Marmaduke Guy, George Gibſon, Athorpe Garton, Stanhope Harvey, John Hudſon, Randolphus Hewit, John Hewit, Thomas Haſſale, John Hodgſon, John Harland, William Hall, William Hill, Thomas Hill, William Hudſon, Burton Hall, Paul Harriſon, Richard Hodgſon, Abraham Haigh, Robert Jefferſon, Peter Johnſon, Ingram, John Johnſon, Henry Jubb, Simon Jewitt, Thomas Johnſon, Robert Knowleſly, Thomas Knowlton, Luke Lillingſton, Philip Langdale, Charles Langdale, William Langdale, Ralph Lutton, James Leighton, John Leeming, Charles Leybourn, William Leyborn, Henry Maiſter, Jonathan Midgley, William Meek, Carlton Monkton, George Montgomery Metham, John Millington, William Mountain, Timothy Mortimer, Thomas Muſgrave, Chriſtopher Megſon, Richard Mounton, Michael Newton, Marmaduke Nelſon, John Nicholl, Edward Nixon, Thomas Nixon, Timothy Newmarſh, Humphry Oſbaldeſton, John Oldfield, William Ombler, Charles Anderſon Pelham, William Preſton, Charles Pool, William Paul, Shermar Rookſby, Charles Robinſon, John Rickaby, Henry Diſney, Woolhouſe Roebuck, John Raper, Rudſton Calverley Rudſton, William Reed, William Richardſon, James Richardſon, Thomas Rhodes, John Ramſey, William Sotheron, William Sotheron the younger, Philip Saltmarſh, Arthur Saltmarſh, Philip Saltmarſh the younger, John Sholefield, Philip Sholefield the younger, William Strickland, Thomas Sutton, Savage, William Stephenſon, William Scoulcroft, William Sonley, Richard Sterne, Charles Slingſby, Thomas Turner Slingſby, Robert Stockdale, Robert Spofforth the younger, Humphry Trafford, Belby Thompſon, Richard Thompſon, Lillington Thompſon, William Vauſer, Henry Willoughby, Thomas Worſley, Banaſtre Walton, William Wilberforce, William Wilberforce junior, William Wilberforce the youngeſt, Samuel Watſon, William Weddel, Charles Witty, Thomas Williamſon, Joſeph Williamſon, Thomas Waldby, Thomas Walker, John Wakefield, Ralph Wiſe, William Whittaker, John Whittaker, William Williamſon, and William Waines, and their Succeſſors, to be appointed as herein-after is expreſſed, ſhall be, and they are hereby appointed Truſtees for the Drainage and Navigation aforeſaid, with ſuch Powers and Authorities as are herein-after expreſſed for the due and effectual Execution of their ſaid Truſt.

Qualification of Truſtees.

III. And be it further enacted, That no Perſon ſhall act as a Truſtee in the Execution of this Act, unleſs he ſhall advance the Sum of Two hundred Pounds, or more, towards carrying on the ſaid Navigation, or being a Perſon to whom ſuch Subſcription ſhall be aſſigned, or unleſs he ſhall at the Time of ſuch acting be ſeiſed of, or intitled to, an Eſtate of Lands, Tenements, or Hereditaments, in Poſſeſſion for his own Life, or the Life of another Perſon, of the clear yearly Value of Fifty Pounds above Reprizes, or ſhall be Heir-apparent to ſome Perſon having an Eſtate in Lands, Tenements, and Hereditaments of the clear yearly Value of Three hundred Pounds, or poſſeſſed of a perſonal Eſtate of the Value of Two

Penalty on acting if not qualified.

thouſand Pounds: And in caſe any Perſon ſhall act as a Truſtee in the Execution of this Act, who has not ſubſcribed the Sum of Two hundred Pounds, or been the Aſſignee of ſuch Subſcription, or not having a real or perſonal Eſtate, as aforeſaid, or not being Heir-apparent to ſome Perſon having ſuch Eſtate as aforeſaid; every ſuch Perſon ſo acting ſhall forfeit the Sum of One hundred Pounds to any Perſon or Perſons who ſhall inform and ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, or on the Caſe, in which it ſhall be ſufficient to declare for ſo much Money due to ſuch Proſecutor by virtue of this Act; and no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed to the Defendant in any ſuch Action; and the Proof of ſuch Qualification ſhall lie on the Perſon ſo proſecuted, and no other Proof ſhall be requiſite on the Part of the Proſecutor than that the Defendant in ſuch Action has acted as a Truſtee in the Execution of this Act.

Commiſſioners to take the following Oath.

IV. Provided always, and be it enacted, That no Perſon ſhall be capable of acting as a Commiſſioner or Truſtee in the Execution of any of the Powers given by this Act, (unleſs it be the Powers hereby given of adminiſtering Oaths), until he ſhall have taken an Oath to the Effect following:

I *A. B.* do ſwear, That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the beſt of my Skill and Judgement, execute and perform the Powers and Truſts given to and repoſed in me, by virtue of an Act for draining and preſerving certain Commons, Low Grounds, and Cars, in the Pariſh of *Market Weighton*, and other adjacent Pariſhes, in the Eaſt Riding of the County of *York*, and for making a navigable Cut or Canal from *Market Weighton* to the River *Humber*.

So help me GOD.

Which Oath One of the ſaid Commiſſioners or Truſtees reſpectively is hereby authoriſed and impowered to adminiſter to any other Commiſſioner or Truſtee, at any Meeting of ſuch Commiſſioners or Truſtees reſpectively, held by virtue of this Act.

Notice to be given for electing new Commiſſioners.

V. And be it further enacted, That upon the Death, Diſqualification, or Refuſal, or Neglect to act, after ſuch Notice as herein-after mentioned, of any Commiſſioner hereby nominated, or to be elected and appointed as hereafter mentioned, the Truſtees hereby nominated, or to be appointed by virtue of this Act, or any Seven or more of them, ſhall and may, from Time to Time, at any Meeting or Meetings in purſuance of this Act, (Twenty Days Notice at leaſt being given in the weekly News-paper called The York Courant, and in caſe there ſhall be no ſuch Paper, then in ſome other News-paper uſually circulated in the ſaid County of York, of the Time and Place of ſuch intended Meeting), elect One other Commiſſioner, not intereſted in the ſaid Commons, Low Grounds, or Cars, or any of them, in the Room of every ſuch Commiſſioner who ſhall happen to die, or be diſqualified, or neglect or refuſe to act, or who, after Notice in Writing, ſigned by the reſt of the then acting Commiſſioners, or the major Part of them, of his being required to attend at any Meeting of the ſaid Commiſſioners, to be held in purſuance of this Act, ſhall decline or neglect to attend at ſuch Meeting, without aſſigning any reaſonable Cauſe for the ſame, to be approved by the reſt of the ſaid Commiſſioners; and every Perſon ſo to be elected, and ſignifying his Acceptance of ſuch Truſt under his Hand, within Ten Days after ſuch Election, ſhall have the ſame Powers and Authorities, to all Intents and Purpoſes, as if he had been named a Commiſſioner in this Act: Provided, that if any Commiſſioner, hereby nominated as aforeſaid, or who may be elected by virtue of this Act, as aforeſaid, ſhall at any Time hereafter become in any Manner intereſted in the ſaid Commons, Low Grounds, and Cars, or any of them, ſuch Commiſſioner, immediately after he ſhall ſo become intereſted therein, ſhall be, from thenceforth, incapable of acting as a Commiſſioner by virtue of this Act, and another Commiſſioner, with ſuch full Powers as aforeſaid, ſhall and may be elected in his Room, by the ſaid Truſtees, or any Seven or more of them, at a Meeting to be held in purſuance of ſuch Notice as aforeſaid, in the ſame Manner as if ſuch Commiſſioner ſo becoming intereſted was dead; and if any ſuch Commiſſioner, after he ſhall become intereſted in the ſaid Commons, Low Grounds, and Cars, as aforeſaid, or any of them, ſhall preſume to act as a Commiſſioner in the Execution of this Act, ſuch Commiſſioner ſhall forfeit and pay to the then acting Truſtees, by virtue of this Act, the Sum of Fifty Pounds; to be recovered in the ſame Manner, and by the like general Manner of Declaring and Proof, as the Penalty for acting as a Truſtee under this Act, not being qualified as this Act directs, is herein-before directed to be recovered.

Commiſſioners intereſted in Commons, *&c.* incapable of acting.

Truſtees dying, or refuſing to act, others to be choſen.

VI. And be it further enacted, That upon the Death, Refuſal, or Neglect to act, after ſuch Notice as herein-after mentioned of any Truſtee hereby nominated, or to be elected and appointed as hereafter mentioned, the Truſtees hereby nominated, or to be appointed by virtue of this Act, or any Seven or more of them, ſhall and may, from Time to Time, at any Meeting or Meetings in purſuance of this Act, (Twenty Days Notice at the leaſt being given in the weekly News-paper called The York Courant, or other News-papers as aforeſaid, of the Time and Place of ſuch intended Meeting),

Meeting), elect ſome other Perſon (qualified as herein-before is required) to act as a Truſtee under this Act; and ſuch Perſon ſo elected ſhall be from thenceforth a Truſtee, by virtue of this Act, for the Execution of all the Powers and Authorities hereby given to, and veſted in, the Truſtees herein-before named, in the Room of every ſuch Truſtee who ſhall happen to die, or refuſe to act, or who, after Notice in Writing, ſigned by any Two or more of the then acting Truſtees, of his being required to attend at any Meeting of the ſaid Truſtees to be held in purſuance of this Act, ſhall decline or neglect to attend at ſuch Meeting, without aſſigning any reaſonable Cauſe for the ſame, to be approved by the ſaid Truſtees, or any Seven or more of them, at any Meeting to be held in purſuance of this Act; and every Perſon ſo to be elected a Truſtee, ſhall have the ſame Powers and Authorities, to all Intents and Purpoſes, as if he had been named a Truſtee in this Act.

Truſtees may act as Juſtices.

VII. And be it further enacted, That ſuch of the Truſtees appointed, or to be appointed, in or by virtue of this Act, as ſhall be a Juſtice or Juſtices of the Peace, may and is, and are hereby authoriſed and impowered to act as a Juſtice or Juſtices of the Peace within the Limits of his or their proper Juriſdiction reſpectively, in the Execution of the Powers and Authorities hereby given to any Juſtice or Juſtices of the Peace, notwithſtanding his or their being ſuch Truſtee or Truſtees; provided ſuch Juſtice or Juſtices is or are otherwiſe qualified, and not intereſted in the Matter in queſtion, other than as a Truſtee or Truſtees.

Time and Place of Commiſſioners Meeting.

VIII. And be it further enacted, That the ſaid Commiſſioners, or the major Part of them, ſhall meet within Six Weeks after paſſing this Act, at the Houſe of William Vawſer, known by the Sign of The Black Swan, in the Town of Market Weighton aforeſaid, or at ſome other Houſe in the ſaid Town, and ſhall then proceed to the Execution of this Act; and the ſaid Commiſſioners, or the major Part of them, may, from Time to Time, agree upon, and hold any future Meetings, with or without Adjournment, at ſuch Times, and Place or Places, being within Twelve Miles diſtant from the ſaid intended Navigation aforeſaid, as they, or the major Part of them, ſhall think moſt convenient for putting this Act in Execution.

Commiſſioners to hold One general annual Meeting.

IX. Provided always, That the ſaid Commiſſioners, or the major Part of them, ſhall and are hereby required to hold One general Annual Meeting, for the Purpoſes herein-after expreſſed, at Market Weighton aforeſaid, on the Fifth Day of May in every Year, not being Sunday, and in caſe the ſame ſhall happen to be Sunday, then on the Day next following, until all and every the Powers and Authorities given to the ſaid Commiſſioners by this Act ſhall be fully and completely executed and performed.

Proviſo.

X. Provided alſo, That nothing ſhall be done by the ſaid Commiſſioners or Truſtees, in the Execution of this Act, but at a Meeting to be held in purſuance of this Act, or in Conſequence of ſome Order or Orders made at ſuch Meeting or Meetings.

How Meetings are to be held.

XI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, and they are hereby authoriſed and impowered, from Time to Time, both before and after the Execution of the Award by this Act directed to be made, to hold any Meeting or Meetings with or without Adjournment, at ſuch Time or Times, Place or Places, being within Twelve Miles diſtant from the ſaid Navigation, as they the ſaid Truſtees, or any Seven of them, ſhall think moſt convenient; and if at any Meeting or Meetings appointed to be held by virtue of this Act there ſhall not appear a ſufficient Number of Truſtees to act, or to adjourn to another Day, the Truſtee or Truſtees then preſent, or the Clerk to the ſaid Truſtees, ſhall, from Time to Time, as often as ſuch Caſe ſhall ſo happen, by Notice to be given in The York Courant, or ſome other News-paper, as aforeſaid, at leaſt Ten Days before the next Meeting, appoint the ſaid Truſtees to meet at the Place where the laſt Meeting was appointed to be held, within Thirty Days after the Day for which ſuch laſt Meeting was appointed.

Truſtees not to hold a Place of Profit: And to defray their own Expences at Meetings.

XII. And be it further enacted, That no Perſon ſhall act as a Truſtee in the Execution of this Act during the Time he ſhall hold any Place of Profit under this Act; and that the ſaid Truſtees, and every of them, at all and every the Meetings to be held for the Execution of this Act, ſhall bear and defray their own Expences; but that all other Charges and Expences they, or any of them, ſhall or may be put unto, by executing the Powers veſted in them by this Act, ſhall be repaid or allowed to them, and they ſhall be indemnified againſt the ſame, by and out of the Monies ariſing from the Drainage or Navigation reſpectively, by virtue of this Act.

Commiſſioners to have Direction of Drainage.

XIII. And be it further enacted, That the ſaid Commiſſioners, until the ſaid Drainage and Navigation ſhall be finally completed, and the ſaid Commiſſioners ſhall have made their Award, as herein-after directed, ſhall have the Direction and Survey of all the private Works of Drainage within the ſaid Commons, Low Grounds, and Cars.

Outring and Diviſion Dikes to be kept open.

XIV. And be it further enacted, That if the Owner or Owners, Occupier or Occupiers, of any of the ſaid Commons, Low Grounds, and Cars, or any Part thereof, to which any Leading, Outring, or Diviſion Dike or Dikes, doth or ſhall belong, hath or have filled up, or ſhall fill up, or make any Dam, Heading, or Way over the ſame, without laying a ſufficient Stock, Tunnel, or Bridge, in, under, or over it or them, or ſhall neglect or refuſe ſufficiently to reed, road, ſcour, cleanſe, open, or repair ſuch Leading, Outring, or Diviſion Dike or Dikes, after Twenty-one Days Notice given to him, her, or them, for that Purpoſe, by the reſpective Surveyor or Surveyors, Collector or Collectors, for the Time being, appointed by virtue of this Act, ſo that ſuch Outring or Diviſion Dikes may at all Times be made and kept of ſuch Size and Dimenſions as the ſaid Commiſſioners, or the major Part of them, ſhall direct, and have a free and open Communication with the Main or Mother Drains to be made in purſuance hereof; then it ſhall and may be lawful for ſuch Surveyor or Surveyors, Collector or Collectors, to cauſe ſuch Dike or Dikes to be reeded, roaded, ſcoured, and cleanſed, or enlarged in a ſufficient Manner, as aforeſaid; and where there is not a ſufficient Stock, Tunnel, or Bridge, in, under, or over ſuch Dams, Headings, or Ways, to cauſe ſuch Stock, Tunnel, or Bridge, to be taken up, and made ſo wide and deep as the ſame ought to be; and by Warrant or Warrants under the Hands and Seals of the ſaid Commiſſioners, or the major Part of them, (which they, or the major Part of them, are hereby impowered to grant), to levy the Charge thereof upon the Goods and Chattels of ſuch Owner or Owners, Occupier or Occupiers, by Diſtreſs and Sale thereof, (over and above the other Rates and Taxes chargeable, or to be charged, upon the ſame Ground and Premiſes, by virtue of this Act), rendering the Overplus (if any) to ſuch Owner or Owners, Occupier or Occupiers, when demanded, after all Charges paid.

All Lands to be drained, and Works of Drainage or Navigation to be under the Direction of Commiſſioners, and to be diſcharged from the Juriſdiction of any Commiſſion of Sewers.

XV. And be it further enacted, That for the more effectual Execution of this Act, all the Lands and Grounds whatſoever within the ſaid Commons, Low Grounds, and Cars, and all Works whatſoever already made, or to be made, or erected by virtue of this Act, for the Purpoſe of the ſaid Drainage or Navigation, or the Improvement thereof, and alſo all Sewers, Drains, Watercourſes, and all other Matters and Things whatſoever within the ſaid Commons, Low Grounds, and Cars, ſhall, from and after the Firſt Meeting of the Commiſſioners hereby appointed, be ſubject to the Controul, Direction, Survey, Order, and Juriſdiction, of the ſaid Commiſſioners, and their Succeſſors, and from and after the Execution of the ſaid Award, to the Controul, Direction, Survey, Order, and Juriſdiction, of the ſaid Truſtees, and their Succeſſors, and not to the Controul, Direction, Survey, Order, or Juriſdiction, of any Commiſſion of Sewers, or any Law or Statute relating to Sewers; any former Law or Statute to the Contrary notwithſtanding.

Commiſſioners may make Cuts, Drains, &c. and maintain the ſame.

XVI. And be it further enacted, That, for the effectual draining, preſerving, and keeping dry the ſaid Commons, Low Grounds, and Cars, and for making, preſerving, and maintaining the ſaid Navigation, it ſhall and may be lawful to and for the ſaid Commiſſioners, or the major Part of them, and they are hereby authoriſed and impowered, at any of their Meetings to be held by virtue of this Act, in, upon, or through, the Lands and Grounds of any Perſon or Perſons, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, to make, dig, cut, erect, ſet up, enlarge, open, remove, alter, and maintain, or order and cauſe to be made, dug, cut, erected, ſet up, enlarged, opened, removed, altered, and maintained, and, from Time to Time, to be repaired and kept in Repair, all ſuch Cuts, Trenches, Paſſages, Gutters, Watercourſes, Bridges, Tunnels, Aqueducts, Sluices, Locks, Weirs, Pens for Water, Staunches, Reſervoirs, Drains, Wharfs, Quays, Landing-places, Weigh-beams, Cranes, Banks, Fences, Cloughs, Engines, Paths, or Ways for towing or haling with Men, Horſes, or otherwiſe, and other Works, Ways, Roads, and Conveniencies, in ſuch Manner, Order, and Form, as the ſaid Commiſſioners, or the major Part of them, ſhall think neceſſary and convenient, or to purchaſe any Cloughs or other Works which they ſhall think fit or proper for accompliſhing the Drainage, and other Purpoſes by this Act intended; and alſo for making and keeping the ſaid main Drain navigable and paſſable for Barges, Boats, Lighters, and other Veſſels, to cleanſe, ſcour, open, deepen, enlarge, or make ſtraight the ſame; and alſo to cleanſe, ſcour, open, deepen, enlarge, alter, divert, or conduct any other Streams, Brooks, or Watercourſes, which do come or may be brought into the ſame, or made to communicate therewith, (ſo that no Water in any Stream, Brook, or Watercourſe, flowing from Londeſbrough into the Foulney, be diverted or turned into the ſaid navigable Canal before the ſame Water ſhall have entered the Foulney); and to dig, cut, or raiſe the Banks thereof as they ſhall ſee Occaſion, and to make ſuch new Cuts, Canals, and Trenches, in, upon, or through, any Lands or Grounds, as the ſaid Commiſſioners, or the major Part of them, ſhall think neceſſary or convenient for carrying on and completing the ſaid Drainage and Navigation; and alſo to get, dig, take, and carry away Soil, Clay, Gravel, or Stone, and other Materials, proper, requiſite, and convenient for making, carrying on, altering, and continuing the ſaid Works and Undertakings, in or from any Grounds of any Perſon or Perſons adjoining or lying contiguous to the ſaid Works, or any of them, or in any other Places where ſuch Materials can be moſt conveniently got, (not being a Houſe, Orchard, Garden, Yard, planted Walk, or Avenue to a Houſe); and alſo to carry and convey the ſaid Materials in, over, and upon ſuch and all other Lands and Grounds neceſſary for the Conveyance thereof, and to place and lay any Earth, Clay, Gravel, Stone, or other Materials or Things neceſſary or convenient to be got or uſed in or upon account of the ſeveral Matters and Works aforeſaid, on the Lands or Grounds near to the Place or Places where ſuch Works, or any of them, ſhall be making, erecting, altering, or repairing; and alſo to do and perform all ſuch other Works, Matters, and Things, as the ſaid Commiſſioners, or the major Part of them, ſhall, from Time to Time, adjudge proper or convenient for the Purpoſes of this Act; and to make Contracts with any Perſon or Perſons for performing any of the Works, Matters, and Things, that ſhall be thought neceſſary in the Execution of this Act, Fourteen Days Notice being given by the ſaid Commiſſioners, or the major Part of them, in The York Courant, or ſuch other News-paper as aforeſaid, of the Time and Place of their receiving Propoſals for ſuch Contracts, they the ſaid Commiſſioners, or the major Part of them, their Agents, Workmen, or Servants, firſt making Satiſfaction to the reſpective Owners of, and Perſons intereſted in, ſuch Lands, Grounds, Tenements, or Hereditaments, as ſhall be uſed, removed, or prejudiced, in or by the Execution of any of the Powers hereby granted, in Proportion to their ſeveral and reſpective Intereſts therein, in Manner herein-after directed.

Bridges to be made over Drains.

XVII. Provided alſo, and be it enacted, That if by the making any Drain, Ditch, or other Work, by virtue or in purſuance of this Act, the Paſſage of any Perſon or Perſons to or from any Part of his, her, or their Grounds with Cattle or Carriages ſhall be prevented or interrupted, the ſaid Commiſſioners, or the major Part of them, ſhall, and they are hereby required, before or immediately after ſuch Work ſhall be completed, to cauſe proper Bridges, Gates, Stiles, Fences, Paſſages, and Tunnels, to be made, erected, ſet up, and for ever after to be ſupported and maintained, for the convenient Paſſage of the Occupier or Occupiers reſpectively to and from the ſame, with his, her, and their Cattle and Carriages, and to defray the Expences of erecting, making, and maintaining, ſuch Bridges out of any Monies ariſing by virtue of this Act from the Drainage and Navigation reſpectively.

Charges of the Act how to be paid.

XVIII. And be it further enacted, That for the raiſing and levying ſuch Sum or Sums of Money as the ſaid Commiſſioners, or the major Part of them, ſhall adjudge to be neceſſary for defraying ſuch peculiar Share of the Charges of obtaining this Act, as herein-after mentioned and directed to be paid, by or out of the Aſſeſſment upon Lands, and for carrying on and completing the ſaid Drainage, and every incidental Purpoſe relating thereto, it ſhall and may be lawful to and for the ſaid Commiſſioners, or the major Part of them, from Time to Time, as they ſhall ſee Occaſion, to aſſeſs, tax, and charge the reſpective Owners and Occupiers of ſuch of the ſaid Low Grounds and Cars as are occupied and enjoyed in Severalty, and which ſhall be benefited by the ſaid Drainage, by an Acre-tax, with ſuch groſs Sum or Sums of Money as to the ſaid Commiſſioners, or the major Part of them, ſhall ſeem requiſite, ſo that the Whole of ſuch groſs Sum or Sums of Money, ſo to be aſſeſſed for the carrying on and completing the ſaid Drainage, ſhall not exceed the Sum of Forty Shillings for every Acre, and ſo in proportion for a leſs Quantity than an Acre: And the ſaid Commiſſioners, or the major Part of them, ſhall, and they are hereby required to rate and proportion ſuch reſpective Acre-tax or Taxes, according to the Benefit ariſing from, and the Expences occaſioned by, the Drainage of the reſpective Lands and Grounds ſo to be aſſeſſed; and ſhall make, or cauſe to be made, and fairly written upon Paper, a ſeparate Acre-tax or Taxes for each of the Townſhips or Pariſhes, the Lands whereof are to be aſſeſſed and taxed as aforeſaid, which ſhall contain and expreſs the Names of the ſeveral Owners and Occupiers of Lands within the ſaid Townſhips or Pariſhes reſpectively, for his, her, or their Number of Acres ſo to be aſſeſſed, and the Sums at which the ſame are ſo aſſeſſed, and ſhall therein cauſe to be inſerted Thirty Days previous Notice of the Time and Place when and where, and of the Name or Names of the Perſon or Perſons to whom the Payment thereof ſhall be made; to which Paper ſo written the ſaid Commiſſioners, or the major Part of them, ſhall reſpectively ſubſcribe their Names, and then cauſe the ſame to be affixed upon the Church Door of the reſpective Pariſh or Pariſhes ſo aſſeſſed and taxed: And alſo that it ſhall and may be lawful to and for the ſaid Commiſſioners, or the major Part of them, from Time to Time, to tax and charge all and every the ſaid Commons, and ſuch of the ſaid Low Grounds and Cars which are not poſſeſſed or enjoyed in Severalty, but are ſubject to Rights of Common or Paſture, and which ſhall be benefited by the ſaid Drainage, with ſuch reſpective groſs Sum or Sums of Money as they ſhall judge neceſſary for the Purpoſes of the hereby intended Drainage, ſo that the Whole of ſuch groſs Sum or Sums ſhall not exceed the Rate of Forty Shillings for every Acre; and the ſaid Commiſſioners, or the major Part of them, ſhall cauſe a Paper or Papers in Writing, ſpecifying and expreſſing the groſs Sum or Sums ſo reſpectively to be taxed and charged upon the ſaid Commons, Low Grounds, and Cars, ſubject to the Rights of Common of Paſture as aforeſaid, and ſigned by them, to be affixed upon the Church Door of the Pariſh or Pariſhes within which the ſaid Commons and the laſt-mentioned Low Grounds and Cars do lie; and in the ſaid Paper ſhall inſert Notice, not being leſs than Thirty Days, of the Day and Place when and where the ſaid reſpective groſs Sum or Sums are to be paid to them, or the Perſon or Perſons they ſhall appoint to receive the ſame, which ſaid Paper ſhall be a ſufficient Notice to the ſeveral Perſons intereſted in the Lands and Grounds ſo charged with ſuch groſs Sum or Sums for the Payment of the ſame.

Enforcing Payment of Taxes.

XIX. And be it further enacted, That if any Owner or Owners, Occupier or Occupiers, of any the ſaid Low Grounds and Cars, ſo occupied and enjoyed in Severalty, ſhall refuſe or neglect to pay ſuch Sum or Sums, Rate or Rates, Tax or Taxes, charged upon him, her, or them reſpectively, within Thirty Days after the Time or Times appointed for the Payment of the ſame, as aforeſaid, it ſhall and may be lawful for any Perſon or Perſons, by virtue of any Warrant or Precept to him or them directed, under the Hands and Seals of the ſaid Commiſſioners, or the major Part of them, (which Warrant or Precept the ſaid Commiſſioners, or the major Part of them, are hereby impowered and required to grant, as Occaſion ſhall require), to raiſe and levy the Sum or Sums ſo rated, taxed, or charged, by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons making Default as aforeſaid, whereever the ſame ſhall be found, and alſo of any Goods and Chattels which ſhall be found on the Lands and Premiſes, in reſpect whereof ſuch Sum or Sums of Money ſhall be ſo aſſeſſed and charged; and if ſuch Lands and Premiſes ſhall at any Time hereafter be untenanted, or unoccupied, or no ſufficient Diſtreſs can be found for levying the ſaid Taxes or Aſſeſſments, then the ſaid Lands and Premiſes ſhall remain a Security for the Payment of the ſame; and the ſaid Commiſſioners, or the major Part of them, in ſuch Caſe, ſhall, (after Default of Payment for Six Calendar Months, having firſt given Three Calendar Months Notice in Writing to ſuch Owner, or his Agent, or left at his, her, or their Place of Abode), and they are hereby authoriſed and impowered to let the ſaid Lands and Premiſes from Year to Year, at the beſt Rent that can be procured for the ſame, and to take the Rents and Profits thereof, until the ſaid Taxes and Aſſeſſments, and all Arrears thereof, and all Expences occaſioned by the Nonpayment thereof, ſhall be fully paid and ſatisfied; and the Reſidue, if any, ſhall be paid into the Hands of the Treaſurer or Clerk of the ſaid Commiſſioners, and by him paid to the Owner or Owners of ſuch Lands, or his, her, or their Agent, when demanded.

A Part of the Commons may be incloſed for defraying the Tax.

XX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or the major Part of them, upon the Requeſt of a Majority in Value of the Proprietors or Perſons intereſted in any the ſaid Commons, Low Grounds, and Cars, ſubject to Rights of Common, as aforeſaid, or in caſe the ſaid groſs Sum or Sums, taxed and charged as aforeſaid, ſhall be in arrear or unpaid for the Space of Thirty Days next after the Time to be appointed for Payment thereof as aforeſaid, to incloſe, or cauſe to be incloſed ſuch Number of Acres of and from the ſaid Commons, Low Grounds, and Cars, taxed or charged with ſuch groſs Sum or Sums, as they ſhall think ſufficient to defray the ſame, and alſo the Charge of making ſuch Incloſure, the Reſidue of the ſaid Lands and Grounds (in caſe the ſaid incloſed Part ſhall not be ſufficient to raiſe and pay the ſaid groſs Sum or Sums) ſtill remaining liable to pay the ſaid groſs Sum or Sums, ſo that the Whole of ſuch incloſed Lands do not exceed One Tenth Part of the Whole of ſuch Commons and Low Grounds and Cars; and that the ſaid Commiſſioners, in whom ſuch incloſed Part or Parts are hereby declared to be veſted, ſhall and may, from Time to Time, grant a Leaſe or Leaſes of the Part or Parts ſo to be incloſed unto any Perſon or Perſons, at and for the beſt Rent they can get for the ſame, for any Term not exceeding Fourteen Years; and that the Rent or Rents ariſing from ſuch incloſed Part or Parts, after the aforeſaid groſs Sum or Sums of Money ſhall be paid, ſhall be applied, ſo far as the ſame will extend, towards defraying the Expences of erecting and making Banks, Engines, Drains, and other Works neceſſary for the Purpoſe of Drainage; or it ſhall and may be lawful to and for the ſaid Commiſſioners, or the major Part of them, to borrow and take up at Intereſt ſuch Sum or Sums as ſhall be equal to the ſaid groſs Sum or Sums, and the Charges occaſioned by ſuch Incloſure or Incloſures as aforeſaid; and for ſecuring the Repayment thereof, with Intereſt, by any Deed or Deeds, Writing or Writings, under their Hands and Seals, to grant and demiſe ſuch incloſed Part or Parts to ſuch Perſon or Perſons as ſhall advance the Money ſo to be borrowed, his, her, or their Executors, Adminiſtrators, or Aſſigns, for any Term or Number of Years, as the ſaid Commiſſioners, or the major Part of them, ſhall think fit; every ſuch Grant and Demiſe to be made with a Proviſo to ceaſe and be void on Payment by the reſpective Proprietors of, and Perſons intereſted in, the Lands ſo to be mortgaged, his, her, or their Heirs or Aſſigns, of the principal Money ſo to be borrowed, with Intereſt for the ſame, as aforeſaid, within Six Calendar Months after ſuch principal Money ſhall be ſo borrowed.

When any Part of *Walling Fen* ſhall be incloſed, the Proportion of Lands liable to pay Tithes ſhall be ſettled according to the Proportion of the Land Tax.

XXI. And be it further enacted, That when any Part of the ſaid Common, called Walling Fen, ſhall be incloſed for the Purpoſes of this Act, the Proportion of Lands liable to pay Tithes to each Pariſh, Townſhip, or Place, having Right of Common on the ſaid Fen, ſhall be ſettled and aſcertained by the ſaid Commiſſioners, or the major Part of them, according to the Proportion of the Land-tax payable by each and every ſuch Pariſh, Townſhip, or Place; and ſuch Determination ſhall be entered and ſigned by the ſaid Commiſſioners, or the major Part of them, in One of the Books to be kept for the entering of the Bye-laws, Orders, Conſtitutions, and Proceedings, of the ſaid Commiſſioners and Truſtees.

The Rector of *Hotham* may borrow Money on his Glebe Lands, &c.

XXII. And be it further enacted, That it ſhall and may be lawful to and for the Rector of the Pariſh of Hotham for the Time being, and he is hereby authoriſed and impowered, by and with the Conſent of the major Part of the ſaid Commiſſioners, and after the Execution of the Award herein directed to be made, by and with the Conſent of Seven or more of the ſaid Truſtees, to charge the Glebe Lands and Grounds belonging to the ſaid Rectory, and which ſhall be aſſeſſed, taxed, and charged, with any Rates and Taxes by virtue of this Act, with any Sum or Sums of Money for defraying the ſaid Rates and Taxes, not exceeding the Sum or Sums charged on ſuch Glebe Lands and Grounds, for the Purpoſes of this Act; and for ſecuring the Repayment of ſuch Sum or Sums of Money, with Intereſt, to grant, mortgage, leaſe, demiſe, or otherwiſe ſubject the ſaid Glebe Lands and Grounds, unto ſuch Perſon or Perſons as ſhall advance and lend ſuch Sum and Sums of Money reſpectively, for any Term or Number of Years, ſo as every ſuch Grant, Mortgage, or Demiſe, be made with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be ſurrendered, when ſuch Sum or Sums of Money thereby to be ſecured, with the Intereſt thereof, ſhall be fully paid and ſatisfied, and ſo as every ſuch Grant, Mortgage, or Demiſe, contain a Proviſo that the Rector of the ſaid Pariſh for the Time being ſhall not be liable, upon becoming Rector of the ſaid Pariſh, to the Payment of a further or larger Arrear of Intereſt than for One Year preceding the Time of the Death, Reſignation, or Ceſſion of the laſt Incumbent.

Proviſo.

XXIII. Provided always, That the Rector of the ſaid Pariſh for the Time being ſhall not only keep down the Intereſt of ſuch Sum or Sums of Money ſo borrowed upon the Credit of the ſaid Glebe Lands and Grounds, but ſhall alſo annually pay off and diſcharge One Tenth Part of ſuch Sum or Sums of Money, until the Payment of the whole Sum or Sums ſo borrowed ſhall be completed, any Thing to the Contrary thereof notwithſtanding.

Mortgages to be deemed perſonal Eſtates.

XXIV. And be it further enacted, That all Mortgages to be made or granted as aforeſaid ſhall be deemed perſonal Eſtates, and ſhall and may be reſpectively aſſigned, transferred, and aſſignable, from Time to Time, by Indorſements without Stamps; and that a Memorial of all ſuch Mortgages and Monies from Time to Time lent thereon, and Aſſignments thereof reſpectively, ſhall be entered in a Book, to be kept for that Purpoſe by the Treaſurer or Clerk to the ſaid Commiſſioners, who ſhall, at the Requeſt of every Mortgagee, Grantee, or Aſſignee reſpectively, enter the ſame, without demanding or receiving any other Fee or Reward than the Sum of Three Shillings and Sixpence for every ſuch Entry.

Survey to be made, in Writing, and delivered to Commiſſioners.

XXV. And be it enacted, That a true and diſtinct Survey ſhall be made of all the ſeveral Lands and Grounds which the ſaid Commiſſioners, or the major Part of them, ſhall adjudge and determine to be liable to be rated and taxed by virtue of and within the Meaning of this Act, by ſuch Perſon or Perſons as the ſaid Commiſſioners, or the major Part of them, ſhall appoint; and ſuch Survey ſhall be reduced into Writing; and the Number of Acres, Roods, and Perches, within the ſaid Commons, Low Grounds, and Cars, or other Grounds to be benefited thereby, ſhall be therein ſpecified and deſcribed; and ſuch Survey ſhall be delivered to the ſaid Commiſſioners, or the major Part of them, within Thirty Days after the ſame ſhall have been completed, and ſhall be verified upon the Oath of the Perſon or Perſons ſo making the ſame; which Oath any One of the ſaid Commiſſioners is hereby impowered and required to adminiſter.

Commiſſioners to determine Boundaries of Commons.

XXVI. And whereas ſome Doubts may ariſe as to the exact Extent of the Commons liable to be taxed by virtue of this Act, be it further enacted, That where the Boundaries between any Two or more Commons now lying open, and in common adjoining to each other, are doubtful, and not at preſent certainly known, it ſhall and may be lawful for the ſaid Commiſſioners, or the major Part of them, and they are hereby authoriſed and required to meet and view the ſaid Commons, Ten Days Notice of ſuch Meeting being given in the Pariſh Church or Chapel of each Town intereſted in the ſaid Commons, on ſome Sunday immediately after Divine Service, and by Notice, in Writing, fixed on the Church or Chapel Door, by the Examination of Witneſſes upon Oath, (which Oath any One of the ſaid Commiſſioners is hereby impowered to adminiſter), or by ſuch other Evidence as they ſhall think material, to ſettle, fix, determine, and aſcertain the Limits and Boundaries of ſuch Commons; and ſuch Determination being expreſſed and declared by ſome Inſtrument in Writing, under the Hands and Seals of the ſaid Commiſſioners, or the major Part of them, ſhall be final and concluſive to all Intents and Purpoſes; which Inſtrument in Writing ſhall, within Six Calendar Months next after the executing the ſame, be inrolled with the Clerk of the Peace for the Eaſt Riding of the County of York.

Commiſſioners to determine Diſputes about Lands liable to be overflowed.

XXVII. Provided always, and be it enacted, That in caſe it ſhall be alleged by any of the ſaid Proprietors, that any ſpecifick Lands belonging to him, her, or them reſpectively, and which ſhall be comprehended in, and charged or chargeable with, any ſuch Rate, Tax, or Aſſeſſment, as aforeſaid, are or ought to be deemed High Lands, and that the ſame have not been ſubject to be overflowed or otherwiſe annoyed by Water, the Truth and Juſtice of ſuch Allegation ſhall be determined by View of the major Part of the ſaid Commiſſioners; and no Tax or Aſſeſſment ſhall be paid or payable, or liable to be raiſed or levied, in reſpect of ſuch Land ſo charged, until ſuch Determination ſhall be made by the ſaid Commiſſioners; and ſuch Commiſſioners, or the major Part of them, ſhall ſet forth their Determination in Two or more diſtinct Writings, and ſhall ſign the ſame, and One of ſuch Writings ſhall be delivered to the Owner of ſuch Lands, or his known Agent; and in caſe of more Owners than One of ſuch Lands, then ſuch Writing ſhall be delivered to the Churchwardens and Overſeers of the Poor of ſuch Pariſh or Pariſhes, Place or Places, in which ſuch Lands do lie, and the other of ſuch Writings ſhall be delivered to the Clerk of the ſaid Commiſſioners.

In what Manner Diſputes about High Lands ſhall be ſettled.

XXVIII. Provided always, and be it enacted, That in caſe it ſhall be alleged by any of the ſaid Proprietors, (within Twenty-four Days after Notice given of the Sum or Sums at which his, her, or their reſpective Lands or Grounds are taxed and aſſeſſed as aforeſaid), by the Determination, upon View of the ſaid Commiſſioners, or the major Part of them, that any ſpecifick Lands belonging to him, her, or them reſpectively, and which ſhall be comprehended in, and charged with, any ſuch Rate, Tax, or Aſſeſſment, as aforeſaid, are or ought to be deemed High Lands, and that the ſame have not been ſubject to be overflowed or otherwiſe annoyed by Water, or being ſtrictly within the Deſcription of Low Lands, and having been ſubject to be annoyed with Water, ſhall be charged or chargeable with any greater or higher Tax than the due Proportion that ſuch Land ought to bear, contrary to the true Intent and Meaning of this Act; that then, and in either and every of ſuch Caſes, the ſame ſhall be ſettled and determined by a Jury, in the ſame Manner, and under the ſame Powers, Directions, and Penalties, as are herein given and granted in Caſes of Diſputes concerning the Purchaſe of Lands, Tenements, and Hereditaments, to be made uſe of for the Purpoſes of this Act; and in caſe the ſaid Lands ſhall be deemed Low Lands liable to be taxed, or in caſe the ſaid Lands ſhall not be deemed to be overcharged; then, and in either of the ſaid Caſes, the Perſon or Perſons ſo alleging as aforeſaid ſhall pay all the reaſonable and neceſſary Expences of ſummoning and maintaining ſuch Jury and the Witneſſes, and the other Expences attending the ſame.

Tenants to pay Taxes, and deduct the ſame out of their Rents,

XXIX. And be it further enacted, That the Taxes to be charged and aſſeſſed as aforeſaid, by virtue of this Act, ſhall be paid by the Tenants of the Land charged with the ſame reſpectively; and ſuch Tenants ſhall and may retain and deduct the ſame out of the Rents payable by them reſpectively to the Owner or Owners of ſuch Lands.

except Tenants whoſe Leaſes will not expire till after the End of Seven Years,

XXX. Provided always, That in caſe any Tenant ſhall hold any Lands ſo to be taxed by virtue of and under any Leaſe for any Term of Years which will not expire until the End of Seven Years, to be computed from the Day of the paſſing of this Act, then ſuch Taxes ſhall be paid by the Leſſor or Leſſee, or in ſuch Shares and Proportions between the Leſſor and Leſſee of ſuch Lands, as ſhall be adjudged, aſcertained, and determined, by the ſaid Commiſſioners, or the major Part of them.

and Tenants under Church and College Leaſes.

XXXI. Provided alſo, That all Perſons holding their Lands under any Biſhop's Leaſe, College Leaſe, or Church Leaſe, not at Rack-rent, ſhall pay the whole Taxes in reſpect of the Lands ſo taxed, and ſhall not be intitled to any Deduction out of their Rents in reſpect thereof.

Lords of Manors, or Landowners may erect Warehouſes, *etc.*

XXXII. And be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to reſtrain or hinder the Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds through which the ſaid intended navigable Cut or Canal ſhall be made, under or by virtue of this Act, from making, erecting, or uſing any Wharfs, Quays, Landing-places, Cranes, Weighbeams, or Warehouſes, in or upon their reſpective own proper Lands, Grounds, or Waſtes, adjoining or near to the ſaid Cut or Canal hereby authoriſed to be made, or from landing any Goods or Merchandiſe, or other Things thereupon, or upon the Banks lying between the ſame and the ſaid new-intended Cut or Canal, or for making and uſing proper and convenient Places for Boats, or other Veſſels, to lie in, turn, or paſs by each other, ſo that the making, erecting, or uſing thereof reſpectively, ſhall and do not obſtruct or prejudice the Navigation of the ſaid intended Cut or Canal, or the Towing-paths or Sides thereof; and all Rates, Dues, and Duties, that ſhall be paid for the Uſe and Benefit of the ſaid Wharfs, Quays, Landing-places, Cranes, Weighbeams, and Warehouſes reſpectively, ſhall be, and the ſame are hereby veſted in ſuch Lord or Lords of ſuch Manor or Manors, or the Owner or Owners of ſuch Lands or Grounds, or Waſtes, who ſhall make and erect ſuch Wharfs, Quays, Landing-places, Cranes, Weigh beams, or Warehouſes, upon their own reſpective Lands, Grounds, or Waſtes reſpectively, his, her, and their Heirs and Aſſigns, ſo that the Rates, Tolls, or Duties, granted to the ſaid Commiſſioners, or the major Part of them, for Tonage and Wharfage, ſhall not be thereby reduced or altered.

Commiſſioners may build after 12 Calendar Months Notice given to the Owners.

XXXIII. Provided always, and be it enacted, That if any ſuch Lord or Lords, Owner or Owners, ſhall not, within the Space of Twelve Calendar Months after Notice given in Writing by or on Behalf of the ſaid Commiſſioners, or the major Part of them, that any Part or Parts of ſuch Lands, Grounds, or Waſtes, is or are intended to be uſed by them for the Purpoſe of erecting Warehouſes and Buildings for the Uſe of the ſaid Navigation, make, erect, and maintain, in ſubſtantial Repair, in the Opinion of the ſaid Commiſſioners, or the major Part of them, proper and ſufficient Warehouſes and Buildings agreeable to a Plan or Plans thereof, which is and are hereby required and directed to be delivered to ſuch Lord or Lords, Owner or Owners, at the ſame Time or Times when ſuch Notice or Notices ſhall be given as aforeſaid, on the reſpective Part or Parts of the Lands, Grounds, and Waſtes, compriſed and deſcribed in ſuch Notice; then, and in every ſuch Caſe, the ſaid Commiſſioners, or the major Part of them, ſhall have full and abſolute Power and Authority, without any Hinderance or Reſtraint whatſoever, to make uſe of ſuch Lands, Grounds, or Waſtes, for erecting ſuch ſufficient Warehouſes and Buildings, agreeable to ſuch Plan or Plans ſo delivered as aforeſaid, making Satisfaction for the ſame in ſuch Manner as is directed with reſpect to other Lands or Grounds which ſhall be taken and uſed for the like Purpoſes.

Anſer Dam, Thornton Dam, Temple Dam, and *Hodlet,* and the ſeveral Cloughs, may be taken away with Conſent of Commiſſioners or Truſtees.

XXXIV. And be it further enacted, That the ſeveral Perſons liable to cleanſe and ſcour the ſeveral Drains and Sewers called Anſer Dam, Thornton Dam, Temple Dam, and Hodlet, and alſo to maintain and keep in repair the ſeveral Cloughs belonging to the ſaid ſeveral Drains or Sewers, and ſtanding upon the Banks of the ſaid River Humber and the River Ouze, in the ſaid Eaſt Riding, and their ſeveral and reſpective Heirs and Aſſigns, ſhall, at the Expiration of Three Years, at any Time or Times after the ſaid Drainage and Navigation ſhall be completed, by and with the Conſent of the ſaid Commiſſioners, or the major Part of them, during the Continuance of their Authority as aforeſaid, or of the ſaid Truſtees, or any Seven of them, after the Authority of the ſaid Commiſſioners ſhall be determined, (as the Caſe ſhall happen to be), at any of their Meetings to be held by virtue of this Act, but not otherwiſe, be exonerated and diſcharged of all further Charges and Expences of cleanſing or ſcouring the ſaid ſeveral Drains or Sewers, and alſo of maintaining and keeping in Repair the ſaid ſeveral Cloughs for the Purpoſes of Drainage; and that then and from thenceforth it ſhall and may be lawful to and for the ſaid ſeveral Perſons, and their ſeveral and reſpective Heirs and Aſſigns reſpectively, to take up and remove all the Brick, Stone, Iron, Timber, and other Materials of or belonging to the ſaid ſeveral Drains and Cloughs, and to ſell and diſpoſe of the ſame reſpectively at their own Will and Pleaſure, and for their own reſpective Uſe and Benefit, any Law, Statute, Uſage or Cuſtom to the Contrary thereof notwithſtanding.

If the Commiſſioners ſhall continue *Hodlet* Clough, the ſame ſhall be maintained in the ſame Manner as the other Works.

XXXV. Provided always, and be it further enacted, That if the ſaid Commiſſioners, or the major Part of them, during the Continuance of their ſaid Authority, or the ſaid Truſtees, or any Seven of them, ſhall, after the ſaid Cut or Canal ſhall be made from the ſaid River Humber through a Place called Oſmadike Marr, at any of their Meetings as aforeſaid, think it expedient or proper to make uſe of and continue the ſaid Clough and Sewer leading thereto, called Hodlet, for the Purpoſe of an aſſiſtant Drainage, for the Benefit of the ſeveral Townſhips and Places intended to be drained by virtue of this Act; that then, and at all Times thenceforth, the ſaid Clough and Sewer ſhall be maintained, repaired, and kept open, by a general Charge, in ſuch and the like Manner as all the other Works to be made by virtue of this Act for the Purpoſes of the ſaid intended Drainage are to be maintained and ſupported.

Works veſted in Commiſſioners until their Award, and then in Truſtees.

XXXVI. And be it further enacted, That the Eſtate and Property of and in the ſeveral Locks, Cloughs, Engines, and all and ſingular other Works to be made uſe of for the Purpoſes of ſuch Drainage or Navigation reſpectively, and of the Materials of which the ſame ſhall conſiſt, and alſo all Materials which ſhall be actually got or collected to be made uſe of in ſuch Works, ſhall be, and they are hereby veſted in the ſaid Commiſſioners, and their Succeſſors, to be appointed as aforeſaid, until they ſhall have ſigned and ſealed their Award, as herein-after directed; and from and after the ſigning and ſealing of ſuch Award the ſame ſhall be, and are hereby veſted in the Truſtees herein-before named, or to be elected, as aforeſaid; and they the ſaid Commiſſioners, or the major Part of them, during the Continuance of their ſaid Intereſt therein, and after the Determination of ſuch Intereſt, then the ſaid Truſtees, or any Seven or more of them, are hereby impowered to bring, or cauſe to be brought, any Action or Actions, in the Name of their Treaſurer or Clerk, or to prefer or order the preferring of Indictments againſt any Perſon or Perſons who ſhall injure or diſturb them the ſaid Commiſſioners or Truſtees reſpectively in the Poſſeſſion, Uſe, or Enjoyment of the Premiſes, or any of them.

Commiſſioners may remove Obſtructions.

XXXVII. And be it further enacted, That the ſaid Commiſſioners, or the major Part of them, are hereby authoriſed, and ſhall have Power, from Time to Time, to remove, or cauſe to be removed, all Impediments, Annoyances, and Obſtructions whatſoever, from Time to Time, being in or near any Drain or Work ſubject to their Power, Ordering, or Direction, by virtue of this Act; and in caſe the Perſon or Perſons who ſhall occaſion any ſuch Impediment, Annoyance, or Obſtruction, ſhall refuſe or neglect to remove the ſame in ſuch Manner as the ſaid Commiſſioners, or the major Part of them, or their Agents, Officers, or Workmen, ſhall require, by the Space of Six Days after Notice in Writing given for that Purpoſe, every ſuch Perſon or Perſons ſo neglecting or offending, on Conviction before any Juſtice of the Peace for the Eaſt Riding of the County of York, by the Oath or Oaths of One or more credible Witneſs or Witneſſes, ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings; to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of ſuch Juſtice; and for want of ſufficient Diſtreſs ſuch Offender or Offenders ſhall, by Warrant under the Hand and Seal of ſuch Juſtice, be committed to the Common Gaol, or Houſe of Correction, for any Time not exceeding Three Calendar Months, nor leſs than Twenty-one Days, or until ſuch Penalty ſhall be paid, or otherwiſe compounded for; which Compoſition the ſaid Commiſſioners, or the major Part of them, are hereby impowered to make.

The Courſe of the Navigation.

XXXVIII. And be it further enacted, That the ſaid Commiſſioners, of the major Part of them, ſhall begin the ſaid main Drain or navigable Canal at or near the ſaid Foſs Dyke Clough, ſituate upon the Banks of the ſaid River Humber, and ſhall carry on, complete, and finiſh the ſame, and all and ſingular the Works to be made or erected thereon, from or near the ſaid Foſs Dyke Clough progreſſively upwards, before the ſaid main Drain or navigable Canal, or any the ſaid Works ſhall be begun in or upon the higher Parts of the intended Courſe of the ſaid main Drain or navigable Canal.

Works for Navigation not to prejudice the Drainage.

XXXIX. Provided always, and be it enacted, That no Works ſhall be done for effecting or perfecting the ſaid Navigation in purſuance of the Powers and Authorities in this Act contained, which ſhall be the Means or Occaſion of Detriment, Prejudice, or Hinderance, to the draining of the aforeſaid Commons, Low Grounds, and Cars, or to the Works to be made for ſuch Drainage, or to the conveying or diſcharging the Water and Floods from any of the Lands lying within the ſaid Commons, Low Grounds, and Cars, which ſhall be rated or taxed for the Purpoſes of this Act.

No Lock to pen up the Water higher than within Three Feet of the Surface of the Land.

XL. Provided alſo, and be it enacted, That no Lock or Staunch ſhall be erected for the Purpoſe of Navigation which ſhall pen up the Water higher than within Three Feet of the natural Surface of any of the Lands and Grounds above ſuch Lock or Staunch; and ſuch Lock or Staunch ſhall be opened or pulled up whenever the Water ſhall run above Four Inches over the Top of ſuch Lock or Staunch.

Owners may make Cuts, Canals, or Watering-places.

XLI. Provided always, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, in any Way to reſtrain or prevent the ſeveral Owners and Proprietors of Lands and Grounds within any of the ſaid Commons, Low Grounds, and Cars, hereby intended to be drained, from making ſuch Cuts, Canals, or Watering-places, in, over, and upon, their reſpective Lands and Grounds, as they ſhall, from Time to Time think proper, ſo as ſuch Cuts, Canals, or Watering-places, do not damage or prejudice either the Drainage or the Navigation intended to be made and effected by this Act.

Owners of adjacent Grounds may be admitted to the Benefit of Drainage by Agreement with Commiſſioners of Truſtees.

XLII. And be it further enacted, That in caſe the Owners of any Lands or Grounds, or the Majority of the Owners of, and Perſons intereſted in, any Commons in the ſaid Eaſt Riding of the County of York, adjoining or lying near the ſaid Commons, Low Grounds, and Cars, intended to be drained by virtue hereof, though not within the Pariſhes, Townſhips, or Places mentioned in this Act, ſhall ſignify in Writing to the ſaid Commiſſioners, or the major Part of them, or the ſaid Truſtees, or any Seven of them, at any of their Meetings, their Deſire that ſuch their reſpective Commons, Lands, or Grounds, ſhould be admitted to the Benefit of Drainage through all or any of the Cuts, Drains, or other Works to be made by virtue of this Act, it ſhall and may be lawful to and for the ſaid Commiſſioners, or the major Part of them, during the Continuance of their Authority, and after the Determination thereof, for the ſaid Truſtees, or any Seven or more of them, at their annual Meeting, to extend the Boundaries of this Act, ſo as to take in and comprehend ſuch Commons, Lands, or Grounds; and alſo to rate and tax ſuch Commons, Lands, or Grounds, with ſuch yearly or groſs Sum or Sums of Money, or otherwiſe, as ſhall be agreed upon by and between the ſaid Owners and the ſaid Commiſſioners or Truſtees, as the Caſe may happen to be; provided that it ſhall appear to the ſaid Commiſſioners or Truſtees that ſuch Extenſion ſhall not be to the Prejudice of any other Grounds or Lands the Owners whereof ſhall not have joined in ſuch Application, or to the Prejudice of the Drainage hereby intended, Notice thereof having been given in the weekly News-paper called The York Courant, or ſome other News-paper as aforeſaid, Twenty Days at the leaſt before ſuch annual Meeting.

Adjacent Grounds how to be taxed.

XLIII. Provided always, and be it enacted, That ſuch Sum or Sums of Money ſo agreed upon to be paid for every Acre ſo admitted to the Benefit of Drainage, ſhall not exceed the higheſt Rate or Proportion of the Rates and Taxes charged by this Act upon an Acre of Land or Ground within the Boundaries of this Act; and that after ſuch Admiſſion and Taxation, ſuch Commons, Lands, and Grounds, ſhall be, and be deemed and taken to be within the Boundaries of this Act, and be Part of the Lands intended to be drained thereby; and that all the Powers, Authorities, Proviſions, Limitations, Penalties, Forfeitures, Matters, and Things, in this Act contained, as well in reſpect of Works and Drainage, and the impoſing, levying, collecting, and Application of Taxes, and the raiſing of Money on the Credit thereof, or otherwiſe, ſhall extend, and be conſtrued to extend, to ſuch Lands and Grounds, and the Rates and Taxes to be laid thereon; any Thing herein contained to the Contrary thereof notwithſtanding.

Commiſſioners to purchaſe Lands for building Houſes for Lock-keepers, &c.

XLIV. And be it further enacted, That the ſaid Commiſſioners, or the major Part of them, ſhall have full Power and Authority, and are hereby impowered to agree with the Proprietors of, and Perſons intereſted in, any Lands, Tenements, or Hereditaments, on which they the ſaid Commiſſioners, or the major Part of them, ſhall judge neceſſary, to build Houſes for Perſons looking after the Locks, or to be made uſe of in any Manner, in Whole, or in Part, for the Purpoſes of this Act, either for the Purchaſe of ſuch Lands, Tenements, and Hereditaments, or for the Recompence to be made to ſuch Proprietors, or Perſons intereſted therein, for the Damage they may reſpectively ſuſtain; and alſo to ſettle and aſcertain in what Proportion the Sum or Sums ſo agreed for ſhall be paid to the ſeveral Perſons intereſted in the Premiſes; and it ſhall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate and Sole, Huſbands, Guardians, Truſtees, or Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes-covert, or Perſons under any other legal or natural Diſability; and to and for all and every Perſon or Perſons whomſoever who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any ſuch Lands, Tenements, or Hereditaments, to contract for, ſell, and convey, unto the ſaid Commiſſioners, or the major Part of them, or to ſuch Perſon or Perſons as they or the major Part of them, ſhall appoint, the Fee-ſimple and Inheritance, or the whole Eſtate and Intereſt of ſuch Perſon or Perſons, or Bodies Politick, Corporate or Collegiate, Aggregate or Sole, or other Perſons whomſoever, of and in ſuch Lands, Tenements, and Hereditaments, for the Purpoſes aforeſaid; or to agree with the ſaid Commiſſioners, or the major Part of them, for any Recompence to be made for any Damages occaſioned by the Execution of any of the Powers of this Act; and all ſuch Contracts, Sales, Conveyances, and Agreements, ſhall be valid and effectual in the Law to all Intents and Purpoſes, not only ſo as to alienate, convey, and transfer, the Eſtate and Intereſt of the Perſon or Perſons actually entering into, making and executing the ſame, but alſo all Rights, Eſtate, Intereſt, Uſe, Property, Claim, and Demand whatſoever, both in Law and Equity, of their ſeveral and reſpective Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes-covert, or other Perſon or Perſons whomſoever, and all claiming or to claim, by, from, or under them, any Law, Statute, Uſage, or Cuſtom to the Contrary notwithſtanding; and all Bodies Politick, Corporate or Collegiate, and all Perſons whomſoever ſo conveying as aforeſaid, are hereby indemnified for what they, or any of them, ſhall do in Purſuance, and according to the true Intent and Meaning of this Act.

XLV. And it is hereby further enacted, That if any ſuch Bodies Politick, Corporate or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons, intereſted or concerned as aforeſaid, for the Space of Thirty Days after Notice in Writing given to the principal Officer or Officers of ſuch Body Politick, Corporate or Collegiate, or to ſuch Truſtee or Truſtees, Perſon or Perſons reſpectively, or left at his, her, or their reſpective Place or Places of Abode, or at the Houſe of the Tenant or Tenants, Occupier or Occupiers, of ſuch Lands, Tenements, or Hereditaments, intended to be cut, altered, dug, or uſed, for any of the Purpoſes in this Act as aforeſaid, ſhall neglect or refuſe to treat, or ſhall not agree with the ſaid Commiſſioners, or the major Part of them, or, by reaſon of Abſence, ſhall be prevented from treating, touching the Matters aforeſaid; then, and in every ſuch Caſe, the ſaid Commiſſioners, or the major Part of them, are hereby impowered, from Time to Time, to iſſue out their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the County of York for the Time being, or in caſe ſuch Sheriff ſhall be immediately intereſted in ſuch Matter in Queſtion, then to One of the Coroners of the ſaid County, commanding ſuch Sheriff or Coroner to impanel, ſummon, and return, a Jury; and the ſaid Sheriff or Coroner reſpectively, to whom the ſaid Warrant or Warrants ſhall be directed, is hereby required accordingly to impanel, ſummon, and return a Jury of Twenty-four Men, qualified according to the Laws of this Realm, to be returned for Trials of Iſſues joined in His Majeſty's Courts at Weſtminſter, to appear before the ſaid Commiſſioners, or the major Part of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, not being leſs than Twenty-one Days after ſuch Warrant ſhall be ſerved upon the ſaid Sheriff or Coroner reſpectively, upon Pain to forfeit for every Default in not making ſuch Return Five Pounds; to be ſued for and recovered in the Manner herein-after directed; and alſo to return in Iſſues upon every Perſon ſo impanelled and returned not appearing, contrary to the true Intent and Meaning of this Act, the Sum of Forty Shillings; which ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon not appearing as aforeſaid, by Warrant or Warrants under the Hands and Seals of the ſaid Commiſſioners, or the major Part of them: And in caſe a ſufficient Number of Jurymen ſhall not appear at ſuch Time and Place, the ſaid Sheriff or Coroner ſhall return other honeſt and indifferent Men that can ſpeedily be procured to attend that Service, being qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve; and all Parties concerned ſhall and may have their lawful Challenges againſt any of the ſaid Jurymen; and the ſaid Commiſſioners, or the major Part of them, are hereby impowered, by Warrant or Warrants under their Hands and Seals, from Time to Time, as Occaſion ſhall require, to ſummon and call before them all and every ſuch Perſon or Perſons as ſhall be thought neceſſary to be examined as Witneſſes, touching the Matters in queſtion; and the ſaid Commiſſioners, or the major Part of them, may order and authoriſe the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matter in queſtion; which Jury, upon their Oaths, to be adminiſtered by the ſaid Commiſſioners, or the major Part of them, (which Oaths, as alſo the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners, or the major Part of them, are hereby impowered to adminiſter), ſhall inquire of, aſſeſs, and aſcertain the Sum or Sums of Money to be paid for the Purchaſe of ſuch Lands, Tenements, or Hereditaments, or the Recompence to be made for ſuch Damages as may or ſhall be ſuſtained as aforeſaid, and to ſettle and aſcertain in what Proportion the Sum or Sums ſo aſſeſſed ſhall be paid to the ſeveral Perſons intereſted in the Premiſes; and the ſaid Commiſſioners, or the major Part of them, ſhall give Judgement for ſuch Purchaſe-monies or Recompence ſo to be aſſeſſed by ſuch Juries; which ſaid Verdict, and the Judgement thereupon pronounced by the ſaid Commiſſioners, or the major Part of them, ſhall be binding and concluſive to all Intents and Purpoſes, againſt all Parties, Bodies Politick, Corporate, and Collegiate, and all Perſons whomſoever.

Where Perſons ſhall refuſe or neglect to treat,

Truſtees may iſſue a Warrant to the Sheriff, *etc.* to ſummon a Jury.

Jurors may be challenged.

Witneſſes may be ſummoned and examined upon Oath.

Verdict to be concluſive.

XLVI. Provided alſo, and be it enacted, That if any Perſon or Perſons, ſummoned as aforeſaid to give Evidence, ſhall neglect or refuſe to appear at ſuch Time or Times, Place or Places, as ſhall be appointed in the Warrant or Warrants granted by the ſaid Commiſſioners, or the major Part of them; or appearing, ſhall refuſe to be ſworn or examined by, or give Evidence before the ſaid Commiſſioners, or the major Part of them; or if any Perſon, ſummoned as a Juryman as aforeſaid, ſhall, after his Appearance, refuſe to be ſworn, or, being ſo ſworn, refuſe to give, or not give his Verdict, or in any other Manner wilfully neglect his Duty in the Premiſes, contrary to the true Intent and Meaning of this Act; every Perſon ſo offending, having no reaſonable Excuſe to be allowed

Witneſſes or Jurymen refuſing to be ſworn, to be fined by the Commiſſioners.

lowed by the ſaid Commiſſioners, or the major Part of them, ſhall, for every ſuch Offence, forfeit and pay a Sum not exceeding the Sum of Five Pounds; to be levied on the Goods and Chattels of the Perſon or Perſons ſo offending, by Warrant or Warrants under the Hands and Seals of the ſaid acting Commiſſioners, or the major Part of them, by Diſtreſs and Sale of the Offender's Goods, rendering the Overplus (if any) to the Owner thereof, after ſuch Penalty and the Charges of ſuch Diſtreſs and Sale are deducted.

Expences of the Jury how to be paid.

XLVII. And be it further enacted, That in caſe any Jury, to be ſummoned and ſworn as aforeſaid, ſhall give a Verdict for more Monies, as a Recompence or Satiſfaction for any Lands, Tenements, or Hereditaments, or for any Damages to be done thereto, than what ſhall have been offered by or on Behalf of the ſaid Commiſſioners, or the major Part of them, before the ſummoning of any ſuch Jury for ſuch Recompence or Satiſfaction, that then all the reaſonable and neceſſary Expences of ſummoning and maintaining ſuch Jury and the Witneſſes, and of taking ſuch Inqueſt, ſhall be paid and defrayed by the ſaid Commiſſioners, or the major Part of them, out of the Monies to ariſe by virtue of this Act; but if any ſuch Verdict ſhall be given for no greater Sum, or a leſs Sum than ſhall have been ſo previouſly offered by or on Behalf of the ſaid Commiſſioners, or the major Part of them, for ſuch Recompence or Satiſfaction, that then the Expences of ſummoning and maintaining ſuch Jury and the Witneſſes, to be ſettled by the ſaid Commiſſioners, or the major Part of them, ſhall be borne and defrayed by the Owners of, or Perſons intereſted in, the ſaid Lands, Tenements, or Hereditaments ſo in Queſtion; and the Expences ſo aſcertained ſhall be deducted and taken out of the Monies ſo aſſeſſed and adjudged, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed within the Intent and Meaning of this Act to be a full Satiſfaction for ſuch Lands, Tenements, Hereditaments, or Damages, reſpectively.

Commiſſioners may proceed on Works, after Satiſfaction made.

XLVIII. And be it further enacted, That upon Payment or legal Tender of ſuch Sum or Sums of Money as ſhall be agreed upon between the ſaid Commiſſioners, or the major Part of them, and the Party or Parties intereſted, or of ſuch Sum or Sums of Money as ſhall be aſſeſſed by any ſuch Party or Parties, or to the principal Officer or Officers, Treaſurer or Receiver of any ſuch Bodies Politick, Corporate or Collegiate, or if he, ſhe, or they, cannot be found, or refuſe to accept ſuch Money, upon Payment thereof to the Clerk or Treaſurer of the ſaid Commiſſioners, for the Uſe of, and to be paid upon Demand, without Fee or Reward, to ſuch Party or Parties, principal Officer or Officers, Treaſurer or Receiver reſpectively, the ſaid Commiſſioners, and all Perſons employed or authoriſed by them, or the major Part of them, ſhall have full Power and Authority to enter upon the Lands, Tenements, or Hereditaments, in reſpect whereof ſuch Monies were ſo agreed for or aſſeſſed, and to make uſe of ſuch Lands, Tenements, and Hereditaments, for the Purpoſes of this Act; and they ſhall be, and are hereby indemnified for ſo doing; and all and every Perſon and Perſons, Bodies Politick, Corporate, and Collegiate whatſoever, ſhall from thenceforth be, to all Intents and Purpoſes, diveſted of all Right, Title, and Claim, Intereſt, and Property, to and in the ſame.

Commiſſioners to enter upon and make Surveys of Lands, *&c.*

XLIX. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or the major Part of them, or ſuch Perſon or Perſons as they, or the major Part of them, ſhall appoint, without any previous Payment or Tender of Recompence, to enter upon and take a Survey and Level of, and to mark out any Lands, Tenements, or Hereditaments, which they the ſaid Commiſſioners, or the major Part of them, ſhall think neceſſary to be uſed for any of the Purpoſes of this Act, doing thereby as little Damage as may be, and making Satiſfaction as ſoon as conveniently may be, for all Damages which ſhall be thereby occaſioned, in caſe ſuch Damages exceed the Sum of Five Shillings; and in caſe ſuch Damages ſhall not amount to the Sum of Five Shillings, then no Satiſfaction ſhall be paid or recovered, or ſued for on account thereof, in any Court whatſoever.

Bodies Politick, *etc.* to have Satiſfaction for Damages.

L. And be it further enacted, That if any Perſon or Perſons, Bodies Politick or Corporate, at any Time after the ſaid Commiſſioners, or any Perſon or Perſons employed or authoriſed by them, ſhall have begun to carry this Act into Execution for making the ſaid Drainage and Navigation, or ſhall have completed the ſame, ſhall happen to ſuſtain any Damage or Injury in his, her, or their Lands, Grounds, or Hereditaments, for which they ſhall have had no Recompence or Satiſfaction through any Neglect or Default of the ſaid Commiſſioners, or their Agents, Workmen, or Servants, or by reaſon of any Alteration which ſhall be made by them, or any or either of them, on account of the Works to be made by virtue of this Act, or from any other Cauſe; then, and in every ſuch Caſe, if the ſaid Commiſſioners, or the major Part of them, and the Parties by whom ſuch Damages ſhall have been ſuſtained, ſhall not agree touching ſuch Damages, the ſaid Commiſſioners, or the major Part of them, ſhall inquire of and aſcertain ſuch Damages by a Jury, to be impanelled and returned as aforeſaid, and give Judgement for the Party or Parties aggrieved, who ſhall recover the ſame accordingly, in the ſame Manner and Form as the Damages and Recompences are hereby appointed to be aſſeſſed and adjudged for any Lands, Tenements, or Hereditaments, which ſhall be in anywiſe made uſe of, cut, or damnified, in the Execution of any the Works by this Act directed and authoriſed.

All Verdicts, *etc.* to be inrolled and filed with the Clerk of the Peace.

LI. And be it further enacted, That all Verdicts and Judgements which ſhall be made and given in relation to any ſuch Lands, Tenements, and Hereditaments, ſo to be uſed for the Purpoſes of this Act as aforeſaid, (ſuch Verdicts and Judgements being ſigned by the major Part of the ſaid Commiſſioners who ſhall be preſent at the taking of ſuch Inqueſt), ſhall be delivered to and filed by the Clerk of the Peace for the Eaſt Riding of the County of York; and the ſame, or a true Copy thereof, ſhall be admitted as Evidence in all Courts whatſoever; and all Perſons ſhall have Liberty to inſpect the ſame, and take Copies thereof, upon paying for every ſuch Inſpection the Sum of One Shilling, and for every ſuch Copy, not exceeding One hundred Words, the Sum of Two-pence, and ſo in proportion for any greater Number of Words.

For Exchange of Lands.

LII. And whereas the Lands and Grounds of ſeveral of the Land-owners may, by the Execution of the Powers of this Act, be ſo ſeparated as to render the Occupation thereof inconvenient; be it further enacted, That it ſhall and may be lawful to and for any Bodies Politick, Corporate and Collegiate, and other Land-owners, under any Diſability, by and with the Conſent of the ſaid Commiſſioners, or the major Part of them, or of the ſaid Truſtees, or any Seven or more of them, to be teſtified by any Writing or Writings to be by them ſealed and delivered in the Preſence of and atteſted by Two or more credible Witneſſes, to contract for, ſell, and diſpoſe, or to convey in Exchange, in lieu of other Lands, all or any Part of ſuch Lands or Grounds ſo ſeparated to any Perſon or Perſons whomſoever, for ſuch Price or Prices in Money, or other Equivalent, as to the ſaid Commiſſioners, or the major Part of them, or to the ſaid Truſtees, or any Seven or more of them, ſhall ſeem reaſonable, ſo as that ſuch Price or Prices be not leſs than after the Rate of Thirty Years Purchaſe; and that all ſuch Contracts, Agreements, Sales, Exchanges, Conveyances, and Aſſurances, ſhall be valid and effectual in Law, to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or Cuſtom to the Contrary thereof notwithſtanding: And all Bodies Politick, Corporate or Collegiate, and all Perſons whomſoever, ſo conveying and exchanging as aforeſaid, are hereby indemnified for what he, ſhe, or they, or any of them, ſhall reſpectively do by virtue or in purſuance of this Act; and that all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances, ſo to be made as aforeſaid, ſhall, at the Expence of the ſaid Commiſſioners or Truſtees, be inrolled in the publick Regiſter Office for the ſaid Eaſt Riding; and true Copies thereof, atteſted by the proper Officer, ſhall be allowed to be good Evidence in all Courts whatſoever, for which Inrolment, or Copy thereof, ſhall be taken the Sum of Two-pence for every One hundred Words, and ſo in proportion for a greater or leſs Number of Words, and no more.

Tolls.

LIII. And be it further enacted by the Authority aforeſaid, That, in conſideration of the great Charges and Expences which muſt neceſſarily be ſuſtained in making, maintaining, and ſupplying with Water the ſaid Main Drain or Cut, intended to be made navigable as aforeſaid, and in making and maintaining all other Works for the Uſe and Purpoſe of the ſaid Navigation, there ſhall be paid, from and after the Feaſt of Saint Michael next coming, at ſuch Place or Places, upon or adjoining to the ſaid Main Drain or navigable Cut, as the ſaid Commiſſioners, or the major Part of them, ſhall, by any Inſtrument in Writing under their Hands and Seals, appoint, unto the Collector or Collectors, (to be nominated as herein-after is directed), by all and every Perſon or Perſons who ſhall carry or convey any Goods, Wares, Merchandiſes, or Commodities whatſoever, up or down the ſaid navigable Canal, any Sum or Sums of Money, not exceeding Four Shillings for every Ton of Grocery Goods, Wares, and Merchandiſes; Two Shillings for every Chaldron of Coals, (containing Thirty-two Buſhels to the Chaldron); One Shilling for every Ton of Stone; One Shilling and Sixpence for every Chaldron of Lime, (containing Thirty-two Buſhels to the Chaldron); Sixpence for every Ton of Manure of all Sorts; Two Shillings for every Thouſand of Tiles; One Shilling for every Thouſand of Bricks; and Eight-pence for every Pack of Wool, (containing Sixteen Stone to each Pack); and ſo in proportion for any greater or leſs Quantity: Which reſpective Sum or Sums of Money the ſaid Commiſſioners, or the major Part of them, ſhall, by any Inſtrument in Writing under their Hands and Seals, appoint to be paid in due Proportions, according to the Expences attending or occaſioned by the making navigable ſuch ſpecifick Diſtance of the ſaid navigable Cut or Canal, as any of the ſaid Goods, Wares, Merchandiſes, or Commodities, ſhall be carried or conveyed upon; and the ſaid Sum or Sums, or any Part thereof ſo proportioned, ſhall and may be demanded and taken as a Toll, for navigating upon the ſaid Cut or Canal, from the ſaid River Humber to Market Weighton, at ſuch Place or Places as the ſaid Commiſſioners, or the major Part of them, ſhall in ſuch Inſtrument direct: And in caſe of Neglect or Denial of Payment on Demand of ſuch Tolls, or any Part thereof, ſuch Collector or Collectors is and are hereby authoriſed and required to ſeize and detain any ſuch Goods, Wares, Merchandiſes, and Commodities, or the Boats or Veſſels conveying the ſame; and in caſe ſuch Tolls ſhall not be paid within the Space of Five Days next after ſuch Seizure made, it ſhall be lawful for the ſaid Collector or Collectors to ſell ſuch Goods, Wares, Merchandiſes, Commodities, Boats, or Veſſels, rendering the Overplus (if any) to the Owners, after the ſaid Tolls, together with the reaſonable Charges of ſuch Seizure, Detention, and Sale, ſhall be ſatisfied and paid.

Exemptions.

LIV. Provided always, That nothing herein-before contained ſhall extend to charge with any of the ſaid Tolls or Rates any Boats which ſhall be upon the ſaid navigable Cut for Pleaſure only, or any Boat or other Veſſel, laden with Materials for the Purpoſes of Drainage or Navigation hereby directed to be made.

Rates for Corn, &c.

LV. Provided always, and be it enacted, That for every Quarter of Wheat, Rye, Beans, Peaſe, Lentiles, Barley, Malt, Oats, or other Grain, or Seeds whatſoever, paſſing or repaſſing upon the ſaid navigable Canal, there ſhall be paid the Sum of Eight-pence; and for every Sack of Flour (containing Five Buſhels to the Sack) Sixpence, and no more; and ſo in proportion for any greater or leſs Quantity: Which reſpective Sum and Sums of Money ſo appointed to be paid as aforeſaid, ſhall and may be demanded, taken, recovered, and applied, in ſuch Manner, and at ſuch Place or Places, as the other Tolls or Rates herein-before ſpecified are herein directed to be demanded, taken, recovered, and applied.

40s. Penalty on Perſons taking Benefit of Exemptions illegally.

LVI. Provided always, and be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall claim or take any Benefit of any of the Exemptions by this Act granted, not being intitled to the ſame, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings; to be recovered, levied, and applied, in ſuch Manner as other Forfeitures and Penalties are directed by this Act to be recovered, levied, and applied.

Taxes and Tolls veſted in Commiſſioners, &c.

Application of the ſame.

Peculiar Charges of Drainage upon Lands.

Peculiar Charges of Navigation upon the Contributors.

Commiſſioners to keep Books for that Purpoſe.

LVII. And be it further enacted, That all the Money which ſhall be raiſed, levied, and collected, by virtue of this Act, for or towards the carrying on and completing the Drainage of the ſaid Commons, Low Grounds, and Cars, herein-before mentioned, and alſo all Tolls and Duties to be raiſed by virtue of this Act for or towards the carrying on and completing the ſaid Navigation, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners, or their Succeſſors, to be nominated as herein-before mentioned, until ſuch Drainage and Navigation ſhall be finally completed and perfected, and the Award of the ſaid Commiſſioners ſhall be executed as herein-after mentioned; and from and after the ſigning and ſealing ſuch Award, all the Money which ſhall then have been raiſed by the ſaid Commiſſioners for thoſe Purpoſes, or any of them, by virtue of this Act, and alſo all the Monies which ſhall then have been taxed and aſſeſſed by the ſaid Commiſſioners, or the major Part of them, by virtue of this Act, but ſhall not have been then received, and all and ſingular the Powers and Authorities herein-before granted to the ſaid Commiſſioners for the collecting, raiſing, and levying the ſame, ſhall immediately, from and after the ſigning and ſealing of the ſaid Award by the ſaid Commiſſioners, be veſted in the ſaid Truſtees herein-before named, and their Succeſſors, to be choſen and appointed as aforeſaid; and the ſaid Commiſſioners, or the major Part of them, are hereby authoriſed, in the Firſt Place, and before any other Diſburſements, to pay and diſcharge all the Charges and Expences of ſoliciting and obtaining this Act, and other neceſſary Expences relating thereto; which ſaid Charges and Expences ſhall be divided between the Proprietors of the ſaid Lands ſo intended to be drained and the Subſcribers to the ſaid Navigation, in ſuch Proportions as the ſaid Commiſſioners, or the major Part of them, ſhall think juſt and reaſonable; and alſo all the Charges and Expences of the ſaid Commiſſioners, and all other Charges and Expences which are indiſcriminately occaſioned by the ſaid intended Drainage and Navigation; but with reſpect to all the peculiar Charges and Expences, as well of carrying on and finiſhing the ſaid intended Drainage, as of maintaining, preſerving, and keeping in Order, for all Times to come, all the Drains to be made or enlarged for that Purpoſe, other than the maintaining the main Drain or navigable Canal, the ſame ſhall be, and are hereby directed to be, borne and defrayed wholly out of the Money to be raiſed by ſuch rateable and proportionate Taxes and Aſſeſſments as aforeſaid, upon the ſaid Commons, Low Grounds, and Cars; and with reſpect to all the peculiar Charges and Expences, as well of the making, carrying on, and completing the ſaid main Drain or navigable Canal, as of maintaining, preſerving, and keeping in Order, for all Times to come, ſuch main Drain or navigable Canal, and all and ſingular the Works which ſhall be made, done, or conſtructed, for the Purpoſe of effecting, completing, and carrying on the ſaid intended Navigation, or any Thing relative thereto, and the Charges and Expences of all Purchaſes of Lands or other Hereditaments to be made for the Purpoſe of the ſaid intended Navigation, and all Monies which ſhall be paid as a Satiſfaction for Damages done to any Lands or Hereditaments which ſhall be uſed for the ſame or the like Purpoſe, and all other incidental Charges and Expences which ſhall be occaſioned by or by Means of the ſaid intended Navigation, the ſame ſhall be and are hereby directed to be borne and defrayed wholly out of the Money ſubſcribed, or to be ſubſcribed, by the ſeveral Contributors to the ſaid intended Navigation; and for that End the aforeſaid Commiſſioners, by their Treaſurer or other Officer, are hereby required to procure and keep One or more Book or Books of Account, in which ſhall be entered, fairly and diſtinctly, the ſeveral Sums of Money which ſhall be received from Time to Time by virtue of this Act, to be applied towards the carrying on and finiſhing the ſaid intended Drainage, and the Works relating thereto, and the ſeveral Sums of Money which ſhall be paid and diſpoſed of for the ſame Purpoſe; and One or more other Book or Books of Account, in which ſhall be entered, fairly and diſtinctly, the ſeveral Sums of Money which ſhall be received from Time to Time by virtue of this Act, to be applied towards the carrying on and finiſhing the ſaid intended Navigation, and the Works and Expences relating thereto, and the ſeveral Sums of Money which ſhall be paid and diſpoſed of for that Purpoſe.

Surveyors are to attend Commiſſioners, &c.

and ſhall draw a fair Account of all Receipts and Diſburſements on account of the Drainage and Navigation reſpectively.

LVIII. And be it hereby further enacted, That the ſaid Commiſſioners, or the major Part of them, at their ſeveral annual Meetings herein-before mentioned, ſhall be attended by the Surveyor or Surveyors of the Works of ſuch Drainage and Navigation reſpectively, with the Plans, Surveys, and other Means of Information in his or their Cuſtody relating to ſuch reſpective Works, and ſhall alſo be then attended, if they then think fit, by all and every other Perſon or Perſons appointed or employed by the ſaid Truſtees as aforeſaid in the Execution of this Act, who ſhall then alſo produce all ſuch Books and Papers in their Cuſtody relating to the ſaid Drainage and Navigation reſpectively, as ſhall be required by the ſaid Commiſſioners ſo aſſembled, or the major Part of them, to be ſo produced; and the ſaid Commiſſioners, or the major Part of them, ſhall, at ſuch reſpective annual Meetings, examine the State and Progreſs of all ſuch Works reſpectively committed to their Care and Direction by this Act, and the State of the ſeveral and reſpective Funds hereby provided for the ſaid intended Drainage and Navigation; and ſhall then cauſe a fair Account to be drawn out of the groſs Sums of all Receipts and Diſburſements to that Time had and made on account of the ſaid Drainage and Navigation reſpectively; and the ſaid Truſtees, or their Succeſſors, to be appointed as aforeſaid, or any of them, may be preſent, if they think fit, at any ſuch annual Meetings of the ſaid Commiſſioners, and may call for and inſpect all or any of the Accounts, Papers, and Writings, relative to the ſaid intended Drainage and Navigation reſpectively, without any Controul or Hinderance from any Perſon whatſoever.

Truſtees may reduce the Tolls.

LIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, at any Meeting to be had for that Purpoſe, in purſuance of Notice to be given Twenty-one Days before ſuch Meeting, by Writing, to be affixed upon the Dwelling-houſe of the Collector of the ſaid Tolls and Rates for the Time being, and alſo to be inſerted in The York Courant, or ſuch other publick Newspaper

paper as aforeſaid, Four ſeveral Weeks before ſuch Meeting, with the Conſent of the Proprietors of at leaſt Two-thirds of the Shares of the ſaid Navigation, to leſſen or reduce the ſaid Tolls and Rates hereby granted, or any of them, as they ſhall think proper, of which Reduction the like publick Notice ſhall be given as aforeſaid; and may afterwards, from Time to Time, at any ſuch Meeting, (of which ſuch Notice ſhall be given as aforeſaid), advance the ſaid Tolls and Rates, or any of them, again to any Sum or Sums of Money, not exceeding the Tolls and Rates herein-before ſpecified; and that no ſuch Reduction of the Tolls and Rates hereby ſpecified ſhall be confined to any particular Part of the ſaid navigable Canal, but that ſuch Abatement of the ſaid Tolls and Rates ſhall take Place, or be made in ſuch Proportion and Degree as herein-before directed for collecting the ſame.

LX. And whereas ſeveral of the Truſtees herein-before named, and ſeveral other Perſons, have undertaken and agreed, at their joint Charges and Expences, to advance all the Money which ſhall be neceſſary for the Purpoſe of completing the ſaid intended Navigation, and making and perfecting the ſeveral Works which ſhall be found requiſite for the carrying on, with Effect, the ſaid intended Navigation in ſuch navigable Canal, in conſideration of their having, and being intitled to, ſuch Shares of the Tolls and Rates to be collected and paid for Goods paſſing upon the ſaid navigable Canal, when ſo made, as ſhall be proportionable to the Share which each Undertaker ſhall bear of the Charges and Expences attending the ſame; be it therefore further enacted, That the ſaid Commiſſioners, or the major Part of them, ſhall, as ſoon as may be after the ſaid intended Drainage or Navigation ſhall be completed, compute and aſcertain the whole Charges and Expences of the ſaid intended Drainage, and of all the Works which ſhall have been made, done, or conſtructed, for the Purpoſe of making and completing the ſaid intended Drainage; and ſhall alſo ſeparately and diſtinctly compute and aſcertain the whole Charges and Expences of making and perfecting the ſaid intended Navigation, and of all the Works which ſhall have been made, done, or conſtructed, for the ſpecifick Purpoſe of the ſaid intended Navigation, and all the Money which ſhall have been laid out and expended in purchaſing Land, or making Satiſfaction for Damages to Lands, requiſite to be had and uſed for the ſame ſpecifick Purpoſe, or on account thereof, and all other Charges and Expences whatſoever relating thereto; and the ſaid Commiſſioners, or the major Part of them, ſhall alſo, upon a careful Examination of the ſeveral Sums contributed and paid by each and every Perſon towards the Charges and Expences occaſioned by the ſaid intended Navigation, allot and aſſign to each ſuch Contributor ſuch Share of the Tolls and Rates to be ſo collected and paid by virtue of this Act, for Goods paſſing upon the ſaid navigable Canal, as ſhall be fairly and juſtly proportionable to the ſeveral and reſpective Sums of Money ſo to be contributed and paid for the making and perfecting the ſaid intended Navigation; and ſhall cauſe to be fairly entered, by their Clerk, in a Book to be kept for that Purpoſe, the Chriſtian and Surnames, at Length, of all the ſaid Contributors, in One Column, and ſhall ſet in another Column, over againſt the Name of every ſuch Contributor, or joint Contributors, the groſs Sum ſo advanced by him, her, or them reſpectively, and in a Third Column the Share of the ſaid Tolls and Rates ſo to be by them allotted and aſſigned to him, her, or them, as aforeſaid; and the reſpective Shares of the ſaid Tolls and Rates, ſo to be allotted and aſſigned as aforeſaid, ſhall be and are hereby veſted in the ſeveral and reſpective Perſons to whom the ſame ſhall be ſo allotted and aſſigned, and their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, to their own proper Uſe and Benefit reſpectively; and all and every the ſaid Shares ſhall be deemed to be perſonal Eſtates, and tranſmiſſable as ſuch; and a Tranſcript of the Name or Names of each Contributor, or joint Contributors, and of the groſs Sum by him, her, or them, ſo contributed and paid as aforeſaid, and of the Share of the ſaid Tolls and Rates ſo allotted or aſſigned to him, her, or them, as aforeſaid, and ſigned by the Clerk to the ſaid Commiſſioners, ſhall be ſufficient Evidence of the Share belonging to each and every ſuch Contributor of the ſaid Tolls and Rates, in all Courts whatſoever.

Commiſſioners to compute the Charges of Drainage and Navigation reſpectively, and allot each Proprietor his Share of the Tolls.

LXI. And it is hereby further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or the major Part of them, out of the Money ſo to be contributed for the making and perfecting the ſaid intended Navigation, until the ſame ſhall be completed, to pay all and every Perſon and Perſons who ſhall ſeverally ſubſcribe and pay in the Sum of One hundred Pounds, or ſuch Sum or Sums of Money as ſhall, from Time to Time, be demanded in reſpect thereof, towards carrying on and completing the ſaid intended Navigation, Intereſt for the ſame, after the Rate of Five Pounds for every One hundred Pounds by the Year, from the Time that each of ſuch Sums ſhall be reſpectively advanced as aforeſaid, ſuch Intereſt to be paid and payable at Market Weighton aforeſaid.

Commiſſioners to pay Intereſt of Money ſubſcribed until the Works are completed.

LXII. And be it further enacted by the Authority aforeſaid, That when the ſaid intended Drainage, and alſo the ſaid intended Navigation, and all the Works neceſſary or proper for thoſe ſeveral Purpoſes, ſhall be perfected, then the ſaid Commiſſioners, or the major Part of them, are hereby authoriſed and required, as ſoon as conveniently may be, to divide, arrange, and diſtinguiſh the Number of Acres of each and every Proprietor in the ſaid Low Grounds and Cars ſo held in Severalty into ſuch and ſo many different Species or Denominations of Land, according to the Manner of proportioning the Tax as herein-before mentioned; and after ſuch Survey and Arrangements ſhall be made, ſettled, and adjuſted, as aforeſaid, the ſaid Commiſſioners, or the major Part of them, ſhall, by an Award or Inſtrument in Writing, to be ſigned and ſealed by them, or the major Part of them, ſpecifying ſuch Arrangements, tax, charge, and aſſeſs the Lands of all and every ſuch Proprietor in the ſaid Low Grounds and Cars by the Acre, or otherwiſe, as they ſhall think moſt equitable, (on Conſideration of the ſaid Surveys and Arrangements), with his, her, or their reſpective Quota or Proportion of the whole Expence attending the ſaid Drainage to that Time: And in caſe the Quota or Proportion of any ſuch Proprietor ſo to be taxed and aſſeſſed by the ſaid Commiſſioners,

Commiſſioners (after Works are completed) to divide and arrange the Number of Acres of each Proprietor into different Species of Land, and tax accordingly.

If any Proprietor has overpaid his Proportion, the ſame to be refunded.

or the major Part of them, as aforeſaid, ſhall exceed what ſuch Proprietor ſhall have been taxed or aſſeſſed at and paid, or ſhall have been raiſed upon his ſaid Lands, by virtue or in purſuance of the Powers and Authorities herein-before given to the ſaid Commiſſioners, or the major Part of them, then ſuch Proprietor ſhall, within Twenty-one Days after Notice ſhall be given to him by the ſaid Commiſſioners, or the major Part of them, in Writing under their Hands, of ſuch Exceſs, pay the ſame to the Treaſurer of the ſaid Commiſſioners for the Time being, or otherwiſe, in caſe of Neglect or Default of ſuch Payment, the ſaid Commiſſioners, or the major Part of them, ſhall, and they are hereby authoriſed and required to raiſe the ſame Exceſs by Mortgage of the Lands of the ſaid Proprietors in the ſaid Low Grounds and Cars, by ſuch Writing, and in ſuch Manner, as herein-before is directed and mentioned; and ſhall pay and apply, or order to be paid and applied, ſuch Exceſs, when paid or raiſed as aforeſaid, in or towards paying and refunding to ſuch other of the Proprietors in the ſaid Low Grounds and Cars ſuch Sum and Sums of Money as they ſhall have reſpectively paid, or have raiſed upon their ſaid reſpective Eſtates, by or in purſuance of the Methods herein-before preſcribed, over and above what their reſpective Quotas and Proportions, to be taxed and aſſeſſed by the ſaid Commiſſioners, or the major Part of them, as aforeſaid, ſhall amount unto; and the Remainder of every ſuch Exceſs (if any ſhall be) ſhall be applied towards the repairing the Works then made for the Purpoſe of the ſaid general Drainage, or making and repairing ſuch other new Works as ſhall be thought neceſſary for that Purpoſe; and in caſe the Exceſſes aforeſaid ſhall not be ſufficient to refund the ſaid Proprietors, or any of them, what they ſhall have overpaid, as aforeſaid, then ſuch Deficiencies ſhall be made good to them out of the next Rates and Aſſeſſments to be made by virtue of this Act.

Award (containing Arrangements and Taxation) ſhall be entered in a Book, and alſo be inrolled in the publick Regiſter Office.

LXIII. And be it further enacted, That the ſaid Award or Inſtrument in Writing, containing the Arrangements and Taxation of the ſaid Low Grounds and Cars, and the Quota to be borne by the reſpective Commons, being ingroſſed on Parchment, and ſigned and ſealed as aforeſaid, ſhall be kept by the Clerk to the ſaid Truſtees, along with the Book or Books of the Orders and Proceedings of the ſaid Truſtees under this Act; and ſhall alſo be inrolled at the publick Regiſter Office for the ſaid Eaſt Riding of the ſaid County of York, as a Rule or Precedent of Proportion for all future Taxations to be made and raiſed purſuant to this Act; and the ſaid Regiſter, or his Deputy for the Time being, is and are hereby required to inrol the ſaid Award in the proper Book for inrolling of Bargains and Sales, a true Copy of which Inrolment, or any Part thereof, under the Hand of the ſaid Regiſter, or his Deputy, ſhall be allowed as Evidence in all Courts of Law and Equity; and the ſaid Regiſter, or his Deputy, ſhall be intitled to ſuch Fees for ſuch Inrolment, and Copies thereof, or any Part thereof, as are allowed to the ſaid Regiſter for inrolling any Bargain and Sale, and Copy thereof, or Part thereof; and the ſaid Regiſter and his Deputy ſhall permit and ſuffer any Perſon whatſoever, from Time to Time, and at all Times within the Office Hours of Attendance, to peruſe and inſpect the Inrolment of the ſaid Award at the ſaid publick Office, paying to the ſaid Regiſter, or his Deputy, for every ſuch Peruſal or Inſpection, One Shilling, and no more.

Truſtees may inſpect Commiſſioner's Account; on any Miſbehaviour may diſplace them

LXIV. And it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven of them, by Notice in Writing under their Hands, to be delivered to the Clerk and Treaſurer of the ſaid Commiſſioners, or left at their laſt reſpective Places of Abode, to require the ſaid Commiſſioners, Once in every Year, during the Continuance of their ſaid Truſt, and alſo Once after their ſaid Truſt ſhall be determined, to produce, at a Meeting of the ſaid Truſtees, to be held at a Time and Place to be ſpecified in ſuch Notice, (which Time ſhall not be leſs than Three Weeks after the Delivery of ſuch Notice), the Accounts of all the Money which ſhall at and before the Time of every ſuch Meeting reſpectively have been received, paid, and expended, by the ſaid Commiſſioners, or any of them, on the ſeparate and diſtinct Accounts of the ſaid Drainage and Navigation, with the Vouchers for the ſame, (except as to ſuch ſmall Payments for which Vouchers are not uſually required); and the Clerk or Treaſurer of the ſaid Commiſſioners receiving any ſuch Notice as aforeſaid, ſigned by ſuch Truſtees, ſhall forthwith communicate the ſame to all the ſaid Commiſſioners, who ſhall thereupon, and are hereby required to produce ſuch Accounts and Vouchers at every ſuch Meeting of the ſaid Truſtees held for that Purpoſe, and to give the Truſtees aſſembled at ſuch Meeting all the reaſonable Satisfaction in their Power, as well concerning the Particulars of ſuch Accounts, as concerning the due Execution of the ſeveral Truſts repoſed in the ſaid Commiſſioners by this Act; and in caſe the ſaid Commiſſioners, or any of them, ſhall refuſe or wilfully neglect to produce ſuch Accounts and Vouchers as aforeſaid, before the ſaid Truſtees, or any Seven of them, at any ſuch Meeting held for that Purpoſe in purſuance of ſuch Notice as aforeſaid, or to anſwer to any reaſonable Queſtions propoſed to them by any of the ſaid Truſtees at ſuch Meeting, concerning the due Execution of the ſaid Truſts, or any of them, or ſhall not anſwer any ſuch Queſtion or Queſtions to the Satisfaction of the major Part of the Truſtees preſent at ſuch Meeting, it ſhall and may be lawful to and for the major Part of ſuch Truſtees, ſo aſſembled, to cauſe Notice to be given in the ſaid York Courant, or other ſuch publick News-paper as aforeſaid, for a General Meeting of the ſaid Truſtees, to be held at a Time and Place to be prefixed in ſuch Notice, Ten Days at leaſt before the Time of ſuch Meeting; and alſo to cauſe a Summons in Writing, under the Hands of ſuch major Part of the ſaid Truſtees, ſo aſſembled as aforeſaid, to be delivered to or left at the laſt Place of Abode of any ſuch Commiſſioner or Commiſſioners ſo refuſing or wilfully neglecting as aforeſaid, whereby ſuch Commiſſioner or Commiſſioners ſhall be required to attend at ſuch General Meeting of the ſaid Truſtees, to ſhew Cauſe why he or they ſhould not be amoved from being a Commiſſioner or Commiſſioners for the Execution of this Act; and in caſe a ſufficient Number of Truſtees ſhall not appear at the Time and Place to be expreſſed in ſuch Notice, then another like Notice for ſuch General Meeting of the ſaid Truſtees, and a like Summons to ſuch Commiſſioner or Commiſſioners, to attend at ſuch General Meeting, ſhall be delivered or left as aforeſaid, and ſo, from Time to Time, until ſuch General Meeting of Truſtees ſhall be held in purſuance of ſuch Notice; and in caſe ſuch Commiſſioner or Commiſſioners, ſo to be ſummoned as aforeſaid, ſhall not attend at ſuch General Meeting of the ſaid Truſtees, in purſuance of ſuch Summons, or ſhall not juſtify his or their Conduct in the Execution of the Truſts repoſed in him or them by this Act to the Satiſfaction of the major Part of the Truſtees, ſo aſſembled at ſuch General Meeting, the ſaid Truſtees, ſo aſſembled at ſuch Meeting, or the major Part of them, may, if they think fit, amove ſuch Commiſſioner or Commiſſioners from his or their Office and Truſt repoſed in him or them by this Act, and ſome other fit Perſon or Perſons may be nominated as a Commiſſioner or Commiſſioners, in the Manner herein-before directed, in the Room of the Commiſſioner or Commiſſioners who ſhall be ſo amoved as aforeſaid.

Taxes may be laid to maintain Works, &c.

LXV. And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, and their Succeſſors, or any Seven or more of them, ſhall have Power and Authority, and they are hereby required to raiſe, from Time to Time, upon the Lands and Grounds occupied and enjoyed in Severalty, ſuch annual Sum or Sums of Money as may be neceſſary for the Purpoſe of maintaining and repairing all and every the ſeveral and reſpective Works of Drainage which ſhall be then made and perfected, and for Payment of Salaries of Officers, and all other incidental Expences attending the ſaid Drainage, by all ſuch Ways and Means as the ſaid Commiſſioners are herein-before authoriſed to raiſe the ſame, by and according to the Arrangement herein before directed, ſo as the Sum or Sums of Money ſo to be raiſed by the ſaid Truſtees, or their Succeſſors, ſhall not exceed, in any One Year, the Sum of Five Shillings per Acre of the Lands and Grounds ſo to be taxed and aſſeſſed; and alſo, from Time to Time, to tax the ſeveral and reſpective Commons, Low Grounds, and Cars, ſubject to Rights of Common, with ſuch annual Sum or Sums of Money as they ſhall find neceſſary for the Purpoſes aforeſaid; to be raiſed in the Manner herein-before preſcribed, as the Mode of raiſing the Money to be charged on ſuch Commons, Low Grounds, and Cars, ſubject to Rights of Common, by the ſaid Commiſſioners, ſo as ſuch Sum or Sums of Money ſo to be raiſed by the ſaid Truſtees ſhall not exceed, in any One Year, the Sum of Five Shillings per Acre; any Thing herein-before contained to the Contrary notwithſtanding.

Power for further Subſcription.

LXVI. And be it further enacted, That, in caſe the Money already ſubſcribed for the Purpoſe of effecting and perfecting the ſaid intended Navigation ſhall be found inſufficient for the completing and maintaining the ſaid navigable Canal, and the ſeveral Works hereby authoriſed to be made for the Uſes and Purpoſes of the ſaid intended Navigation, and all neceſſary Charges and Expences relating thereto; then, and in ſuch Caſe, it ſhall and may be lawful to and for the preſent Subſcribers to the ſaid Undertaking to raiſe and contribute among themſelves, or by the Admiſſion of new Subſcribers, any farther or other Sum of Money for completing and perfecting the ſaid Navigation; and every Subſcriber, towards raiſing ſuch farther or other Sum or Sums of Money, ſhall ſtand intereſted in all the ſaid Tolls and Rates to be collected as aforeſaid, proportionably to the Sum he or ſhe may ſubſcribe thereto, as beneficially, to all Intents and Purpoſes, as if ſuch farther Sum had been originally ſubſcribed to the ſaid Undertaking; any Thing herein contained to the Contrary notwithſtanding.

Truſtees may appoint Officers, &c.

LXVII. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall and may be, and they are hereby authoriſed and impowered, at any Meeting to be by them held in purſuance and for the Purpoſes of this Act, from Time to Time, to appoint, by Writing under their Hands, ſuch Perſon or Perſons as they ſhall think fit to be Treaſurer or Treaſurers, Collector or Collectors, Receiver or Receivers, of the Taxes and Aſſeſſments, Rents and Profits, of Lands which may be incloſed from the ſaid Commons, as aforeſaid, Tolls and Rates reſpectively granted, or to ariſe and become due and payable by virtue of this Act, and of any Money which may be raiſed by Mortgages, or otherwiſe, as aforeſaid, for the ſeveral and reſpective Purpoſes of this Act, or which may in any Manner belong to the ſeveral and reſpective Funds of the ſaid Drainage and Navigation aforeſaid, or either of them, and to aſſign and appoint to each ſuch Officer their ſeveral and reſpective Charges and Employments, and ſuch Salaries and other Gratuities for performing the ſame, as the ſaid Truſtees, or any Seven or more of them, ſhall, from Time to Time, think proper and reaſonable, ſo as all and every ſuch Treaſurer and Treaſurers, Collector and Collectors, and Receiver and Receivers, do give Security to the Satiſfaction of the ſaid Truſtees, or any Seven or more of them, for the faithful and due Execution of their reſpective Offices; and ſuch Collector or Collectors, Receiver or Receivers, and all other Perſons who ſhall receive any Money by virtue of this Act, ſhall, from Time to Time, and at all ſuch Times as he or they ſhall be required by the ſaid Truſtees, or any Seven or more of them, by Writing under their Hands, pay, or cauſe to be paid, into the Hands of the Treaſurer or Treaſurers of the ſaid Truſtees for the Time being, all and every Sum and Sums of Money which he and they ſhall reſpectively have received by virtue of this Act; and the ſaid Truſtees, or any Seven or more of them, may alſo, by Writing under their Hands, appoint a Clerk or Clerks, Surveyor or Surveyors, and ſuch other Officer or Officers, as they ſhall think fit to employ in the Execution of this Act, with ſuch Salaries, or other Gratuities, as they ſhall, from Time to Time, think reaſonable; and it is hereby expreſsly directed, that the Salaries, or other Gratuities, ſo to be aſſigned or appointed to or for every ſuch Treaſurer, Collector, Receiver, Clerk, Surveyor, or other Officer, for or in reſpect of the ſaid Drainage, be, from Time to Time, paid by and out of the ſeparate and diſtinct Fund hereby appropriated for ſuch Drainage, and the Salaries, or other Gratuities, ſo to be aſſigned or appointed to or for every ſuch Treaſurer, Collector, Receiver, Clerk, Surveyor, or other Officer, for or in reſpect of ſuch Navigation, be, from Time to Time, paid by and out of the ſeparate and diſtinct Funds hereby appropriated for ſuch Navigation; and that any ſuch Treaſurer, Collector, Receiver, Clerk, Surveyor, or other ſuch Officer, ſo to be appointed as aforeſaid, ſhall be, from Time to Time, removeable by the ſaid Truſtees, or any Seven of them, at any Meeting to be held for that Purpoſe.

Separate Books to be kept, &c.

LXVIII. And be it further enacted, That the ſaid Treaſurer or Treaſurers reſpectively ſhall provide One or more Book or Books of Account for the Purpoſe of keeping the Accounts relative to the ſaid intended Drainage, and One or more Book or Books of Accounts for the Purpoſes of keeping the Accounts relative to the ſaid intended Navigation; and ſhall fairly, in the proper Book or Books ſo to be provided, enter an Account of all Monies by him or them received and diſburſed for or in reſpect of ſuch ſeveral Purpoſes reſpectively, ſpecifying the Times when, and the Perſons from and to whom ſuch Monies reſpectively ſhall be received and diſburſed, and on what Occaſions, and for what Purpoſes; and each ſuch Book, or a true Copy thereof, ſigned by the ſaid Treaſurer or Treaſurers, together with the Vouchers for ſuch Diſburſements, and alſo all Books and Papers in his or their Cuſtody relating to the Execution of this Act, ſhall be produced to the ſaid Commiſſioners, or the major Part of them, at their annual General Meeting, to be held as aforeſaid; and alſo at any other of their Meetings, when the ſaid Commiſſioners, or the major Part of them, ſhall require the ſame; and alſo ſhall be produced to the ſaid Truſtees, or any Seven or more of them, at any Meeting of the ſaid Truſtees, when the ſame ſhall be by them required; and the ſaid Treaſurer or Treaſurers ſhall alſo verify the ſaid Account or Accounts upon Oath, if thereunto required of them by the ſaid Truſtees, or any Seven or more of them, at any ſuch of their Meetings as aforeſaid; (which Oath the ſaid Truſtees, or any Two or more of them, at any ſuch Meeting, are hereby impowered to adminiſter); and the ſaid Truſtees, or any Seven of them, are hereby authoriſed to give ſuch Treaſurer or Treaſurers a Diſcharge for all ſuch Monies as ſhall appear to them to have been truly accounted for; the ſaid Truſtees, or any Seven or more of them, ſhall alſo at ſuch Time or Times as they ſhall think proper, ſummon before them, and, if they think fit, examine upon Oath (which Oath the ſaid Truſtees, or any Seven or more of them, are hereby impowered to adminiſter) all or any ſuch Collectors, Receivers, Clerks, Surveyors, and Perſons employed in or intruſted with the Receipt or Expenditure of any of the Monies to be raiſed by virtue of this Act, and all Collectors, Receivers, Clerks, Surveyors, and Perſons employed in or intruſted as aforeſaid reſpectively, ſhall attend the ſaid Commiſſioners and Truſtees at any of their Meetings, when their Attendance reſpectively ſhall be required, and ſhall render to the ſaid Truſtees, or any Seven or more of them, from Time to Time, whenſoever they be thereunto required, a true and perfect Account in Writing of all Monies ſo by them reſpectively received and paid, with the Vouchers for ſuch Payments, and alſo all Books and Papers in their Cuſtody relating to the Execution of this Act: And in caſe any ſuch Treaſurer, Collector, or Receiver, Clerk or Clerks, or other Officer or Perſon, ſhall be found in arrear, or refuſe to account, or to pay the Money remaining in his Hands, according to the Directions of the ſaid Commiſſioners, or the major Part of them, or of the ſaid Truſtees, or any Seven or more of them reſpectively, according to the ſeveral Powers and Authorities given to them by this Act, or ſhall not, after Twenty-one Days Notice in Writing, ſigned by any Seven or more of the ſaid Truſtees, and perſonally ſerved upon him or them, or left at his or their laſt Place of Abode, refuſe or neglect to attend the ſaid Commiſſioners, or the major Part of them, at any of their Meetings, and the ſaid Truſtees, or any Seven or more of them, at ſuch Time and Place as ſhall be ſpecified in ſuch Notice, having no reaſonable Excuſe for ſuch Non-attendance to the Satiſfaction of the ſaid Truſtees, or any Seven or more of them, and ſhall not, at ſuch Time and Place, produce and deliver up to the Truſtees, aſſembled at ſuch Time and Place, or as and to whom they ſhall direct, all ſuch Books of Account, and other Books, Papers, and Writings whatſoever, as ſhall be in his or their Cuſtody or Power, concerning or any-wiſe relating to the Office which any ſuch Perſon or Perſons ſhall then hold by virtue of this Act; in every ſuch Caſe, it ſhall be lawful for any Juſtice of the Peace acting for the ſaid Eaſt Riding of the ſaid County of York, by Warrant or Warrants under his Hand and Seal, to commit every ſuch Officer and Perſon ſo offending to the common Gaol, there to remain, without Bail or Mainprize, until he ſhall have truly accounted with the ſaid Truſtees, or any Seven or more of them, and ſhall have paid to them, or to ſuch Perſon or Perſons as they ſhall direct, all the Money which ſhall be due and owing on the Balance of ſuch Account, by ſuch Officer or other Perſon ſo offending, and alſo ſhall have delivered up to the ſaid Truſtees, or any Seven or more of them, or to ſuch Perſon or Perſons as they ſhall direct, all ſuch Books, Papers, and Writings, as aforeſaid, or compounded with or ſatiſfied the ſaid Truſtees, or any Seven or more of them, (which Compoſition the ſaid Truſtees, or any Seven or more of them, are hereby impowered to make, as they ſhall ſee Cauſe).

Penalty on Officers not accounting.

Maſters to give an Account in Writing of their Goods.

LXIX. And, for the more eaſy collecting the ſaid Tolls, be it further enacted, That every Perſon having the Charge of any Boat or Veſſel, paſſing on the ſaid Cut or Canal, ſhall give a true Report or Account in Writing, to the beſt of his Knowledge, ſigned by himſelf, to the Collector or Collectors of ſuch Tolls, and at ſuch Place or Places as ſhall be appointed by the ſaid Commiſſioners, or the major Part of them, of the Weight, Quantity, and Number of the Goods, Wares, Merchandiſes, and Commodities, which ſhall be in, or belonging to, ſuch Boat or Veſſel, and alſo of the Weight, Quantity, or Number of ſuch Goods, Wares, Merchandiſes, and Commodities, as ſhall have been diſcharged or taken out of ſuch Boat or Veſſel before the Arrival thereof at the Place where ſuch Account or Report is to be given, and alſo of the Name or Names of the Owner or Owners thereof; and in Failure of giving ſuch Account or Report, or in caſe a falſe Account or Report ſhall be given, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding the Sum of Two Pounds, over and above the Payment of ſuch Tolls; and if any Difference ſhall ariſe between any Collector of the ſaid Tolls and the Perſon having Charge of any Boat or Veſſel, or the Owner of any Goods, Wares, Merchandiſes, or Commodities, or Perſons acting in his or their Behalf, concerning the Weight, Quantity, or Number of the ſame, it ſhall be lawful for any ſuch Collector to ſtop and detain any ſuch Boat or Veſſel, and to weigh, meaſure, or gauge, or cauſe to be weighed, meaſured, or gauged, all or any Part of ſuch Goods, Wares, Merchandiſes, and Commodities; and in caſe the ſame ſhall appear to be of a greater Weight, Quantity, or Number, than ſuch Perſon declared the ſame to be of, in every ſuch Caſe, ſuch Perſon ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, or gauging; all which ſaid Coſts and Charges, upon Refuſal of Payment thereof on Demand, ſhall and may be recovered as the ſaid Tolls and Rates are appointed by this Act to be recovered: But if any ſuch Goods, Wares, Merchandiſes, or Commodities, ſhall appear to be of no greater Weight, Quantity, or Number, than ſuch Perſon declared the ſame to be of, then ſuch Perſon ſhall pay ſuch Coſts and Charges, and ſhall alſo pay to ſuch Perſon, or to the Owner or Owners of ſuch Goods, Wares, Merchandiſes, and Commodities, One Shilling for every Hour that ſuch Boat or Veſſel ſhall be ſo detained; and in Default of immediate Payment thereof, the ſame ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Collector, by Warrant or Warrants under the Hand and Seal of any Juſtice of the Peace acting for the ſaid Eaſt Riding of the County of York, rendering the Overplus (if any be) to the Owner or Owners of ſuch Goods and Chattels: And the ſaid Truſtees, or any Seven or more of them, may, if they think fit, out of the Money to be raiſed by the ſaid Tolls and Rates by virtue of this Act, reimburſe the ſaid Collectors the Monies ſo paid by, or levied upon them, for the Detention of any ſuch Boat or Veſſel, but ſhall not be compellable ſo to do.

Boats ſhall be meaſured and marked.

LXX. And be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons authoriſed by the ſaid Truſtees, or any Seven or more of them, to meaſure any Boat, Barge, Lighter, or other Veſſel, paſſing upon the ſaid Cut or Canal, by putting Weights into the ſame; and to ſet Figures or Marks at each End of every ſuch Boat, Barge, Lighter, or other Veſſel, on the Outſide thereof, ſhewing how far every Ton Weight of Lading put into ſuch Boat, Barge, Lighter, or other Veſſel, will ſink the ſame, and alſo, from Time to Time, as they ſhall ſee Occaſion, remeaſure and mark again ſuch Boat, Barge, Lighter, or other Veſſel; and if the Owner, Maſter, or any other Perſon or Perſons, ſhall refuſe to permit, or ſhall obſtruct the weighing, meaſuring, and marking of any ſuch Boat, Barge, Lighter, or other Veſſel, he or they ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings; or if any Owner, Maſter, or other Perſon, ſhall alter or deface ſuch Figures or Marks, or ſhall ſuffer the ſame to be altered or defaced, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings; to be recovered, levied, and applied, in ſuch Manner as other Forfeitures and Penalties are directed by this Act to be recovered, levied, and applied.

Maſters of Veſſels to be anſwerable for Damages done by their Crews.

LXXI. And, for the better preventing of Damages or Miſchiefs that may be done or committed by any rude or diſorderly Perſons, towing, navigating, or managing any Boat, Barge, Lighter, or other Veſſel, within the Limits of the ſaid intended Navigation, and to the End that the Owners and Maſters thereof may be more careful therein, be it further enacted, That the Maſter or Owner of every Boat, Barge, Lighter, or other Veſſel, which ſhall paſs up or go down the ſaid Cut or Canal, ſhall be, and is hereby made anſwerable for, and ſhall make good any Damage, Spoil, or Miſchief, that ſhall be done by his, her, or their Boat, Barge, Lighter, or other Veſſel, or by any Boatmen, Bargemen, or Watermen, or by any of the Crew thereof belonging to, or employed in or about the ſame reſpectively, or by his, her, or their Servants or Horſes, unto any of the Bridges, Locks, Staunches, Dams, Sluices, or other Works, which ſhall be in, upon, or near the ſaid navigable Canal, or by loading or unloading any Boat, Barge, Lighter, or other Veſſel; and alſo for any Treſpaſs or Damage which ſhall be made or done to the Owners or Poſſeſſors of any Buildings or Erections upon or near the navigable Canal, which now are or ſhall hereafter be erected and ſet up; or to any Lands, Tenements, or Hereditaments, or any Crop on the Ground adjoining to the ſame, or any of them, other than is provided for and authoriſed by this Act: And if any ſuch Damage, Spoil, or Miſchief, ſhall be done to any of the ſaid Bridges, Locks, Staunches, Dams, Sluices, Cuts, Banks, or other Works, or by loading or unloading ſuch Boats, Barges, Lighters, or other Veſſels, the ſame ſhall be inquired into and determined by any Two Juſtices of the Peace acting for the ſaid Eaſt Riding of the County of York, who are hereby authoriſed and required, upon Complaint or Information made before them, to ſummon ſuch Boatmaſters, Bargemaſters, or Owners, to appear before them, and upon his, her, or their Appearance, or making Default to appear, (Proof being made upon Oath before ſuch Juſtices that the Party neglecting to appear was perſonally ſerved with ſuch Summons, or that the ſame was left for him, her, or them, at his, her, or their uſual Place of Abode), ſuch Juſtices ſhall proceed to examine into the Truth of the ſaid Complaint or Information, and, upon Conviction of the Party complained of, or Proof upon Oath of One or more credible Witneſs or Witneſſes, ſhall award and order ſuch Sum of Money to be paid by ſuch Boatmaſters, Bargemaſters, or Owners, as a Recompence for the ſaid Damage, Spoil, or Miſchief, ſo done as aforeſaid, as the ſaid Juſtices ſhall think proper, not exceeding Treble the Amount or Value of ſuch Damage, Spoil, or Miſchief, to be paid to the Party or Parties aggrieved; and in caſe of Nonpayment of ſuch Sum of Money ſo awarded and ordered for the Space of Six Days, the ſaid Juſtices are hereby authoriſed and required to levy the ſame by Diſtreſs and Sale of the Boats, Barges, Lighters, Veſſels, or other Goods and Chattels, of ſuch Boatmaſter, Bargemaſter, or Owner, by Warrant under the Hands and Seals of ſuch Juſtices, rendering to the Owner the Overplus, (if any be), after the ſaid Penalty, together with the reaſonable Charges of ſuch Information and Conviction, Diſtreſs and Sale, ſhall have been firſt ſatisfied and paid.

Boatmen obſtructing Paſſages to be liable to Penalties.

LXXII. And be it further enacted, That if any Boatman, Bargeman, Lighterman, Waterman, or other Perſon, having the Care or Management of any Boat, Barge, Lighter, or other Veſſel, navigating or working the ſame, ſhall lay ſuch Boat, Barge, Lighter, or other Veſſel, ſo as to obſtruct the Paſſage of other Boats, Barges, Lighters, or other Veſſels, and ſhall not upon Requeſt immediately remove the ſame, or ſhall by any Means hinder the opening or ſhutting of any of the ſaid Locks or Sluices, ſuch Perſon or Perſons offending as aforeſaid, ſhall, for every ſuch Offence, forfeit a Sum not exceeding

Forty Shillings, nor leſs than Five Shillings; to be recovered upon Conviction before any Juſtice of the Peace for the ſaid Eaſt Riding of the County of York, by the Oaths of One or more credible Witneſs or Witneſſes, or by the Confeſſion of the Party or Parties offending, by Diſtreſs and Sale of ſuch Boat, Barge, Lighter, or other Veſſel, or any of the Goods and Chattels of ſuch Offender or Offenders, by Warrant under the Hand and Seal of ſuch Juſtice before whom ſuch Offender or Offenders ſhall be convicted, rendering the Overplus, (if any), after the reaſonable Charges of ſuch Information, Conviction, Diſtreſs, and Sale, firſt deducted to ſuch Offender or Offenders; and for want of ſufficient Diſtreſs, ſuch Offender or Offenders ſhall, by Warrant under the Hand and Seal of ſuch Juſtice, be committed to the Houſe of Correction, there to be kept to hard Labour for any Time not exceeding Two Calendar Months, nor leſs than Ten Days.

Veſſels ſunk to be weighed.

LXXIII. And be it further enacted, That if any Boat, Barge, Lighter, or other Veſſel, ſhall happen to be ſunk in ſuch navigable Canal, and the Owner or Perſon having the Command or Rule thereof ſhall not, as ſoon as may be, weigh or draw up the ſame again, and hale the ſame out of the Way of other Boats, Barges, Lighters, or other Veſſels, paſſing and repaſſing upon the ſaid Navigation, it ſhall and may be lawful to and for any Officer of, or other Perſon acting by the Authority or Command of the ſaid Truſtees, or any Seven or more of them, to cauſe ſuch Boat, Barge, Lighter, or other Veſſel, to be weighed or drawn up, and to detain and keep ſuch Boat, Barge, Lighter, or other Veſſel, until Payment ſhall be made of all Expences and Damages to be occaſioned thereby: And if ſuch Payment be not made within Twenty-one Days after ſuch Boat, Barge, Lighter, or other Veſſel, ſhall be weighed or drawn up; then, and in ſuch Caſe, it ſhall and may be lawful to and for any Perſon or Perſons, by Order in Writing from the ſaid Truſtees, or any Seven or more of them, (which Order the ſaid Truſtees, or any Seven or more of them, are in any ſuch Caſe impowered to make), to ſell the ſame for reimburſing the ſaid Expences, Damages, and other incident Charges, rendering the Overplus, (if any be), when demanded, to the Owner or Maſter of ſuch Boat, Barge, Lighter, or other Veſſel.

Maſters to have their Names on Outſide of Boats, *&c.*

LXXIV. And, to the End that the Owners, Maſters, or Proprietors, having the Rule of any Veſſel navigating within the Limits of the ſaid intended navigable Canal, may be better known, be it further enacted, That every Owner, Maſter, or Perſon, having the Rule, Command, or Property, of any Boat, Barge, Lighter, or other Veſſel, paſſing upon the ſaid navigable Canal, ſhall cauſe his or their Name or Names, and Place or Places of Abode, at full Length, to be placed and ſet in large capital Letters, Six Inches long at the leaſt, and broad in Proportion, on the upper Part of the Bow, on both Sides of every ſuch Boat, Barge, Lighter, or other Veſſel, and painted White, ſo that the ſame ſhall, from Time to Time, and at all Times, be plain and legible: And in caſe any ſuch Owner, Maſter, or Perſon, having the Command or Rule of any Boat, Barge, Lighter, or other Veſſel, paſſing upon the ſaid navigable Canal, ſhall not at all Times have his, her, or their Name and Place of Abode, ſo ſet and placed as aforeſaid; or in caſe ſuch Owner, Maſter, or Perſon, having the Command or Rule of any Boat, Barge, Lighter, or other Veſſel, paſſing on the ſaid navigable Canal, into or through any of the Sluices or Locks upon the ſaid navigable Canal, ſhall wilfully ſet or leave open any of the Gates, Doors, or Cloughs, belonging to the ſaid Sluices or Locks, whereby the Water of the ſaid navigable Canal ſhall run waſte; then, and in every of the ſaid Caſes, every ſuch Owner, Maſter, or Perſon, ſo neglecting or offending, on Conviction before any Juſtice of the Peace acting for the ſaid Eaſt Riding of the County of York, by the Oath or Oaths of One or more credible Witneſs or Witneſſes, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Five Shillings; to be recovered and levied by Diſtreſs and Sale of ſuch Offender's Goods and Chattels, by Warrant under the Hand and Seal of ſuch Juſtice; and for want of ſufficient Diſtreſs, ſuch Offender or Offenders ſhall, by Warrant under the Hand and Seal of ſuch Juſtice, be committed to the Houſe of Correction, there to be kept to hard Labour for any Time not exceeding Two Calendar Months, nor leſs than Twenty Days, or until ſuch Penalty ſhall be paid, or otherwiſe compounded for; which Compoſition the ſaid Truſtees, or any Seven or more of them, are hereby impowered to make.

Penalties for omitting Names, or leaving open Gates, Cloughs, *&c.*

Navigation free.

LXXV. And be it further enacted, That the ſaid intended Navigation, and the Works, Towing-paths, and Haling-ways, hereby authoriſed to be made and ſet out, ſhall be free for the Uſe of all Perſons, and their Boats, Veſſels, and Horſes, upon Payment of ſuch Tolls and Rates as ſhall be appointed to be taken by virtue of this Act; and that all Taxes, Tolls, Rates, and Duties, to be raiſed by virtue of this Act, ſhall at all Times hereafter be exempted from the Payment of any Taxes, Rates, Aſſeſſments, or Impoſitions whatſoever; any Law or Statute to the Contrary notwithſtanding.

Tolls exempt from Taxes.

Puniſhment on Perſons breaking Locks.

LXXVI. And, for preventing the breaking of Locks or Gates, or damaging any of the Works which ſhall be erected in purſuance of this Act, be it enacted, That if any Maſter or Owner of any Veſſel, or any other Perſon or Perſons, ſhall wilfully and maliciouſly break any Locks or Gates, or cut, break down, damage, or deſtroy, any Banks or other Works to be erected or made in purſuance of this Act, ſuch Offender or Offenders ſhall be judged guilty of Felony, and ſhall be ſubject and liable to the like Pains and Penalties as in caſe of Felony; and the Court, by and before whom ſuch Perſon or Perſons ſhall be tried, ſhall have full Power and Authority to tranſport ſuch Felon for the Space of Seven Years, in like Manner as other Felons are directed to be tranſported by the Laws and Statutes of this Realm.

Commiſſioners or Truſtees may make Bye-laws.

LXXVII. And be it further enacted, That the ſaid Commiſſioners, or the major Part of them, at any of their Meetings, during the Continuance of their Authority as aforeſaid, and when the Authority of the ſaid Commiſſioners ſhall be determined, then, and from thenceforth, the ſaid Truſtees, or any Seven or more of them, at any of their Meetings, (Notice being firſt given of the Intention of ſuch Meetings in the ſaid weekly News-paper called The York Courant, or other News-paper as aforeſaid, Twenty-one Days before ſuch Meeting), ſhall, from Time to Time, have full Power and Authority to make Bye-laws, Orders, and Conſtitutions, touching the Cuts, Drains, Sewers, Banks, Cloughs, Engines, and other Works now in being, or to be made and conſtructed by virtue of this Act for the Purpoſe of the ſaid Drainage, and for the preſerving, repairing, and keeping the ſame in Order, and for the good and orderly uſing of the ſaid Navigation, and for the well governing of the Bargemen, Watermen, and Boatmen, who ſhall convey or carry any Goods, Wares, or Merchandiſes, on any Part of the ſaid navigable Canal, and to impoſe and inflict reaſonable Fines and Forfeitures upon thoſe who ſhall violate ſuch Bye-laws, Orders, or Conſtitutions, ſo as no ſuch Fine or Forfeiture ſhall exceed the Sum of Forty Shillings on any One Perſon for any One Offence; ſuch Fine or Forfeiture to be levied and recovered in ſuch Manner as other Penalties and Forfeitures are by this Act directed to be levied and recovered; which ſaid Bye-laws, Orders, and Conſtitutions, being put in Writing under the Hands and Seals of the ſaid Commiſſioners or Truſtees reſpectively making the ſame, ſhall be binding to, and be obſerved by, all Parties, and ſhall be ſufficient in any Courts of Law or Equity to juſtify all Perſons who ſhall act in purſuance thereof, either in puniſhing ſuch Perſons as ſhall diſobey the ſame, or in levying any Penalty or Forfeiture thereby incurred; but any Perſon or Perſons thinking himſelf, herſelf, or themſelves, aggrieved by any Order or Judgement made or given by or in purſuance of any ſuch Bye-law, Order, or Conſtitution, may, within Six Calendar Months after ſuch Order or Judgement ſhall be made or given, complain to the Juſtices of the Peace at the General or Quarter Seſſions to be held in and for the ſaid Eaſt Riding of the County of York, who ſhall, in a ſummary Way, either hear and determine the ſaid Complaint at ſuch General or Quarter Seſſions, or if they ſhall think proper, may adjourn the Hearing thereof to the next General or Quarter Seſſions of the Peace to be held for the ſaid Riding, and, if they ſee Cauſe, mitigate or diſcharge ſuch Forfeitures or Puniſhment, and may order any Money, or Part thereof, to be returned, which ſhall have been levied in purſuance of ſuch Bye-law, Order, or Conſtitution; and may alſo order further Satiſfaction to be made to the Party injured, and alſo ſuch Coſts to either of the Parties, as they ſhall judge reaſonable; but no Juſtice of the Peace ſhall act or vote in the hearing or determining of any ſuch Complaint, whoſe Hand and Seal as a Commiſſioner ſhall appear to have been ſet to the ſaid Bye-law, Order, or Conſtitution, which occaſioned ſuch Complaint.

Bye-laws to be entered in a Book,

LXXVIII. And be it further enacted, That all Bye-laws, Orders, Conſtitutions, and Proceedings, as well of the ſaid Commiſſioners as of the ſaid Truſtees, made in purſuance of this Act, ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Bye-laws, Orders, Conſtitutions, and Proceedings, when entered, ſhall be ſigned by the ſaid Commiſſioners, or the major Part of them, or by the ſaid Truſtees, or any Seven or more of them, reſpectively, and their Clerk or Clerks, attending the ſaid Commiſſioners or Truſtees reſpectively, is and are hereby required to ſet his or their Name or Names as a Witneſs or Witneſſes thereto; and ſuch Bye-laws, Orders, Conſtitutions, and Proceedings, ſo ſigned and atteſted, ſhall be deemed and taken to be original Bye-laws, Orders, Conſtitutions, and Proceedings, and ſhall and may be produced and read in Evidence in all Cauſes of Appeal, Suits, Actions, or other Proceedings, touching any Thing done in purſuance of this Act; and ſuch Book or Books ſhall and may be ſeen and peruſed at all ſeaſonable Times, without any Fee or Reward, and Copies thereof, or of any Part thereof, may be taken by any Perſon or Perſons, paying the ſaid Clerk or Clerks Two-pence for every One hundred Words.

and may be read in Evidence.

No Order entered to be varied, unleſs Nine Truſtees conſent.

LXXIX. Provided always, and be it enacted, That no Order which ſhall be made by the ſaid Commiſſioners, or the major Part of them, and ſhall be entered in their Book as Standing Orders, nor any Order which ſhall be made by the ſaid Truſtees, or any Seven or more of them, by virtue and under the Authority of this Act, at any of the Meetings, ſhall be altered, reverſed, annulled, or made void, at any ſubſequent Meeting, unleſs Nine or more of the ſaid Truſtees, preſent at ſuch Meeting, be conſenting thereto, nor unleſs Twenty-one Days Notice be publiſhed in The York Courant, or other News-paper, as aforeſaid.

Penalties, &c. how to be recovered.

LXXX. And it is hereby further enacted and declared, That all the pecuniary Fines, Penalties, and Forfeitures, hereby inflicted, or authoriſed to be impoſed, the Recovery whereof is not herein-before directed, ſhall be recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of any Juſtice or Juſtices of the Peace for the ſaid Eaſt Riding of the County of York, who is and are hereby impowered and authoriſed to act in the Premiſes; and alſo to hear and determine all other Complaints hereby referred to and made cognizable by any Juſtice or Juſtices of the Peace for the ſaid Riding, and to iſſue ſuch Warrant and Warrants as is and are hereby required or neceſſary to be granted or iſſued by any Juſtice or Juſtices of the Peace for any of the Purpoſes in this Act contained: And in caſe ſufficient Diſtreſs ſhall not be found, it ſhall be lawful for any ſuch Juſtice to commit ſuch Offender or Offenders to the common Gaol, or Houſe of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until the Penalty ſhall be paid, or otherwiſe compounded for; which Compoſition the ſaid Truſtees, or any Seven or more of them, are hereby impowered to make: And that all ſuch Fines, Penalties, and Forfeitures, and Compoſition-monies, or any Part or Parts thereof, which are not herein-before directed to be applied, ſhall be paid into the Hands of the Treaſurer or Treaſurers to the ſaid Truſtees, and applied for the Purpoſes of Drainage and Navigation reſpectively.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXXXI. And be it further enacted, That all Perſons who ſhall think themſelves aggrieved by the Order or Judgement of any Juſtice or Juſtices of the Peace, upon account of any Offence committed, or ſuppoſed to be committed, againſt this Act, or any Penalties to be levied by virtue thereof, may appeal to the Juſtices of the Peace for the ſaid Eaſt Riding of the County of York, at the next General or Quarter Seſſions of the Peace to be held for the ſaid Riding after the Cauſe of ſuch Appeal ſhall happen, the Perſon or Perſons ſo appealing firſt entering into a Recognizance, with Two ſufficient Sureties to the Satisfaction of the ſaid Juſtice or Juſtices, to proſecute ſuch Appeal with Effect, and to pay the Coſts which ſhall be aſcertained by the ſaid Juſtices in the ſaid General or Quarter Seſſions, in caſe ſuch Order and Judgement ſhall be affirmed; and the ſaid Juſtices, in their ſaid General or Quarter Seſſions, are hereby authoriſed and required to hear and determine ſuch Appeal, and give ſuch Coſts to either Party as they ſhall think reaſonable, and to make ſuch Order therein as to them ſhall appear juſt; which Order ſhall be final and concluſive to all Parties, and ſhall not be removed or removeable by any Writ of *Certiorari*, or otherwiſe, into any of His Majeſty's Courts of Record at Weſtminſter, or elſewhere.

Proceedings not to be quaſhed for want of Form.

LXXXII. And be it further enacted, That no Order or other Proceeding to be made or had by or before any Juſtice or Juſtices of the Peace, by virtue of the Powers by this Act granted, ſhall be quaſhed or vacated for want of Form only.

Exemption from Stamp-duties.

LXXXIII. Provided always, That no Warrant, Mortagage, Aſſignment, Transfer, or other Writing whatſoever, to be made or written in purſuance of or relating to the Execution of any of the Powers of this Act, ſhall be ſubject to, or charged or chargeable with, any Stamp-duty whatſoever.

Limitation of Actions.

LXXXIV. And be it further enacted, That if any Action, Suit, or Information, ſhall be brought or commenced againſt any Perſon or Perſons, for any Thing done, or to be done, in purſuance of this Act, or in the Execution of the Powers and Authorities, or the Orders or Directions herein-before given or granted, every ſuch Action, Suit, or Information ſhall be commenced and brought within Three Calendar Months next after the Fact committed, and not afterwards, and ſhall be tried by a Jury of the County of York, and not elſewhere; and the Perſon or Perſons ſo ſued or proſecuted ſhall or may plead the General Iſſue; and if in Replevin, may juſtify and avow by virtue of this Act, as Perſons acting by Authority of Commiſſioners of Sewers are enabled to do, and give this Act, and the Special Matter, in Evidence, without ſpecially pleading the ſame, (other than as aforeſaid), at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought down to be tried in any other County except the County of York, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Suit or Suits, or if any Verdict ſhall paſs, or Judgement be given, againſt him, her, or them, upon Demurrer, or otherwiſe, then, and in any of the ſaid Caſes, the Defendant or Defendants, Avowant or Avowants, ſhall recover Treble Coſts, for which he, ſhe, or they ſhall have the like Remedy as when Coſts are awarded in other Caſes by Law.

General Iſſue.

Treble Coſts.

Not to recover but for Special Damage.

LXXXV. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage in any Action upon the Caſe.

Accounts to be kept in Books, and Entries to be read as Evidence.

LXXXVI. And be it further enacted, That Accounts of all Monies which ſhall be received, raiſed, and borrowed, by virtue of this Act, and of the Expenditure of ſuch Monies reſpectively; and alſo all Debts, Contracts, Orders, and Proceedings, of the ſaid Commiſſioners, or of the ſaid Truſtees, in the Execution of or relating to this Act, ſhall be, from Time to Time, regularly and fairly entered in proper Books, to be kept for that Purpoſe; and ſuch Entries, being ſigned by the major Part of the ſaid Commiſſioners, or by Seven or more of the ſaid Truſtees, and atteſted by the Clerk to the ſaid Commiſſioners or Truſtees reſpectively, ſhall be deemed Originals, and ſhall be admitted to be read in Evidence in all Courts whatſoever.

Saving Clauſe.

LXXXVII. And be it further enacted, That nothing herein contained ſhall extend to prejudice the Rights of any Lord or Lords of any Manor or Manors, ſo that the Exerciſe of ſuch Rights ſhall not interfere with or interrupt the Execution of this Act.

LXXXVIII. And

Publick Act.

LXXXVIII. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act; and all Judges, Juſtices, and other Perſons whomſoever, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP. XXXVIII.

An Act for paving, cleanſing, lighting, watching, and regulating the Squares, Streets, Rows, Lanes, Alleys, and other publick Paſſages and Places, within the Pariſh of *Chriſt Church*, in *Middleſex*; and for removing Nuiſances and Obſtructions therefrom, and preventing the like for the future; and for paving and regulating ſuch Parts of *Brick Lane* as are not within the ſaid Pariſh.

Preamble.

Act 11 *Geo.* II.

WHEREAS the Squares, Streets, Rows, Lanes, Courts, Yards, Alleys, and other publick Paſſages and Places within the Pariſh of *Chriſt Church*, in the County of *Middleſex*, are not properly paved, nor ſufficiently cleanſed, and are in general greatly obſtructed by ſundry Nuiſances: And whereas it would be a great Benefit and Convenience to the Inhabitants of, and to all Perſons reſorting to, the ſaid Pariſh, if Powers were given to new-pave and to maintain and preſerve the Pavements of the ſaid Squares, Streets, Rows, Lanes, Courts, Yards, Alleys, and other Paſſages and Places, and for cleanſing the ſame; and for removing all Nuiſances and Obſtructions therefrom, and preventing the like for the future: And whereas an Act of Parliament was paſſed in the Eleventh Year of His late Majeſty King *George* the Second, for lighting the Streets, and regulating the Nightly Watch and Beadles within the ſaid Pariſh: And whereas it would be convenient to have the Proviſions for thoſe Purpoſes included in an Act with the Proviſions for the ſaid other Purpoſes herein-before mentioned: And whereas a Lane called *Brick Lane*, (ſome Parts whereof only are within the ſaid Pariſh of *Chriſt Church*, and the other Parts in the reſpective Pariſhes of *Saint Matthew Bethnal Green*, and *Saint Mary Matfelon*, otherwiſe *Whitechapel)*, is a great Thoroughfare for Carriages, and the only convenient one from the Water-ſide, through *Whitechapel*, to *Spital Fields*, *Mile End New Town*, *Bethnal Green*, *Shoreditch*, and Parts adjacent, and being much out of Repair and incommodious, it would be of publick Utility to have the Whole of the ſaid Lane properly paved, and cleared of Nuiſances and Obſtructions; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act of Parliament, paſſed in the Eleventh Year of the Reign of His late Majeſty King George the Second, intituled, An Act for the better enlightening the open Places, Streets, Lanes, Paſſages, and Courts, and for the better regulating the Nightly Watch and Beadles, within the Pariſh of *Chriſt Church*, in the County of *Middleſex*, ſhall be, and the ſame is hereby repealed.

repealed.

Commiſſioners.

II. And be it further enacted, That the Right Honourable Lord Falkſtone, Sir George Oſburn Baronet, Sir Robert Ladbroke Knight, Sir Benjamin Truman Knight, the Honourable Henry Lawes Luttrell, Mr. Sergeant Glynn, Granville Wheeler, Hope Wilks, David Wilmot, George Keate, Samuel Whitbread, John Patterſon, Chriſtopher Hake, Richard Ruſſell, Charles Booth, Thomas Philips, Edward Hawkins, Eſquires; the Reverend John Prichard Rector, and the Rector of the ſaid Pariſh for the Time being; William Neale and William Wade, Churchwardens, and the Churchwardens of the ſaid Pariſh for the Time being; John Baker, John Spiller, Charles Merry, Thomas Triquet, Guy Bryan, John Baker junior, Eſquires; Richard Plees, Thomas Handiſyde, Peter Saubergue, Daniel Lardant, Richard Hewett, Iſaac Dupree, David Delaveau, Alexander Chriſtie, John Fremont ſenior, Nicholas Jourdain, John Thornton, Francis Child, William Divertie, John Scholeck, James Turner, James Duthoit, Robert Lum, Samuel Ireland, Francis Rance, Joſeph Lindſey, Thomas Kinlyſide, Rupert Muſgrave, David Thompſon, Peter Ouvry, Daniel Aſhley, James Ouvry, Chriſtopher Pritchard, John Sabatier, Daniel Roſbotham, John Duplex, Thomas Vine, John Horton, John Sugar, Thomas Leachman, William Wolveridge, and James Merceron, Gentlemen; ſhall be, and they are hereby conſtituted and appointed Commiſſioners for putting this Act in Execution.

Commiſſioners for *Brick Lane* only.

III. Provided always, That the ſaid John Horton, John Sugar, Thomas Leachman, William Wolveridge, and James Merceron, and their Succeſſors, to be choſe in Manner herein-after mentioned, being Proprietors of Eſtates in Brick Lane, ſhall be, and they are hereby declared to be Commiſſioners for the Purpoſe of paving and rating that Part of Brick Lane which lies within the Pariſh of Saint Matthew Bethnal Green only, and to or for no other Purpoſe whatſoever.

Commiſſioners how to be elected.

IV. And be it further enacted, That when any Commiſſioner herein named, or who ſhall be appointed by virtue of this Act, ſhall die, or refuſe or neglect to act for the Space of Twelve Months, it ſhall be lawful for the ſurviving or remaining Commiſſioners, or any Seven or more of them, by Writing under their Hands and Seals, to elect another Perſon, being a reſident Proprietor, or a Veſtryman of the ſaid Pariſh, and not otherwiſe, to be a Commiſſioner in the Room of the Commiſſioner ſo dying or refuſing to act, Ten Days previous Notice of the Time and Place of Meeting for every ſuch Election being given, by affixing the ſame in Writing upon the principal Door of the ſaid Pariſh Church of Chriſt Church; and all Perſons who ſhall be ſo elected are hereby veſted with the ſame Powers and Authorities as the Commiſſioners herein named are veſted with.

No Perſon to be a Commiſſioner whilſt he holds a Place of Profit, or is concerned in any Contract; but

V. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, during the Time he ſhall hold any Place of Profit under the ſame, or have any Share or Intereſt in any Contract relating to the Execution of any of the Powers of this Act, or ſhall ſell Ale, Wine, or Spirituous Liquors by Retail; but ſuch Commiſſioners as are Juſtices of the Peace for the County of Middleſex, or for the Liberty of His Majeſty's Tower of London, Juſtices may act as ſuch, unleſs when perſonally intereſted.

Juſtices to adminiſter Oaths when neceſſary.

may, nevertheleſs, act as Juſtices in the Execution of this Act, except in ſuch Caſes where they ſhall be perſonally intereſted: And in all Caſes where Cognizance is given by this Act to any Juſtice or Juſtices of the Peace, it ſhall be lawful for ſuch Juſtice and Juſtices to adminiſter an Oath to any Perſon or Perſons, for more certain Information in the Matter depending: And in all Caſes where the Commiſſioners are authoriſed or impowered to bring or inſtitute Actions at Law, the ſame ſhall and may be brought or inſtituted in the Name or Names of the Treaſurer or Treaſures appointed by virtue of this Act.

Qualification of Commiſſioners.

Penalty on acting if not qualified.

VI. Provided likewiſe, and be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall then be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment, or Receipt of the Rents, Iſſues, or Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds; or ſhall be Heir-apparent to ſome Perſon having ſuch Eſtate of the clear yearly Value of One hundred Pounds; or be poſſeſſed of a perſonal Eſtate to the Amount or Value of One thouſand Pounds: And if any Perſon, not being ſo qualified, or being rendered incapable in Manner aforeſaid, ſhall nevertheleſs preſume to act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof given of his having acted as a Commiſſioner in the Execution of this Act.

Majority at publick Meetings to act.

Five to be a Quorum, unleſs otherwiſe appointed.

VII. And be it further enacted, That all the Powers and Authorities by this Act granted to, or veſted in, the Commiſſioners hereby conſtituted as aforeſaid, ſhall and may, from Time to Time, be exerciſed by the major Part of them who ſhall attend any publick Meeting to be holden as herein-after mentioned, the Number of the Commiſſioners preſent at any ſuch Meeting not being leſs than Five, (except where a greater Number is declared neceſſary by this Act); and all the Orders and Proceedings of the major Part of the Commiſſioners preſent at ſuch Meetings ſhall have the ſame Force and Effect as if done or made by all the Commiſſioners conſtituted by this Act.

Firſt Meeting of Commiſſioners.

Power to adjourn.

Commiſſioners to defray their own Expences.

No Order, &c. valid unleſs made at a publick Meeting.

Proceedings to be entered in a Book, &c.

VIII. And be it further enacted, That the ſaid Commiſſioners ſhall meet together in the Veſtry-room in the ſaid Pariſh of Chriſt Church on the Second Wedneſday next after the paſſing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, and ſhall proceed to the Execution of this Act; and ſhall then, and from Time to Time afterwards, adjourn themſelves to meet at the ſame or at any other Place or Places within the ſaid Pariſh, as ſuch Commiſſioners ſhall think proper or convenient for putting this Act in Execution; and of which Adjournment Notice in Writing, or printed, and ſigned by the Clerk, ſhall be given, by affixing the ſame on the principal Door of the Pariſh Church Four Days at leaſt before ſuch intended Meeting: And if it ſhall happen that there ſhall not appear at any Meeting a ſufficient Number of Commiſſioners to act, and to adjourn to another Day, or in caſe the ſaid Commiſſioners aſſembled ſhall omit, neglect, or refuſe to adjourn themſelves; then, and in every ſuch Caſe, the Clerk ſhall, and is hereby required to ſummon the Commiſſioners to meet within Ten Days after, at the ſame Place, ſuch Summons to be ſigned by the Clerk, and to be delivered at the laſt or uſual Place of Abode of ſuch Commiſſioners as aforeſaid, at leaſt Two Days before ſuch Meeting; and in caſe the ſaid Clerk ſhall happen to die before ſuch Summons iſſued, or ſhall neglect or omit to iſſue any ſuch Summons in Manner aforeſaid, then the Treaſurer or Treaſurers for the Time being to the Commiſſioners ſhall and may, and he or they is and are hereby required to iſſue ſuch Summons within Eight Days from the Time the ſaid Commiſſioners ought to have been ſummoned by the Clerk in Manner aforeſaid: And the Commiſſioners ſhall at all their Meetings pay their own Expences: But no Act, Order, or Determination, of the ſaid Commiſſioners ſhall be valid unleſs done or made at a publick Meeting to be held by virtue of this Act, except as herein-after is excepted; and all the Acts, Orders, and Proceedings, of the Commiſſioners ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſigned by the Chairman at their next Meeting; and ſuch Acts, Orders, and Proceedings, ſhall then be deemed and taken to be Originals; and ſuch Book or Books ſhall and may be produced and read in Evidence, and allowed as ſuch in all Courts whatſoever.

Commiſſioners may appoint Officers, and remove them if neceſſary.

Officers to give Security.

Officers to account upon Oath if required.

IX. And be it further enacted, That the ſaid Commiſſioners ſhall and may, by Writing under their Hands and Seals, from Time to Time, as they ſhall find neceſſary, appoint a Treaſurer or Treaſurers, Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, and an Inſpector, and ſuch other Officers for the Execution of this Act, as they the ſaid Commiſſioners ſhall think proper; and may, from Time to Time, diſcharge or turn off any or either of them; and out of the Money to be raiſed by virtue of this Act the ſaid Commiſſioners may appoint ſuch Salaries, and make ſuch Allowances, to ſuch Officers, and to all other Perſons by them the ſaid Commiſſioners employed in the Execution of this Act, as they the ſaid Commiſſioners ſhall think reaſonable; and they ſhall take ſuch Security for the Execution of the reſpective Offices by ſuch Perſons as aforeſaid as the ſaid Commiſſioners ſhall think proper; and all ſuch Officers and Perſons ſhall, under their Hands, at ſuch Times, and in ſuch Manner, as the ſaid Commiſſioners ſhall direct, deliver to them true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all Monies which ſhall have been by them reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof has been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint; and all the ſaid Officers and Perſons ſo accounting

Commiſſioners impowered to adminiſter Oaths to Officers.

Officers refuſing to account upon Oath, or to deliver Books, on Seven Days Notice, or refuſing to pay the Balance of the Account, ſubject to be ſued,

or have the Money levied on their Goods,

or be committed,

until Delivery of Books, Payment of Monies, or Compoſition with the Commiſſioners.

ing as aforeſaid ſhall, upon Oath, if thereunto required, (which Oath the ſaid Commiſſioners are hereby impowered to adminiſter), verify their ſaid Accounts: And if any Officer or Perſon ſhall not make and render, or ſhall refuſe to verify upon Oath any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make ſuch Payment as aforeſaid, or ſhall not deliver to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, within Seven Days after being thereunto required by Notice in Writing under the Hands of the ſaid Commiſſioners, all Books, Papers, and Writings, in his Cuſtody or Power, relating to the Execution of this Act, or ſhall refuſe or neglect to pay ſuch Monies as, upon the Balance of any Account or Accounts, ſhall appear to be in their reſpective Hands, to the ſaid Commiſſioners, or as they ſhall direct or appoint; then, and in any of the Caſes aforeſaid, the ſaid Commiſſioners may, and are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions againſt the Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing as aforeſaid, in order for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons reſpectively; or if Complaint ſhall be made by the ſaid Commiſſioners, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid to any Juſtice or Juſtices of the Peace for the County or Place wherein ſuch Officer or Officers, Perſon or Perſons, ſo refuſing or neglecting ſhall be and reſide, ſuch Juſtice or Juſtices may, and is and are hereby authoriſed and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cauſe the Officer or Officers, Perſon or Perſons, ſo refuſing or neglecting to be brought before him or them, and, upon his or their appearing, or not being to be found, to hear and determine the Matter in a ſummary Way; and if upon the Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath before ſuch Juſtice or Juſtices, it ſhall appear to ſuch Juſtice or Juſtices that any of the Monies that ſhall have been collected or received by virtue of this Act ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice or Juſtices may, and he and they is and are hereby authoriſed and required, upon the Nonpayment thereof, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons, offending in the Premiſes reſpectively: And if no Goods or Chattels of ſuch Officer or Officers, Perſon or Perſons, can be found ſufficient to anſwer and ſatisfy ſuch Money, and the Charges of ſuch Diſtreſs and Sale, or in caſe it ſhall appear to ſuch Juſtice or Juſtices by the Confeſſion of the Party ſo offending, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, that any Books, Papers, or Writings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of any ſuch Officer or Perſon, and he or they ſhall refuſe to deliver the ſame as aforeſaid; then, and in either of the ſaid Caſes, ſuch Juſtice or Juſtices ſhall commit every ſuch Offender to the common Gaol of the County or Place where ſuch Offender ſhall be and reſide, there to remain without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Commiſſioners, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint; which Compoſition the ſaid Commiſſioners are hereby impowered to make, and until he ſhall deliver up ſuch Books, Papers, and Writings, as aforeſaid, or give Satisfaction in reſpect thereof to the ſaid Commiſſioners.

Commitment not to exceed Six Months.

X. Provided always, That no Perſon who ſhall be committed on account of his having no Goods or Chattels ſhall be detained in Priſon for any Term longer than Six Calendar Months.

Executors and Aſſignees to account;

and the Money in their Hands to be paid in Preference.

XI. And be it further enacted, That upon the Death of any ſuch Treaſurer, Collector, Officer, or other Perſon, to be appointed as aforeſaid, or upon his becoming Bankrupt, before he ſhall have paid and delivered up all the Monies he ſhall have received by virtue of this Act, their reſpective Executors or Adminiſtrators, or the Aſſignee or Aſſignees of his Eſtate and Effects, or other Perſon or Perſons poſſeſſing the ſame, or in whom the ſame have or hath veſted, ſhall, within Twenty-one Days next after ſuch Deceaſe or Bankruptcy, deliver to the ſaid Commiſſioners an Account in Writing, under his, her, or their Hand or Hands, of the Monies collected or received by the Perſon ſo deceaſed, or become Bankrupt, for the Purpoſe of this Act; and ſhall alſo deliver all Books, Papers, and Things, concerning his Office, to ſuch Perſon or Perſons as the ſaid Commiſſioners, by Writing under their Hands, ſhall appoint to receive the ſame; and ſuch Money, if any due, ſhall be paid by the Executors or Adminiſtrators, or Aſſignee or Aſſignees reſpectively, of the Perſon ſo deceaſed or become Bankrupt, in Preference to and before any of his or their other Debts are paid or ſatisfied; and every Executor or Adminiſtrator, Aſſignee, or other Perſon or Perſons, poſſeſſed of ſuch Effects as aforeſaid, may plead ſuch Payment in any Action or Suit that may be brought againſt him, her, or them, on account of the ſaid Eſtate or Effects, or give the ſame in Evidence: And in caſe of Nonpayment of ſuch Monies, or Non-delivery of ſuch Books, Papers, Writings, or Things, by the Space of Ten Days after the ſame ſhall be demanded, it ſhall be lawful for the ſaid Commiſſioners to commence, bring, and maintain, an Action or Actions, in any of His Majeſty's Courts of Record at Weſtminſter, againſt ſuch Executor or Adminiſtrator, Aſſignee, or other Perſon or Perſons poſſeſſing the Eſtate and Effects which did belong to ſuch deceaſed Perſon or Bankrupt, for Recovery thereof, together with Coſts of Suit, or of Damages, in lieu of ſuch Books, Papers, Writings, and Things.

Officers taking other Fees than allowed by this Act, *&c.* are diſqualified, and forfeit 100 *l.*

XII. And be it further enacted, That if any Perſon who ſhall be employed by the ſaid Commiſſioners, as Clerk, Surveyor, Treaſurer, Collector, or any other Officer or Servant, in putting this Act, or any of the Powers herein contained, in Execution, ſhall exact, take, or accept, by any Ways or Means, any Fee or Reward whatſoever, other than ſuch Salaries, Allowances, and Rewards, as ſhall be appointed, allowed, and approved of, by the ſaid Commiſſioners, for or on account of any Thing done or to be done by virtue of this Act, or on any Account whatſoever, relative to the putting this Act in Execution, or ſhall be by any Ways or Means concerned or intereſted in any Bargain, Contract, or Agreement, made, or to be made, by the ſaid Commiſſioners, for any the Purpoſes of this Act, every ſuch Perſon ſo offending ſhall be incapable of ever ſerving or being employed under this Act, and ſhall, over and above, forfeit the Sum of One hundred Pounds to any Perſon or Perſons who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, within Six Calendar Months after the Offence committed, in which no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed.

Commiſſioners may cauſe certain Streets, *etc.* to be new paved or repaired.

XIII. And be it further enacted, That the ſaid Commiſſioners ſhall and may, as ſoon as conveniently may be, after their Firſt Meeting, and from Time to Time afterwards, cauſe the Streets, Rows, Lanes, and Places herein-after mentioned, within the ſaid Pariſh of Chriſt Church, and no others, except on the Terms herein-after mentioned, viz. Raven Row, Criſpin Street, Lamb Street, Vine Court, Wheeler Street, the Eaſt End or Part of White Lion Yard or Street, White Row, Dorſet Street, Paternoſter Row, Red Lion Street, Foſſan Street, Church Street, Wood Street, Princes Street, Brown's Lane, Lolſworth Street, Pelham Street, Montague Street, Booth Street, Eaſt Street, Weſt Street, North Street, and South Street, or by what other Names they may have been called or known, and the ſeveral Courts, Yards, Alleys, Paſſages, and Places, opening into, or communicating with the ſame, or any Part or Parts thereof, and alſo the whole of Brick Lane, and the ſeveral Courts, Yards, Alleys, Paſſages, and Places, opening into, or communicating with ſuch Part of Brick Lane as is in the Pariſh of Chriſt Church, whether Foot or Carriage Way, to be new paved or repaired as they ſhall think proper; and for ſuch Purpoſes, may, from Time to Time, cauſe to be dug, carted, and carried away out of, or brought into the ſame, or any of them, or any Part or Parts thereof, ſuch Gravel, Stones, and other Materials, as they ſhall judge neceſſary; and may likewiſe cauſe the Ground thereof to be raiſed or lowered, the Courſe of the Channels running in or through the ſame to be turned or altered, and the Water-pipes which now lie, or hereafter ſhall be laid under Ground, to be taken up and new laid, in ſuch Places, Manner, and Form, as they ſhall judge beſt; and may cauſe all or any Poſts or Rails in any ſuch Streets, Rows, Lanes, Paſſages, or Places, as they ſhall judge uſeleſs, or to be a Nuiſance or Obſtruction either to Foot Paſſengers or to Carriages, to be taken away or removed; and likewiſe all Steps, Bulks, Stalls, Dung-holes, Saw-pits, Shew-glaſſes, Shew-boards, and other Matters and Things encroaching upon the Footway, as alſo all Steps and Doors opening or leading from the Footway or Carriage-way into Vaults, Cellars, or other Places, to be removed, filled up, or altered, as they the ſaid Commiſſioners ſhall judge neceſſary and expedient, and may employ ſuch Artificers, Workmen, Labourers, and others, and may iſſue Money for the above Purpoſes, and may do all and every ſuch Acts and Things for accompliſhing the aforeſaid Ends and Deſigns, as they ſhall think neceſſary, and ſhall pay for the ſame out of the Monies ariſing by virtue of this Act for the Purpoſe of paving.

Penalty on obſtructing Workmen.

XIV. And be it further enacted, That if any Perſon or Perſons ſhall obſtruct, hinder, or moleſt, any Surveyor or other Officer, Workmen, Perſon or Perſons whatſoever, employed by virtue of this Act, in the Performance or Execution of his or their Duty, every ſuch Perſon, ſo offending, ſhall, for the Firſt Offence, forfeit and pay the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds.

Penalty on altering Pavements without Conſent of Commiſſioners.

XV. And be it further enacted, That no Perſon or Perſons ſhall alter, or cauſe to be altered, the Form of any Pavement which ſhall be new made by virtue of this Act, without the Conſent of the ſaid Commiſſioners, or in any-wiſe encroach thereon, or put up any Poſt or Poſts, Step or Steps, or erect any Bulks or Stalls, or place out any Shew-glaſſes or Shew-boards, or make any Dung-holes or Saw-pits, or other Matters or Things, ſo as to be an Encroachment, upon Pain that every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, over and above the Expences of relaying and reinſtating ſuch Pavement, or taking down ſuch Poſts, Bulks, or Stalls, and removing or altering ſuch Shew-boards or Shew-glaſſes, or filling up ſuch Dung-holes or Saw-pits, or removing other Nuiſances and Obſtructions, according to the Direction of ſuch Commiſſioners.

Notice to be given when Pavements want Repair.

XVI. And be it further enacted, That if any Houſeholder or Houſeholders within the reſpective Streets, Rows, Lanes, Courts, Yards, Alleys, Paſſages, and Places, herein-before particularly deſcribed and authoriſed to be paved, ſhall at any Time make Complaint, in Writing, under his, her, or their Hand or Hands, and ſhall leave the ſame at the laſt or uſual Place of Abode of the Surveyor or Surveyors to the ſaid Commiſſioners, Three Days at the leaſt before the Meeting of the Commiſſioners, of any Defect or Want of Repair in any of the Pavements within ſuch Streets, Rows, Lanes, or other Places reſpectively, either before or after the ſame ſhall have been new-paved or repaired by virtue of this Act; then, and in every ſuch Caſe, the ſaid Surveyor or Surveyors ſhall view the ſaid Pavement, and report the Condition thereof to the ſaid Commiſſioners at their next Meeting; and if the ſaid Surveyor or Surveyors ſhall, upon ſuch View, find the Pavement complained of to be bad and defective, the ſaid Commiſſioners ſhall, unleſs it ſhall appear to ariſe from a Defect relating to the Water-pipes lying under the Pavement, give Order to their Contractor or Contractors, Pavior or Paviors, to repair the ſame within ſuch Time as the ſaid Commiſſioners ſhall judge neceſſary for the Repair thereof, which Time ſhall be ſpecified in ſuch Order: And if the Contractor or Contractors, Pavior or Paviors, to whom ſuch Order ſhall be given, ſhall not repair and amend ſuch Pavements within ſuch Time as he or they ſhall be directed by the ſaid Commiſſioners; then, and in every ſuch Caſe, the ſaid Contractor or Contractors, Pavior or Paviors, ſhall forfeit and pay the Sum of Twenty Shillings, for every Day that the ſaid defective Pavement ſhall remain unrepaired, after the Time limited by the ſaid Commiſſioners in their ſaid Order, and One Half of every ſuch Penalty ſhall be applied and paid to ſuch complaining Houſeholder or Houſeholders, for his, her, or their Loſs of Time and Trouble, in and about the Premiſes.

If Surveyors think ſuch Pavements not defective; &c. Commiſſioners to view the ſame.

XVII. Provided always, and it is hereby enacted and declared, That if the ſaid Surveyor or Surveyors ſhall, on any View, be of Opinion, that the Pavement or Pavements mentioned in ſuch Notice is or are not bad and defective; then, and in ſuch Caſe, the ſaid Commiſſioners ſhall forthwith proceed to view the ſaid Pavement, and their Opinion and Order concerning the ſame, after ſuch View, ſhall be final and concluſive; any Thing in this Act contained to the Contrary thereof in any-wiſe notwithſtanding.

Paviors, Carters, &c. not to be ſubject to Act 5 *Eliz.*

XVIII. And be it further enacted, That no Perſon, who ſhall be employed in paving or repairing Pavements by virtue of this Act, ſhall, for any Act done in conſequence of his or their being ſo employed, be ſubject or liable to any Action, Indictment, or Information, upon the Statute made in the Fifth Year of the Reign of Queen Elizabeth, intituled, An Act containing divers Orders for Artificers, Labourers, Servants of Huſbandry, and Apprentices.

Ground may be hired for getting Gravel, and lodging Materials,

Commiſſioners may buy Horſes, &c. for cleanſing, &c.

XIX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to hire a Piece or Pieces of Ground for the Purpoſe of digging Gravel, or lodging Materials or Utenſils in, for the Purpoſes of this Act, for ſuch Time, and for ſuch Sum and Sums of Money, as to them ſhall appear reaſonable, which Money ſhall be paid out of the Monies ariſing by virtue of this Act, for the reſpective Purpoſes to which ſuch Ground ſhall be applied; and alſo to buy or provide ſuch Carts, Horſes, Teams, or Carriages, as may be neceſſary for the Purpoſe of carting ſuch Gravel, or for cleanſing the ſeveral Squares, Streets, Rows, Lanes, Courts, Yards, Alleys, Paſſages, and Places, within the ſaid Pariſh of Chriſt Church, or for any other Purpoſe directed by this Act; and ſhall and may hire and employ ſuch Perſons to buy and provide ſuch Materials, and make ſuch Regulations for cleanſing the ſame, as they in their Diſcretion ſhall think proper, and pay for the ſame in Manner above mentioned; any Law, Statute, or Uſage, to the Contrary thereof in any-wiſe notwithſtanding.

Materials may be lodged in adjoining Streets, and Streets adjoining may be ſtopped whilſt Paving is doing.

XX. And be it further enacted, That during the Time any Square, Street, Row, Lane, Court, Yard, Alley, Paſſage, or Place, ſhall be new-paving or repairing under the Direction of the ſaid Commiſſioners, they ſhall have Power to order the neceſſary Materials to be lodged in that or any adjoining Street or Place, or Streets or Places, according to their Diſcretion; as alſo to ſtop the Way through any adjacent Square, Street, Row, Lane, Court, Yard, Alley, Paſſage, or Place, ſo long as they ſhall judge neceſſary; and all Perſons acting under their Direction, as aforeſaid, are hereby indemnified from any Proſecution or Action whatſoever, except where ſuch Materials ſhall be lodged upon or over, or within Six Feet of the Fire Plug or Cock; and no ſuch Materials ſhall be depoſited in or near the End of any Street or Place in ſuch Manner as to prevent the Admiſſion of Fire Engines.

Commiſſioners may contract, &c. for paving and cleanſing.

XXI. And be it further enacted, That the ſaid Commiſſioners, or any Nine or more of them, may, and they are hereby authoriſed and impowered, from Time to Time, to contract with any Perſon or Perſons, for paving, or keeping in Repair, any ſuch Squares, Streets, Rows, and other Places, as ſhall be appointed to be paved or repaired by virtue of this Act; and alſo for cleanſing all or any of the Squares, Streets, Rows, Lanes, Courts, Alleys, Yards, Paſſages, or Places, within the ſaid Pariſh, or may cauſe the ſame, or any Part or Parts thereof, to be done under their own Direction; which Contract ſhall ſpecify the ſeveral Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſaid Works ſhall be completed, and the Penalties to be ſuffered in caſe of Nonperformance thereof, and ſhall be ſigned by the ſaid Commiſſioners, or any Nine or more of them, and alſo by the Perſon or Perſons contracting to perform ſuch Works reſpectively; which Contract ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the Commiſſioners; but previous to the making of any ſuch Contract Fourteen Days Notice at the leaſt ſhall be given in ſome publick News-paper, publiſhed within the Bills of Mortality, expreſſing the Intention of ſuch Contract, in order that any Perſon or Perſons willing to undertake the ſame may make Propoſals for that Purpoſe to the ſaid Commiſſioners, at a certain Time and Place in ſuch Notice to be mentioned.

Works to be inſpected.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe all and every the Work done in purſuance of this Act to be inſpected by their Inſpector, Surveyor or Surveyors, or by ſuch other Perſon or Perſons as they ſhall from Time to Time appoint; and in caſe the ſame ſhall not be well and ſufficiently performed, according to the Intent and Meaning of ſuch Contract or Contracts, or ſhall not be finiſhed and completed at or within the Time or Times that the ſame is or are agreed to be completed by the ſaid Contractor or Contractors, and the ſaid Inſpector, Surveyor or Surveyors, or other Perſon or Perſons, ſhall report the ſame to the ſaid Commiſſioners at their next or any ſubſequent Meeting, the ſaid Commiſſioners ſhall or may bring an Action of Debt, in any of His Majeſty's Courts of Law at Weſtminſter, againſt any Perſon or Perſons ſo contracting and neglecting to perform, or not duly performing, any ſuch Contract or Contracts, and for any Penalty or Penalties which ſhall be contained therein; and, on Proof of the ſigning of the ſaid Contract or Contracts, and Nonperformance thereof, at the Time or Times, or in Manner therein mentioned, the ſaid Commiſſioners ſhall be intitled to, and ſhall recover ſuch Penalty or Penalties; which, when recovered, ſhall be applied for the Purpoſes of this Act, with reſpect to the Species of Work for which ſuch reſpective Contract was made.

Commiſſioners may compound, &c.

XXIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, to compound and agree with any Perſon or Perſons againſt whom ſuch Commiſſioners ſhall bring, or cauſe to be brought, any Action or Actions,

tions, for any Penalty or Penalties contained in any ſuch Contract or Contracts, on account of any Breach or Nonperformance thereof, for ſuch Sum or Sums of Money as they ſhall think proper, ſo as the Sum ſo compounded and agreed for be not leſs than the Injury or Damage ſuſtained by the Breach or Nonperformance of ſuch Contract or Contracts, and all Coſts, Charges, and Expences, which ſhall be occaſioned thereby.

Streets, &c. to be watered.

XXIV. And be it further enacted, That the ſaid Commiſſioners ſhall have full Power and Authority to cauſe all or any of the Squares, Streets, Rows, Lanes, Courts, Yards, Alleys, Paſſages, and Places, within the ſaid Pariſh, to be watered as often as they ſhall think fit; and for that Purpoſe to cauſe any Well or Wells to be dug or ſunk in ſuch Places (not being a Cellar, Vault, or other Building, under any of the Streets and Places aforeſaid) as they ſhall think proper; and alſo any Pump or Pumps to be erected in or near ſuch Places; and alſo to remove or alter any Pumps now ſtanding, or which ſhall hereafter be erected for the Purpoſe of watering the ſaid Squares, Streets, Rows, Lanes, Courts, Yards, Alleys, Paſſages, and Places, and to defray the Expence thereof out of the Monies to be raiſed by virtue of this Act, for the Purpoſe of Paving.

Lamps to be ſet up, &c.

XXV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, from Time to Time, to cauſe ſuch and ſo many Lamps to be ſet up in ſuch Places within the ſaid Pariſh, and to be placed in ſuch Manner, and at ſuch Diſtances, as they ſhall judge neceſſary; and may contract or agree with any Perſon or Perſons for ſuch Lamps, or may find and provide the ſame themſelves, if they think fit; and alſo may contract or agree with any Perſon or Perſons for the lighting, ſupplying, maintaining, and repairing ſuch Lamps, and ſpecify in ſuch Contract how and where the ſaid Lamps ſhall be placed, and at what Time, and how long the ſame ſhall be and continue lighted and burning, ſo that they ſhall be lighted at or before Sun-ſetting, and continue burning till Sun-riſing; and what Sum or Sums of Money ſhall be paid to the Perſon or Perſons ſo to be contracted or agreed with; provided that no ſuch Contract or Agreement ſhall be for a longer Term than Three Years from the Commencement thereof.

Lamp-irons, where to be affixed.

Penalty on breaking, &c.

XXVI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to order and direct Lamp-irons to be put or affixed againſt the Walls of all or any of the ſeveral Houſes or Tenements within the ſaid Pariſh, or into, upon, or againſt the Rails before the Area, or in ſuch Manner, and in ſuch other Place, as the ſaid Commiſſioners ſhall think proper and convenient; and if any Perſon or Perſons ſhall wilfully take away, break, throw down, or damage any Lamp that ſhall be ſet up by virtue of this Act, or wilfully extinguiſh the Light or Lights within the ſame, or throw down or damage the Irons or other Furniture thereof, it ſhall be lawful for any Perſon or Perſons whatſoever, who ſhall ſee ſuch Offence committed, to ſeize, as alſo for any other Perſon or Perſons to aſſiſt in ſeizing, the Offender or Offenders, and, by Authority of this Act, and without any other Warrant, to convey and deliver him, her, or them, into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace of the County of Middleſex, or the Liberty of the Tower of London; and ſuch Juſtice ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear, or be produced, to give Information or Evidence touching ſuch Offence; and if the Party or Parties accuſed ſhall be convicted of any ſuch Offence, either by his, her, or their Confeſſion, or upon ſuch Information or Evidence as aforeſaid, he, ſhe, or they, ſo convicted, ſhall forfeit and pay the Sum of Twenty Shillings for each Lamp or Lamp-iron ſo broken, thrown down, or damaged, or for every Lamp ſo extinguiſhed as aforeſaid; and, moreover, ſhall make full Satisfaction to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, for the Damage ſo by him, her, or them, done as aforeſaid; and in caſe ſuch Offender or Offenders ſhall not, on Conviction, pay ſuch Forfeiture, and make ſuch Satisfaction as aforeſaid, ſuch Juſtice is hereby required to commit him, her, or them, to the Houſe of Correction for the ſaid County or Liberty, there to be kept to hard Labour for any Space of Time not exceeding One Calendar Month, nor leſs than Seven Days, and ſuch Offender or Offenders ſhall not be diſcharged before the Time for which he, ſhe, or they, ſhall be ſo committed, unleſs ſuch Forfeiture and Satisfaction ſhall be ſooner paid and given.

Perſons accidentally damaging Lamps to make Satiſfaction.

XXVII. And be it further enacted, That in caſe any Perſon or Perſons ſhall careleſsly or accidentally break, throw down, or damage any Lamp or Lamps, hung out or ſet up by Order of the ſaid Commiſſioners, or the Irons or other Furniture thereof, and ſhall not immediately, upon Demand, make Satisfaction for the Damage done thereto; then, and in every ſuch Caſe, it ſhall be lawful for any One Juſtice of the Peace in and for the ſaid County or Liberty reſpectively, upon Complaint to him made by any credible Witneſs or Witneſſes, to ſummon before him the Party or Parties who ſhall be complained of for doing ſuch Damages as aforeſaid; and, upon hearing the Allegations and Proofs on both Sides, or Non-appearance of the Party or Parties ſo complained of, to award ſuch Sum or Sums of Money, by Way of Satisfaction, to the Owner of ſuch Lamp or Lamps, or to the ſaid Commiſſioners, as the Caſe ſhall be, for ſuch Damages, as ſuch Juſtice ſhall think reaſonable; and in caſe of Neglect or Refuſal to pay any Sum or Sums of Money ſo awarded within Ten Days after Demand, to cauſe the ſame to be levied as Fines, Penalties, and Forfeitures, are by this Act herein-after directed to be levied.

For building Watch-houſes and appointing Watchmen.

XXVIII. And be it further enacted, That the ſaid Commiſſioners ſhall have Power to uſe the preſent Pariſh Watch-houſe, or any future Watch-houſe that ſhall be within the ſaid Pariſh, and may cauſe any other Watch-houſe or Watch-houſes, and proper Watch-boxes, to be erected, built, or provided, within the ſaid Pariſh; and ſhall and may, yearly and every Year, appoint ſuch Number of Beadles, and of fit and able-bodied Men, as they ſhall think proper, at any Time, to watch and guard the ſaid Pariſh, and give and make ſuch Orders, Directions, and Regulations in Writing, from Time to Time, concerning the Manner in which the ſaid Watchmen ſhall be armed and ſtationed, and for the due and regular Performance of the ſaid Service, as they the ſaid Commiſſioners ſhall judge expedient; and, from Time to Time, may remove any of the ſaid Beadles or Watchmen, and appoint others in their Stead; and out of any Money to be raiſed by virtue of this Act for the Purpoſes of cleanſing, watching, and lighting, pay the Expences attending the building and fitting up ſuch Watch-houſes and Watch-boxes, and alſo the Allowances to ſuch Beadles and Watchmen for their Attendance, and all other neceſſary Charges and Expences incident to and attending this Service.

Copies of Regulations to be delivered to a Conſtable.

XXIX. And be it further enacted, That a true Copy or Tranſcript of all ſuch Orders and Regulations as ſhall be ſo made from Time to Time, as aforeſaid, for the better Direction and Government of Watchmen and Beadles ſo to be appointed, ſhall be fairly written, and ſigned by the ſaid Commiſſioners, and ſhall be delivered to the Conſtable and Headboroughs for the Time being of the ſaid Pariſh, or their ſufficient Deputies, and to every of them; and that from and after the Time of his or their having been ſworn into the Office of Headborough, One of the ſaid Headboroughs, or Deputies, for the Time being of the ſaid Pariſh, together with One of the ſaid Beadles, ſhall attend every Night by Turns, and ſhall keep Watch and Ward within the ſaid Pariſh, from the Hours of Ten in the Evening till Four the next Morning, from the Twenty-fifth Day of March till the Twenty-ninth Day of September, and from the ſaid Twenty-ninth Day of September till the Twenty-fifth Day of March, from Nine in the Evening till Seven in the Morning; and ſhall, in their ſeveral Turns or Courſes of Watching, uſe their beſt Endeavours to prevent as well all Miſchiefs happening by Fires, as all Murders, Burglaries, Robberies, and other Outrages and Diſorders, and to that End ſhall arreſt and apprehend all Night-walkers, Malefactors, and ſuſpected Perſons, who ſhall be found wandering and miſbehaving themſelves, and ſhall keep them in the Watch-houſe, or other convenient Place of Security, to be provided and appointed by the ſaid Commiſſioners within the ſaid Pariſh, until they can be conveniently carried to One or more Juſtice or Juſtices of the Peace for the ſaid County or Liberty, to be examined and dealt with according to Law; and which ſaid Beadle, or Headborough, or Deputy, ſhall Twice, or oftener, at convenient Times, in every Night, go about the ſaid Pariſh, and take Notice whether all the ſaid Watchmen perform their Duties in their ſeveral Stations, according to ſuch Orders and Regulations as ſhall have been made for that Purpoſe by the ſaid Commiſſioners; and in caſe any ſuch Watchman ſhall miſbehave himſelf, or neglect his Duty, the ſaid Conſtable, or Headborough, or Deputy, ſhall, as ſoon as conveniently may be, give Notice thereof to the Treaſurer or Treaſurers to the ſaid Commiſſioners, who is and are hereby authoriſed to ſuſpend ſuch Watchman from the Execution of his Office, and appoint another Perſon to officiate therein, until the next Meeting of the ſaid Commiſſioners, when the ſaid Treaſurer or Treaſurers ſhall acquaint the Commiſſioners aſſembled at ſuch Meeting with the Complaint againſt ſuch Watchman, in order for the ſaid Commiſſioners to proceed to the Examination of the Offence; and ſuch Watchman ſhall be ſubject to and liable to the Penalty of Five Shillings for every ſuch Neglect or Miſbehaviour, or be diſcharged from his ſaid Office of Watchman.

Penalty on Headboroughs, &c. neglecting Duty.

XXX. And be it further enacted, That if any of the ſaid Headboroughs or Deputies ſhall wilfully neglect to attend any Night, in his or their Turn, to keep Watch and Ward, or ſhall not come to keep Watch or Ward at the reſpective Hours appointed by this Act for his and their Attendance thereon, or ſhall depart from or leave keeping Watch and Ward during the reſpective Hours appointed by this Act for the keeping the ſame, or ſhall otherwiſe miſbehave himſelf or themſelves againſt the Duty preſcribed to them by this Act; in each and every of the ſaid Caſes the Perſon or Perſons ſo offending ſhall reſpectively forfeit the Sum of Twenty Shillings for every ſuch Offence.

Watchmen in Abſence of Conſtables, &c. may apprehend Nightwalkers, &c.

XXXI. And be it further enacted, That it ſhall be lawful for the ſaid Beadles or Watchmen, or any of them, (in the Abſence of the Conſtable, or Headborough, or Deputy), and they are hereby authoriſed and required, in their ſeveral Stations, during the Time of their keeping Watch and Ward, as aforeſaid, to apprehend all ſuch Night-walkers, Malefactors, Rogues, Vagabonds, and other diſorderly Perſons, whom they ſhall find diſturbing the publick Peace, or have juſt Cauſe to ſuſpect of any evil Deſigns, and to deliver the Perſon or Perſons ſo apprehended, as ſoon as conveniently may be, to the Conſtable or Headborough, or Deputy, of the Night, who is hereby required to carry him, her, or them, before One or more Juſtice or Juſtices of the Peace for the ſaid County or Liberty, to be examined and dealt with according to Law.

Property of Pavements veſted in Commiſſioners.

XXXII. And be it further enacted, That the Property of the preſent and future Pavements of the Streets, Rows, Lanes, and Places, to be paved by virtue of this Act, and of all Watch-houſes and Boxes, Poſts, Lamps, Iron, Timber, Furniture, and all other Materials, Utenſils and Things, which ſhall be provided or made uſe of for any the Purpoſes of this Act, ſhall, from and immediately after the paſſing of this Act, be, and the ſame is hereby veſted in the ſaid Commiſſioners, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, or to prefer and order and direct the preferring of Indictments, againſt any Perſon or Perſons who ſhall injure or deſtroy, ſteal, take, or carry away, any, or any Part thereof; or if any Perſon or Perſons ſhall wilfully or maliciouſly break up, or otherwiſe damage or ſpoil any of the Works done or carrying on in purſuance of this Act, or any Part or Parts thereof, every Perſon ſo offending therein reſpectively, and being thereof convicted by the Oath of a Witneſs or Witneſſes before any Juſtice or Juſtices of the Peace for the County of Middleſex, or Liberty of the Tower of London, ſhall, for the Firſt Offence, forfeit any Sum not exceeding Forty Shillings, nor leſs than Ten Shillings, and for the Second and every other Offence any Sum not exceeding Three Pounds, nor leſs than Twenty Shillings; to be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made; which

Forfeiture ſhall be applied to the reſpective Purpoſes of this Act: And in caſe the Perſon or Perſons ſo offending and convicted ſhall have no Goods or Chattels whereon the ſame can be levied; then, and in ſuch Caſe, ſuch Juſtice or Juſtices ſhall, by Warrant under his or their Hand and Seal, or Hands and Seals, commit ſuch Perſon or Perſons reſpectively to the Houſe of Correction, there to remain for any Space not exceeding Two Calendar Months, nor leſs than Ten Days, to be reckoned from the Day of Commitment; and the Perſon or Perſons ſo committed ſhall not be diſcharged until he, ſhe, or they, ſhall have paid the Sum forfeited as aforeſaid, or until the Expiration of the ſaid reſpective Times.

Old Materials may be ſold or uſed.

XXXIII. And be it further enacted, That the ſaid Commiſſioners may, and they are hereby authoriſed to ſell or diſpoſe of all Stones and Poſts, and all or any of the Materials which ſhall belong to the old Pavement, as well of the Carriage as of the Footways, to be paved by virtue of this Act, and to apply the Purchaſe-money ariſing by ſuch Sale to the reſpective Purpoſes of this Act; or the ſaid Commiſſioners may cauſe the ſame Stones, Poſts, or other Materials, to be made uſe of in any the Purpoſes of this Act.

Sign-poſts, *etc.* to be removed.

XXXIV. And be it further enacted, That the ſaid Commiſſioners ſhall and may cauſe all Trees, Signs, Sign-poſts, Sign-irons, Dyers Racks, Dyers, Scourers, and Barbers Poles, and all Porches, Pent-houſes, Boards, Spouts, and Gutters, projecting into or over the Highways or Footways, and all other Incroachments, Projections, or Annoyances whatſoever, within the Streets, Rows, Lanes, Courts, Yards, Alleys, Paſſages, and Places, to be paved by virtue of this Act, to be taken down and removed; and ſhall cauſe all Signs, Boards, and Gutters, to be affixed and placed cloſe to or on the Fronts of the Houſes, Shops, Warehouſes, or Buildings whereunto they reſpectively belong, or on ſuch Part of the ſaid Warehouſes or Buildings as the ſaid Commiſſioners ſhall think proper and convenient, the Expences whereof ſhall be paid out of the Money to be raiſed by virtue of this Act for the Purpoſe of paving, and ſhall return to the reſpective Owners all or ſo much of ſuch Signs, Sign-poſts, Poles, Sign-irons, Boards, Spouts, and Gutters, as ſhall not be affixed or put up, or otherwiſe made uſe of in the Alterations directed by the ſaid Commiſſioners in purſuance of this Act; and that for the future, all Signs, Sign-irons, Sign-boards, and Gutters, ſhall be placed and fixed cloſe to or on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, to which they reſpectively belong, and not otherwiſe: And if any Perſon or Perſons ſhall at any Time hereafter hang, place, or erect, any Sign, Sign-poſt, or other Poſt, Sign-iron, Pole, Porch, Pent-houſe, Board, Spout, Gutter, or other Projection, Obſtruction, or Annoyance whatſoever, or cauſe the ſame to be done contrary to the Directions aforeſaid, and the true Intent and Meaning of this Act, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, and the Sum of Five Pounds for every Week the ſame ſhall be continued.

Signs, *etc.* how to be affixed.

Steps, *etc.* to be removed.

XXXV. And be it further enacted, That all Steps or Slopes projecting into the Footways of the aforeſaid Squares, Streets, Rows, Lanes, Courts, Alleys, Ways, or other publick Paſſages, and all Steps and Doors going down out of the Foot-ways into any Cellars, Vaults, or other Places belonging to any Houſe, Warehouſe, Shop, Cellar, or other Building, which do or ſhall cauſe or occaſion any Nuiſance, Annoyance, Incroachment, or Obſtruction, ſhall be, at the Expence of the ſaid Commiſſioners, from Time to Time, removed, fixed, placed, or altered, in ſuch Manner and Form as ſhall be approved of by the ſaid Commiſſioners, or by their Surveyor, and paid for out of the Money to be raiſed for the Purpoſe of paving.

Names of Streets to be affixed up, and Houſes numbered.

XXXVI. And be it further enacted, That the ſaid Commiſſioners ſhall and may cauſe to be painted, engraved, or deſcribed in Stone or Wood, or otherwiſe, and to be affixed in a conſpicuous Part of One or more Houſe or Houſes, Building or Buildings, at or near each End, Corner, or Entrance of each of the aforeſaid Squares, Streets, Rows, Lanes, Courts, Yards, Alleys, Paſſages, and Places, the Name by which each reſpective Square, Street, Row, Lane, Court, Yard, Alley, Paſſage, and Place, is properly or uſually called or known; and may alſo cauſe every Houſe, Shop, or Warehouſe, in each of the ſaid Streets and Places, to be marked and numbered in ſuch Manner as they ſhall judge moſt proper for diſtinguiſhing the ſame; and if any Perſon or Perſons ſhall wilfully deſtroy, pull down, injure, obliterate, or deface, any ſuch Names, Deſcriptions, Marks, or Numbers, or any Part or Parts thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Ten Shillings.

Penalty on defacing Numbers, *etc.*

Annoyances how to be remedied.

XXXVII. And be it further enacted, That if any Perſon or Perſons ſhall at any Time or Times hereafter drive or place, or cauſe to be driven or placed, in any of the Carriage-ways within the Streets, Rows, and other Places by this Act directed to be paved, any Coach, Cart, Waggon, Dray, or other Carriage, on any Part or Parts thereof, ſo as to occaſion any Annoyance whatſoever, and ſhall not immediately remove the ſame when required ſo to do by any Perſon or Perſons whatſoever; or if any Perſon or Perſons ſhall ſet or place any ſuch Carriage for the Purpoſe of loading or unloading thereof, or for any other Purpoſe, upon any Foot-way or Croſſing in any ſuch Street, Row, Lane, Paſſage, or Place, every Perſon ſo offending ſhall, for every or either of the ſaid Offences, forfeit and pay the Sum of Five Shillings; and any One of the ſaid Commiſſioners, or any Perſon or Perſons appointed by the ſaid Commiſſioners for that Purpoſe, may ſeize, or cauſe to be ſeized, any ſuch Coach, Cart, Waggon, Dray, or other Carriage, together with the Horſe or Horſes, if any ſhall be thereunto belonging, and drive or remove, or cauſe the ſame to be driven or removed, to the Pound or other Place within the ſaid Pariſh of Chriſt Church, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants ſhall and do pay to the Perſon or Perſons in whoſe Cuſtody the ſame ſhall be the ſaid Penalty, together with the Charges of removing the ſame, and of keeping ſuch Horſe or Horſes, if any; and in caſe the ſame ſhall not be claimed, and the ſaid Penalty and Charges paid, within the Space of Five Days next after ſuch Seizure thereof, then it ſhall be lawful for the ſaid Commiſſioners to order the ſame to be appraiſed and ſold; and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act with reſpect to paving.

Penalty on not removing Casks, *etc.* after Notice.

XXXVIII. And be it further enacted, That if any Perſon or Perſons ſhall at any Time or Times hereafter ſet or place, or cauſe to be ſet or placed, in any of the Carriage-ways or Footways within the aforeſaid Streets, Rows, Lanes, or Places, any Caſk, Package, Timber, Stones, Wheels, Bricks, Lime, Sand, Mortar, or Wood, or any other Materials or Things whatſoever for the Purpoſes of making Mortar, or for building any Houſe, Shop, Warehouſe, Coach-houſe, Stable, or Tenement, or for any other Purpoſe, (unleſs the ſame ſhall be incloſed in a Hoard or other Erection, as herein-after is directed), and ſhall not remove the ſame within the Space of One Day next after Notice to him or her given for that Purpoſe, or left on the Premiſes where the ſame ſhall be; or if empty or unoccupied, or in building, ſtuck againſt the Wall thereof, by any One of the ſaid Commiſſioners, or by any Perſon or Perſons by them appointed for that Purpoſe; every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Five Shillings; and every One of ſuch Commiſſioners, or any Perſon or Perſons ſo appointed by them, may ſeize, or cauſe to be ſeized, ſuch Caſks, Package, Timber, Stones, Wheels, Bricks, Lime, Sand, Mortar, Wood, or other Materials, (not being incloſed, as aforeſaid), and take or remove, or cauſe the ſame to be taken or removed, to the Pound, or other proper Place within the ſaid Pariſh, there to be kept and detained until the Owner or Owners thereof, or his, her, or their Servant or Servants, ſhall and do pay to the Perſon in whoſe Cuſtody the ſame ſhall be the ſaid Penalty, together with the Charges of removing the ſame: And in caſe the ſame ſhall not be claimed, and the ſaid Penalty and Charges paid, within the Space of Five Days next after ſuch Seizure thereof, then it ſhall and may be lawful to and for the ſaid Commiſſioners to order the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act with reſpect to paving.

Penalty if Nuiſances are continued.

XXXIX. And it is hereby further enacted, That if any ſuch Nuiſance, Obſtruction, or Annoyance, ſhall be afterwards replaced, and continued for the Space of Six Hours after Notice to remove the ſame, the Perſon or Perſons convicted of ſuch Second Offence ſhall forfeit and pay the Sum of Ten Shillings, and the like Sum of Ten Shillings for every repeated Offence.

Licences may be granted for erecting Hoards, *&c.*

XL. And be it further enacted, That no Perſon or Perſons whatſoever ſhall erect or build, or cauſe to be erected or built, any Hoard, or erect any Poſts, Bars, Rails, Board, or other Thing, by Way of Incloſure, for the Purpoſe of making Mortar, and depoſiting Bricks, Stone, Lime, Sand, or any other Materials for building or repairing any Houſe, Tenement, or other Works, or for any other Purpoſe, without Leave or Licence firſt had and obtained under the Hand or Hands of the Surveyor or Surveyors for the Time being to the Commiſſioners, who is and are hereby required to grant the ſame forthwith to every Perſon ſo applying for ſuch Licence, paying to the ſaid Surveyor or Surveyors the Sum of One Shilling; and no Perſon whatſoever ſhall erect or build any ſuch Kind of Hoard or Incloſure, as aforeſaid, in any other Manner, or ſuffer the ſame to remain for any longer Time than ſhall be expreſſed or allowed in ſuch Licence from the ſaid Surveyor or Surveyors, to be ſigned as aforeſaid, upon Pain of forfeiting any Sum not exceeding Twenty Shillings, nor leſs than Five Shillings, for every Twelve Hours that the ſame, or any Part thereof, ſhall be continued contrary to the Direction of this Act: And if any ſuch Kind of Incloſure ſhall be erected or built without the Leave of the ſaid Surveyor or Surveyors ſo had and obtained, and ſigned, as aforeſaid, or ſhall be ſet up in any other Manner, or continued for any longer Time, than ſhall be allowed and expreſſed in ſuch Licence; then, and in either of the Caſes, it ſhall be lawful for the Commiſſioners to cauſe the ſame to be pulled down and removed, and the Materials thereof ſhall be depoſited in the Pound, or any other proper Place within the ſaid Pariſh, there to be kept and detained until the Owner or Owners, or his, her, or their Servant or Servants, ſhall and do pay to the Perſon or Perſons in whoſe Cuſtody the ſame ſhall be the ſaid Penalty, together with the Charges of removing the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Penalty and Charges paid, within the Space of Five Days next after ſuch Seizure thereof, then it ſhall be lawful for the ſaid Commiſſioners to order the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act with reſpect to paving.

No Lime to be ſifted, *&c.* in any Square, *&c.*

XLI. And it is hereby further enacted, That if any Perſon or Perſons ſhall ſift, ſcreen, or ſlack any Lime, (except within ſuch Incloſure as aforeſaid), in any ſuch Square, Street, Row, Lane, or Paſſage, or cauſe the ſame to be ſo done, he or they ſhall forfeit and pay for every ſuch Offence the Sum of Forty Shillings.

Penalty on driving Carriages, *&c.* on Foot-pavements.

XLII. And be it further enacted, That if any Perſon or Perſons ſhall for the future carry, run, drive, or draw, or cauſe to be carried, run, driven, or drawn, on any of the Foot-pavements within any the aforeſaid Streets, Rows, Lanes, or Places, any Wheel or Wheels, Sledge, Wheelbarrow, or any Carriage whatſoever; or ſhall wilfully ride, lead, or drive, any Horſe, Aſs, or other Cattle, Coach, or other Carriage whatſoever, upon any Part of the ſaid Foot-pavements; or ſhall throw or caſt any Dung, Aſhes, Dirt, or Rubbiſh, into or upon any Carriage or Footways; then, and in every ſuch Caſe, it ſhall be lawful for any Perſon or Perſons whatſoever who ſhall ſee ſuch Offence committed, to ſeize, and alſo for any other Perſon or Perſons to aſſiſt in ſeizing, the Offender or Offenders, and they are hereby required ſo to do by the Authority of this Act, and without any other Warrant to convey and deliver him, her, or them, into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid County or Liberty; and the Party or Parties accuſed being brought before any ſuch Juſtice, ſuch Juſtice ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear or be produced to give Information touching ſuch Offence; and if the Party or Parties accuſed ſhall be convicted of ſuch Offence, either by his, her, or their own Confeſſion, or upon Information as aforeſaid, he, ſhe, or they, ſo convicted of any ſuch Offence reſpectively, ſhall forfeit the Sum of Ten Shillings for the Firſt Time of offending, the Sum of Twenty Shillings for the Second Time of offending, the Sum of Forty Shillings for the Third, and every other Time of offending; and in caſe ſuch Offender or Offenders ſhall not, upon ſuch Conviction, pay ſuch Forfeitures by him, her, or them incurred, as aforeſaid, the Juſtice before whom ſuch Offender or Offenders ſhall be convicted is hereby required to commit him, her, or them, to the Houſe of Correction for the ſaid County, there to be kept to hard Labour for any Space of Time not exceeding Ten Days, nor leſs than Three Days.

Streets to be ſwept.

XLIII. And be it further enacted, That all Perſons inhabiting within the ſaid Pariſh ſhall, from and after the ſaid Second Wedneſday after the paſſing of this Act, ſweep, ſcrape, and clean the Foot-way before their reſpective Houſes, Buildings, and Walls, or cauſe the ſame to be done every Day between the Hours of Six and Nine in the Morning, (Sundays excepted), upon Pain of forfeiting for every Neglect the Sum of Five Shillings.

Stands of Hackney Coachmen, &c. to be regulated.

XLIV. And be it further enacted, That the ſaid Commiſſioners may, from Time to Time, direct and regulate all Stands of Hackney Coaches and Hackney Chairs within the ſaid Pariſh in ſuch Manner as they ſhall in their Diſcretion think proper; and if any Hackney Coachman or Hackney Chairman ſhall not comply with ſuch Directions and Regulations, he or they ſhall, for each Offence, forfeit the Sum of Ten Shillings.

Times of emptying Bog-houſes, *etc.*

XLV. And be it further enacted, That if any Perſon or Perſons whatſoever ſhall come with any Cart or Carts, and begin to empty any Bog-houſe or Bog-houſes, or to take away any Night-ſoil from any Houſe or Houſes within the ſaid Pariſh before the Hour of Twelve of the Clock in the Night, or ſhall continue to take away the ſame after the Hour of Five of the Clock in the Morning from Michaelmas to Lady-day, or after the Hour of Four of the Clock in the Morning from Lady-day to Michaelmas; or if any Perſon ſhall put or caſt, or cauſe to be put or caſt, out of any Cart, Tub, or otherwiſe, in or near any of the Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, within the ſaid Pariſh, or within Half a Mile thereof, any ſuch Night-ſoil, it ſhall and may be lawful to and for any Conſtable, Beadle, or Watchman, (and they are hereby ſtrictly required and directed ſo to do), or any other Perſon or Perſons whatſoever, to apprehend and carry him or them guilty of either of the ſaid Offences to the Watch-houſe of the ſaid Pariſh of Chriſt Church, and from thence, as ſoon as conveniently may be, before ſome Juſtice of the Peace for the ſaid County or Liberty, who, upon Oath made of ſuch Offence or Offences as aforeſaid, ſhall and may commit ſuch Perſon or Perſons guilty of any of the ſaid Offences to the Houſe of Correction for the ſaid County, for any Time not exceeding Two Months, nor leſs than Fourteen Days, there to be kept to hard Labour; and it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required to order any Sum not exceeding Twenty Shillings, nor leſs than Ten Shillings, to be paid to the Perſon who ſhall detect, apprehend, and convey before any ſuch Juſtice of the Peace, any ſuch Perſon or Perſons guilty as aforeſaid, to be paid out of the Monies to be raiſed by virtue of this Act for the Purpoſes of cleanſing, lighting, and watching.

Notice to be given of taking up Pavements, *etc.* for repairing any Vault, Drain, *etc.*

XLVI. And be it further enacted by the Authority aforeſaid, That when and ſo often as any Part of the Pavement of the ſaid Streets or Lanes ſhall be taken up for the Purpoſe of making, repairing, altering, cleanſing, or emptying, any Sewer, Vault, or Drain, or of laying, altering, or amending any Water-pipe or Plug, or for any other Purpoſe whatſoever, the Perſon or Perſons ſo taking up ſuch Pavement ſhall immediately give Notice thereof to the Surveyor or Clerk to the Commiſſioners for putting this Act in Execution, in order that the ſame may, with all convenient Speed, be laid down and repaired under the Inſpection of the ſaid Surveyor; and the Charges and Expences thereof ſhall be paid by the ſaid Commiſſioners, and they ſhall be reimburſed the ſame by the Perſon or Perſons, Company of Waterworks, or Commiſſioners of Sewers, who ſhall take up, or cauſe or procure to be taken up, the ſaid Pavement, or any Part or Parts thereof.

Commiſſioners may contract with Companies for relaying ſuch Pavements.

XLVII. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners for putting this Act in Execution, or any Seven or more of them, from Time to Time, to compound and agree with the ſaid Companies or Commiſſioners of Sewers, or other Perſon or Perſons reſpectively, for a certain Sum of Money by the Foot, or other Meaſure, as the ſaid Commiſſioners for putting this Act in Execution ſhall think reaſonable, in lieu and in ſtead of laying down or repairing ſuch Pavement as ſhall be neceſſarily taken up for any of the Purpoſes aforeſaid.

On Refuſal of Payment an Action may be brought.

XLVIII. And be it further enacted by the Authority aforeſaid, That in caſe ſuch Perſon or Perſons, Companies of Waterworks, or Commiſſioners of Sewers reſpectively ſhall neglect or refuſe to pay what the ſaid Commiſſioners ſhall have ſo paid and diſburſed, or what ſhall be due upon ſuch Compoſition, as aforeſaid, within Ten Days next after Notice thereof, to be left by the Surveyor or Clerk appointed, or to be appointed, by the ſaid Commiſſioners, at the Dwelling-houſe or laſt Place of Abode of ſuch Perſon or Perſons, or of the Secretary or Secretaries, Clerk or Clerks, of ſuch Companies of Waterworks, or Commiſſioners of Sewers reſpectively, (which Notice ſhall be in Writing, and ſigned by the Clerk to the Commiſſioners for putting this Act in Execution, by Order of the ſaid Commiſſioners, and annexed to the Bill containing an Account of the Expence of ſuch Repair, or Money due upon ſuch Compoſition), it ſhall be lawful for the ſaid laſt-mentioned Commiſſioners, and they are hereby authoriſed and impowered, to bring, or cauſe to be brought, any Action or Actions, for the Recovery of ſuch Sum or Sums of

Money reſpectively; and in caſe ſuch Perſon or Perſons, hereby directed to give ſuch Notice to the Surveyor or Clerk to the Commiſſioners for putting this Act in Execution, as is before directed, ſhall neglect ſo to do for the Space of Twenty-four Hours after ſuch Pavement ſhall be ſo taken up, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Commiſſioners to pay for altering the Pipes for the Purpoſes of the Act.

XLIX. And be it further enacted by the Authority aforeſaid, That if for the Purpoſes of this Act it ſhall at any Time be found neceſſary to raiſe, ſink, or otherwiſe alter the Poſition of any of the Pipes or Plugs laid down or placed by the ſaid Companies, or any of the leaden Pipes which ſhall be laid into or from any of the ſaid Companies Pipes, which the ſaid Commiſſioners are hereby impowered to cauſe to be done as often, and in ſuch Places, as they ſhall think proper; the ſame ſhall be paid for out of the Monies ariſing by virtue of this Act, and ſhall be done with as little Detriment or Inconvenience to the ſaid Companies, and other Perſons, as the Circumſtances of the Caſe will admit of.

How Water-pipes, when broken, are to be repaired.

L. And be it further enacted, That when and ſo often as it ſhall happen that any Pipe or Pipes belonging to any Water Company ſhall break or burſt in any of the ſaid Squares, Streets, Rows, Lanes, Courts, Yards, Alleys, Paſſages, or Places, paved by virtue of this Act, the Surveyor to the ſaid Commiſſioners, or ſuch other Perſon as they ſhall appoint for that Purpoſe, may and ſhall give immediate Notice thereof to the Pavior of the Water Company to whom he apprehends ſuch Pipe or Pipes does or do belong, and require him to take up the Pavement, and open the Ground, at or near the Place where the Water iſſues by reaſon of ſuch Pipe or Pipes breaking or burſting, within Two Days next after ſuch Notice given to ſuch Pavior, or left at his laſt or uſual Place of Abode; and if, upon taking up of the Pavement, and opening the Ground, it ſhall appear that the Pipe or Pipes ſo broken or burſt doth not or do not belong to the Water Company whoſe Pavior ſhall have taken up ſuch Pavement, and opened ſuch Ground; that then, and in ſuch Caſe, the Surveyor, or other Perſon as aforeſaid, ſhall give immediate Notice to the Pavior of that Company to whom it ſhall appear that the ſaid Pipe or Pipes doth or do belong, ſuch Notice to be given or left with ſuch Pavior, or at his laſt or uſual Place of Abode; and the Pavior of the Company to whom ſuch Pipe or Pipes ſhall belong is hereby required to repair the ſame, and fill in the Ground, within Two Days after ſuch Notice given, or left as aforeſaid; and alſo within Two Days after ſuch Pipe ſhall be repaired, and the Ground filled in, to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor, or other Perſon, as aforeſaid, of ſuch Pipe or Pipes being repaired, and ſuch Ground being filled in, ſuch Notice to be given to ſuch Contractor, Surveyor, or other Perſon, or left at his or their laſt or uſual Place of Abode: And in caſe it ſhall happen that the Pavior who firſt receives ſuch Notice ſhall take up ſuch Pavement, and open ſuch Ground, and it ſhall then be diſcovered that the Pipe or Pipes which ſhall be burſt or broken doth or do not belong to the Company to whom he is Pavior; that then, and in ſuch Caſe, the Pavior of the Company to whom ſuch Pipe or Pipes doth or do belong ſhall make Satisfaction to the Pavior who ſo took up ſuch Pavement, and opened ſuch Ground, for ſuch Work; and in caſe the Pavior to whom ſuch Notice ſhall be ſo given to take up ſuch Pavement, and open ſuch Ground, ſhall neglect or refuſe to do the ſame within the ſaid Two Days after Notice given, he ſhall, for the Firſt Offence, forfeit and pay the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds: And in caſe the Pavior of the Company to whom ſuch Pipe or Pipes ſo broken or burſt ſhall belong ſhall neglect or refuſe to repair and amend the ſame, and fill in the Ground ſo taken up, for the Space of Two Days next after ſuch Notice given, or ſhall neglect to give Notice to the Pavior or Paviors contracting with, or the Surveyor to the ſaid Commiſſioners, or to ſuch other Perſon, as aforeſaid, ſuch Pavior ſhall, for the Firſt Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds: And if any Perſon or Perſons contracting with the ſaid Commiſſioners to relay ſuch Pavements, ſo broken or taken up for any the Reaſons aforeſaid, ſhall neglect or refuſe to relay ſuch Pavement in a good, ſufficient, and effectual Manner, within Two Days after Notice given to him or them; or if the Surveyor, or other Perſon, to whom ſuch Notice ſhall be given, ſhall neglect to acquaint the Contractor of ſuch Notice; then, and in every ſuch Caſe, the Perſon or Perſons ſo offending ſhall, for the Firſt Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds.

Paviors and Turncocks to give Notice of their Places of Abode.

LI. And be it further enacted, That the ſeveral and reſpective Paviors and Turncocks, now appointed, or hereafter to be appointed, in caſe of the Death or Removal of any ſuch Pavior or Turncock by the ſaid ſeveral and reſpective Water Companies, ſhall, and they are hereby required, within the Space of Twenty-one Days next after the paſſing of this Act, or within the Space of Three Days next after he or they ſhall be appointed Pavior or Paviors, Turncock or Turncocks, to ſuch Company or Companies, to give Notice in Writing to the Surveyor or Surveyors for the Time being to the ſaid Commiſſioners for putting this Act in Execution; which Notice ſhall contain ſuch Pavior's or Turncock's Name and Place of Abode reſpectively, as alſo to what Company he is Pavior or Turncock, and in what Diſtrict he has the Care of ſuch Company or Companies Pipes; and, in like Manner, the Surveyor or Surveyors to ſuch Commiſſioners for the Time being ſhall, within the reſpective Times aforeſaid, give Notice to the reſpective Paviors and Turncocks of the ſaid ſeveral Water Companies of his or their own Place or Places of Abode, and alſo to the Surveyor or Surveyors to Commiſſioners of Sewers of the Names and Places of Abode of ſuch Contractor or Contractors, and of the Pavior or Paviors employed by ſuch Commiſſioners; and every Perſon or Perſons neglecting or refuſing to give ſuch Notice as aforeſaid, within the Times before reſpectively ſpecified, ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings.

LII. And

Commiſſioners may direct Grates over Sewers to be altered.

LII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, from Time to Time, to direct the Grates already or hereafter to be placed over any Sewers to be removed and placed in ſuch Manner, and at ſuch Place and Places, as they ſhall think moſt proper, ſo as the ſame be not detrimental or prejudicial to the publick Sewers, and be, from Time to Time, done at the Expence of the ſaid Commiſſioners, and paid for out of the Money ariſing by virtue of this Act, for the Purpoſes of Paving; any Law, Uſage, or Cuſtom to the Contrary notwithſtanding.

Commiſſioners may erect additional Grates, *&c.*

LIII. And be it further enacted, That when and ſo often as there ſhall be Occaſion to make new or additional Grates over any Sewer or Sewers within the ſaid Diſtrict, or to repair, alter, cleanſe, or amend, any of the ſaid Sewers, or the Grates over the ſame, the Clerk for the Time being of the Commiſſioners of the ſaid Sewers ſhall, at the Requeſt in Writing of the Surveyor of the ſaid Commiſſioners of Pavement, or other Perſon or Perſons authoriſed by them for that Purpoſe, forthwith ſummons the ſaid Commiſſioners of Sewers to meet, in order to take the Premiſes under Conſideration, which they are hereby authoriſed and required to do at ſuch Meeting, and alſo at the ſame Meeting, or any adjourned or other Meeting, to exerciſe the ſeveral Powers and Authorities with which they are inveſted, in order that the ſaid ſeveral Works may be ſpeedily and effectually done, completed, and finiſhed.

Rate for cleanſing, lighting, and watching,

LIV. And be it further enacted, That from and after the paſſing of this Act, a Rate or Aſſeſſment ſhall, for the Purpoſes of cleanſing, lighting, and watching, the ſeveral Squares, Streets, Rows, Lanes, Courts, Yards, Alleys, Paſſages, and Places, within the ſaid Pariſh of Chriſt Church, be made, laid, and aſſeſſed, by the Commiſſioners for putting this Act in Execution, or any Seven or more of them, Once in every Year, or oftener, if they ſhall judge it needful, upon the Pariſh Church and Church-yard, and all Chapels, French Churches and Chapels, Meeting-houſes, Schools, and Markets, and upon all and every Perſon and Perſons who do or ſhall inhabit, hold, uſe, occupy, poſſeſs, or enjoy any Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament, within the ſaid Pariſh, in ſuch competent Sum and Sums of Money, as the ſaid Commiſſioners, or any Seven or more of them, ſhall order and direct, ſo as ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, do not exceed in the Whole the Sum of One Shilling and Four-pence in the Pound in any One Year, according to the yearly Rent or yearly Value of ſuch Lands, Grounds, Houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments reſpectively.

not to exceed 1*s.* 4*d.* in the Pound.

Commencement of Rates.

LV. And be it further enacted, That the ſaid Firſt Rate or Aſſeſſment ſhall commence from the ſaid Second Wedneſday after the paſſing of this Act, and every future Rate or Aſſeſſment ſhall commence from the Time that the laſt preceding Rate or Aſſeſſment ended, and not otherwiſe; and the Monies therein and thereby charged and aſſeſſed ſhall be payable and recoverable quarterly, in Manner herein-after directed.

Rates for paving and removing Annoyances, watering, *&c.*

LVI. And be it further enacted, That when and as ſoon as the ſaid Commiſſioners ſhall direct any of the ſaid Streets, Rows, or Lanes, herein-before mentioned and authoriſed to be paved, or any Part or Parts thereof reſpectively, or any of the Courts, Yards, Alleys, Paſſages, and Places, opening into or communicating with the ſame, to be new paved, it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, as ſoon as conveniently may be, and ſo in like Manner yearly, or oftener, if Occaſion ſhall require, to make, lay, and aſſeſs, upon all and every Perſon and Perſons who do or ſhall inhabit, hold, uſe, occupy, poſſeſs, or enjoy, any Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament, within ſuch Street, Row, Lane, Court, Yard, Alley, Paſſage, or Place reſpectively, as far as ſuch new Pavement ſhall extend, a further Sum not exceeding in the Whole One Shilling and Nine-pence in the Pound, in any One Year, of the yearly Rent or yearly Value of ſuch Lands, Grounds, Houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments reſpectively, the greater Part or Parts of which Pavement ſhall be made of Stones of a flat Surface; but not exceeding One Half of ſuch Rates or Aſſeſſments, as the ſame ſhall, from Time to Time, be aſcertained and limited, within ſuch Courts, Yards, Alleys, Paſſages, or Places, as are not Thoroughfares for Wheel Carriages; and not exceeding One Shilling and Three-pence in the Pound in ſuch Streets, Rows, Lanes, Courts, Yards, Alleys, Paſſages, or Places, the greater Part or Parts of which new Paving ſhall be made in the Footways with flat Stones, and in the Carriage-ways with Pebbles, or with old Stones taken from that or any other of the ſaid Streets, Rows, Lanes, Courts, Yards, Alleys, Paſſages, or Places; but not exceeding One Half of ſuch Rates or Aſſeſſments, as the ſame ſhall, from Time to Time, be aſcertained and limited, within any ſuch Courts, Yards, Alleys, Paſſages, or Places, as are not Thoroughfares for Wheel Carriages, and paved as is laſt-mentioned.

not to exceed 1*s.* 9*d.* in the Pound, when paved with beſt Pavement,

and 1*s.* 3*d.* with the ſecond Sort of Pavement.

Houſes adjoining to the Streets to be rated at Two-thirds.

LVII. And whereas ſeveral Houſes, Warehouſes, or other Buildings, in the ſaid Streets, Rows, Lanes, Alleys, Yards, or other Places, are partly ſituate within the ſame, and partly in or are adjoining to or abutting upon other Streets, Lanes, Ways, or Paſſages, which are not within or Part of the aforeſaid Streets, Rows, Lanes, Alleys, Yards, or Places, and the Occupiers of ſuch Houſes, Warehouſes, or other Buildings, by Carriages having Acceſs to their Premiſes, will greatly wear the Pavements intended to be paved by virtue of this Act, by ſuch Carriages coming to and going from their ſaid Houſes, Warehouſes, or other Buildings, and ſuch Houſes, Warehouſes, or other Buildings, are or may be obliged to pave the ſaid other Streets, Lanes, Courts, Alleys, and other Places, or may be ſubject to be rated and taxed towards the paving or repairing the ſame; be it therefore further enacted, That ſuch Houſes, Warehouſes, or other Buildings, which now are or hereafter ſhall be ſo ſituate, ſhall only be rated and taxed for the Purpoſe aforeſaid at ſuch Sum or Sums of Money as the ſaid Commiſſioners, or any Seven or more of them, ſhall think reaſonable, not exceeding Two-thirds of the Rate they would have been rated and taxed at if ſuch Houſes, Warehouſes, or other Buildings, had ſtood wholly within the ſaid Street, Row, Lane, Alley, or Yard.

Houſes let out in Tenements how to be rated.

LVIII. And whereas many Houſes within the ſaid Streets, Rows, Lanes, Courts, Alleys, Yards, Paſſages, or Places, are by the ſeveral Owners or Proprietors thereof let out in Lodgings to divers Tenants, whereby it will be difficult to recover ſuch Rates and Aſſeſſments when made; for Remedy whereof, be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, to rate and aſſeſs the Owner or Owners of ſuch Houſes or Tenements as ſhall be let to or occupied by Two or more Tenants, which Rate and Aſſeſſment ſhall be paid by One or more of the Tenants or Occupiers of any Part or Parts of ſuch Houſes or Tenements; and in caſe any Occupier or Occupiers of any Part of ſuch Houſes or Tenements ſhall refuſe to pay the ſame, then the ſaid Rate and Aſſeſſment ſhall be levied by Diſtreſs and Sale of the Goods of him, her, or them, ſo refuſing to pay the ſame; and ſuch Occupier or Occupiers of ſuch Houſes and Tenements reſpectively is and are hereby required and authoriſed to pay ſuch Sum and Sums of Money as ſhall be ſo rated or aſſeſſed on the Owner or Owners of ſuch Houſes, in purſuance of this Act, and to deduct the ſame out of their Rent; and the Owner or Owners, Proprietor or Proprietors thereof, are hereby required to allow ſuch Deductions and Payments upon Receipt of the Reſidue of their Rents; and every ſuch Tenant paying ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be acquitted and diſcharged of and from ſo much Money as the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall amount unto, as if the ſame had been actually paid to ſuch Perſon or Perſons to whom his, her, or their Rent would have been, or ſhall be, due and payable; and, in Default of Payment of the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, the ſame ſhall be and remain a Charge upon the ſaid Premiſes, and ſhall and may be recovered of and from the Owner or Owners, Proprietor or Proprietors thereof, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or in the Court for the Recovery of Small Debts within the Tower Hamlets, to be commenced and proſecuted by the ſaid Commiſſioners, in which Action or Suit no Protection, Eſſoin, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Power to compound.

LIX. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, to compound with the Owner or Owners, Proprietor or Proprietors, of any ſuch Houſes or Tenements, the annual Rent or Value whereof ſhall be at or under Ten Pounds for the Rate by this Act authoriſed to be laid upon ſuch Houſes or Tenements, ſo as in ſuch Compoſition there be not remitted to any ſuch Owner or Owners, Proprietor or Proprietors reſpectively, more than One-third of the Rate or Aſſeſſment by this Act laid upon ſuch Houſes or Tenements reſpectively.

Empty Houſes, &c. how to be rated.

LX. And it is hereby further enacted, That where any of the Lands, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, ſhall, at the Time of making any of the ſaid Rates or Aſſeſſments for the Purpoſes of paving, be empty, untenanted, or unoccupied; then, and in every ſuch Caſe, it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, to rate and aſſeſs ſuch Premiſes reſpectively at One Half of ſuch Rates or Aſſeſſments, during the Time only that ſuch Premiſes ſhall be empty, untenanted, or unoccupied; and alſo in caſe any ſuch Premiſes, after the making ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall become empty, untenanted, or unoccupied, One Half only of ſuch Rate or Aſſeſſment ſhall be charged on ſuch Premiſes reſpectively, for and during ſo long a Time as the ſame ſhall continue empty, untenanted, and unoccupied; and then, and in any of the ſaid Caſes, the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, and all Arrears thereon, ſhall be paid by the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, or by the Firſt or any other Tenant or Occupier thereof, and in which laſt Caſe ſuch Tenant or Tenants, Occupier or Occupiers, ſhall and may, and is and are hereby authoriſed to deduct and detain the ſame out of his, her, or their Rent or Rents reſpectively; and the Landlord or Landlords, Owner or Owners, of ſuch Premiſes, is and are hereby required to allow ſuch Deduction and Payment upon Receipt of the Reſidue of his, her, or their reſpective Rents; and the ſaid Tenant or Tenants, Occupier or Occupiers, ſhall be, and is and are hereby acquitted and diſcharged of and from ſo much of his, her, or their Rent, as the Rate or Rates, Aſſeſſment or Aſſeſſments, and all Arrears due thereon, and ſo paid by him, her, or them, ſhall amount unto.

Landlords, &c. liable to Rates.

LXI. And whereas there are or may be many Houſes, Buildings, Stables, Lands, Grounds, Tenements, Hereditaments, and Premiſes, which are taken on Leaſes for Years, or otherwiſe, and are by the Leſſees or Tenants, and alſo by Landlords or Owners, let out in Parcels or ſeparate Apartments to Under-tenants, and other Houſes and Premiſes let ready furniſhed to Lodgers; be it therefore enacted by the Authority aforeſaid, That the Leſſee, Landlord, Owner, or Proprietor, of each and every ſuch Houſe, Building, Stable, Land, Ground, Tenement, or Hereditament, ſo let out, or which ſhall be let out in Parcels or ſeparate Apartments, or ready furniſhed to a Lodger or Lodgers, ſhall be deemed and taken as the Occupier or Occupiers thereof, and ſhall be liable and ſubject to the Payment of the Rates or Aſſeſſments directed by this Act to be made, raiſed, and levied, according to the yearly Rent or Value of ſuch Premiſes.

Occupiers to pay Rates,

LXII. And, for the more eaſy Recovery of ſuch Rates or Aſſeſſments, be it further enacted, That each and every Perſon, ſo renting or occupying any ſuch Parcel or ſeparate Apartment as aforeſaid, ſhall be liable and compellable to the Payment of the ſaid Rates or Aſſeſſments, and all Arrears due thereon, to be recovered in Manner hereafter directed.

but to be allowed the ſame in Rent.

LXIII. Provided always, That each and every reſpective Occupier or Occupiers, who ſhall pay ſuch reſpective Rates or Aſſeſſments, and any Arrears due thereon, or from whom the ſame ſhall be recovered in purſuance of this Act, ſhall and may deduct the ſame from and out of the next, or any other Rent due and payable from him, her, or them, to ſuch reſpective Leſſee, Landlord, Owner, or Proprietor; and the Receipt for ſuch

Payment ſhall be a ſufficient Diſcharge for ſuch Tenant or Tenants, Occupier or Occupiers, to his, her, or their Landlord, for ſuch Money as he, ſhe, or they, ſhall pay, or as ſhall be levied on the Goods and Chattels of him, her, or them, by virtue of this Act.

Publick Buildings, &c. how to be rated.

LXIV. And foraſmuch as it is reaſonable that all publick Buildings, and all dead Walls and void Spaces of Ground, ſhould be rated and aſſeſſed in a due Proportion towards the paving to be done by virtue of this Act, it is hereby further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, at their Diſcretion, and they are hereby required, from Time to Time, to rate and aſſeſs, for the Purpoſes of paving, all Pariſh Churches, parochial and other Chapels, French Churches or Chapels, Meeting-houſes, Schools, Markets, Warehouſes, and all other publick Buildings whatſoever, (charged or not charged to the Land-tax), ſituate, ſtanding, and being in any Square, Street, or Place, paved by virtue of this Act, which now is or are, or hereafter may be built, or in building, at a Rate not exceeding One Shilling and Ninepence in the Pound, according to the clear yearly Income ariſing from ſuch Pariſh Church, parochial and other Chapels, French Churches or Chapels, Meeting-houſes, Schools, Markets, Warehouſes, and other publick Buildings reſpectively; and where there is not any ſuch clear yearly Income, or the ſame cannot be fully aſcertained; then, and in either of the ſaid Caſes, the ſame ſhall be charged and aſſeſſed at a Rate not exceeding Sixpence per Square Yard in any One Year, of the Pavement paved under the Direction of the ſaid Commiſſioners, and belonging to ſuch Pariſh Church, parochial or other Chapel, French Church or Chapel, Meeting-houſe, School, Warehouſe, or other publick Building; and the ſaid Commiſſioners, or any Seven or more of them, ſhall alſo, at their Diſcretion, yearly, or oftener, if needful, aſſeſs all Church-yards, dead Walls, and void Spaces of Ground, towards the Purpoſes aforeſaid, and which are not charged in reſpect of any Dwelling-houſe or other Building by the Pound-rate, or otherwiſe, by virtue of this Act, ſo that in the Whole ſuch Rate or Aſſeſſment ſhall not in any One Year exceed the Sum of Sixpence for every Square Yard of Pavement paved or repaired under the Direction of the ſaid Commiſſioners, ſituate as aforeſaid, or belonging to or lying before ſuch Yards, dead Walls, and void Spaces of Ground; which Rates and Aſſeſſments ſhall commence from the reſpective Times when ſuch Pavements ſhall be begun; and the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, and alſo the Rates or Aſſeſſments for cleanſing, lighting, and watching, herein-before authoriſed to be made and paid for ſuch Pariſh Church, Church-yard, and parochial Chapels, ſhall be paid by the Chapelwardens or Churchwardens reſpectively, out of any of the Monies payable to and received by the ſaid Churchwardens or Chapelwardens reſpectively, either for Seats in the ſaid Church or Chapels, or for Burial-fees; and the Rate or Rates, Aſſeſſment or Aſſeſſments, to be made and paid for any French Church or Chapel, or other Chapel, or Meeting-houſe, ſhall be paid by the Miniſters, the Elders, or Deacons thereof; and the Rates or Aſſeſſments for any School, Market, Warehouſe, or other publick Building, dead Wall, or void Space of Ground, ſhall be paid by the reſpective Owner or Owners, Proprietor or Proprietors, thereof.

Unfiniſhed Houſes, &c. how to be rated.

LXV. And whereas, that there are or may be ſeveral Houſes, and other Buildings, within the Limits for paving by virtue of this Act, begun to be built, but are not finiſhed nor let; and foraſmuch as it is reaſonable that ſuch Houſes and Buildings ſhould be rated and aſſeſſed for the Purpoſes of paving; be it therefore enacted, That until ſuch Houſes or other Buildings which now are or hereafter may be built, or in building, ſhall be finiſhed or tenanted, (if the Square, Street, Row, Lane, or other Place, wherein ſuch Houſe or other Building ſhall be ſituate, ſhall be paved by virtue and in purſuance of this Act), it ſhall be lawful for ſuch Commiſſioners as aforeſaid, or any Seven or more of them, and they are hereby required and directed to rate and aſſeſs, according to their Diſcretion, all ſuch Houſes and other Buildings, and which are or ſhall be erected and covered in, at a Rate not exceeding Sixpence for every Square Yard of Ground paved, or to be paved, by virtue of this Act, and belonging to the Fronts or Sides of ſuch Houſes or other Buildings; and for all Houſes and other Buildings which are or ſhall be erected and not covered in, at a Rate not exceeding Three-pence for every Square Yard of Ground paved, or to be paved, by virtue of this Act, and belonging to the Fronts or Sides of ſuch Houſes and other Buildings, until the ſame ſhall be covered in as aforeſaid, and then at a Rate not exceeding One Shilling and Nine-pence for every Square Yard, until the ſame ſhall be let or occupied; which Rates or Aſſeſſments ſhall be paid by, and recoverable from, the Proprietor or Proprietors, Leſſee or Leſſees, Owner or Owners, of ſuch Houſe or Houſes, Building or Buildings reſpectively, and ſhall be charged and chargeable on the ſaid Premiſes: And if the ſaid Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, ſhall refuſe or neglect to pay the ſame upon Demand; then, and in every ſuch Caſe, ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, and all Arrears due thereon, ſhall and may be levied on the Goods and Chattels of the Perſon or Perſons ſo required to pay the ſame, in Manner herein-after directed; and in caſe the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, of ſuch Houſe or Houſes, Building or Buildings, ſhall not be known, or cannot be found, or ſhall be under Commiſſion of Bankruptcy, then the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, made thereon, ſhall be and remain charged and chargeable on the ſaid Premiſes, until the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, can be found, or until Aſſignees, in caſe of Bankruptcy, are appointed, when the ſame, and all Arrears due thereon, ſhall be levied on the Goods and Chattels of ſuch Owner or Owners, Proprietor or Proprietors, or Leſſee or Leſſees, or upon the Goods and Chattels of ſuch Aſſignee or Aſſignees, who is and are hereby made liable to pay the ſame, or upon the ſaid Premiſes, in like Manner as other Rates made by virtue of this Act are made recoverable.

New Streets to be [illegible] when [illegible]

LXVI. And whereas there are, and hereafter may be, within the Limits for paving by virtue of this Act, new Streets and Places which are not paved, Part of which are built or in building, and ſmall Pieces or Parcels of Ground unbuilt upon and not paved; be it therefore enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, to view and inſpect any Street, Row, Lane, Court, Yard, Alley, Paſſage, or Place, within the Limits aforeſaid, which now is or hereafter may be built upon, or in building; and if, upon ſuch View, they ſhall be of Opinion, that the ſame, or any Part or Parts thereof, is or are fit and proper to be paved, the ſaid Commiſſioners ſhall and may order their Surveyor or Surveyors, or other Perſon or Perſons by them appointed for that Purpoſe, to give Notice to the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, of any Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Tenement, or Hereditament, in any ſuch Street, Row, Lane, Court, Yard, Alley, Paſſage, or Place, or leave the ſame at his, her, or their laſt or uſual Place of Abode, or with his, her, or their known Servant or Servants; or if no ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, can be found, then ſuch Notice ſhall be ſtuck againſt the ſaid Premiſes, or any Part thereof, which Notice ſhall require ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, to meet ſuch Commiſſioners, or any Seven or more of them, at the Time and Place therein mentioned, not being leſs than Ten Days from the Date of ſuch Notice, to compound for the paving thereof, at any Sum not exceeding Three Shillings for every Square Yard of ſuch Pavement, whether Carriage-way or Foot-way, which Compoſition the ſaid Commiſſioners, or any Seven or more of them, are hereby authoriſed to make; and if ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, ſhall not attend, or ſhall not compound or agree with the ſaid Commiſſioners as aforeſaid, then it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, to order the ſame to be paved as ſoon as conveniently may be, and all the Charges and Expences attending ſuch paving ſhall be paid by the reſpective Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſee, and ſhall be recovered and levied upon their Goods and Chattels in Manner herein-after directed.

Owners of vacant Ground, &c. how to be charged.

LXVII. Provided always, and it is hereby enacted and declared, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to impower the ſaid Commiſſioners to charge, or make chargeable, any One Proprietor, Owner, or Leſſee, of ſuch vacant Ground with more than Two hundred Square Yards of Paving, on account of any ſuch vacant Ground in any One Square, Street, Row, or Place, until the ſame ſhall be built upon, or ſhall be in building.

Clerks to make Entries of Rates.

LXVIII. And be it further enacted, That the Clerk or Clerks for the Time being to the ſaid Commiſſioners ſhall, and he or they is and are hereby required, to make proper Entries in a Book or Books to be kept for that Purpoſe, of all and ſingular the Rates and Aſſeſſments which ſhall be made by virtue of this Act; to which Book or Books every Perſon liable to pay the ſaid Rates or Aſſeſſments ſhall and may have free Acceſs at all convenient Times, and ſhall be permitted to inſpect the ſame without Fee or Reward.

Rates to be ſigned by Two Juſtices, who are to grant Warrants to collect and levy the ſame.

LXIX. And be it further enacted, That all Rates made by virtue of this Act ſhall be allowed and ſigned by Two Juſtices of the Peace acting in and for the ſaid County of Middleſex, or Liberty of the Tower of London, who are alſo hereby impowered and required to grant a Warrant or Warrants for collecting thereof, as alſo for levying of the ſame, by ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall nominate or appoint, and which Warrants ſhall be ſufficient Authorities to the reſpective Perſons thereby authoriſed for the Purpoſes therein mentioned; and the ſaid Rates, after the ſame ſhall be ſo allowed and ſigned by the ſaid Juſtices, ſhall be collected Half-yearly, or oftener, if the ſaid Commiſſioners ſhall think it neceſſary: And if any Perſon or Perſons ſhall refuſe, neglect, or omit to pay the Sum or Sums of Money, which he, ſhe, or they, ſhall be rated or aſſeſſed at by virtue of this Act, for the Space of Ten Days after perſonal Demand made thereof, or Demand in Writing left at the Place of Abode or Occupation of ſuch Perſon or Perſons; then, and in every ſuch Caſe, it ſhall be lawful for the ſaid Perſon or Perſons who ſhall be authoriſed by ſuch Warrant as aforeſaid, and he and they is and are hereby authoriſed and required to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting, refuſing, or omitting to pay the ſame; and in caſe no ſuch Goods or Chattels can be found to be ſo diſtrained, or in caſe ſuch Goods or Chattels ſhall be locked up, or ſecured or removed from the Perſon or Perſons authoriſed to diſtrain as aforeſaid, ſo that he or they cannot diſtrain the ſame; then, and in either of the ſaid Caſes, upon Information thereof given to the ſaid Juſtices, or any Two Juſtices of the Peace for the ſaid County or Liberty of His Majeſty's Tower of London, it ſhall be lawful for ſuch Juſtices, and they are hereby required to commit the Offender or Offenders to the common Gaol, or Houſe of Correction, for the County or Place where ſuch Offence ſhall be committed, there to remain without Bail or Mainpriſe for any Time not exceeding the Space of Six Months, or until the Payment of ſuch Rate or Aſſeſſment, and reaſonable Charges occaſioned by the Nonpayment thereof.

Occupiers quitting without paying Rates, may be followed.

LXX. And be it further enacted, That when any Perſon or Perſons, who have or hath been rated and aſſeſſed by virtue of this Act, ſhall quit his, her, or their Dwelling-houſe, Warehouſe, Shop, Vault, Cellar, or Tenement, whereupon ſuch Rate or Aſſeſſment has been made, before he, ſhe, or they, ſhall have paid the ſame, and ſhall afterwards refuſe to pay the ſame when due, and demanded as aforeſaid by the Perſon or Perſons authoriſed and appointed to collect and receive the ſame; that then, and in every ſuch Caſe, it ſhall be lawful for ſuch Perſon or Perſons as ſhall be appointed by the ſaid Commiſſioners, by Warrant under the Hand and Seal of any One or more Juſtices of the Peace acting in and for the ſaid County or Liberty, which Warrant the ſaid Juſtice or Juſtices is and are hereby authoriſed and required to grant in any Place within their reſpective Juriſdictions, or out of the Limits thereof, ſuch Warrant being firſt backed or counterſigned by ſome Magiſtrate in the County, City, or Liberty, where the Diſtreſs is to be made, to diſtrain the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing, and the ſame to ſell, rendering the Overplus, (if any ſuch ſhall be) after deducting the reaſonable Charges and Expences of ſuch Diſtreſs and Sale, to the Owner of ſuch Goods and Chattels demanding the ſame.

Rates may be ſued for.

LXXI. Provided always, That the ſaid Commiſſioners, if they ſhall think proper, may ſue for all or any of the Rates or Aſſeſſments which ſhall be made by virtue of this Act, and all Arrears due thereupon and unpaid, in which Action no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Tenants to pay Rates, and deduct One Half out of their Rents.

LXXII. And be it further enacted, That all and every Tenant or Tenants, Occupier or Occupiers of Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements, in the ſaid Squares, Streets, Rows, Lanes, Alleys, and Yards, is and are hereby required and authoriſed to pay all and every the Sum and Sums of Money which ſhall be rated or aſſeſſed on him, her, or them, by virtue of this Act, for the Purpoſe of paving, and to deduct One Moiety thereof out of their Rent; and the Owner or Owners, Proprietor or Proprietors thereof, ſhall, and they are hereby required to allow ſuch Deductions and Payments upon Receipt of the Reſidue of their Rents; and every ſuch Tenant paying ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be, and they are hereby acquitted and diſcharged of and from One Moiety of ſo much Money as the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall amount unto, as if the ſame had been actually paid to ſuch Perſon or Perſons to whom his, her, or their Rent would have been or ſhall be due and payable.

No Contract for paving, &c. to be void by this Act.

LXXIII. Provided always, and it is hereby further enacted, That nothing in this Act contained ſhall be deemed or taken to make void any Contract, Covenant, or Agreement, between Landlord and Tenant, touching or concerning the paving or repairing any or any Part of any Street, Row, Lane, Court, Yard, Alley, Paſſage, or Place, but that every Perſon who is now by virtue of any ſuch Contract or Agreement obliged to pave or keep in Repair any or any Part thereof, ſhall, in lieu thereof, be obliged to pay the Rates hereby directed to be made and aſſeſſed for paving within ſuch Square, Street, Row, or other Place, or ſo much thereof as ſuch Commiſſioners as aforeſaid ſhall deem juſt, and according to the true Meaning of ſuch Contract, Covenant, or Agreement, for and during the Time that ſuch Contract, Covenant, or Agreement, ſhall remain in Force; and in caſe any Diſpute ſhall ariſe concerning ſuch Covenant, Contract, or Agreement, the ſaid Commiſſioners, or any Seven or more of them, ſhall have Power to hear and finally determine the ſame.

Perſons paying Rates exempted from paving, &c.;

LXXIV. And be it further enacted, That all Perſons paying the reſpective Rates and Aſſeſſments by this Act laid and aſſeſſed for the Purpoſe of paving, ſhall be, and they and every of them is and are hereby exempted and diſcharged from the Expence of paving or keeping in Repair the Squares, Streets, Rows, or Places, or ſuch Parts thereof, whereon any ſuch reſpective Rates ſhall be laid; and alſo from all Penalties which may or might be incurred by reaſon of their neglecting to pave or keep the ſame in Repair; and that all Perſons paying the Rate hereby laid and aſſeſſed for cleanſing, watching, and lighting, ſhall be, and they are hereby exempted from the Expence of cleanſing, watching, and lighting, within the ſaid Pariſh, and from all Penalties which might be incurred for Neglect thereof.

but not to excuſe Arrears.

LXXV. Provided alſo, and it is hereby enacted, That nothing in this Act contained ſhall prevent the collecting any Arrears of any Rate or Aſſeſſment due from any Perſon or Perſons under this or any former Act.

Commiſſioners Power to remit Part of the Rates.

LXXVI. And whereas it may be reaſonable to excuſe ſome Perſons from the Payment of the aforeſaid Rates or Aſſeſſments in Part, on account of their Poverty; for Relief therefore in ſuch Caſe, be it further enacted and declared, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby authoriſed and impowered to grant to ſuch Perſon or Perſons ſuch Relief in the Payment of any Rate or Aſſeſſment as they the ſaid Commiſſioners ſhall think proper, ſo as the Reduction doth not exceed One Half of the Aſſeſſment payable by ſuch Perſon or Perſons.

Collectors to pay Money as received to the Treaſurer.

LXXVII. And be it further enacted, That the Collector or Collectors of the Rates and Aſſeſſments aforeſaid ſhall pay the Money as he or they ſhall receive the ſame to the Treaſurer or Treaſurers for the Time being to the ſaid Commiſſioners, and, upon Payment thereof, ſuch Collector or Collectors ſhall take a Receipt for the ſame of the ſaid Treaſurer or Treaſurers, which ſhall be given without Fee or Reward, and therein the Name or Names of ſuch Collector or Collectors ſhall be expreſſed, and the Sum or Sums of Money paid ſhall be ſpecified; and if any ſuch Collector or Collectors ſhall at any Time keep and retain in his or their Hands more than the Sum of One hundred Pounds for any Time beyond the Space of Fourteen Days, (provided the ſaid Treaſurer or Treaſurers ſhall within that Time be ready to receive the ſame), he or they ſhall forfeit and pay the Sum of Five Pounds for every Day that he or they ſhall retain any Sum exceeding the ſaid One hundred Pounds beyond the ſaid Fourteen Days.

Penalty on keeping above 100l. longer than 14 Days.

Commiſſioners impowered to borrow Money upon the Credit of the Rates.

LXXVIII. And for the more effectually enabling the ſaid Commiſſioners to execute the Purpoſes of this Act in the moſt expeditious Manner with reſpect to paving and regulating the ſeveral Streets, Lanes, Rows, and Alleys, and other Places hereby directed to be paved, it is hereby further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby impowered, from Time to Time, when they ſhall judge it neceſſary, to borrow and take up at Intereſt any Sum or Sums of Money upon the Credit of the Rates or Aſſeſſments to be made by virtue of this Act for the Purpoſe of paving, and by any Writing or Writings upon Vellum or Parchment, ſigned by the ſaid Commiſſioners, to aſſign the ſaid Rates or Aſſeſſments, or a competent Part thereof, to ſuch Perſon or Perſons who ſhall advance and lend ſuch Money thereupon, as a Security or Securities for the ſeveral Sums ſo borrowed, with Intereſt for the ſame, which Intereſt ſhall be payable and paid Half-yearly by the Treaſurer or Treaſurers to the ſaid Commiſſioners out of the Monies to ariſe by or from the ſaid Rates or Aſſeſſments.

LXXIX. And

Money may be borrowed by Annuities on Lives.

LXXIX. And whereas many Perſons may chuſe to advance Money for the Purchaſe of Annuities, to be ſecured upon and payable out of the laſt-mentioned Rates and Aſſeſſments, be it therefore further enacted, That it ſhall be lawful for any Perſon or Perſons to contribute, advance, and pay into the Hands of the ſaid Commiſſioners, or ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, for the Uſes and Purpoſes for which the ſaid Rates or Aſſeſſments are made, any Sum or Sums of Money for the abſolute Purchaſe of One or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of ſuch Perſon or Perſons as ſhall be nominated by or on Behalf of ſuch Contributor or Contributors at the Time of Payment of the reſpective Contribution-money, ſo as the ſaid Annuity or Annuities do not exceed the Rate of Nine Pounds by the Hundred by the Year, and ſo in proportion for any greater or leſſer Sum to be paid as aforeſaid; all which Annuities ſo to be purchaſed ſhall be payable and paid by the ſaid Treaſurer or Treaſurers for the Time being out of the Monies to ariſe by or from the ſaid Rates and Aſſeſſments, by quarterly Payments; the firſt Payment to be made to the reſpective Purchaſers, or their Aſſigns, at the Expiration of Three Months after Payment of their reſpective Purchaſe-monies, the Rate whereof ſhall, from Time to Time, be ſettled and adjuſted by the ſaid Commiſſioners as they ſhall think proper, at a publick Meeting to be held for that Purpoſe, whereof Twenty-one Days Notice ſhall be given in ſome publick News-paper circulated in the Bills of Mortality, ſo that the total Sums to be borrowed on Life Annuities, and at Intereſt, ſhall not exceed in the Whole the Sum of Fourteen thouſand Pounds.

The Whole by both Methods of borrowing not to exceed 14,000*l.*

If Annuitants die, any Perſon may purchaſe, till Mortgage Money is paid off.

LXXX. Provided always, and it is hereby further enacted, That the better to enable the Commiſſioners to pay the Money borrowed by Mortgage of the ſaid Rates, in Manner aforeſaid, it ſhall be lawful for them, at any Time or Times, until the Sum ſo borrowed, and all Intereſt due thereon, ſhall be fully paid and ſatisfied, and no longer, as any ſuch Annuitant or Annuitants, or Nominees, ſhall die, to permit any Perſon or Perſons to purchaſe of them the ſaid Commiſſioners One or more Annuity or Annuities in the Room of ſuch Annuitant or Annuitants, or Nominee, ſo dying, upon the Life of ſuch Perſon or Perſons, upon ſuch Terms and Conditions, and payable in ſuch Manner as above mentioned, ſo that the Sum or Sums to be contributed for the Purchaſe of any Annuity or Annuities to be granted by virtue of this Act ſhall at no Time exceed the ſaid Sum of Fourteen thouſand Pounds.

As Annuitants die, Rates may be lowered.

LXXXI. Provided always, That as ſuch Annuitant or Annuitants ſhall die off, and ſuch Rates or Aſſeſſments can be lowered and reduced, the ſame ſhall be ſo done, in equal Proportion, from Time to Time, if the ſaid Commiſſioners, or any Nine or more of them, ſhall think fit.

Annuities charged upon the Rates.

LXXXII. And be it further enacted, That all and every Annuity or Annuities ſo to be purchaſed, ſhall be, and are hereby charged upon, and ſhall be paid and payable, from Time to Time, out of the Monies ariſing by the Rates and Aſſeſſments made for paving as aforeſaid; and all and every the Contributor and Contributors upon the Credit of this Act, duly paying the Conſideration or Purchaſe Money as aforeſaid, for any ſuch Annuity or Annuities, his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall have, receive, and enjoy, and be intitled by virtue of this Act, to have, receive, and enjoy, the reſpective Annuity or Annuities ſo to be purchaſed out of the ſaid Rates or Aſſeſſments, for the Payment thereof as aforeſaid, during the Term of the natural Life of the Perſon to be nominated by ſuch Purchaſer or Contributor as before mentioned; and that all and every ſuch Purchaſer and Purchaſers, and their Executors, Adminiſtrators, and Aſſigns, ſhall have good, ſure, abſolute, and indefeaſible Eſtates and Intereſts in the Annuity or Annuities ſo by him, her, or them reſpectively to be purchaſed, according to the Tenor and true Meaning of this Act; and that none of the ſaid Annuities ſhall now or hereafter be ſubject or liable to the Tax charged, or to be charged, upon Land, by Authority of Parliament; and that every Contributor for the Purchaſe of any ſuch Annuity or Annuities as aforeſaid, his, her, or their Aſſigns, upon Payment of the Conſideration of Purchaſe Money, ſhall have a Receipt or Receipts for the ſame, and alſo an Order on Parchment for Payment of the ſaid Annuity or Annuities, for and during the natural Life of the Perſon who ſhall be ſo nominated as aforeſaid, by quarterly Payments; which Order ſhall be ſigned by the ſaid Commiſſioners; and after ſigning thereof, the ſame ſhall be firm, valid, and of good Effect in the Law, according to the true Purport and Meaning of this Act.

Clerk to enter all Securities for Money borrowed, or Annuities granted.

LXXXIII. And be it further enacted, That the Clerk of the ſaid Commiſſioners for the Time being ſhall enter in a Book or Books, to be for that Purpoſe provided and kept by the ſaid Commiſſioners, all Securities for Monies borrowed, or Annuities granted, by virtue or in purſuance of this Act, and all Aſſignments or Transfers thereof, expreſſing in Words at Length the Names, Surnames, Additions, Places of Abode, and other Deſcriptions, of all Perſons, as ſhall, from Time to Time, be intitled to ſuch Securities; and alſo the Name, Surname, Addition, Place of Abode, and other Deſcription, of every Perſon for whoſe Life any Annuity ſhall be granted by virtue of this Act, and the Days whereon the ſaid Annuity ſhall be payable; to which Book and Books the Perſon and Perſons intitled to, and poſſeſſed of ſuch Annuity, and all and every the Perſon or Perſons liable to the Payment of the ſaid Rates and Aſſeſſments, ſhall, at all reaſonable Times, have Acceſs, with free Liberty to inſpect the ſame, without Fee or Reward.

Securities may be aſſigned.

LXXXIV. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons intitled to any of the Securities aforeſaid, and his, her, or their Executors, Adminiſtrators, or Aſſigns, at any Time or Times, by Writing under his, her, or their Hand or Hands reſpectively, to aſſign or transfer ſuch Securities, by Indorſement on the Back thereof, to any Perſon or Perſons whatſoever, and ſo toties quoties; and ſuch Aſſignments or Transfers, after they ſhall reſpectively be entered by the Clerk of the ſaid Commiſſioners, in Manner aforeſaid, (which he is hereby required to do without Fee or Reward) ſhall intitle the Perſon or Perſons to whom they ſhall be reſpectively made, and his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security or Securities ſo aſſigned or tranſferred.

Money veſted in Commiſſioners.

LXXXV. And be it further enacted, That all Monies raiſed or collected by virtue or by means, or under the Authority, of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners, and ſhall be applied for the ſeveral reſpective Purpoſes of this Act for which they are hereby authoriſed to be raiſed, and to and for no other Uſe or Purpoſe whatſoever.

Expences of the Act how to be paid.

LXXXVI. Provided always, and be it further enacted, That the Charges and Expences of procuring and paſſing this Act ſhall be paid out of the firſt Monies which ſhall be raiſed by virtue of this Act.

Streets may be paved by the Commiſſioners, on Application of Two-thirds of the Owners, &c.

LXXXVII. And be it further enacted by the Authority aforeſaid, That if at any Time hereafter Two-thirds or more in Number and Value of the Owners or Proprietors of Houſes, Lands, Tenements, or Hereditaments, within any Street, Row, Lane, Alley, Court, Paſſage, or Place, within the ſaid Pariſh of Chriſt Church, other than thoſe herein-before particularly deſcribed, ſhall be deſirous to take the Benefit of this Act, and to have the ſame paved and cleared of Incroachments, Nuiſances, Obſtructions, and Annoyances, and ſhall, by Writing under their Hands, ſignify ſuch their Deſire, and the Manner in which they would have the ſame paved, to the ſaid Commiſſioners, and they ſhall approve thereof, that then it ſhall be lawful for the ſaid Commiſſioners to cauſe the ſame to be done, and they are hereby impowered to rate and aſſeſs the Inhabitants of every ſuch Street, Lane, Paſſage, Alley, Court, or Place, for the Purpoſes aforeſaid, in ſuch and the ſame Manner, and in ſuch Proportions, as they are herein-before authoriſed to rate and aſſeſs within the ſeveral Streets, Rows, Lanes, Alleys, and Places, herein-before particularly named and directed to be paved, and to raiſe Money upon Annuities for Lives, or otherwiſe, upon the Credit of ſuch Rates or Aſſeſſments, for the only Purpoſe of defraying the Expences of the ſaid Works, and other Matters and Things relating thereunto, but for no other Purpoſe whatſoever; and the Pavement of the ſaid Street, Lane, or other Place, comprehended in ſuch Deſire in Writing, ſhall, after an Order made by the ſaid Commiſſioners, or any Seven or more of them, for the Purpoſes aforeſaid, be from thenceforth veſted in the ſaid Commiſſioners, and ſuch Street or Place ſhall remain under the ſame Government, Direction, and Management, of them and their Officers, or other Perſons appointed by them for that Purpoſe, as the ſaid ſeveral Streets, Rows, Lanes, and Places, firſt authoriſed to be paved; and the ſaid Commiſſioners, Officers, Servants, Workmen, and other Perſons acting under them, ſhall have the ſame Power and Authority in, over, and through ſuch Street or Place, applied for as aforeſaid, and over the ſeveral Inhabitants, Landlords, Tenants, and Occupiers thereof, Companies, Commiſſioners, Bodies Politick and Corporate, and their Officers, Servants, and Workmen, and all and every other Perſon or Perſons whatſoever, intereſted or intitled to any Privilege therein, and every Matter and Thing relating to the Premiſes, as the ſaid Commiſſioners, and their Officers, Servants, and Workmen, acting under them, are inveſted with by this Act, for the better Management, ordering, regulating, and rendering more commodious the ſeveral Streets, Rows, Lanes, and Places, hereby firſt authoriſed to be paved; and every Clauſe, Matter, and Thing, contained in this Act, ſhall be conſtrued, adjudged, deemed, and taken to extend to every ſuch Street, Lane, and Place, applied for as aforeſaid, as alſo to the ſeveral Inhabitants, Landlords, Tenants, and Occupiers thereof, Companies, Commiſſioners, Bodies Politick and Corporate, their Officers, Servants, and Workmen, and all and every other Perſon or Perſons intereſted or intitled to any Privilege therein, and every Matter or Thing relating to, or in any-wiſe concerning the Premiſes, in like Manner as the ſame Clauſes, Matters, and Things, extend, and ſhall be adjudged or conſtrued to extend, in ſimilar Caſes, to the ſeveral Streets, Rows, Lanes, and Places, firſt authoriſed to be paved; and the ſeveral Inhabitants, Landlords, Tenants, and Occupiers thereof, Companies, Commiſſioners, Bodies Politick and Corporate, and all and every other Perſon or Perſons whatſoever, intereſted or intitled to any Privilege therein, or to any Matter or Thing relating to the Premiſes, and the like Penalties, Forfeitures, and Puniſhments, ſhall be inflicted, and for the like Cauſes, as are herein expreſſed, and ſhall be ſued for, recovered, levied, and executed, in the ſame Manner.

Commiſſioners may compound for any Penalty given by this Act, or mitigate the ſame.

LXXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, from Time to Time, to compound and agree with any Perſon or Perſons againſt whom any Action or Actions, Suit or Suits, ſhall be brought, commenced, or proſecuted, for any Penalty or Penalties contained in this Act, or in any Contract or Contracts, entered into on account of any Breach or Nonperformance of any ſuch Contract or Contracts, for ſuch Sum or Sums of Money as they ſhall think proper, and alſo to mitigate, compound, or leſſen any other the Forfeitures incurred under this Act, ſo as the Sums ſo compounded and agreed for be not leſs than the Injury or Damage ſuſtained by the Breach or Nonperformance of any Clauſe compriſed in this Act, or of ſuch Contract or Contracts, and all the Coſts, Charges, and Expences, which ſhall be occaſioned thereby, and ſo as the Mitigation of the other Forfeitures as aforeſaid do not extend to remit above One Moiety of the ſaid Forfeitures reſpectively.

Penalties not otherwiſe provided for, how to be recovered.

LXXXIX. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed, (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed), ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Juſtice of the Peace acting in and for the County, or Liberty of His Majeſty's Tower of London, which Warrant ſuch Juſtice is hereby impowered and required to grant upon the Confeſſion of the Party or Parties, or upon the Information of a credible Witneſs or Witneſſes upon Oath; and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) upon Demand to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, the Charges of ſuch Diſtreſs and Sale being firſt deducted, ſhall be paid to the Clerk or Treaſurer to the ſaid Commiſſioners for the Time being, and be applied towards the reſpective Purpoſes of this Act, in relation whereunto ſuch reſpective Penalties and Forfeitures aroſe or were incurred; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall be lawful for ſuch Juſtice, and he is hereby authoriſed and required, by Warrant under his Hand, to cauſe ſuch Offender or Offenders to be committed to the common Gaol of the County or Liberty where ſuch Offence ſhall be committed, or where ſuch Offender ſhall be convicted, there to remain without Bail or Mainprize for any Time not exceeding Two Months, nor leſs than One Week, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner fully paid and ſatisfied.

Part of Penalties may be paid to Informers.

XC. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, from Time to Time, if they ſhall ſee Cauſe, to pay and apply ſuch Part of the ſaid Penalties and Forfeitures as they ſhall think proper, not exceeding One Half thereof, to and for the Uſe of the Informer or Informers, any Thing herein contained to the Contrary thereof notwithſtanding.

Diſtreſs not unlawful for want of Form.

XCI. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or want of Form in any Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall hereafter be done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the Special Damage in an Action on the Caſe.

Plaintiff not to recover, if Tender of Amends be made.

XCII. Provided always, That no Plaintiff ſhall recover in any Action for any ſuch Irregularity, Treſpaſs, or other Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, any ſuch Irregularity, Treſpaſs or wrongful Proceeding before ſuch Action brought, and the Defendant or Defendants in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, may, at any Time before Iſſue joined, pay into the Court ſuch Sum of Money as he or they ſhall think fit, whereupon ſuch Proceedings, or Orders and Judgements ſhall be had, made and given, in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

XCIII. And be it further enacted, That no Nomination, Contract, Bond, Warrant, Judgement, Annuity Securities, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals of, or only ſigned by, any Commiſſioner, or Juſtice or Juſtices of the Peace, or exhibited before them, or under the Hand and Seal, or Hands and Seals of, or only ſigned by, any other Perſon or Perſons whomſoever, relating to the Execution of this Act, ſhall be chargeable with any Stamp-duty whatſoever.

Perſons aggrieved may appeal to the Quarter Seſſions.

XCIV. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved by any Thing done in purſuance of this Act, ſuch Perſon or Perſons ſhall and may, within Three Months next after the Cauſe of Complaint ſhall ariſe, appeal to the Juſtices of the Peace at the General Quarter Seſſions of the Peace to be holden in and for the County of Middleſex, or Liberty of His Majeſty's Tower of London, ſuch Appellant or Appellants firſt giving, or cauſing to be given, Notice in Writing, of his, her, or their Intention to bring ſuch Appeal, and of the Cauſe or Cauſes thereof, to the Clerk or Treaſurer to the ſaid Commiſſioners; and within One Month next after ſuch Notice, enter into a Recognizance or Recognizances before ſome Juſtice of the Peace in and for the ſaid County or Liberty, with Two ſufficient Sureties, conditioned to try ſuch Appeal mentioned in ſuch Notice, and abide the Order, and pay ſuch Coſts as ſhall be awarded by the ſaid Juſtices; and the Matter of ſuch Appeal ſhall be heard and determined by the ſaid Juſtices at the next General Seſſions of the Peace to be held in and for the ſaid County or Liberty, or any Adjournment thereof, or at any Adjournment of the then laſt General Seſſions of the Peace, in and for the ſaid County or Liberty, which ſhall firſt happen next after the Expiration of One Month from the Day of giving ſuch Notice; and the ſaid Juſtices, at ſuch Seſſions or Adjournment, upon due Proof of ſuch Notice being given, and of the entering into ſuch Recognizance or Recognizances, ſhall hear and finally determine the Cauſes and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts for the Appellant or Appellants, or Reſpondent or Reſpondents, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Juſtices ſhall be final, binding, and concluſive, to and upon all Parties concerned or intereſted therein.

Juſtices to amend Rates appealed againſt, without altering the other Rates.

XCV. Provided always, That upon all Appeals from any of the Rates or Aſſeſſments to be made or impoſed by the Authority of this Act, the Juſtices of the Peace (where they ſhall ſee juſt Cauſe for Relief) ſhall, and are hereby impowered to amend the ſaid Rates and Aſſeſſments, in ſuch Manner only as ſhall be neceſſary for giving Relief to the Perſon or Perſons ſo appealing, without altering ſuch Rates or Aſſeſſments with reſpect to any other Perſons mentioned in the ſame.

Proceedings not to be quaſhed for want of Form.

XCVI. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or other Matter or Thing to be done or tranſacted, in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form, or be removed by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; any Law or Statute to the Contrary notwithſtanding.

Limitation of Actions.

XCVII. And be it further enacted, That no Action or Suit ſhall be brought, commenced, or proſecuted, againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, unleſs Thirty Days Notice thereof ſhall be firſt given in Writing to the Clerk or Treaſurer to the ſaid Commiſſioners, ſigned by the Plaintiff or Plaintiffs, or unleſs the ſame ſhall be commenced before the Expiration of Six Calendar Months next after the Fact committed; or unleſs Tender of reaſonable Amends hath not, or ſhall not have been made, by or in Behalf of the Defendant or Defendants in

ſuch

General Iſſue.

Treble Coſts.

ſuch Action or Suit, nor unleſs ſuch Action or Suit ſhall be laid and brought in the County of Middleſex; and the Defendant or Defendants, in any Action or Suit to be commenced for any Thing done in purſuance of this Act, ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the Matter or Thing for which ſuch Action or Suit ſhall be brought was done in purſuance and by the Authority of this Act: And if ſuch Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Suit was brought before Thirty Days Notice thereof was given in Writing to the Clerk or Treaſurer of the ſaid Commiſſioners, ſigned by the Plaintiff or Plaintiffs, or if it ſhall appear that ſuch Action or Suit was not commenced before the Expiration of Six Calendar Months next after the Fact committed, or if it ſhall appear that Tender of reaſonable Amends was made by or in Behalf of the Defendant or Defendants, in ſuch Action or Suit, before ſuch Action or Suit was commenced or brought, or ſuch Action or Suit ſhall be brought in any other County or Place, than the County of Middleſex, that then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared; or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in any other Caſes by Law.

Publick Act.

XCVIII. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

CAP. XXXIX.

An Act for raiſing a certain Sum of Money by Loans or Exchequer Bills, for the Service of the Year One thouſand ſeven hundred and ſeventy-two, One million eight hundred thouſand Pounds.

CAP. XL.

An Act for amending and rendering more effectual an Act, made in the Tenth Year of His Majeſty's Reign, intituled, *An Act for building a new Pariſh Church, and declaring the preſent Pariſh Church a Chapel; for making a Cæmetery or Church-yard; and for building an Houſe for the Uſe of the Miniſter of the Pariſh of* Saint Mary le Bone, *in the County of* Middleſex.

Preamble.

Act 10 *Geo.* III.

So much of the old Act, as directs where the Church and Cœmetery are to be placed, repealed.

WHEREAS by and in purſuance of an Act, made in the Tenth Year of the Reign of His preſent Majeſty, (intituled, *An Act for building a new Pariſh Church, and declaring the preſent Pariſh Church a Chapel; for making a Cæmetery or Church-yard; and for building an Houſe for the Uſe of the Miniſter of the Pariſh of* Saint Mary le Bone, *in the County of* Middleſex), the Veſtrymen of the ſaid Pariſh were appointed Truſtees for putting the ſaid Act in Execution: And whereas the ſaid Truſtees were, by the ſaid Act, directed to cauſe a Church and Steeple to be built upon the Lands included in the Leaſe in the ſaid Act mentioned; and alſo ſuch Part thereof, as they ſhould think neceſſary, to be taken in and incloſed for a Cœmetery or Church-yard: And whereas the Situation of the ſaid Lands has by the ſaid Truſtees been found inconvenient for the Purpoſes aforeſaid; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That ſo much of the ſaid Act as directs the ſaid Truſtees to cauſe a Church and Steeple to be built upon, and a Coemetery or Church-yard to be taken in, and incloſed from the ſaid Lands, ſhall be repealed.

The Church where to be built.

II. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine or more of them, and they are hereby authoriſed and impowered to cauſe a Church (and, if they think fit, a Steeple alſo) to be built upon a certain Piece or Parcel of Ground, belonging to Henry William Portman, Eſquire, now in Leaſe to William Baker, of the ſaid Pariſh of Saint Mary le Bone, Eſquire, ſituate, lying, and being in the ſaid Pariſh, heretofore Part or Parcel of a certain Cloſe, called The Fifteen Acres, containing in Length, from Eaſt to Weſt, on the North and South Sides thereof, Two hundred Feet of Aſſize, little more or leſs; and in Breadth, from North to South, on the Eaſt and Weſt Sides thereof, One hundred and fifty Feet of Aſſize, little more or leſs; any Reſtriction with regard to Place or Situation in the ſaid Act contained to the Contrary notwithſtanding.

Where the Church-yard ſhall be made.

III. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine or more of them, and they are hereby authoriſed and impowered to cauſe a Coemetery or Church-yard, or Coemeteries or Church-yards, to be taken in and incloſed from a certain Piece or Parcel of Ground belonging to the ſaid Henry William Portman, now in Leaſe to the ſaid William Baker, ſituate, lying, and being in the ſaid Pariſh of Saint Mary le Bone, heretofore Part or Parcel of a certain Cloſe, called Spring Pond Field, containing in Length, from North to South, on the Weſt Side thereof, Four hundred and ninety-ſix Feet of Aſſize, little more or leſs; and in Breadth, from Eaſt to Weſt, in a bevil Line on the North Side thereof, One hundred and ſeventy-eight Feet, Ten Inches of Aſſize, little more or leſs; and in Breadth from Weſt to Eaſt, at the South End or Side thereof, One hundred and Fifty-ſix Feet of Aſſize, little more or leſs; and in Length on the Eaſt Side thereof, from the South Eaſt Corner of the ſaid Ground to a Break, One hundred and Four Feet Six Inches of Aſſize, little more or leſs; and then running Northward from the ſaid Break Five Feet or thereabouts, and from the ſaid Break running Northward on the ſaid Eaſt Side to another Break, One hundred and twenty-five Feet Two Inches of Aſſize, little more or leſs;

and then in the ſaid Break running Weſtward, One Foot Three Inches and an Half, or thereabouts; and from the laſt-mentioned Break running Northward, on the ſaid Eaſt Side of the ſaid Ground, Forty-ſix Feet Two Inches, or thereabouts; and then breaking outward toward the Eaſt, One Foot Two Inches and an Half, or thereabouts; and from thence running Northward, on the Eaſt Side of the ſaid Ground, One hundred Thirty-ſix Feet Eight Inches of Aſſize, little more or leſs; any Reſtriction with Regard to Place or Situation in the ſaid Act contained to the Contrary notwithſtanding.

IV. Provided always, and be it enacted, That in taking in and incloſing the ſaid Coemetery or Church-yard, or Cemeteries or Church-yards, there ſhall be left a publick Highway, for ever, from the End of a Street called Paddington Street, into, over, and through the ſaid Coemetery or Church-yard, or Coemeteries or Church-yards, in a ſtraight Line, of the Breadth of the ſaid Street, at the North Weſt End of the ſaid Street next to the ſaid Ground; and that the ſaid Highway ſhall not be ſtopped up or incloſed at either End thereof, otherwiſe than by Rails and open Swing Gates, to be ſet up and continued by and at the ſole Charge of the ſaid Truſtees; and that the ſaid Highway ſhall always be paved and repaired, lighted and cleanſed, by and at the Expence of the Commiſſioners for paving, repairing, cleanſing, and lighting, the ſaid Pariſh of Saint Mary le Bone, in the ſame or like Manner as the Squares, Streets, Lanes, and Places, within the ſaid Pariſh, are and ought to be paved and repaired, lighted and cleanſed.

A publick Highway to be ſet out through the Church-yard, &c.

V. And be it further enacted, That ſo much of the ſaid Act as directs the Miniſter of the ſaid Pariſh to appoint Two Aſſiſtant Miniſters or Preachers to officiate in the new-intended Church, and in the preſent Church of the ſaid Pariſh, by the ſaid Act directed to be called The Pariſh Chapel, by and with the Conſent, and the Stipends therein mentioned, ſhall be repealed.

Power of the Miniſter to appoint Two aſſiſtant Preachers, repealed.

VI. And be it further enacted, That the Miniſter of the ſaid Pariſh for the Time being ſhall and may, by and with the Conſent of the Lord of the Manor of Saint Mary le Bone, and of the Patron of the Curacy thereof, and of the Veſtrymen of the ſaid Pariſh, as in the ſaid Act mentioned, nominate and appoint One or Two Aſſiſtant Miniſter or Miniſters, in Prieſts Orders, and reſiding in the ſaid Pariſh, to aſſiſt the Miniſter of the ſaid Pariſh in the Church and Chapel belonging to the ſaid Pariſh; and that it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby directed and required to pay, or cauſe to be paid, to the Aſſiſtant Miniſter officiating in the ſaid Chapel of the ſaid Pariſh the annual Sum of Sixty Pounds, out of any of the Profits ariſing from the ſaid Chapel and Chapel-yard, by Four Quarterly Payments, in equal Portions; the Firſt Payment to be accounted due and payable on the Day that the Firſt Quarter of One Year expires after ſuch his Nomination and Appointment: And that, in caſe the Miniſter of the ſaid Pariſh for the Time being ſhall pay, or cauſe to be paid, to the Aſſiſtant Miniſter officiating in the Pariſh Church of the ſaid Pariſh the annual Sum of Sixty Pounds; that then, and in that Caſe, and for ſo long Time as the Miniſter of the ſaid Pariſh ſhall continue to pay to ſuch Aſſiſtant Miniſter officiating in the ſaid Pariſh Church the ſaid annual Sum of Sixty Pounds, it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby authoriſed and impowered to pay, or cauſe to be paid, to ſuch Aſſiſtant Miniſter, the further and additional annual Sum of Forty Pounds, out of any of the Profits ariſing from the ſaid Church, and Coemetery or Church-yard, by Four Quarterly Payments, in equal Portions: And the ſaid Aſſiſtant Miniſter or Miniſters ſhall be removeable, in the ſame Manner as the Two Aſſiſtant Miniſters or Preachers may be removed by virtue of the ſaid Act.

Miniſter to appoint One or Two aſſiſtant Miniſters.

VII. And be it further enacted, That no Proceedings of the ſaid Truſtees, either under the ſaid former or this Act, ſhall be deemed valid, until the ſame ſhall have been confirmed and approved of at a Second or ſubſequent Meeting of the ſaid Truſtees, and ſhall have been ſigned by the Chairman of ſuch Second or ſubſequent Meeting.

Proceedings ſhall not be valid till confirmed at a Second Meeting.

VIII. And be it further enacted, That when the whole Sum of Ten thouſand Pounds, directed to be raiſed by Annuities by the ſaid former Act, ſhall have been raiſed; that then, and as often as any Annuitant or Nominee for any Annuity ſhall die, it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine or more of them, to make a Grant or Sale of any other Annity or Annuities for the Purpoſes of the ſaid former or this Act.

Truſtees to grant Annuities.

IX. Provided nevertheleſs, That the whole Money owing at any One Time, on the Credit of the Annuities granted, or to be granted, by virtue of the ſaid former or this Act, ſhall not exceed the Sum of Ten thouſand Pounds.

Money owing at One Time not to exceed 10,000 *l.*

X. And be it further enacted, That the Money ariſing from the Grant or Sale of ſuch Annuities, after the ſaid original Sum of Ten thouſand Pounds ſhall have been raiſed, ſhall, from Time to Time, be applied by the ſaid Truſtees, or any Nine or more of them, towards paying and diſcharging the ſeveral Sums of Money borrowed at Loan or Intereſt on the Credit of the ſaid Act, until the whole Sum ſo borrowed at Loan or Intereſt ſhall be diſcharged and paid off; and that when and as often as there ſhall be any Money in the Hands of the ſaid Truſtees, from the Grant or Sale of the ſaid Annuities, the Names of the Creditors for the Sum ſo borrowed at Loan or Intereſt, ſhall from Time to Time, be drawn by Lot; and the Sums due to any ſuch Creditor or Creditors, whoſe Name or Names ſhall be ſo drawn, ſhall, upon Six Calendar Months Notice having firſt been given to him or them by the ſaid Truſtees, or any Five or more of them, be diſcharged and paid off.

The Money to be applied to diſcharge Money borrowed.

XI. And be it further enacted, That all the Clauſes and Powers in the ſaid Act contained, (except ſuch as are hereby varied, altered, or repealed), ſhall extend, and be conſtrued to extend, to this Act, as fully and effectually as if the ſame were repeated and re-enacted in this preſent Act.

Clauſes of the former Act extended to this.

XII. And be it further enacted, That all the Coſts, Charges, and Expences, of paſſing this Act, and all other Charges incident to the obtaining thereof, ſhall be borne, paid, and defrayed, out of the Monies ariſing by virtue of the ſaid former or this Act.

Charges of the Act how to be defrayed.

Writings to be without Stamps.

XIII. And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Aſſignment, Transfer, or other Security for the borrowing of Money, or other Writing whatſoever, relating to the Execution of this Act, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Limitation of Actions.

General Iſſue.

Treble Coſts.

XIV. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of the ſaid former Act, or this Act, until Twenty-one Days Notice ſhall be thereof given in Writing to the Clerk or Treaſurer to the ſaid Truſtees; or after ſufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved; or after Six Calendar Months next after the Fact committed, for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought; and all ſuch Actions or Suits ſhall be laid and tried in the County of Middleſex, and not in any other County or Place; and that the Defendant or Defendants in ſuch Action or Actions, Suit and Suits, and every of them, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which ſhall be had thereupon; and that the Matter or Thing for or on which ſuch Action or Actions, Suit or Suits, ſhall be brought, was done in purſuance and by the Authority of this Act; And if the ſaid Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid, then the Jury or Juries ſhall find for the Defendant or Defendants therein: And if a Verdict ſhall be found for ſuch Defendant or Defendants; or if the Plaintiff or Plaintiffs in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, Suit or Suits; or if, upon a Demurrer or Demurrers in ſuch Action or Actions, Suit or Suits, Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants may have for his, her, or their Coſts, in other Caſes by Law.

Publick Act.

XV. And be it further enacted, That this Act ſhall be allowed in all Courts whatſoever as a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP. XLI.

An Act for building a Bridge over the River *Thames* near the Town of *Maidenhead*, in the County of *Berks*.

Preamble.

WHEREAS the Mayor, Bridge-maſters, and Burgeſſes of the Town of *Maidenheth*, otherwiſe *Maidenhead*, in the County of *Berks*, for the Time being, are, by virtue of ſeveral Charters, the ſole Owners and Proprietors of a Timber Bridge over the River *Thames*, called *Maidenheth*, otherwiſe *Maidenhead Bridge*, and the Paſſage and Way thereon, and are intitled to receive and take certain Tolls therein particularly mentioned, for Pontage and Paſſage over and under the ſaid Bridge; but thoſe Tolls are very unequally laid, and not duly proportioned: And whereas the ſaid Timber Bridge is narrow and incommodious, and ſo greatly decayed, that, in the Opinion of able and experienced Workmen, it ought to be taken down, and a new Bridge built: And whereas the ſaid Mayor, Bridge-maſters, and Burgeſſes, are deſirous, for the Accommodation of the Publick, to build a new Bridge over the ſaid River near the preſent Bridge; but by an Eſtimate made of the Expence thereof, it appears, that the Tolls they now receive by virtue of their Charters for paſſing over and under the preſent Bridge will not be ſufficient to defray the Expence of erecting a ſafe and commodious Bridge; and therefore it is neceſſary to make ſome other Proviſions for the ſame, which cannot be done without the Aid of Parliament: In order therefore to enable the ſaid Mayor, Bridge-maſters, and Burgeſſes, to build a proper and convenient Bridge, and to defray the Expence thereof, and of keeping the ſame in Repair, for ever; may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the ſaid Mayor, Bridge-maſters, and Burgeſſes of the Town of Maidenheth, otherwiſe Maidenhead, for the Time being, or the major Part of them, and they are hereby authoriſed, impowered, required, and directed, as ſoon as poſſibly may be, by themſelves, their Deputies, Agents, Workmen, Servants, and others, to build a new Bridge with Stone, Brick, and other ſubſtantial Materials, croſs the ſaid River Thames, at a proper Diſtance from the preſent Bridge, called Maidenhead Bridge, and to deſign, aſſign, and lay out, how and in what Manner the ſaid new Bridge ſhall be erected, built, and completed, and to dig and make proper Foundations in the ſaid River, and on the Lands and Grounds lying and being on each Side thereof, for the Piers and Abutments of the ſaid new Bridge, and to cut and level the Banks, and to level and fill up the Bed of any Part of the ſaid River, in ſuch Manner as the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall think neceſſary and proper for building the ſaid new-intended Bridge; and to cut, remove, and take away, all Trees, Roots of Trees, Beds of Gravel, Sand, Mud, or any other Impediment whatſoever, which may anywiſe hinder the erecting and completing the ſaid Bridge; and to erect and make, in or over the ſaid River, and the Lands adjoining or near to the ſame, any Camp-ſhots, Trenches, and Landing-places, and to widen or enlarge any Bridle or Horſe Roads, or any other Ways or Roads leading to the ſaid Bridge on each Side of the ſaid River, ſo as to make the ſame fit for Carriages; and to make all ſuch new or other Roads and Ways to and from ſuch Bridge, as may facilitate the Approaches to, and Paſſage over, the ſaid River, and to land Stones, Bricks, Timber, and all other Materials, on the Banks of the ſaid River; and alſo to do, perform, and execute, all other Matters and Things requiſite and neceſſary, uſeful or convenient, for erecting and building, maintaining, ſupporting, and

Mayor, &c. of *Maidenhead* impowered to build a Stone Bridge.

improving, the ſaid intended Bridge, according to the Tenor and true Meaning of this Act, they the ſaid Mayor, Bridge-maſters, and Burgeſſes, and the Perſons to be by them employed or appointed, as aforeſaid, doing as little Damage as may be, and making ſuch Satisfaction as is herein-after mentioned to the reſpective Owners and Occupiers of ſuch Houſes, Lands, and Grounds, as ſhall be altered, damaged, ſpoiled, taken, or made Uſe of, by Means or for the Purpoſes of this preſent Act.

How the Bridge ſhall be built.

II. And to the Intent the Navigation of the ſaid River *Thames* may not in anywiſe be prejudiced or obſtructed, and that the Road over the ſaid Bridge may be made convenient, ſafe, and commodious, be it further enacted by the Authority aforeſaid, That the ſaid new Bridge ſhall conſiſt of ſuch Number of Arches as the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall think proper and requiſite, and that the Span of the Centre Arch of the ſaid Bridge ſhall be at leaſt Thirty-four Feet, the Height of the ſaid Arch Half its Diameter, and the Centre of the ſaid Arch at leaſt Two Feet and Six Inches above the Bed of the River; and that the Coach and Foot Ways over the ſaid Bridge ſhall together be at leaſt Twenty-nine Feet wide, and be properly guarded on each Side by a Stone Fence, and that the ſaid Bridge ſhall be faced on each Side with Stone; and no Houſe or Building ſhall be ſet up, erected, or built upon the ſaid Bridge, except a Toll-houſe or Toll-houſes, in Caſe the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall judge it requiſite and neceſſary for the Purpoſes of this Act.

Mayor, &c. to appoint Officers,

and remove them, and appoint others.

Officers to give in Accounts in Writing, &c.

III. And be it further enacted by the Authority aforeſaid, That the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, by any Writing under their Common Seal, ſhall and may elect and appoint a Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, of the Tolls herein-after directed to be taken, and alſo a Surveyor or Surveyors; and from Time to Time, as they ſhall ſee Occaſion, remove ſuch Officers, and appoint new Ones, in caſe of ſuch Removals or Death; and out of the Money ariſing by virtue of this Act, ſhall and may make ſuch Allowances to the ſaid reſpective Officers, and other Perſons, employed by them in purſuance of this Act, for their Care and Pains, as to the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall ſeem reaſonable; and ſuch Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, and every of them, ſhall, from Time to Time, when thereunto required, at any Meeting of the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, or at any other Time to be by them for that Purpoſe ordered and appointed, deliver in upon Oath, (which Oath any Two of them are hereby impowered to adminiſter), a true, exact, and perfect Account in Writing, under their reſpective Hands, of all Monies which he or they reſpectively ſhall to ſuch Time have received and diſburſed by virtue of this Act on account of his or their Office or reſpective Offices, and alſo the Vouchers for the Payments made by them reſpectively: And in caſe the ſaid Clerks, Treaſurers, Receivers, or Collectors, or any of them, ſhall neglect or refuſe to make and deliver ſuch Accounts in Manner aforeſaid, or ſhall not pay the Money remaining, and deliver all Books, Papers, and Writings, in their Cuſtody or Power, relating to the Execution of this Act, or the Matters therein contained, and which ſhall then be in his or their Hand or Hands, unto the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, or ſuch Perſon or Perſons as they ſhall, by Writing under their Common Seal, impower to receive the ſame; then, and in either of the ſaid Caſes, any Two or more Juſtices of the Peace for the ſaid County of Berks, or Town of Maidenhead, ſhall make Enquiry of and concerning ſuch Default, in a ſummary Way, as well by the Confeſſion of the Parties themſelves as by the Teſtimony of One or more Witneſs or Witneſſes, upon Oath, (which Oath the ſaid Juſtices are hereby required and impowered to adminiſter); and if any Perſon or Perſons ſhall be thereof convicted, ſuch Juſtices ſhall commit the Party or Parties offending to the County Gaol, there to remain without Bail or Mainprize, until he or they ſhall have made a true and perfect Account and Payment, as aforeſaid, or ſhall have compounded for the ſame, and paid the Compoſition-money to the ſaid Mayor, Bridge-maſters, and Burgeſſes, (which Compoſition they, or the major Part of them, are hereby impowered to make and receive), or until he or they ſhall have delivered up ſuch Books, Papers, and Writings, or given Satisfaction in reſpect of the ſame, to the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them.

Gates to be erected, and Tolls taken.

IV. And, in conſideration of the great Expence that will attend the building the ſaid Bridge, and the repairing and ſupporting the ſame, and the making the ſaid Roads, Ways, and Paſſages, and the keeping the ſame in good Repair, and of the Loſs which the ſaid Mayor, Bridge-maſters, and Burgeſſes, will ſuſtain by the ceaſing of the ſeveral Tolls which at preſent they are intitled to take and receive by virtue of the aforeſaid Charters, be it further enacted by the Authority aforeſaid, That the ſaid new Bridge, while in building, and when built, ſhall be the Property of, and is hereby veſted in, the ſaid Mayor, Bridge-maſters, and Burgeſſes, for the Time being, for ever; and that it ſhall and may be lawful to and for the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, from Time to Time, and at all Times, for ever hereafter, to erect, or cauſe to be erected, a Gate or Gates, and alſo a Toll-houſe or Toll-houſes, at, upon, or near the ſaid new-intended Bridge; and that the Perſon or Perſons to be appointed by the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall and may aſk, demand, receive, recover, and take, the following Sums of Money, before any Horſe, Cattle, Beaſt, Waggon, Cart, or Carriage, ſhall be permitted to paſs through ſuch Gate or Gates; that is to ſay,

Tolls.

For every Coach, Berlin, Landau, Hearſe, Chariot, Chaiſe, Chair, Calaſh, or other Carriage, drawn by Six Horſes, the Sum of One Shilling; and drawn by Three or Four Horſes, the Sum of Sixpence; and drawn by Two Horſes, the Sum of Fourpence; and drawn by One Horſe, the Sum of Two-pence:

For every Waggon, Wain, Cart, or Carriage, drawn by One Horſe, the Sum of Two-pence; and drawn by Two Horſes, the Sum of Three-pence; and drawn by Three Horſes, the Sum of Four-pence Halfpenny; and drawn by Four Horſes, the Sum of Sixpence; and drawn by Five or Six Horſes, the Sum of Nine-pence; and drawn by Seven or Eight Horſes, the Sum of One Shilling:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling and Eight-pence per Score; and ſo in proportion for every greater or leſs Number:

And for every Drove of Calves, Hogs, Sheep, and Lambs, the Sum of Ten-pence per Score; and ſo in proportion for every greater or leſs Number:

Tolls veſted in the Mayor, *etc.*

Tolls may be levied from Perſons refuſing by Diſtreſs.

Which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of a Toll or Pontage; and the Monies to be ſo collected and received, by Authority of this Act, are hereby veſted in the ſaid Mayor, Bridge-maſters, and Burgeſſes, for the Time being, and the ſame, and every Part thereof, ſhall be paid to them accordingly, and ſhall be applied to and for the ſeveral Uſes, Intents, and Purpoſes, and in ſuch Manner, as is by this Act directed: And if any Perſon or Perſons ſubject or liable to the Payment of any of the ſaid Tolls, ſhall refuſe to pay the ſame, or any Part thereof, it ſhall be lawful for the Perſon or Perſons that ſhall be appointed to collect the ſaid Tolls to refuſe to permit to paſs over ſuch new Bridge, or through the ſaid Gate, any Horſe or other Cattle, or any Coach, Berlin, Chariot, Calaſh, Chaiſe, Chair, Hearſe, Waggon, Cart, or other Carriage, upon, or in reſpect whereof, any ſuch Toll is impoſed by this Act; and to ſeize and diſtrain any Horſe or other Cattle, or any Carriage whatſoever, upon or in reſpect whereof any ſuch Toll is by this Act impoſed, or any other of the Goods and Chattels of ſuch Perſon or Perſons, as ought to pay the ſame, whereſoever the ſame may be found, and ſhall and may detain ſuch Diſtreſs for any Time not exceeding the Space of Four Days; and then, if ſuch Tolls, together with the Coſts and Charges of ſuch Seizure, Diſtreſs, and Detainer, ſhall not be fully paid and ſatisfied, the Perſon or Perſons ſo diſtraining ſhall and may ſell the Cattle or other Goods ſo diſtrained, returning the Overplus of the Money to ariſe by ſuch Sale (if any ſhall be) upon Demand, to the Owner thereof, after ſuch Toll, and all reaſonable Charges occaſioned by ſuch Diſtreſs and Sale, ſhall be deducted.

Tolls to be paid but Once a Day.

V. Provided always, and be it enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall be ſubject or liable to the Payment of any of the Tolls herein-before granted more than Once in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night, for paſſing with the ſame Horſe, Beaſt, or Carriage, over the ſaid new-intended Bridge, or the preſent Timber Bridge, ſuch Perſon or Perſons producing a Ticket, denoting that ſuch Toll hath been paid on that Day; all which Tickets the Collector or Collectors of the ſaid Tolls are hereby required to give *gratis*, on Receipt of ſuch Tolls.

Tolls granted by Charter to ceaſe, and new ones to take Place.

VI. And whereas it will be a conſiderable Time before the ſaid new-intended Bridge will be paſſable, and it is reaſonable that the Tolls herein-before granted ſhould take Place at the Time the Tolls authoriſed to be taken by the ſaid Mayor, Bridge-maſters, and Burgeſſes, by virtue of their ſaid Charters, as aforeſaid, are to ceaſe; be it therefore enacted by the Authority aforeſaid, That the ſaid ſeveral and reſpective Tolls for paſſing over and under the preſent Bridge, which were granted to the ſaid Mayor, Bridge-maſters, and Burgeſſes of the ſaid Town of Maidenheth, otherwiſe Maidenhead, by their ſaid Charters, ſhall, from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, ceaſe, determine, and be no longer paid; any Law, Uſage, or Cuſtom, to the Contrary hereof notwithſtanding.

Truſtees may erect Gates, *etc.* and take Tolls.

VII. And be it further enacted, That from and after the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, it ſhall and may be lawful to and for the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, to erect, or cauſe to be erected, a Gate or Gates, and alſo a Toll-houſe or Toll-houſes, at or near or upon the preſent Timber Bridge, called Maidenhead Bridge, and there to aſk, demand, receive, recover, and take, before any Horſe, Cattle, Beaſt, or Carriage, ſhall be permitted to paſs through any ſuch Gate or Gates, the ſeveral Tolls or Sums of Money herein-before mentioned to be taken for the Paſſage over the new-intended Bridge, by ſuch Ways and Means, and with ſuch Powers and Authorities, for collecting, levying, and recovering thereof, as are given by this Act, for collecting and levying the ſame, from Perſons paſſing and repaſſing over the ſaid new-intended Bridge.

Mayor, *etc.* may lower the Tolls.

VIII. And be it further enacted, That if the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall, at any Time or Times hereafter, think proper to lower the ſaid Tolls, or any of them, or any Part or Parts thereof, and to take leſs for paſſing over the ſaid intended Bridge than the Sums herein-before mentioned and authoriſed to be taken, it ſhall and may be lawful for them from Time to Time ſo to do, and afterwards, at any Time or Times, at their Wills and Pleaſure, to raiſe the ſaid Tolls, ſo as not to exceed the ſaid reſpective Sums herein-before mentioned and authoriſed to be taken for paſſing over the ſaid new-intended Bridge.

Tolls to be free from Taxes, *etc.*

IX. And be it further enacted by the Authority aforeſaid, That the ſaid Tolls hereby impoſed ſhall be freed, exempted, acquitted, exonerated, and diſcharged, of and from the Payment of all parliamentary, parochial, and other Taxes, Rents, Aſſeſſments, and Impoſitions, and of all Tithes, Oblations, Obventions, and Duties whatſoever.

Mayor, *etc.* may leaſe the Tolls.

X. And be it further enacted, That it ſhall and may be lawful for the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, from Time to Time, by any Writing under their Common Seal, to leaſe the Tolls herein-before granted, or any Part or Parts thereof, unto any Perſon or Perſons, for any Term or Number of Years not exceeding Three Years at any One Time, for the beſt Rent that can be got for the ſame, payable at ſuch Times, and under ſuch Covenants, and to ſuch Perſon or Perſons, as they the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall direct or appoint; and the Money ariſing thereby ſhall be applied in ſuch Manner as the Tolls herein-before granted are directed to be applied.

Exemption from Toll.

XI. And be it further enacted, That no Toll ſhall be demanded or taken by virtue of this Act, for the paſſing of any Cattle drawing any Carriage laden with Materials for repairing any Highway or Road, or to be uſed in or about building the new-intended Bridge; or laden with any Dung, Mould, or Compoſt, of any Nature or Kind whatſoever, for manuring of Gardens or Lands; or laden with Hay, or with Corn in the Straw, to be laid up in any Houſes within the Diſtance of Two Miles from the ſaid Bridge; or for Cattle drawing any Coaches or Carriages with Paſſengers, or from Paſſengers on Horſeback, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the Counties of Berks and Bucks; or for any Poſt-horſe or Cart carrying the Mail or Packet; or for the Horſes of any Soldiers upon their March, or for Carts, Carriages, or Waggons, attending them; or for Cattle or Carriages travelling with Vagrants ſent by Paſſes.

Penalty on illegal Claims.

XII. Provided nevertheleſs, and it is hereby declared, That if any Perſon ſhall claim and take Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, every ſuch Perſon ſhall, for every Offence, forfeit and pay the Sum of Forty Shillings; whereof One Moiety ſhall be paid to the Informer, and the other Moiety ſhall be paid to the ſaid Mayor, Bridge-maſters, and Burgeſſes, to be applied towards the building, repairing, and maintaining, the ſaid Bridge.

Penalty on evading the Tolls.

XIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, at any Time or Times, unload, or cauſe to be unloaded, from any Carriage, any Grain, Goods, Wares, Merchandiſes, or any other Thing whatſoever, or take off any Horſe or other Beaſt of Draught, from any Coach, Waggon, Cart, or other Wheel Carriage, with an Intent to avoid paying any of the Tolls hereby granted and impoſed; every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Mayor, *etc.* may contract for building the Bridge.

XIV. And be it further enacted by the Authority aforeſaid, That the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall have full Power and Authority, and they are hereby authoriſed and directed, to contract and agree with any Perſon or Perſons whomſoever, to erect and build the ſaid Bridge, and to repair, maintain, ſupport, and improve the ſame, when built, in ſuch Manner as the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall judge proper; and alſo that they, or the major Part of them, ſhall and may, and they are hereby authoriſed and impowered to treat, contract, and agree, for the Purchaſe of any Meſſuages, Lands, Grounds, Tenements, or Hereditaments, which they ſhall think fit and neceſſary to be removed, or employed or made Uſe of for the erecting and building the ſaid new-intended Bridge, or for the repairing, amending, and improving the ſame, from Time to Time; and alſo for making and opening proper Ways, Roads, and Paſſages, on each Side of any Part of the ſaid new-intended Bridge, or near or adjoining to either End thereof, leading to and from the ſame, with the Owners and Occupiers of ſuch Meſſuages, Lands, Grounds, Tenements, and Hereditaments, and with other Perſons intereſted in the ſame; and alſo to ſettle, fix, adjuſt, and agree, with ſuch Owners and Occupiers, and Perſons intereſted therein, or any of them, what Recompence, Compenſation, or Satiſfaction, ought reaſonably to be made to ſuch Owners or Occupiers, for any Loſſes, Damages, or Expences, which they reſpectively ſhall or may ſuſtain or be put unto, for or by reaſon or on account of the building of the ſaid Bridge, or the making and laying out the ſaid Ways, Roads, and Paſſages, or the Execution of any of the Powers given by this Act; and ſhall and may, by and out of the Money to be raiſed and collected by virtue of this Act, or out of any Money to be borrowed on the Credit thereof, pay, as well for the Purchaſe of all ſuch Meſſuages, Lands, Tenements, and Hereditaments, and for ſuch Loſſes, Damages, and Expences to be ſo ſuſtained, as aforeſaid, as alſo all ſuch Sum or Sums of Money, as ſhall be contracted and agreed to be paid for the ſame reſpectively.

Surveyors, *etc.* may dig Gravel for repairing the Bridge, *etc.*

XV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, or ſuch other Perſon or Perſons as he and they ſhall employ or appoint for that Purpoſe, and he and they is and are hereby reſpectively authoriſed and impowered, from Time to Time, to cut, dig, gather, take, and carry away Gravel, Stones, Chalk, Sand, Flints, Ballaſt, or other Materials proper for building or repairing the ſaid Bridge, or making or repairing the Ways, Roads, or Paſſages, to, from, or over the ſame, in, upon, or out of or from any waſte Ground or waſte Grounds, Common or Commons, River or Brook, without paying any Conſideration, or making any Satiſfaction for the ſame, they the ſaid Surveyor or Surveyors, or other Perſons, filling up the Pits or Holes, and levelling the Grounds from which ſuch Materials ſhall be ſo taken, or railing or fencing the ſame, ſo that ſuch Pits or Holes be not dangerous to Paſſengers or Cattle; and alſo in, upon, or out of and from any Lands and Grounds of any Perſon and Perſons whatſoever, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nurſery, Walk, or Avenue planted with Trees for the Ornament of any Houſe, ſuch Surveyor or Surveyors, or other Perſon or Perſons, having Order from the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, for ſo doing, and filling up the Pits or Holes, and levelling the Ground from which ſuch Materials ſhall be taken, and paying, or offering to pay, to the reſpective Owners and Occupiers of ſuch Lands or Grounds, for the Damages they reſpectively ſhall thereby ſuſtain, as the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall adjudge reaſonable; and in caſe of any Difference concerning the ſame, any Two or more Juſtices of the Peace of the County or Place where ſuch Materials ſhall be ſo cut, digged, gathered, and taken or carried away from, ſhall and may, on Ten Days Notice thereof to be given by the ſaid Surveyor or Surveyors to ſuch Owner or Owners, Occupier or Occupiers, or by ſuch Owners or Occupiers to the ſaid Surveyor or Surveyors reſpectively, to be left at their reſpective Places of Abode with ſome or One of their reſpective Families, hear, ſettle, and determine the Matters in Diſpute, and aſcertain what Damages ſhall be paid; and the Order and Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties.

Proviſo.

XVI. Provided always, That no Materials as aforeſaid ſhall be had or taken out of the River Thames, (other than Drift Sand), without the Conſent of the Commiſſioners for the Improvement of the Navigation of the Rivers Thames and Iſis, or any Five or more of them, firſt had and obtained for that Purpoſe; any Thing herein-before contained to the Contrary hereof notwithſtanding.

Bodies Politick, &c. impowered to treat with the Mayor, &c. for the Sale of Lands.

XVII. And whereas it may happen that ſome Perſon or Perſons, Body Politick or Corporate, Femes-covert, Guardians, Committees, Truſtees, or others, who are ſeiſed or poſſeſſed of, or intitled to, Lands, Grounds, Tenements, or Hereditaments, which may be neceſſary and requiſite to be purchaſed and made uſe of for the Purpoſes of this Act, may be willing to treat and agree for the Sale or Diſpoſition of ſuch Lands, Grounds, Tenements, or Hereditaments, but are under a Diſability of making an effectual Grant or Conveyance of the ſame for the Purpoſes aforeſaid; be it therefore further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, and Adminiſtrators, Guardians, Committees, or other Truſtees whatſoever, on Behalf of any Infants, Femes-covert, Lunaticks, Idiots, or Ceſtuique Truſts, and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any ſuch Lands or Hereditaments, to treat, contract, and agree, with the ſaid Mayor, Bridge-maſters and Burgeſſes, or the major Part of them, for the Sale of ſuch Lands, Tenements, and Hereditaments, or any Part thereof, or for their Intereſt therein, for the Purpoſes aforeſaid, and to ſell and convey, or let the ſame to the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, or to ſuch Perſon and Perſons in Truſt for them, and in ſuch Manner, as the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall direct, and as Occaſion ſhall require; and that all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the Contrary hereof in any-wiſe notwithſtanding: And all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees, and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

The Value of Lands to be aſcertained by a Jury.

XVIII. And be it further enacted by the Authority aforeſaid, That if any ſuch Bodies Politick or Corporate, or other Perſon or Perſons ſo ſeiſed, poſſeſſed, intitled, or intereſted, as aforeſaid, ſhall refuſe to treat, or ſhall not agree for the Sale of any ſuch Lands, Tenements, or Hereditaments, or any Part or Parts thereof, or for their Intereſt therein, or by reaſon of Abſence ſhall be prevented from treating; then, and in ſuch Caſe, it ſhall be lawful for the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, before any General or Quarter Seſſions of the Peace, to be holden for the County wherein ſuch Lands, Tenements, or Hereditaments, are reſpectively ſituate, to give, or cauſe to be given, to ſuch Owners, or Perſons intereſted, Truſtees or Committees reſpectively, or to the principal Officer or Officers of ſuch Bodies Politick or Corporate, or leave, or cauſe to be left, at the Houſe of the Tenant in Poſſeſſion of any ſuch Lands, Grounds, Tenements, or Hereditaments, ſo intended to be purchaſed, and purporting that the Value thereof will be adjuſted and ſettled by a Jury at the ſaid Seſſion; and the Juſtices at their ſaid Seſſion, upon Proof made to them of ſuch Notice having been ſo given or left, are hereby authoriſed and required to charge the Jury which ſhall attend at ſuch Seſſion, or ſome other Jury of Twelve honeſt Men, to be then and there impanelled and returned by the Sheriff of the County of Berks or Bucks, as the Caſe ſhall require, without Fee or Reward, and cauſe them to be ſworn well and truly on their Oaths to aſſeſs the Value of the Lands, Tenements, or Hereditaments, compriſed, ſpecified, and deſcribed, in the ſaid Notice, of the Damages and Recompence to be given for the ſame, or ſuch Part or Parts thereof as ſhall be intended to be uſed for the Purpoſes of this Act, to the reſpective Owners, Occupiers, and Perſons intereſted, according to their reſpective Intereſts therein; and the ſaid Juſtices are hereby required to adminiſter ſuch Oath to the ſaid Jury; and the ſaid Mayor, Bridge-maſters, and Burgeſſes, and all Parties intereſted, ſhall have their lawful Challenges to the ſaid Jury; and the ſaid Jury being ſo charged and ſworn as aforeſaid, and after proper Evidence on Oath to them given concerning the Nature, Quantity, and Value of ſuch Lands, Tenements, and Hereditaments, or ſuch Part or Parts thereof, as aforeſaid, ſhall, by their Verdict, aſſeſs, declare, and aſcertain the Quantum of the Damages and Recompence to be given for the ſame to ſuch reſpective Owners, Occupiers, and Perſons, according to their reſpective Intereſts therein; and ſuch Verdict of the ſaid Jury ſhall bind, and be final and concluſive to the ſaid Mayor, Bridge-maſters, and Burgeſſes, and to all Perſons and Parties intereſted in the ſaid Lands, Grounds, Tenements, or Hereditaments.

Money agreed to be given for any Purchaſe, &c. to be paid out of the Tolls.

XIX. And be it further enacted by the Authority aforeſaid, That all ſuch Sums of Money, Conſiderations, Recompence, or Satisfaction, as ſhall be agreed for or aſſeſſed, as aforeſaid, for the Purchaſe of, or Damage done to, any Lands, Tenements, or Hereditaments, or any Part thereof, ſhall be, and is and are charged and chargeable upon the Tolls by this Act granted and made payable, and ſhall be paid thereout, or out of the Monies to be borrowed upon the Credit of the ſame, to the reſpective Perſons intitled thereto; and that upon the Payment of ſuch Sum or Sums which ſhall be ſo aſſeſſed for the Purchaſe of ſuch Lands, Tenements, and Hereditaments, as aforeſaid, or Tender thereof; or in caſe any Perſon or Perſons, after Ten Days Notice to be given to him, her, or them, or left at the Houſe of the Occupier of the Premiſes, ſhall refuſe or neglect to receive the ſame; then, upon leaving the ſame in the Hands of the Treaſurer or Clerk of the ſaid Mayor, Bridge-maſters, and Burgeſſes, to be paid upon Demand to ſuch

Perſon or Perſons, it ſhall be lawful for the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, their Workmen or Agents, to enter upon and take Poſſeſſion of ſuch Lands, Tenements, or Hereditaments, as aforeſaid, and to hold and employ the ſame, or ſuch Part thereof as they ſhall think fit, for the Purpoſes of this Act, and to do all and every ſuch Act, Matter, and Thing, with relation thereto, as they the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall, from Time to Time, think neceſſary or convenient.

Money may be borrowed upon the Credit of the Tolls,

and the Tolls aſſigned as Security for Payment.

XX. And be it further enacted, That it ſhall and may be lawful for the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, at their Firſt or any ſubſequent Meeting, upon the Credit of the Tolls, or any Part or Parts thereof ariſing by virtue of this Act, in ſuch Manner as they ſhall think proper, to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhall think fit; and may and are hereby impowered, from Time to Time, by any Writing or Writings under the Seal of the ſaid Mayor, Bridge-maſters, and Burgeſſes, to mortgage or aſſign over the ſaid Tolls herein before granted, or any Part or Parts thereof, to any Perſon or Perſons, for any Time or Term they ſhall think fit, as a Security or Securities for, and redeemable on Payment of, the ſeveral Sums that ſhall be ſo borrowed, and the Intereſt thereof; and Copies of all ſuch Mortgages or Aſſignments, or Abſtracts thereof, ſhall be entered in a Book or Books, to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Mayor, Bridge-maſters, and Burgeſſes, which ſhall be produced to any Perſon who ſhall have advanced Money on the Credit of this Act; but no Money ſhall be borrowed upon the Credit of the ſaid Tolls after ſuch Firſt Meeting, unleſs Notice be for that Purpoſe affixed in Writing upon ſuch Gate or Gates, which ſhall be then erected by virtue of this Act, or at which the ſaid Tolls ſhall be collected, at leaſt Fourteen Days before the borrowing thereof; and all and every Perſon and Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made, or any Perſons claiming, or who ſhall be intitled to the Money thereby ſecured, is and are hereby impowered, from Time to Time, by Aſſignment under his, her, or their Hand and Seal, or Hands and Seals, to be indorſed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, duly executed in the Preſence of Two or more credible Witneſſes, to aſſign or transfer his, her, or their Right to the Principal and Intereſt Money thereby ſecured, and to the Tolls made liable to the Payment thereof, unto any Perſon or Perſons whatſoever, and ſo toties quoties; and that ſuch Aſſignment or Transfer ſhall be produced and notified to the Treaſurer or Clerk of the ſaid Mayor, Bridge-maſters, and Burgeſſes, to be appointed by virtue of this Act, within Three Months after the Date thereof; and that ſuch Treaſurer or Clerk ſhall cauſe an Entry or Memorandum to be made of every ſuch Aſſignment or Transfer, containing the Dates, Parties Names, and Sums of Money therein mentioned to be transferred, in a Book to be kept for that Purpoſe, for each of which Entries the ſaid Treaſurer or Clerk ſhall be paid the Sum of Two Shillings and Sixpence, and no more; and after ſuch Entry ſhall be made, and not before, ſuch Aſſignment or Transfer ſhall intitle ſuch Aſſignee or Aſſignees, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon, and ſuch Aſſignee or Aſſignees may in like Manner aſſign or transfer again, and ſo toties quoties; and it ſhall not be in the Power of any Perſon who ſhall have made any ſuch Aſſignment or Transfer to make void, releaſe, or diſcharge the ſame, or any Monies then due; and all and every Perſon and Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made, as aforeſaid, ſhall be, in proportion to the Sum or Sums therein mentioned, Creditors on ſuch Tolls in equal Degree One with another, and ſhall have no Preference in reſpect of the Priority of advancing any ſuch Monies; and that all Perſons to whom any Sum or Sums of Money to be borrowed ſhall be due, and who ſhall be deſirous of being repaid the Money due to them as aforeſaid, ſhall be obliged to give Six Months Notice in Writing to the Treaſurer or Clerk to the ſaid Mayor, Bridge-maſters, and Burgeſſes, of his or their Intention to call in the ſame.

No Money may be borrowed after the Firſt Meeting without Publick Notice.

Aſſignments may be transferred.

Aſſignments to be notified to the Treaſurer, and entered in a Book, to be kept for that Purpoſe.

Creditors to be deemed equal in Degree, *&c.*

Perſons deſirous of having their Money, to give Six Months Notice to the Mayor, *&c.*

Application of the Tolls.

XXI. And be it further enacted by the Authority aforeſaid, That the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall pay, apply, and diſpoſe of, the Tolls granted and made payable by this Act, and alſo the Monies to be raiſed upon the Credit thereof reſpectively in Manner following; (that is to ſay), In the firſt Place, for paying and diſcharging all the Coſts and Expences attending the obtaining and paſſing this Act, and alſo the Charges and Expences of repairing, ſupporting, and maintaining, the preſent Bridge at Maidenhead aforeſaid, until the ſaid intended Bridge ſhall be built, finiſhed, completed, and made paſſable; and alſo in and about the building the ſaid intended Bridge, and making the neceſſary Roads, Ways, and Paſſages, to and from the ſame, and for other Purpoſes directed to be executed, done, and performed by this Act, at ſuch Times, and in ſuch Manner, as herein mentioned, until the ſaid intended Bridge ſhall be finiſhed and completed, and for the other Purpoſes of this Act.

Intereſt Money to be paid Twice in every Year.

XXII. Provided always, That the Treaſurer or Receiver of the Tolls hereby granted ſhall, and he is hereby required, Twice in every Year, to diſcharge, out of the Monies which ſhall come to his Hands by virtue of this Act, the Intereſt which ſhall be then due on all Mortgages or Securities made or ſecured by virtue of this Act, if the ſame ſhall be demanded, in Preference to any other Payment whatſoever.

Security to be taken from the Treaſurer.

XXIII. And be it further enacted, That the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall take Security from their Treaſurers, Collectors, and all other Officers, for the due Execution of their reſpective Offices.

Victuallers, *&c.* not to hold any Place of Profit.

XXIV. Provided always, That no Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, ſhall be capable of holding any Place of Profit under this Act.

Perſons deſtroying the new Bridge, to be deemed guilty of Felony.

XXV. And, for preventing the wilful and malicious deſtroying or damaging the ſaid intended Bridge, or any Part thereof, or interrupting the building of the ſame, be it further enacted, That if any Perſon or Perſons ſhall wilfully or maliciouſly blow up, pull down, or otherwiſe deſtroy or damage the ſaid Bridge, or any Part thereof, or ſhall unlawfully, wilfully, and maliciouſly, and without Authority from the ſaid Mayor, Bridge-maſters, and Burgeſſes, remove, take away, or damage the Coffer, Dam or Dams, Scaffolding, Tools, Utenſils, Barges, Lighters, or deſtroy any Works or Materials thereunto belonging, or attempt ſo to do, or in any-wiſe direct or procure the ſame to be done, whereby the ſaid Bridge, or the Works or Materials thereof, may be damaged, or the Lives of Paſſengers endangered, every ſuch Offender or Offenders, being lawfully convicted thereof, ſhall be adjudged guilty of Felony, and every ſuch Felon ſhall be ſubject to the like Pains and Penalties as in Caſes of Felony; and the Court by and before whom ſuch Perſon or Perſons ſhall be tried and convicted, ſhall, and hereby have Power and Authority to tranſport ſuch Perſon or Perſons to any of His Majeſty's Plantations in America, in like Manner as other Felons are directed to be tranſported by any of the Laws and Statutes of this Realm.

Owners of Barges, &c. made anſwerable for their Men.

XXVI. And, for preventing Treſpaſſes, Damages, and Miſchiefs, being done and committed by evil-minded or diſorderly Perſons rowing, navigating, or managing any Boats, Barges, Lighters, or other Veſſels, in or upon the ſaid River *Thames*, and to the End that the Maſters and Owners of ſuch Boats, Barges, Lighters, or other Veſſels, may be more careful therein, be it further enacted, That all and every Maſter and Maſters, Owner and Owners, of any Boat, Barge, Lighter, or other Veſſel, ſhall be, and is and are hereby made anſwerable and reſponſible for any Damage or Miſchief that ſhall be wilfully or negligently done by his or their Boat, Barge, Lighter, or other Veſſel, or by any of the Boatmen, Bargemen, or Watermen, or any of the Crew of, in, or belonging to any ſuch Boat, Barge, Lighter, or Veſſel, to the ſaid Bridge, or any Part thereof, or to any of the Works which ſhall be erected, or erecting, or carrying on by virtue of this Act; and the ſaid Maſter or Maſters, Owner or Owners, of every ſuch Boat, Barge, Lighter, or Veſſel, ſhall and may be by the ſaid Mayor, Bridge-maſters, and Burgeſſes, ſued for every ſuch Treſpaſs or Damage which ſhall be ſo done in any of His Majeſty's Courts of Record at Weſtminſter, and ſhall be liable to pay ſuch Damages as any Jury ſhall aſſeſs for the ſame.

A Ferry or Temporary Bridge to be provided when Bridge not paſſable.

XXVII. And whereas it may happen that the ſaid new-intended Bridge may hereafter receive ſuch Damage that the Paſſage thereof may for a Time become dangerous or impracticable; be it further enacted, That in all ſuch Caſes it ſhall be lawful for the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, from Time to Time, as often as Occaſion ſhall require, to provide a proper and convenient Ferry or Ferries croſs the ſaid River Thames, or to erect or build a Temporary Bridge at ſuch Place or Places as they ſhall judge to be moſt proper and convenient, and as near to the ſaid Bridge as conveniently may be, and there to take for Paſſage over the ſaid River by ſuch Ferry or Ferries, or Temporary Bridge, ſuch Rates or Tolls as are herein-before directed to be paid for paſſing over the ſaid new-intended Bridge.

Proviſo.

XXVIII. Provided always, That ſuch Ferry or Ferries, or Temporary Bridge, ſhall not continue for any longer Time than the Paſſage over the ſaid Bridge ſhall or may be dangerous or impracticable as aforeſaid.

No Ferry than as aforeſaid to be ſet up within One Mile's Diſtance.

XXIX. Provided alſo, That no Ferry or Ferries, than as aforeſaid, ſhall at any Time hereafter be ſet up or uſed within the Diſtance of One Mile from the preſent Bridge, or intended Bridge.

Bridge to be called *Maidenhead Bridge*.

XXX. And be it further enacted, That the ſaid Bridge, when built, ſhall be called by the Name of Maidenhead Bridge, and ſhall be ſo named and intitled in all legal Proceedings whatſoever; and that the ſame ſhall be deemed and taken to be compriſed in, and to be Part of the Pariſh of Bray, in the ſaid County of Berks.

Not to be deemed a County Bridge.

XXXI. Provided always, That the ſaid new-intended Bridge ſhall not be deemed a County Bridge, nor ſubject the ſaid Counties of Berks or Bucks, or either of them, to repair or ſupport the ſame.

Not to injure Houſes, &c. (except as herein excepted.)

XXXII. Provided always, and it is hereby enacted and declared by the Authority aforeſaid, That nothing in this Act contained ſhall authoriſe or impower the ſaid Mayor, Bridge-maſters, and Burgeſſes, to purchaſe, take down, remove, injure, or damage any Houſe or other Building, or any Yard, Garden, or Wharf, or any Walk of Trees, or Avenue to any Houſe, unleſs the Owner or Owners thereof ſhall conſent thereto, (except the Dwelling-houſe, Yard, Out-houſes, and Premiſes belonging to Ralph Robinſon, and Part of the Yard or Wharf belonging to Penyſton Powney Eſquire, extending in Length from the ſaid Meſſuage of Ralph Robinſon to the preſent Turnpike-houſe, and in Breadth not exceeding Fifty Feet, and a Shed or Outhouſe now ſtanding thereon; and alſo except Two Meſſuages or Tenements, with the Outhouſes and Appurtenances thereunto belonging, in the ſeveral Occupations of the late Benjamin Dafforn and Chriſtopher Poulton; all which ſaid Premiſes are ſituate at or near the Weſt End of the new intended Bridge; and alſo except Part of the Garden in the Occupation of John March, lying oppoſite to an Inn called The Orkney Arms, in the Pariſh of Taplow, in the ſaid County of Bucks, as the ſame runs South and Eaſt from the Angle of the ſaid Garden next the preſent Bridge, by a Line to be drawn from a Point at the Diſtance of Fifty Feet on the South Side of the ſaid Angle to a Point at the Diſtance of Fifty Feet on the Eaſt Side thereof; all which Premiſes are hereby meant and intended to be taken down or made uſe of for the Purpoſe of building the ſaid Bridge, and opening and making a commodious Road and Way to and from the ſame); any Thing herein contained to the Contrary hereof in any-wiſe notwithſtanding.

Mayor, &c. to take down the preſent Bridge.

XXXIII. And be it further enacted by the Authority aforeſaid, That when and as ſoon as the ſaid new Bridge ſhall be completed and finiſhed, and fit for the Paſſage of Horſes, Cattle, Beaſts, and Carriages, the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, are hereby required to take down the preſent Bridge called Maidenhead Bridge.

Commencement of the Act.

XXXIV. And be it further enacted, That this Act, and all the Powers, Penalties, Forfeitures, Matters, and Things whatſoever, herein contained, ſhall commence and take Place from and after the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two.

Time and Place of Meeting.

XXXV. And be it further enacted by the Authority aforeſaid, That the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall meet at the Town-hall of the Town of Maidenheth, otherwiſe Maidenhead, on the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, and ſhall proceed to the Execution of this Act, and ſhall then, and from Time to Time afterwards, adjourn themſelves, to meet at ſuch Place or Places within the ſaid Town, or near the ſaid new-intended Bridge, as they the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall, from Time to Time, think moſt convenient for putting this Act in Execution; and that all Orders and Determinations of the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, in Execution of this Act, ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe: And that in caſe there ſhall not appear at ſuch Firſt Meeting, or any ſubſequent Meeting, a ſufficient Number to act and to adjourn; then, and in ſuch Caſe, the Clerk for the Time being ſhall and may, from Time to Time, adjourn ſuch Meeting to ſome other Day, to be held at the ſame Place within the Space of Seven Days from ſuch Adjournment, and ſhall cauſe publick Notice in Writing to be fixed upon the Market-houſe in Maidenhead, and the Toll-houſe upon or near the ſaid new-intended Bridge, Three Days before the Day thereby to be appointed for ſuch Meeting.

All Orders, &c. to be made at publick Meetings.

Mayor, &c. not to be concerned in any Contract.

XXXVI. Provided always, That neither the ſaid Mayor, or either of the Bridge-maſters, nor any of the ſaid Burgeſſes, ſhall be concerned in any Contract for building, repairing, or ſupporting the ſaid Bridge, or for furniſhing any Materials for building or repairing the ſame, or ſhall hold any Place of Profit under this Act; but the ſaid Mayor, Bridge-maſters, or ſuch of the ſaid Burgeſſes as are in the Commiſſion of the Peace, may nevertheleſs act as Juſtices in the Execution of this Act.

Proceedings to be entered in Books.

XXXVII. And be it further enacted by the Authority aforeſaid, That all Orders and Proceedings of the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall be entered into a Book or Books to be kept for that Purpoſe; and being ſigned by the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, or their Clerk or Treaſurer, ſhall be deemed and taken to be original Orders; and ſuch Book or Books, and alſo the Entries of all Grants and Aſſignments of the Tolls hereby made payable, and alſo of the Transfer of ſuch Grants and Aſſignments, ſhall and may be produced and read in Evidence in all Caſes of Appeal, and in any Suits or Actions touching any Thing done in purſuance of this Act.

Writings may be without Stamps.

XXXVIII. Provided always, and be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Grant, Aſſignment, Transfer, or other Security, for the borrowing of Money, or other Writing whatſoever, under the Seal of the ſaid Mayor, Bridge-maſters, and Burgeſſes, or under the Hand and Seal, or Hands and Seals of, or only ſigned by, any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby veſted in the ſaid Mayor, Bridge-maſters, and Burgeſſes, or ſuch Juſtice or Juſtices of the Peace, or of any of them, ſhall be charged or chargeable with any Stamp-duty whatſoever.

How Penalties are to be recovered.

XXXIX. And be it further enacted by the Authority aforeſaid, That all the Penalties and Forfeitures by this Act laid and impoſed, (the Manner of levying and Recovery whereof is not otherwiſe particularly directed), ſhall, upon Proof of the Offences reſpectively before any One or more Juſtice or Juſtices of the Peace of the County or Place wherein the reſpective Offender or Offenders ſhall reſide, or the Offence or Offences ſhall be committed, either by the Confeſſion of ſuch Offender or Offenders, or by the Oath of One or more credible Witneſs or Witneſſes, (which Oath ſuch Juſtice or Juſtices is and are hereby authoriſed and directed to adminiſter without Fee or Reward), be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Offender or Offenders, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of ſuch Juſtice or Juſtices, (which Warrant or Warrants he or they is and are hereby impowered and required to grant); and the Overplus, after ſuch Penalties and Forfeitures, and the Charges of ſuch Diſtreſs and Sale are thereout deducted, ſhall be returned, upon Demand, unto the Owner or Owners of ſuch Goods and Chattels; and the Penalties and Forfeitures, when recovered, ſhall be (if not otherwiſe directed to be applied by this Act) from Time to Time paid to the ſaid Mayor, Bridge-maſters, and Burgeſſes, or to their Treaſurer or Clerk, and applied in the Execution of the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice or Juſtices of the Peace, and he and they is and are hereby authoriſed and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Offender or Offenders to be committed to the common Gaol, or Houſe of Correction, of the County or Place wherein ſuch reſpective Offences ſhall be committed, or the Offender or Offenders reſide, there to remain without Bail or Mainprize for any Time not exceeding Three Months, nor leſs than Fourteen Days, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

How Offenders ſhall be proceeded againſt.

XL. Provided alſo, and be it further enacted, That all Perſons, for Offences committed by the working or uſing of any Ferry acroſs the ſaid River, and all other Offences committed upon the ſaid River, contrary to the true Intent and Meaning of this Act, ſhall be proceeded againſt and convicted before any Juſtice or Juſtices of the Peace for the County of Berks; and the Penalties and Forfeitures ſhall and may be levied, or the Offenders committed, as aforeſaid, in ſuch and the ſame Manner as if ſuch Offence had been committed within the ſaid County.

Limitation of Actions.

XLI. And be it further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done, or to be done, in purſuance of this Act, in every ſuch Caſe the Action or Suit ſhall be commenced within Six Months next after the Fact committed, and not afterwards; and ſhall be laid in the ſaid County of Berks, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may

plead

General Iſſue. plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if it ſhall appear ſo to be done, or that ſuch Action or Actions ſhall be brought after the Time before limited for bringing the ſame, or ſhall be laid in any other County than as aforeſaid, that then the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Action or Suit; or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Treble Coſts. Defendant or Defendants ſhall recover Treble Coſts, and ſhall have ſuch Remedy for the ſame as any Defendant or Defendants hath or have for Coſts of Suit in other Caſes by Law.

Appeal may be made to Quarter Seſſions. XLII. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be held for the County of Berks, within Four Calendar Months after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving, or cauſing to be given, Fourteen Days Notice at the leaſt, in Writing, of his or her Intention to bring ſuch Appeal, and of the Cauſe or Matter thereof, to the Clerk or Treaſurer to the ſaid Mayor, Bridge-maſters, and Burgeſſes, and within Seven Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County of Berks, with Two ſufficient Sureties conditioned to try ſuch Appeal at, and abide by the Order of, the ſaid Quarter Seſſions; and the ſaid Juſtices, at the ſaid Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine ſuch Appeal in a ſummary Way; and if they ſee Cauſe, may, by Order of ſuch Seſſion, mitigate at their Diſcretion all or any of the ſaid Penalties or Forfeitures, or vacate or ſet aſide any Conviction or Convictions, but not for want of Form only, and ſet the Party at Liberty, or otherwiſe may ratify and confirm the ſame, and award ſuch Coſts as they ſhall think proper; and the Determination of the ſaid Juſtices at ſuch Quarter Seſſion ſhall be binding and concluſive to all Intents and Purpoſes, and ſhall not be liable to be removed by Certiorari, or other Proceſs whatſoever.

For preſerving the Rights of the Corporation. XLIII. Provided always, and it is hereby declared, That nothing herein contained ſhall be conſtrued in anywiſe to leſſen or abridge the Power granted to the ſaid Mayor, Bridge-maſters, and Burgeſſes of the ſaid Town of Maidenheth, otherwiſe Maidenhead, by their Charters, (except with reſpect to the ſeveral Tolls granted for Pontage and Paſſage over and under the ſaid Bridge, which are hereby meant and intended to ceaſe and determine), but that the ſaid Mayor, Bridge-maſters, and Burgeſſes, ſhall continue to hold and enjoy all ſuch Rights, Privileges, Benefits, and Advantages, as are granted to them in and by their ſaid Charters, (except as before excepted,) in as full, ample, and beneficial Manner, to all Intents and Purpoſes, as they did before the paſſing of this Act, or could or might have done in caſe this Act had not been made; any Thing in this Act to the Contrary hereof in anywiſe notwithſtanding.

Publick Act. XLIV. And be it further enacted, That this Act ſhall be deemed a Publick Act; and be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

C A P. XLII.

An Act for ſettling and determining what Parts of the Precinct of the *Savoy*, in the County of *Middleſex*, ſhall be under the Survey of the Court of Exchequer, and what Parts thereof under the Survey of the Duchy of *Lancaſter*.

Preamble. WHEREAS within the Liberty of the *Savoy*, Parcel of the Poſſeſſions of the Duchy of *Lancaſter*, in the County of *Middleſex*, there is a certain Place or Piece of Ground, formerly the Scite of the Manor of the *Savoy*, and now commonly known by the Name of *The Precinct of the Savoy*, being heretofore Parcel of the Poſſeſſions of the ſaid Duchy: And whereas by certain Letters Patent, under the Seal of the ſaid Duchy of *Lancaſter*, bearing Date the Third Day of *April*, in the Second Year of the Reign of King *Henry* the Eighth, the ſaid King granted and confirmed the ſaid Place or Piece of Ground, (by the Deſcription of the Scite of the Manor of the *Savoy*, or a certain Place or Piece of Ground called *The Savoy*, Parcel of the Duchy of *Lancaſter*, lying in the Pariſhes of *Saint Clement Danes*, without the Bars of the *New Temple, London*, and the *Bleſſed Mary le Strand*, in the County of *Middleſex*, abutting as therein is mentioned), unto the Executors of the Will of King *Henry* the Seventh, their Heirs and Aſſigns, for ever, to the Intent they might erect, found, and eſtabliſh an Hoſpital thereon: And whereas an Hoſpital was, in purſuance thereof, afterwards erected, founded, and eſtabliſhed, on the ſaid Place or Piece of Ground, which afterwards became veſted in the Maſter and perpetual Chaplains of the Hoſpital of the *Savoy*: And whereas upon a Viſitation of the ſaid Hoſpital, by Sir *Nathan Wright* Lord Keeper of the Great Seal of *England*, on or about the Thirty-firſt Day of *July*, One thouſand ſeven hundred and two, the ſaid Lord Keeper declared the ſaid Hoſpital to be diſſolved, and certified the ſame unto the then Lord High Treaſurer of *England*, and the Barons of the Exchequer, and thereupon the ſaid Place or Piece of Ground was duly put in Charge for the Benefit of the Crown: And whereas a Doubt hath ariſen in Point of Law, whether the ſaid Place or Piece of Ground, upon the Diſſolution of the ſaid Hoſpital, eſcheated to Her then Majeſty Queen *Anne*, in Right of Her Crown of *England*, or whether the ſame reverted to Her ſaid Majeſty, as Parcel of the Duchy of *Lancaſter*, whereby it is uncertain in what Manner Leaſes and Grants thereof ought to be made, and the Revenues ſued for and collected; and whilſt ſuch Doubt remains, the Premiſes cannot be improved ſo as to yield the Advantage the ſame are capable of: And whereas by Permiſſion of His Majeſty, or His Predeceſſors, Kings of *England*, there have been built and erected in and upon the ſaid Place or Piece of Ground certain Churches, called *The High German Church*, and *The Low*

German Church, and convenient Church-yards or Burying-grounds have been incloſed adjoining or contiguous thereto reſpectively; and there are alſo now ſtanding upon the ſaid Place or Piece of Ground certain Buildings, now uſed as Barracks for Soldiers, and as Priſons and Suttling-houſe, belonging to and for the Uſe of the ſaid Barracks; and alſo Two Dwelling-houſes adjoining or contiguous to the ſaid Barracks, which are uſually inhabited by certain of the Officers of the Army having Command of the Soldiers reſiding in the ſaid Barracks: And whereas, for obviating and removing the ſaid Doubt and Inconveniencies, His Majeſty is minded, that the aforeſaid Churches, Church-yards, Barracks, Priſons, Suttling-houſe, and Dwelling-houſes, with the Scites thereof, ſhall be from henceforth deemed, taken, and adjudged, to be Parcel of the Poſſeſſions of the Crown of this Realm, and as ſuch be under the Survey, Rule, Order, and Government, of the Court of Exchequer; and that all the Reſt and Reſidue of the ſaid Place or Piece of Ground, with all the Buildings thereon, ſhall be united and annexed to the Duchy of *Lancaſter*; His Majeſty is therefore pleaſed and contented that it may be enacted, ordained, and eſtabliſhed; and be it enacted, ordained, and eſtabliſhed, by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That our Sovereign Lord the King ſhall from henceforth have, hold, poſſeſs, and enjoy, to Him, His Heirs and Succeſſors, for ever, in Right of His Crown, all thoſe Two ſeveral Churches called The High German Church, and The Low German Church, ſituate, ſtanding, and being within and upon the ſaid Place or Piece of Ground, called The Precinct of the Savoy, in the County of Middleſex, together with the Church-yards and Burying-grounds to the ſame Churches adjoining and belonging; and alſo all thoſe Buildings ſtanding and being within and upon the ſaid Precinct, now uſed and employed as Barracks for Soldiers, and as Priſons and Suttling-houſe belonging to the ſaid Barracks; and alſo all thoſe Two Dwelling-houſes, ſituate within and upon the ſaid Precinct, near unto a Place called The Friary, and uſually occupied and enjoyed by ſuch of the Officers of the Army as have the Command of the Soldiers in the ſaid Barracks, for the Time being; and alſo all the Scites, Ground, and Soil, whereon the ſaid Churches, Barracks, Priſons, Suttling-houſe, and Dwelling-houſes reſpectively ſtand, and the Soil of the ſaid Church-yards and Burying-grounds reſpectively, together with all Ways, Paths, and Paſſages, to and from the ſame Premiſes reſpectively; and that all and ſingular the ſame Churches, Church-yards, Burying-grounds, Barracks, Priſons, Suttling-houſe, and Dwelling-houſes, and the Scites, Ground, and Soil thereof, ſhall, by Authority and Force of this Act, be from henceforth for ever in the Order, Survey, and Governance, of our ſaid Sovereign Lord the King's Court of Exchequer, and of the Chancellor, Officers, and Miniſters, of the ſame; and all the Farms, Iſſues, Rents, and Arrears of Rent, Revenues, and Profits, coming and growing of, or which have grown and are now due for the Premiſes, and every Part thereof, ſhall be ordered, taken, received, and anſwered, by the ſame Chancellor, Miniſters, and Officers, of the ſame Court, in ſuch and like Manner and Form as the Farms, Iſſues, Rents, Revenues, and Profits, of other the Hereditaments and Poſſeſſions of the Crown, within the Survey, Rule, Order, and Governance, of the King's Court of Exchequer, and the Chancellor, Officers, and Miniſters, of the ſame Court, have been or ought to be ordered, taken, received, and anſwered.

All Buildings, Church-yards, Burying-grounds, Barracks, *&c.* upon the Precinct of the *Savoy*, to be enjoyed by His Majeſty, *&c.* hereafter in Right of His Crown, with all the Dwelling-houſes ſituate near the *Friary*.

II. And be it further enacted, That all the Reſt and Reſidue of the ſaid Place or Piece of Ground called The Precinct of the Savoy, with the Soil thereof, and all Meſſuages, Houſes, and Buildings whatſoever thereon, with all and every their Appurtenances, ſhall be, and the ſame are, by the Authority and Force of this Act, from henceforth, for ever, united and annexed unto the Duchy of Lancaſter, and ſhall be adjudged, deemed, and taken, for ever, for and as Parcels and Members of the ſaid Duchy of Lancaſter, and ſhall be of the ſame Nature, Quality, Kind, and Condition, to all Intents, Conſtructions, and Purpoſes, as others the ancient Poſſeſſions of the ſaid Duchy, (lying out of the County Palatine of Lancaſter), be, and ought to be, and ſhall be in the letting, ſetting, Order, Rule, Survey, Receipt, and Governance, of the Chancellor, Council, and Officers, of the ſaid Duchy of Lancaſter for the Time being, for evermore, in like and the ſame Manner and Form, to all Intents and Purpoſes, as others the ſaid ancient Poſſeſſions belonging to the ſaid Duchy, (lying out of the ſaid County Palatine), be, have been, or ought to be; and that all and ſingular the ſaid Meſſuages, Houſes, Buildings, and Ground, united and annexed to the ſaid Duchy of Lancaſter, by Authority and Force of this Act, and all and ſingular Grants, Leaſes, and Letters Patent thereof, or of any Part thereof, hereafter to be made by the King's Majeſty, His Heirs and Succeſſors, ſhall, for evermore, paſs and be made under the Seal of the ſaid Duchy, and not under any other Seal, or otherwiſe, and with the like and the ſame Livery and Seiſin, Attornments, Ceremonies, Orders, and Circumſtances, in the Law, and in the ſame Manner and Form, as other the ancient Poſſeſſions of the ſaid Duchy, and the Grants, Leaſes, and Letters Patent thereof, heretofore of ancient Time made, have uſed and ought to be made and paſſed, and not otherwiſe, nor in any other Manner or Form; any Law, Statute, Uſage, or Cuſtom, to the Contrary thereof notwithſtanding.

The Precinct of the *Savoy* to be hereafter annexed to the Duchy of *Lancaſter*.

III. Provided always, and be it enacted, That nothing herein contained ſhall extend to abate or affect any Action, Information, Bill, Suit, or other Proceeding, already brought or commenced by or on the Behalf of His Majeſty, in any of the Courts of Law or Equity, againſt any Perſon or Perſons for the Recovery of the Poſſeſſion of the Premiſes contained or mentioned in this Act, or any Part thereof, or for the Meſne Rents and Profits thereof, or any Part thereof, but that the ſame Actions, Informations, Bills, Suits, and other Proceedings, ſhall and may be proſecuted and carried on in ſuch and the ſame Manner, and with the ſame Validity and Effect, as if this Act had not been made.

Nothing herein to extend to abate any Actions, *&c.* commenced on Behalf of His Majeſty, for Recovery of Poſſeſſion, or for the Meſne Rents, *&c.*

IV. Provided alſo, and be it enacted, That in every Action, Information, Bill, or Suit, brought, or commenced, or to be brought or commenced, for the Purpoſes aforeſaid, it ſhall be ſufficient for His Majeſty to make due Proof of a Title to the Premiſes in Queſtion, either in Right of His Crown, or as Parcel of His Duchy of Lancaſter; and that all and every Judgement and Decree already had, or to be had, obtained and pronounced

In any Information or Suit, it ſhall be ſufficient for His Majeſty to prove His Title to the Premiſes.

therein reſpectively, and every Execution thereupon, ſhall be available, and ſhall be and remain in full Force and Effect.

Proof of a Title derived from the Crown, ſhall, for Defendants, be an effectual Bar againſt His Majeſty.

V. Provided alſo, That in every ſuch Action, Information, Bill, or Suit, it ſhall be ſufficient for the Defendant or Defendants to make due Proof of a Title to the Premiſes in Queſtion, derived from or under His Majeſty, or any of His Royal Predeceſſors, either in Right of His Crown, or as Parcel of His ſaid Duchy of Lancaſter; and that every ſuch Title ſhall be deemed, taken, and adjudged to be an available, ſufficient, and effectual Bar againſt His Majeſty, His Heirs, and Succeſſors; any Law, Statute, or Uſage, or any Thing herein contained to the Contrary notwithſtanding.

His Majeſty may, from Time to Time, aſſign any Part of the Premiſes.

VI. And, to the End and Intent the Premiſes may be laid out to the greater Advantage, and may thereby be improved to their utmoſt Value, be it enacted by the Authority aforeſaid, That our ſaid Sovereign Lord the King, His Heirs and Succeſſors, may, from Time to Time hereafter, at His and Their Liberties and Pleaſures, by Letters Patent, to be ſealed with the Seal of the Duchy of Lancaſter, limit, aſſign, and appoint any Part or Parts of the Premiſes, which by Force of this Act are annexed and united to the ſaid Duchy, unto the Survey, Rule, Order, Governance, Juriſdiction, Letting, and Setting, of His Majeſty's Court of Exchequer, and the Chancellor, Officers, and Miniſters of the ſame Court and the Premiſes to be ſo limited, aſſigned, and appointed, by Force of any ſuch Letters Patent, ſhall, from the Teſte of the ſaid Letters Patent, be ſevered from the ſaid Duchy, and ſhall from thenceforth be and remain in the Survey, Rule, Order, Governance, Juriſdiction, Letting, Setting, and Receipt, of the ſame Court of Exchequer, and the Chancellor, Officers, and Miniſters of the ſame; and all the Farms, Iſſues, Rents, Revenues, and Profits of the Premiſes, ſo to be limited, aſſigned, and appointed, ſhall be ordered, taken, received, and anſwered, by the ſame Chancellor, Miniſters, and Officers, of the ſame Court of Exchequer, in ſuch and in like Manner and Form, and to and for ſuch Uſes, Intents, and Purpoſes, as the Farms, Iſſues, Rents, Revenues, and Profits, coming and growing by or out of other the Lands and Hereditaments, being the ancient Poſſeſſions of the Crown, within the Order, Survey, and Governance of the ſame Court of Exchequer, and the Chancellor, Officers, and Miniſters of the ſame have been, or ought to be ordered, taken, received, and anſwered; and that our ſaid Sovereign Lord the King, His Heirs and Succeſſors, may alſo, from Time to Time hereafter, at His and Their Liberties and Pleaſures, by Letters Patent, to be ſealed with the Great Seal, unite, annex, limit, aſſign, and appoint, unto the ſaid Duchy of Lancaſter, any Part or Parts of the Premiſes, which by Force of this Act are put under the Order, Survey, and Governance, of the Court of Exchequer, and the Chancellor, Officers, and Miniſters of the ſame; and that all and every the Premiſes, which ſhall happen to be united and annexed to the ſaid Duchy, by Force of any ſuch Letters Patent, ſhall be, from the Teſte of the ſaid Letters Patent, within the Order, Survey, Rule, Governance, Juriſdiction, Letting, and Setting, of the Chancellor, Council, and Officers, of the ſaid Duchy of Lancaſter for the Time being, as others the Poſſeſſions of the ſaid Duchy of Lancaſter, lying and being out of the ſaid County Palatine of Lancaſter, have, uſed, and ought to be, and that as well all and every ſuch Limiting, Aſſignment, and Appointment, made or to be made, by our ſaid Sovereign Lord the King, His Heirs and Succeſſors, of any of the Premiſes, unto the Court of Exchequer, and the Chancellor, Officers, and Miniſters of the ſame, by any Letters Patent, under the Seal of the ſaid Duchy, as alſo all and every ſuch Annexing, Limiting, Aſſignment, and Appointment, to be made by His Majeſty, His Heirs and Succeſſors, of any the Premiſes unto the ſaid Duchy of Lancaſter, by any Letters Patent under the Great Seal, ſhall be as good and available as if done by Authority of Parliament.

Saving all Rights, &c. to any Perſons which they had previous to the paſſing thereof.

VII. Saving to all and every Perſon and Perſons, Bodies Politick and Corporate, and to their Heirs, Succeſſors, and Aſſigns, and to the Heirs, Succeſſors, and Aſſigns of every of them, all ſuch Right, Title, Intereſt, Poſſeſſions, Leaſe and Leaſes, Rents, Profits, Eaſements, Actions, Suits, and Demands whatſoever, which they or any of them ſhould, might, or ought to have had, in, to, or out of any of the Premiſes before the making of this Act, and not herein or hereby expreſſly taken away, altered, or abridged, in like and the ſame Manner, Form, and Condition, to all Intents, Conſtructions, and Purpoſes, as if this Act had never been made.

CAP. XLIII.

An Act for veſting *Ely Houſe*, in *Holbourn*, in His Majeſty, His Heirs and Succeſſors, and for applying the Purchaſe-money, with another Sum therein mentioned, in the purchaſing of a Freehold Piece of Ground in *Dover Street*, and in the building and fitting up another Houſe thereon, for the future Reſidence of the Biſhops of *Ely*, and the Surplus to the Benefit of the See; and for other Purpoſes therein mentioned.

Preamble.

WHEREAS the Right Reverend *Edmund* Lord Biſhop of *Ely* is ſeiſed, in Right of his See, of a Capital Manſion-houſe, called *Ely Houſe*, ſituate in *Holbourn*, in the County of *Middleſex*, and the Scite thereof: And whereas ſince the Death of the Right Reverend *Matthias*, late Lord Biſhop of *Ely*, his Lordſhip's immediate Predeceſſor, an Account hath been adjuſted between the Repreſentatives of the ſaid *Matthias* and the ſaid *Edmund*, now Lord Biſhop of *Ely*, of the Dilapidations incurred on the ſaid Manſion-houſe; and the ſame having been eſtimated at Three thouſand Pounds, that Sum hath been ſecured to the ſaid *Edmund*, now Lord Biſhop of *Ely*, by Bond, bearing Date the Eighteenth Day of *November*, One thouſand ſeven hundred and ſeventy-one, from *Charles Wager Purvis*, Eſquire, ſince deceaſed, payable as therein mentioned: And whereas, upon a proper Survey lately made of the ſaid Houſe, and Offices thereto belonging, it appears that the ſame are, from Length of Time, and other Cauſes, become ſo decayed, that it hath been adviſed, by experienced Workmen, to rebuild rather than attempt the Repair thereof: And whereas thereupon, and as no ſufficient Fund offered for rebuilding, an Agreement hath been made, and reduced into Writing, between the Right Honourable the Lords Commiſſioners of His Majeſty's Treaſury and the ſaid *Edmund* now Lord Biſhop of *Ely*, bearing Date the Twenty-ſeventh Day of *January*, One thouſand ſeven hundred

dred and ſeventy-two, whereby, after reciting, (amongſt other Things), that it had been repreſented to their Lordſhips, that the Piece of Ground whereon the ſaid Houſe ſtood might be rendered of conſiderable Advantage to the Publick, if the ſame could be procured, in order thereon to erect publick Offices; and that the ſaid *Edmund* Lord Biſhop of *Ely*, being ſeiſed and poſſeſſed, in Right of his See, of the ſaid Ground and Houſe thereon, was ready and willing, ſo far as in him lay, to diſpoſe of the ſame for the Benefit of the Publick, upon a full and adequate Compenſation being made to him and his Succeſſors, and the ſaid See of *Ely*, in lieu thereof; and that their Lordſhips were deſirous the ſame might be purchaſed for the Service of the Publick, and that the ſaid Lord Biſhop of *Ely*, and his Succeſſors, and the ſaid See of *Ely*, might, out of the Publick Money, receive a reaſonable Conſideration for the ſame: And further reciting, that, upon a Treaty between their Lordſhips and the ſaid *Edmund*, now Lord Biſhop of *Ely*, and upon proper Surveys taken, and Calculations made thereon, it had appeared and been agreed on, that a clear Sum of Six thouſand five hundred Pounds, and a clear Annuity of Two hundred Pounds, for ever, would be a full Price and adequate Conſideration for ſuch Piece of Ground and Houſe thereon built; but that ſuch Treaty and Agreement could not be effectually eſtabliſhed and carried into Execution without the Authority of Parliament, it was witneſſed, and the ſaid *Edmund* Lord Biſhop of *Ely* agreed and undertook that he would, with all convenient Speed, ſo far as in his Power lay, at his own Expence, procure an Act of Parliament to be paſſed for the Purpoſe of carrying the ſaid Treaty into immediate Execution, and of giving the ſaid Lord Biſhop of *Ely*, and his Succeſſors, proper Powers to convey ſuch Piece of Ground, and the Houſe and Buildings thereon erected, to ſuch Perſons, and for ſuch Uſes, as ſhould be directed by the Lords Commiſſioners of the Treaſury for that Purpoſe; in which Act of Parliament were to be contained proper Clauſes for ſecuring to the ſaid Lord Biſhop of *Ely*, or his Succeſſors, the ſaid Sum of Six thouſand five hundred Pounds, clear of all Deductions and Outgoings, to be paid on the Execution of the Purchaſe Deeds of the ſaid Premiſes, in ſuch Manner as the ſaid Act ſhould direct; and alſo for ſecuring the ſaid Annuity of Two hundred Pounds, the Produce of which ſhould be paid to the ſaid Lord Biſhop of *Ely*, and his Succeſſors, from Time to Time, as Part of the Revenues of the ſaid Biſhoprick, in ſuch Manner, and under ſuch Directions, as by the ſaid Act of Parliament ſhould be provided; and alſo that in caſe the ſaid Lord Biſhop of *Ely* ſhould chooſe to have a further Sum of Money advanced in lieu of the ſaid Annuity, or any Part thereof, that then there ſhould be paid to him, or other proper Perſons to be named in the ſaid Act, a Sum of Money in lieu of the ſaid Annuity, or of Part thereof, at the Election of the ſaid Lord Biſhop of *Ely*, after the Rate of Thirty Years Purchaſe: And whereas ſince the ſaid Agreement a certain Freehold Piece of Ground hath been offered to the ſaid *Edmund* Lord Biſhop of *Ely*, late belonging to the Right Honourable *William* Lord Viſcount *Chetwynd*, in the Kingdom of *Ireland*, deceaſed, ſituate in *Dover Street*, in the Pariſhes of *Saint James* and *Saint Martin in the Fields*, or One of them, in the County of *Middleſex*, as a proper and commodious Spot whereon to erect a ſuitable Manſion-houſe for the future Reſidence of the ſaid Lord Biſhop of *Ely*, and his Succeſſors, the Biſhops of *Ely*, in the Room of the ſaid ancient Manſion-houſe in *Holbourn*; and an Agreement hath been entered into between the ſaid Lord Biſhop of *Ely* and *Lucy Chetwynd* and *Eſther Chetwynd*, the preſent Owners of the ſaid Piece of Ground, and the ancient Houſe and Buildings thereon erected, in *Dover Street* aforeſaid, for the Purchaſe of the ſaid laſt-mentioned Piece of Ground, and the Houſe and Buildings thereon, at the Price or Sum of Five thouſand ſix hundred Pounds, (Part of the before-mentioned Sum of Six thouſand five hundred Pounds), ſubject to the yearly Sum of Eighteen Pounds, for ever, payable out of Part of the Premiſes, to the Right Honourable the Lord *Berkeley* of *Stratton*, his Heirs and Aſſigns, (which laſt-mentioned Purchaſe, nevertheleſs, is to take Effect only in caſe the ſaid prior Agreement with the Lords Commiſſioners of the Treaſury ſhall be eſtabliſhed and effectuated by Parliament); and if ſuch Purchaſe ſhall take Place, it hath been propoſed to pull down the old Houſe and Buildings now ſtanding on the ſaid Piece of Ground in *Dover Street*, and inſtead thereof to erect ſuch Manſion-houſe as aforeſaid, and to apply the ſaid Sum of Three thouſand Pounds, to be received by the ſaid *Edmund*, now Lord Biſhop of *Ely*, for Dilapidations, and the Whole, or a ſufficient Part of the Conſideration to be paid by the Lords Commiſſioners of the Treaſury, (agreeably to the Latitude given by the aforeſaid Contract), for the Purpoſe of building and fitting up the ſame for Habitation, and the Surplus (if any ſhall remain) for the Benefit of the See, in ſuch Manner, and under ſuch Reſtrictions, as to the Wiſdom of Parliament ſhall appear reaſonable: And whereas the Rents reſerved in and by ſeveral of the Leaſes granted by the Biſhops of *Ely*, in Right of the ſaid See, are made in the ſaid Manſion-houſe in *Holbourn*, and it hath been uſual for the Biſhop of *Ely* for the Time being to hear and determine Appeals from ſeveral Colleges in the Univerſity of *Cambridge*, as Viſitor thereof, at his ſaid Houſe in *Holbourn*, and to cite all Parties concerned in ſuch Appeals to appear at the ſaid Houſe; but it will be proper, upon the Alienation of the ſaid laſt-mentioned Houſe, to transfer the Payment of ſuch reſerved Rents, and Exerciſe of ſuch Appellate Juriſdiction, to ſuch new Manſion-houſe, to be erected for the future Reſidence of the Biſhops of the ſaid See, when the ſame ſhall be ſo erected, and, in the mean Time, to provide ſome other proper Place or Reſort for the ſaid ſeveral Purpoſes: And whereas the effectuating and accompliſhing the ſaid Agreement with the Lords Commiſſioners of the Treaſury will be of great Advantage to the Publick, and the ſeveral Purpoſes propoſed to be anſwered in conſequence thereof will be no leſs beneficial to the See of *Ely*; yet foraſmuch as the ſame cannot be carried into Execution without the Aid and Authority of Parliament; therefore may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That (from and immediately after the Payment into the Bank of England by His Majeſty, His Heirs or Succeſſors, in the Names of the ſaid Edmund Lord Biſhop of Ely, and of Owen Saluſbury Brereton of Shotwich Park, in the County Palatine of Cheſter, Eſquire, and Thomas Hunt of Mollington, in the ſaid County, Eſquire, Truſtees hereby appointed in that Behalf, or the Survivors or Survivor of them, of the full Sum of Six thouſand five hundred Pounds of lawful Money of Great Britain, free and clear of all Taxes, Impoſitions, Fees, Rewards, and other Deductions, on or before the Eleventh Day of June, which will be in the Year of our Lord One thouſand ſeven hundred

dred and ſeventy-two, in Part of Satiſfaction and Compenſation for the Purchaſe-money of the preſent Houſe called Ely Houſe, and Scite thereof, ſituate in Holbourn, herein-after mentioned and deſcribed, to be by them the ſaid Edmund Lord Biſhop of Ely, and Owen Salusbury Brereton, and Thomas Hunt, or the Survivors or Survivor of them, and the Executors and Adminiſtrators of ſuch Survivor, paid, applied, and diſpoſed of, to and for the Uſes, Intents, and Purpoſes herein-after declared and enacted concerning the ſame), all that Houſe called Ely Houſe, ſituate in Holbourn, in the County of Middleſex, and all that and thoſe the Chapel, Coach-houſes, Stables, and other Offices, Gardens, and Yard thereto belonging, with all the Rights, Members, Privileges, Immunities, Exemptions, Ways, Paths, Paſſages, Eaſements, Commodities, Emoluments, Advantages, and Appurtenances, to the ſaid Houſe and Premiſes, or any Part thereof, and uſually held and enjoyed therewith, (ſave and except thereout all the ancient Walls and Fences which circumſcribe the ſeveral Meſſuages or Tenements now held by the Right Honourable Anthony Earl of Shaftsbury, under a Leaſe from the late Lord Biſhop of Ely, with free Liberty of Ingreſs and Egreſs to repair or rebuild the ſaid Walls, and without Prejudice to all Lights neceſſary to the ſaid Meſſuages or Tenements, or ſuch other Buildings as may hereafter be erected on the Scite of the ſaid Premiſes,) ſhall be, and be deemed to be, and are hereby declared to be, veſted in and annexed to the Imperial Crown of this Realm, and ſhall be and remain for ever unalienable from the ſame; and His Majeſty, His Heirs and Succeſſors, in the Imperial Crown of this Realm, ſhall for ever have, hold, and enjoy the ſame againſt the ſaid Edmund Lord Biſhop of Ely, and all and every Perſon and Perſons claiming or to claim from or under or in Right of the ſaid Epiſcopal See of Ely, freed and diſcharged, and abſolutely acquitted, exempted, and indemnified, of, from, and againſt all former Grants, Charters, Titles, Eſtates, Leaſes, or other Incumbrances whatſoever, made or granted of the ſaid Houſe, Scite, and Premiſes, or any Part thereof, ſaving unto the ſaid now Lord Biſhop of Ely, and his Succeſſors, Biſhops of the ſaid See of Ely, all other the lawful Privileges, Royalties, Franchiſes, and Juriſdictions, which of Right do belong and appertain to him and them in Right of the ſaid Biſhoprick, to be had, uſed, exerciſed, and enjoyed, except in and upon the Premiſes hereby alienated, or any Part thereof, or within the Bounds or Circuits of the ſame.

Receipt of the Caſhier to be a ſufficient Diſcharge.

II. And be it further enacted by the Authority aforeſaid, That the Receipt or Receipts of the proper Clerk or Caſhier, Clerks or Caſhiers, of the Governor and Company of the Bank of England, under his or their Hand or Hands reſpectively, teſtifying the Payment of the ſaid Sum of Six thouſand five hundred Pounds, or any Part thereof, by the Lords Commiſſioners of the Treaſury, or the Lord High Treaſurer for the Time being, or ſuch Perſons or Perſon as he or they, or any Three of them, ſhall order and direct to pay the ſame into the Bank of England, in the Names of the ſaid Edmund Lord Biſhop of Ely, and Owen Saluſbury Brereton, and Thomas Hunt, or the Survivors or Survivor of them, ſhall be a ſufficient and full Diſcharge to His Majeſty, His Heirs and Succeſſors, or ſuch other Perſons or Perſon ſo paying the ſame, their, his, or her Heirs, Executors, or Adminiſtrators, of and for the ſaid Sum of Six thouſand five hundred Pounds, and every Part thereof, or ſo much thereof as ſuch Receipt or Receipts ſhall be given for; and that His Majeſty, His Heirs and Succeſſors, and all and every ſuch other Perſons and Perſon, as aforeſaid, upon and after ſuch Receipt or Receipts given as aforeſaid, ſhall be abſolutely acquitted and diſcharged of and from the ſaid Sum of Six thouſand five hundred Pounds, and every Part thereof, notwithſtanding any ſubſequent Loſs, Non-application, or Miſapplication of the ſame, or any Part thereof.

How Compenſation ſhall be made for the Premiſes.

III. And be it further enacted by the Authority aforeſaid, That in additional Satiſfaction, and in full Compenſation of and for the ſaid Houſe and Scite thereof, and other the Premiſes ſo veſted in and annexed to the Crown as aforeſaid, there ſhall be paid to the ſaid Lord Biſhop of Ely, and his Succeſſors, for ever, as Part of the Revenues of the ſaid Biſhoprick, and to be applied and diſpoſed of as herein-after mentioned, One Annuity or yearly Sum of Two hundred Pounds, of lawful Money of Great Britain, free and clear of all Parliamentary or other Taxes, Payments, Fees, Charges, and Deductions whatſoever, payable by even and equal Half-yearly Payments, on the Eleventh Day of June and the Eleventh Day of December, in every Year; the Firſt of ſuch Half-yearly Payments to be made on the Eleventh Day of December, which will be in the Year of our Lord One thouſand ſeven hundred and ſeventy-two, and now next enſuing; and the ſaid Annuity or yearly Sum of Two hundred Pounds, lawful Money aforeſaid, ſhall be ſo paid and payable to the ſaid Lord Biſhop of Ely, and his Succeſſors reſpectively, for the Time being, in Manner aforeſaid, by the reſpective Receivers-general of the Duties or Revenues of the ſeveral Offices that ſhall hereafter be eſtabliſhed and appointed to be held within the Scite of the ſaid Houſe, and other the Premiſes reſpectively, and at ſuch Offices reſpectively, from and after the ſame ſhall be ſo eſtabliſhed and held, in ſuch Manner, and in ſuch Proportions, as the Lords Commiſſioners of His Majeſty's Treaſury for the Time being, or any Three of them, or the Lord High Treaſurer for the Time being, ſhall, from Time to Time, direct, and, in the mean Time, and until ſuch Offices ſhall be ſo eſtabliſhed and held as aforeſaid, by the Receiver-general of the Duties on Salt for the Time being, and at the preſent or future Office for the Time being of the ſaid Receiver.

Receipts of the Biſhop of *Ely* to be ſufficient Diſcharges.

IV. And be it further enacted, That on Payment of the ſaid Annuity or yearly Sum of Two hundred Pounds, or any Part thereof, to the ſaid Lord Biſhop of Ely, or his Succeſſors, the Receipts of the ſaid Lord Biſhop, or of his Succeſſors, ſhall be good and ſufficient Diſcharges to ſuch Receivers-general or Receiver-general for the Time being, or to the Perſon or Perſons who ſhall pay the Whole, or any Part thereof reſpectively, for the Sum or Sums of Money expreſſed in ſuch Recipts; and the ſame ſhall be allowed ſuch Receivers-general or Receiver-general on paſſing their or his Accounts or Account; and in caſe the ſaid Annuity, or any Part thereof, ſhall be behind and unpaid by the

Space of Forty Days next over or after any of the ſaid Days on which the ſame ſhall become due and payable, after having been lawfully demanded at the Office or Offices aforeſaid, it ſhall and may be lawful to and for the ſaid Edmund Lord Biſhop of Ely, and his Succeſſors, Biſhops of Ely for the Time being, to bring an Action at Law for Recovery of the Money from Time to Time to accrue and become due, and in arrear thereon, in his Majeſty's Court of Exchequer at Weſtminſter, againſt the Receivers-general reſpectively of the ſeveral Duties or Revenues which ſhall ariſe from the reſpective Offices to be ſo eſtabliſhed and held as aforeſaid, from and after the ſame ſhall be ſo eſtabliſhed and held, in ſuch Proportions as ſhall be directed for Payment thereof as aforeſaid, and in the mean Time, and until ſuch Offices ſhall be ſo eſtabliſhed and held as aforeſaid, againſt the Receiver-general of the Duties on Salt for the Time being; in which Action no Eſſoin, Wager of Law, or Protection, ſhall be allowed; and in caſe the Plaintiff ſhall recover in ſuch Action, he ſhall be intitled to full Coſts.

The Amount of the Dilapidations ariſen in reſpect of the Premiſes, to be paid by the Biſhop of *Ely* within Six Months.

V. And be it further enacted by the Authority aforeſaid, That all that the ſaid Sum of Three thouſand Pounds, lawful Money aforeſaid, being the Amount adjuſted as aforeſaid of the Dilapidations ariſen in reſpect of the ſaid Houſe and Scite thereof, and other the Premiſes ſo veſted in and annexed to the Crown as aforeſaid, ſhall, within the Space of Six Months, to be computed from the Day of paſſing this Act, be paid over by the ſaid Lord Biſhop of Ely that now is, his Executors or Adminiſtrators, in caſe he or they ſhall then have received the ſame; or if the ſame ſhall not have been ſo received as aforeſaid, that then the Security ſo taken for the ſaid Sum of Three thouſand Pounds, by Bond as aforeſaid, ſo far forth as reſpects the ſaid Sum of Three thouſand Pounds, ſhall be aſſigned and transferred by the ſaid Lord Biſhop of Ely, his Executors or Adminiſtrators, in due Form of Law, unto the ſaid Owen Saluſbury Brereton and Thomas Hunt, their Heirs and Aſſigns, upon the ſeveral Truſts, nevertheleſs, and to and for the ſeveral Intents and Purpoſes herein-after expreſſed and declared concerning the ſame; and that the Receipt or Receipts of the ſaid Owen Saluſbury Brereton and Thomas Hunt, or the Survivors or Survivor of them, or the Heirs or Aſſigns of ſuch Survivor, under their, his, or her Hands or Hand reſpectively, teſtifying the Payment of the ſaid Sum of Three thouſand Pounds, or any Part thereof, by the ſaid Lord Biſhop of Ely, his Executors or Adminiſtrators, ſhall be a good and effectual Diſcharge to the ſaid Lord Biſhop of Ely, his Executors or Adminiſtrators, or the Perſons or Perſon ſo paying the ſame, their or his Executors or Adminiſtrators, of and for the ſaid Sum of Three thouſand Pounds, and every Part thereof, or ſo much thereof as ſhall be ſpecified in ſuch Receipt or Receipts: And in caſe the ſaid Sum of Three thouſand Pounds, and every Part thereof, ſhall not have been ſo received by the ſaid Lord Biſhop of Ely, his Executors or Adminiſtrators, within the ſaid Space of Six Months, to be computed from the paſſing of this Act as aforeſaid, and thereupon the ſame ſhall be ſo aſſigned and transferred by the ſaid Lord Biſhop of Ely, his Executors or Adminiſtrators, to the ſaid Owen Salusbury Brereton and Thomas Hunt, their Heirs and Aſſigns, in Manner and Form aforeſaid; that then, and from thenceforth, and from and after ſuch Aſſignment and Transfer ſhall be ſo made of the ſaid Bond as aforeſaid, the ſaid Lord Biſhop of Ely, his Executors and Adminiſtrators, and every of them, ſhall ſtand and be for ever thereafter acquitted and diſcharged of and from the ſaid Sum of Three thouſand Pounds, and every Part thereof; any Thing herein contained to the Contrary thereof notwithſtanding,

Meſſuages to be ſettled upon the Lord Biſhop of *Ely*, in Compenſation.

VI. And be it further enacted by the Authority aforeſaid, That all that Meſſuage or Houſe now built and ſtanding upon Part of the Ground and Soil whereon a capital Meſſuage or Manſion-houſe, with the Appurtenances, formerly called Clarendon Houſe, and afterwards called Albemarle Houſe, did formerly ſtand, or on Ground to the ſaid late capital Meſſuage belonging, ſituate and being in the Pariſhes of Saint James or Saint Martin in the Fields, or One of them, in the County of Middleſex, in a certain Street there, formerly called Clarendon Street, and now called Dover Street, on the Weſt Side thereof, between the ſaid Street on the Eaſt, and the Garden now uſed with the ſaid Meſſuage or Houſe, but formerly Part of the Garden heretofore belonging to, or uſed with, a capital Meſſuage or Manſion-houſe called Berkeley Houſe, on the Weſt; and the Meſſuage or Houſe formerly in the Poſſeſſion of the late Earl of Carbery on the North, and a Meſſuage or Houſe formerly in the Poſſeſſion of the late Lord Viſcount Dunbar, on the South; the which ſaid Meſſuage or Houſe doth contain in Front, next the Street, from North to South, Thirty-ſix Feet of Aſſize, little more or leſs, and in Depth from Eaſt to Weſt, with Part of the Garden therewith uſed, Eighty Feet of Aſſize, little more or leſs; and alſo all that Piece or Parcel of Ground formerly belonging to and Part of the Garden heretofore belonging to, or uſed with, the afore-mentioned capital Meſſuage or Manſion-houſe, called Berkeley Houſe, lying and being in the ſaid Pariſhes of Saint James and Saint Martin in the Fields afore mentioned, or in One of the ſaid Pariſhes, in the ſaid County of Middleſex, and between a certain Street there called Berkeley Street, on the Weſt, and the Meſſuage or Houſe herein-before mentioned, ſituate in Dover Street aforeſaid, on the Eaſt, and the Ground formerly of Chriſtian Lady Berkeley, and John Lord Berkeley, deceaſed, formerly granted to the moſt Noble Charles Duke of Shrewſbury, and formerly in the Tenure of the ſaid late Viſcount Dunbar, on the South; and on the Ground formerly in the Poſſeſſion of the ſaid Earl of Carbery on the North; and the which ſaid Piece or Parcel of Ground containeth in Breadth Thirty-ſix Feet, or thereabouts, and in Length, on the South Side, One hundred and Fourteen Feet or thereabouts, and in Length, on the North Side, One hundred and Sixteen Feet or thereabouts; and the greateſt Part of which ſaid Piece or Parcel of Ground is uſed as a Garden to the ſaid Meſſuage or Houſe afore-mentioned; all which ſaid Parcels of Ground, Meſſuage or Houſe and Premiſes, were formerly in the Poſſeſſion of the Lady Dowager Falkland, ſince of John Egerton Eſquire, and late of the ſaid William Lord Viſcount Chetwynd, deceaſed, and all Ways, Paths, Paſſages, Vaults, Cellars, Sollars, Lights, Eaſements, Profits, Commodities, and Appurtenances whatſoever, to the ſaid Meſſuage or Houſe, Piece or Parcel of Garden Ground and Premiſes herein-before mentioned, belonging or in anywiſe appertaining, or therewith uſually held, occupied, or enjoyed, or accepted, reputed, deemed, or known as Part, Parcel, or Member thereof; and the Reverſion and Reverſions, Remainder and Remainders, Rents, Iſſues, and Profits, of all and ſingular the ſaid Premiſes, and all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand whatſoever, of them the ſaid Lucy Chetwynd, and Eſther Chetwynd, or either of them, of, in, to, or out of the ſame Premiſes, or any Part thereof, ſhall, from and after the Seventeenth Day of June, which will be in the Year of our Lord One thouſand ſeven hundred and ſeventy-two, and from and after full Payment and Satiſfaction ſhall have been made of the before-mentioned Sum of Five thouſand ſix hundred Pounds, lawful Money of Great Gritain, and every Part thereof, unto the ſaid Lucy Chetwynd and Eſther Chetwynd, or the Survivor of them, or the Executors or Adminiſtrators of ſuch Survivor, by and out of ſuch Fund or Funds, and by ſuch Perſon or Perſons, and in ſuch Manner and Form, as next herein-after enacted and declared concerning the ſame, (in full Compenſation and Satiſfaction for the abſolute Purchaſe of the Fee-ſimple and Inheritance in Poſſeſſion of the ſaid Freehold Piece of Ground, Houſe, Buildings, and other the Premiſes laſt mentioned), be veſted in, and ſettled upon, and the ſame, and every of them, are hereby from thenceforth, and ſuch Houſe, Buildings, and Offices, which ſhall at any Time thereafter be erected and built upon the ſaid Piece of Ground, or any Part thereof, purſuant to the Proviſions of this Act, from and after the ſame ſhall be ſo erected and built, ſhall be veſted in, and ſettled upon, the ſaid Edmund now Lord Biſhop of Ely, and his Succeſſors, the Biſhops of Ely for the Time being, as and for the Manſion-houſe or uſual Place of Reſidence within the City of Weſtminſter of the Biſhop of Ely for the Time being, from Time to Time, and at all Times hereafter, freed and diſcharged, and abſolutely acquitted, exempted, and exonerated, of, from, and againſt all and every Claim, Right, Title, Eſtate, or Demand whatſoever, which they the ſaid Lucy Chetwynd and Eſther Chetwynd, or the Right Honourable William now Lord Viſcount Chetwynd, in the Kingdom of Ireland, as eldeſt Son and Heir at Law of the ſaid William Lord Viſcount Chetwynd deceaſed, or in any other Right whatſoever, or any Perſon or Perſons claiming, or to claim, by, from, or under them, any or either of them, now have or hath, or at any Time hereafter can or may have, claim, challenge, or demand, in anywiſe howſoever; ſubject nevertheleſs to, and charged and chargeable with, the ſaid yearly Rent of Eighteen Pounds, hereafter to grow due and payable, for ever, to the Right Honourable William Lord Berkeley of Stratton, his Heirs and Aſſigns, out of and for the ſaid Piece or Parcel of Ground, the moſt Part whereof is now uſed for a Garden as aforeſaid, being Part of the Premiſes herein-before mentioned, and which was reſerved and made payable in and by One Indenture of Releaſe, bearing Date the Second Day of June, One thouſand ſix hundred and eighty-ſix, made between the Right Honourable Chriſtian Lady Berkeley, Widow, and the Right Honourable John Lord Berkeley of the One Part, and Margaret Stafford of the other Part.

Nothing herein to invalidate an Indenture, *Sept.* 4. 1667, between Earl *Clarendon* and Viſcount *Cornbury*.

VII. Provided always, and be it hereby further enacted and declared by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be deemed, conſtrued, or taken to extend, to merge, extinguiſh, invalidate, or impeach a certain Term of One thouſand Years, of and in the laſt-mentioned Piece of Ground, Meſſuage, and Premiſes, or Part thereof, originally created by One Indenture, bearing Date the Fourth Day of September, in the Year One thouſand ſix hundred and ſixty-ſeven, made, or mentioned to be made, between the Right Honourable Earl of Clarendon and the Right Honourable Henry Lord Viſcount Cornbury, Son and Heir-apparent of the ſaid Edward Earl of Clarendon, of the One Part, and the Right Honourable Richard then Earl of Burlington and Cork, and Charles then Lord Clifford, his then eldeſt Son and Heir-apparent, and Robert Boyle Eſquire, of the other Part; which ſaid Term of Years was afterwards veſted in Henry Poley Eſquire, ſince deceaſed, his Executors, Adminiſtrators, and Aſſigns, in Truſt, to attend and wait on the Reverſion and Inheritance of the ſaid Meſſuage, Ground, aud Premiſes, and the Executors, Adminiſtrators, and Aſſigns, of the ſaid Henry Poley, are hereby declared to ſtand and be poſſeſſed of, and ſhall from henceforth ſtand and be poſſeſſed of and in the ſaid Meſſuage, Ground, and Premiſes, for and during the Reſidue and Remainder of the ſaid Term of One thouſand Years, now to come and unexpired, in Truſt for the ſaid Lords Biſhops of Ely for the Time being, their Heirs and Aſſigns, to the End that the ſaid Term may be kept on Foot, and may attend and wait on the Freehold and Inheritance of the ſaid Premiſes, for the better defending and protecting the ſame from and againſt all Meſne and ſubſequent Incumbrances.

How, and to what Purpoſes, the ſeveral Sums are to be applied.

VIII. And, for declaring the Truſts as well of the ſaid laſt-mentioned Sum of Three thouſand Pounds, as of the before-mentioned Sum of Six thouſand five hundred Pounds, Part of the Conſideration-money to ariſe by the Sale of the ſaid Houſe called *Ely Houſe*, and Scite thereof, and other the Premiſes thereto belonging, be it further enacted by the Authority aforeſaid, That they the ſaid Edmund Lord Biſhop of Ely, and Owen Saluſbury Brereton, and Thomas Hunt, and the Survivors and Survivor of them, and the Heirs and Aſſigns of ſuch Survivor, ſhall and do pay, apply, and diſpoſe of, the ſaid ſeveral Sums of Six thouſand Five hundred Pounds, and Three thouſand Pounds, and each of them, and every Part thereof, when and as the ſame ſhall be reſpectively received, and as ſoon thereafter as conveniently may be, in ſuch Manner, and for ſuch Ends, Intents, and Purpoſes, as are herein-after mentioned; that is to ſay, In the firſt Place, in and for the paying and defraying the Charges and Expences attending the obtaining and paſſing of this Act, and in making Eſtimates and Charges to Workmen, and other Expences incurred in ſettling the Dilapidations on the ſaid Houſe in Holbourn, and the Premiſes thereto belonging, and in ſurveying and valuing the ſame, and in and about executing and completing the ſaid Sale and Alienation thereof to His Majeſty, and in the contracting for, and purchaſing the ſaid Piece of Ground, with the Houſe thereon erected, in Dover Street aforeſaid, late the Eſtate of the ſaid William Lord Viſcount Chetwynd, and all Matters relating thereto reſpectively; and after Payment of the ſeveral Charges and Expences aforeſaid, as to the Sum of Five thouſand ſix hundred Pounds, Part of the ſaid ſeveral Sums of Six thouſand five hundred Pounds, and Three thouſand Pounds, in Payment and Satisfaction of the ſaid Conſideration or like Sum of Five thouſand ſix hundred Pounds, to the ſaid Lucy Chetwynd and Eſther Chetwynd, as and for the Price or Purchaſe-money for the ſaid Piece of Ground, with the Houſe thereon erected in Dover Street; and as to the Reſidue of the ſaid ſeveral Sums of Six thouſand five hundred Pounds, and Three thouſand Pounds, which ſhall remain unapplied for the ſeveral Purpoſes aforeſaid, in the erecting and building, and fitting up for Habitation a ſuitable and commodious Manſion-houſe, with all proper Out-buildings and Offices to be thereunto appertaining, in and upon the ſaid Piece of Ground, and Scite of the ſaid Houſe now ſtanding thereon in Dover Street, for the future Reſidence of the ſaid Lord Biſhop of Ely, and his Succeſſors, the Biſhops of the ſaid See for the Time being, and in furniſhing and providing all proper Fixtures thereto, (ſuch Fixtures to be ſcheduled, and to accompany and go along with the ſaid Houſe and Buildings as and in the Nature of Heir Looms, and the Schedule thereof to be inrolled in the High Court of Chancery, within Six Months after the ſaid Houſe ſhall be finiſhed and rendered fit for Habitation), according to ſuch Plan and Deſign, and under ſuch Proviſions, Regulations, and Agreements, as ſhall be for that Purpoſe approved by the Moſt Reverend the Archbiſhop of Canterbury, the Right Honourable the Lord High Chancellor of Great Britain, and the Right Honourable the Speaker of the Houſe of Commons for the Time being, by Writing, ſignifying ſuch Approbation, to be by them ſeverally ſigned, and to be inrolled as aforeſaid; and from and after ſuch Houſe, Offices, and Out-buildings, ſhall be ſo erected and rendered fit for Habitation, and ſuch Fixtures added thereto, as aforeſaid, that then the Surplus (if any) which ſhall remain of the ſaid ſeveral Sums of Six thouſand five hundred Pounds, and Three thouſand Pounds, and of the Money to ariſe by the Sale of the Materials of the ſaid ancient Houſe and Offices now ſtanding in Dover Street, as next herein-after mentioned, ſhall be, and remain to and for the ſeveral further Uſes, Intents, and Purpoſes, herein-after expreſſed and declared concerning the ſame.

Houſe and Offices in *Dover Street* to be taken down and rebuilt.

IX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Edmund Lord Biſhop of Ely, and Owen Saluſbury Brereton, and Thomas Hunt, and the Survivors and Survivor of them, and the Heirs and Aſſigns of ſuch Survivor, to take down the ſaid Houſe and Offices, and every of them, now ſtanding and being upon the ſaid Piece of Ground in Dover Street, for the Purpoſe of rebuilding the ſame, according to ſuch Plan and Deſign as aforeſaid, and to ſell and diſpoſe of all and ſingular the Materials of ſuch Houſe and Offices, or ſo much thereof as ſhall not be otherwiſe worked up and employed in the rebuilding ſuch new Houſe and Offices to be thereon erected, to the beſt Advantage, and in ſuch Manner, as to them ſhall ſeem fitting, ſo as that the Money to ariſe by the Sale and Diſpoſal of ſuch Materials, and every of them, be duly brought to account, and applied for the Purpoſe of ſuch Rebuilding, and for ſuch other the like Intents and Purpoſes as are herein directed touching the ſaid ſeveral Sums of Six thouſand five hundred Pounds, and Three thouſand Pounds, and each of them.

In caſe the ſeveral Sums mentioned ſhall be inſufficient,

X. Provided always, and be it further enacted by the Authority aforeſaid, That in caſe it ſhall ſo happen that the ſaid ſeveral Sums of Six thouſand five hundred Pounds, and Three thouſand Pounds, to be ſo paid to the ſaid Edmund Lord Biſhop of Ely, and Owen Saluſbury Brereton, and Thomas Hunt, and the Survivors and Survivor of them, and the Heirs and Aſſigns of ſuch Survivor, and ſuch Money (if any) which ſhall be produced by the Sale of ſuch Materials, as aforeſaid, ſhall be found inſufficient for the Purchaſe of the ſaid Piece of Ground in Dover Street, and alſo for the erecting and building thereon, and fitting up for Habitation, with the proper Fixtures thereto, of ſuch commodious ſuitable Manſion-houſe, Offices, and Stables, for the future Reſidence of the ſaid Lord Biſhop of Ely, and his Succeſſors, the Biſhops of the ſaid See, according to ſuch Plan and Deſign, and under ſuch Proviſions and Regulations as are herein-before directed touching the ſame; or if any Opportunity ſhall hereafter offer for the purchaſing and buying in of the ſaid yearly reſerved Rent of Eighteen Pounds ſo iſſuing out of the ſaid Houſe and Premiſes in Dover Street, at a fair and reaſonable Price, that then it ſhall and may be lawful to and for the ſaid Owen Saluſbury Brereton, and Thomas Hunt, and the Survivor of them, and the Heirs and Aſſigns of ſuch Survivor, with the Conſent in Writing of the ſaid Lord Biſhop of Ely, or his Succeſſors, the Biſhops of the ſaid See for the Time being, to apply for and receive from the Lords Commiſſioners of His Majeſty's Treaſury for the Time being, who, or any Three of them, are hereby authoriſed and required to iſſue their Warrant for the Payment of the ſame accordingly, all ſuch further Sum and Sums of Money to be raiſed and taken in lieu and by way of Redemption of the ſaid Annuity or yearly Sum of Two hundred Pounds, or any Part thereof, at the Rate of Thirty Years Purchaſe for the ſame, as ſhall be found wanting to complete ſuch Purchaſe and Building, and other the Purpoſes aforeſaid, or for the purchaſing and buying of ſuch yearly reſerved Rent, at a reaſonable Price to be by them approved of, (ſo as that ſuch yearly Rent be for ever thereafter diſcharged and extinguiſhed), and to apply and diſpoſe of the ſame accordingly, and the Receipt or Receipts of the ſaid Owen Saluſbury Brereton, and Thomas Hunt, and the Survivor of them, and the Heirs and Aſſigns of ſuch Survivor, and of the Biſhop of Ely for the Time being, ſhall be a full Diſcharge to the ſaid Lords Commiſſioners of the Treaſury, or ſuch other Perſon or Perſons who ſhall pay the ſame, for whatever Sum or Sums of Money ſhall be ſo paid in Redemption of the ſaid Annuity or yearly Sum, or any Part thereof; and the ſaid Annuity or yearly Sum of Two hundred Pounds from and after ſuch Payment, or ſo much thereof as ſhall be ſo redeemed as aforeſaid, ſhall be and remain from thenceforth extinguiſhed, and for ever diſcharged; any Thing herein-before contained to the Contrary thereof in any-wiſe notwithſtanding.

on Application to the Treaſury, further Sums to be iſſued.

XI. Provided

Such Part of the Annuity of 200*l.* as ſhall not be redeemed, ſhall remain to the Biſhop of *Ely*.

XI. Provided moreover, and be it further enacted by the Authority aforeſaid, That all ſuch Part, Share, and Property, and ſo much of the ſaid Annuity or yearly Sum of Two hundred Pounds as ſhall not be ſo redeemed as aforeſaid, and the Whole of the ſame Annuity or yearly Sum of Two hundred Pounds, if no Part thereof ſhall be ſo redeemed, ſhall be, remain, and enure unto and to the Uſe of the ſaid Lord Biſhop of Ely, and his Succeſſors, the Biſhops of the ſaid See, as Part of the Revenues of the ſaid See, in Truſt, nevertheleſs, and for the ſole End, Intent, and Purpoſe, and to be appropriated and ſet apart, from Time to Time, in the Firſt Place, to pay and diſcharge the ſaid yearly Rent of Eighteen Pounds, ſo payable to the ſaid Lord Berkeley of Stratton, his Heirs and Aſſigns, ſo long as the ſame ſhall continue payable, and the Reſidue thereof to be paid and applied in inſuring the ſaid Houſe and Offices to be ſo built, as aforeſaid, in the Sun Fire Office, or other proper publick Office, from Fire, to the full Value of the Money to be expended in building the ſame, and in keeping the ſame from Time to Time ſo inſured, (and which Inſurance the Lords Biſhops of the ſaid See are hereby required to make, from Time to Time, and at all Times hereafter), and afterwards in making ſuch Repairs, and other Works and Improvements in and about the ſaid Houſe, Offices, and Buildings, to be ſo erected and built as aforeſaid, from and after the ſame ſhall be ſo erected and built, as to the Biſhop of Ely for the Time being ſhall ſeem expedient and proper, and ſubject thereto, to defray and diſcharge from Time to Time, ſo far as the ſame will extend for that Purpoſe, all Parliamentary and Parochial Aſſeſſments, Impoſitions, Taxes, and other Charges whatſoever to be impoſed or aſſeſſed upon the ſaid Houſe, Offices, and Buildings, or the Occupiers thereof, by Authority of Parliament, or otherwiſe, and the Surplus thereof, (if any) to and for the Uſe and Benefit of the ſaid Lord Biſhop of Ely, and his Succeſſors, as Part of the Revenues of the ſaid Biſhoprick, without any further Account to be rendered for the ſame.

Surplus of all Sums mentioned to remain in the Hands of Meſſ. *Brereton* and *Hunt*.

XII. And be it further enacted, That in caſe there ſhall remain any Surplus of the before-mentioned Sums of Six thouſand five hundred Pounds, and Three thouſand Pounds, or either of them, or of the Money to ariſe by the Sale of ſuch Materials as aforeſaid, or any Part thereof reſpectively, unapplied for the Purpoſes before enacted and directed concerning the ſame; that then, and in ſuch Caſe, ſuch Surplus, and every Part thereof, ſhall remain and continue in the Hands of the ſaid Owen Saluſbury Brereton and Thomas Hunt, and the Survivor of them, and of the Heirs and Aſſigns of ſuch Survivor, with Liberty to inveſt the ſame from Time to Time in Parliamentary Securities in Truſt, and to and for the ſeveral Uſes, Intents, and Purpoſes, herein laſt enacted and declared touching the ſaid Annuity or yearly Sum of Two hundred Pounds, or ſo much thereof as ſhall not be redeemed as aforeſaid, and to and for no other Uſe, Intent, or Purpoſe whatſoever.

Houſe and Offices to be erected in *Dover Street* to be called *Ely Houſe*.

XIII. And be it further enacted by the Authority aforeſaid, That the ſaid Houſe, Offices, and Buildings, to be ſo erected and built in Dover Street aforeſaid, ſhall, from Time to Time, and at all Times thereafter, be called and diſtinguiſhed by the Name or Appellation of Ely Houſe, and ſhall be, and be deemed and taken as and for the Epiſcopal Houſe of the ſaid See of Ely, within the ſaid City of Weſtminſter, and ſhall be ſtiled and called Ely Houſe in all Deeds and Writings; and that from thenceforth all Rents reſerved in and by any Leaſe or other Writings heretofore granted or made by any former Biſhop of Ely, in Right of the ſaid See, which are made payable at the ſaid Manſion-houſe in Holbourn, ſhall be paid at the ſaid Houſe to be ſo erected and built, and herein-before directed to be called and ſtiled Ely Houſe, as aforeſaid; and that it ſhall and may alſo, from thenceforth, be lawful to and for the Biſhop of Ely for the Time being to hear and determine all and all Manner of Appeals from all or any Colleges in the Univerſity of Cambridge, of which the ſaid Biſhop is Viſitor, or from any Member or Members thereof, at the before-mentioned Houſe to be ſo erected and built, and called and ſtiled Ely Houſe, as aforeſaid, in the ſame Manner in which he may now hear the ſame at the ſaid Houſe in Holbourn, and in like Manner to cite all and ſingular the Parties concerned in ſuch Appeals to appear thereat, and there to do and perform all ſuch other Act, Matter, and Thing, relating to the viſitorial Power, in as full and ample Manner as any Biſhops of Ely have heretofore been uſed to do and perform the ſame at the ſaid Houſe in Holbourn.

All Rents reſerved to be paid to the Biſhop at *Ely*, *&c.*

XIV. Provided always, and be it further enacted by the Authority aforeſaid, That in the mean Time, and until ſuch new Houſe, to be ſo erected and built as aforeſaid, ſhall be completed and become inhabited by the Biſhop of Ely for the Time being, the ſaid ſeveral Rents ſo reſerved and made payable, as aforeſaid, ſhall, from and after the paſſing of this Act, be paid at the Manſion-houſe of the ſaid Biſhop of Ely, and his Succeſſors, ſituate at Ely in Cambridgeſhire, or to his or their Receiver General in London; and the ſeveral viſitorial Powers aforeſaid, and all Matters and Things incident or relating thereto, ſhall likewiſe, in the mean Time, be exerciſed, done, and performed, at the Dwelling-houſe of the Biſhop of Ely for the Time being, the ſame being within the Cities of London or Weſtminſter, or at any other Place within the ſaid Cities, or One of them, which ſuch Biſhop ſhall, from Time to Time, appoint.

Meſſ. *Brereton* and *Hunt* not to be accountable for Money received by virtue of the Truſts in them repoſed.

XV. And be it further enacted by the Authority aforeſaid, That the ſaid Owen Saluſbury Brereton and Thomas Hunt ſhall not, nor ſhall either of them, or the Heirs, Executors, or Adminiſtrators, of either of them, be anſwerable or accountable for any Money to be received by virtue of the Truſts hereby in them repoſed, or any otherwiſe than each Perſon for ſuch Sum or Sums of Money as he ſhall reſpectively actually receive, and that no One of them ſhall be anſwerable or accountable for the Acts, Neglects, or Defaults, of the others, or other of them; and alſo that the ſaid ſeveral Truſtees, their reſpective Heirs, Executors, and Adminiſtrators, ſhall and may, by and out of the Truſt-monies to be by them received, as aforeſaid, retain to and reimburſe themſelves all Coſts, Charges, Damages, and Expences, which they ſhall be reſpectively put unto in and about the Execution of the Truſts hereby in them reſpectively repoſed.

XVI. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies Politick and Corporate, their Heirs and Succeſſors, (other than and except the ſaid Edmund Lord Biſhop of Ely, and his Succeſſors, the Lords Biſhops of Ely for the Time being, and all Perſons claiming, or to claim by, from, or under, or in Right of the Epiſcopal See of Ely; and other than and except the ſaid Lucy Chetwynd and Eſther Chetwynd, and all and every Perſons or Perſon claiming, or to claim, by, from, or under them, any or either of them, or by, from, or under the ſaid William, late Lord Viſcount Chetwynd, deceaſed), all ſuch Eſtate, Right, Title, Intereſt, Benefit, Property, Poſſeſſion, Claim, and Demand whatſoever, either at Law or in Equity, of, in, to, or out of the ſaid ſeveral Houſes and Buildings thereto reſpectively belonging, and other the Premiſes herein-before reſpectively mentioned, or any Part thereof, as they, every, or any of them, had before the paſſing of this Act, or could or might have had or enjoyed if this Act had not been made.

All Right and Property of the Premiſes reſerved to His Majeſty, &c.

XVII. And be it further enacted, That this Act ſhall be allowed in all Courts whatſoever as a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

Publick Act.

CAP. XLIV.

An Act to enable His Majeſty to grant the Reverſion or Remainder in Fee-ſimple, now veſted in His Majeſty, of and in an Annual or Fee-farm Rent of One hundred and thirteen Pounds, One of the ſeveral Fee-farm Rents granted to the Right Honourable *Edward*, heretoford Earl of *Sandwich*, by His late Majeſty King *Charles* the Second, unto the Honourable *James Archibald Stuart*, and his Heirs, upon a full and adequate Conſideration to be given by him, or his Heirs, for the ſame.

CAP. XLV.

An Act for the better Regulation of Carters, Carriages, and loaded Horſes; and for removing Obſtructions and Nuiſances upon the Streets and Highways within that Part of *Great Britain* called *Scotland*.

WHEREAS many Accidents happen, and great Miſchief is frequently done upon the Streets and Highways within that Part of *Great Britain* called *Scotland*, by the Negligence or wilful Miſbehaviour of Perſons driving Carriages: And whereas the Law, as it now ſtands, is inſufficient for correcting theſe Abuſes, or puniſhing the Perſons guilty of them; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of September, One thouſand ſeven hundred and ſeventy-two, no Perſon or Perſons whatſoever ſhall drive any Cart, Car, with or without Ledges, or any Waggon, Sledge, or Dray, of any Kind whatſoever, upon the High Roads or Streets within that Part of Great Britain called Scotland, unleſs the Maſter or Owners of ſuch Cart, Car, with or without Ledges, or ſuch Waggon, Sledge, or Dray, ſhall place upon ſome conſpicuous Part of ſuch Cart, Car, with or without Ledges, Waggon, Sledge, or Dray, the Name or Names of the real Owner or Owners of any ſuch Carriage, and the Place of Reſidence of the real Owner or Owners of any ſuch Carriage, or of the Houſe or Farm where the Owner or Owners generally employ ſuch Carriage, in different Colours from the Body of ſuch Carriage; and alſo the Numbers, (beginning Number One, and ſo upwards), where more Carts, Cars, or other Carriages than One belong to the ſame Perſon, in order that the Driver may the more eaſily be convicted of any Diſorder or Miſbehaviour committed by him or her.

Preamble.

After *Sept.* 1, 1772, no Perſon ſhall drive any Cart, Car, or Waggon, without the Name of the Owner, and his Place of Reſidence, placed on a conſpicuous Part of ſuch Cart; and alſo the Number of ſuch Carriage.

II. And be it alſo enacted by the Authority aforeſaid, That if any Perſon ſhall drive any of the before-mentioned Carriages upon any of the ſaid High Roads or Streets, not having the Name or Names of the Owner or Owners, and the Place of their Reſidence, or of the Houſe or Farm where the Owner or Owners generally employ ſuch Carriage, and where more Carriages than One belong to the ſame Perſon, the Number placed upon ſome conſpicuous Part of the ſame; every ſuch Perſon, offending in any of the Caſes aforeſaid, or the Owner or Owners of ſuch Carriage reſpectively, ſhall forfeit a Sum not exceeding Twenty Shillings Sterling, and not leſs than Five Shillings Sterling, for each Offence committed by him, her, or them.

Offenders driving Carts, *&c.* without ſuch Names and Numbers, to forfeit not exceeding 20 *s.* nor leſs than 5 *s.* for every Offence.

III. And be it further enacted by the Authority aforeſaid, That every Time the Property of any of the above Carriages ſhall be altered, the ſucceeding Owner or Owners thereof ſhall, from Time to Time, within Fourteen Days next after he, ſhe, or they, ſhall become Owner or Owners thereof, and ſhall have uſed the ſame, cauſe the Name or Names, and Reſidence of the former Owner or Owners, and Number thereof, to be taken off from every ſuch Carriage before mentioned, and the Name or Names, and Place of Reſidence, of the ſucceeding and real Owner or Owners, and Number thereof, where more Carriages than One belong to the ſame Perſon, to be placed in Manner aforeſaid, upon ſome conſpicuous Part of ſuch Carriage or Carriages; and every Perſon or Perſons who ſhall omit to do the ſame ſhall forfeit a Sum not exceeding Twenty Shillings Sterling, and not leſs than Five Shillings Sterling, for each Offence.

Names of Carriages to be altered with the Property by ſucceeding Owners, within 14 Days after they become Owners,

on Penalty of 20 *s.* and not leſs than 5 *s.*

IV. And be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall place a falſe Name or Place of Reſidence upon any ſuch Carriage belonging to him, her, or them, the Perſon or Perſons ſo offending ſhall forfeit, for every ſuch Offence, a Sum not exceeding Forty Shillings Sterling.

Perſons placing falſe Names on Carriages to forfeit 40 *s.*

V. And, in order that the Inconveniencies ariſing from the Negligence of Chaiſe Drivers, Carters, Draymen, Sledgemen, Carmen, and Waggoners, and Drivers of any other Carriage whatſoever, may be the more eaſily prevented; be it enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of September, One thouſand ſeven hundred and ſeventy-two, if any Chaiſe Driver, within that Part of Great Britain called Scotland, ſhall be found ſitting in his Chaiſe, without another Perſon on One of the Horſes driving the ſame; or if any Carter, Drayman, Carman, Sledgeman, or Waggoner, or the Driver of any other Carriage whatſoever, (Coaches, Chaiſes, Phaetons, Curricles, Chairs, and ſuch other Carriages, which are uſually driven by a Perſon ſitting within or upon the Carriage, and ſuch Carriages as are reſpectively drawn by One Horſe only, or by Two Horſes abreaſt, and are conducted by ſome Perſon holding the Reins of ſuch

After *Sept.* 1, 1772, every Chaiſe Driver found ſitting in his Chaiſe, without another Perſon on One of the Horſes; or any Carter, *&c.* riding on his Carriage, without a proper Perſon on Foot to guide it; within Six

Miles of *Edinburgh*, Four of *Glaſgow*, or Two of any other City, *&c.*; or if any Driver ſhall negligently occaſion any Hurt or Damage, *&c.* or ſhall not diſmount when required, ſhall forfeit 10*s.* if not the Owners; and if the Owner, 20*s.* for each Offence.

Horſe or Horſes excepted), ſhall ride upon any ſuch Carriage, (not having ſome other Perſon on Foot or on Horſeback to guide the ſame), on any Street of any City or Town, or on any Highway within Six Miles of the City of Edinburgh, or Four Miles of the City of Glaſgow, or Two Miles of any other City, Royal Burgh, Market Town, or Burgh of Regality, or Barony; or if the Driver of any Carriage whatſoever on any Part of any Street or Highway ſhall, by Negligence, or wilful Miſbehaviour, cauſe any Hurt or Damage to any Perſon or Carriage paſſing or being upon ſuch Street or Highway, or ſhall, by Negligence, or wilful Miſbehaviour, prevent, hinder, or interrupt the free Paſſage of any other Carriage, or of His Majeſty's Subjects, on the ſaid Highways; or if the Driver of any Cart, Car, Dray, or Waggon, on any Highway whatſoever, when riding on his Carriage, ſhall not diſmount (ſo as the better to guide his Horſe or Horſes and Carriage) when required by any Perſon apprehending Danger from ſuch Carriage; every ſuch Driver, offending in any of the Caſes aforeſaid, ſhall, for every ſuch Offence, forfeit any Sum not exceeding Ten Shillings Sterling, in caſe ſuch Driver ſhall not be the Owner of ſuch Carriage; and in caſe the Offender be Owner of ſuch Carriage, then any Sum not exceeding Twenty Shillings Sterling.

No Drivers of Carts, *&c.* to drive alongſide of other Carriages, ſo as to obſtruct the free Paſſage, but ſhall follow One after another, and have Bridles, *&c.* upon every Horſe, on Penalty of 20*s.* nor leſs than 5*s.*

VI. And whereas ſeveral Inconveniencies do ariſe, and many Accidents have happened, by Carts, Cars, and other Carriages above mentioned, being drawn abreaſt or alongſide One another, ſo as the Paſſage of the Streets and Highways in that Part of *Great Britain* called *Scotland* is entirely obſtructed, and alſo by the Drivers of ſuch Carriages not having Bridles or Halters upon their Horſes; be it therefore enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of September, One thouſand ſeven hundred and ſeventy-two, no Driver or Drivers of Carts, Cars, or other Carriages, above mentioned, ſhall drive their Carriage or Carriages abreaſt or alongſide of any other Carriage or Carriages, ſo as wilfully to obſtruct the free Paſſage of ſuch Streets and Highways reſpectively, but ſhall follow One after another upon the ſame, and ſhall have Bridles or Halters upon every Horſe in any of the above Carriages; which Bridles or Halters upon the foremoſt Horſe ſhall (in all Carriages not drawn by more than Two Horſes) be tied with a Rope, or ſome other Thing of ſufficient Strength, to the Halter or Bridle of the Horſe behind; and which Rope or Bridle the Driver of every ſuch Carriage ſhall have in his or her Hand; and every Perſon offending in the Premiſes ſhall forfeit a Sum not exceeding Twenty Shillings Sterling, nor leſs than Five Shillings Sterling, for each Offence.

No Drivers to drive their Horſes, *&c.* abreaſt, ſo as to obſtruct the free Paſſage, but ſhall drive them in a Line, with a Bridle affixed to the Head of each Horſe, *&c.*; nor ſhall the Drivers of Carts, *&c.* leave ſuch upon any Street, *&c.* unyoked, on Penalty of 20*s.* nor leſs than 5*s.*

VII. And whereas the free Paſſage of His Majeſty's Subjects is often obſtructed, and their Perſons put in Danger, from the preſent irregular and diſorderly Method of driving Horſes with or without Loads, and by leaving Carts, Waggons, Sledges, Coaches, Chaiſes, and other Carriages, after the Horſes have been unyoked and taken from the ſame; and alſo Stone, Lime, Timber, Rubbiſh, and the Bodies of dead Horſes, and other Animals, and other Articles which do obſtruct ſuch free Paſſage as aforeſaid, upon the Streets and Highways, within that Part of *Great Britain* called *Scotland*; be it therefore enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of September, One thouſand ſeven hundred and ſeventy-two, no Drivers of Horſes or other Beaſts of Burthen, with or without Loads, ſhall drive their Horſes or other Beaſts of Burthen abreaſt, ſo as wilfully to obſtruct the free Paſſage of His Majeſty's Subjects, or to put their Perſons in Danger, but ſhall, as much as may be, drive them in a Line One after another, in a regular Manner, having a Bridle or Halter affixed to the Head of each Horſe or Beaſt of Burthen; and that the Driver or Owner of any Cart, Waggon, Sledge, Coach, Chaiſe, or other Carriage, ſhall not be permitted to leave the ſame upon any Street or Highway within that Part of Great Britain called Scotland, after the Horſe or Horſes have been unyoked and taken from ſuch Cart, Waggon, Sledge, or other Carriage reſpectively, except only with reſpect to ſuch Carriage during ſuch reaſonable Time as the ſame ſhall be loading or unloading; nor ſhall it be allowable to any Perſon or Perſons to leave Stones, Lime, Timber, Rubbiſh, the Bodies of dead Horſes, or of other Animals, or other Nuiſances, upon the Streets and Highways aforeſaid, ſo as to obſtruct the free Paſſage of the ſame; and that every Perſon offending in the Premiſes ſhall forfeit a Sum not exceeding Twenty Shillings Sterling, and not leſs than Five Shillings Sterling, for each Offence.

Drivers of loaded Horſes, *&c.* ſhall, on meeting other Horſes, drive to the left Hand.

VIII. And whereas many Diſputes frequently happen between the Drivers of loaded Horſes and other Beaſts of Burthen, and the Drivers of Carts, and ſuch other Carriages, and between the Drivers of Coaches, Chariots, Chaiſes, and ſuch like Carriages, travelling upon any Street or Highway within the Limits aforeſaid, about giving the Way to, or making Way for one another; be it enacted by the Authority aforeſaid, That the Driver of every ſuch loaded Horſe, Horſes, or other Beaſts of Burthen, and the Driver of every Cart, Car, or ſuch like Carriage, and every Coach, Chariot, Chaiſe, and ſuch like Carriage, ſhall be obliged, upon meeting another loaded Horſe, or other Beaſt of Burthen, or another Carriage, of whatever Kind, to make Way, by holding or driving to his own Left Hand, or what is commonly called Holding to the near Side, and that without Diſtinction, whether the Carriages ſo meeting one another are loaded or unloaded; and that every Perſon offending in the Premiſes ſhall forfeit a Sum not exceeding Twenty Shillings Sterling, and not leſs than Five Shillings Sterling, for every ſuch Offence.

Penalty not exceeding 20*s.* nor leſs than 5*s.*

Proſecutions againſt Offenders to be brought before the Sheriff-depute, or Subſtitute, *&c.*

IX. And be it further enacted by the Authority aforeſaid, That Proſecutions againſt Offenders, in reſpect of the ſeveral Acts and Neglects which are made puniſhable by this Act, may be brought ſummarily before the Sheriff-depute or Subſtitute, or any Juſtice of the Peace of the County within which the Offence ſhall be committed, or before any of the Magiſtrates of Cities or Boroughs where the Offences have been committed within their Juriſdiction, or before any other Judge competent; and that Judgement ſhall proceed and be given againſt the Offender or Offenders, either upon his or their own Confeſſion, or upon the Oath or Oaths of One or more credible Witneſſes.

Offenders to be apprehended for Offences committed by

X. And be it further enacted by the Authority aforeſaid, That in all and every of the Neglects and Offences puniſhable by this preſent Act, it ſhall be lawful for any Perſon or Perſons aggrieved, and intending to ſue for the Recovery of the Penalties authoriſed by this Act, upon the Authority of the ſame, and without any other Warrant, to apprehend the Offender or Offenders, and either to carry him, her, or them, or cauſe him, her, or them, to be carried, by the Aſſiſtance of any Peace Officer, or other Perſon or Perſons, before any Juſtice of the Peace, or other Judge competent, within the Bounds where the Offences ſhall be committed; which Judge is hereby impowered and required, upon Conviction of the Offender or Offenders, by his or their own Confeſſion, or the Oath or Oaths of One or more credible Witneſſes, to deal with him, her, or them, in Manner as herein-before directed; and any Perſon or Perſons, who ſhall ſee any of the Offences before recited committed, ſhall and may, by the Authority of this Act, without any other Warrant, ſeize and detain the Horſes, Carts, Cars, Sledges, Waggons, Drays, Coaches, Chariots, Landaus, and other ſuch like Machines and Carriages, and the Horſes belonging to the ſeveral Offenders, till ſuch Time as Sentence ſhall be pronounced by the competent Judge concerning the Offence; and in caſe the Penalties adjudged by him in conſequence of this Act ſhall not be paid, or Security found for the ſame, within Twenty-four Hours after Conviction and Sentence, then the Judge, before whom the Offender ſhall be convicted, is hereby authoriſed and required to iſſue his Warrant, directed to a Conſtable, or other Peace Officer, within his Juriſdiction, to cauſe Sale to be made of the Subject or Subjects detained, in caſe the ſame happens to be the Property of the Offender or Offenders, for raiſing the Money forfeited by him or them, rendering to ſuch Offender or Offenders the Overplus, after deducting the Charges of Sale, and the Expence of keeping the Subject detained; both which ſhall be determined by the Judge before whom the Offender or Offenders are convicted; and in caſe the Subject or Subjects aforeſaid do not happen to be the Property of ſuch Offender or Offenders, that then the ſame ſhall be returned to the lawful Owner or Owners thereof, and it ſhall be lawful for the Judge aforeſaid, and he is hereby required, in caſe the Fine ſhall not be inſtantly paid upon Conviction, or ſatisfactory Security given for the ſame, to commit the Offender or Offenders to Gaol, there to remain until ſuch Time as the Fine ſhall be paid, or ſatisfactory Security found for the ſame, or until the Expiration of Two Months after ſuch Commitment.

Authority of the Act, and carried before a Judge competent.

Perſons who ſhall ſee Offences committed may, by Authority hereof, detain Horſes, Carts, &c. till Sentence is pronounced.

If Penalty be not paid, Sale may be made of the Subjects detained.

Offenders may be committed, till Security be found.

XI. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, charged with being guilty of any of the Offences made puniſhable by this Act, ſhall, upon the Seizure of, or an Attempt to ſeize, under the Authority of this Act, his or their Perſons or Property, or the Property of others under their Care, as aforeſaid, reſiſt, abuſe, or maltreat, any Perſon or Perſons whatſoever; or if any Perſon ſhall aid or aſſiſt him, her, or them, in ſo doing, he, ſhe, or they, ſhall reſpectively forfeit the Sum of Twenty Shillings Sterling for every ſuch laſt-mentioned Offence; the Offence to be proved, and Judgement to proceed thereupon, in the ſame Way and Manner as herein-before provided for in the Caſe of the other before-mentioned Offences againſt this Act.

Offenders puniſhable by the Act for maltreating any Perſon whatſoever, to forfeit 20 s. for every Offence.

XII. And be it alſo enacted by the Authority aforeſaid, That if any Perſon or Perſons, who ſhall be apprehended for having committed any Offence againſt this Act, ſhall refuſe to diſcover his or her Name and Place of Abode to any Judge competent before whom he or ſhe ſhall be brought, ſuch Perſon or Perſons, ſo refuſing, ſhall be committed by the Judge to any Gaol of the County, there to remain until ſuch Time as he, ſhe, or they, ſhall diſcover his her, or their Name or Names, and Place or Places of Abode.

Offenders refuſing to diſcover their Names to the Judge, to be committed.

XIII. And be it likewiſe enacted by the Authority aforeſaid, That the Fines and Forfeitures ariſing from the Offences made puniſhable by this Act ſhall be applied, the One Half to the Informer or Proſecutor, and the other Half to the Collector of the Land Tax of the County within which the Offence ſhall have been committed, and by him to be accounted for as Part of the Funds eſtabliſhed by Law for the Detection and Puniſhment of Vagrants within that Part of Great Britain called Scotland.

Forfeitures ariſing by the Act how to be applied.

XIV. Provided always, That no Proſecution under this preſent Act ſhall lie againſt any Perſon or Perſons whatſoever, unleſs the ſame ſhall be brought within Three Months of the Time at which the Offence or Offences charged was or were actually committed: And that in all Caſes an Appeal ſhall lie againſt every Sentence or Judgement of One or more Juſtices of the Peace, made under and by virtue of the Powers given by this Act, to the next Quarter Seſſions of the Peace for the County within which the Offence was commited, whoſe Determination ſhall be final; and that the ſaid Appeal ſhall be competent to every Perſon and Perſons having an Intereſt, and apprehending him, her, or themſelves, to be aggrieved by ſuch Sentence and Judgement.

No Proſecution to lie, unleſs brought within Three Months after the Offence was committed.

Determination of the Quarter Seſſions to be final.

XV. Declaring always, That nothing herein contained ſhall extend, or be conſtrued to extend, to limit, leſſen, or take away, any of the Juriſdictions, Powers, and Authorities, Rights, Privileges, and Immunities, of any of the Cities and Royal Boroughs within that Part of the United Kingdom called Scotland, or of the Magiſtrates and Town Council of the ſame, as contained in Acts of Parliament, or Charters and other Grants from His Majeſty and His Royal Predeceſſors; nor ſhall this preſent Act be any way derogatory to, or in any reſpect whatſoever be underſtood to encroach, repeal, or take away the ſaid Juriſdictions, Rights, or Immunities; any Thing herein contained to the Contrary notwithſtanding.

Not to leſſen the Juriſdiction of the Royal Boroughs.

C A P. XLVI.

An Act for the more effectual preventing of Frauds in the Revenues of Exciſe with reſpect to Tea, Soap, Low Wines, and Spirits.

Preamble, Act 10 Geo. I.

WHEREAS by an Act of Parliament, made and paſſed in the Tenth Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act for repealing certain Duties therein mentioned, payable upon Coffee, Tea, Cocoa Nuts, Chocolate, and Cocoa Paſte, imported, and for granting certain inland Duties in lieu thereof; and for prohibiting the Importa-*

tion of Chocolate ready made, and Cocoa Paſte; and for better aſcertaining the Duties payable upon Coffee, Tea, and Cocoa Nuts, imported; and for granting Relief to Robert Dalzell *late Earl of* Carnwath; it was enacted, That no Tea exceeding the Quantity of Six Pounds Weight ſhould be removed or carried from any Part of this Kingdom, by Land or Water, without ſuch Permit or Certificate as is therein expreſſed and required: And by the ſaid Act it was further enacted, That every Seller of and Dealer in Tea ſhould, each Night, enter into a Book, kept for that Purpoſe, an Account of the Groſs Quantity of Tea which he ſhould retail or conſume in each Day in ſmall Quantities, under the Weight of Six Pounds, and in One other Book ſhould enter, every Night, every Parcel of Tea above the Weight of Six Pounds which he ſhould ſell in each Day: And whereas by the ſaid recited Act, no Proviſion is made for diſtinguiſhing in ſuch Permits or Certificates, or in ſuch Entries, the Quality or Colour of the Tea ſo permitted or certificated, or ſo entered, in the ſaid Books, whereby great Frauds and Abuſes have been committed, contrary to the true Intent and Meaning of the ſeveral Acts of Parliament relative to the Duties on Tea, and to the manifeſt Prejudice of the fair Trader in the ſaid Commodity; for Remedy whereof, and for the greater and more effectual Diſcouragement of the illegal and pernicious Practice of unlawfully Importing and clandeſtinely Running of Tea, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, all Dealers in and Sellers of Tea, who ſhall then have, or from thenceforth receive into their Cuſtody, any Bohea, Congo, Souchong, or Pekoe Tea, ſhall, and are hereby obliged and directed, from Time to Time, to mark each and every Caniſter, Bag, Jar, Tub, Box, Caſk, or other Package, in which they ſhall keep any Bohea, Congo, Souchong, or Pekoe Tea, with the Word Black, and alſo to mark each and every Caniſter, Bag, Jar, Tub, Box, Caſk, or other Package, in which they ſhall keep any other Kind of Tea, not being Bohea, Congo, Souchong, or Pekoe Tea, with the Word Green, the ſaid Words Black and Green to be reſpectively marked on the moſt conſpicuous Part of ſuch Caniſter, Bag, Jar, Tub, Box, Caſk, and other Package.

All Dealers in Tea ſhall mark each Caniſter, &c with the Words *Black* or *Green*, according to the Contents of ſuch Caniſter, &c.

Black Tea, and *Green Tea*, how to be diſtinguiſhed.

II. And, for avoiding all Doubts and Controverſies concerning the Two Kinds of Teas in this Act mentioned, and diſtinguiſhed by the Names of *Black Tea* and *Green Tea*, it is hereby declared and enacted by the Authority aforeſaid, That by the Term or Name Black Tea, is meant all ſuch Teas as are uſually called or known by the Name of Bohea, Congo, Souchong, or Pekoe Tea; and that by the Term or Name Green Tea, is meant all Teas not being ſuch Bohea, Congo, Souchong, or Pekoe Tea.

Officers of Exciſe finding an Increaſe of Teas in the Cuſtody of Dealers, to ſeize ſuch Increaſe, unleſs the Owner produce a Certificate of the Payment of Duties.

III. And be it further enacted by the Authority aforeſaid, That from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, the Officer and Officers of Exciſe who ſhall, from Time to Time, ſurvey and take the Stock of Tea at the Warehouſes, Storehouſes, Rooms, Shops, Cellars, Vaults, and other Places made uſe of for keeping Tea by Dealers in and Sellers of Tea, ſhall keep a ſeparate and diſtinct Account of the Black Tea and of the Green Tea which ſhall at any Time be in their or any of their Cuſtody; and if ſuch Officer of Exciſe ſhall find any Increaſe either of Green Tea or of Black Tea in the Cuſtody of any ſuch Dealer or Seller, over and above the Quantity of each reſpective Sort which ſuch Officer found in ſuch Dealer or Seller's Cuſtody at the Time of ſuch Officer's laſt preceding Survey upon ſuch Dealer or Seller, ſuch Increaſe ſhall be deemed and taken to be made by Tea for which no Duties were paid, and which had been privately brought in by ſuch Dealer or Seller without Permit or Certificate; and ſo much of the Green Tea or Black Tea reſpectively as ſhall be found ſo increaſed ſhall be forfeited and loſt, and ſhall and may be ſeized and carried away by ſuch Officer of Exciſe who ſhall ſo find the ſame, unleſs the Owner thereof ſhall make it appear that the ſaid Increaſe was made by ſuch Green Tea or Black Tea reſpectively brought in with an authentick Permit or Certificate of the Payment of the Duties thereof.

Sellers of Tea in ſmall Quantities, under 6 *lb.* Weight, to keep diſtinct Accounts of what Quantity they retail of each Sort.

IV. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, all Dealers in and Sellers of Tea, who ſhall ſell or conſume the ſame in ſmall Quantities, under the Weight of Six Pounds, ſhall and are hereby obliged and directed to keep ſeparate and diſtinct Accounts of all the Black Tea, and of all the Green Tea, which they or any of them ſhall ſo reſpectively ſell or conſume in ſmall Quantities in each Day, and ſhall, every Night, enter into a Book, to be kept for that Purpoſe, an Account of the groſs Quantities of the Black Tea, and alſo of the Green Tea, which have been by him, her, or them, reſpectively ſo retailed or conſumed in that Day in ſmall Quantities under the ſaid Weight of Six Pounds; and the ſaid Dealers in and Sellers of Tea ſhall alſo keep One other Book, wherein they ſhall make ſeparate and diſtinct Entries of all the Black Tea, and all the Green Tea, above the Weight of Six Pounds, which they ſhall reſpectively ſell in each Day; which ſaid Books ſhall be provided, and the Entries ſo to be made in the ſaid Books ſhall be under the ſame Directions, Rules, Regulations, Penalties, and Forfeitures, as are provided and enacted by the ſaid above-recited Act of the Tenth of His late Majeſty King George the Firſt.

Such Entries to be under the Directions provided by Act 10 *Geo.* I.

No Tea exceeding 6 *lb.* Weight to be removed out of the Kingdom without a Permit;

expreſſing the Quantity and Quality of ſuch Tea, &c.

V. And be it enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, no Tea, exceeding the Quantity of Six Pounds Weight, ſhall be removed or carried from any Part of this Kingdom, by Land or by Water, without a Permit or Certificate, ſigned by One or more of the Officers for the Inland Duties on Tea, ſignifying and certifying the Names and Places of Abode of the Buyer and Seller, and expreſſing the Quantity and Quality of the Tea; that is to ſay, If the Tea ſo to be removed or carried is Bohea, Congo, Souchong, or Pekoe Tea, then to expreſs in the Permit or Certificate, that the ſame is Black Tea; and if the Tea ſo to be removed and carried is neither Bohea, Congo, Souchong, or Pekoe Tea, then to expreſs in the Permit or Certificate, that the ſame upon Pain of Forfeiture of ſuch Tea.

is Green Tea, and alſo certifying that the Inland Duties chargeable upon Tea have been duly paid and ſatisfied, upon Pain of forfeiting the Tea which is ſo found removing or carrying from one Place to another without ſuch Permit or Certificate, expreſſing the Quality as aboveſaid, together with the Package in which the ſame ſhall be contained; which Permit or Certificate ſhall be left with the Officer of the Diviſion to which the ſame ſhall be carried, to prevent the Seizure thereof, in which Permit or Certificate the Officer who grants the ſame ſhall expreſs and limit the Time for which the ſame ſhall continue in Force.

No Tea to be ſold by Wholeſale or Retail, but out of the Warehouſes and Shops approved of by Act 10 Geo. I.

VI. And whereas by the ſaid recited Act it is enacted, That no Tea ſhould be ſold, uttered, or expoſed to Sale, but when the ſame ſhould be in ſome Warehouſe or Place entered for keeping the ſame, upon Pain of forfeiting all ſuch Tea ſo ſold, uttered, or expoſed to Sale, and Treble the Value thereof, together with the Package containing the ſame: And whereas the Penalty by the ſaid Act provided has, by Experience, been found ineffectual, and ill-diſpoſed Perſons have thereby been induced to carry Tea which hath been clandeſtinely imported into this Kingdom from Houſe to Houſe, in ſmall Parcels, in Diminution of the Revenue, and to the great Diſcouragement of the fair Dealer in Tea; for Remedy whereof, be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, if any Tea ſhall be ſold, uttered, or expoſed to Sale, either by Wholeſale or Retail, but when the ſame ſhall be in ſome or One of the Warehouſes, Storehouſes, Rooms, Shops, Cellars, Vaults, or other Places, entered and approved as by the ſaid Act is directed, the Perſon or Perſons ſo uttering, ſelling, or expoſing to Sale, ſuch Tea, in any other Place or Places than thoſe entered and approved as aforeſaid, ſhall, for every ſuch Offence, forfeit and loſe the Sum of Ten Pounds, together with all the Tea which ſhall be ſo ſold, uttered, or expoſed to Sale.

Clauſe in Act 5 Geo. III.

VII. And whereas by a Clauſe in an Act of Parliament, paſſed in the Fifth Year of the Reign of His preſent Majeſty, intituled, *An Act for the better ſecuring and further improving of the Revenues of Cuſtoms, Exciſe, Inland and Salt Duties*, it was enacted, That Makers of Hard Soap ſhould provide Covers to their Coppers, Pans, and Utenſils, wherewith they ſhould boil or make Hard Soap; which Coppers, Pans, and Utenſils, and alſo the Pipe or Pipes that conveyed the Waſte or Salt Lees from ſuch Copper, Pan, or Utenſil, the Officers of Exciſe were to lock and ſeal down in Manner as in and by the ſaid Act was particularly required and directed; and by the ſaid Clauſe in the ſaid Act it was enacted, That if by any Art, Device, or Contrivance whatſoever, any ſuch Maker of Hard Soap ſhould open any Copper, Pan, or Utenſil, or any Pipe or Pipes, after the ſame ſhould have been locked down and ſecured, and before the ſame had been unlocked and opened by the Officer of Exciſe, or ſhould wilfully break or damage any ſuch Lock, Seal, or Faſtning, that every ſuch Maker of Hard Soap ſo offending ſhould, for every ſuch Offence, forfeit and loſe the Sum of Twenty Pounds: And whereas the ſaid Penalty of Twenty Pounds by the ſaid Act provided, hath, by Experience, been found ineffectual, and not ſufficient to prevent and reſtrain Makers of Hard Soap from opening their Coppers, Pans, Utenſils, and Pipes, in regard the Duties of One Boiling of Soap may, and often do, amount to much more than the Sum of Twenty Pounds, whereby ill-diſpoſed Perſons have been encouraged and induced to open their Coppers, Pans, Utenſils, and Pipes, to the great Diminution of the Revenue ariſing by the Duties laid upon Soap, and to the Prejudice of the fair Traders, who duly pay the full Duties for all Soap by them made: For Remedy whereof, be it further enacted by the Authority aforeſaid, That if at any Time after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, any Maker of Hard Soap ſhall, by any Art, Device, or Contrivance whatſoever, open, or cauſe to be opened, any Copper, Pan, or Utenſil, or any Pipe or Pipes, that convey the Waſte or Salt Lees from ſuch Copper, Pan, or Utenſil, after the ſame ſhall have been ſecurely locked and ſealed down by the Officer of Exciſe, and before the ſame ſhall have been unlocked and opened by the Officer of Exciſe, or ſhall wilfully break or damage any ſuch Lock or Seal, or other Faſtning, every ſuch Maker or Makers of Hard Soap ſo offending in any of the ſaid Caſes ſhall, for every ſuch Offence, forfeit and loſe the Sum of One hundred Pounds.

Makers of Hard Soap opening any Copper, *&c.* after being ſealed by the Officer of Exciſe, or wilfully damaging any ſuch Seal, ſhall forfeit 100 *l.*

Act 33 Geo. II.

VIII. And whereas by an Act of Parliament, paſſed in the Thirty-third Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for preventing the exceſſive Uſe of ſpirituous Liquors, by laying additional Duties thereon; for ſhortening the Prohibition of making Low Wines and Spirits from Wheat, Barley, Malt, or other Grain, and from Meal, Flour, and Bran; for encouraging the Exportation of* Britiſh-*made Spirits; and for more effectually ſecuring the Duties payable upon Spirits, and preventing the fraudulent Relanding or Importation thereof*, it was enacted and declared, That Perſons making or keeping any Waſh, Cyder, or other Materials fit for Diſtillation, and having in their Poſſeſſion or Occupation any Still or Stills, containing ſeparately or together Ten Gallons or upwards, ſhould be deemed and taken to be Common Diſtillers for Sale, and ſhould be liable to the Rates and Duties of Exciſe, and be ſubject to the Survey of the Officer of Exciſe, and to the ſeveral Penalties and Forfeitures impoſed by any Act of Parliament then in Force, in anywiſe relating to Diſtillers: And whereas Doubts have ariſen whether by the Word *Still*, in the ſaid Clauſe mentioned, the Body of the Still, excluſive of the Head of ſuch Still, is not to be underſtood; now to obviate all ſuch Doubts, be it declared and enacted by the Authority aforeſaid, That every Still, the cubic Contents of which, when the Head is on, will amount to Ten Gallons or upwards, is a Still containing Ten Gallons or upwards, within the true Meaning of the laſt-recited Act: And all and every Perſon or Perſons, having or keeping any Waſh, Cyder, or other Materials fit for Diſtillation, and having in his, her, or their Poſſeſſion or Occupation, any ſuch laſt-mentioned Still or Stills, containing ſeparately or together Ten Gallons or upwards, Proof being thereof made as by the laſt-recited Act is directed, ſhall be deemed and taken to be a common Diſtiller for Sale, and ſhall be liable to the ſeveral Rates, Duties, Penalties, and Forfeitures, in and by the laſt-recited Act mentioned or referred unto.

If Cubic Contents of a Still, be Ten Gallons, or upwards.

Perſons uſing ſuch Stills, to be deemed Common Diſtillers.

Offenders proſecuted for Penalties by this Act given, not to be proſecuted again for the ſame Offence.

IX. Provided always, and be it further enacted by the Authority aforeſaid, That ſuch Offender, who ſhall be proſecuted for any of the Penalties by this Act given, ſhall not be proſecuted again for the ſame Offence by any former Act; and that ſuch Offender, who ſhall be proſecuted for the Penalty given by any former Act, ſhall not be proſecuted again for the ſame Offence, by virtue of this preſent Act, or any Thing herein contained.

Corn Diſtillers and Makers of Low Wines to provide and affix ſufficient Faſtnings to the Heads every Low Wine Still, &c.

X. And whereas great Frauds are committed by Corn Diſtillers charging their Stills, in the Abſence of the Officers of Exciſe, with Worts or Waſh, of which no Account has been taken by the ſaid Officers, and the Proviſions hitherto made have been found ineffectual to reſtrain ſuch Practices; for Remedy whereof, be it enacted by the Authority aforeſaid, That from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, every Corn Diſtiller, or Maker of Low Wines or Spirits from Corn or Grain, ſhall, at his, her, or their own Expence, find, provide, and affix, ſufficient Faſtnings (to be approved of, in Writing, by and under the Hands of the reſpective Surveyors or Superviſors of Exciſe of the Diviſion or Diſtrict in which every ſuch reſpective Diſtiller or Maker of Low Wines or Spirits from Corn ſhall reſide) to the Heads of each and every Low Wine Still, and Waſh Still, Waſh Pumps, and Charging Cocks, through which Worts or Waſh are conveyed into ſuch Waſh Still or Waſh Stills belonging to, or uſed by, any ſuch Diſtiller or Maker, as aforeſaid; which ſaid Still Heads, and Charging Cocks, and Waſh Pumps, ſhall, and they are hereby required, from Time to Time, to be ſecurely locked and ſealed by the Officer of Exciſe who ſurveys ſuch Diſtiller and Maker as aforeſaid, in Manner as is herein-after directed; and ſuch Locks and Keys as ſhall be neceſſary for ſecuring the ſaid Still Heads, and Charging Cocks, and Waſh Pumps, ſhall be provided by the reſpective Surveyors or Superviſors of Exciſe of the Diviſion or Diſtrict in which ſuch reſpective Diſtiller or Maker of Low Wines or Spirits ſhall reſide, at the Expence of ſuch Diſtiller or Maker; and whenever any ſuch Diſtiller or Maker of Low Wines or Spirits from Corn ſhall be deſirous of charging his Still or Stills, or of uſing the Charge Cock or Waſh Pump ſo locked and ſealed, and ſhall have given Notice as herein-after is directed, the Officer of Exciſe ſhall attend to unlock and open the ſaid Still Heads, Charging Cocks, and Waſh Pumps.

Locks and Keys to be provided by Surveyors or Superviſors of Exciſe.

Diſtillers when they intend to open Stills, to give Notice in Writing Four Hours previous to the Time to One of the Exciſe Officers.

XI. And be it further enacted by the Authority aforeſaid, That when any ſuch Diſtiller and Maker of Low Wines and Spirits, whoſe Still-houſe or Still-houſes are under the Survey of the London Officers, or is or are ſituate in London or Weſtminſter, or within any other City in Great Britain, ſhall be deſirous of opening his Low Wine Still or Stills, or of charging his Waſh Still or Waſh Stills, he, ſhe, or they, ſhall give, or cauſe to be given, to One of the Officers of Exciſe, under whoſe Survey ſuch Diſtiller or Maker of Low Wines or Spirits ſhall then be, a Notice in Writing at leaſt Four Hours before the particular Hour or Time of the Day when he, ſhe, or they, intend to charge ſuch Still or Stills.

If Diſtillers intend to open their Stills between Twelve at Night and Six in the Morning, to give Twelve Hours previous Notice.

XII. Provided always, and be it further enacted, That if any Diſtiller or Maker of Low Wines or Spirits, ſo ſituate as aforeſaid, ſhall be minded to open or to charge his Still or Stills at any Hour or Time between Twelve in the Night and Six in the Morning; then, and in every ſuch Caſe, every ſuch Diſtiller or Maker of Low Wines or Spirits ſhall give the Notice, in Writing, at leaſt Twelve Hours before the particular Hour or Time of the Night when he intends ſo to open his Low Wine Still, or to charge his Waſh Still or Waſh Stills; and every other Corn Diſtiller or Maker of Low Wines or Spirits from Corn or Grain, whoſe Still-houſe or Still-houſes is or are not ſituate in London or Weſtminſter, nor under the Survey of the London Officers, nor in ſome other City in Great Britain, ſhall give or ſend at leaſt Twelve Hours Notice, in Writing, at the next Office of Exciſe, or to the proper Officer under whoſe Survey ſuch laſt-mentioned Diſtiller or Maker of Low Wines or Spirits ſhall then be, of ſuch his or their Intention of opening or charging their Still or Stills: And in caſe any ſuch Diſtiller or Maker of Low Wines or Spirits ſhall not begin to charge his Still or Stills at the Hour mentioned in ſuch Notice, or within Two Hours next after the Expiration of ſuch Hour and Time, then every ſuch Notice ſhall be and is hereby declared void and null, and every ſuch Diſtiller and Maker of Low Wines and Spirits ſhall be obliged to give a freſh Notice before the Officer ſhall be bound to open the Heads of any ſuch Still or Stills, or the ſaid Charge Cocks or Waſh Pumps, ſo locked as aforeſaid.

Officers of Exciſe to attend and inſpect, agreeable to ſuch Notices.

XIII. And be it further enacted by the Authority aforeſaid, That the Officers of Exciſe ſhall, from Time to Time, attend, agreeable to ſuch Notices ſo to be given or left as before directed; and when and ſo ſoon as ſuch Officer ſhall be at ſuch Still-houſe, every ſuch Diſtiller or Maker as aforeſaid, or his or their Servants, ſhall, and they are hereby required to turn the Diſcharge Cocks of every Waſh Still, that the Officer may be ſatisfied that the ſaid Waſh Still or Waſh Stills are really empty; and then, and not before, ſuch Officer ſhall open the Stills, Cocks, and Pumps, ſo locked and ſecured, and ſhall continue in the ſaid Still-houſe all the Time that ſuch Waſh Still ſhall be charging; and when the ſame ſhall by fully charged, ſhall immediately lock and ſecure, as before, all the ſaid Still Heads, Waſh Pumps, and Charging Cocks, to the Waſh Stills belonging or affixed, and ſhall leave them ſo locked and ſecured at all Times.

Exciſe Officers to attend all the Time that Still Heads and Charge Cocks are repairing.

XIV. Provided always, That when and ſo often as it ſhall be found neceſſary to have ſuch Still Heads or Charge Cocks, or Waſh Pumps, open, for repairing or mending the ſame, or either of them; then, and in every ſuch Caſe, it ſhall be lawful for the Officers of Exciſe ſo to do, for all the Time the Workmen ſhall be actually employed in repairing and mending the ſame; but the ſaid Officers ſhall lock and ſecure all ſuch Stills, Waſh Pumps, and Charge Cocks, every Night, when and ſo ſoon as the ſaid Workmen ſhall leave off their Work; and in ſuch Caſe, ſuch Officers ſhall attend at Six of the Clock each Morning, whilſt ſuch Repairs are doing, in order to open ſuch Stills, Charge Cocks, and Pumps.

Diſtillers uſing other Pipes or Conveyances, forfeit 100 l.

XV. And be it further enacted by the Authority aforeſaid, That no ſuch Diſtiller or Maker of Low Wines or Spirits, as aforeſaid, ſhall have any Pipe or Conveyance to the Low Wine Stills from any other Veſſel or Utenſil, except the known and entered Low Wine Caſk, on Pain of forfeiting, for every ſuch Conveyance, the Sum of One hundred Pounds.

XVI. And be it enacted by the Authority aforeſaid, That if any ſuch Diſtiller or Maker of Low Wines or Spirits from Corn, ſhall, after the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, preſume to diſtil, or make Low Wines or Spirits, before he, ſhe, or they, ſhall have found, provided, and affixed ſufficient Faſtnings, to be approved as aforeſaid, to every ſuch Still Head, and to the Charge Cocks to each Waſh Still and Waſh Pump to him, her, or them belonging, or by him, her, or them uſed, according to the Directions of this Act; or ſhall refuſe to pay for the Locks and Keys to be provided in purſuance of the Directions of this Act; or ſhall neglect or refuſe to turn the Diſcharge Cock of the Waſh Stills, as required by this Act; he, ſhe, or they, ſhall, for every ſuch Offence, forfeit Fifty Pounds: And if by any Means, Device, or Contrivance whatſoever, any Perſon ſhall open any Still Head, or Charge Cock, or Waſh Pump, after the ſame ſhall have been locked and ſecured as aforeſaid, before the ſame ſhall have been opened by the Officer of Exciſe, or ſhall wilfully hurt or damage any ſuch Lock, or other Faſtening; every ſuch Perſon ſhall, for every ſuch Offence reſpectively, forfeit and loſe the Sum of Two hundred Pounds.

Diſtillers preſuming to diſtil before ſufficient Faſtnings are provided,

to forfeit 50 *l.*

and Perſons opening Still Heads, *&c.* after being locked, to forfeit 200 *l.*

XVII. And it is hereby further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall obſtruct, hinder, or oppoſe any of the ſaid Officers, in the Execution of any of the Powers given to him by this Act, the Perſon or Perſons offending therein ſhall, for every ſuch Offence, forfeit the Sum of One hundred Pounds.

Penalty of obſtructing Exciſe Officers in doing their Duty is 100 *l.*

XVIII. And be it further enacted by the Authority aforeſaid, That all Fines, Penalties, and Forfeitures, impoſed by this Act, ſhall be ſued for, recovered, levied, or mitigated, by ſuch Ways, Means, and Methods, as any Fine, Penalty, and Forfeiture, is or may be recovered or mitigated by any Law or Laws of Exciſe, or by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or in the Court of Exchequer in Scotland; and that One Moiety of every ſuch Fine, Penalty, or Forfeiture, ſhall be to His Majeſty, His Heirs and Succeſſors, and the other Moiety, to him or them, who ſhall diſcover, inform, or ſue for the ſame.

Forfeitures and Penalties recoverable by any Law of Exciſe, *&c.*

XIX. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall be ſued, moleſted, or proſecuted, for any Thing done by virtue or in purſuance of this Act, ſuch Perſon or Perſons ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, in his or their Defence or Defences; and if afterwards a Verdict ſhall paſs for the Defendant or Defendants, or the Plaintiff or Plaintiffs ſhall diſcontinue his or their Action or Actions, or be nonſuited, or Judgement ſhall be given againſt him, her, or them, on Demurrer, or otherwiſe, then ſuch Defendant or Defendants ſhall have Treble Coſts awarded to him or them, againſt any ſuch Plaintiff or Plaintiffs.

Perſons moleſted for any Thing done in purſuance of the Act to plead the General Iſſue.

Treble Coſts.

CAP. XLVII.

An Act to continue an Act, made in the Fifth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act to prevent the committing of Frauds by Bankrupts, and for making Proviſion for diſcharging Bankrupts, in certain Caſes, from their Impriſonment.*

WHEREAS the Law hereafter mentioned hath, by Experience, been found uſeful and beneficial, and is near expiring; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual any Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That an Act, made in the Fifth Year of the Reign of His late Majeſty King George the Second, (intituled, An Act to prevent the committing of Frauds by Bankrupts,) which was to continue in Force from the Twenty-fourth Day of June, One thouſand ſeven hundred and thirty-two, for the Space of Three Years, and from thence to the End of the then next Seſſion of Parliament; and which, by ſeveral ſubſequent Acts, made in the Ninth and Sixteenth Years of His ſaid Majeſty's Reign, was further continued until the Twenty-ninth Day of September, One thouſand ſeven hundred and fifty; and by an Act, made in the Twenty-fourth Year of the Reign of His ſaid late Majeſty, was amended and further continued until the firſt Day of September, One thouſand ſeven hundred and fifty-ſeven; and which, by Two ſubſequent Acts, made in the Thirty-firſt Year of His ſaid late Majeſty's Reign, and the Fourth Year of the Reign of His preſent Majeſty, was further continued until the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-one, and from thence to the End of the then next Seſſion of Parliament; ſhall be, and the ſame is hereby further continued, from the Expiration thereof, until the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-five, and from thence to the End of the then next Seſſion of Parliament.

Preamble.

Act 5 *Geo.* II.

Acts 9 & 16 *Geo.* II.

Act 24 *Geo.* II.

Act 31 *Geo.* II. and Act 4 *Geo.* III. further continued until *Sept.* 29, 1775, and until the End of the following Seſſion.

II. And whereas many Perſons, againſt whom a Commiſſion of Bankruptcy hath iſſued, are, nevertheleſs, confined in Priſon, though they have delivered up all their Effects; for Relief therefore of ſuch Perſons, be it enacted by the Authority aforeſaid, That all and every Perſon or Perſons, againſt whom a Commiſſion of Bankruptcy has been awarded and iſſued, and who was or were in Cuſtody on or before the Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-two, for any Debt due before ſuch reſpective Commiſſions iſſued, and who have, or ſhall have, duly conformed themſelves to the ſeveral Acts of Parliament relating to Bankrupts, and are not, nor have been, committed by any Warrant of the Commiſſioners in ſuch reſpective Commiſſion named, for Contumacy, or Noncompliance with thoſe Laws, that it ſhall and may be lawful for any One of the Judges of the Court wherein ſuch Proceſs has iſſued againſt ſuch Bankrupt or Bankrupts, on Petition of ſuch Bankrupt or Bankrupts, to ſummon his, her,

All Perſons againſt whom Commiſſions have been awarded, and who were in Cuſtody before *March* 25, 1772, on Proof not being produced of their having concealed their Effects, *&c.* to be diſcharged from Impriſonment, and all Debts due before the Commiſſion of Bankruptcy iſſued.

or their Plaintiff or Plaintiffs, to appear before him, to ſhew Cauſe why ſuch Bankrupt ſhould not be diſcharged from his, her, or their Impriſonment, (ſuch Bankrupt or Bankrupts firſt making Oath that ſuch Debt or Debts did accrue before the iſſuing out ſuch Commiſſion); and ſuch Plaintiff or Plaintiffs not appearing, or appearing, and not proving that ſuch Bankrupt or Bankrupts has or have concealed any of his, her, or their Effects, or that he, ſhe, or they, has or have not conformed him, her, or themſelves, to the Laws againſt Bankrupts, ſuch Judge ſhall and may, by Warrant, or other Inſtrument under his Hand, diſcharge him, her, or them, from ſuch his, her, or their Impriſonment for any Debt or Debts due before ſuch Commiſſion iſſued, and ſuch Bankrupt or Bankrupts ſhall not be ſubject or liable to be arreſted for any Debt or Debts due or contracted before ſuch Commiſſion iſſued; ſubject nevertheleſs, in every other Reſpect, to the Laws againſt Bankrupts: And all and every Sheriff or Sheriffs, Bailiff and Officer, Gaoler and Keeper, are hereby required, on the Delivery of ſuch Warrant or Inſtrument of Diſcharge to ſuch Sheriff or Sheriffs, Bailiff, or other Officer, Gaoler or Keeper, to diſcharge ſuch Bankrupt or Bankrupts out of Cuſtody accordingly; and they are hereby declared and enacted to be indemnified from any Action or Actions that ſhall or may be brought, commenced, or proſecuted againſt him, or them, for any Eſcape or Eſcapes for or on account thereof.

Sheriffs, Bailiffs, Officers, &c. indemnified for Eſcapes occaſioned hereby.

Bankrupts againſt whom a Commiſſion hath been awarded before *March* 25, 1772, and who have juſtly conformed to the Statutes in Force concerning Bankrupts, and who ſhall be hereafter arreſted for Debts, may, by Petition, be diſcharged, in like Manner.

III. And whereas many Bankrupts, from a Fear of being arreſted and thrown under a long Impriſonment, do abſcond and ſecrete themſelves from their Homes, or go Abroad into foreign Parts, to the great Diſtreſs of their Families, and the Detriment of this Kingdom; be it further enacted by the Authority aforeſaid, That ſuch Bankrupt or Bankrupts, againſt whom a Commiſſion of Bankruptcy hath been awarded and iſſued, on or before the ſaid Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-two, who hath or have regularly ſubmitted to the ſame, and juſtly conformed him, her, or themſelves, to the ſeveral Statutes now in Force concerning Bankrupts, and who ſhall be hereafter arreſted and held to Bail, or taken in Execution for any Debt or Debts due and accruing before the Date or Dates of ſuch reſpective Commiſſions, ſhall and may, after the Expiration of Forty Days from the Time of ſuch Arreſt, in like Manner, petition any One of the Judges of the Court wherein ſuch Proceſs has iſſued, and ſuch Judge is hereby authoriſed and required to diſcharge ſuch Bankrupt or Bankrupts in like Manner, and on the like Terms and Conditions, as are aforeſaid and directed; and if ſuch Bankrupt or Bankrupts ſhall be afterwards arreſted for any other Debt or Debts alſo accruing, before ſuch reſpective Commiſſions iſſued, any Judge of the Court wherein ſuch Proceſs iſſued, ſhall, upon Summons of the proper Party or Parties, immediately diſcharge ſuch Bankrupt or Bankrupts from ſuch Arreſt; nevertheleſs ſuch Bankrupt or Bankrupts to be ſubject, in all other Reſpects, to the Laws relating to Bankrupts as aforeſaid.

CAP. XLVIII.

An Act for the more effectual preventing of Frauds in the Stamp Duties upon Vellum, Parchment, Paper, and Cards.

Preamble.

FOR the more effectual Prevention of ſeveral Frauds, whereby His Majeſty's Duties, granted by ſeveral Acts of Parliament on that Behalf, on ſtamped Vellum, Parchment, and Paper, have been very much diminiſhed, the Penalties thereon preſcribed being found inſufficient to deter Offenders; be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That if any Perſon or Perſons, at any Time after the Firſt Day of Auguſt, One thouſand ſeven hundred and ſeventy-two, ſhall write or engroſs, or cauſe to be written or engroſſed, either the Whole, or any Part of any Writ, Mandate, Bond, Affidavit, or other Writing, Matter, or Thing whatſoever, in reſpect whereof any Duty is or ſhall be payable by any Act or Acts made, or to be made, in that Behalf, on the Whole, or any Part of any Piece of Vellum, Parchment, or Paper, whereon there ſhall have been before written any other Writ, Bond, Mandate, Affidavit, or other Matter or Thing, in reſpect whereof any Duty was or ſhall be payable as aforeſaid, before ſuch Vellum, Parchment, or Paper, ſhall have been again marked or ſtamped, according to the ſaid Acts; or ſhall fraudulently eraſe or ſcrape out, or cauſe to be eraſed or ſcraped out, the Name or Names of any Perſon or Perſons, or any Sum, Date, or other Thing, written in ſuch Writ, Mandate, Affidavit, Bond, or other Writing, Matter, or Thing, as aforeſaid; or fraudulently cut, tear, or get off, any Mark or Stamp, in reſpect whereof, or whereby, any Duties are or ſhall be payable, or denoted to be paid or payable, as aforeſaid, from any Piece of Vellum, Parchment, Paper, Playing Cards, Outſide Paper of any Parcel or Pack of Playing Cards, or any Part thereof, with Intent to uſe ſuch Stamp or Mark for any other Writing, Matter, or Thing, in reſpect whereof any ſuch Duty is or ſhall be payable, or denoted to be paid or payable, as aforeſaid; then, ſo often, and in every ſuch Caſe, every Perſon ſo offending in any of the Particulars before mentioned, and every Perſon knowingly and wilfully aiding, abetting, or aſſiſting any Perſon or Perſons to commit any ſuch Offence or Offences as aforeſaid, ſhall be deemed and conſtrued to be guilty of Felony; and, being thereof convicted by due Courſe of Law, ſhall be tranſported to ſome of His Majeſty's Plantations beyond the Seas, for a Term not exceeding Seven Years, according to the Laws in Force for the Tranſportation of Felons: And if any ſuch Perſon or Perſons ſo convicted or tranſported ſhall voluntarily eſcape or break Priſon, or return from Tranſportation before the Expiration of the Time for which he, ſhe, or they, ſhall be ſo tranſported as aforeſaid, ſuch Perſon or Perſons, being thereof lawfully convicted, ſhall ſuffer Death as a Felon, without Benefit of Clergy, and ſhall be tried for ſuch Felony in the County where he, ſhe, or they, ſhall be apprehended.

After *Auguſt* 1, 1772, Perſons committing Frauds on ſtamped Vellum, &c.

To be deemed guilty of Felony; and, on Conviction, to be tranſported:

And if they break Priſon, or return within the limited Time, to ſuffer Death.

II. And

Perſons diſcovering Offenders intitled to His Majeſty's Pardon.

II. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, after the ſaid Firſt Day of Auguſt, One thouſand ſeven hundred and ſeventy-two, commit any of the Offences aforeſaid, and afterwards, being out of Priſon, diſcover One or more Perſons who ſhall, ſince that Time, have committed any of the Offences aforeſaid, ſo as ſuch Perſon or Perſons diſcovered ſhall be convicted of ſuch Offence or Offences, he, ſhe, or they, ſo diſcovering, ſhall have and be intitled to His Majeſty's gracious Pardon for all ſuch Offences by him or her committed at any Time or Times before ſuch Diſcovery made.

CAP. XLIX.

An Act to explain and amend an Act, made in the Seventh Year of the Reign of His preſent Majeſty, intituled, *An Act for altering the Stamp-duties upon Policies of Aſſurance; and for reducing the Allowance to be made in reſpect of the prompt Payment of the Stamp-duties on Licences for retailing Beer, Ale, and other exciſeable Liquors; and for explaining and amending ſeveral Acts of Parliament relating to Hackney Coaches and Chairs*; ſo far as the ſame relates to Hackney Coaches.

Preamble.

Act 7 *Geo.* III.

WHEREAS by an Act of Parliament, paſſed in the Seventh Year of the Reign of His preſent Majeſty, intituled, *An Act for altering the Stamp-duties upon Policies of Aſſurance; and for reducing the Allowance to be made in reſpect of the prompt Payment of the Stamp-duties on Licences for retailing Beer, Ale, and other exciſeable Liquors; and for explaining and amending ſeveral Acts of Parliament relating to Hackney Coaches and Chairs*; it is, amongſt other Things, enacted, That from and after the Firſt Day of *Auguſt*, One thouſand ſeven hundred and ſixty-ſeven, every Coachman, licenſed by the Commiſſioners for regulating and licenſing Hackney Coaches, plying for Hire within the City of *London* or *Weſtminſter*, ſhould be obliged and compellable, on every Day of the Week, at ſeaſonable Times, to go any where, within the Diſtance of Ten Miles from the City of *London* or *Weſtminſter*; and in caſe of Refuſal ſo to do, ſhould be liable to the like Penalty or Puniſhment as might by Law then be inflicted in Caſes of Refuſal to carry for Hire by licenſed Hackney Coachmen: And whereas a Doubt has ariſen, whether Coachmen licenſed by the ſaid Commiſſioners, and who ply out of the ſaid Cities, are by Law obliged, on every Day of the Week, at ſeaſonable Times, to go any where within the Diſtance of Ten Miles from the ſaid Cities; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Clauſe in the ſaid Act, and all the Powers and Authorities thereby granted, ſhall, from the Time of paſſing this Act, be deemed, conſtrued, and taken to extend to all and every Perſon and Perſons ſo licenſed, who ſhall ply for Hire, as well within the Weekly Bills of Mortality and the Suburbs of the ſaid Cities of London or Weſtminſter, as within the ſaid reſpective Cities.

to extend to all licenſed Perſons in *London* and *Weſtminſter*.

Commiſſioners not to fine or puniſh any Stage Coach Renter or Driver.

II. And whereas a great Number of Perſons, licenſed by the ſaid Commiſſioners to uſe and keep for Hire Hackney Coaches, regularly uſe and employ the ſame as ſtated Stages to and from different Towns and Places in the Neighbourhood of the Cities of *London* and *Weſtminſter*, and the Borough of *Southwark*, which is of great publick Utility and Convenience, ſome of which Towns and Places are within, and others without, the Weekly Bills of Mortality: And whereas a Doubt has ariſen, whether by the Laws now in Force relating to Hackney Coaches, ſuch Perſons being licenſed in the uſual and general Form, are not compellable to do the ordinary Work of Hackney Coaches, and to carry Fares for Hire, to any Parts or Places within the Cities of *London* or *Weſtminſter*, or within the Diſtance of Ten Miles thereof, which would be attended not only with great Inconvenience to the Inhabitants of ſuch Towns and Places, but might alſo be a great leſſening to His Majeſty's Revenue ariſing from Hackney Coaches; be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, the ſaid Commiſſioners for licenſing and regulating Hackney Coaches, or any other Perſon or Perſons having Authority to put any of the Laws in Execution concerning licenſed Hackney Coachmen, their Renters, or their Drivers, ſhall not be compelled or compellable to fine or puniſh any licenſed Hackney Coachman, his Renter or Driver, for refuſing to carry a Fare out of the ordinary Courſe of his Stage-work or Duty, who ſhall regularly uſe and employ his Coach, ſo licenſed, as a Stage Coach to and from any of the Towns or Places in the Neighbourhood of the ſaid Cities of London and Weſtminſter; and who ſhall alſo, by Painting in legible Characters on the Door of ſuch Coach, or by a Board, to be painted in legible Characters, and affixed on the Door of every ſuch Coach, plainly denote and diſtinguiſh the ſame to be a Stage Coach to and from any ſuch Town or Place; any Thing in the above-recited Act, or in any other Act relating to Hackney Coaches, to the Contrary notwithſtanding.

CAP. L.

An Act for encouraging the Manufacture of Leather, by lowering the Duty payable upon the Importation of Oak Bark, when the Price of ſuch Bark ſhall exceed a certain Rate for a limited Time.

Preamble.

WHEREAS the Manufacture of Leather is of Importance to the Trade of this Kingdom: And whereas Oak Bark has of late riſen greatly in its Price, and the preſent Duties upon the Importation of foreign Bark amounts to a total Prohibition of the ſame; may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-fifth Day of June, in this preſent Year One thouſand

After *June* 25, 1772, all Cuſtoms payable by former Acts to ceaſe.

ſeven hundred and ſeventy-two, all Subſidies, Cuſtoms, Duties, and Impoſitions whatſoever impoſed, and now payable by virtue of any Act or Acts of Parliament on the Importation of Oak Bark into Great Britain, ſhall ceaſe, determine, and be no longer paid or payable.

Duty of 1*d.* *per Cwt.* to be paid on Importation of foreign Bark.

II. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fifth Day of June there ſhall be paid on the Importation of Oak Bark a Duty of One Penny for each hundred Weight of Oak Bark ſo imported into this Kingdom; which ſhall and may be raiſed, levied, collected, and recovered, by ſuch Ways and Means, and under ſuch Rules, Regulations, Penalties, and Forfeitures, as the Duty for any Goods or Merchandiſe imported into Great Britain may be raiſed, levied, collected, or recovered, by any Act of Parliament now in Force, as fully and effectually to all Intents and Purpoſes as if the ſeveral Clauſes, Powers, Directions, Penalties, and Forfeitures, relating thereto, were particularly repeated and re-enacted in the Body of this preſent Act.

When the Price is under 10*l* *per* Load, or in the Rind, 2*l.* 10*s.*

no Oak Bark to be imported.

III. Provided always, That at all Times hereby, when the Price of Oak Bark ſhall be under Ten Pounds for the Load of Hatch Bark, containing Forty-five hundred Weight, delivered at the Buyers Warehouſes in the City of London, or within the Weekly Bills of Mortality, or when the Price of Oak Bark in the Rinds ſhall be under Two Pounds Ten Shillings for the Load of Rinds, containing Thirty Yards, when the ſame are ſet Three Rinds thick with Two Skirts and a Cover, delivered at the Buyers Warehouſes within the City of London, or Weekly Bills of Mortality; then, and in either of theſe Caſes, no Oak Bark whatſoever ſhall be allowed to be imported into Great Britain; any Thing in this Act, or any other Act of Parliament, to the Contrary notwithſtanding.

Perſons importing Oak Bark, when the Price is as laſt mentioned, ſhall forfeit the ſame, and 20*l.* Penalty each Load.

IV. And be it further enacted, That if any Perſon or Perſons ſhall import, or cauſe to be imported, any Oak Bark, when the Price of the Load of Hatch is in London, and within the Weekly Bills of Mortality, delivered at the Buyers Warehouſes under the Price of Ten Pounds per Load of Hatch, or when the Price of the Load of Rinds ſhall be under Two Pounds Ten Shillings for the Load of Rinds, when the ſame are ſet, and containing as aforeſaid, delivered at the Buyers Warehouſes within the City of London, or Weekly Bills of Mortality, ſuch Oak Bark ſo imported ſhall be forfeited, and the Importer thereof ſhall, over and above, forfeit and pay the Sum of Twenty Pounds for each Load of Hatch or Rinds ſo imported; to be recovered and applied in Manner herein-after directed.

To aſcertain the Price within the Bills of Mortality, Regiſters to be kept by the Clerk of the Tanners Company.

V. And, in order to aſcertain the Price of Oak Bark in *London*, and within the Weekly Bills of Mortality, be it enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fifth Day of June, One thouſand ſeven hundred and ſeventy-two, a Regiſter or Regiſters ſhall be kept by the Clerk of the Tanners Company of the Prices at which Oak Bark is bought by all and every Perſon or Perſons reſiding in London, or within the Weekly Bills of Mortality, or by any other Perſon or Perſons, for the Uſe of any ſuch Perſon or Perſons.

Perſons purchaſing Five Loads, ſhall, within 10Days after the Bargain, give in to the ſaid Clerk a Note, ſpecifying the Date, &c. to be entered by the ſaid Clerk, &c.

VI. And be it further enacted, That all and every Perſon or Perſons who ſhall have purchaſed, or cauſed to be purchaſed, Five Loads of Hatch Bark, each Load containing Forty-five hundred Weight, ſhall, within Ten Days after ſuch Bargain or Purchaſe, give, or cauſe to be given in to the Clerk of the Tanners Company, a Note in Writing, ſpecifying the Date of ſuch Bargain or Purchaſe, the Name or Names of the Purchaſer or Purchaſers, the Name or Names of the Seller or Sellers, and their reſpective Places of Abode, and alſo the Quantity of Hatch ſo purchaſed, together with the Price paid or to be paid for the ſame, and ſhall deliver and pay to the Clerk with every ſuch Note One Shilling; and the Clerk of the ſaid Company ſhall, within Twenty-four Hours after receiving ſuch Note in Writing as aforeſaid, enter the ſame in a Book or Books to be kept for that Purpoſe; and in caſe any Tanner or other Perſon or Perſons reſiding in London, or within the Weekly Bills of Mortality, ſhall purchaſe any Oak Bark in the Rinds, or by any other Mode or Manner whatſoever, amounting in Quantity to Twenty Loads of Rinds, each Load containing Thirty Yards of Rinds, when the ſame are ſet Three Rinds thick as aforeſaid, ſuch Perſon or Perſons ſo purchaſing ſhall, within Ten Days after ſuch Purchaſe, give, or cauſe to be given in to the Clerk of the Tanners Company, a Note in Writing, ſpecifying the Date of ſuch Bargain or Purchaſe, the Name or Names of the Purchaſer or Purchaſers, and Seller or Sellers, and their reſpective Places of Abode, and the Quantity of Rinds or Bark ſo purchaſed by the Load, each Load containing Thirty Yards of Rinds, when the ſame are ſet Three Rinds thick as aforeſaid, the Price paid or to be paid for the ſame, together with the County in which ſuch Bark was taken off the Trees; and ſhall alſo deliver and pay to the Clerk, with every ſuch Note, the Sum of One Shilling; and the Clerk of the ſaid Company ſhall in like Manner, within Twenty-four Hours after receiving ſuch Note in Writing, as aforeſaid, enter the ſame in a Book or Books to be kept for the Purpoſe.

and to pay 1*s.* to the Clerk.

Regiſter may be inſpected without Fee.

VII. And be it further enacted, That ſuch Regiſter and Regiſters, Book or Books, ſo to be kept as aforeſaid, ſhall and may be inſpected, at all convenient Times, by any Perſon or Perſons whatſoever, without any Fee or Reward to be demanded or taken for the ſame.

The Average Price for One Month preceding the Date of the Purchaſe, to be certified to the Lord Mayor, &c.

VIII. And be it further enacted, That when it ſhall appear, from the Entries to be made as aforeſaid, that the average Price of the Hatch Bark does amount to Ten Pounds per Load, each Load containing Forty-five hundred Weight, or that the average Price of Rind Bark does amount to Two Pounds Ten Shillings per Load, each Load containing Thirty Yards of Rinds when the ſame are ſet Three Rinds thick, as aforeſaid, delivered at the Buyers Warehouſes; then, or in any of theſe Caſes, it ſhall and may be lawful for Three or more of the ſaid Purchaſers of Hatch or Rind Bark as aforeſaid, within the City of London, or Weekly Bills of Mortality, and they are hereby required to certify to the Lord Mayor of the City of London, or any Two of the Aldermen thereof, the average Price of the Load of Hatch or Rind Bark, (each Load reſpectively containing as aforeſaid), for the Space of One Month preceding; and the ſaid Three or more Purchaſers ſhall reſpectively make Oath, that the Note given in by them to the Clerk of the Tanners Company contains a true Account of the Price paid for the Bark; and the ſaid Clerk of the Tanners Company ſhall make Oath of the Truth of his Entries agreeable to the Notes in Writing ſo delivered in to him as aforeſaid, whereupon the ſaid Mayor or Aldermen ſhall, and they are hereby required to ſign the ſame, and to deliver the ſame, as ſoon as conveniently may be, to the Collector or Receiver of His Majeſty's Cuſtoms at the Port of London, who ſhall and is hereby required to publiſh the ſame in the London Gazette; from and after which Publication no more than One Penny per hundred Weight ſhall be demanded or taken by any Officer of His Majeſty's Cuſtoms, or any other Perſon whatſoever, on the Importation of any Oak Bark into Great Britain.

and by him ſigned, and delivered to the Officer of the Cuſtoms; who ſhall publiſh the ſame in the *Gazette*; and then no more than 1*d. per Cwt.* to be demanded.

IX. And be it further enacted, That on the Firſt Tueſday of every Month, after the Importation of Oak Bark ſhall be permitted in Manner aforeſaid, the Clerk of the ſaid Tanners Company ſhall, in Writing, certify upon Oath to the Lord Mayor of the City of London, or any Two of the Aldermen thereof, the average Price of Oak Bark by the Load of Hatch or Rinds, each Load reſpectively containing as aforeſaid; for which Certificate the ſaid Clerk ſhall receive a Fee of Six Shillings and Eight-pence; and if from ſuch Certificate it ſhall appear that the Price of Oak Bark is under Ten Pounds the Load of Hatch, or that the Price of Rind Bark is under Two Pounds Ten Shillings the Load, each Load of Hatch and Rind containing reſpectively as aforeſaid, then the ſaid Certificate ſhall be ſigned and tranſmitted to the Collector of the Cuſtoms as aforeſaid, and ſhall be publiſhed in the next London Gazette; from and after which Publication no Oak Bark ſhall be imported into this Kingdom till the Price ſhall amount to Ten Pounds per Load of Hatch Bark, or to Two Pounds Ten Shillings per Load of Rind Bark, each Load containing reſpectively as aforeſaid, and the Importation thereof be again permitted in Manner above directed: Provided always, that no Certificate to be produced to the Lord Mayor or Aldermen as aforeſaid ſhall affect the Importation of Oak Bark, unleſs it ſhall appear that the Quantities purchaſed within the Space of One Month, and duly regiſtered as directed by this Act, ſhall exceed One hundred Loads of Hatch, or Three hundred Loads of Rind Bark, each Load containing reſpectively as aforeſaid.

On the Firſt *Tueſday* of every Month the ſaid Clerk to certify to the Lord Mayor, *&c.* the average Price, to be ſigned and publiſhed in the *Gazette*.

Proviſo.

X. And be it further enacted, That if any Perſon or Perſons purchaſing Bark within the Limits aforeſaid ſhall neglect, for the Space of Fourteen Days, to give in a Note in Writing to the Clerk of the Tanners Company of his or their Purchaſe or Purchaſes, purſuant to the Directions of this Act, or ſhall give in a falſe Note, or a Note deficient in any of the Particulars aforeſaid, every Perſon or Perſons ſhall, for every ſuch Offence, forfeit the Sum of Twenty Pounds; to be recovered and applied in Manner herein-after directed: And if the Clerk of the ſaid Tanners Company ſhall refuſe or neglect, for the Space of Three Days, to enter the ſaid Note or Notes, after the ſame ſhall be delivered to him as aforeſaid, he ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Pounds; to be recovered and applied in Manner herein-after directed.

Perſons neglecting to give in Notes as directed, to forfeit 20*l.*

Clerk neglecting to enter ſuch to forfeit 10*l.*

XI. Provided always, That if any Perſon or Perſons ſhall bona fide give any Order or Orders for the Importation of Oak Bark, during the Time that ſuch Bark was allowed to be imported, on Payment of the Duty of One Penny per Hundred Weight, but which Bark ſhall not arrive till after the Importation thereof was ſtopped in Manner aforeſaid, ſuch Oak Bark ſhall and may, (upon ſufficient Proof being made to the Collector of the Cuſtoms, by producing Copies of the Orders and Affidavits to verify the ſame, that the Orders for ſuch Bark were given while the ſame was allowed to be imported upon Payment of the ſaid Duty), be entered and imported upon Payment of the Duty aforeſaid.

Orders given during the Time allowed hereby to be valid.

XII. And be it further enacted, That if the ſaid Lord Mayor or Aldermen ſhall, within the Space of Ten Days after ſuch Certificate has been made and delivered as aforeſaid, have Reaſon to ſuſpect, or if Affidavit ſhall be made before him or them, that the ſaid Certificate was not truly or bona fide made, or that the ſame does not contain the true Particulars of the Bargains therein ſpecified; then, and in any ſuch Caſe, it ſhall be lawful for the ſaid Mayor or Aldermen, and he or they are hereby required, to ſummon before him or them reſpectively any Perſon or Perſons, and to examine them reſpectively upon Oath, (which Oath the ſaid Mayor or Aldermen are hereby authoriſed to adminiſter), touching the Rates and Prices of Oak Bark, or any other Matter or Thing contained in the ſaid Certificate.

Lord Mayor, *&c.* to ſummon and examine Offenders upon Oath.

XIII. And be it further enacted, That if any Perſon or Perſons ſwearing to the Certificates, or to the Entries and Notes as above directed, or who ſhall be examined on Oath, purſuant to the Directions of this Act, ſhall wilfully forſwear him or herſelf, or themſelves, every ſuch Perſon or Perſons ſhall be ſubject and liable to be proſecuted as for Perjury, by Indictment or Information, by due Courſe of Law; and, if convicted, ſhall be liable to the Pains and Penalties that Perſons convicted of wilful and corrupt Perjury are ſubject and liable to.

Perſons guilty of Perjury liable to legal Penalties.

XIV. And be it further enacted, That all ſuch Oak Bark which ſhall be ſeized and condemned in purſuance of this Act, and all Penalties and Forfeitures whatſoever by this Act inflicted, ſhall and may be ſued for, proſecuted, and recovered, in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, Bill, Plaint, or Information, in the Name of His Majeſty's Attorney-general, or in the Name or Names of the Officer or Officers of the Exciſe or Cuſtoms, who ſhall ſeize the ſaid Oak Bark; and One Moiety of the clear Produce ariſing from the Sale of all ſuch Goods, and of the Penalties and Forfeitures inflicted by this Act, after all Charges deducted, ſhall belong to His Majeſty, His Heirs and Succeſſors, and the other Moiety thereof to the Perſon or Perſons who ſhall ſeize, inform, or proſecute for the ſame.

Condemned Bark, and all Penalties inflicted, recoverable by Action of Debt, *&c.*

and to belong to His Majeſty.

XV. And be it further enacted by the Authority aforeſaid, That this Act ſhall continue and be in Force for the Term of Five Years, and from thence to the End of the then next Seſſion of Parliament.

Act to continue in Force for Five Years.

CAP.

CAP. LI.

An Act for continuing an Act, made in the Tenth Year of the Reign of His preſent Majeſty, to prevent the further ſpreading of the contagious Diſorder among the Horned Cattle in *Great Britain*, till the Twenty-ninth Day of *September*, One thouſand ſeven hundred and ſeventy-four.

CAP. LII.

An Act to enable the Lords Commiſſioners of His Majeſty's Treaſury to order and allow, out of the Money ariſing by the Coinage Duty, a certain Sum therein mentioned, for the Expences of proſecuting Offenders againſt the Laws relating to the Coin, in the Year One thouſand ſeven hundred and ſeventy, over and above the Sum yearly allowed for that Service.

CAP. LIII.

An Act to enable the Lords of the Treaſury to diſcharge the Executors of Lady *Anne Jekyll* from a Debt due to His Majeſty, for the Uſe of the Sinking Fund, upon Payment of the ſame into the Exchequer.

CAP. LIV.

An Act for the more effectually ſecuring a Quantity of Oak Timber for the Uſe of the Royal Navy.

Preamble.

WHEREAS the Tonnage of the Ships employed, and of thoſe now building, in order to be employed in the Service of the United Company of Merchants in *England*, trading to the *Eaſt Indies*, doth greatly exceed the Tonnage of Shipping requiſite to carry on the Trade of the ſaid United Company to and from the *Eaſt Indies*: And whereas the building any more Ships for the Service of the ſaid United Company, until thoſe which are now employed, or building, to be employed as aforeſaid, ſhall be reduced in Tonnage to the Quantity requiſite for carrying on the ſaid Trade, will occaſion an unneceſſary Conſumption of Oak Timber, fit for building large Ships; for Remedy whereof, and for the more effectually ſecuring a Quantity of Oak Timber of a proper Growth for the Uſe of the Royal Navy, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Eighteenth Day of March, in the Year of our Lord One thouſand ſeven hundred and ſeventy-two, the ſaid United Company of Merchants trading to the Eaſt Indies, or any Perſon or Perſons employed by the ſaid Company, or any of their Directors, or any of them, ſhall not build, or begin to build, or cauſe any Perſon or Perſons whatſoever to build, or begin to build, any new Ship, (except thoſe now building), for the Service of the ſaid United Company, until the Tonnage of all the Ships employed, or to be employed, in the Trade of the ſaid Company, on Freight to and from the Eaſt Indies, ſhall be reduced to Forty-five thouſand Tons, Builders Meaſurement, on Pain that the ſaid Company, and every other Perſon and Perſons ſo offending ſhall, for every Ship which ſhall be built, or begun to be built, contrary to the true Intent and Meaning hereof, forfeit and pay the Sum of Five thouſand Pounds of lawful Money of Great Britain; One Moiety whereof ſhall be for the Uſe of His Majeſty, His Heirs and Succeſſors, and the other Moiety thereof, together with full Coſts of Suit, for the Uſe of ſuch Perſon or Perſons who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

After *March* 18, 1772, the *Eaſt India Company* not to build new Ships, (thoſe now building excepted), till the Tonnage be reduced to 45,000 Tons.

II. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Eighteenth Day of March, One thouſand ſeven hundred and ſeventy-two, until the Tonnage of all the Ships employed, or to be employed, in the Service of the ſaid United Company trading to the Eaſt Indies, on Freight to and from the Eaſt Indies, ſhall be reduced to Forty-five thouſand Tons, Builders Meaſurement, the ſaid United Company, or any Perſon or Perſons employed by the ſaid Company, or any of their Directors, or any of them, ſhall not, in any Manner whatſoever, charter, contract for, or hire any Ship for the Uſe of the ſaid Company, unleſs ſuch Ship ſhall have been built, or begun to be built, on or before the ſaid Eighteenth Day of March, One thouſand ſeven hundred and ſeventy-two, on Pain that the ſaid Company, and every other Perſon or Perſons ſo offending ſhall, for every Ship which ſhall be ſo chartered, contracted for, or hired, as laſt mentioned, forfeit and pay the Sum of Five thouſand Pounds of like lawful Money; One Moiety thereof to the Uſe of His Majeſty, His Heirs and Succeſſors, and the other Moiety thereof, together with full Coſts of Suit, to the Uſe of the Perſon or Perſons who ſhall ſue for the ſame; to be recovered in Manner aforeſaid.

The *Eaſt India Company* not to charter or hire Ships, unleſs built before *March* 18, 1772,

on Penalty of 5000 *l.* for each Offence.

III. Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That nothing herein-before contained ſhall be deemed, or conſtrued to extend, to prohibit the ſaid United Company from building, contracting for, or hiring, from Time to Time, during the Continuance of this Act, any Ship or Ships whatſoever in India, or in any of His Majeſty's Colonies in America, for their Uſe or Service; or from building, contracting for, or hiring, within this Kingdom, during the Continuance of this Act, any Ship or Ships, not exceeding Six in Number in the Whole, nor in Burthen Three hundred Tons reſpectively, to be employed as Packets, or Advice Boats, in the ſaid United Company's Service; and that all ſuch laſt-mentioned Ships which ſhall be built in India, or in any of His Majeſty's Colonies in America, ſhall be, to all Intents and Purpoſes, conſidered and deemed to be Britiſh-built Ships; any Law, Uſage, or Cuſtom, to the Contrary notwithſtanding.

Nothing herein contained to prohibit the *Eaſt India Company* to build Ships in the Colonies, or in *India*.

IV. And be it further enacted by the Authority aforeſaid, That where any Perſon ſhall be ſued by Action of Debt for any pecuniary Forfeiture or Penalty impoſed by this Act, it ſhall be ſufficient for the Plaintiff in ſuch Action to declare that the Defendant is indebted to him in the Sum of Five thouſand Pounds, being forfeited by an Act paſſed in the Twelfth Year of the Reign of His preſent Majeſty, For the more effectually ſecuring a Quantity of Oak Timber for the Uſe of the Royal Navy.

If Perſons are ſued by Action of Debt, the Act to be given in Evidence.

V. And

Limitations of Actions.

V. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, or of any Matter or Thing herein contained, ſuch Action or Suit ſhall be commenced within the Space of Six Months next after the Fact committed, and not afterwards; and ſhall be laid in the County or Place where the Cauſe of Action ſhall ariſe; and ſuch Perſon or Perſons ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial thereupon, for his and their Defence; and if upon ſuch Trial a Verdict ſhall paſs for the Defendant or Defendants, or the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his or their Action or Suit; or if Judgement be given for the Defendant or Defendants upon Demurer, or otherwiſe, then ſuch Defendant or Defendants ſhall have Treble Coſts to him or them awarded againſt the Plaintiff or Plaintiffs.

General Iſſue.

Treble Coſts.

Publick Act.

VI. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed and allowed to be a Publick Act; and be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame.

CAP. LV.

An Act for preventing Frauds and Abuſes, in relation to the Trade carried on between *Great Britain* and *Ireland.*

Preamble.

Act 12 *Car.* II.

WHEREAS by an Act of Parliament, made in the Twelfth Year of the Reign of King *Charles* the Second, (entituled, *An Act for the encouraging and increaſing of Shipping and Navigation*), no Goods or Commodities, the Growth, Production, or Manufacture of *Africa*, *Aſia*, or *America*, can be imported into this Kingdom from any other Place or Places, Country or Countries, but only from thoſe of the ſaid Growth, Production, or Manufacture, or from thoſe Ports where ſuch Goods can only, or are, or have uſually been firſt ſhipped for Tranſportation: And whereas, notwithſtanding the ſaid recited Act, Rum, Sugar, Coffee, and other *American* and *Aſiatic* Goods, have been entered outwards for Exportation in the Kingdom of *Ireland*, to be imported into *Great Britain*, and have been clandeſtinely and illegally landed in this Kingdom, contrary to the ſaid recited Act, to the great Prejudice of the Revenue of Cuſtoms, and the Detriment of the fair Trader: For Remedy whereof, may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Fifth Day of July, One thouſand ſeven hundred and ſeventy-two, no Rum, Sugar, Coffee, or any other Goods whatſoever, which are prohibited to be imported from Ireland into Great Britain, or which are liable to Forfeiture upon being ſo imported, by any Act or Acts of Parliament made in this Kingdom, ſhall be exported, or entered for Exportation, from Ireland to Great Britain; nor ſhall any Cocket or Clearance be granted in Ireland for the Exportation of ſuch Goods to Great Britain, any Cuſtom or Uſage to the Contrary notwithſtanding.

After *July* 5, 1772, no Rum, Sugar, &c prohibited from *Ireland* to *Britain* by former Acts, ſhall be exported.

Merchants entering Goods for Exportation to foreign Ports, and landing them in *Britain*, ſhall forfeit the Drawback, and Treble the Value, with the Ship and Apparel.

II. And it is hereby further enacted by the Authority aforeſaid, That if any Merchant, or other Perſon, ſhall enter any ſuch Goods for Exportation to any foreign Ports, or other Place whatſoever, and ſuch Goods ſhall, nevertheleſs, be carried to Great Britain, and landed there, contrary to the true Intent and Meaning of this Act; that then, and in every ſuch Caſe, the Drawback paid, or to be paid, for the ſame ſhall be forfeited; and the Exporter of ſuch Goods, and the Maſter of the Ship or Veſſel on Board which the ſame were loaden and exported, and every Perſon concerned or aſſiſting in the Exportation or Landing of the ſaid Goods, whether any Drawback has been or is to be paid for the ſame or not, ſhall forfeit Treble the Value of the ſaid Goods, and the Ship or Veſſel on Board which ſuch Goods were laden and exported, with all her Tackle, Furniture, and Apparel, ſhall alſo be forfeited, and ſhall and may be ſeized and proſecuted by any Officer of the Cuſtoms in Great Britain or Ireland: And the ſeveral Penalties and Forfeitures herein-before mentioned ſhall and may be ſued for and recovered in ſuch and the like Manner as any Forfeiture incurred by any Law of the Revenue may be ſued for and recovered in the Kingdom of Great Britain or Ireland reſpectively; One Moiety of which Penalties and Forfeitures (after deducting the Charges of Proſecution) ſhall be to the Uſe of His Majeſty, His Heirs and Succeſſors, and the other Moiety to ſuch Officer of the Cuſtoms as ſhall ſue and proſecute for the ſame.

Forfeitures recoverable by any Law of the Revenue.

The Exporter, &c. to to obtain a Drawback, ſhall ſwear upon the Debenture, &c.

III. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Fifth Day of July, One thouſand ſeven hundred and ſeventy-two, the Exporter or Perſon having the Direction of the Voyage, and the Maſter or Perſon having the Charge or Command of the Ship or Veſſel on Board which any Goods ſhall be entered for Exportation to foreign Parts, in order to obtain a Drawback thereon, ſhall ſwear upon the Debenture that the ſaid Goods are really and bona fide intended to be exported to the Port or Place mentioned in the Entry, and to no other; and that no Part thereof is relanded, or intended to be relanded in any Part of Ireland, or in Great Britain, or the Iſle of Man, or the Iſlands of Faro or Ferro; nor to be tranſhipped or put on Board any Ship or Veſſel, unleſs in caſe of real Diſtreſs, to ſave the ſaid Goods from periſhing.

No Drawback to be allowed, till a Certificate be produced by the Collector.

IV. And, for the better preventing Frauds in relanding in *Ireland* any Goods which are intitled to a Drawback or Bounty on Exportation from thence to this Kingdom, be it further enacted by the Authority aforeſaid, That from and after the Fifth Day of July, One thouſand ſeven hundred and ſeventy-two, no Drawback or Bounty ſhall be allowed or paid for any Goods exported or entered for Exportation from Ireland to Great Britain, until a Certificate ſhall be produced, under the Hands and Seals of Office of the Collector and Comptroller, or other principal Officer of the Cuſtoms for the Port where ſuch Goods ſhall be landed in Great Britain, teſtifying the landing thereof; which Certificate ſhall alſo expreſs the exact Weight, Meaſure, or Quantity of the Goods ſo landed, with the Number and Marks of the Caſks, Bales, or other Packages, in which ſuch Goods ſhall be contained.

Clandeſtine importing of foreign Brandy, Rum, *&c.* how to be prevented.

V. And the better to prevent the clandeſtine importing and landing of foreign Brandy, Rum, Strong Waters, or other Spirits, in ſmall Veſſels, which hover upon the Coaſts of *Ireland*, be it further enacted by the Authority aforeſaid, That from and after the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-two, if any Rum or Spirits of the Growth, Produce, or Manufacture, of the Britiſh Colonies or Plantations in America ſhall be imported or brought into the Kingdom of Ireland, either from the ſaid Colonies or Plantations, or from Great Britain, in any Ship or Veſſel whatſoever under the Burthen of Seventy Tons; or if any foreign Brandy, Strong Waters, or other Spirits, ſhall, from and after the Fifth Day of July, One thouſand ſeven hundred and ſeventy-two, be imported or brought from any other Port or Place whatſoever in foreign Parts, into the ſaid Kingdom of Ireland, in any Ship or Veſſel under the Burthen of One hundred Tons, except only for the Uſe of the Seamen then belonging to and on Board ſuch Ships or Veſſels reſpectively, not exceeding Two Gallons for each ſuch Seaman, every ſuch Ship or Veſſel, with all her Tackle, Furniture, and Apparel, and alſo all ſuch Brandy, Rum, Strong Waters, or other Spirits, ſhall, in each and every ſuch Caſe, be forfeited; and ſhall and may be ſeized by any Officer or Officers of the Revenue in Ireland, and proſecuted, tried, determined, recovered, and diſpoſed of, in ſuch and the like Manner as any Forfeitures incurred by the Laws now in Force in the ſaid Kingdom of Ireland againſt the running, or intending to run, Goods into that Kingdom, may, by any Act or Acts of Parliament now in Force in that Kingdom, be proſecuted, tried, determined, recovered, and diſpoſed of.

General Iſſue.

Treble Coſts.

VI. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, the Defendant or Defendants, in ſuch Action or Suit, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear ſo to have been done, the Jury ſhall find for the Defendant or Defendants; and if the Plaintiff ſhall be nonſuited, or diſcontinue his Action after the Defendant or Defendants ſhall have appeared; or if Judgement ſhall be given upon any Verdict or Demurrer againſt the Plaintiff, the Defendant or Defendants ſhall recover Treble Coſts, and have the like Remedy for the ſame as Defendants have in other Caſes by Law.

CAP. LVI.

An Act to continue ſeveral Laws relating to the Allowance upon the Exportation of *Britiſh*-made Gunpowder; to the giving further Encouragement for the Importation of Naval Stores from the *Britiſh* Colonies in *America*; to the further encouraging the Manufacture of *Britiſh* Sail Cloth, and to the Duties payable on Foreign Sail Cloth; to the granting a Liberty to carry Sugars of the Growth, Produce, or Manufacture of any of His Majeſty's Sugar Colonies, directly into Foreign Parts, in Ships built in *Great Britain*, and navigated according to Law; to the free Importation of Cattle from *Ireland*; and to the regulating the Fees of Officers of the Cuſtoms, and Naval Officers in *America*.

Preamble.

Act 4 *Geo.* II.

Acts 10, 16, 24, & 31 *Geo.* & Act 4 *Geo.* III. continued till *Sept.* 29. 1778, and to the End of the then next Seſſion.

WHEREAS the Laws herein-after mentioned have, by Experience, been found uſeful and beneficial, and are near expiring; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That an Act, made in the Fourth Year of the Reign of His late Majeſty King George the Second, intituled, An Act for granting an Allowance upon the Exportation of *Britiſh*-made Gunpowder, which was to continue in Force for Five Years, from the Twenty-fourth Day of June, One thouſand ſeven hundred and thirty-one, and from thence to the End of the then next Seſſion of Parliament; and which, by ſeveral ſubſequent Acts, made in the Tenth, Sixteenth, Twenty-fourth, and the Thirty-firſt Years of His ſaid Majeſty's Reign, and the Fourth Year of His preſent Majeſty's Reign, was further continued until the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-one, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and the ſame is hereby further continued, from the Expiration thereof, until the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-eight, and from thence to the End of the then next Seſſion of Parliament.

Acts 8 *Geo.* I.

and 16, 24, and 31 *Geo.* II. and 4 *Geo.* III. further continued till *Sept.* 29, 1778, and till the End of the then next Seſſion.

II. And be it further enacted by the Authority aforeſaid, That ſo much of an Act, made in the Eighth Year of the Reign of King George the Firſt, intituled, An Act for giving further Encouragement for the Importation of Naval Stores, and for other Purpoſes therein mentioned, as relates to the Importation of Wood and Timber, and of the Goods commonly called Lumber, therein particularly enumerated, from any of His Majeſty's Britiſh Plantations or Colonies in America, free from all Cuſtoms and Impoſitions whatſoever, which was to be in Force for Twenty-one Years, from the Twenty-fourth Day of June, One thouſand ſeven hundred and twenty-two, and which by ſeveral ſubſequent Acts, made in the Sixteenth, Twenty-fourth, and Thirty-firſt Years of the Reign of His late Majeſty King George the Second, and the Fourth Year of His preſent Majeſty's Reign, was further continued until the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-one, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and the ſame is hereby further continued, from the Expiration thereof, until the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-eight, and from thence to the End of the then next Seſſion of Parliament.

Act 9 *Geo.* II.

III. And be it further enacted by the Authority aforeſaid, That an Act, made in the Ninth Year of the Reign of His late Majeſty, King George the Second, intituled, An Act for further encouraging and regulating the Manufacture of *Britiſh* Sail Cloth, and for the more effectually ſecuring the Duties now payable on Foreign Sail Cloth imported into this Kingdom, which was to continue in Force from the Twenty-fourth Day of June, One thouſand ſeven hundred and thirty-ſix, for the Term of Five Years, and from thence to the End of the then next Seſſion of Parliament; and which, by ſeveral ſubſequent Acts, made in the Thirteenth, Twenty-fourth, and Thirty-firſt Years of His ſaid Majeſty's Reign, and the Fourth Year of His preſent Majeſty's Reign, was further continued until the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-one, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and the ſame is hereby further continued, from the Expiration thereof, until the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-eight, and from thence to the End of the then next Seſſion of Parliament.

Acts 13, 24, and 31 *Geo.* II. and 4 *Geo.* III.

further continued till *Sept.* 29, 1778.

Act 12 *Geo.* II.

IV. And be it further enacted by the Authority aforeſaid, That an Act, made in the Twelfth Year of the Reign of His late Majeſty King George the Second, intituled, An Act for granting a Liberty to carry Sugars, of the Growth, Produce, or Manufacture, of any of His Majeſty's Sugar Colonies in *America*, from the ſaid Colonies directly to Foreign Parts, in Ships built in *Great Britain*, and navigated according to Law, which was to continue in Force for Five Years, from the Twenty-ninth Day of September, One thouſand ſeven hundred and thirty-nine, and from thence to the End of the then next Seſſion of Parliament; and which, by ſeveral ſubſequent Acts, made in the Seventeenth, Twenty-fourth, and Thirty-firſt Years of His ſaid Majeſty's Reign, and the Fourth Year of His preſent Majeſty's Reign, was further continued until the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-one, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and the ſame is hereby further continued, from the Expiration thereof, until the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-eight, and from thence to the End of the then next Seſſion of Parliament.

and Acts 17, 24, and 31 *Geo.* II. and Act 4 *Geo.* III.

continued till *Sept.* 29, 1778, and to the End of the then next Seſſion.

Act 5 *Geo.* III. further continued as above mentioned.

V. And be it further enacted by the Authority aforeſaid, That an Act, made in the Fifth Year of the Reign of His preſent Majeſty, intituled, An Act to permit the free Importation of Cattle from *Ireland*, which was to continue in Force for Seven Years, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and the ſame is hereby further continued, from the Expiration thereof, until the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-eight, and from thence to the End of the then next Seſſion of Parliament.

Act 10 *Geo.* III.

VI. And be it further enacted by the Authority aforeſaid, That ſo much of an Act, made in the Tenth Year of the Reign of His preſent Majeſty, intituled, An Act for continuing ſo much of an Act, made in the Third Year of His preſent Majeſty's Reign, intituled, *An Act to continue and amend Two Acts, made in the Twenty-firſt and Twenty-eighth Years of His late Majeſty's Reign, for encouraging the making of Indico in the* Britiſh *Plantations in* America; *and for extending the Proviſions of an Act of the Thirtieth Year of His late Majeſty's Reign, with reſpect to bringing Prize Goods into this Kingdom, to* Spaniſh *Prize Goods taken ſince the late Declaration of War with* Spain, as relates to the encouraging the making of Indico in the Britiſh Plantations in America, and for explaining ſo much of an Act, made in the Fifth Year of His preſent Majeſty's Reign, as relates to the regulating the Fees of the Officers of the Cuſtoms in America, and for extending the ſame to the naval Officers there, as relates to the ſaid Act of the Fifth Year of the Reign of His preſent Majeſty, and which was to continue in Force from the Firſt Day of Auguſt, One thouſand ſeven hundred and ſeventy, for the Term of Two Years, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and the ſame is hereby further continued, from the Expiration thereof, until the Firſt Day of Auguſt, One thouſand ſeven hundred and ſeventy-four, and from thence to the End of the then next Seſſion of Parliament.

further continued till *Aug.* 1, 1774.

CAP. LVII.

An Act to explain and amend ſo much of an Act, made in the Sixth Year of the Reign of His late Majeſty King *George* the Second, as relates to the Eſtabliſhment of Lazarets.

Preamble. Act 26 *Geo.* II.

WHEREAS by an Act, made in the Twenty-ſixth Year of the Reign of His late Majeſty King *George* the Second, (intituled, *An Act to oblige Ships more effectually to perform their Quarantine; and for the better preventing the Plague being brought from Foreign Parts into* Great Britain *or* Ireland, *or the Iſles of* Guernſey, Jerſey, Alderney, Sark, *or* Man), it is (amongſt other Things) enacted, That whenever His Majeſty, His Heirs and Succeſſors, by and with the Advice and Conſent of Parliament, ſhall direct Houſes or Lazarets to be provided for the receiving and entertaining of Perſons obliged to perform Quarantine, or for the depoſiting, opening, and airing of Goods and Merchandiſes, liable as aforeſaid, it ſhall and may be lawful to erect the ſame in ſuch Places, for ſuch Time, as His Majeſty ſhall judge neceſſary, for the Purpoſes aforeſaid; paying ſuch Rate, Rent, or other Conſideration, as ſhall be agreed upon, or aſſeſſed and adjudged, in ſuch Manner as therein preſcribed in that Behalf: And whereas in the Fifth Year of the Reign of His preſent Majeſty a Sum was granted by Parliament, not exceeding Five thouſand Pounds, towards building a Lazaret, but Doubts have ariſen, whether His Majeſty is ſufficiently enabled, by the Powers in the ſaid recited Act contained, to contract and agree for the abſolute Purchaſe of Lands, Meſſuages, Tenements, and Hereditaments, to be ſettled unalienably in the Town, for the Purpoſe of making, erecting, and eſtabliſhing, ſuch Lazarets; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the Lords Commiſſioners of His Majeſty's

Act 5 *Geo.* III.

Treaſury,

Lords of the Treaſury to purchaſe any Tenement conveniently ſituated for the Purpoſe of the Act;

and to order Payment to be made for ſuch Purchaſe.

Treaſury, now or for the Time being, or any Three or more of them, or the Lord High Treaſurer for the Time being, on the Behalf of His Majeſty, His Heirs and Succeſſors, from Time to Time, and at all Times hereafter, to treat, contract, and agree, for the abſolute Purchaſe or Sale, Releaſe, or Surrender, to or for the Uſe of His Majeſty, His Heirs and Succeſſors, of any Eſtate or Eſtates of Inheritance, in any Lands, Meſſuages, Tenements, and Hereditaments, which they ſhall judge to be by their Situation, and in other Reſpects, convenient and fit for the Purpoſes intended by this Act, with the Owner and Owners of ſuch reſpective Eſtate or Eſtates of Inheritance, for ſuch Sum or Sums of Money, or upon ſuch other Terms or Conditions, as they ſhall think fitting; and that upon the executing of ſuch Contracts or Agreements, by or on the Behalf of ſuch Owner or Owners as aforeſaid, or upon executing ſuch other Conveyances, Aſſignments, Releaſes, or Surrenders, as in ſuch Contract or Contracts ſhall be agreed on for that Purpoſe, it ſhall and may be lawful to and for the ſaid Commiſſioners of the Treaſury now or for the Time being, or any Three or more of them, or the Lord High Treaſurer for the Time being, and they are hereby impowered to order and direct the Payment of the ſaid Sum of Five thouſand Pounds; and likewiſe, in caſe that Sum ſhall not be ſufficient, then, by and out of any Monies ariſen, or to ariſe to His Majeſty, His Heirs or Succeſſors, of or for any Cuſtoms, Subſidies, Impoſitions, or other Duties, upon the Importation or Exportation of any Goods or Merchandiſes whatſoever, already granted or payable, or hereafter to be granted or payable, to His Majeſty, His Heirs or Succeſſors, in Great Britain, Wales, or Berwick upon Tweed, to order and direct the Payment of ſuch Sum or Sums of Money, from Time to Time, as ſhall be ſo contracted or agreed on for ſuch Purchaſe or Purchaſes, to ſuch Perſon or Perſons as, according to the Terms of ſuch Contracts or Agreements, ſhall be intitled to have and receive the ſame.

The Meſſuages ſo purchaſed to be veſted in the Crown.

Receipts for the Purchaſe-money to be a ſufficient Diſcharge to His Majeſty.

II. And be it further enacted by the Authority aforeſaid, That from and immediately after ſuch Payment of the Purchaſe-money to the Perſon or Perſons ſo intitled to receive the ſame, as aforeſaid, the ſeveral Lands, Meſſuages, Tenements, Hereditaments, and Premiſes, in ſuch Contracts or Agreements mentioned or compriſed, or intended ſo to be, together with all Rights, Members, Eaſements, and Appurtenances whatſoever, to the ſame, or any Part thereof, belonging, and uſually held and enjoyed therewith, ſhall be, and are hereby declared to be, from Time to Time, unalienably veſted in the Crown, for the Purpoſe of making, erecting, and eſtabliſhing there a Lazaret, or Lazarets; and His Majeſty, His Heirs and Succeſſors, ſhall for ever have, hold, and enjoy the ſame, againſt ſuch Vendor and Vendors reſpectively; and all and every Perſon and Perſons, claiming, or to claim, by, from, or under them, or any of them, freed and diſcharged of and from all former Entails, and from all Incumbrances whatſoever made or granted of the Premiſes, or any Part thereof: And the Receipt or Receipts of ſuch Perſon or Perſons as ſhall be intitled or authoriſed to receive ſuch Purchaſe-money, as aforeſaid, under his or their Hands reſpectively, teſtifying the Payment of the ſame, or any Part thereof, by the ſaid Commiſſioners of the Treaſury, or ſuch Perſon or Perſons as they, or any Three of them, ſhall order and direct to pay the ſame, ſhall be a ſufficient Diſcharge to His Majeſty, His Heirs and Succeſſors, for all ſuch Sum and Sums of Money as ſuch Receipt or Receipts ſhall be given for; and His Majeſty, His Heirs and Succeſſors, ſhall be abſolutely acquitted and diſcharged of and from the ſaid Monies, notwithſtanding any Miſapplication of the ſame, or any Part thereof.

Price of ſuch Premiſes may be ſettled by a Jury at the General Quarter Seſſions.

Verdict of the Jury and Judgement of the Juſtices, to be concluſive

III. And be it further enacted by the Authority aforeſaid, That as often as any Difference ſhall ariſe concerning ſuch Purchaſe, or the Price or Conſideration, between the ſaid Commiſſioners of His Majeſty's Treaſury now or for the Time being, or any Three or more of them, or the High Treaſurer for the Time being, and the Owner or Owners of ſuch Lands, Meſſuages, Tenements, and Hereditaments, as aforeſaid, their Guardians or Truſtees, (not being the Dwelling-houſe of ſuch Owner or Owners, or Park, Garden, Orchard, Yard, or planted Walk, or Avenue to ſuch Houſe), it ſhall and may be lawful for any One or more Perſon or Perſons, to be appointed for that Purpoſe by His Majeſty, His Heirs or Succeſſors, under His or Their Sign Manual, and ſuch Perſon and Perſons are hereby authoriſed, Thirty Days at the leaſt before any General Quarter Seſſion of the Peace, to be held for the reſpective Counties or Diviſions where ſuch Premiſes as aforeſaid ſhall reſpectively lie, to give, or cauſe to be given, to ſuch reſpective Owner or Owners, or to be left at their laſt Places of Abode reſpectively, a Notice in Writing, deſcribing the ſaid Premiſes, and purporting, that the Price or Conſideration of ſuch Premiſes will be adjuſted and ſettled by a Jury at the ſaid Seſſions: And the Juſtices, at their ſaid Seſſions, upon Proof to them made of ſuch Notice or Notices given, ſhall, and they are hereby authoriſed and required to charge the Jury which ſhall attend at the ſaid Seſſions, or ſome other Jury of Twelve honeſt and ſubſtantial Men, (to be then and there impanelled and returned by the Sheriff of the County without Fee or Reward), and cauſe to be ſworn well and truly on their Oaths, to aſſeſs the Value of the Premiſes compriſed in ſuch Notices, and the Price or Conſideration to be given for the ſame, to the reſpective Owner or Owners thereof, according to their reſpective Intereſts therein, which Oath the ſaid Juſtices are hereby authoriſed and required to adminiſter to the ſaid Jury; and to which ſaid Jury the ſaid Perſon or Perſons ſo to be appointed by His Majeſty, His Heirs and Succeſſors, and the Parties intereſted in ſuch Premiſes, ſhall have their lawful Challenges; and the ſaid Jury being ſo ſworn and charged as aforeſaid, after proper Evidence, on Oath, given to them, ſhall, by their Verdict, aſſeſs the Price or Conſideration to be given for ſuch Premiſes to the reſpective Owner or Owners thereof, according to their reſpective Intereſts therein; which Verdict of the ſaid Jury, and Judgement of the ſaid Juſtices thereupon, ſhall be concluſive, and finally bind all Parties; and from and after ſuch Verdict and Judgement, and paying ſuch Price or other Conſideration, the ſaid Premiſes ſhall veſt in and be held by His Majeſty, His Heirs and Succeſſors, in Manner, and for the Purpoſes aforeſaid.

CAP.

CAP. LVIII.

An Act for the further Encouragement of the Herring Fiſhery on the Coaſts of the *Iſle of Man*; and for obviating a Doubt which has ariſen with reſpect to the allowing the Bounties upon the *Britiſh* White Herring Fiſhery, in the Year One thouſand ſeven hundred and ſeventy-one.

Preamble.

WHEREAS it is neceſſary that ſome further Encouragement ſhould be given to the Inhabitants of the *Iſle of Man*, to engage in and carry on the Herring Fiſhery on the Coaſts thereof; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, it ſhall and may be lawful to import and bring into any Part of Great Britain any Sort of Herrings caught upon the Coaſts of the Iſle of Man, and cured there, upon Payment of the Duties herein-after mentioned; any Law, Cuſtom, or Uſage, to the Contrary notwithſtanding; that is to ſay, For every Barrel of White Herrings, containing Thirty-two Gallons, Three Shillings and Fourpence, and for every Thouſand of Red Herrings One Shilling and Eight-pence, and after thoſe Rates for any greater or leſs Quantities of ſuch Herrings reſpectively.

After *June* 24, 1772, any Sort of Herrings, caught and cured near the *Iſle of Man*, may be imported into *Great Britain*, on Payment of the Duties mentioned.

II. And be it further enacted by the Authority aforeſaid, That the Duties which ſhall be charged upon ſuch Herrings in purſuance of this Act, ſhall be raiſed, levied, and recovered, by ſuch Ways and Means, and under ſuch Penalties and Forfeitures, and applied to the ſame Uſes and Purpoſes, as are directed and preſcribed by any former Act or Acts of Parliament, which are now in Force, reſpecting the Duties upon Fiſh brought or imported into England from that Part of the United Kingdom called Scotland; and the ſaid Herrings ſo imported from the Iſle of Man, in purſuance of this Act, ſhall, in all Reſpects, be ſubject and liable to the ſame Rules and Regulations as ſuch Herrings brought from Scotland are liable to by Law, except in ſuch Caſes where any Alteration is made by this Act.

Herrings from the *Iſle of Man* liable to the ſame Duties as thoſe brought from *Scotland*.

III. Provided always, and it is hereby further enacted by the Authority aforeſaid, That the Maſter or other Perſon, having the Charge of the Ship ſo importing ſuch Herrings, ſhall bring with him a Certificate or Certificates, from the Governor, Lieutenant Governor, Commander in Chief, or Chief Magiſtrates for the Time being, that Oath has been made before him or them, in the Preſence of the Officer of the Cuſtoms for the Port or Place where ſuch Herrings ſhall be put on Board, that the ſame were bona fide taken on the Coaſts of the Iſle of Man, and cured there; which Certificate or Certificates ſhall alſo be atteſted by the ſaid Officer of the Cuſtoms, and ſhall expreſs the Number of Barrels, and Quantity of ſuch Herrings reſpectively, and the Marks of the Package expreſſed in the Bill or Bills of Lading, with the Name or Names, Place or Places of Abode, of ſuch Perſon or Perſons as ſhall have made the Oath herein-before directed, and where and to whom ſuch Herrings ſhall be conſigned in Great Britain; and the Maſter or Perſon taking Charge of the Ship or Veſſel importing the ſame ſhall alſo make Oath before the Collector or Principal Officer of the Salt Duties, at the Port or Place of Importation in Great Britain, that the ſaid Herrings are the ſame that were taken on Board, by virtue of the ſaid Certificate or Certificates, ſo to be produced; on Failure whereof, or of any of the Requiſites herein-before mentioned, the Herrings ſhall be liable to the ſame Duties, Penalties, and Forfeitures, as ſuch Herrings would have been liable to by Law, if this Act had not been made.

Certificate to be brought by the Maſter of the Ship, from the Governor, *&c.* that the Herrings were taken on the Coaſts of the *Iſle of Man*; to be atteſted by an Officer of the Cuſtoms, expreſſing the Number of Barrels, *&c.*

IV. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, it ſhall and may be lawful for any of His Majeſty's Subjects, inhabiting and reſiding in the Iſle of Man, to export from thence, and import into any Britiſh Colonies or Plantations in America, in Britiſh Ships or Veſſels, manned and navigated according to an Act of Parliament made in the Twelfth Year of the Reign of King Charles the Second, (intituled, An Act for the encouraging and increaſing of Shipping and Navigation), Herrings caught and cured by them in the ſame Manner as Victuals of and from Ireland may be imported into the ſaid Colonies or Plantations, by an Act made in the Fifteenth Year of the Reign of the ſaid King Charles the Second, (intituled, An Act for the Encouragement of Trade); any Law, Cuſtom, or Uſage, to the Contrary notwithſtanding.

After *June* 24, 1772, Inhabitants of the *Iſle of Man* may export Herrings to the *Britiſh* Colonies.

V. And be it further enacted by the Authority aforeſaid, That from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, it ſhall and may be lawful for any Fiſherman inhabiting the Iſle of Man to load there, on Board any Veſſel or Boat employed in the Fiſhery on the Coaſts of the ſaid Iſland, any Quantity of Salt which ſhall be ſufficient and neceſſary for curing the Cargo of Herrings taken by ſuch Veſſel or Boat, Bond being firſt given to His Majeſty, His Heirs and Succeſſors, with One ſufficient Surety beſides the Maſter, to be approved of by the Collector, or other principal Officer of His Majeſty's Revenue, at the Port or Place from whence ſuch Veſſel or Boat ſhall depart, in the Penalty of Fifty Pounds for every Con of Salt which ſhall be ſo taken on Board, with Condition that the ſame ſhall be uſed only in the curing of ſuch Herrings, and ſhall not be landed in any Part of Great Britain, or tranſhipped, or put on Board any other Ship or Veſſel; and on Return of ſuch Veſſel or Boat from the Fiſhery into any Port or Place in the ſaid Iſle of Man, the Maſter and One of the Crew belonging to and employed on Board ſuch Veſſel or Boat, during the whole Voyage, ſhall make Oath before the Collector, or other Principal Officer of His Majeſty's Revenue, at the neareſt Port where they ſhall arrive, (which Oath ſuch Collector or other Officer is hereby impowered and required to adminiſter), that the Salt ſo laden in ſuch Veſſel or Boat (excepting ſuch Part thereof as may remain unuſed on Board) has been really and truly expended in curing the Herrings caught and

Quantity of Salt neceſſary for curing ſuch Herrings may be loaded on Board any Veſſel, Bond being given, *&c.*

taken by them, and that no Part thereof had been landed in any Part of Great Britain, **or tranſhipped, or put on Board any other Ship or Veſſel; which Bond ſhall continue in Force for One Year from and after the Completion of the Voyage: And in caſe no Fraud appears within that Time, it ſhall and may be lawful for the Receiver-general of His Majeſty's Revenue in the** Iſle of Man, **or his Deputy, to direct the ſaid Bond to be cancelled and delivered up.**

Act 23 Geo. II. c. 24. VI. And whereas by an Act, made in the Twenty-third Year of the Reign of His late Majeſty King *George* the Second, (intituled, *An Act for the Encouragement of the* Britiſh *White Herring Fiſhery*), a Bounty of Thirty Shillings *per* Ton was granted to the Owners of ſuch decked Veſſels as ſhould be fitted out and employed in the ſaid Fiſhery, in the Manner, and under the ſeveral Regulations and Reſtrictions, in the ſaid Act mentioned, to be paid yearly, during the Space of Fourteen Years from the Commencement of the ſaid Act, and no longer: And

Act 28 Geo. II. c. 14. whereas by another Act, made in the Twenty-eighth Year of the Reign of His ſaid late Majeſty, (intituled, *An Act for further explaining, amending, and rendering more effectual, an Act made in the Twenty-third Year of the Reign of His preſent Majeſty,* intituled, *An Act for the Encouragement of the* Britiſh *White Herring Fiſhery; and for giving further Encouragement for the carrying on the ſaid Fiſhery; and for other Purpoſes therein mentioned*); the ſaid Bounty was continued for the further Term of Three Years, to be computed immediately from and after the Expiration of the Term for which the ſame was granted, as aforeſaid: And

Act 30 Geo. II. c. 30. whereas by another Act, made in the Thirtieth Year of the Reign of His ſaid late Majeſty, (intituled, *An Act for allowing a further Bounty on Veſſels employed in the White Herring Fiſhery; for giving Liberty to alter the preſent Form and Size of the Nets uſed in the ſaid Fiſhery; and for other Purpoſes therein mentioned*); it was, amongſt other Things, enacted, That the ſaid Bounty of Thirty Shillings, by the ſaid Two ſeveral Acts granted and continued for the reſpective Terms of Years therein reſpectively mentioned, ſhould ceaſe, determine, and be at an End; and, in lieu thereof, a Bounty of Fifty Shillings *per* Ton, on the Veſſels employed in the ſaid Fiſheries, was granted for ſuch Term and Terms of Years, to be paid in ſuch Manner as the ſaid Bounty of Thirty Shillings *per* Ton was by the ſaid Two ſeveral Acts, or

Act 5 Geo. III. c. 22. either of them, directed to be paid: And whereas by another Act, made in the Fifth Year of the Reign of His preſent Majeſty, (intituled, *An Act for the further Encouragement of the* Britiſh *White Herring Fiſhery*), it was, amongſt other Things, recited, That the Terms for which the ſaid Bounty was granted would expire on the Twenty-ſecond Day of *October*, One thouſand ſeven hundred and ſixty-ſeven; and, by the ſaid laſt-mentioned Act, it was alſo enacted, That the ſaid Bounty of Fifty Shillings *per* Ton, granted by the ſaid Act of the Thirtieth Year of the Reign of His ſaid late Majeſty, ſhould be further continued for the further Term of Four Years, to be computed from and immediately after the Expiration of the Terms

Act 11 Geo. III. c. 31. for which the ſame was granted, as aforeſaid: And whereas by another Act, made in the Eleventh Year of the Reign of His preſent Majeſty, (intituled, *An Act for the Encouragement of the White Herring Fiſhery*), a Bounty of Thirty Shillings *per* Ton is to be paid annually, in the Manner as in the ſaid Act is provided, to the Owner or Owners of all decked Veſſels, from Twenty to Eighty Tons Burthen, which ſhall be fitted out and employed in the ſaid Fiſheries, in Manner and under the Regulations in the ſaid laſt-recited Act mentioned, for the Space and Term of Seven Years, from and after the Twenty-ſecond Day of *October*, One thouſand ſeven hundred and ſeventy-one, and to the End of the then next Seſſion of Parliament: And whereas it was intended by the ſaid laſt-recited Act, that the ſaid Bounty of Thirty Shillings *per* Ton, thereby granted, ſhould commence and take place immediately after the Expiration of the Term for which the former Bounty of Fifty Shillings *per* Ton was granted and continued by the ſeveral Acts herein-before recited: And whereas ſeveral Veſſels have been fitted out and employed upon the Summer and Winter Fiſheries, for the Year One thouſand ſeven hundred and ſeventy-one, upon a Preſumption that the Bounty of Fifty Shillings *per* Ton, granted and continued by the before-recited Act of the Fifth Year of His preſent Majeſty, did not expire till the Twenty-ſecond Day of *October*, One thouſand ſeven hundred and ſeventy-one, agreeably to the Recital of the ſaid Act; but Doubts having ariſen, whether the Term of Twenty-one Years, for which the ſaid Bounty was firſt granted and continued, as herein-before mentioned, ſhould not have been computed from the Firſt Day of the Seſſion of Parliament, in the Twenty-third Year of the Reign of His late Majeſty, which began upon the Sixteenth Day of *November*, One thouſand ſeven hundred and forty-nine, and which Term, from that Date, by the Alteration of Stile, expired on the Twenty-ſeventh Day of *November*, One thouſand ſeven hundred and ſeventy; and, according to which Computation, the Owners of the Veſſels ſo fitted out and employed in the Fiſheries for the Year One thouſand ſeven hundred and ſeventy-one are not intitled to any Bounty: Now, to obviate theſe Doubts, and for the Relief of the Owners of ſuch Veſſels as have been ſo fitted out and em-

Owners of Summer Fiſhery 1771, to be allowed a Bounty of 50*s*. *per* Ton; and Owners of Winter Fiſhery to be allowed 30*s*. *per* Ton.

ployed, as aforeſaid, **it is hereby further enacted by the Authority aforeſaid, That the Owner or Owners of ſuch Ships or Veſſels as were fitted out and employed in the Firſt or Summer Fiſhery, for the Year One thouſand ſeven hundred and ſeventy-one, ſhall be allowed a Bounty of Fifty Shillings** per **Ton for ſuch Veſſel ſo employed; and the Owner or Owners of ſuch Ships or Veſſels as were fitted out and employed in the latter or Winter Fiſhery, for the ſaid Year One thouſand ſeven hundred and ſeventy-one, ſhall be allowed a Bounty of Thirty Shillings** per **Ton, for ſuch Ships or Veſſels as were ſo fitted out and employed in that Fiſhery: Which ſaid reſpective Bounties hereby allowed ſhall be paid in the ſame Manner as, and ſhall in all other Reſpects be ſubject to, all the Reſtrictions and Regulations which were directed and preſcribed by the before-recited Acts, or any other Act of Parliament, with reſpect to the former Bounty of Fifty Shillings** per **Ton, which was granted by the ſaid recited Act, made in the Fifth Year of His preſent Majeſty's Reign; any Thing in the before-recited Acts, or any other Act, to the Contrary notwithſtanding.**

CAP.

CAP. LIX.

An Act for veſting in His Majeſty certain Hereditaments at *Richmond*, in the County of *Surrey*, belonging to *Catherine* Viſcounteſs *Fitzwilliam*, and held by Leaſe from the Crown; and for veſting the Freehold and Inheritance of certain Leaſehold and Copyhold Hereditaments at *Richmond* aforeſaid in Truſtees, and their Heirs, in Truſt for the ſaid *Catherine* Viſcounteſs *Fitzwilliam*, as a Part of the Compenſation for the ſame; and for other Purpoſes therein mentioned.

Preamble, reciting Letters Patent of 5 *Geo.* II.

WHEREAS His late Majeſty King *George* the Second, by His Letters Patent, bearing Date the Twenty-fourth Day of *January*, in the Fifth Year of His Reign, granted and demiſed unto Sir *Matthew Decker* Baronet, ſince deceaſed, all that Meſſuage or Tenement, called or known by the Name of *The Bakehouſe* at *Richmond*, in the County of *Surrey*, together with Two Gardens to the ſaid Tenement belonging, One of which Gardens is therein mentioned to be incloſed with a Brick Wall, and to abut upon the North-weſt Side of a Piece of Land or Yard, then or late in the Tenure or Occupation of *Grimes*, Widow; and the other Garden is therein mentioned to be incloſed with Pales, and to adjoin to the aforeſaid Tenement, then or late in the Occupation of *John Stevens*, thentofore demiſed to him by *Edward Villars* Eſquire, for a Term of Years then expired; and alſo all that Piece or Parcel of Land, Orchard, or Garden, with the Appurtenances, containing by Eſtimation One Acre, or thereabouts, being, or reputed to be, Part of the Park called *Richmond Old Park*, theretofore in the Tenure of *Gilbert Grimes*, deceaſed, and then or late in the Occupation of *William Beaumond*, theretofore demiſed to him by the ſaid *Edward Villars* for a Term of Years then expired, with free Way and Paſſage to and from the ſaid Piece of Land by and through the aforeſaid Yard, late in the Occupation of the ſaid *Gilbert Grimes*; and alſo all thoſe Three Cloſes of Land or Paſture Ground, ſituate at *Richmond* aforeſaid, called *Bentley Park*, containing by Eſtimation Twenty Acres, more or leſs, Parcel alſo of the aforeſaid Park called *Richmond Old Park*, then late in the Poſſeſſion or Occupation of Sir *Charles Hedges* Knight, or his Aſſigns; and alſo all thoſe Two Tenements adjoining to the Premiſes therein above mentioned and demiſed, then or late in the Poſſeſſion of *Rowland Corbett* and *William Watts*, Tenants at the Will of the Lord, by ſeveral yearly Rents, amounting together to the Sum of Five Pounds and Fifteen Shillings a Year, together with a ſmall Building or Stable adjoining to the Tenement of the ſaid *William Watts*; and alſo all that ſmall Piece of Land then lately recovered and incloſed by the aforeſaid Sir *Charles Hedges* Knight, out of the Waſte there, by the common Conſent of the Inhabitants of *Richmond* aforeſaid, and the Tenants of the Manor there, abutting upon Part of the Premiſes there above demiſed towards the Eaſt, upon a Way leading from a Place called *Richmond Green* to the River *Thames* towards the South, upon the ſaid River towards the Weſt, and upon the Land or Meadow then or late in the Tenure of *John Buckworth* towards the North, together with all Manner of Appurtenances to the ſaid Premiſes belonging; all which Premiſes are therein mentioned to have been demiſed by His late Majeſty King *William* the Third on the Fourth Day of *March*, in the Thirteenth Year of His Reign, for a Term of Fifty Years, at the Rent of Thirty-one Pounds Fifteen Shillings; and to have afterwards been demiſed by His late Majeſty King *George* the Firſt to the ſaid Sir *Matthew Decker* Baronet, on the Twenty-fourth Day of *September*, in the Fourth Year of His Reign, for a Term of Sixteen Years, from the Fourth Day of *March*, One thouſand ſeven hundred and fifty, at the ſame Rent of Thirty-one Pounds Fifteen Shillings, to hold the ſaid Premiſes thereby demiſed to the ſaid Sir *Matthew Decker*, his Executors, Adminiſtrators, and Aſſigns, from the Fourth Day of *March*, in the Year of our Lord One thouſand ſeven hundred and ſixty-ſix, for and during the Time and Term of Fourteen Years from thenceforth next enſuing, yielding and paying therefore for the ſaid Premiſes the ancient yearly Rent or Sum of Thirty-one Pounds Fifteen Shillings, during the Term thereby granted, as therein mentioned: And whereas the ſaid Sir *Matthew Decker*, by his laſt Will and Teſtament, bearing Date the Nineteenth Day of *January*, One thouſand ſeven hundred and forty-ſeven, after giving a Legacy of Five hundred Pounds, gave, deviſed, and bequeathed all the Reſt of his Eſtate, as well real as perſonal, unto his Wife *Henrietta Decker*, her Heirs, Executors, and Adminiſtrators, for ever, and appointed his ſaid Wife ſole Executrix of his ſaid Will, who duly proved the ſame in the Prerogative Court of the Archbiſhop of *Canterbury*, on the Twelfth Day of *April*, One thouſand ſeven hundred and forty-nine: And whereas His ſaid Majeſty King *George* the Second, afterwards, by His Letters Patent, bearing Date the Seventh Day of *November*, in the Twenty-fifth Year of His Reign, granted and demiſed unto the ſaid Dame *Henrietta Decker* all and ſingular the Meſſuage or Tenement, Lands, Hereditaments, and Premiſes, which, in and by the ſaid herein-before recited Letters Patent, were granted and demiſed to the ſaid Sir *Matthew Decker*, with their Appurtenances, to hold unto the ſaid Dame *Henrietta Decker*, her Executors, Adminiſtrators, and Aſſigns, from the Fourth Day of *March*, which will come in the Year of our Lord One thouſand ſeven hundred and eighty, for and during the Term and Time of Nineteen Years and an Half, from thenceforth next enſuing, yielding and paying therefore for the ſaid Premiſes the ancient yearly Rent or Sum of Thirty-one Pounds Fifteen Shillings, during the Term thereby granted, as therein mentioned: And whereas, at a Special Court Baron of His late Majeſty King *George* the Second, held for His Manor of *Richmond*, otherwiſe *Weſt Sheene*, on *Friday* the Seventh Day of *July*, in the Twenty-third Year of His ſaid Majeſty's Reign, the ſaid Dame *Henrietta Decker* was duly admitted Tenant to all that cuſtomary Half Acre of Land, with the Appurtenances, ſituate, lying, and being in a Field called *The Upper Field* of *Richmond* aforeſaid, in a Shot called *Marſh Furze Shot*, adjoining on the Eaſt and Weſt to Land then late of *Jones*, Gentleman, but then of and alſo to all that cuſtomary Capital Meſſuage or Tenement ſituate and being in *Richmond* aforeſaid, near the *Green* there, and formerly in the Poſſeſſion of Sir *Charles Hedges* Knight, and then late in the Poſſeſſion of the ſaid Sir *Matthew Decker*, together with the Outhouſes, Edifices, Coach-houſes, Stables, Gardens, and other the Appurtenances to the ſaid Meſſuage or Tenement belonging or in any-wiſe appertaining, or formerly enjoyed therewith; and alſo to all that Piece or Parcel of Land, with the Appurtenances, formerly Part of the Waſte of the ſaid Manor, lying on the Eaſt Angle of the Garden Wall, formerly of *William Finch*, containing in Length Fourteen Feet, or thereabouts, and in Breadth Twelve Feet, or thereabouts, to hold to the ſaid Dame *Henrietta Decker*, her Heirs and Aſſigns, for ever, at the Will of the Lord, according to the Cuſtom of the ſaid Manor, by Fealty Rent of Thirteen Shillings and Four-pence, Suit of Court, and other Service, firſt due and of Right accuſtomed, and at the ſame Court the ſaid Dame *Henrietta Decker* ſurrendered the ſaid Copyhold Premiſes, with their Appurtenances, according to the Cuſtom of the ſaid Manor, to the Uſe of ſuch Perſon or Perſons, and to and for ſuch Truſts, Uſes, Intents, and Purpoſes, as ſhe ſhould, in and by her laſt Will and Teſtament, in Writing, give, deviſe, bequeath, direct, limit, or appoint, at the Will of the Lord, according to the Cuſtom of the ſaid Manor: And whereas the ſaid Dame *Henrietta Decker*, being poſſeſſed of the ſaid Leaſehold Premiſes above mentioned by the ſeveral Letters Patent, and Will above recited and referred to, and being alſo poſſeſſed of and intitled in Fee to the ſaid Copyhold or Cuſtomary Premiſes, and having ſurrendered the ſame in Manner aforeſaid, duly made and publiſhed her laſt Will and Teſtament, bearing Date the Thirteenth Day of *April*, One thouſand ſeven hundred and forty-nine, whereby ſhe gave and bequeathed all her Freehold, Copyhold, Leaſehold, and Perſonal Eſtates, unto her Son-in-law the Honourable *John Talbot*, and *Gerard Van Neck* Eſquire, their Heirs, Executors, and Adminiſtrators, upon Truſt, to raiſe and pay thereout the ſeveral Sums of Money thereby directed; and in further Truſt, to ſtand ſeiſed and poſſeſſed of all the Reſt and Reſidue of the ſaid Freehold, Copyhold, Leaſehold, and Perſonal Eſtates in Truſt, for the ſole and ſeparate Uſe of her Daughter *Catherine Fitzwilliam*, whoſe Directions, as far as it concerned her Share, the ſaid Teſtatrix deſired her ſaid Truſtees would purſue, either in continuing or altering the Situation her ſaid ſeveral Eſtates ſhould be in at the Time of her Death, in ſuch Manner as ſhe ſhould moſt approve; and the ſaid Teſtatrix did alſo expreſs her Will to be, that if her ſaid Daughter ſhould at any Time be diſpoſed to preſent, ſell, or diſpoſe of, to her Huſband, the Right Honourable the Lord Viſcount *Fetzwilliam*, or to any other Perſon or Perſons, the Whole, or any Part of what the Teſtatrix thereby gave unto her, that it ſhould be lawful for her ſaid Truſtees, notwithſtanding any Thing in her ſaid Will contained, to transfer and aſſign the ſame upon Requeſt made to them by her ſaid Daughter, by any Writing or Writings under her Hand, to ſuch Perſon and Perſons, and for ſuch Eſtates and Intereſts, and in ſuch Manner and Form, as her ſaid Daughter ſhould appoint, and which Writing or Writings the ſaid Teſtatrix declared ſhould be to her Truſtees a full Diſcharge for their ſo doing; and the ſaid Teſtatrix appointed her ſaid Daughter, the ſaid *Catherine* Viſcounteſs *Fitzwilliam*, her ſole Executrix; and the ſaid Teſtatrix afterwards, by a Codicil to her ſaid Will, made the Ninth Day of *March*, One thouſand ſeven hundred and fifty-two, after taking Notice that the ſaid *Gerard Van Neck* was dead, nominated and appointed *John Page* of *Water-gate Houſe*, in the County of *Suſſex*, Eſquire, and *John Daniel Dreyer* of *London*, Merchant, in the Room of the ſaid *Gerard Van Neck*, Co-truſtees with the ſaid *John Talbot*; and thereby did deviſe and bequeath unto them the ſaid *John Talbot*, *John Page*, and *John Daniel Dreyer*, their Heirs, Executors, and Adminiſtrators, all her ſeveral Eſtates in her ſaid Will mentioned, upon the ſeveral Truſts in her ſaid Will ſet forth, and therein alſo gave ſeveral other pecuniary Legacies: And whereas the ſaid Dame *Henrietta Decker* died not long after the making her ſaid Will and Codicil, and the ſaid *Catherine* Viſcounteſs *Fitzwilliam* duly proved the ſame in the Prerogative Court of the Archbiſhop of *Canterbury*, on the Ninth Day of *May*, One thouſand ſeven hundred and fifty-nine: And whereas, at a ſpecial Court Baron of His ſaid late Majeſty King *George* the Second, for His ſaid Manor of *Richmond*, otherwiſe *Weſt Sheene*, held on *Saturday* the Twenty-ſeventh Day of *October*, in the Thirty-third Year of the Reign of His ſaid Majeſty, the ſaid *John Page* and *John Daniel Dreyer*, (the ſaid *John Talbot* being then dead), were duly admitted Tenants to all and ſingular the ſaid Copyhold or Cuſtomary Meſſuage or Tenement, Lands, Tenements, Hereditaments, and Premiſes, with their Appurtenances, whereunto the ſaid Dame *Henrietta Decker* had been admitted as aforeſaid, to hold the ſaid Premiſes, with the Appurtenances, unto the ſaid *John Page* and *John Daniel Dreyer*, their Heirs and Aſſigns, for ever, at the Will of the Lord, according to the Cuſtom of the ſaid Manor, upon the Truſts, and to and for the Uſes, Intents, and Purpoſes, in and by the ſaid Will and Codicil of the ſaid Dame *Henrietta Decker* mentioned, expreſſed, and declared, of and concerning the ſame: And whereas the ſaid *John Daniel Dreyer* afterwards died, and the ſaid *John Page* being then the ſurviving Truſtee under the ſaid Will and Codicil of the ſaid Dame *Henrietta Decker*, and the ſeveral Sums charged by her ſaid Will and Codicil on her ſaid Eſtates having been paid and diſcharged, by Indenture of Three Parts, bearing Date the Tenth Day of *November*, which was in the Year of our Lord One thouſand ſeven hundred and ſixty-eight, and made between the ſaid *John Page* of the Firſt Part; the Right Honourable *Richard* Lord Viſcount *Fitzwilliam* and the ſaid *Catherine* Lady Viſcounteſs *Fitzwilliam* his Wife, of the Second Part; and *Maurice Dreyer* and *John Daniel Dreyer*, both of *London*, Merchants, the Sons of the ſaid *John Daniel Dreyer*, deceaſed, of the Third Part; the ſaid *John Page*, by the Direction of the ſaid *Richard* Viſcount *Fitzwilliam*, and *Catherine* Viſcounteſs *Fitzwilliam*, did aſſign and ſet over all and ſingular the Meſſuage or Tenement, Lands, Hereditaments, and Premiſes, in and by the aforeſaid recited Letters Patent granted and demiſed, with their Appurtenances, unto the ſaid *Maurice Dreyer* and *John Daniel Dreyer* the Sons, their Executors, Adminiſtrators, and Aſſigns, for and during all the Reſidue and Remainder then to come of the aforeſaid Term of Fourteen Years, and for the Whole of the ſaid Term of Nineteen Years and an Half, upon ſuch and the ſame Truſts, and to and for ſuch and the ſame Intents and Purpoſes, as in and by the ſaid Will of the ſaid Dame *Henrietta Decker* are declared and expreſſed, of and concerning the Reſt and Reſidue therein mentioned of her Freehold, Copyhold, Leaſehold, and Perſonal Eſtates: And whereas at a General Court Leet and Court Baron of His preſent Majeſty, held for the ſaid Manor of *Richmond*, otherwiſe *Weſt Sheene*, on *Saturday* the Firſt Day of *April*, which was in the Year of our Lord One thouſand ſeven hundred and ſixty-nine, the ſaid *Maurice Dreyer* and *John Daniel Dreyer*, the Sons, were duly admitted, upon the Surrender of the ſaid *John Page*, to all and ſingular the ſaid Copyhold or Cuſtomary Meſſuage or Tenement, Lands, Tenements, Hereditaments, and Premiſes, with their Appurtenances;

whereunto the ſaid Dame *Henrietta Decker* had been admitted, as aforeſaid, to hold the ſaid Premiſes, with their Appurtenances, unto the ſaid *Maurice Dreyer* and *John Daniel Dreyer*, the Sons, their Heirs and Aſſigns, for ever, at the Will of the Lord, according to the Cuſtom of the ſaid Manor, upon the Truſts, and to and for the ſeveral Uſes, Intents, and Purpoſes, in and by the ſaid Will and Codicil of the ſaid Dame *Henrietta Decker* mentioned, expreſſed, and declared, of and concerning the ſame: And whereas it hath been agreed, by and on the Behalf of the ſaid *Catherine* Viſcounteſs *Fitzwilliam*, in conſideration of the Sum of Two thouſand one hundred and fifty Pounds, to be paid her by His moſt Excellent Majeſty, and of the Enfranchiſement and Releaſe herein-after mentioned, that all and ſingular the ſaid Leaſehold Premiſes, except a certain Part thereof, containing in Quantity about One Acre and an Half, and herein-after more particularly deſcribed, ſhall be ſurrendered up to and veſted in His Majeſty, His Heirs and Succeſſors, diſcharged of the ſaid ſeveral Terms for Years ſo granted thereof, as aforeſaid, and of all other Terms, Incumbrances, and Demands; but the ſaid Agreement cannot be effectually eſtabliſhed and carried into Execution without the Authority of Parliament: And whereas the Payment of the ſaid Sum of Two thouſand one hundred and fifty Pounds hath been ſecured to the Satisfaction of the ſaid Lady Viſcounteſs *Fitzwilliam*, and of the ſaid *Maurice Dreyer* and *John Daniel Dreyer*, the Sons; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and ſingular the Copyhold or Cuſtomary Meſſuages, Lands, Tenements, Hereditaments, and Premiſes, herein-before mentioned and deſcribed, to which the ſaid Maurice Dreyer and John Daniel Dreyer, the Sons, were admitted Tenants as aforeſaid, ſhall be, and are hereby enfranchiſed, and ſhall from henceforth be and remain in the ſaid Maurice Dreyer and John Daniel Dreyer, the Sons, their Heirs and Aſſigns, for ever, to hold unto them the ſaid Maurice Dreyer and John Daniel Dreyer, the Sons, their Heirs and Aſſigns, of His ſaid Majeſty's Manor of Richmond, otherwiſe Weſt Sheene, in free and common Soccage, freed and diſcharged, and abſolutely acquitted and exonerated of, from, and againſt all Fines, Heriots, Cuſtoms, Duties, or other Tenures or Services whatſoever; any Law or Statute to the Contrary thereof in any-wiſe notwithſtanding.

Cuſtomary Meſſuages of His Majeſty's Manor of *Richmond*, tenanted by Meſſ. *Dreyers*, &c. to be enfranchiſed, and freed of common Soccage, *&c.*

II. And be it further enacted by the Authority aforeſaid, That a certain Part of the ſaid Leaſehold Premiſes, compriſed in the Letters Patents herein-before mentioned, containing One Acre and an Half, and bounded in Manner following; that is to ſay, On the South in Part by the ſaid Copyhold Meſſuage and Premiſes; in other Part by a Meſſuage, with the Appurtenances, in the Occupation of Ewer, and in other Part by the Lane which leads from Richmond Green to the River Thames; on the Eaſt by ſuch Part of the Lane leading from Richmond Green to Weſt Sheene as meaſures from the South-eaſt Corner of the ſaid Copyhold Premiſes next to Richmond Green, Northwards, Three hundred and ſeventeen Feet and Eight Inches; on the North by a Line (already ſtaked out by the Orders of His Majeſty, and of the ſaid Viſcounteſs) running from the Northern Extremity of the ſaid Eaſtern Boundary towards the Weſt, Nine hundred and fifteen Feet and Six Inches; on the Weſt by another Line (already ſtaked out in Manner aforeſaid) running from the Weſtern Extremity of the ſaid Northern Boundary towards the South, Sixty-five Feet, and terminating in the ſaid Lane which leads from Richmond Green to the River Thames; ſhall be, and the ſame are hereby releaſed, and ſhall from henceforth veſt, remain, and be in and to the ſaid Maurice Dreyer and John Daniel Dreyer, the Sons, their Heirs and Aſſigns, for ever, to have and to hold the ſame to the ſaid Maurice Dreyer and John Daniel Dreyer, the Sons, their Heirs and Aſſigns, for ever, in free and common Soccage of His Majeſty's ſaid Manor of Richmond, otherwiſe Weſt Sheene, and by no other Rent or Service whatſoever.

How the Lands are bounded that are to be veſted in Meſſ. *Dreyers*.

III. And be it further enacted by the Authority aforeſaid, That all the Reſt and Reſidue of the ſeveral Leaſehold Premiſes, compriſed in the ſeveral Letters Patents herein-before recited, or referred to, aud containing Eighteen Acres and an Half, ſhall be, and the ſame are hereby ſurrendered to His Majeſty, and ſhall from henceforth veſt, remain, and be in His Majeſty, His Heirs and Succeſſors, freed and diſcharged of all Eſtates, Terms of Years, or other Intereſts, Claims, or Demands whatſoever, of them the ſaid Maurice Dreyer and John Daniel Dreyer, the Sons, or of the ſaid Lord and Lady Fitzwilliam, or either of them, or of any other Perſon whatſoever.

The Reſidue of the Lands to be veſted in His Majeſty.

IV. And be it further enacted by the Authority aforeſaid, That all and ſingular the ſaid Meſſuages, Lands, Tenements, and Hereditaments, hereby veſted in them the ſaid Maurice Dreyer and John Daniel Dreyer, the Sons, their Heirs and Aſſigns, as aforeſaid, ſhall from henceforth be and remain veſted in them, their Heirs and Aſſigns; and and alſo that the ſaid Sum of Two thouſand one hundred and fifty Pounds, to be paid by His ſaid Majeſty, His Heirs and Succeſſors, immediately upon the paſſing of this Act, to them the ſaid Maurice Dreyer and John Daniel Dreyer, the Sons, ſhall, from and immediately after ſuch Payment thereof, be and remain veſted in them the ſaid Maurice Dreyer and John Daniel Dreyer, the Sons, their Executors, Adminiſtrators, and Aſſigns, upon ſuch reſpective Truſts, and to and for ſuch reſpective Uſes, Intents, and Purpoſes, and in ſuch Manner, for the ſole and ſeparate Uſe, Benefit, and Diſpoſal of the ſaid Catharine Viſcounteſs Fitzwilliam, as in and by the aforeſaid Will of the ſaid Dame Henrietta Decker is and are directed, declared, and expreſſed, of and concerning the Reſt and Reſidue of the Freehold and Perſonal Eſtate of the ſaid Dame Henrietta Decker, by her ſaid Will and Codicil deviſed and bequeathed to the Truſtees therein named, for the Benefit of the ſaid Catharine Viſcounteſs Fitzwilliam her Daughter, or as near thereto as Circumſtances will admit of.

Lands veſted in Meſſ. *Dreyers* to be veſted alſo in their Heirs, *&c.*

CAP. LX.

An Act for granting a Drawback of Part of the Cuſtoms upon the Exportation of Tea to *Ireland*, and the *Britiſh* Dominions in *America*; for altering the Drawback upon foreign Sugars exported from *Great Britain* to *Ireland*; for continuing the Bounty on the Exportation of *Britiſh*-made Cordage; for allowing the Importation of Rice from the *Britiſh* Plantations into the Ports of *Briſtol, Liverpoole, Lancaſter,* and *Whitehaven,* for immediate Exportation to foreign Parts; and to impower the Chief Magiſtrate of any Corporation to adminiſter the Oath, and grant the Certificate, required by Law, upon the Removal of certain Goods to *London*, which have been ſent into the Country for Sale.

Preamble.

Act 7 *Geo.* III. c. 56.

During Five Years, from *July* 5, 1772, a Drawback of Three-fifth Parts of Duties of Cuſtoms to be allowed on Teas exported to *Ireland* or *America*.

WHEREAS the Drawback allowed by an Act of Parliament, made in the Seventh Year of the Reign of His preſent Majeſty, (intituled, *An Act for taking off the Inland Duty of One Shilling per Pound Weight upon all Black and Singlo Teas conſumed in* Great Britain, *and for granting a Drawback upon the Exportation of Teas to* Ireland, *and the* Britiſh *Dominions in* America, *for a limited Time, upon ſuch Indemnification to be made in reſpect thereof by the* Eaſt India Company *as is therein mentioned; for permitting the Exportation of Teas in ſmaller Quantities than One Lot to* Ireland, *or the ſaid Dominions in* America; *and for preventing Teas, ſeized and condemned, from being conſumed in* Great Britain), upon the Exportation of Tea into *Ireland*, and the *Britiſh* Plantations in *America*, from this Kingdom, will ceaſe on the Fifth Day of *July*, One thouſand ſeven hundred and ſeventy-two: And whereas it may tend to promote and encourage the Importation of Tea into *Ireland*, and the *Britiſh* Colonies and Plantations in *America*, from this Kingdom, and prevent the illicit Trade carried on with Foreigners for that Commodity, if a Drawback of Part of the Cuſtoms paid here was allowed upon the Exportation thereof to thoſe Places: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That for and during the Space of Five Years, to be computed from and after the Fifth Day of July, One thouſand ſeven hundred and ſeventy-two, there ſhall be drawn back and allowed for all Teas which ſhall be ſold after the ſaid Fifth Day of July, One thouſand ſeven hundred and ſeventy-two, at the publick Sale of the United Company of Merchants of England trading to the Eaſt Indies, or which after that Time ſhall be imported by Licence, in purſuance of an Act of Parliament made in the Eighteenth Year of the Reign of His late Majeſty King George the Second, (intituled, An Act for repealing the preſent Inland Duty of Four Shillings *per* Pound Weight upon all Tea ſold in *Great Britain*, and for granting to His Majeſty certain other Inland Duties, in lieu thereof; and for better ſecuring the Duty upon Tea, and other Duties of Exciſe; and for purſuing Offenders out of one County into another); and which ſhall be exported from this Kingdom as Merchandiſe to Ireland, or any of the Britiſh Colonies or Plantations in America, Three-fifth Parts of the ſeveral Duties of Cuſtoms which were paid upon the Importation of ſuch Teas; which Drawback or Allowance, with reſpect to ſuch Teas as ſhall be exported to Ireland, ſhall be made to the Exporter in ſuch Manner, and under ſuch Rules, Regulations, Securities, Penalties, and Forfeitures, as any Drawback or Allowance is now payable out of the Duty of Cuſtoms upon the Exportation of foreign Goods to Ireland; and, with reſpect to ſuch Teas as ſhall be exported to the Britiſh Colonies and Plantations in America, the ſaid Drawback or Allowance ſhall be made in ſuch Manner, and under ſuch Rules, Regulations, Penalties, and Forfeitures, as any Drawback or Allowance, payable out of the Duty of Cuſtoms upon upon foreign Goods exported to foreign Parts, was, could, or might be made, before the paſſing of this Act, (except in ſuch Caſes as are otherwiſe provided for by this Act.)

Drawback not to be allowed if not purſuant to Act 10 *Geo.* I.

II. Provided always, and it is hereby further enacted by the Authority aforeſaid, That the Drawback allowed by this Act ſhall not be paid or allowed for any Teas which ſhall not be exported directly from the Warehouſe or Warehouſes wherein the ſame ſhall be lodged, purſuant to the Directions of an Act, made in the Tenth Year of the Reign of His late Majeſty King George the Firſt, and the before-recited Act, made in the Eighteenth Year of the Reign of His late Majeſty King George the Second.

After *July* 5, 1772, no Tea to be exported to *Ireland*, &c. in Ships of leſs than 80 Tons, *&c.* under Penalty of Forfeiture of ſuch Tea, and the Package.

III. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Fifth Day of July, One thouſand ſeven hundred and ſeventy-two, no Tea ſhall be exported, or laden on Board any Ship or Veſſel in order to be exported, to the Kingdom of Ireland, or to any of the Britiſh Colonies or Plantations in America, in any Ship of leſs Burthen than Eighty Tons, nor in any Cheſt, Caſk, Tub, or Package whatſoever, other than that in which it was originally imported into Great Britain, nor in any leſs Quantity than the whole and entire Quantity contained in any Cheſt, Caſk, Tub, or Package, in which the ſame was ſold at the publick Sale of the ſaid Eaſt India Company, or in which the ſame was imported by Licence, as aforeſaid, under the Penalty of the Forfeiture of ſuch Tea, and the Package containing the ſame, or the Value thereof.

Merchants entering Tea for *Ireland*, or *America*, and landing it in other Ports, to forfeit the Drawback, and Treble the Value of ſuch Tea.

IV. And it is hereby further enacted by the Authority aforeſaid, That if any Merchant, or other Perſon, ſhall enter any Tea for Exportation to Ireland, or any of the Britiſh Colonies or Plantations in America, in order to obtain the Drawback allowed by this Act, and ſuch Tea ſhall be carried to any other Part or Place beyond the Seas, and landed there; then, and in every ſuch Caſe, the Drawback paid, or to be paid, for the ſame, ſhall be forfeited, and the Exporter of ſuch Tea, and the Maſter of the Ship or Veſſel on Board which the ſame was loaden and exported, and every Perſon concerned or aſſiſting in the Exportation or landing of the ſaid Tea, whether any Drawback hath been or is to be paid for the ſame or not, ſhall forfeit Treble the Value of ſuch Tea.

Manner of Proſecutions.

V. And be it further enacted by the Authority aforeſaid, That the ſeveral Penalties and Forfeitures, as well ſpecifick as pecuniary, by this Act inflicted, ſhall and may be ſued for, proſecuted, and recovered, in any of His Majeſty's Courts of Record at Weſtminſter, by Action, Bill, Plaint, or Information, in the Name of His Majeſty's Attorney-general, or in the Name or Names of ſome Officer or Officers of the Cuſtoms, in ſuch and the like Manner and Form, and by the ſame Rules and Regulations, as other Penalties and Forfeitures for Offences againſt the Laws relating to the Cuſtoms may, by any Act or Acts of Parliament now in Force, be ſued for, proſecuted, and recovered; and that One Moiety of every ſuch Penalty and Forfeiture ſhall be to His Majeſty, His Heirs and Succeſſors, and the other Moiety to ſuch Officer or Officers of the Cuſtoms as ſhall inform and proſecute for the ſame.

After *July* 5, 1772, no Part of the old Subſidy ſhall be repaid, for Sugars of the Growth of foreign Colonies.

VI. And whereas by an Act of Parliament, made in the Sixth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the better ſecuring and encouraging the Trade of His Majeſty's Sugar Colonies in* America, and other Acts of Parliament which are now in Force, no Sort of Sugars can be imported into the Kingdom of *Ireland* but ſuch only as ſhall be fairly and *bona fide* loaden and ſhipped in *Great Britain*, and carried directly from thence in Ships navigated according to Law: And whereas Sugars, the Growth and Manufacture of foreign Plantations, not under the Dominion of His Majeſty, exported from this Kingdom to *Ireland*, do draw back all the Duties paid down or ſecured upon the Importation of ſuch Sugars, except One Half of the old Subſidy, amounting only to One Shilling and Ten-pence, and Sixteen-twentieth Parts of a Penny, *per* Hundred Weight; and it will tend to promote the Exportation of *Britiſh* Sugars from this Kingdom to *Ireland*, and improve and increaſe the Trade of His Majeſty's Sugar Colonies, if the Whole of the old Subſidy was retained upon the Exportation of foreign Sugars to *Ireland* from this Kingdom; be it therefore enacted by the Authority aforeſaid, That from and after the Fifth Day of July, One thouſand ſeven hundred and ſeventy-two, no Part of the Rate or Duty commonly called The Old Subſidy, ſhall be repaid or drawn back for any Sugars, the Growth, Produce, or Manufacture, of any foreign Colony or Plantation, not under the Dominion of His Majeſty, His Heirs and Succeſſors, or for any Sugars which are to be deemed and taken to be foreign Sugars, by any Act or Acts of Parliament now in Force, which ſhall be exported from this Kingdom to Ireland; any Law, Cuſtom, or Uſage, to the Contrary notwithſtanding.

Bounty allowed by 6 *Geo.* III. *c.* 45. continued for 3 Years.

VII. And whereas by an Act, made in the Sixth Year of the Reign of His preſent Majeſty, (intituled, *An Act for allowing a Bounty on the Exportation of* Britiſh-*made Cordage; and for diſcontinuing the Drawbacks upon foreign Rough Hemp exported*), a Bounty was granted upon the Exportation of *Britiſh*-made Cordage, under certain Limitations and Reſtrictions in the ſaid Act mentioned; which Bounty will ceaſe and determine at the End of this preſent Seſſion of Parliament: And whereas it is expedient that the ſaid Bounty ſhould be continued under ſome further Reſtrictions; be it therefore enacted by the Authority aforeſaid, That the ſaid Bounty, allowed by the ſaid recited Act, ſhall be, and the ſame is hereby continued from the Expiration thereof, for the further Term of Three Years, under the ſeveral Regulations and Reſtrictions herein-after provided and expreſſed.

No Bounty allowed for Cordage to *Aſia*, *Africa*, *America*, and the *Iſle of Man*.

VIII. Provided always, and it is hereby further enacted by the Authority aforeſaid, That no Bounty ſhall be allowed or paid by virtue of this Act for any Cordage, which ſhall be exported, or entered for Exportation, to any Part of Aſia, Africa, or America, the Iſle of Man, or the Iſlands of Faro or Ferro; and that, inſtead of the Oath required by the before-recited Act, to be made by the Exporter or Manufacturer of ſuch Cordage, on the Entry or Debenture, ſuch Exporter or Manufacturer ſhall ſwear, that the ſaid Cordage is of Britiſh Manufacture, and made from Hemp imported from foreign Parts, or from Hemp of the Growth of Great Britain, and not from Hemp of the Growth or Produce of the Britiſh Colonies or Plantations in America; and that the ſame is really and truly exported, or intended to be exported to, and landed in ſome foreign Part of Europe, as expreſſed in the Entry, by Way of Merchandiſe, and not for the Uſe of the Ship in her Voyage, nor relanded, or intended to be relanded, in any Part of Great Britain, or landed, or intended to be landed, in Aſia, Africa, or America, the Iſle of Man, or the Iſlands of Faro or Ferro.

Regulations and Reſtrictions of Act 6 *Geo.* III. to extend to Cordage exported in purſuance of this Act.

IX. And it is hereby further enacted, That, in all other Reſpects, the ſeveral Regulations, Reſtrictions, Securities, Penalties, and Forfeitures, mentioned and preſcribed in and by the ſaid recited Act, ſhall extend and be applied to Cordage exported in purſuance of this Act, as fully and effectually, to all Intents and Purpoſes, as if the ſeveral Clauſes relative thereto had been repeated and again enacted in this preſent Act.

Like Liberty of importing Rice from *America* by 5 *Geo.* III *c.* 45.

X. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, the like Liberty which is granted by an Act, made in the Fifth Year of the Reign of His preſent Majeſty, (intituled, An Act for more effectually ſecuring and encouraging the Trade of His Majeſty's *American* Dominions; for repealing the Inland Duty on Coffee impoſed by an Act made in Thirty-ſecond Year of His late Majeſty King *George* the Second, and for granting an Inland Duty on all Coffee imported, (except Coffee of the Growth of the *Britiſh* Dominions in *America*); for altering the Bounties and Drawbacks upon Sugars exported; for repealing Part of an Act made in the Twenty-third Year of His ſaid late Majeſty, whereby Bar Iron, made in the ſaid Dominions, was prohibited to be exported from *Great Britain*, or carried Coaſtwiſe; and for regulating the Fees of the Officers of the Cuſtoms in the ſaid Dominions), to import Rice from any of the Britiſh Plantations in America into the Port of Plymouth, and ſeveral other Ports of this Kingdom in the ſaid Act mentioned, for immediate Exportation into foreign Parts, upon Payment of One Half of the old Subſidy, ſhall be extended to the Ports of Briſtol, Liverpoole, Lancaſter, and Whitehaven, under the ſame Rules, Regulations, and Reſtrictions, in all Reſpects, as are preſcribed and directed by the ſaid recited Act, with reſpect to Rice ſo imported into the ſeveral Ports in the ſaid Act particularly mentioned.

extended to *Briſtol*, *Liverpoole*, *Lancaſter*, and *Whitehaven*.

XI. And

Oath requir- by Act 9 Geo. III. c. 41.

XI. And whereas by an Act, made in the Ninth Year of the Reign of His preſent Majeſty, (intituled, *An Act for better ſecuring the Duties of Cuſtoms upon certain Goods removed from the Out-ports, and other Places, to* London; *for regulating the Fees of the Officers of His Majeſty's Cuſtoms in the Province of* Senegambia *in* Africa; *for allowing to the Receivers-general of the Duties on Offices and Employments in* Scotland *a proper Compenſation for their Trouble and Expences; for the better Preſervation of Hollies, Thorns, and Quickſets, in Foreſts, Chaces, and private Grounds, and of Trees and Underwoods in Foreſts and Chaces; and for authoriſing the Exportation of a limited Quantity of an inferior Sort of Barley called Bigg from the Port of* Kirkwall, *in the Iſlands of* Orkney), it is (amongſt other Things) enacted, That if any foreign Baſt or Straw, Chip, Cane, or Horſe-hair Hats or Bonnets, foreign Platting, or other foreign Manufacture of Baſt, Straw, Chip, Cane, or Horſe-hair, proper for making of Hats or Bonnets, *Succus Liquoritiæ*, commonly called *Spaniſh Juice*, of foreign Produce or Manufacture, foreign Snuff, *Nanquin* Cloth, Muſlin, foreign Calico, foreign Dimity, or *China* Earthenware, exceeding the Quantities therein reſpectively mentioned, ſhall have been imported or ſeized within the Port of *London*, and ſent from thence to any Out-port for Sale, ſuch Goods ſhall not be removed from any Out-port into the Port of *London*, or the Members thereof, or to any Place whatſoever within the Diſtance of Twenty Miles from the *Royal Exchange* of *London*, without a Certificate from the Collector, or other proper Officer of His Majeſty's Cuſtoms, at or neareſt to the Port or Place from whence ſuch Goods are intended to be removed, certifying that the Owner or Proprietor of ſuch Goods hath made Oath before him that the ſaid Goods, and every Part thereof, had been ſent to ſuch Owner or Proprietor from *London* for Sale, in the lawful Way of Trade, referring to the Time when, with the Name and Reſidence of the Perſon from whom ſuch Goods were ſent, and that ſuch Owner or Proprietor verily believed the Duties payable upon the Importation of ſuch Goods had been duly paid and ſatisfied, or that the ſaid Goods had been before compounded for or condemned; and that the ſaid Certificate ſhall expreſs the Quantity and Quality of the ſaid Goods, with the Marks of the Package thereof, to what Places, and to whom the ſame are conſigned, and by what Carriage the ſame are intended to be removed; and if the ſaid Goods are removed by Land, the ſaid Certificate ſhall alſo expreſs and limit the Time for which the ſame ſhall continue in Force: And whereas ſuch Goods are frequently ſent from *London* for Sale to ſeveral Inland Parts of this Kingdom, very diſtant and remote from any Out-port or Place where any Collector, or other Officer of the Cuſtoms, is reſident, and the Proprietors of ſuch Goods cannot, without great Inconvenience and Expence, make the Proof, and obtain the Certificate required by the ſaid recited Act upon the Return of ſuch Goods: Now, for Remedy thereof, **be it enacted by the Authority aforeſaid, That from and after the Fifth Day of** July, **One thouſand ſeven hundred and ſeventy-two, if any of the ſaid Goods exceeding the Quantities in the before-recited Act mentioned, which ſhall have been imported or ſeized within the Port of** London, **and ſent from thence into the Country for Sale, ſhall be afterwards removed by Land from any Place in this Kingdom, which ſhall exceed the Diſtance of Five Miles from any Port or Place where any Cuſtomhouſe is eſtabliſhed, or any Collector or other Officer of the Cuſtoms ſhall reſide, in order, and with an Intent, to be brought into the Port of** London, **or the Members thereof, or to any Place whatſoever within the Diſtance of Twenty Miles from the** Royal Exchange **of** London, **the ſaid Oath, required by the ſaid recited Act, ſhall and may be adminiſtered by the Chief Magiſtrate of any Corporation at or neareſt to the Place from whence ſuch Goods are intended to be removed, who is hereby authoriſed and required to adminiſter the ſame, and to grant a Certificate thereof, in the Form and to the Effect required by the ſaid recited Act, under his Hand, and the publick Seal of ſuch Corporation; any Thing in the ſaid recited Act to the Contrary notwithſtanding.**

to be adminiſtered by the Chief Magiſtrate of any Corporation.

Forfeitures of the laſt-recited Act to extend to this Act.

XII. **Provided always, and it is hereby futrher enacted by the Authority aforeſaid, That the ſeveral Forfeitures, Pains, and Penalties, inflicted and incurred by the ſaid recited Act upon the Removal of any ſuch Goods, without the Certificate therein directed, or falſely making Oath to any of the Facts by the ſaid Act required to be ſworn, or for counterfeiting, raſing, or falſifying any ſuch Certificate, or for knowingly or willingly making uſe of any ſuch Certificate ſo counterfeited, raſed, altered, or falſified, ſhall extend to this Act, and be in full Force againſt every Perſon who ſhall act contrary thereto, in as full and ample Manner as if the ſame had been again particularly repeated and re-enacted in the Body of this Act.**

General Iſſue.

Treble Coſts

XIII. **And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, the Defendant or Defendants, in ſuch Action or Suit, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear ſo to have been done, the Jury ſhall find for the Defendant or Defendants; and if the Plaintiff ſhall be nonſuited, or diſcontinue his Action after the Defendant or Defendants ſhall have appeared; or if Judgement ſhall be given upon any Verdict or Demurrer againſt the Plaintiff, the Defendant or Defendants ſhall recover Treble Coſts, and have the like Remedy for the ſame as Defendants have in other Caſes by Law.**

CAP. LXI.

An Act to regulate the making, keeping, and Carriage of Gunpowder, within *Great Britain*; and to repeal the Laws heretofore made for any of thoſe Purpoſes.

Preamble.

WHEREAS the Manufacture of Gunpowder within *Great Britain*, though neceſſary to be encouraged in reſpect of the Value of Gunpowder, as an Article of Defence and Commerce, yet ought to be regulated by Law, in order to prevent the great Miſchiefs which may ariſe from Exploſions occaſioned by the improper Conſtruction and Uſe of the Mills, Engines, and Buildings, employed in the making of Gunpowder, and for keeping and carrying Gunpowder in too great Quantities, or in an improper Manner: And whereas the Act paſſed in the laſt Seſſion of Parliament, intituled, *An Act for reducing into One Act of Parliament the ſeveral Laws relating to the keeping and Carriage of Gunpowder, and for more effectually preventing Miſchiefs by keeping or carrying Gunpowder in too great Quantities*, contains no Proviſion for regulating the making of Gunpowder, and is in other Reſpects defective, on which account it may be convenient to repeal the ſaid Act, and, in the Room thereof, to have a new Law for regulating, as well the making as the keeping and Carriage of Gunpowder; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That no Perſon or Perſons ſhall uſe, or cauſe to be uſed, any Mill or Mills, or other Engine or Engines, for the making of Gunpowder, or in any Manner manufacture Gunpowder in any Place or Places within Great Britain, except in Mills and other Places where the Manufacture of Gunpowder ſhall be actually carrying on at the Time of the Commencement of this Act, or where it ſhall afterwards become lawful to carry on ſuch Manufacture, by obtaining a Licence for that Purpoſe, under the Proviſions herein-after contained, upon Pain of forfeiting all Gunpowder manufactured contrary to the aforeſaid Proviſion, and alſo Two Shillings for every Pound of ſuch Gunpowder.

No Perſon to manufacture Gunpowder, except in Mills where it is carrying on at paſſing this Act, without a Licence.

II. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons whatſoever ſhall, for the making of Gunpowder, employ, work, or uſe, any Mill or Engine, worked with a Peſtle or Peſtles, and commonly called a Peſtle Mill, upon Pain of forfeiting all Gunpowder manufactured therein, and alſo Two Shillings for every Pound of ſuch Gunpowder.

No Perſon hereafter to uſe a Peſtle Mill.

III. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons whatſoever, ſhall, in or with any Mill or Engine uſed for the making of Gunpowder, make, or cauſe to be made, at any One Time under any ſingle Pair of Millſtones, any Quantity of Gunpowder, or Materials to be made into Gunpowder, exceeding Forty Pounds, upon Pain of forfeiting all Gunpowder ſo made at One Time, and exceeding the ſaid Quantity of Forty Pounds, and alſo Two Shillings for every Pound of ſuch Gunpowder.

Not exceeding 40*lb.* to be made under a ſingle Pair of Millſtones.

IV. Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall be liable to any Proſecution under this Act for uſing any Peſtle Mill or Mills in the making of Gunpowder, or for making above the Quantity of Forty Pounds of Gunpowder at a Time, under every ſingle Pair of Millſtones in any One Mill, till after the Expiration of One Year from the Time of the Commencement of this Act.

Proviſo.

V. Provided always, and be it further enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to the Powder Mills at this Time erected in the Pariſhes of Battle, Crowhurſt, Seddelſcomb, and Brede, in the County of Suſſex, ſo far as relates to the making ſuch fine fowling Gunpowder only, as is known and diſtinguiſhed by the Name of Battle Powder.

Proviſo.

VI. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons whatſoever ſhall dry, or cauſe to be dried, at any One Time, in any One Stove or Place uſed for the drying of Gunpowder, any Quantity of Gunpowder, exceeding Forty hundred Weight, upon Pain of forfeiting all Gunpowder above the ſaid Quantity of Forty hundred Weight, and the Sum of Two Shillings for every Pound of ſuch Gunpowder.

Not exceeding 40 Cwt. to be dried at One Time.

VII. And be it further enacted by the Authority aforeſaid, That it ſhall not be lawful for any Perſon or Perſons whatſoever to keep in any Corning-houſe, Drying-houſe, Duſting-houſe, or other Place, uſed for or in the making of Gunpowder, or in any Building adjoining or belonging thereto, (except Magazines or Storehouſes conſtructed with Stone or Brick, and ſituate Fifty Yards at leaſt from the Gunpowder Mill or Mills), any greater Quantity of Gunpowder than ſhall be neceſſary for the immediate Work then carrying on in ſuch Corning-houſe, Drying-houſe, Duſting-houſe, or other Place uſed for or in the making of Gunpowder, upon Pain of forfeiting all the Gunpowder kept above ſuch neceſſary Quantity, and the Sum of Two Shillings for every Pound of ſuch Gunpowder.

No more than neceſſary for immediate Uſe to be kept in any Drying-houſe.

VIII. And be it further enacted by the Authority aforeſaid, That all and every Perſon or Perſons, keeping or uſing any Mill or Mills, or other Engine or Engines, for the making of Gunpowder, ſhall, beſides the Magazine or Magazines, and Storehouſes, near their Mills, have or provide a good and ſufficient Magazine or Magazines remote from their reſpective Mills, for the Purpoſe of receiving and ſafe-keeping all the Gunpowder made at ſuch Mill or Mills, as ſoon as the ſame can, from Time to Time, be conveniently removed thereto, (which laſt-mentioned Magazine or Magazines ſhall be well and ſubſtantially built with Brick or Stone, near the River Thames, and below Blackwail, or in ſome other convenient Place to be licenſed by the Juſtices of the Peace, in Manner herein-after mentioned), upon Pain that all and every Perſon or Perſons making Gunpowder, without having ſuch Magazine or Magazines remote from their Mills, or other Places of making Gunpowder, ſhall forfeit the Sum of Twenty-five Pounds for every Month during which ſuch Perſon or Perſons ſhall make Gunpowder without having ſuch Magazine or Magazines, and the Sum of Five Pounds for every Day during which he, ſhe, or they, (not being hindered by Streſs of Weather, or other juſt Impediment), ſhall wilfully neglect or delay removing, with due Diligence, the Gunpowder made at ſuch Mill or Mills, from thence, or from the Magazine or Magazines, and Storehouſes adjoining thereto, to the Magazine or Magazines ſo to be ſituate remote from the Mill.

Sufficient Magazines, remote from the Mills to be provided,

on Penalty of 25*l.* for every Month's Neglect.

IX. Provided always, and be it further enacted by the Authority aforeſaid, That no Maker or Makers of Gunpowder ſhall be liable to any Proſecution under this Act for

Proviſo.

not having a Magazine or Magazines remote from their reſpective Gunpowder Mill or Mills, till after the Expiration of One Year from the Time of the Commencement of this Act.

No Charcoal to be kept within 20 Yards of any Mill.

X. And be it further enacted by the Authority aforeſaid, That all and every Maker and Makers of Gunpowder, who ſhall keep, or permit to be kept, any Charcoal within Twenty Yards Yards of any Mill or Mills, or other Engine or Engines, for making Gunpowder, or of any Drying, Corning, or Duſting Houſe, or Magazine or Store-houſe thereto belonging, ſhall forfeit the Sum of Five Pounds for every Week during which ſuch Charcoal ſhall be ſo kept.

Dealers not to keep more than 200 *lb.* of Gunpowder at One Time.

XI. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall have or keep, at any One Time, being a Dealer or Dealers in Gunpowder, more than Two hundred Pounds of Gunpowder; and not being ſuch, more than Fifty Pounds of Gunpowder, in any Houſe, Mill, Magazine, Storehouſe, Warehouſe, Shop, Cellar, Yard, Wharf, or other Building or Place, occupied by the ſame Perſon or Perſons, (all Buildings and Places adjoining to each other, and occupied together, being to be deemed One Houſe or Place within this Act), or on any River or other Water, (except in Carriages loading or unloading, or paſſing on the Land, or in Ships, Boats, or Veſſels, loading or unloading, or paſſing on any River, or other Water, or detained there by the Tide or bad Weather), within the following Limits; (that is to ſay), Within the Cities of London or Weſtminſter, or within Three Miles of either of them, or within any City, Borough, or Market-town of Great Britain, or One Mile of the ſame, or within Two Miles of any Palace or Houſe of Reſidence of His preſent Majeſty, His Heirs or Succeſſors, or of Her preſent Majeſty the Queen, or any Queen Conſort, or Dowager, or within Two Miles of any Gunpowder Magazine belonging to His Majeſty, His Heirs or Succeſſors, or within Half of a Mile of any Pariſh Church, or in any other Part of Great Britain, (except in Mills or other Places which at the Commencement of this Act ſhall be uſed for the making of Gunpowder, and the Magazines, Storehouſes, and Offices thereto adjoining and belonging, and in the Places where it ſhall be lawful to make Gunpowder, or to keep greater or unlimited Quantities of Gunpowder, by Force of the Proviſions herein-after contained), on Pain of forfeiting all the Gunpowder beyond the Quantity hereby allowed to be kept, and the Barrels in which ſuch Gunpowder ſhall be; and alſo Two Shillings for every Pound of Gunpowder beyond ſuch allowed Quantity.

Magazines uſed before this Act excepted.

Proviſo.

XII. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon or Perſons to keep, for the Uſe of any Mine or Colliery, any Quantity of Gunpowder, not exceeding Three hundred Pounds Weight, in any Magazine or Warehouſe, ſo as ſuch Magazine or Warehouſe be within Two hundred Yards of the reſpective Mine or Colliery for the Uſe of which ſuch Gunpowder ſhall be kept, and alſo that ſuch Magazine or Warehouſe be not within any of the Limits herein-before particularly deſcribed.

Manner of giving Notice for conſtructing new Mills.

XIII. And whereas it may be neceſſary to have ſome Places appointed, in which it may be lawful to erect new Mills, or other Engines, for making Gunpowder, with proper Magazines and Offices adjoining thereto, and to have Magazines for keeping unlimited Quantities of Gunpowder in Places where there are no Mills; be it therefore enacted, That it ſhall be lawful for the Juſtices of the Peace for each County, or other Diviſion, within Great Britain, at their General Quarter Seſſions of the Peace, upon Application made to them by any Perſon or Perſons, (ſuch Perſon or Perſons having given Notice in Writing of the Intention to make ſuch Application, as alſo of the Place or Places propoſed for ſuch Purpoſes reſpectively, Fourteen Days before making it, to an Overſeer or Churchwarden of the Pariſh or Place in which it is propoſed to erect or make any ſuch new Mill, and Offices or Magazine, or of an adjoining Pariſh, if the Place ſhall be extraparochial; which Overſeer or Churchwarden is hereby required to cauſe ſuch Notice to be publickly read on the Sunday next enſuing, in the Pariſh Church, after Divine Service, from Time to Time, to licenſe the erecting or having ſuch Mills for making Gunpowder, and proper Offices adjoining thereto, or ſuch Magazines for keeping unlimited Quantities of Gunpowder in ſuch Places, not being within London or Weſtminſter, or any other Limits within Great Britain, herein-before particularly deſcribed.

Proceedings may be removed from the Quarter Seſſions to the *King's Bench.*

XIV. And whereas it would be proper that the Determination of the ſaid Court of Quarter Seſſions, on any ſuch Application, ſhould not be final, but that any Perſon or Perſons, who ſhall be refuſed ſuch Licence or Appointment by the ſaid Court of Quarter Seſſions, ſhould have an Opportunity of bringing his or their Caſe before the Court of *King's Bench*, in order that the ſaid Court may finally hear and determine the ſame; be it therefore enacted by the Authority aforeſaid, That in every Caſe where the ſaid Court of Quarter Seſſions ſhall, on ſuch Application made as aforeſaid, refuſe to licenſe any ſuch new Mills and Magazines for making and keeping Gunpowder, or to appoint Pieces of Ground for Magazines of Gunpowder remote from any Mills, it ſhall be lawful for all Perſons who may think themſelves aggrieved by ſuch Refuſal, to apply to ſuch Court of Quarter Seſſions for a Special Caſe thereupon; and the Juſtices then preſent ſhall, and are hereby required to certify the Special Circumſtances of the Caſe in Queſtion, together with the Proofs offered for and againſt the Application, in order that the ſaid Caſe and Proceedings may be removed, by Writ of Certiorari, into the Court of King's Bench; and the ſaid Juſtices ſhall, and they are hereby required, in their Return to ſuch Writ of Certiorari, to ſtate ſuch Special Caſe, to the End that the ſaid Court of King's Bench may judge of the real Merits thereof; and if upon the whole Matter it ſhall appear to the Satisfaction of the ſaid Court of King's Bench, that the Juſtices ought not to have refuſed the ſaid Licence or Appointment; then, and in ſuch Caſe, the ſaid Court ſhall have Power, and is hereby directed, to make an Order upon the ſaid Juſtices to grant ſuch Licence, or make ſuch Appointment, without any freſh Application at their next General Quarter Seſſions of the Peace; and the Coſts to be incurred by reaſon of ſuch Writ of Certiorari, ſhall be awarded according to the Diſcretion of the ſaid Court of King's Bench.

No Perſon liable to pay any Penalty, till Six Months after Adjudication.

XV. Provided nevertheleſs, and be it further enacted, That no Perſon ſhall be liable to pay any Penalty or Proſecution under this Act, for keeping unlimited Quantities of Gunpowder, without ſuch Licence of the Juſtices, in any Magazine apart and remote from any Gunpowder Mill, and already built and uſed for that Purpoſe, in any Place not being within London and Weſtminſter, and the other Limits within Great Britain herein-before particularly deſcribed, until the Expiration of Six Calendar Months after an Adjudication by the Juſtices of the Peace for the County, or other Diviſion, in which any ſuch Magazine ſhall be, at their General Quarter Seſſions of the Peace, that the ſame is dangerous; it being hereby declared that they ſhall not have Authority to make any ſuch Adjudication, except on Complaint made to them of any ſuch Magazine by ſome Houſeholder of the Pariſh or Place in which the Magazine ſhall be, and after due Summons of the Owner or Owners of the Magazine complained of, to anſwer ſuch Complaint, and after ſuch Examination on Oath of the Witneſſes produced to ſupport or invalidate ſuch Complaint; and alſo that no Perſon ſhall be liable, at any Time, to any Penalty or Proſecution whatſoever, for keeping unlimited Quantities of Gunpowder, without ſuch Licence of the Juſtices of the Peace, in any Magazine erected by Appointment of the Juſtices of the Peace, under the Power given to them by any of the former Acts regulating the keeping and Carriage of Gunpowder.

Juſtices to appoint proper Ground for erecting Magazines.

XVI. And whereas by this Act the Makers of Gunpowder will be liable to Penalties for not having Magazines remote from their Mills, and in ſome Caſes they may not be able to agree for the Purchaſe of Pieces of Ground proper for ſuch Magazines; be it therefore enacted by the Authority aforeſaid, That the Juſtices of the Peace for each County, or other Diviſion, within Great Britain, ſhall, on Application made to them, at their General Quarter Seſſions of the Peace, by any Maker or Makers of Gunpowder, from Time to Time, appoint proper and convenient Pieces of Ground, (not being within London or Weſtminſter, or any other Limits of Great Britain herein-before particularly deſcribed, and not exceeding One Acre in any One Place), with the Uſe of convenient Roads thereto, on which Pieces ſo to be appointed ſuch Makers of Gunpowder may erect Magazines for keeping Gunpowder in any Quantity, after having agreed with the Owners of ſuch Grounds for the Purchaſe of the ſame; and if any ſuch Owner ſhall not agree, or by reaſon of any Impediment cannot ſo agree, ſuch Juſtices ſhall iſſue a Warrant to the Sheriff of the County, or other Officer having Return of Writs within their Juriſdiction, to impanel and return before them, at ſuch Times and Places as ſhall be appointed by ſuch Warrant, a ſufficient Jury, who, upon their Oaths, to be adminiſtered by the ſaid Juſtices, ſhall inquire into the true Value of the ſaid Pieces of Ground, with the Uſe of ſuch convenient Roads thereto, and their Verdicts ſhall be kept with the Records of the ſaid Seſſions reſpectively; and the Judgement of the ſaid Juſtices thereon ſhall be final and concluſive to all Parties: And for that End the ſaid Juſtices ſhall have Power to ſend for any Perſons intereſted, and to examine any Parties or Witneſſes upon Oath; and the Sums of Money ſo to be aſſeſſed and adjudged, not exceeding Thirty Years Purchaſe, ſhall be paid to the Owners of the ſaid Ground, according to their reſpective Intereſts therein, in ſuch Proportions as ſhall be adjudged by the ſaid Juſtices; and, upon ſuch Payment, or in caſe of Refuſal to accept the Money, then upon leaving the ſame with the Juſtices for the Benefit of the Owners, the Inheritance of the ſaid Ground, and the Uſe of the ſaid Roads thereto, ſhall be veſted in the Purchaſers thereof, their Heirs and Aſſigns, for the Purpoſe aforeſaid, and not otherwiſe.

Judgement of Juſtices to be final.

Leſſee or Tenant may make void former Leaſes, &c. on giving Three Months Notice to the Leſſor.

XVII. And whereas Leaſes, or Agreements for Leaſes, may have been made of Magazines or other Places for keeping Gunpowder, and, in conſequence of this Act, it may become unlawful to keep unlimited Quantities of Gunpowder in ſome of ſuch Magazines or Places; be it therefore enacted, That in every ſuch Caſe, it ſhall and may be lawful for the Leſſee or Tenant of any ſuch Magazine or Place for keeping Gunpowder to make void any ſuch Leaſe or Agreement, upon giving Three Calendar Months Notice in Writing to the Leſſor or Owner of ſuch Magazine or Place, of the Deſire of the Tenant to have ſuch Leaſe or Agreemnt determined, and upon paying to ſuch Leſſor or Owder all Rents and Sums of Money which ſhall become due for the ſame to the Time of Determination limited in ſuch Notice, and upon performing all Covenants and Agreements on the Part of the Leſſee or Tenant to that Time.

Not more to be conveyed at One Time than 25 Barrels by Land, nor 200 Barrels by Water.

XVIII. And be it further enacted, That no Perſon or Perſons ſhall have or convey at any One Time, within Great Britan, more than Twenty-five Barrels of Gunpowder, in any Waggon, Cart, or other Carriage, by Land; or more than Two hundred Barrels of Gunpowder, in any Barge, Boat, or other Veſſel by Water, (except in Veſſels with Gunpowder imported from, or to be exported to, any Place beyond the Sea, or going Coaſtwiſe); and all Gunpowder conveyed on Land or Water, (excepting ſuch Veſſels for Importation or Exportation of Gunpowder, or going Coaſtwiſe), ſhall be in Barrels cloſe joined and hooped, without any Iron about them, and ſo ſecured that no Part of the Gunpowder be ſcattered in the Paſſage; and each Barrel ſhall contain no more than One hundred Pounds of Gunpowder; and when conveyed by Land ſhall be entirely incloſed in a Leather Bag, or a Bag commonly called a Salt Petre Bag; and every Carriage in which Gunpowder ſhall be conveyed by Land ſhall have a complete Covering of Wood, painted Cloth, Tarpaulin, or Wadmill Tilts, over all the Gunpowder therein contained; and alſo no Gunpowder ſhall be conveyed in any Barge, Boat, or other Veſſel, by Water, (except in Veſſels with Gunpowder imported, or to be exported, in Manner aforeſaid, or going Coaſtwiſe), that hath not a cloſe Deck; and as ſoon as any Gunpowder is put on Board ſuch Veſſel, all ſuch Gunpowder ſhall be covered with raw Hides or Tarpaulins; and all Gunpowder which ſhall be carried or conveyed, (except in ſuch Veſſels with Gunpowder for Importation or Exportation, as aforeſaid, or going Coaſtwiſe), within any Part of Great Britain, in greater Quantity, or in other Manner than is herein-before preſcribed, and the Barrels in which ſuch Gunpowder ſhall be, may be ſeized by any Perſon or Perſons, who ſhall have the ſame Authority to remove ſuch Gunpowder and Barrels, and to uſe for that Purpoſe, during the Space of Twenty-four

Hours after Seizure, the Carriage or Veſſel in which ſuch Gunpowder ſhall be ſeized, and the Tackling, Beaſts, and Accoutrements, belonging thereto, on the Terms of paying a Recompence for the Uſe thereof; and to detain ſuch Gunpowder and Barrels as is herein-after given to Perſons ſearching under a Warrant of a Juſtice of the Peace; and ſuch Seizure ſhall be for his, her, or their own Uſe, on Conviction of the Offender or Offenders.

No Gunpowder to be loaded till that condemned be unloaded.

XIX. And be it further enacted by the Authority aforeſaid, That when any Barge, Boat, or Veſſel, having ſtale, condemned, or returned Gunpowder on Board, arrives at the Wharf, Key, or other Place where the ſame is intended to be landed, no Perſon or Perſons ſhall begin to unload, or ſhall bring down to ſuch Wharf, Key, or other Place, with Intent to load in ſuch Veſſel any other Gunpowder, until the Whole, or a Part of ſuch ſtale, condemned, or returned Gunpowder, be firſt unloaded and carried away from ſuch Wharf, Key, or other Place of landing; and after ſuch unloading and carrying away of Part of ſuch Gunpowder, no Perſon or Perſons ſhall begin to load, or ſhall ſo bring down, with Intent to load, any greater Quantity of other Gunpowder than the Part unloaded and carried away, on Pain of forfeiting all ſuch Gunpowder as ſhall be ſo brought down or loaded contrary to the aforeſaid Proviſion.

All Perſons ſmoaking on board Veſſels loaded with Gunpowder, to forfeit 5 *l.*

XX. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, having the Care or Management of any Barge, Boat, or other Veſſel whatſoever, (except Ships or Veſſels with Gunpowder on Board imported from, or to be exported to, Places beyond Sea, or going Coaſtwiſe), loaded with Gunpowder, or any other Perſon on Board the ſame, ſhall bring, have, or uſe, or permit any Perſon or Perſons to bring, have, or uſe, any Charcoal or other combuſtible Matter, or any Fire or lighted Candle, or ſhall ſmoke, or wittingly permit any Perſon to ſmoke, on Board the ſame; all and every ſuch Perſon and Perſons ſhall forfeit the Sum of Five Pounds.

10 *l.* Penalty for protracting Time in loading or unloading Gunpowder by Land or Water.

XXI. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons having the Care of any Waggon, Cart, or other Carriage, uſed for the Conveyance of Gunpowder by Land, ſhall, after beginning to place or load therein any Quantity of Gunpowder, or beginning to unload the ſame thereout, ſtop or ſtay at any Place of loading, or, in the loading or unloading, ſuffer any longer Time to paſs than with the Uſe of all due Diligence ſhall be reaſonably neceſſary for the Purpoſe of loading or unloading; and no Perſon or Perſons having the Charge or Care of any Barge, Boat, or other Veſſel, uſed for the Conveyance of Gunpowder by Water, (except in the Caſe of Veſſels loading for Importation or Exportation of Gunpowder to or from Places beyond Sea, or going Coaſtwiſe), ſhall, after beginning to load or unload any Quantity of Gunpowder, ſtop or ſtay at any Wharf, Key, or other Place of loading, or in the loading or unloading thereof, ſuffer any longer Time to paſs than with the Uſe of all due Diligence ſhall be reaſonably neceſſary for the Purpoſe of loading or unloading, not exceeding Eighteen Hours, unleſs hindered by the Weather; and every ſuch Barge, Boat, or Veſſel, (except ſuch Veſſels as aforeſaid, having ſo completed her Loading, ſhall depart from the Place of loading on her Courſe the firſt enſuing Tide, unleſs hindered by Streſs of Weather, or other juſt Impediment; and no Perſon ſhall load, take in, carry, or convey, in any Waggon, Cart, or other Land Carriage laden with Gunpowder, or in any Barge, Boat, or Veſſel, laden with Gunpowder, on any River, (except in the Caſe of Veſſels laden with Gunpowder for Importation from, or Exportation to, Places beyond Sea, or going Coaſtwiſe), any other Lading of any Kind whatſoever; and all and every Perſon and Perſons offending againſt any of the aforeſaid Proviſions for loading and unloading, ſhall, for each Offence, forfeit the Sum of Ten Pounds.

Proviſo.

XXII. Provided always, and be it further enacted by the Authority aforeſaid, That none of the aforeſaid Proviſions for, or relative to, the Conveyance of Gunpowder, or the loading or unloading thereof, ſhall extend to any other Waggon, Cart, or Land Carriage, or any other Barge, Boat, or Veſſel, than ſuch as ſhall be loaded with, or employed in, conveying a Quantity of Gunpowder exceeding One hundred Pounds Weight.

Juſtices to iſſue Warrants to ſearch for Gunpowder made contrary to this Act.

XXIII. And, for the more eaſy Diſcovery of the making, keeping, and Carriage, of Gunpowder contrary to the Proviſions herein-before made, be it further enacted, That it ſhall be lawful for any Juſtice of the Peace of any County, or other Diviſion, within Great Britain, in which Gunpowder is ſuſpected to be made, kept, or carried, contrary to this Act, on Demand made, and a reaſonable Cauſe aſſigned upon Oath by any Perſon or Perſons, to iſſue a Warrant or Warrants, under his Hand and Seal, for ſearching, in the Day-time, any Houſe, Mill, Magazine, Storehouſe, Warehouſe, Shop, Cellar, Yard, Wharf, or other Place, or any Carriage, Ship, Boat, or Veſſel, in which ſuch Gunpowder is ſuſpected to be made, kept, or carried, contrary to this Act; and that all Gunpowder found upon ſuch Search to be made, kept, or carried, contrary to this Act, and alſo the Gunpowder Barrels, ſhall be immediately ſeized by the Searcher or Searchers, who ſhall, with all convenient Speed after the Seizure, remove ſuch Gunpowder, and the Barrels in which it ſhall be, to ſuch proper Places as they, in Conformity to the Reſtrictions of this Act, ſhall think fit; and in the Caſe of any ſuch Gunpowder ſeized in any Carriage or Veſſel, may uſe, for the Purpoſe of Removal, during the Space of Twenty-four Hours after Seizure, ſuch Carriage or Veſſel, with the Tackling, Beaſts, and Accoutrements, belonging thereto, (paying afterwards to the Owner or Owners thereof a ſufficient Recompence for the Uſe thereof, to be ſettled by the Juſtices before whom the Complaint ſhall be heard, after the Seizure; and in caſe of Nonpayment, immediately after Settlement by ſuch Juſtices, to be recoverable by Diſtreſs and Sale of the Party's Goods and Chattels, as is herein-after directed concerning the pecuniary Penalties of this Act); and may detain ſuch Gunpowder, and the Barrels in which it ſhall be, till it ſhall be adjudged on a Hearing before any Two or more ſuch Juſtices, whether the ſame ſhall be forfeited; and ſuch Searcher or Searchers, Seizer or Seizers, ſhall not be liable to any Suit for ſuch Detainer, or for any Loſs of or Damage

Searchers to ſeize all they find, and remove it.

Seizers not liable to Damage occaſioned by Detainer.

mage which may happen to the ſaid Gunpowder or Barrels, other than by the wilful Acts or Neglects of them, or the Perſons with whom they ſhall intruſt the keeping thereof.

Regulation for Security of the Veſſels in the River *Thames*.

XXIV. And for Security of the great Number of Ships and Veſſels lying in the River *Thames*, and of the Dock-yards, Wharfs, and Buildings, on the Sides of the *Thames* above *Blackwall*, be it further enacted, That no Maſter or Commander of any Ship or other Veſſel, lying in the Thames, and outward-bound, ſhall receive, or permit to be received, on Board any ſuch Ship or Veſſel more than Twenty-five Pounds of Gunpowder, (except for the King's Service), before the Arrival of ſuch Ship or Veſſel at, over-againſt, or below Blackwall; and that the Maſter or Commander of every Ship or Veſſel coming into the River Thames ſhall (except in the Caſe of Gunpowder for the King's Service) put on Shore, in proper Places, in Conformity to the Reſtrictions of this Act, all the Gunpowder on Board ſuch Ship or Veſſel above the Quantity of Twenty-five Pounds, either before the Arrival of ſuch Ship or Veſſel at Blackwall, or within Twenty-four Hours (if the Weather ſhall permit) after coming to an Anchor there, or to the Place of unloading there, and ſhall not afterwards have on Board more than Twenty-five Pounds of Gunpowder, (except for the King's Service), on Pain of forfeiting, for every Offence in any of the ſaid Caſes, all the Gunpowder found on Board above the Weight of Twenty-five Pounds, and the Barrels in which ſuch Gunpowder ſhall be, and alſo Two Shillings for every Pound of Gunpowder above the Quantity of Twenty-five Pounds.

Maſter, Warden, *&c.* of the *Trinity Houſe* to appoint Searchers.

XXV. And, for the better Diſcovery of Maſters or Commanders of inward or outward-bound Ships, who ſhall have Gunpowder in their Ships or Veſſels in the *Thames* contrary to this Act, be it further enacted, That the Maſter, Warden, and Aſſiſtants, of the Corporation of the Trinity Houſe of Deptford Strond, in the County of Kent, for the Time being, ſhall, from Time to Time, appoint One or more Perſon or Perſons a Searcher or Searchers for unlawful Quantities of Gunpowder in Ships or other Veſſels in the River Thames, which Perſon or Perſons ſo appointed are hereby authoriſed, at any Time between Sun-riſing and Sun-ſetting, to enter any Ship or Veſſel (except His Majeſty's Ships) in the River Thames above Blackwall, and to ſearch the ſame for unlawful Quantities of Gunpowder, and alſo ſhall have the ſame Powers of ſeizing, removing to proper Places, and detaining all ſuch unlawful Quantities of Gunpowder found on Board any ſuch Ship or Veſſel, and the Barrels in which ſuch Gunpowder ſhall be, as are herein-before given to Perſons ſearching for unlawful Quantities of Gunpowder under a Warrant of a Juſtice of the Peace.

Penalties and Forfeitures how to be recovered and applied.

XXVI. And be it further enacted, That all Penalties created by this Act, ſhall be recoverable before Two or more Juſtices of the Peace for the County or other Diviſion in which the Offence ſhall be committed, on Proof of the Offence, by the Oath or Oaths of One or more credible Witneſs or Witneſſes, or on Confeſſion of the Offender; and One Moiety of each Penalty ſhall belong to His Majeſty, His Heirs or Succeſſors, and the other Moiety thereof to the Informer or Informers proſecuting for the ſame; and where the Penalty ſhall be pecuniary, in caſe of Nonpayment, it ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattles, by Warrant under the Hands and Seals of ſuch Juſtices; and the Overplus of the Money raiſed, after deducting the Penalty, and the Expences of the Diſtreſs and Sale, ſhall be rendered to the Owner; and for Want of ſufficient Diſtreſs, the Offender ſhall be ſent, by ſuch Juſtices, to the Houſe of Correction, there to be kept to hard Labour for any Time not exceeding Six Months, nor leſs than Three Months, as ſuch Juſtices ſhall think moſt proper.

Proſecution to be commenced within 14 Days after Seizure.

XXVII. And be it further enacted, That no Perſon ſhall be liable to any Proſecution for any Offence againſt this Act, unleſs ſuch Proſecution ſhall be commenced within Fourteen Days after Seizure of the Gunpowder, or Commiſſion of the Offence, where there ſhall not be any Seizure; and that if any Suit or Action ſhall be proſecuted in England againſt any Perſon or Perſons for any Thing done in purſuance of this Act, ſuch Perſon or Perſons may plead the General Iſſue, and give this Act, or the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done by Authority of this Act: And if a Verdict ſhall paſs for the Defendant or Defendants, or the Plaintiff or Plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their Action or Actions, after Iſſue joined, or if on Demurrer, or otherwiſe, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall recover Treble Coſts, and have the like Remedy for the ſame, as any Defendants have by Law in other Caſes.

General Iſſue.

Treble Coſts.

Limitations of Actions.

XXVIII. And be it further enacted, That all Actions, Suits, and Proſecutions, to be commenced in England, againſt any Perſon or Perſons, for any Thing to be done in purſuance of this Act, ſhall be laid and tried in the County or Place where the Fact was committed, and ſhall be commenced within Six Calendar Months after the Fact committed, and not otherwiſe.

Not to extend to Mills to be erected on His Majeſty's Lands, *&c.* nor to thoſe now erected.

XXIX. Provided always, and be it further enacted, That this Act ſhall not extend, or be any Ways conſtrued to extend, to any Mills or other Buildings erected, or which may hereafter be erected, for the Purpoſe of making Gunpowder, in any Lands belonging to His Majeſty, His Heirs or Succeſſors, or to the keeping of Gunpowder at any Storehouſe or Magazine belonging to His Majeſty, His Heirs or Succeſſors, or to hinder the Trial of Gunpowder by His Majeſty's Officers, as is uſual, for the Service of His Majeſty, His Heirs or Succeſſors, or to the keeping of Gunpowder at the Magazines now erected for that Purpoſe, of Barking Creekſmouth, in the County of Eſſex, and Erith Level, in the County of Kent, or to the keeping of Gunpowder at the Magazines or Storehouſes now erected near Liverpoole, in the County of Lancaſter, or the City of Briſtol, or to the Carriage of Gunpowder to or from the King's Magazines, under a ſpecial and expreſs Order of the King's Board of Ordinance; ſuch Order to contain the Quantity of Gunpowder ſo to be carried, and the Time for which ſuch Order ſhall be in Force; or to the Carriage of Gunpowder with Forces on their March, or with the Militia, during their annual Exerciſe; or which ſhall be ſent for the Uſe of ſuch Forces or Militia.

Not to extend to hinder unlimited Quantities to be conveyed from Ships below *Blackwall.*

XXX. Provided alſo, and be it further enacted, That this preſent Act ſhall not extend to hinder any Perſon or Perſons from carrying or conveying an unlimited Quantity of Gunpowder, in ſuch cloſe-decked Veſſels, in Manner as herein-before is directed, from any Ships or Veſſels lying below Blackwall, to any of the Magazines for Gunpowder ſo ſituate below Blackwall, or from ſuch Magazines to any Ships or Veſſels lying below Blackwall, and going to any Place beyond Sea, or Coaſtwiſe.

The Act to commence on *July* 1, 1772.

Act 11 *Geo.* III. c. 35, &c. hereby repealed.

XXXI. And be it further enacted by the Authority aforeſaid, That this Act ſhall commence, and begin to be in Force, on the Firſt Day of July, One thouſand ſeven hundred and ſeventy-two; and from and immediately after the Commencement thereof, an Act made in the laſt Seſſion of this preſent Parliament, (intituled An Act for reducing into One Act of Parliament, the ſeveral Laws relating to the Keeping and Carriage of Gunpowder, and for more effectually preventing Miſchiefs by keeping or carrying Gunpowder in too great Quantities), and all former Statutes, ſo far as they relate to the Keeping and Carriage of Gunpowder, ſhall be, and the ſame are hereby repealed.

CAP. LXII.

An Act to enable the Lord Biſhop of *Durham*, and his Succeſſors, to raiſe a competent Sum of Money, to be applied for the repairing, improving, or rebuilding, ſuch Part of *Tyne Bridge* as belongs to the See of *Durham*.

Preamble.

WHEREAS the Right Reverend Father in God *John* Lord Biſhop of *Durham* is intitled, in Right of his See, to One-third Part of an ancient Bridge extending acroſs the River *Tyne*, between the Town of *Gateſhead*, in the County Palatine of *Durham*, and the Town and County of the Town of *Newcaſtle upon Tyne*: And whereas, by the Violence and Rapidity of a moſt extraordinary Flood, which happened on the Seventeenth Day of *November*, One thouſand ſeven hundred and ſeventy-one, in the River of *Tyne*, the ſaid Bridge was very much damaged, broken down in ſeveral Places, and rendered utterly impaſſable: And whereas, in order to reſtore an eaſy and ſafe Communication between the Counties of *Durham* and *Northumberland*, it is highly expedient that the ſaid Bridge ſhould be rebuilt, or effectually repaired, with all poſſible Expedition: And inaſmuch as the neceſſary Repairs of the One-third Part of the ſaid Bridge, belonging to the ſaid Lord Biſhop of *Durham* in Right of his See, and extending from Two Blue Marble or Boundary Stones, on the South Side of the ſaid Bridge, to the ſaid Town of *Gateſhead*, will be attended with a great Expence; and however reaſonable or proper it may be, that the entire Sum neceſſary to be appropriated for, and employed in, that uſeful and neceſſary Work, ought to be raiſed out of, or ſecured upon, the Revenues and Poſſeſſions of the ſaid See of *Durham*, and that the Lord Biſhop of *Durham* for the Time being, ought not to bear any greater Burthen than ſhall ariſe from the Intereſt or annual Charge to be paid in reſpect of the Principal Money to be raiſed for the Purpoſe aforeſaid; yet the ſaid *John* Lord Biſhop of *Durham* is conſenting that a reaſonable and adequate Sum of Money may be raiſed by the Authority of Parliament, by granting Annuities for Lives, which will not only be ſpeedy and effectual, but may be a Method leſs burthenſome to the Succeſſors in the ſaid See, than to the ſaid *John* now Lord Biſhop of *Durham*, by the eventual dropping of Lives, and the Decreaſe of ſuch temporary Charge: Wherefore, may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Chancellor of the Biſhoprick and County Palatine of Durham and Sadberge, the Sheriff of the County Palatine of Durham and Sadberge, the Vicar General and principal Official of the Dioceſe of Durham, the Attorney and Solicitor General to the Lord Biſhop of Durham, the principal Regiſter or Regiſtrar of the Dioceſe of Durham, the Auditor to the Lord Biſhop of Durham, the Keeper of Auckland Caſtle, the Steward of the Halmote Courts of the Lord Biſhop of Durham, the Clerk of the Halmote Courts of the Lord Biſhop of Durham, the Clerk of the Great Receipt of the Exchequer of Durham, the Regiſter of the Court of Chancery of Durham, the Clerk of the Chancery of Durham, and the Keeper of the Rolls of the Chancery aforeſaid, the Clerk of the Itinerant Juſtices, and other Juſtices whomſoever, in the County Palatine of Durham and Sadberge, and the Bailiff of the Borough of Auckland for the Time being, ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution, by and under the Direction of the ſaid John Lord Biſhop of Durham, and his Succeſſors.

Truſtees appointed for putting this Act in Execution.

No Truſtee to accept of a Place of Profit.

II. Provided always, and be it enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, during the Time he ſhall hold any Office or Appointment to which any Salary or pecuniary Profit ſhall be annexed by virtue or in purſuance of this Act; nor ſhall any ſuch Truſtee, on his own private Account, enter into any Contract, or have any Share or Intereſt in any Contract, relating to the Execution of any of the Powers contained in this Act.

Truſtees authoriſed to contract for Ground, &c. for improving the Bridge and the Avenue thereto.

III. And whereas it may be neceſſary to open a more convenient Avenue and Paſſage to that Part of the ſaid Bridge which belongs to the ſaid See of *Durham*, and to remove the Erections and Buildings on the ſame; be it therefore enacted, That the ſaid Truſtees, or any Three or more of them, ſhall, and they are hereby authoriſed, by and under ſuch Direction of the ſaid Lord Biſhop of Durham, and his Succeſſors, as aforeſaid, to treat, contract, and agree with any Perſon or Perſons, for the abſolute Purchaſe of any Eſtate or Intereſt in any Buildings or Ground which ſhall be deemed neceſſary to be appropriated, for the better and more effectually repairing, rebuilding, or improving, ſuch Part of the ſaid Bridge as belongs to the ſaid See of Durham, and for making more convenient the Avenue and Paſſage leading on the ſame, or to appropriate any Building or Ground which the ſaid Biſhop is intitled unto in Right of his See, for the Purpoſes aforeſaid.

To raiſe any Sum not exceeding 12,000*l.* for the Purpoſes of this Act, by granting Annuities.

IV. And, foraſmuch as the raiſing an adequate Sum of Money upon the Credit of this Act, by granting Annuities for Lives, will be a ſpeedy and effectual Method of carrying the Intentions of the ſaid *John* Lord Biſhop of *Durham* into complete Execution; be it therefore further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay, to ſuch Treaſurer or Treaſurers as the ſaid John Lord Biſhop of Durham, or his Succeſſors, ſhall, in Manner herein-after mentioned, authoriſe and impower to receive the ſame, for the Uſes herein-after expreſſed, any Sum or Sums of Money, not exceeding in the Whole the Sum of Twelve thouſand Pounds, for the abſolute Purchaſe of Twelve or more Annuities for Lives, to be paid and payable, and the ſame are hereby directed to continue and be paid, during the full Term of the natural Life of each ſuch Contributor reſpectively, or the natural Life of ſuch other Perſon as ſhall be nominated by or on the Behalf of each Contributor reſpectively, at the Time of Payment of their reſpective Purchaſe or Contribution-money; which Annuity or Annuities ſhall not reſpectively exceed the Rate of Ten Pounds per Annum for every One hundred Pounds advanced and actually paid, and ſo in proportion for any greater or leſs Sum ſo to be advanced and paid as aforeſaid; and the ſaid ſeveral Annuities, ſo to be purchaſed, ſhall be charged upon, and be paid and payable out of the Rents, Revenues, and Profits, of the ſaid See, which, from Time to Time, during the Continuance of the ſaid Annuities, or any of them, ſhall be received by the ſaid John Lord Biſhop of Durham, or his Succeſſors, or ſhall come to the Hands of, or be received by the Receiver-general for the Time being of the ſaid John Lord Biſhop of Durham, or his Succeſſors, by ſuch Receiver-general, or his Succeſſors, at ſuch Place in the City of Durham, by equal Half-yearly Payments, as in the Order or Orders herein-after mentioned for Payment thereof ſhall be reſpectively expreſſed; and ſuch Receiver-general for the Time being ſhall be credited, or have an Allowance in his Accounts, of or for all ſuch Sums of Money as he ſhall actually pay by virtue or in purſuance of this Act, as fully and effectually, to all Intents and Purpoſes, as if ſuch Payments had reſpectively been really and bona fide made to the ſaid John Lord Biſhop of Durham, or his Succeſſors; and the ſaid ſeveral Annuities ſhall commence from the Receipt of any Sum or Sums of Money reſpectively; and ſuch Annuity or Annuities ſhall not be ſubject or liable to any Deduction or Abatement for or in reſpect of any Tax, Charge, or Aſſeſſment, impoſed or to be impoſed by Authority of Parliament, or otherwiſe howſoever, upon the Lands, Tenements, or Perſons, by this Act charged therewith, or by whom, or out of which the ſame are to be anſwered and paid; nor ſhall any ſuch Annuitant or Annuitants, their Executors, Adminiſtrators, or Aſſigns, or any of them, be anſwerable or accountable for the Miſapplication or Nonapplication of, or liable to make good any Loſs that ſhall or may happen in, or of, any ſuch Purchaſe or Conſideration Money that ſhall be ſo advanced or paid as aforeſaid, or any Part thereof; and the Receipt or Receipts of the ſaid ſeveral Annuitants, their reſpective Executors, Adminiſtrators, or Aſſigns, for all and every ſuch Sum and Sums of Money, as ſhall be paid to them, or any of them reſpectively, by the ſaid Receiver-general for the Time being, in purſuance of this Act, ſhall be as good and effectual Diſcharges to ſuch Receiver-general, as if the ſame Sum and Sums had been actually paid to the ſaid John Lord Biſhop of Durham, or his Succeſſors.

Previous to Sale of ſuch Annuities, Notice to be given in the *London Gazette.*

V. Provided always, and it is hereby further enacted and declared, That, previous to the Sale of ſuch Annuities, in order to raiſe the ſaid Sum of Twelve thouſand Pounds, or any Part thereof, One Calendar Month's Notice at the leaſt ſhall, Four or more different Days, be given in the London Gazette, expreſſing the Intention of the Sale of ſuch Annuity or Annuities, ſo as to raiſe the ſaid Sum of Twelve thouſand Pounds, or any Part thereof, in order that any Perſon may have an Opportunity to deliver in Propoſals for what annual Income or Payment per Centum they are willing to advance their Money; and the ſaid Truſtees, or any Three or more of them, ſhall, (if the ſaid Lord Biſhop of Durham, or his Succeſſors, ſhall think any ſuch Propoſals reaſonable), give the Preference to the loweſt Propoſer, Regard being had to the Circumſtances of Age and Health; and the ſaid Annuities ſhall be ſold by the ſaid Truſtees, or any Three or more of them, ſubject to the Approbation of the ſaid Lord Biſhop of Durham, to be ſignified by any Writing under his Hand, to the beſt Advantage they can.

Power of Diſtreſs and Entry.

VI. And, for the more effectual ſecuring to the ſaid Annuitants the regular and full Payment of their reſpective Annuities, be it further enacted, That the ſaid ſeveral Annuities ſhall be alſo charged upon and iſſuing out of, and the ſame are hereby charged upon and directed to be iſſued out of all or any ſuch Part of the Temporalities and Poſſeſſions belonging to the ſaid See of Durham, as ſhall, from Time to Time, and at any Time hereafter, during the Life or Lives of any ſuch Annuitant or Annuitants, be held in Demeſne, or be in the immediate Poſſeſſion or Holding of the ſaid John Lord Biſhop of Durham, or his Succeſſors: And if it ſhall happen that the ſaid ſeveral Annuities, or any of them, or any Part thereof reſpectively, ſhall be behind and unpaid for Twenty-one Days after any of the Feaſts or Days which ſhall be limited and appointed for Payment thereof; then, and ſo often, and from Time to Time, as it ſhall ſo happen, it ſhall and may be lawful to and for the ſaid Annuitants, or Perſons intitled to ſuch Annuities reſpectively, and his and their reſpective Executors, Adminiſtrators, and Aſſigns, into and upon the Premiſes ſo hereby charged, for more effectually ſecuring the Payment of the ſaid Annuity or Annuities, or into and upon any Part thereof, to enter and diſtrain; and the Diſtreſs and Diſtreſſes then and there found, to take, lead, drive, carry away, and impound, or otherwiſe diſpoſe of, according to Law, until the ſaid Annuity or Annuities, and all Arrears thereof, and all Coſts and Charges attending ſuch Entry and Diſtreſs, and all Damages to be ſuſtained by reaſon of the Nonpayment thereof, ſhall be fully ſatisfied and paid: And moreover, that if the ſaid Annuity or Annuities, or any Part thereof, ſhall be behind or unpaid for Forty Days after any of the Feaſts or Days which ſhall be limited or appointed for Payment thereof; then, and ſo often, from Time to Time, as it ſhall ſo happen, it ſhall and may be lawful to and for the ſaid Annuitants, or Perſons intitled to ſuch Annuites reſpectively, and his and their reſpective Executors, Adminiſtrators, and Aſſigns, into the ſame Premiſes to enter, and to take and receive the Rents, Iſſues, and Profits thereof to his, her, and their own Uſe and Benefit, until thereby or therewith, or otherwiſe, all Arrears of the ſaid Annuity or Annuities then grown due, or that, during ſuch Poſſeſſion ſhall grow due, and all Coſts and Charges attending ſuch Entry upon, and Perception of the Rents and Profits of the ſame Premiſes, and all Damages that he, ſhe, or they, ſhall then have ſuſtained by reaſon of the Nonpayment of the ſaid Annuity or Annuities, or yearly Sums, ſhall be fully ſatisfied and paid.

A Treaſurer to be appointed by the Biſhop of *Durham.*

VII. And, to the Intent that ſome proper Perſon or Perſons may be appointed to receive the Price or Conſideration-money to be paid for the ſaid Annuities, and to apply and diſpoſe of the Money ſo received, for the Purpoſes of this Act, be it further enacted, That it ſhall and may be lawful to and for the ſaid John Lord Biſhop of Durham, or his Succeſſors, by any Writing or Writings under his or their Hand, or reſpective Hands, to appoint a Treaſurer, who ſhall give ſuch Security for the due and faithful Execution of his Office, as the ſaid Lord Biſhop of Durham, or his Succeſſors, ſhall think reaſonable; and alſo to appoint ſuch One or more fit and ſkilful Perſon or Perſons (if he or they ſhall think proper ſo to do) as may be neceſſary and proper, either to inſpect the Works, or to execute any Rules, Orders, or Regulations, to be made or done in purſuance of this Act, with ſuch Allowances to the Treaſurer for the Time being, and ſuch other Perſon or Perſons as aforeſaid, as by the ſaid John Lord Biſhop of Durham, or his Succeſſors, and the ſaid Truſtees, or any Three or more of them, ſhall be judged reaſonable, for and in Conſideration of his and their Employment and Service reſpectively; and likewiſe, that it ſhall and may be lawful to and for the ſaid Lord Biſhop of Durham, and his Succeſſors, from Time to Time, to remove or diſcontinue ſuch Treaſurer, or other Perſon or Perſons, and appoint another or others in the Place of ſuch of them as ſhall be ſo removed, or as ſhall happen to die, before the ſeveral Intents and Purpoſes mentioned in, or intended by, this Act, ſhall be completely performed and carried into Execution.

Upon Payment of the Purchaſe-money, an Order to be ſigned by the Truſtees for the Payment of the Annuity.

VIII. And be it further enacted, That every Purchaſer of ſuch Annuity or Annuities as aforeſaid, his, her, or their Aſſigns, upon Payment of the Conſideration or Purchaſe Money for the ſame, or any Part or Proportion thereof, into the Hands of ſuch Treaſurer ſo to be appointed as aforeſaid, ſhall have One or more Receipt or Receipts, importing the Receipt of ſo much Purchaſe-money as ſhall be ſo paid; and upon Payment of all the Purchaſe-money for any ſuch Annuity or Annuities, every Contributor, his, her, or their Aſſigns reſpectively, ſhall have an Order, fairly written upon Parchment, for Payment of the ſaid Annuity or Annuities, which Order ſhall be ſigned by the ſaid Truſtees, or any Three or more of them; and, after ſigning thereof, the ſame ſhall be good, valid, and effectual in the Law, according to the Purport and true Meaning thereof, and of this Act.

Books to be kept for entering the Names, Ages, and Places of Abode, of the Annuitants.

IX. And be it further enacted, That there ſhall be provided by the Treaſurer a Book or Books, wherein ſhall be fairly written, in Words at Length, the Names, proper Additions, Ages, and Places of Abode, of all Perſons who ſhall be Purchaſers of any of the ſaid Annuities, and the Names and Places of Abode of all Perſons by whoſe Hands the ſaid Purchaſers ſhall pay in any Sum or Sums of Money upon the Credit of this Act; and alſo the Sum and Sums actually paid for the Purchaſe of ſuch Annuities, and the reſpective Days of Payment thereof; a Duplicate of which ſaid Book or Books ſhall be delivered to the ſaid Receiver-general of the ſaid Lord Biſhop of Durham for the Time being, who ſhall enter therein the ſeveral Payments, from Time to Time, to the ſaid Annuitants, or their Aſſigns, and the reſpective Days when any of the ſaid Annuitants ſhall happen to die; to which Book or Books it ſhall and may be lawful, as well to and for the ſaid John Lord Biſhop of Durham, and his Succeſſors, and the ſaid Truſtees, as to and for the ſaid reſpective Annuitants, and their Aſſigns, from Time to Time, and at all ſeaſonable Times, to have Recourſe and inſpect the ſame, without Fee or Reward.

Annuities aſſignable.

X. And be it further enacted, That it ſhall and may be lawful to and for any Purchaſer or Purchaſers of any ſuch Annuity or Annuities as aforeſaid, and his, her, and their Executors, Adminiſtrators, and Aſſigns, at any Time or Times, by any Writing under their reſpective Hands and Seals, or by Indorſement on the ſaid Order, to aſſign ſuch Annuity or Annuities to any Perſon or Perſons whomſoever, and ſo toties quoties; and a Memorandum or Entry of all ſuch Aſſignments ſhall be made in a Book, which is hereby required to be kept for that Purpoſe by the ſaid Receiver for the Time being, at the Charge of the ſaid Lord Biſhop of Durham, or his Succeſſors; which Entry or Memorandum ſhall be made gratis.

Aſſignments to be entered.

XI. Provided always, That no Aſſignment ſhall be deemed good or effectual, until the ſame ſhall be left at the Office, in Durham, of the Receiver-general for the Time being of the ſaid Lord Biſhop of Durham, or his Succeſſors, in order that ſuch Entry or Memorandum may be made of every Aſſignment in ſuch Book as aforeſaid.

Truſtees to contract and receive Propoſals for rebuilding the Bridge.

XII. And, to the End that all and every the Sum and Sums of Money, ſo to be raiſed in purſuance of, and upon the Credit of this Act, may, with all poſſible Expedition, be applied in or towards the rebuilding, improving, or effectually repairing, of ſuch Part of the ſaid Bridge over the River *Tyne* as belongs to the See of *Durham*, and other the Purpoſes of this Act, be it further enacted and declared, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, to receive Propoſals from, and contract with any Perſon or Perſons, Surveyor, Architect, Builder or Builders, or with Workmen, for the rebuilding, improving, or otherwiſe effectually repairing of ſuch Part of the ſaid Bridge over the River Tyne as belongs to the See of Durham; and to make Contracts for, or purchaſe or provide any Materials, Matters, or Things, neceſſary and proper for the rebuilding, improving, or effectually repairing the ſame: All which Contract or Contracts ſhall be ſigned and approved of by the ſaid John Lord Biſhop of Durham, or his Succeſſors, or by ſuch Surveyor as the ſaid Lord Biſhop of Durham, or his Succeſſors, ſhall appoint; and ſhall ſpecify the ſeveral Works to be done, the Prices to be paid for the ſame, and the Time or Times when the ſaid Works ſhall be completed, and the Quantity and Quality of the Materials to be delivered, and the Penalties to be ſuffered or ſuſtained in caſe of Nonperformance of ſuch Contract or Contracts; and that all and every Contract and Contracts, ſo to be made, ſhall be ſigned by the ſaid Truſtees, or any Three or more of them, and alſo by the Perſon or Perſons ſo reſpectively contracting; and all ſuch Contracts ſo to be made, as aforeſaid, ſhall be entered in a Book or Books, to be kept for that Purpoſe by the Treaſurer or his Clerks; but previous to the making any ſuch Contract, Twenty-one Days Notice, at leaſt, ſhall be given in the London Gazette, expreſſing the Intention of making ſuch Contract, in order that any Perſon or Perſons may, at their Election, have an Opportunity of ſending Propoſals, under Seal, to any of the ſaid Truſtees, or to any other Perſon to be named in ſuch publick Notice for that Purpoſe, or of making ſuch Propoſals, at a certain Time and Place in ſuch Notice to be mentioned; and it ſhall and may be lawful to and for the ſaid Truſtees to take ſuch Security, in the Name of the Treaſurer to be from Time to Time appointed in purſuance of this Act, from any Perſon or Perſons, for the Performance of any Contract or Contracts for the Purpoſes aforeſaid, as to the ſaid Truſtees ſhall ſeem neceſſary.

The Works to be inſpected by a Surveyor.

XIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, and they are hereby directed to cauſe all and every the Works to be done in purſuance of this Act to be inſpected by ſuch Surveyor, or by ſuch other ſkilful Perſon or Perſons as the ſaid Lord Biſhop of Durham, or his Succeſſors, ſhall, by any Writing, direct or appoint: And in caſe the ſame ſhall not be well and ſufficiently performed, according to the true Intent and Meaning of ſuch Contract or Contracts, or ſhall not be finiſhed or completed at or within the Time or Times that the ſame is or are agreed to be completed; ſuch Surveyor, or other Perſon or Perſons, ſhall report the ſame to the ſaid John Lord Biſhop of Durham, or his Succeſſors, and to the ſaid Truſtees, or any Three or more of them, who ſhall and may, in their own Name or Names, or in the Names of any Two or more of them, or in the Name of the Treaſurer for the Time being, to be appointed by the ſaid Lord Biſhop of Durham, or his Succeſſors, bring an Action of Debt, or upon the Caſe, in any of his Majeſty's Courts of Record at Weſtminſter, or in the Court of Pleas at Durham, againſt any Perſon or Perſons ſo contracting and neglecting to perform the ſame, in the Manner, or in the Time, ſet forth in any ſuch Contract, for the Penalty or Penalties which ſhall be contained in any ſuch Contract or Security, or for any Breach of the Covenants or Agreements therein reſpectively to be contained; and the ſaid Truſtees or Treaſurer ſhall be intitled to, and ſhall recover ſuch Penalty or Penalties, or Damages ſuſtained or occaſioned by ſuch Breach of Covenants or Agreements; and the ſame, when recovered, ſhall be applied for the Purpoſes of this Act.

and if the Contracts ſhould not be performed, Truſtees to commence Actions.

Truſtees to compound with any Perſon contracting.

XIV. And be it further enacted and declared, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, with the Approbation, in Writing, of the ſaid Lord Biſhop of Durham, or his Succeſſors, from Time to Time, according the beſt of their Judgement, and without Partiality, to compound for and agree with any ſuch Perſon or Perſons ſo contracting, and who ſhall ſo neglect to perform the Contract in Manner, or within the Time, therein expreſſed, for any Penalty or Penalties contained in any Contract or Contracts, Security or Securities, or Damages, for ſuch Sum or Sums of Money as the ſaid John Lord Biſhop of Durham, or his Succeſſors, and the ſaid Truſtees, or any Three or more of them, ſhall think reaſonable.

Treaſurer, out of Money received by him, to pay for due Performance of all Works, &c.

XV. And be it further enacted, That the Treaſurer for the Time being, ſo to be appointed as aforeſaid, ſhall, from Time to Time, by and out of the Money which ſhall come to his or their Hands, or be received by him or them in purſuance of this Act, pay, by Inſtalments, or otherwiſe, as in any ſuch Contract or Contracts ſhall be expreſſed, all ſuch Sum and Sums of Money as ſhall therein reſpectively be ſtipulated or agreed to be paid for the due Performance, or in reſpect of any of the Works or Repairs to be made or done in purſuance of this Act, or in anywiſe relating thereto; and all ſuch other Charges and Expences as ſhall be neceſſarily incurred by, or anywiſe relate to the Execution of, the Truſts repoſed, or to be repoſed in the ſaid Truſtees, by or in purſuance of this Act; and in caſe any Surplus ſhall remain in the Hands of the ſaid Treaſurer for the Time being, after the ſaid One-third Part of the ſaid Bridge, ſo belonging to the ſaid See of Durham as aforeſaid, ſhall be rebuilt, improved, or effectually repaired, the ſame ſhall be charged with, and ſhall be applied in and towards the Payment of the ſaid Annuities.

and in caſe of Surplus, to be applied to the Payment of Annuities.

Expences of the Act how to be paid.

XVI. And be it further enacted, That all the Coſts, Charges and Expences incident to or attending the obtaining and paſſing this Act, ſhall be paid and diſcharged out of the Firſt Monies which ſhall be received by the Treaſurer ſo to be appointed as aforeſaid, and by virtue or in purſuance of this Act.

Publick Act.

XVII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges and Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

CAP. LXIII.

An Act for redeeming One Million five hundred thouſand Pounds of the Capital Stocks of Three Pounds *per Centum* Annuities, in the Manner, and on the Terms therein mentioned; and for eſtabliſhing a Lottery.

CAP. LXIV.

An Act for building Two new Chapels, and providing Burial-places thereto, within the Town of *Birmingham*, in the County of *Warwick*.

amble.

WHEREAS the Town of *Birmingham*, in the County of *Warwick*, is a large and populous trading Place, the Innahitants whereof are of late Years grately increaſed in Number: And whereas there are but Two Churches and One ſmall Chapel in the ſaid Town, which together are not capable of containing One Sixth Part of the Inhabitants profeſſing the Doctrine of the Church of *England*, to the great Reproach of Civil Society, and Contempt of Holy Religion: And whereas the Inhabitants of the ſaid Town are deſirous that Two new Chapels may be erected, and Chapel-yards or Coemeteries annexed thereto, as alſo Dwelling-houſes erected for the Reſidence of the Miniſters officiating therein, and have entered into a voluntary Subſcription for thoſe Purpoſes, but the Sums ſubſcribed will not be ſufficient to raiſe Fabricks large enough: And whereas *Dorothy Weaman* of *Sutton Coldfield*, in the County of *Warwick*, Widow, and *Mary Weaman*, of the ſame Place, Spinſter, Proprietors of certain Cloſes or Parcels of Land adjoining to the ſaid Town, being deſirous of promoting ſo pious a Deſign, have voluntarily offered to give Three Acres and Eight ſquare Yards of the ſaid Lands, as the ſame is now marked or ſet out, to build One of ſuch Chapels upon, in order to be conſecrated and ſet apart for the publick Worſhip of Almighty God, according to the Uſage of the Church of *England*, and for making a Chapel-yard or Coemetery thereto, and for building a Houſe thereupon, for the Reſidence of the officiating Clergyman; and alſo to lay out proper Roads or Avenues thereto, as herein-after mentioned: And whereas *George Davis*, *Joſeph May*, *James Baker*, *William Maſon*, *Robert Moor*, *John Bedford*, *William Walſingham*, *Joſeph Smith*, *Joſeph Webſter*, *William May*, *Michael Lakin*, *Stephen Beaford*, *James Jackſon*, *Samuel Ray*, *Joſeph Tindall*, *Thomas Colmore*, and *Benjamin May*, ſurviving Feoffees of certain Lands and Premiſes in and near to *Birmingham* aforeſaid, (given for paving the Streets and other charitable and needful Purpoſes in the ſaid Town), being, as Feoffees as aforeſaid, poſſeſſed of certain Lands adjoining to the Lands of the ſaid *Dorothy Weaman* and *Mary Weaman*; and being deſirous to aſſiſt in promoting ſo pious a Deſign, and apprehending that the Building of a Chapel upon the Land of the ſaid *Dorothy Weaman* and *Mary Weaman* will increaſe the Value of ſuch of their Lands as lie adjacent to the ſaid intended Chapel, are willing to give, and have (ſo far as in them lay, and they lawfully could) conveyed to the ſaid *Mary Weaman* a certain Part of their Land adjoining to hers, as the ſame is now marked out, containing in Width, at one End thereof, Twenty-eight Yards, and in Length on each Side thereof, One hundred and Sixteen Yards, and at the other End terminating in an acute Point, as a Conſideration for the ſaid *Dorothy Weaman* and *Mary Weaman*'s having given One Third of an Acre of Land extraordinary, to render the ſaid Coemetery or Burial Ground more uſeful and commodious: And whereas *Charles Colemore* Eſquire, a Proprietor of certain Lands in and adjoining to the ſaid Town, being deſirous alſo to promote ſo good and pious a Work, hath voluntarily offered alſo to give Three Acres of the ſaid Lands, as the ſame is now marked or ſet out, to build the other of the ſaid Chapels upon, in order to be conſecrated and ſet apart for the publick Worſhip of Almighty God, according to the Uſage of the Church of *England*, for making a Chapel-yard or Coemetery thereto; and alſo the further Quantity of Twelve Yards in Front, and Fifty Yards in Depth, other Part of his Lands, for building a Houſe for the Reſidence of the officiating Clergyman; and alſo ſuch other Parcels of the ſaid Land as ſhall be ſufficient for making a proper Road or Avenue thereto, as herein-after is mentioned: And whereas the ſaid *Mary Weaman* and *Charles Colemore* being deſirous ſtill further to promote ſo neceſſary and pious a Work, have ſeverally agreed to ſubſcribe the reſpective Sums following; *(to viz.)* The ſaid *Mary Weaman* the Sum of One thouſand two hundred Pounds, and the ſaid *Charles Colemore* the Sum of One thouſand Pounds, towards erecting a Chapel upon each of their reſpective Eſtates, upon Condition that they and their Heirs for ever ſhall be reſpectively inveſted with the Right of Nomination and Preſentation of the reſpective Miniſters to perform Divine Service in the reſpective new-intended Chapels, to be built upon their Eſtates reſpectively: And whereas the ſeveral Subſcribers to the ſaid pious Undertaking, with the Conſent of the Right Reverend Father in God *Brownlow* Lord Biſhop of the Dioceſe of *Litchfield* and *Coventry*, and of *William Tennant* Eſquire, who is Patron of the Pariſh and Pariſh Church of *Saint Martin* in *Birmingham* aforeſaid, and of *William Chaſe*, Rector of the ſaid Church, have propoſed and agreed, as far as in them lies, that the Right of Preſentation to the ſaid Chapel or Curacy, ſo intended to be erected upon the Land of the ſaid *Dorothy Weaman* and *Mary Weaman*, ſhall be veſted in the ſaid *Mary Weaman*, and her Heirs, for ever; and that the Right of Preſentation to the ſaid Chapel or Curacy ſo intended to be erected upon the Land of the ſaid *Charles Colemore* Eſquire, ſhall be veſted in the ſaid *Charles Colemore* Eſquire, and his Heirs, for ever, in conſideration of their being the largeſt Contributors to the ſaid charitable Deſigns: But the ſame cannot be effectually done, or the ſaid ſeveral other Matters be carried into Execution, ſo as to anſwer the Intention of the Parties intereſted therein, without the Aid of an Act of Parliament; therefore, may it pleaſe Your moſt Excellent Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame,

Truſtees.

That the Biſhop of Litchfield and Coventry for the Time being; Mary Weaman, Charles Colemore, and their Heirs, for ever; the Right Honourable the Earl of Dartmouth, the Right Honourable the Earl of Denbigh, the Right Honourable the Earl of Aylesford, the Right Honourable the Earl of Hertford, the Right Honourable the Earl of Harwich, the Right Honourable Lord Viſcount Dudley and Ward, the Right Honourable the Earl of Donnegall in the Kingdom of Ireland, the Right Honourable Lord Irnham in the Kingdom of Ireland, the Right Honourable   Grevile, commonly called Lord Grevile; Sir Francis Skipwith, Sir Charles Holte, Sir Henry Gough, Sir Henry Bridgman,

man, the Honourable John Ward, Thomas Skipwith, Jervoice Clarke, Richard Whitworth, Sir Thomas Gooch, Sir William Bagot, William Inge, and Jennens, and all and every other Perſon and Perſons who ſhall, at any Time hereafter, ſubſcribe or contribute the Sum of Thirty Pounds or upwards, towards building and finiſhing the ſaid new-intended Chapels, or either of them, ſhall be, and they are hereby conſtituted and appointed Truſtees for executing the Powers and Authorities of this Act, for the Ends, Intents, and Purpoſes, herein-after mentioned.

Lands veſted in Truſtees.

II. And be it further enacted by the Authority aforeſaid, That ſuch Part of certain Lands of the ſaid Dorothy Weaman and Mary Weaman, ſituate in or adjoining to the ſaid Town of Birmingham, as are marked or ſet apart for the Purpoſes herein-after mentioned, the ſame containing in Length One hundred and fifty-ſeven Yards, and in Breadth Eighty-four Yards, fronting and adjoining up to a certain Street in Birmingham aforeſaid, called Whitall Street, and alſo the further Quantity of Ten Yards in Front, and Fifty Yards in Depth, other Part of their Lands, for building an Houſe for the Reſidence of the officiating Clergyman; and alſo ſuch Part of certain Lands of the ſaid Charles Colemore, adjoining or lying near to the ſaid Town of Birmingham, where the ſame is now ſtaked or marked out, containing in the Whole Three Acres, for the Purpoſe of building the ſaid Chapel and Coemetery, being Part of certain Cloſes of Land called Harpur's Hills, and alſo certain other Part of the ſaid Land called Harpur's Hills, containing Twelve Yards in Width, and Fifty Yards in Depth, for the ſole Purpoſe of building a Parſonage Houſe for the Uſe of the ſaid Chapel, ſhall be, and are hereby declared to be, veſted in the ſaid Truſtees, and their Succeſſors, for ever; in Truſt, nevertheleſs, for building the ſaid reſpective Chapels, upon making the ſaid Chapel-yards or Coemeteries, for building Houſes thereon for the Reſidence of the officiating Clergymen, and for other the Uſes and Purpoſes herein-after by this Act directed and appointed.

Where the Roads are to be left, and of what Width.

III. And be it further enacted by the Authority aforeſaid, That, from and immediately after the paſſing of this Act, a Road, Way, or Street, on the South-eaſt Side of the ſaid Land or Chapel-yard, and another Road, Way, or Street, on the North-weſt Side of the ſaid Land or Chapel-yard, of the Width of Ten Yards each, acroſs other Part of the Lands of the ſaid Dorothy Weaman and Mary Weaman, ſhall be reſpectively opened and ſet out, leading from Whitall Street aforeſaid, by the reſpective Sides of the ſaid Chapel-yard, into, and to communicate with an intended Continuation of a certain other Street called Loveday Street; and alſo a Road, Way, or Street, from the preſent Termination of the ſaid Loveday Street, all along the Land of the ſaid Dorothy Weaman and Mary Weaman, at the back Part or Extremity of the ſaid Chapel-yard, of the Width of Twelve Yards at leaſt, and ſo that the laſt-mentioned Road, Way, or Street, ſhall open into, and communicate with, the ſaid Two other Roads, Ways, or Streets; and alſo, that from and immediately after the Conſecration of the ſaid Chapel, ſo to be built upon the Land of the ſaid Charles Colmore, a Road, Way, or Street, of the Width of Twenty Yards, ſhall be opened and ſet out upon the Lands of the ſaid Charles Colmore, from, and to be leading out of, a certain new-laid-out Street, called Great Charles Street, in a ſtraight Line from thence up to the Centre of the Front of the ſaid Chapel-yard, ſo to be made upon the Land of the ſaid Charles Colmore; which ſaid ſeveral Roads, Ways, and Streets, in caſe the ſaid reſpective Chapels ſhall be built and completed on the Lands of the ſaid Dorothy Weaman, Mary Weaman, and Charles Colmore reſpectively, within the Time herein-after limited for building and completing the ſame reſpectively, but not otherwiſe, ſhall be, and are hereby declared to be, for ever hereafter, publick and common Highways, Roads, and Streets.

A Part veſted in Mrs. *Weaman* that was in the Feoffees.

IV. And be it further enacted by the Authority aforeſaid, That the ſaid Plot, Piece or Parcel of Land, as the ſame is now marked out, and herein-before mentioned to have been given and conveyed by the ſaid Feoffees to the ſaid Mary Weaman as aforeſaid, ſhall be, and the ſame is hereby veſted in the ſaid Mary Weaman, her Heirs and Aſſigns, for ever.

Not to prejudice Title of Feoffees.

V. Provided always, That nothing in this Act, or the ſaid Conveyance, contained, ſhall extend, or be conſtrued to extend, to prejudice, impeach, or defeat the Right, Title, or Intereſt, of the ſaid Feoffees, or any of them, or their Succeſſors reſpectively, of, in, or to any Meſſuages, Lands, Tenements, or Hereditaments, belonging to, or veſted in, the ſaid Feoffees, or to annul or make void any of the Uſes or Truſts in them repoſed, except only to the ſaid Land ſo by them given and conveyed to the ſaid Mary Weaman, for the Purpoſes aforeſaid; but the ſame ſhall remain, continue, and be to, for, and upon the ſame Uſes, Truſts, Intents, and Purpoſes, as they were reſpectively before the making of the ſaid Conveyance, and the paſſing of this Act; any Thing in the ſaid Conveyance, or this Act contained to the Contrary notwithſtanding.

Chapels to be built, and Pews erected.

The Chapel-yards to be incloſed, and the ſeveral Roads leading thereto.

Houſes to be built.

Expences not to exceed the Subſcription.

VI. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Truſtees, or any Nine or more of them, or ſuch Perſon or Perſons as they, or any Nine or more of them, for that Purpoſe, ſhall order, direct, or appoint, to erect and build Two reſpective Chapels in the ſeveral Places above mentioned, in ſuch Manner as to the ſaid Truſtees, or any Nine or more of them, ſhall ſeem proper or convenient; and to make, erect, and ſet up Pews and Seats, and other Ornaments and Conveniencies, in the ſaid reſpective Chapels, in order that the ſame may be conſecrated and ſet apart for Divine Service, according to the Rites and Ceremonies of the Church of England; and alſo to take in and incloſe, with proper Walls or Fences, the ſaid reſpective Chapel-yards or Coemeteries, to belong to the ſaid reſpective Chapels; and alſo to take in and incloſe the ſeveral Roads and Avenues before mentioned leading to the ſaid Chapels; and alſo to erect and build the ſaid Houſes for the Reſidence of the officiating Clergymen, ſo as the Charges and Expences of building and completing the ſaid ſeveral Works do not exceed the Sum of Money which is or ſhall be ſubſcribed for that Purpoſe.

First and other Meetings of the Truſtees.

VII. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Truſtees, or any Nine or more of them, to meet together at the Swan inn in Birmingham aforeſaid, on or before the Thirtieth Day of June, One thouſand ſeven hundred and ſeventy-two, and to adjourn themſelves from Time to Time, and to meet there, or in any other convenient Place or Houſe, as the ſaid Truſtees, or any Nine or more of them, ſhall think convenient, for putting this Act in Execution: And that it ſhall be lawful for the ſaid Truſtees, or the major Part of them, aſſembled at ſuch Meeting or Meetings, to receive Propoſals from, and contract with, any Surveyor or Surveyors, Builder or Builders, or Workmen, for the building and finiſhing of the ſaid reſpective Chapels and Houſes, and providing proper Materials for that Purpoſe; and alſo for purchaſing proper Materials for erecting Pews and Seats, and other proper Ornaments, and for completing and finiſhing the ſame: And that Six Days Notice be given in Writing, fixed up at the Church Doors in Birmingham, or in ſome other publick Place or Places, of the Place and Time of receiving ſuch Propoſals; and ſuch Contract or Contracts to be made for the ſaid intended Buildings, and all other Proceedings of the ſaid Truſtees, ſhall be entered in a Book or Books, to be kept for that Purpoſe, and ſigned by the Truſtees impowered to make ſuch Contract; and the ſaid Truſtees, or the major Part of them, ſo aſſembled, ſhall alſo nominate and appoint a fit and able Perſon or Perſons to inſpect the ſaid reſpective intended new Buildings, and ſhall allow him or them, and all other Perſons employed in the ſaid Work, ſuch reaſonable Recompence for their Trouble, Expences, and the Purchaſe of Materials, as to the ſaid Truſtees, or the major Part of them, ſhall ſeem meet.

They may receive Propoſals and contract for building, &c. the Chapel.

Notice to be given of receiving Propoſals.

Contracts and other Proceedings to be entered in Books.

Chapels to be conſecrated, and the ſame to be perpetual Cures.

VIII. And be it further enacted by the Authority aforeſaid, That after the ſaid intended reſpective new Chapels ſhall be erected, built, and finiſhed, and made fit for the Performance of Divine Service therein, the ſame ſhall and may be conſecrated, and ſhall, after Conſecration thereof, be Two reſpective perpetual Cures and Benefices; and that the ſaid new-intended Chapel ſo to be built upon the Land of the ſaid Mary Weaman, ſhall be called and diſtinguiſhed by the Name of Saint Mary in Birmingham; and the ſaid Chapel ſo to be built upon the ſaid Land of the ſaid Charles Colmore, ſhall be called and diſtinguiſhed by the Name of Saint Paul in Birmingham; and that it ſhall be lawful for the ſaid Mary Weaman and Charles Colmore reſpectively, or their reſpective Heirs, immediately after the ſaid intended reſpective Chapels ſhall be conſecrated, to nominate and appoint a Miniſter or Curate to each of the ſaid reſpective Chapels, duly qualified according to Law, to officiate and perform Divine Service therein; and that ſuch Miniſters or Curates ſhall, after ſuch Nomination and Appointment, be deemed and taken, by virtue of this Act, to be reſpectively incorporated and made Two reſpective Bodies Politick and Corporate, by the Names of The Chaplains or Curates of the Chapels of *Saint Mary* and *Saint Paul,* in the Town of *Birmingham,* in the County of *Warwick*; and ſhall have perpetual Succeſſion, and be enabled reſpectively to ſue and be ſued by that Name in all Courts of this Realm; and the ſaid reſpective Chapels, and the Coemeteries incloſed and belonging to the ſame, ſhall, after the Conſecration of the ſaid reſpective new Chapels, be veſted in the ſaid reſpective Chaplains or Curates ſo to be firſt nominated and appointed, and their Succeſſors reſpectively, Chaplains or Curates of the ſaid reſpective Chapels, for ever; and the ſaid reſpective Chaplains or Curates of the ſaid reſpective Chapels ſhall reſpectively have Capacity, and they are hereby reſpectively authoriſed and enabled to purchaſe, and take, in Perpetuity to them and their Succeſſors reſpectively, any other Lands, Tenements, or Hereditaments, not exceeding in the Whole the yearly Value of One hundred Pounds, the Statute of Mortmain, or any other Law or Statute whatſoever, to the Contrary notwithſtanding: And the ſaid Chapels, and the Chaplains or Curates thereof for the Time being, as alſo the Perſons who ſhall act as Chapelwardens thereof, ſhall be under and ſubject to the ordinary Juriſdiction of the Biſhop of Litchfield and Coventry, and ſhall be viſited in ſuch Manner as other Churches in the Dioceſe of Litchfield and Coventry are viſited.

Mrs. *Weaman* and Mr. *Colmore* to appoint a Curate to their reſpective Chapels; who are to be incorporated.

Chapels liable to Viſitation.

Right of Preſentation in Mrs. *Weaman* and Mr. *Colmore* reſpectively.

IX. And it is hereby further enacted and declared, That the Advowſon, Right of Patronage, and Preſentation of, in, and to, the ſaid new Chapel or Curacy, ſo to be built upon the Land of the ſaid Mary Weaman, ſhall, immediately after the Conſecration of the ſaid Chapel, be veſted in and ſettled upon the ſaid Mary Weaman, and her Heirs; and that the Advowſon, Right of Patronage, and Preſentation of, in, and to the ſaid new Chapel or Curacy, ſo to be built upon the Land of the ſaid Charles Colmore Eſquire, ſhall, immediately after the Conſecration thereof, be veſted in, and ſettled upon, the ſaid Charles Colmore, his Heirs and Aſſigns, for ever.

Miniſters Duty in their reſpective Chapels.

X. And be it further enacted by the Authority aforeſaid, That the Miniſters of the ſaid reſpective new Chapels, in conſideration of the Salaries or Stipends herein-after provided for and allowed to them reſpectively, ſhall, and they are hereby required and enjoined to read Prayers and preach a Sermon both Morning and Evening on every Sunday or Lord's Day throughout the Year; and ſhall, and they are hereby required to adminiſter the Sacrament or Lord's Supper every Chriſtmas Day, Eaſter Sunday, Whitſunday, and upon the Fourth Sunday in every Month, immediately after Divine Service in the Morning; and ſhall alſo read Prayers upon all Holy-days, and every Wedneſday and Friday throughout the Year, according to the Liturgy of the Church of England, as by Law eſtabliſhed; and ſhall likewiſe, from Time to Time, aſſiſt the Rector or Rectors for the Time being in performing the neceſſary and occaſional Duties within the Pariſh or Pariſhes in which the ſaid Chapels ſhall be reſpectively ſituated; and it ſhall be lawful for ſuch reſpective Miniſters to perform the Office of burying at their reſpective Chapels.

Chapel-wardens to be choſen by the Miniſters of the Chapels, and Inhabitants of *Birmingham.*

XI. And be it further enacted by the Authority aforeſaid, That the reſpective Chaplains or Curates of the ſaid intended Chapels, with the Inhabitants of the Town of Birmingham, aſſembled in the Veſtries of the ſaid reſpective new Chapels, or the major Part of them, ſhall and may, annually, upon Eaſter Tueſday, elect and appoint Four

Perſons, being Inhabitants of the ſaid Town, to be Chapelwardens of the ſaid reſpective new Chapels, not being of the People commonly called Quakers, Two of whom ſhall be choſen by the reſpective Chaplains or Curates, and the other Two by the major Part of the Inhabitants ſo aſſembled; which ſaid reſpective Chapelwardens, ſo to be from Time to Time elected, ſhall have the like Powers and Authorities relating to the ſaid reſpective Chapels as the Chapelwardens of any other Chapel within the Dioceſe of Litchfield and Coventry do or lawfully may exerciſe.

Treaſurers to be appointed by Truſtees;

XII. And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or the major Part of them, at their Firſt Meeting to be held after the paſſing of this Act, ſhall and may, by Writing under their Hands, appoint One or more Perſon or Perſons as Treaſurer or Treaſurers for receiving and paying the Monies ſubſcribed, or to be ſubſcribed, towards building and finiſhing the ſaid intended reſpective Chapels, and for other the Purpoſes of this Act; which ſaid Monies ſhall be paid by the ſeveral Subſcribers thereto into the Hands of ſuch Treaſurer or Treaſurers, at ſuch Times as the ſaid Truſtees, or the major Part of them, aſſembled at any Meeting, ſhall think fit and appoint, no Two of ſuch Payments being within a leſs Space than Six Calendar Months of each other; and the ſaid Treaſurers ſhall, and they are hereby required, to keep One or more Book or Books of Account of all and every Sum and Sums of Money which ſhall be received or paid by them by virtue of this Act; which Book or Books ſhall be open to the Inſpection of the ſaid Truſtees, or any Five or more of them, at all reaſonable Times, without Fee or Reward.

Truſtees may remove Treaſurers, and appoint others, who are to give Security.

XIII. Provided always, That a major Part of the ſaid Truſtees, at any publick Meeting aſſembled for that Purpoſe, ſhall have Power and Authority to remove or diſplace any Treaſurer or Treaſurers ſo to be appointed, and to appoint any other Perſon or Perſons as Treaſurer or Treaſurers in Room of him or them ſo removed or diſplaced; which ſaid Treaſurer or Treaſurers ſhall give ſuch Security for the due Application of all Monies which ſhall be ſo by him or them received, as the major Part of the ſaid Truſtees, at the ſaid Firſt or any other Meeting aſſembled, ſhall think neceſſary.

Chapels veſted in the Miniſters, except the Vaults.

XIV. And be it further enacted by the Authority aforeſaid, That the Freehold and Inheritance of the ſaid reſpective Chapels and Chapel-yards, except the Vaults to be made under the ſaid Chapels, as herein-after mentioned, ſhall, after Conſecration thereof, be veſted in the reſpective Miniſters of the ſaid reſpective Chapels, and their reſpective Succeſſors.

Miniſter, &c. to appoint Clerk and Sexton.

XV. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the Miniſter or Chaplain for the Time being of the ſaid intended reſpective Chapels to nominate and appoint ſuch Perſons, from Time to Time, as he ſhall think fit, to officiate as Clerk and Sexton in his ſaid Chapel; and alſo, from Time to Time, to diſplace and remove ſuch Clerk and Sexton reſpectively, as he the ſaid Miniſter ſhall ſee Cauſe.

Pews veſted in the Miniſters.

XVI. And be it further enacted by the Authority aforeſaid, That the Right, Property, and Intereſt, of the ſeveral Pews, within the ſaid reſpective new Chapels, ſhall and are hereby declared to be veſted in the reſpective Miniſters of the ſaid reſpective Chapels, and their Succeſſors, for ever, to be let out by them to any Perſon or Perſons, being Inhabitants of the ſaid Town of Birmingham only, (ſubject to the Proviſo herein-after contained), who ſhall be willing to contract and agree for the ſame, at ſuch Rent as ſhall be ſettled at a General Meeting of the ſaid Truſtees to be held for that Purpoſe, within One Month after Conſecration of the ſaid reſpective Chapels, or the major Part of ſuch Truſtees at ſuch Meeting aſſembled; ſuch Truſtees having, and they are hereby declared to have, a Power of altering the Rents of ſuch Pews and Sittings every Three Years, if they think proper, ſo that they do not raiſe the ſame to exceed the Sums herein-after mentioned, and obſerving an Equality in raiſing the ſame according to the firſt fixed Rent.

Pews to be numbered.

XVII. And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Nine of them, ſhall, and they are hereby required, to cauſe the ſeveral Pews ſo to be erected or ſet up in the ſaid reſpective Chapels to be numbered, and the ſeveral Numbers of the ſaid Pews or Seats in each Chapel to be entered in Two ſeparate Books, and alſo the annual Rent at which the ſame ſhall be ſet or let by the ſaid reſpective Miniſters as aforeſaid; which Books ſhall be preſerved in the reſpective Veſtries of the ſaid reſpective Chapels, and ſhall be open to the Inſpection of all Perſons renting or occupying any of the ſaid Pews or Seats, at all ſeaſonable Times, without any Fee or Reward: And if any of the Rents agreed to be paid for any of the ſaid Pews ſhall remain in arrear and unpaid for the Space of Two Months after the ſame ſhall become due, that then it ſhall and may be lawful for the reſpective Miniſters of the ſaid reſpective Chapels for the Time being to re-enter upon ſuch Pews or Seats, and to ſue for and recover the ſaid Rent ſo in arrear, by Action of Debt, or on the Caſe, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, wherein no Eſſoin, Privilege, Protection, Wager of Law, or more than One Imparlance, ſhall be allowed; or to levy and recover ſuch Rent by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons neglecting or refuſing to pay the ſame, by Warrant under the Hands and Seals of any Two or more Juſtices of the Peace for the ſaid County of Warwick; which Warrant ſuch Juſtices are hereby impowered and required to grant, upon Proof being made before them, upon Oath, that ſuch Rent has been demanded, and remains unpaid; which Oath ſuch Juſtices are hereby impowered and required to adminiſter, without Fee or Reward.

Recovery of Pew-rent.

Limitation of Pew-rent.

XVIII. And be it further enacted by the Authority aforeſaid, That the Rents to be fixed and ſet upon the ſaid Pews or Seats by the ſaid Truſtees, in Manner aforeſaid, ſhall not amount in the Whole to more than the Sum of Two hundred Pounds by the Year, nor leſs than the Sum of One hundred and ſixty-five Pounds by the Year, at each of the ſaid intended Chapels; and that the ſaid Rents to be fixed by the ſaid Truſtees ſhall not be altered or alterable, (except as is herein-before mentioned), out of which annual

Rents the Miniſters of the ſaid intended reſpective Chapels ſhall pay to the Clerks officiating in the ſame, the Sum of Fifteen Pounds each by the Year; and in letting or ſetting the ſaid Pews or Seats, Preference ſhall be given in the Choice of ſuch Pews or Seats to Perſons ſubſcribing the largeſt Sums of Money for building and completing the ſaid reſpective Chapels as aforeſaid; and if any Diſpute ſhall ariſe between Two or more Subſcribers of equal Sums of Money, the ſame ſhall be determined at a Meeting of the ſaid Truſtees by way of Ballot.

Renters to hold Pews without Moleſtation;

XIX. Provided always, That it ſhall and may be lawful to and for ſuch of the Subſcribers to the ſaid intended Chapels, who ſhall, by Ballot as aforeſaid, be intitled to any Pews or Sittings therein, and their reſpective Heirs and Aſſigns, ſo long as they and their reſpective Heirs and Aſſigns ſhall reſpectively pay the Rent for the ſame, as is herein-before required, and be reſident in the ſaid Pariſh of Birmingham, (but no longer), to hold and enjoy ſuch Pews and Sittings, ſo to be allotted to them, without any Diſturbance or Moleſtation whatſoever, at the reſpective Rents ſo to be from Time to Time fixed by the ſaid Truſtees.

nor to let them again for larger Sums.

XX. Provided further, That in order to give an Opportunity to Perſons of all Ranks and Situation in Life to attend Divine Worſhip, and that no pecuniary Advantages may be derived to the firſt Poſſeſſors or Occupiers of the Pews or Sittings, that no ſuch Poſſeſſor or Occupier of ſuch Pews or Sittings ſhall ſet, let, or demiſe the ſame, or any of them, to any Perſon or Perſons whomſoever, for a larger or greater Rent than he, ſhe, or they, ſhall reſpectively pay for the ſame, upon Pain of forfeiting the Occupation of ſuch Sittings, in which Caſe the ſame ſhall become forfeited; and the reſpective Miniſters of the ſaid Chapels ſhall have Power, immediately after ſuch Event ſhall happen, to let the ſame Sittings to ſuch Perſon or Perſons as they ſhall think proper, ſubject to the Proviſions aforeſaid.

Penalty on Miniſters taking larger Rents than thoſe ſettled by the Truſtees.

XXI. And be it further enacted by the Authority aforeſaid, That if the reſpective Miniſters of the ſaid reſpective Chapels, or his or their reſpective Succeſſors, ſhall at any Time take, demand, or receive, any greater Rent for ſuch Pews or Seats, or any of them, than ſhall be ſettled by the ſaid Truſtees, in Manner aforeſaid, or ſhall receive or take, or permit to be received or taken, any Fine, Gratuity, Fee, or Reward, from any Perſon or Perſons, as a Conſideration for letting ſuch Sittings, ſuch Miniſter or Miniſters ſo offending, ſhall, upon Complaint made thereof by the ſaid Truſtees reſiding within the Town of Birmingham, or any Five or more of them, to the Biſhop of the Dioceſe for the Time being, and upon Proof of ſuch Demand, taking or receiving, or permitting to be taken or received, upon the Oath of a credible Perſon or Perſons not intereſted in the ſaid Pews or Seats, (which Oath the ſaid Biſhop is hereby required and impowered to adminiſter), forfeit a Sum not exceeding Five Pounds, at the Diſcretion of the ſaid Biſhop; which Penalty ſhall and may be recovered by Action at Law, with Full Coſts of Suit, in which Action no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Miniſters, *&c.* of the other Churches in *Birmingham* not capable of being Miniſter of either of the new Chapels.

XXII. Provided always, and it is hereby declared and enacted by the Authority aforeſaid, That no Perſon or Perſons who are or ſhall be Rector, Curate, or Reader, of either of the Pariſh Churches, or the Chapel of Saint Bartholomew of Birmingham aforeſaid, ſhall be capable of holding the Office of Miniſter of either of the ſaid reſpective new Chapels, during ſuch Time as they ſhall hold any of the Offices or Cures aforeſaid; nor ſhall One Miniſter be capable of holding both the ſaid Chapels.

Truſtees may build Vaults,

XXIII. And, for raiſing Money to carry the ſaid Deſign into Execution, be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Nine or more of them, ſhall, and they are hereby authoriſed and impowered, if they think fit, to build Vaults under the ſaid reſpective new Chapels, to be applied and made uſe of as Repoſitories for the Dead, which Vaults may be ſo ſubdivided into ſo many Parts or leſſer Vaults, as the ſaid Truſtees ſhall order and direct; and the ſaid Truſtees, or any Nine or more of them, may, and they are hereby authoriſed and impowered to grant, ſell, or diſpoſe of ſuch Vaults, or any of them, as well before as after Conſecration of the ſaid reſpective Chapels, to ſuch Perſon or Perſons who ſhall be willing or deſirous of purchaſing the ſame for Burial-places; and the Money ariſing by Sale thereof, before Conſecration, ſhall be applied towards building and finiſhing the ſaid reſpective Chapels; and the Money ariſing by ſuch Sale, after Conſecration thereof, ſhall be applied towards the ornamenting and beautifying the ſaid reſpective Chapels, or in any other Manner relating to the ſaid reſpective Chapels, as the ſaid Truſtees, or any Nine or more of them, by Writing under their Hands, ſhall direct and appoint, and to no other Uſe or Purpoſe whatſoever.

and ſell them.

No Vaults to be ſet apart in the Chapel-yards.

XXIV. Provided always, That no Vaults or ſeparate Places of Burial ſhall be ſet apart or appropriated to the particular Uſe of any Perſon or Perſons in the ſaid reſpective Chapel-yards or Coemeteries.

The Floors not to be taken up for Graves.

XXV. Provided alſo, That the Floors of the ſaid reſpective Chapels ſhall not be broken or taken up for the Burial of any Corpſe.

Fees for Burials.

XXVI. Provided always, and be it further enacted by the Authority aforeſaid, That if the Repreſentative or Repreſentatives of any deceaſed Perſon or Perſons ſhall be deſirous of having the Corpſe of ſuch deceaſed Perſon or Perſons buried in the Vaults of the ſaid reſpective new Chapels, or in the ſaid new Chapel-yards or Coemeteries, by the Miniſter or Miniſters of the ſaid reſpective new Chapels, ſuch Perſon or Perſons ſhall pay to the Miniſter or Miniſters of the ſaid reſpective new Chapels Double the Fees uſually paid for Burials at the Church of Saint Martin; out of which the Miniſters of the ſaid reſpective new Chapels ſhall be anſwerable and accountable for, and ſhall pay, or cauſe to be paid, to the Rector, Curate, and Clerk of the ſaid Pariſh Church of Saint Martin, their ancient and accuſtomed Fees.

Reſervation of Rights.

XXVII. Provided always, and it is hereby enacted and declared, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to prejudice, impeach, or defeat, any Right, Title, Intereſt, Claim, or Demand, of the Rectors of either of the ſaid Pariſh Churches of Birmingham aforeſaid, or the Curates or other Officers of the ſaid Churches, or their Succeſſors reſpectively, of any Tithes, Offerings, Surplice Fees, Oblations, Obventions, and other Eccleſiaſtical Rights, Dues, Fees, Duties, Benefits, or Advantages, ariſing within the ſaid Pariſhes, and belonging to them, or any of them reſpectively; but the ſaid Tithes, Offerings, Surplice Fees, Oblations, Obventions, and other Eccleſiaſtical Rights, Dues, Fees, Duties, Benefits, and Advantages, ſhall be paid and payable in the ſame Manner as they were reſpectively before the paſſing of this Act, or would or ought to have been, in caſe the ſame had not been made; any Thing in this Act contained to the Contrary notwithſtanding.

New Truſtees to be elected in the Room of ſuch as ſhall die, &c.

XXVIII. And, for continuing a ſufficient Number of Truſtees to put this Act in Execution, be it further enacted by the Authority aforeſaid, That when and as often as the Truſtee or Truſtees, to be appointed by virtue of this Act, ſhall be reduced to the Number of Twenty, it ſhall be lawful for any Nine or more of the ſaid Truſtees to call a Meeting, and to elect, by Majority, Five or more Perſons to act as Truſtees; and ſuch of the ſaid Truſtees as ſhall ſurvive or remain, ſhall, and they are hereby authoriſed and required, by Writing under their Hands, to elect, nominate, and appoint, Five or more fit Perſons in the Room of ſuch Truſtees ſo dying or refuſing to act as aforeſaid, ſo and in ſuch Manner as that there ſhall never be leſs than Twenty Truſtees exiſting to put in Execution the Powers of this Act; and ſuch Perſons ſo elected, nominated, and appointed, ſhall be joined with ſuch ſurviving or remaining Truſtees in the Execution of and every the Powers in them repoſed by virtue of all this Act; and Notice ſhall be given of the Time and Place of Meeting for the Election of ſuch new Truſtee or Truſtees, by fixing the ſame, One Week at leaſt before the Election, on the Doors of the ſaid Pariſh Churches, and likewiſe on the Doors of the ſaid reſpective new Chapels; and all and every ſuch Perſon or Perſons, as ſhall be ſo choſen and appointed to be joined with ſuch ſurviving and remaining Truſtees, ſhall and may, and they are hereby authoriſed and impowered to act, to all Intents and Purpoſes, in as full, large, and ample Manner, as the ſaid Truſtees are by this Act authoriſed and impowered to act and do.

Qualification of Truſtees.

XXIX. Provided always, and it is hereby declared, That ſuch Election of a Truſtee or Truſtees ſhall be made out of ſuch Perſons as have been, or ſhall be, Subſcribers to the ſaid Undertaking of the Sum of Ten Pounds, or upwards, ſo long as any ſuch Subſcribers ſhall remain; and, for Want of ſuch Subſcribers, then ſuch Election ſhall be made out of the Inhabitants of the ſaid Town of Birmingham.

Recovery of Subſcription-money.

XXX. And be it further enacted by the Authority aforeſaid, That in caſe of Failure of Payment of any Money ſubſcribed, or to be ſubſcribed, for or towards the Purpoſes of this Act, or of any Part or Portion thereof, for the Space of Twenty Days after Demand thereof made by the ſaid Truſtees, or any Five or more of them, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall, for that Purpoſe, by Writing under their Hands, or under the Hands of any Five or more of them, authoriſe and appoint; that then, it ſhall and may be lawful for any Two or more Juſtices of the Peace of the ſaid County of Warwick, upon Complaint made to them by the ſaid Truſtees, or any Five or more of them, to ſummon the Party or Parties ſo making Default before them, by Writing under their Hands and Seals, and after his, her, or their Appearance, or, in Default of ſuch Appearance, the ſaid Warning or Summons being proved before the ſaid Juſtices upon Oath, (which they are hereby authoriſed to adminiſter), the ſaid Juſtices, or any Two or more of them, ſhall proceed to hear and determine the ſaid Complaint; and upon the Proofs, Evidences, and Teſtimonies, produced before them, ſhall, in Writing under their Hands and Seals, adjudge the Caſe, and give ſuch reaſonable Allowance and Compenſation of and for the Sum and Sums of Money ſo due and in arrear, as they ſhall adjudge to be juſt, and alſo ſuch Coſts and Charges, not exceeding Ten Shillings, as ſhall to them appear reaſonable; and in caſe any Perſon or Perſons ſhall refuſe to comply with the Order of ſuch Juſtices, that then the ſaid Juſtices ſhall, and they are hereby impowered to levy the ſaid Money awarded by them, with ſuch Coſts as aforeſaid, by Diſtreſs and Sale of the Goods of ſuch Perſon or Perſons ſo refuſing or making Default of Payment, by Warrant under their Hands and Seals, upon any of the Goods or Chattels of ſuch Perſon or Perſons ſo refuſing or making Default of Payment; which Warrant or Warrants ſuch Juſtices of the Peace are hereby impowered and required to grant, upon the Information of One or more credible Witneſs or Witneſſes upon Oath, (which Oath the ſaid Juſtices, or either of them, is and are hereby impowered and required to adminiſter), without Fee or Reward; and ſuch Goods and Chattels ſo diſtrained to ſell, after the Space of Twenty-one Days, rendering the Overplus to the Owner or Owners of ſuch Goods and Chattels, after deducting the ſaid Money ſo due, together with the Coſts awarded by ſuch Juſtices, and the Charges of keeping, diſtraining, and ſelling the ſame.

Application of Money ſubſcribed or bequeathed.

XXXI. Provided always, nevertheleſs, and be it further enacted, That all ſuch ſeparate Sums of Money as have already been ſubſcribed, given, or bequeathed, or ſhall be ſubſcribed, given, or bequeathed, to the intended Chapel of Saint Mary, ſhall be expended and laid out by the ſaid Truſtees, or any Nine or more of them, in erecting, finiſhing, and completing ſuch Chapel of Saint Mary, the Burial-ground thereto, and the Houſe for the Reſidence of the Miniſter who ſhall be appointed to do Duty in the ſaid Chapel; and no Part of ſuch ſeparate Subſcriptions, Donations, or Bequeſts, ſhall be appropriated to, or applied for or towards the building, completing, or finiſhing the ſaid intended Chapel of Saint Paul, or the Coemetery, or any other Matter appertaining thereto; and that all ſuch ſeparate Sums of Money as have already been ſubſcribed, given, or bequeathed, or ſhall be ſubſcribed, given, or bequeathed, to the ſaid intended Chapel of Saint Paul, ſhall be expended and laid out by the ſaid Truſtees, or any Nine or more of them, in erecting, finiſhing, and completing ſuch Chapel of Saint Paul, the Burial-ground or Coemetery thereto, and the Houſe for the Reſidence of the Miniſter who ſhall be appointed to do Duty in the ſaid Chapel; and no Part of ſuch ſeparate Subſcriptions, Donations, or Bequeſts, ſhall be appropriated to, or applied for or towards the building, completing, or finiſhing, the ſaid intended Chapel of Saint Mary, or Coemetery, or any other Matter appertaining thereto; and that all ſuch Sum or Sums of Money as are now deviſed, given, or bequeathed, by any Perſon or Perſons whomſoever, for the Purpoſe of, or towards building or erecting a Church, Chapel, or other Place of publick Worſhip of Almighty God, (according to the Doctrine of the Church of England), in the Pariſh of Birmingham aforeſaid, and which are not deviſed or bequeathed to ſome intended Place of Worſhip particularly by Name, or ſome certain Deſcription, whereby the Intention of the Party giving or bequeathing may indiſputably appear, ſhall be divided equally, and be applied by the ſaid Truſtees, or any Nine or more of them, in equal Moieties, towards building, finiſhing, and completing, both the ſaid Chapels of Saint Mary and Saint Paul.

Chapels to be repaired by a general Levy.

XXXII. And be further enacted by the Authority aforeſaid, That when and ſo ſoon as the ſaid new Chapels ſhall be built and completed by virtue of this Act, the ſame reſpectively ſhall thenceforth for ever be ſupported and kept in Repair by a general Rate or Levy upon the Inhabitants of the ſaid Town of Birmingham, in like Manner as the other Churches in the ſaid Town are ſupported and kept in Repair.

If Chapels not conſecrated in a certain Time, Lands to be reconveyed.

XXXIII. Provided always, nevertheleſs, That in caſe either of the ſaid Chapels ſhall not, by virtue of the Authority of this Act, be erected, or ſhall be begun to be erected, and not ſufficiently finiſhed for Divine Service, and conſecrated, within the Space of Seven Years from the Time of paſſing this Act, in ſuch Caſe the ſaid Truſtees, or any Nine or more of them, ſhall, and they are hereby required to reconvey back the Land upon which ſuch Chapels and Houſes were intended to be built, and given for the Purpoſes of this Act, to the Perſon or Perſons who (if this Act had not been made) would be intitled to the Freehold and Inheritance thereof; and in caſe any ſuch Chapel ſhall be begun to be built, and not ſo ſufficiently finiſhed as aforeſaid, and conſecrated, then the ſaid Truſtees, or any Nine or more of them, ſhall, and they are hereby alſo required to ſell and diſpoſe of the Materials of ſuch unfiniſhed Building, and pay and apply the Money ariſing by Sale thereof, or ſuch Part thereof, as ſhall be neceſſary for that Purpoſe, to the ſaid Mary Weaman, or Charles Colmore, (as the Caſe may happen to be), or to the Perſon or Perſons who ſhall at that Time be intitled to the Freehold and Inheritance of the Land upon which ſuch Chapel ſhall fail to be built, in Diſcharge of their Subſcriptions to the ſame; and after ſuch Reconveyance and Refunding ſuch Subſcriptions, then do and ſhall return and pay back all the Reſidue of the Money ariſing by Sale of ſuch Materials, to all and every the other Subſcribers to ſuch Chapel, (which ever it may be) in Proportion to what they ſhall have ſeverally ſubſcribed and paid towards the ſame; any Thing herein-before contained to the Contrary notwithſtanding.

Money ſubſcribed towards Expences of the Act, deemed Part of Subſcription-money.

XXXIV. And be it further enacted by the Authority aforeſaid, That all ſuch Monies as are or have been ſubſcribed by any Perſon or Perſons whomſoever, towards defraying the Expences of this preſent Act, ſhall be conſidered, deemed, and taken as Part of their ſeveral Subſcriptions towards building the ſaid Chapels and Houſes; and that as well all ſuch Subſcriptions for or towards the obtaining this Act, as alſo all Subſcriptions towards erecting and finiſhing the ſaid intended Chapels, ſhall, in the firſt Place, be liable to, and applied towards the paying and defraying the Charges and Expences attending the obtaining and paſſing of this preſent Act.

Perſons aggrieved may appeal to the Quarter Seſſions.

XXXV. Provided always, and be it further enacted by the Authority aforeſaid, That in caſe any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any Thing done in purſuance of this Act, it ſhall and may be lawful to and for him, her, or them, to appeal to the Juſtices of Peace, at their next General Quarter Seſſions, to be held in and for the ſaid County of Warwick; or in caſe the ſaid Complaint ſhall ariſe within Fourteen Days next before ſuch General Quarter Seſſions of the Peace, to be held for the ſaid County, then ſuch Appeal may be to the ſaid Juſtices, at the Second General Quarter Seſſions of the Peace, to be held for the ſaid County, who are hereby authoriſed and required to take Cognizance thereof, and to hear and determine the Complaint and Complaints of any Perſon or Perſons ſo aggrieved; and if they ſee Cauſe, ſhall and may, by Order of the ſaid Seſſions, mitigate, at their Diſcretion, any Penalties or Forfeitures laid or incurred by the Party or Parties complaining, or otherwiſe, may ratify and confirm the ſame, with ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable; and to levy by their Order or Warrant, ſuch Coſts ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of any Perſon or Perſons who ſhall refuſe to obey the ſame; but the Perſon or Perſons ſo appealing as aforeſaid, ſhall, and they are hereby reſpectively directed to give Notice in Writing to the ſaid Truſtees for the Time being, or any Five or more of them, of ſuch their Intentions of bringing or proſecuting any Appeal, Fourteen Days before the ſaid Quarter Seſſions, and ſhall, within Five Days after ſuch Notice given, enter into a Recognizance before ſome Juſtice of the Peace for the ſaid County of Warwick, with Two ſufficient Sureties, with Condition to try ſuch Appeal at the next Quarter Seſſions of the Peace, or the Second Quarter Seſſions of the Peace, which ſhall be held in and for the ſaid County, next and immediately after bringing ſuch Appeal reſpectively; and alſo, in caſe ſuch Appeal ſhall be diſallowed, to pay ſuch Coſts and Charges as the ſaid Juſtices ſhall direct in that Behalf; and every ſuch Appeal ſhall, at the ſaid next or Second General Quarter Seſſions, be there heard and finally determined.

Proceedings not to be quaſhed for want of Form.

XXXVI. Provided always, and be it further enacted by the Authority aforeſaid, That no Order made touching or concerning any of the Matters aforeſaid, or any of the Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders againſt this preſent Act, ſhall be quaſhed or vacated for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; any Law, Statute, or Cuſtom, to the Contrary thereof in any-wiſe notwithſtanding.

Limitation of Actions.

XXXVII. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, every ſuch Action or Suit ſhall be commenced within Six Calendar Months next after the Fact committed; and the Defendant or Defendants in any ſuch Action or Suit may plead the General Iſſue, and give this Act an the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if it ſhall appear to have been ſo done, the Jury ſhall find for the Defendant or Defendants; and if the Plaintiff ſhall be nonſuited, or diſcontinue his Action, after the Defendant or Defendants ſhall have appeared; or if Judgement ſhall be given upon any Verdict or Demurrer, againſt the Plaintiff, the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for the ſame, as any Defendants have in other Caſes by Law.

General Iſſue.

Treble Coſts.

Publick Act.

XXXVIII. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

CAP. LXV.

An Act to extinguiſh the Right of Common upon an Acre of Ground called *White Lyon* or *Hangman's Acre*, in *Saint George's Fields*, in the County of *Surrey*.

Preamble.

WHEREAS the Priſon called *The Houſe of Correction*, in the Borough of *Southwark*, in the County of *Surrey*, is too ſmall, unhealthy, inconvenient, and unſafe, and Perſons committed to the ſaid Priſon for Felony cannot be kept ſeparate from thoſe committed for ſmall Miſdemeanors, which greatly tends to the Ruin and entire Corruption of the latter: And whereas it has, upon Inquiry, been found abſolutely neceſſary to rebuild the ſaid Priſon in a more convenient Situation: And whereas the County of *Surrey* is ſeiſed or poſſeſſed of an Acre of Ground in *Saint George's Fields*, called *White Lyon* or *Hangman's Acre*, ſituate near the *King's Bench Priſon*, which is a proper Place for erecting the ſaid Houſe of Correction: And whereas the Juſtices of the Peace, at the Quarter Seſſion of the Peace held for the ſaid County, on the Fourteenth Day of *January*, One thouſand ſeven hundred and ſeventy-two, did unanimouſly agree to build a new Houſe of Correction on the ſaid Ground; but as the Owners of certain Lands in *Saint George's Fields* have a Right of Common for their Cattle, at certain Times of the Year, upon the ſaid Acre, promiſcuouſly with other Lands, (though ſuch Right is of no real Value with reſpect to the ſaid Acre), the Building cannot be erected unleſs ſuch Right be extinguiſhed, which cannot be done without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, all Right of Common, or Common of Paſture, in, over, and upon the ſaid Acre of Land, called White Lyon or Hangman's Acre, ſhall ceaſe, determine, and be for ever extinguiſhed.

After the paſſing hereof, all Right of Common upon *White Lyon Acre* ſhall ceaſe, and be extinguiſhed.

Publick Act.

II. And be it further enacted by the Authority aforeſaid, That this Act ſhall be taken and allowed, in all Courts, as a Publick Act; and all Judges and Juſtices are hereby required to take Notice thereof, without ſpecially pleading the ſame.

CAP. LXVI.

An Act for the more eaſy and ſpeedy Recovery of Small Debts within the Borough and Foreign of *Kidderminſter*, in the Pariſh of *Kidderminſter*, in the County of *Worceſter*.

Preamble.

WHEREAS in the Borough and Foreign of *Kidderminſter*, in the Pariſh of *Kidderminſter*, in the County of *Worceſter*, there is carried on a large and extenſive Manufactory, which employs ſeveral thouſand People, many of whom contract ſmall Debts, which, in the Whole, amount yearly to a great Sum of Money; and although ſuch Debtors are well able to pay their reſpective Debts, yet they often refuſe ſo to do, preſuming on the Diſcouragements their Creditors lie under, from the great Expence they are unavoidably put unto, and the Delays they meet with in ſuing for the ſame: And as an eaſy and ſpeedy Method of recovering ſmall Debts within the Borough and Foreign of *Kidderminſter*, in the Pariſh of *Kidderminſter* aforeſaid, will greatly contribute to promote Induſtry, and ſupport and encourage Trade and Credit therein; may it therefore pleaſe Your moſt Excellent Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Bailiff, Recorder, High Steward, Lord of the Manor, Juſtice, Aldermen, and Common Council of the Borough of Kidderminſter for the Time being, and the Perſons herein-after named, reſiding or having Eſtates within the Pariſh of Kidderminſter aforeſaid; that is to ſay, The Reverend Robert Job Charlton Doctor of Laws, Abraham Turner, James Johnſtone M. D. Adam Hough, the Reverend John Martin Clerk, Francis Clare, John Folliott, William Williams, Thomas Newnham, William Wheeler, the Reverend Job Orton Clerk, Joſeph Harper, the Reverend Benjamin Fawcett Clerk, William Wallis, Joſeph Callow, Daniel Beſt, Richard Colley, John Butler, Gregory Watkins, Francis Beſt, John Watſon, Pochin Liſter, John Jefferyes, Joſeph Auſtin, Joſeph Lea, Matthew Jefferyes, Timothy Dobſon, Joſiah Lea, William Lea, John Cowper, William Beſt, William Roberts, Edward Crane, Chriſtopher Hunt, Samuel Crane, Serjeant Crane, John Crane, William Yate, Thomas Crane, William Doelittle, Nicholas Pearſall, George Boraſton, Benjamin Pearce, Nicholas Pearſall junior, John Brecknell, Joſeph Jones, Joſeph Brecknell, Benjamin Brecknell, John Spencer of Hurcot, Timothy Brookes, Thomas Woodward, John Mole, Matthew Wilſon, John White, Andrew Cooper, John Cooper, Thomas Cooper, Joſeph White, Joſeph Patrick, John Spencer of Kidderminſter, Benjamin Cottrell, Benjamin Lea, Samuel Lea, John Ingram,

Who are to be Commiſſioners.

Francis Lea, Samuel Read, the Reverend Thomas Wiggan Clerk, William Watſon, Ralph Powell, Henry Darby, John Hinton, James Hilman, Samuel Harris, Stephen Miles, Samuel Stokes, John Davies, John Cartwright, Stephen Miles junior, John Cole, Thomas Wright, Henry Chellingworth, Joſeph Hancocks, Joſeph Baker, Thomas Jones, Henry Bird. John Newcomb, John Read, Joſeph Child, William Taylor, Joſeph Baker junior, Joſiah Patrick, George Hallen, Abraham Thomas, John Pearſall, John Acton, Henry Perrins, Matthew Thomas, Jeffrey Jolly, Thomas Fry, William Banks, Francis Hornblower, John Broom junior, Joſeph Broom, Samuel Crane, Edward Griffiths, John Griffiths, John Richardſon, John Stringer, Thomas Richardſon, Joſeph Orton, Thomas Jones, Serjeant Hornblower, Benjamin Hanbury, William Hornblower, Richard Colley junior, Alexander Patrick, Jacob Eſthope, John Yearſley, Samuel Talbot, Thomas Beck, Edward Bellamy, Samuel Hill, Nicholas Penn, John Steynor junior, Henry Penn, Richard Barford, Samuel Southall, Samuel Evans, John Pearſall junior, Henry Matthews Clerk, John Wallis, James Wynde, ſhall be, and are hereby declared, conſtituted, and appointed Commiſſioners, to hear and determine all ſuch Cauſes and Matters of Debt, to be brought before them, as are herein-after mentioned; and ſuch Commiſſioners and their Succeſſors ſhall be, and are hereby conſtituted a Court of Juſtice, by the Name and Stile of The Court of Requeſts for the Borough and Foreign of *Kidderminſter*, in the Pariſh of *Kidderminſter*, and the County of *Worceſter*; and they the ſaid Commiſſioners, or any Three or more of them, ſhall have Power and Authority, and are hereby authoriſed, impowered, and required, to meet and aſſemble Once in every Fortnight; that is to ſay, On Tueſday, or oftener, if there ſhall be Occaſion, and hold the ſaid Court in the Guildhall of the Borough of Kidderminſter aforeſaid, or ſome other convenient Place to be approved and fixed on by the major Part of the ſaid Commiſſioners, who ſhall be aſſembled at ſome General Meeting to be held for that Purpoſe; the Firſt of which ſaid Meetings ſhall be on the Tueſday Month next after the paſſing of this Act.

Commiſſioners conſtituted a Court of Requeſts.

If a ſufficient Number of Commiſſioners do not attend, the Court to be adjourned.

II. Provided always, That in caſe Three or more of the ſaid Commiſſioners, appointed, or to be appointed, by virtue of this Act, ſhall neglect or refuſe to aſſemble on any of the Days appointed for holding the ſaid Court, that then it ſhall and may be lawful to and for the Clerk of the ſaid Court, herein-after named, for the Time being, or his Deputy, to adjourn the ſaid Court to ſome other convenient Day, within One Week from the Day on which the ſaid Court ought to have been held, or to the next General Court-day to be held by virtue of this Act.

On Death, &c. of Commiſſioners, others to be choſen.

III. And be it further enacted by the Authority aforeſaid, That, from Time to Time, and as often as it ſhall be neceſſary, either by the Death of any of the ſaid Commiſſioners herein-before particularly named, or of any of their Succeſſors, to be choſen in Manner herein-after mentioned, or by his or their refuſing or neglecting, for the Space of One whole Year, to act herein, it ſhall and may be lawful to and for the ſaid Commiſſioners hereby appointed, and their Succeſſors, or any Nine or more of them, to meet and aſſemble together, at any Time after ſuch Death, Refuſal, or Neglect to act, and to elect and appoint One or more Perſon or Perſons reſiding within the ſaid Pariſh, or having Eſtate there, to be a Commiſſioner or Commiſſioners, in the Stead and Place of ſuch Commiſſioner or Commiſſioners dying, refuſing, or neglecting to act; and every ſuch Commiſſioner and Commiſſioners, ſo elected and appointed, ſhall be, and is and are hereby enabled to act in the Execution of the Powers granted to the Commiſſioners hereby appointed, as fully and effectually, to all Intents and Purpoſes, as if he or they had been particularly named in this Act.

Proviſo.

IV. Provided always, That before any ſuch Election ſhall be made, Twenty-one Days Notice, in Writing, ſhall be given by the Clerk of the ſaid Court, by affixing the ſame on the Town Hall, and on the Door of the Pariſh Church of Kidderminſter aforeſaid.

The Firſt Nine Commiſſioners to attend the Court the Firſt Two Months, &c.

V. And for the more orderly and regular Proceeding in the aforeſaid Court, and to make the Buſineſs thereof as eaſy as may be to the ſaid Commiſſioners, be it further enacted by the Authority aforeſaid, That the Clerk of the ſaid Court for the Time being ſhall, and he is hereby authoriſed and required, to cauſe the firſt Nine of the ſaid Commiſſioners, as they ſtand in Order in this Act, reſiding within the ſaid Pariſh, to be ſummoned by the Beadle of the ſaid Court to attend and do the Buſineſs of the ſaid Court for Two Calendar Months then next following; and after the Expiration thereof, ſhall cauſe the like Number of Commiſſioners, reſiding within the ſaid Pariſh, as they ſtand next to the former in Order and Rotation, to do the like Duty for the Two then next ſucceeding Calendar Months, till the whole Number of Commiſſioners, reſident as aforeſaid, ſhall have been ſummoned; and ſhall then begin again, and continue to ſummon Nine Commiſſioners every Two Calendar Months, in like Rotation, in all ſucceeding Times, ſo as the ſaid Commiſſioners may take upon themſelves, in Rotation, the Execution of this Act.

Proviſo.

VI. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to exclude or debar any of the ſaid Commiſſioners from ſitting in the ſaid Court, although they be not in Rotation, or ſummoned as aforeſaid; but that all ſuch Commiſſioners ſhall and may, as often as they reſpectively ſhall think fit, ſit and give Judgement therein.

Their Power.

VII. And be it enacted by the Authority aforeſaid, That the Commiſſioners ſo named and appointed, and their Succeſſors, to be choſen in Manner herein-before mentioned, or any Three or more of them, from Time to Time aſſembled as aforeſaid, ſhall have Power and Authority, by virtue of this Act, to hear and determine all ſuch Cauſes and Matters of Debt as ſhall be brought before them, in Manner as hereafter mentioned; and to give ſuch Judgements, and to make ſuch interlocutory and final Orders and Decrees therein, and to award ſuch Execution thereupon, with Coſts, both againſt the Bodies and the Goods and Chattels of all and every the Perſon and Perſons againſt whom they ſhall give or make any ſuch Judgement, Order, or Decree, as to them ſhall ſeem juſt, and moſt agreeable to Equity and good Conſcience; and if the Commiſſioners, ſo aſſembled, ſhall happen to be equally divided upon any Queſtion that may come before them, the Commiſſioner preſent, whoſe Name ſtands firſt on the Liſt of the Commiſſioners herein-after directed to be kept in the Court-houſe or Place where they ſhall reſpectively meet, ſhall have the caſting Vote.

Clerk and Beadle appointed.

VIII. And be it further enacted by the Authority aforeſaid, That in the ſaid Court of Requeſts, there ſhall be One Officer called a Clerk, and another Officer called a Beadle; and that Thomas Jacob White, Gentleman, ſhall be, and is hereby conſtituted and appointed Clerk of the ſaid Court of Requeſts; and that John Steynor the younger, ſhall be, and is hereby conſtituted and appointed the Beadle of the ſaid Court of Requeſts; which ſaid Officers of Clerk and Beadle ſhall execute their reſpective Offices by themſelves reſpectively, or their lawful Deputy or Deputies, ſo long as they ſhall behave themſelves well in their reſpective Offices.

Proviſo.

IX. Provided always, That no Commiſſioner, nor any Perſon or Perſons who ſhall keep any Victualling-houſe, Alehouſe, or other publick Place of Entertainment, or who ſhall ſell any Wine, Cyder, Beer, Spirituous or other Strong Liquors, by Retail, ſhall be capable of holding any Place of Profit belonging to the ſaid Court.

Clerk and Beadle, how to be choſe on a Vacancy.

X. And be it further enacted by the Authority aforeſaid, That whenever it ſhall happen that the Office of Clerk or Beadle of the ſaid Court ſhall become vacant, either by Death, Reſignation, or Miſbehaviour, the ſaid reſpective Offices ſhall be executed by ſuch Perſon or Perſons as ſhall, in that Behalf, be nominated and appointed by the Lord or Lords, Lady or Ladies, of the Manor of the Borough of Kidderminſter aforeſaid for the Time being; who is and are hereby authoriſed, impowered, and required, to nominate and appoint, under his, her, or their Hand and Seal, or Hands and Seals, ſuch Clerk and Beadle, in Conſideration of, and as a Compenſation for, the Prejudice or Damage to, or Diminution of, the Buſineſs of the Court Baron of or belonging to the Lord of the ſaid Manor; and until ſuch Nomination and Appointment ſhall be made, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, aſſembled as aforeſaid, to appoint ſuch Officers reſpectively.

Clerk to fix up Liſts of Commiſſioners in the Court-houſe, and iſſue Summonſes, &c.

XI. And be it further enacted by the Authority aforeſaid, That the Clerk herein-before named and choſen, and his Succeſſor, from Time to Time, to be appointed as aforeſaid, or his or their lawful Deputy, ſhall make, and cauſe to be fixed up, in ſome convenient Part of the Court-houſe, fair and complete Liſts, in Writing, of the Commiſſioners herein named and appointed, or to be elected and appointed as aforeſaid; and ſhall alſo iſſue, or cauſe to be iſſued out, all Summonſes, Attachments, Warrants, Subpoenas, and Precepts, and regiſter and enter, or cauſe to be regiſtered and entered, all Cauſes, Orders, Decrees, and Judgements, and other Acts and Proceedings of the ſaid Court, in proper Books, to be from Time to Time provided by him, and kept for that Purpoſe; and that the Beadle herein-before named, or from Time to Time to be appointed, as aforeſaid, or his Deputy, ſhall, and he is hereby impowered and required, to ſerve and execute, or cauſe to be ſerved and executed, all ſuch Summonſes, Orders, Attachments, Warrants, Subpoenas, Executions, and Precepts, and to do and perform all ſuch Acts, Matters, and Things, as are herein directed and appointed to be done by him.

Beadle to ſerve Precepts.

Perſons may ſue for Debts under 40s.

XII. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, it ſhall and may be lawful to and for all and every Perſon and Perſons whatſoever, who now hath or have, or hereafter ſhall or may have, any Debt or Debts ariſing or accruing within the ſaid Borough or Foreign of Kidderminſter, not amounting to the Sum of Forty Shillings, and due or owing to him, her, or them, by or from any Perſon or Perſons whatſoever, inhabiting or reſiding within the Borough or Foreign of Kidderminſter, in the Pariſh of Kidderminſter aforeſaid, or any Part thereof, to apply to the Clerk of the ſaid Court, or his Deputy, for the Time being, who ſhall immediately make an Entry in his Book of the Cauſe, expreſſing the Names of the Parties, and the Sum demanded; and ſhall thereupon make out and deliver a Summons, in Writing, under his Hand, directed to ſuch Debtor or Debtors, expreſſing the Sum demanded of him, her, or them, and the Name or Names of ſuch Party or Parties demanding the ſame, thereby requiring and commanding ſuch Debtor or Debtors to appear at the next Court to be held before the Commiſſioners of the ſaid Court, to anſwer ſuch Demand; and the Beadle of the ſaid Court ſhall forthwith ſerve, or cauſe to be ſerved, ſuch Summons on ſuch Debtor or Debtors, either perſonally, or by leaving the ſame at the Dwelling-houſe or Place of Abode, Lodging, Shop, Shed, Stall, Stand, or other Place of Dealing or Working of ſuch Debtor or Debtors, within the Borough or Foreign of Kidderminſter aforeſaid; and the ſaid Commiſſioners, or any Three or more of them, ſhall, upon Proof made of the Service of ſuch Summons, have full Power and Authority, by virtue of this Act, to make due Enquiry, upon Oath, of any legal Witneſs or Witneſſes, or by Confeſſion of the Party ſummoned, concerning ſuch Demand, and to pronounce and give ſuch final Sentence or Judgement, and to make ſuch interlocutory or final Orders and Decrees therein, as to them ſhall ſeem moſt juſt and equitable.

Acting Commiſſioners may make Orders to regulate the Practice of the Court;

XIII. And, for the better regulating the Proceedings of the ſaid Court, and rendering this Act effectual for the Purpoſe thereof, be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners for the Time being, or any Nine or more of them, ſhall have full Power and Authority, by virtue of this Act, from Time to Time, and as often as they ſhall ſee Occaſion, at any of the ſaid Courts, to make ſuch Rules or Orders for the better regulating the Practice of the ſaid Court, as to them ſhall ſeem neceſſary and conducive to the Purpoſes of this Act, ſo as they ſhall be conſiſtent with Equity, and not tend to alter the Fees herein-after allowed by this Act to be taken by the Clerk and Beadle of the ſaid Court for the Time being, or to the Exerciſe of any Juriſdiction inconſiſtent with the true Intent and Meaning of this Act, and do relate to the Proceſs, Practice, and Method of Proceeding of and in the ſaid Court only; according to which Rules or Orders, ſo from Time to Time to be made, the ſaid Commiſſioners, or any Three or more of them, ſhall have Power and Authority, by virtue of this Act, to proceed upon, and to hear and determine all Matters of Debt ariſing within the ſaid Borough or Foreign, not amounting to the ſaid Sum of Forty Shillings, which ſhall be brought before them by virtue of this Act, and to make and pronounce ſuch Judgements and Decrees concerning the ſame, together with ſuch Coſts of Suit, as to them ſhall ſeem agreeable to Equity and good Conſcience.

and adminiſter Oaths.

XIV. And, for the better Diſcovery of the Truth, and for the more ſolemn Determination of all the Cauſes and Matters which ſhall be depending in the ſaid Court, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, aſſembled in Court, and they are hereby impowered to adminiſter an Oath to ſuch Witneſs or Witneſſes as ſhall be produced by either Party, and alſo to the Officers of the Court, and to any Perſon or Perſons whatſoever, whoſe Evidence ſhall, to the ſaid Commiſſioners, or to the major Part of them, aſſembled at the ſaid Court, appear neceſſary to aſcertain the Truth of the Matter in Litigation between the Parties; and for that Purpoſe to iſſue out a Summons or Summonſes, at the Inſtance of either of the Parties, to all and every ſuch Witneſs or Witneſſes, to be and appear at ſuch Court Day whereon the ſaid Matter is appointed to be heard.

On Nonappearance of Defendant, Commiſſioners may proceed *ex parte*.

XV. And be it further enacted by the Authority aforeſaid, That if any Debtor or Debtors, who ſhall have been duly ſummoned as aforeſaid, ſhall, without ſome good Cauſe to be allowed by the ſaid Court, refuſe or neglect to appear in the ſaid Court at the Time mentioned in the ſaid Summons, then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, upon Proof being made upon Oath of the Service of the ſaid Summons in Manner before directed, to proceed to hear the Cauſe on the Part of the Plaintiff or Plaintiffs only, and to make ſuch Order, Decree, or Judgement therein, and to award ſuch Coſts of Suit, as to them ſhall ſeem meet.

On Nonappearance or Nonſuit of Plaintiff, may award Coſts.

XVI. And be it further enacted by the Authority aforeſaid, That if upon the Day of the Return of the Summons, or at any Continuation or Adjournment of the ſaid Court, the Plaintiff or Plaintiffs ſhall not appear, or appearing, ſhall not make Proof of his, her, or their Debt or Demand, to the Satisfaction of the ſaid Court, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, upon due Proof upon Oath having been firſt made before them of the Service of ſuch Summons, or, in caſe the Plaintiff ſhall fail in making due Proof of ſuch his Debt, (as the Caſe may be), to award to the Defendant or Defendants reaſonable Coſts, and to order and compel the Plaintiff or Plaintiffs to pay the ſame by ſuch Ways and Means as are herein provided for enforcing the Payment of Debts and Coſts ordered and decreed to be paid by the ſaid Court.

Commiſſioners may award Execution,

XVII. And be it further enacted by the Authority aforeſaid, That in any Caſe where the ſaid Commiſſioners, or any Three or more of them, ſhall have made any Order or Decree for the Payment of Money, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, to award Execution either againſt the Body or Goods of the ſaid Party or Parties againſt whom ſuch Order or Decree ſhall be made; and thereupon it ſhall and may be lawful to and for the Clerk of the ſaid Court, or his Deputy, and he is hereby authoriſed and required, at the Requeſt and Election of the Party or Parties proſecuting ſuch Order or Decree, to iſſue a Precept or Precepts in Execution under his Hand and Seal, and, from Time to Time to renew the ſame, againſt the Body or Bodies of ſuch Party or Parties againſt whom ſuch Order or Decree ſhall be made, directed to the Beadle of the ſaid Court, or his Deputy, who, by virtue thereof, ſhall and may, and he is hereby impowered and required to take and apprehend, or cauſe to be taken and apprehended, ſuch Party or Parties, being within the Borough or Foreign and Pariſh of Kidderminſter aforeſaid, and convey him, her, or them, to ſuch Gaol within the ſaid Pariſh as ſhall be appointed by the ſaid Commiſſioners, or any Nine or more of them, for that Purpoſe, there to remain until he, ſhe, or they, ſhall perform and obey ſuch Order, Decree, and Judgement, ſo as no Perſon ſhall remain in Confinement for any longer Space of Time than Forty Days, or for leſs than Ten Days; and that it ſhall, in like Manner, be lawful to and for the Clerk of the ſaid Court, or his Deputy, and he is hereby authoriſed and required, at the like Requeſt and Election of the Party or Parties proſecuting ſuch Order or Decree, to iſſue a Precept or Precepts in Execution, under his Hand and Seal, and, from Time to Time, to renew the ſame, againſt the Goods of ſuch Party or Parties againſt whom ſuch Order or Decree ſhall be made, directed to the ſaid Beadle, or his Deputy, who, by virtue thereof, ſhall and may, and is hereby impowered and required to levy, by Diſtreſs and Sale of the Goods and Chattels of ſuch Party or Parties, being within the Borough or Foreign and Pariſh of Kidderminſter aforeſaid, ſuch Sum and Sums of Money, and Coſts, as ſhall be ſo ordered and decreed.

and, from Time to Time, to renew the ſame.

Court may order Debts to be paid at ſeveral Times.

XVIII. And be it further enacted by the Authority aforeſaid, That in caſe the ſaid Commiſſioners, or any Three or more of them, ſhall, at any Time, upon the Requeſt, and for the Eaſe and Convenience of the Defendant or Defendants, order and decree the Debt due to the Plaintiff or Plaintiffs to be paid at ſeveral Payments, or by Inſtalments, which they are hereby authoriſed and impowered to order and decree, at their Diſcretion; then, upon the Firſt Default or Failure of any of the ſaid Payments or Inſtalments ſo ordered and decreed, the ſaid Commiſſioners, or any Three or more of them, aſſembled in Court, ſhall and may, at the Inſtance of the Plaintiff or Plaintiffs, and upon due Proof of the ſaid Default or Failure, award Execution for the whole Debt, or ſuch Part thereof as ſhall then remain unpaid, together with ſuch further Coſts as to them ſhall ſeem reaſonable; to be recovered by the ſame Proceſs or Precept, and in like Manner as is herein-before provided for Recovery of the Debt and Coſts firſt decreed; the former Order or Decree to the Contrary notwithſtanding.

XIX. Provided

Proceſs not iſſueable againſt Goods and Chattels, where Warrant is granted againſt the Body of the Perſon, unleſs he ſhall eſcape or abſcond.

XIX. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to impower the Clerk of the ſaid Court to iſſue any Proceſs againſt the Goods and Chattels of any Perſon or Perſons, where the Party intitled to the Benefit of any ſuch Order, Judgement, or Decree as aforeſaid, ſhall have obtained any Warrant or Proceſs as aforeſaid, againſt the Body or Bodies of the ſame Perſon or Perſons, unleſs ſuch Perſon or Perſons ſhall eſcape out of Cuſtody, or ſhall abſcond or depart out of the ſaid Borough, Foreign, and Pariſh of Kidderminſter, to avoid being apprehended and taken by virtue of ſuch laſt-mentioned Warrant or Proceſs.

On Execution Clerk to indorſe Debt and Coſts.

In what Caſes Execution may be ſuperſeded.

XX. And be it further enacted by the Authority aforeſaid, That in every Precept to be iſſued upon any Execution awarded againſt the Body or Goods of any Perſon or Perſons whatſoever, the Clerk who iſſues the ſame ſhall expreſs and ſet down in Writing the Sum or Sums of Money, and Coſts, ſo ordered and decreed to be paid; and if the Party or Parties againſt whom ſuch Execution ſhall be awarded ſhall, before any actual Sale of his, her, or their Goods, or before he, ſhe, or they, is, are, or ſhall be taken and apprehended, or before the Expiration of the Term of his, her, or their Impriſonment, pay, or cauſe to be paid, or tendered, unto the Clerk of the Court who ſhall iſſue ſuch Precept, ſuch Sum or Sums of Money, and Coſts, together with One Shilling, as a Reward for his Trouble in receiving and paying over ſuch Debt and Coſts to the Plaintiff or Plaintiffs, and entering Acknowledgement or Satisfaction in the Book or Regiſter of the ſaid Court for ſuch Debt and Coſts, and alſo the Sum of Two Shillings to the Beadle for Fees, in caſe ſuch Party or Parties ſhall have been committed to Priſon, or his Goods ſhall be diſtrained upon, and not ſold; then, and in ſuch Caſe or Caſes, the Execution ſhall be ſuperſeded, and the Body or Bodies, and Goods, of ſuch Party or Parties, ſhall be diſcharged and ſet at Liberty.

Beadle ſuffering an Eſcape, or Goods to be removed, or cauſing Defendants to abſcond, to pay Debt and Coſts.

XXI. And be it further enacted by the Authority aforeſaid, That if the Beadle of the ſaid Court, or his Deputy, who ſhall be employed to ſerve or levy any Execution, ſhall, by wilful or notorious Neglect or Connivance, cauſe or ſuffer the Party againſt whom ſuch Execution ſhall be awarded to eſcape, or the Goods of ſuch Party or Parties ſo diſtrained upon to be carried away, embezzled, or ſecreted, ſo that ſuch Execution ſhall not have its due Effect, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, aſſembled in Court, upon Complaint, and due Proof made upon the Oath or Oaths of One or more credible Witneſs or Witneſſes, to order ſuch Beadle to pay ſuch Sum or Sums of Money for which the ſaid Execution was awarded to the Party complaining, and to inforce the Payment thereof by the ſame Method and Means as are herein-before provided for the Payment of other Debts.

Qualification of Commiſſioners.

XXII. And be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs at the Time of his ſo acting he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands or Hereditaments of the clear yearly Value of Twenty Pounds above Reprizes, or poſſeſſed of a Perſonal Eſtate to the Value of Four hundred Pounds: And if any Perſon or Perſons made incapable to act for the Cauſes aforeſaid, ſhall, nevertheleſs, preſume to act in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame in any of His Majeſty's Courts of Record at Weſtminſter; and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Proſecutor or Plaintiff than that ſuch Perſon hath acted as a Commiſſioner in the Execution of this Act.

Penalty on acting if not qualified.

XXIII. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall be capable of acting as a Commiſſioner in the Execution of this Act, until he ſhall have taken an Oath to the following Effect:

Commiſſioners Oath.

I A. B. do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Judgement, hear and determine all ſuch Matters and Cauſes as ſhall be brought before me by virtue of an Act of Parliament, *for the more eaſy and ſpeedy Recovery of Small Debts within the Borough and Foreign of* Kiderminſter, *in the Pariſh of* Kiderminſter, *in the County of* Worceſter, without Favour or Affection, Prejudice or Malice, to either Party.

So help me GOD.

Which Oath the Clerk of the ſaid Court hereby named, is hereby, at the Firſt Court or Meeting to be held by the ſaid Commiſſioners, or any Three of them, in purſuance of this Act, impowered and required to adminiſter to all and every Commiſſioner and Commiſſioners in open Court, and in the Preſence of Three or more of ſuch Commiſſioners, and in like Manner, at any ſubſequent Court, the Clerk of the ſaid Court, or any of the Commiſſioners who ſhall have taken ſuch Oath, is and are hereby impowered and required to adminiſter the ſaid Oath in open Court, to all and every ſuch other Commiſſioner and Commiſſioners, not having qualified himſelf as aforeſaid, at ſuch Firſt Court or Meeting; of all which Oath and Oaths, ſo taken as aforementioned, the ſaid Clerk of the ſaid Court ſhall cauſe a Memorial to be entered in the Regiſter of the ſaid Court amongſt the Proceedings of ſuch Days reſpectively.

Memorial thereof to be regiſtered.

XXIV. And be it further enacted by the Authority aforeſaid, That the ſeveral Fees herein-after limited and expreſſed, and no other, ſhall be taken by the ſaid Clerk and Beadle, or their Succeſſors, for their ſeveral and reſpective Services in the Execution of this Act; that is to ſay, To the Clerk,

The Fees.

For entering every Cauſe, Three-pence.
For iſſuing every Summons, Three-pence.
For every Subpœna, Three-pence.
For calling every Plaintiff or Defendant, Three-pence.
For every Hearing or Trial, Sixpence.
For ſwearing every Witneſs, Three-pence.
For every Order, Judgement, or Decree, Sixpence.
For a Nonſuit, Three-pence.
For every Search in the Books, Two-pence.
For paying Money into Court, Four-pence.
For taking Money out of Court, and acknowledging of Satiſfaction in the Clerk's Books, Four-pence.
For every Attachment, Sixpence.
For every Execution, Sixpence.
For every Warrant of Commitment, Three-pence.

To the Beadle,

For the Service of every Summons, Order, or Subpœna, in the Borough of *Kiderminſter*, Three-pence; if in the Foreign, Four-pence.
For calling every Plaintiff or Defendant before the Court, Two-pence.
For executing every Attachment, Execution, or Warrant, againſt the Body or Goods in the Borough of *Kidderminſter* aforeſaid, One Shilling; if in the Foreign, One Shilling and Sixpence.

A Table thereof to be hung up in the Court-houſe.

A Table of which Fees ſhall, from Time to Time, be hung up by the Clerk of the ſaid Court, in ſome conſpicuous Part of the ſaid Court-houſe, or Place where the ſaid Commiſſioners ſhall meet, ſo that all Perſons concerned may ſee and examine the ſame.

Penalty on taking greater Fees.

XXV. And be it further enacted by the Authority aforeſaid, That if the Clerk or Beadle of the ſaid Court for the Time being ſhall take any greater or other Fees or Rewards than what are herein-before mentioned for his or their Service in the Execution of this Act, he or they ſhall, for every ſuch Offence, forfeit and pay ſuch Fine (not exceeding Five Pounds, nor leſs than Forty Shillings), as the ſaid Commiſſioners, or any Three or more of them, upon due Proof upon Oath firſt made before them of the Truth of ſuch Complaint, ſhall order, aſſeſs, and impoſe, to be applied to the Relief of ſuch Debtor or Debtors, who ſhall be then, or at any Time after, in the Priſon or Gaol of the ſaid Court of Requeſts, in ſuch Manner as the ſaid Commiſſioners, or any Three or more of them, ſhall order and direct, or otherwiſe to be paid, to the Overſeers of the Poor of the Borough of Kidderminſter aforeſaid, at the Diſcretion of the ſaid Commiſſioners impoſing ſuch Fine or Fines as aforeſaid; the ſame to be levied (if not paid on Demand), by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hands and Seals of ſuch Commiſſioners, or any Three or more of them, by whom ſuch Complaint ſhall be heard, rendering to the Owner the Overplus, after the Charges of ſuch Diſtreſs and Sale are deducted.

Clerk or Beadle may be diſplaced for Miſbehaviour.

XXVI. And be it further enacted by the Authority aforeſaid, That if the ſaid Clerk or Beadle ſhall be guilty of any Miſbehaviour, either by Neglect or Breach of Duty, or in taking greater Fees than before mentioned, or otherwiſe, in the Execution of their reſpective Offices, that then, upon Complaint, and due Proof thereof made upon Oath in open Court, the ſaid Commiſſioners then ſitting are hereby directed and required to cauſe the whole Number of Commiſſioners to be ſummoned, by a Notice in Writing, to be affixed at the Town Hall, and alſo at the Door of the Pariſh Church of Kidderminſter aforeſaid, to meet at ſome convenient Time and Place, and the Commiſſioners then preſent, not being leſs than Nine in Number, ſhall and may examine and conſider the Merits of ſuch Complaint; and if it ſhall appear to ſuch Commiſſioners ſo aſſembled, or met, or to the major Part of them, that the ſaid Clerk or Beadle hath been guilty of any ſuch Miſbehaviour or Breach of Duty as aforeſaid in his Office, it ſhall and may be lawful to and for the ſaid Commiſſioners, or the major Part of them, then aſſembled, to ſuſpend or remove ſuch Clerk or Beadle from his ſaid Office, and another Perſon or Perſons ſhall be thereupon appointed in his Room, in ſuch Manner as is by this Act directed for ſuch Appointment.

Commiſſioners, Clerk, or Bealde, not to act where intereſted.

XXVII. And be it further enacted by the Authority aforeſaid, That if any Commiſſioner of the ſaid Court for the Time being ſhall be Party to, or intereſted in, any Cauſe, Matter, or Thing, depending in the ſaid Court, ſuch Perſon ſhall not be capable of acting as a Commiſſioner in the hearing and determining the ſame, or making any Order, Decree, or Judgement therein, but, after being heard in the ſaid Cauſe, ſhall withdraw from the ſaid Court until the ſame is finally determined; and if the Clerk or Beadle of the ſaid Court for the Time being ſhall be a Party to, or intereſted in, any Cauſe depending in the ſaid Court, ſuch Clerk or Beadle ſhall not exerciſe his ſaid Office in the ſaid Cauſe, or in any Thing relating thereto; but the ſaid Commiſſioners, or any Three or more of them, aſſembled at ſuch Court, ſhall and may, and are hereby authoriſed to depute and appoint another Perſon to exerciſe the ſaid Office of Clerk or Beadle reſpectively, in all Things relating to ſuch Cauſe.

Penalty on inſulting the Court.

XXVIII. And, for the better enforcing the Orders and Decrees, from Time to Time to be made by the ſaid Commiſſioners, and that the Commiſſioners of the ſaid Court may be inveſted with proper Power and Authority, and be free and exempt from Inſult and Abuſe, be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall affront, inſult, or abuſe all or any of the Commiſſioners during their ſitting in the ſaid Court, or ſhall interrupt the Proceedings of the ſaid Court, or ſhall obſtruct the Proceſs thereof, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, to cauſe a Warrant to be iſſued by the Clerk of the ſaid Court, or his Deputy, directing ſuch Beadle to apprehend and take, or cauſe to be apprehended and taken, ſuch Perſon or Perſons ſo offending as aforeſaid, before One of His Majeſty's Juſtices of the Peace for the Borough of Kidderminſter aforeſaid, if the Offence ſhall be committed within the ſaid Borough, or before One of His Majeſty's Juſtices of the Peace for the County of Worceſter aforeſaid, if the Offence ſhall be committed in the ſaid Foreign; and upon the Fact alleged being proved by the Oath of One credible Witneſs, the ſaid Juſtice is hereby impowered and directed to puniſh ſuch Perſon or Perſons ſo offending as aforeſaid, by Fine, not exceeding Five Pounds, nor leſs than Ten Shillings, which ſhall be immediately paid into the Hands of the ſaid Juſtice before whom the ſaid Offender or Offenders ſhall be convicted, and be paid and applied by ſuch Juſtice in like Manner as the Fines herein-before mentioned are directed to be applied; and if the ſaid Offender or Offenders ſhall not pay the ſaid Fine in Manner aforeſaid, it ſhall and may be lawful to and for the ſaid Juſtice, by Warrant under his Hand and Seal, to cauſe the ſame to be levied by Diſtreſs and Sale of the Offender's Goods; or in Default thereof, to commit ſuch Perſon or Perſons ſo offending as aforeſaid to the common Gaol, or Houſe of Correction, for the ſaid County of Worceſter, there to remain for any Space of Time not exceeding Three Months, or until, he, ſhe, or they, ſhall pay the ſaid Fine.

Copy of preceding Clauſe to be hung up in the Court-houſe.

XXIX. Provided always, and be it further enacted by the Authority aforeſaid, That the Clerk of the ſaid Court ſhall fix, or cauſe to be fixed up, in ſome publick Part of the ſaid Court-houſe, or Place where the ſaid Commiſſioners ſhall meet, a true Copy of the laſt preceding Clauſe of this Act, to the Intent that no Perſon ſhall or may plead Ignorance thereof.

Defendants may plead generally in bar of Actions of Debt,

XXX. And be it further enacted by the Authority aforeſaid, That if any Action of Debt, or Action upon the Caſe, upon an Aſſumpſit, for Recovery of any Debt to be ſued or proſecuted againſt any Perſon or Perſons aforeſaid, in any of the King's Courts at Weſtminſter, or elſewhere out of the ſaid Court of Requeſts, the Plaintiff ſhall declare for any Sum of Money, not amounting to the Sum of Forty Shillings, the Defendant may plead generally in Bar of ſuch Action, that at the Time of commencing ſuch Action the Defendant was inhabiting and reſient within the Juriſdiction of the ſaid Court of Requeſts, and was liable to be warned or ſummoned before the ſaid Court of Requeſts, without pleading any other Matter ſpecially; and in caſe the Plaintiff in any ſuch Action ſhall declare for Forty Shillings, or any Sum of Money exceeding Forty Shillings, the Defendant may plead generally, over and above ſuch Matters as aforeſaid, that the Defendant was not at the Time of commencing ſuch Action indebted unto the Plaintiff in any Sum or Sums of Money amounting to the Sum of Forty Shillings, without pleading any other Matter ſpecially; whereto the Plaintiff ſhall or may reply generally, and deny the Matters pleaded as aforeſaid; and if the Plaintiff be nonſuited, or diſcontinue his Action, or Verdict paſs againſt him, or Judgement be given on Demurrer, the Defendant or Defendants ſhall have Full Coſts.

Proviſo.

XXXI. Provided always, That it ſhall and may be lawful to and for the Plaintiff or Plaintiffs, in ſuch Action, afterwards to proſecute the ſaid Defendant or Defendants, for the Recovery of the ſaid Debt or Debts in the ſaid Court of Requeſts; any Thing herein-before contained to the Contrary thereof in anywiſe notwithſtanding.

No Attorney to have Privilege or Practice in this Court.

XXXII. And be it further enacted by the Authority aforeſaid, That no Attorney at Law or Solicitor, being ſerved with the Proceſs of the ſaid Court of Requeſts, or appearing in the ſame Court, ſhall be allowed to plead or maintain any Privilege againſt the Proceſs, Authority, Juriſdiction, or Judgement thereof.

To what Debts this Act ſhall not extend.

XXXIII. And be it further enacted by the Authority aforeſaid, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to any Debt for Rent upon any Leaſe or Contract, where the Title of any Lands, Tenements, or Hereditaments, can or may come in Queſtion, or in or upon any real Contract; nor to any Debt that ſhall ariſe upon or by reaſon of any Cauſe concerning any Laſt Will and Teſtament, or Matrimonial Contract, or the Breach thereof; or any Thing properly belonging to the Eccleſiaſtical Court; nor for Money won at or by Means of any Horſe-race, Cock-match, Wager, or any Kind of Gaming or Play; nor for any Forfeiture of any Penal Statute or Bye-law; nor to any Debt contracted upon a Sunday, for Ale, Beer, Cyder, Spirituous or other Liquors; nor to any Debt whereof there hath not been a Contract, Acknowledgment, Undertaking, or Promiſe to pay, within Six Years before the taking out of the Summons for the ſame, although ſuch Debt ſhall not amount to Forty Shillings.

Penalty on wilful Perjury.

XXXIV. And be it further enacted by the Authority aforeſaid, That in caſe any Perſon or Perſons making Oath, or giving Evidence, in any Cauſe or Matter whatſoever, depending in the ſaid Court of Requeſts, ſhall commit wilful and corrupt Perjury, and be thereof duly convicted according to Law, ſuch Perſon and Perſons ſhall incur and ſuffer the like Pains and Penalties as any other Perſon or Perſons convicted of wilful and corrupt Perjury is or are liable to, or ſhall be ſubject to by the Laws and Statutes of this Realm.

Penalty on not obeying a Subpœna.

XXXV. And be it further enacted by the Authority aforeſaid, That in caſe any Perſon reſiding within the Juriſdiction of the ſaid Court of Requeſts, who ſhall be duly ſerved with a Subpoena or Summons, to be iſſued out of the ſaid Court, to give Evidence on Behalf of any Plaintiff or Defendant, ſhall neglect or refuſe to appear purſuant to ſuch Subpoena or Summons, at the Time and Place therein mentioned, and due Proof ſhall be made of the Service of ſuch Subpoena or Summons, and no Cauſe of Abſence be ſhewn or aſſigned to the Satisfaction of the Commiſſioners preſent at the ſaid Court to which ſuch Perſon ſhall be by ſuch Subpoena or Summons required to appear, and Oath ſhall be made before the ſaid Commiſſioners, that the Perſon ſerved therewith was a material Witneſs for the Party at whoſe Inſtance ſuch Subpoena or Summons iſſued, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, aſſembled in open Court, and weighing the Cauſe ſo ſhewn, and adjudging the ſame to be inſufficient, to impoſe and lay a Fine, not exceeding Forty Shillings, nor leſs than Five Shillings; to be levied (if not immediately paid on Demand) by Diſtreſs and Sale of the Offenders Goods, by Warrant under the Hands and Seals of the ſaid Commiſſioners, or any Three or more of them; which Fine, when paid or levied, ſhall be paid over to the Party at whoſe Inſtance ſuch Subpoena or Summons iſſued.

The Juriſdiction of the Court Baron reſerved.

XXXVI. Provided always, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued, adjudged, deemed, or taken to be or extend to extinguiſh, reſtrain, alter, annul, take away, or otherwiſe prejudice the Juriſdiction of an ancient Court Baron, held by the Lord of the Manor of the Borough of Kidderminſter aforeſaid, and his Predeceſſors, Time immemorial, within the ſaid Borough, or any of the Rights, Privileges, and Franchiſes thereto belonging, but that Plea ſhall and may be held in the ſaid Court, of all Debts, Matters, and Things, lying in the ſaid Borough, and all Perſons ſhall and may ſue and be ſued in the ſame Court, in like Manner as if this Act had never been made; any Thing herein contained to the Contrary in anywiſe notwithſtanding.

Limitation of Actions.

General Iſſue.

XXXVII. And be it further enacted by the Authority aforeſaid, That no Action at Law ſhall be brought againſt any Perſon or Perſons for any Thing done by virtue of this Act, till after Twenty Days Notice thereof in Writing ſhall be given to, or left at the uſual Place of Abode of, the Perſon or Perſons againſt whom ſuch Action ſhall be intended to be ſo brought, thereby ſetting forth the Cauſe of ſuch Action, and in Default only of any Tender of ſufficient Amends being made within that Time, by ſuch Perſon or Perſons to the Party ſo aggrieved, and cauſing ſuch Notice to be given; and that every Action brought for any Thing done as aforeſaid ſhall be commenced within the Space of Three Months next after the Cauſe thereof ſhall ariſe, and ſhall be laid in the County of Worceſter, and not elſewhere; and the Defendant or Defendants therein ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, and that the ſame was done by virtue thereof: And if, on the Trial of ſuch Action, it ſhall appear that the ſame was brought before the Expiration of Twenty Days after ſuch Notice ſhall have been ſo given or left as aforeſaid, or after the End of Three Months next after the Cauſe thereof ſhall ariſe; or if ſuch Action ſhall be brought or laid in any other County than as aforeſaid, or after ſufficient Tender of Amends ſhall have been made to the Party or Parties aggrieved; then, and in every the Caſes aforeſaid, the Jury, on the Trial of ſuch Action, ſhall find for the Defendant or Defendants therein; and in all Caſes where any Verdict ſhall be found for any Defendant or Defendants in ſuch Action, or the Plaintiff or Plaintiffs therein ſhall diſcontinue the ſame after the Defendant or Defendants ſhall have appeared thereto, or ſhall be nonſuited; or if upon Demurrer Judgement ſhall be given againſt ſuch Plaintiff or Plaintiffs, the Defendant or Defendants in ſuch Action ſhall have and recover Treble Coſts, and ſhall have the like Remedies for recovering the ſame as any Defendant or Defendants can or may have in other Caſes where Coſts are given by Law.

Treble Coſts.

Publick Act.

XXXVIII. And be it further enacted by the Authority aforeſaid, That this Act ſhall be adjudged, deemed, and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

CAP. LXVII.

An Act for incorporating the Members of a Society, commonly called *The Marine Society*, aud their Succeſſors, to be elected as therein is mentioned, and for the better impowering and enabling them to carry on their charitable and uſeful Deſigns.

Preamble.

WHEREAS, in *June*, One thouſand ſeven hundred and fifty-ſix, a Society was inſtituted, under certain Regulations, for fitting and placing out Men and Boys to the Sea Service, and other charitable Purpoſes, commonly called *The Marine Society*, which ſaid Society, during the late War with *France* and *Spain*, and at different Times ſince the Concluſion thereof, by the voluntary Donations and Subſcriptions of charitable and well-diſpoſed Perſons (amongſt other Charities) clothed and fitted out Five thouſand four hundred and fifty-one Landmen, to ſerve as Seamen on Board His Majeſty's Ships; and alſo clothed, fitted, and placed out, as Servants or Apprentices to Officers in the King's Ships, and to the Merchants Service at Sea, Six thouſand three hundred and ſix Boys, who had no viſible Means of Support, and who voluntarily offered themſelves: And whereas Experience hath ſhewn, that the ſaid Society hath been hitherto of conſiderable Uſe, and an Advantage to the Nation, and it is apprehended that the ſaid Society, if countenanced and ſupported by the Laws of this Realm, and eſtabliſhed upon a reſpectable and permanent Foundation, and veſted with proper Powers for enabling them to carry into Execution their charitable Deſigns, (that is to ſay), the fitting out and apprenticing or placing out poor diſtreſſed Boys to and for the Service of the Royal Navy, and to and for the Service of other Ships and Veſſels, the Property of, and belonging to, Subjects of the King of *Great Britain*, would be of much more extenſive Uſe, and a ſtill greater Benefit and Advantage to theſe Kingdoms, as being a Means of ſupplying His Majeſty's Ships, in Time of War, with Seamen properly bred up and qualified for that Service, and contributing to the commercial Intereſts of the Nation in Time of Peace; and alſo by aſſiſting the inward Police thereof, in providing for the Idle, and conſequently moſt dangerous Members of Society: But as it is apprehended that theſe ſalutary Meaſures cannot be conducted with any Degree of Vigour, nor theſe uſeful Ends attained in their full Extent, without the Aid and Authority of Parliament; may it therefore pleaſe Your moſt

Excellent Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable Robert Lord Romney, Baron of Romney; the Right Honourable Robert Lord Clive, Baron of Plaſſey, in the Kingdom of Ireland, Knight of the moſt Honourable Order of the Bath; Sir William Dolben Baronet, Sir George Pococke, Knight of the moſt Honourable Order of the Bath; Barlow Trecothick, Beeſton Long, Thomas Naſh, John Thornton, Eſquires; the Right Honourable Thomas Harley, Sir William Mayne Baronet, the Honourable Charles Marſham, the Reverend Doctor Glaſſe, Charles Gray, Richard Oliver, Anthony Bacon, John Julius Angerſtein, Michael Adolphus, Philip Afflick, John Blackburn, Frederick Bull, Thomas Bennett, Lewis Cheauvett, John Campbell, John Cornwall, John Dorrien, John Elliott, Freman Flower, Jacob Gonſales, Francis Gregg, Jonas Hanway, Thomas Hanway, Robert Hunter, Michael James, John Lodge, John Levy, James Matthias, Doctor Thomas Manningham, Timothy Mangles, Robert Nettleton, Gregory Olive, George Peters, George Paterſon, John Anthony Rucker, William Stead, John Smith, Robert Sherſon, Andrew Thomſon, Harry Verelſt, William Wood, Thomas Walker, James Warner, and Fowler Walker, Eſquires; ſhall, and they are hereby declared to be Governors; and that they, and their Succeſſors, to be elected and named in Manner herein-after directed and appointed, ſhall be, and they are hereby declared and adjudged to be One Body Corporate and Politick, in Deed and in Name, by the Name of The Marine Society: And that by the ſame Name they ſhall have perpetual Succeſſion, and a common Seal, with Power to change, alter, break, and make new, the ſame, when, and as often as they ſhall judge the ſame to be expedient; and that they and their Succeſſors, by the ſame Name, may ſue, and be ſued, implead, and be impleaded, anſwer, and be anſwered unto, in all or any Court or Courts of Record and Places of Judicature within this Kingdom; and that they and their Succeſſors, by the Name aforeſaid, ſhall be able and capable in Law to have, hold, receive, enjoy, poſſeſs, and retain, for the Ends and Purpoſes of this Act, all ſuch Sum and Sums of Money as have been given, deviſed, or bequeathed, or ſhall, at any Time or Times hereafter, be paid, given, deviſed, or bequeathed, by any charitable or well-diſpoſed Perſon or Perſons, to and for the charitable Ends and Purpoſes in this Act mentioned; and that they and their Succeſſors, by the Name aforeſaid, ſhall and may, at any Time hereafter, without Licence in Mortmain, purchaſe, take, or receive, hold, and enjoy, any Lands or Tenements, which ſhall or may, at any Time or Times, be found neceſſary for erecting Buildings, and making other Conveniencies, for the Purpoſes of aſſembling and holding the Courts and Meetings, and of executing and tranſacting other the Affairs and Buſineſs of the ſaid hereby-erected Corporation for any Eſtate or Intereſt.

Governors incorporated; their Title.

To have perpetual Succeſſion, and a common Seal, &c.

and may purchaſe Lands.

II. And be it further enacted by the Authority aforeſaid, That the ſaid Corporation may, and they are hereby impowered to clothe and fit out, and bind out Apprentice or Apprentices, or place out, as Servants to any of the commiſſioned or warrant Officers of His Majeſty's Navy, or to any other of His Majeſty's Subjects, from Time to Time, any poor or diſtreſſed Boy or Boys that ſhall voluntarily offer him or themſelves, not being then legally an Apprentice or Apprentices to any other Perſon or Perſons whomſoever, with the Conſent of the reſpective Parents, when known, of ſuch Boys reſpectively, for ſuch Term and Time, and upon ſuch Conditions, as the ſaid Corporation ſhall think proper, ſo as no ſuch Boy, ſo to be bound or placed out as aforeſaid, ſhall be obliged to ſerve, or continue in ſuch Apprenticeſhip or Service, longer than Seven Years.

Corporation to fit and bind out Apprentices.

III. And be it further enacted by the Authority aforeſaid, That the Right Honourable Robert Lord Romney, Baron of Romney, ſhall be, and he is hereby appointed Preſident of the ſaid Corporation; and that the ſaid Robert Lord Clive, Sir William Dolben, Sir George Pococke, Barlow Trecothick, Beeſton Long, and Thomas Naſh, ſhall be, and they are hereby appointed the Vice Preſidents; and that the ſaid John Thornton ſhall be, and he is hereby appointed Treaſurer of the ſaid Corporation; and that the ſaid Sir William Mayne, Charles Marſham, Doctor Glaſſe, Charles Gray, Anthony Bacon, Michael Adolphus, Philip Afflick, John Blackburn, Thomas Bennett, John Campbell, John Dorrien, Freman Flower, Jacob Gonſales, Jonas Hanway, Robert Hunter, Michael James, John Lodge, John Levy, James Matthias, Timothy Mangles, Gregory Olive, George Peters, John Smith, Robert Sherſon, Andrew Thomſon, Harry Verelſt, William Wood, Thomas Walker, and Fowler Walker, ſhall be, and they are hereby appointed a Committee for tranſacting and managing the Affairs of the ſaid Corporation: And the ſaid Vice Preſidents, Treaſurer, and Committee, ſhall continue for the Space of One Year only, unleſs reſpectively re-elected to the ſaid reſpective Offices; and the ſaid Preſident, or, in his Abſence, One or more of the Vice Preſidents, or the Treaſurer, with any Six or more of the other Members of the ſaid Corporation, or, in the Abſence of the Preſident, and of all the Vice Preſidents and Treaſurer, any Seven or more of the ſaid Governors, ſhall compoſe a General Court: And the firſt General Court ſhall be held on the Twenty-firſt Day of June, One thouſand ſeven hundred and ſeventy-two, at their Office over the Royal Exchange; and ſhall then, and, from Time to Time, be adjourned to ſuch Times and Places as the Court ſhall think neceſſary for the due Execution of this Act: And a General Court of the Members of the ſaid Corporation ſhall be held Four Times, at the leaſt, in every Year; (that is to ſay), On the Twenty-firſt Day of January, on the Twenty-firſt Day of April, on the Twenty-firſt Day of July, and on the Twenty-firſt Day of October, unleſs ſuch reſpective Days ſhall happen to fall on a Sunday, and in that Caſe on the Day following, or oftener, if Occaſion ſhall require; upon Notice thereof given, by the Order of any Five or more of the Members of the ſaid Corporation, aſſembled at ſome Weekly Meeting, by publiſhing the ſame in the London Gazette Five Days at leaſt before the holding every ſuch Court: And a General Court ſhall be held in the Month of February in every Year, a like Notice whereof ſhall be given; at

Preſident, Vice Preſidents, Treaſurer, and Aſſiſtants Names.

Vice Preſidents, Treaſurer, and Committee, to be elected annually.

The firſt General Court.

A general Court to be held quarterly.

Buſineſs of the annual General Courts.

Power to apply Charity Money,

and to do all the Matters neceſſary, and delegate proper Powers to Committee:

And to order and diſpoſe of the Uſe of the common Seal, and to make Bye-laws.

which Court Six Vice Preſidents, a Treaſurer, and a Committee, (ſuch Committee to conſiſt of ſuch Number of the Governors of the ſaid Corporation as ſuch General Court ſhall think neceſſary), and the Officers and Servants of the ſaid Corporation ſhall be elected for the enſuing Year; and the Governors of the ſaid Corporation, aſſembled at any ſuch General Court as aforeſaid, or the major Part of them ſo aſſembled, but not leſs than Seven ſuch Governors, ſhall have full Power and Authority, in the Name of the ſaid Corporation, and on their Account, to apply and diſpoſe of the Monies already given, and which ſhall from Time to Time be contributed and given by any Perſons or Perſon, on the Account of any ſuch Charity, and all other Monies belonging or to belong to the ſaid hereby-erected Corporation, to and for the Purpoſes aforeſaid, and to, for, or in any other Purpoſe, Way, Matter, or Thing, relating to the ſaid Charity, and for the Benefit thereof, at their Diſcretion; and with and under their Common Seal, to enter into any Covenants and Contracts for the Purpoſes aforeſaid, or for any other Purpoſe or Purpoſes for the better effecting and carrying on the charitable Uſes and Deſigns aforeſaid; and to do, manage, and tranſact, and determine all ſuch other Matters and Things, as ſhall to them appear neceſſary and convenient for the effecting or carrying on the Purpoſes aforeſaid; and ſhall and may delegate ſuch Powers and Authorities to the ſaid Committee as they ſhall think neceſſary, for the more eaſy, ſpeedy, and effectual Execution of this Act: And it ſhall and may be lawful to and for the Governors of the ſaid Corporation, in a General Court aſſembled only, or the major Part of them ſo aſſembled, but not leſs than Seven ſuch Governors, to order and diſpoſe of the Cuſtody of the ſaid Common Seal, and the Uſe and Application thereof; and to make, ordain, and conſtitute ſuch and ſo many Bye-laws, Conſtitutions, and Ordinances, as to them, or the greateſt Part of them, then and there preſent, but not leſs than Seven ſuch Governors, ſhall ſeem neceſſary and convenient, touching, or in anywiſe concerning the Affairs and Buſineſs of the ſaid hereby-erected Corporation; and the ſame Bye-laws, Conſtitutions, and Ordinances, ſo made, to put in Uſe and enforce accordingly, and at their Will and Pleaſure to revoke, change, and alter, the ſame, or any of them; which ſaid Bye-laws, Conſtitutions, and Ordinances, ſo as aforeſaid made, ſhall be duly kept and obſerved, provided the ſame be reaſonable, and not contrary or repugnant to the Statutes, Cuſtoms, or Laws, of this Kingdom, or any of the expreſs Regulations of this Act.

No Bye-laws to be binding, unleſs confirmed by a ſucceeding General Court.

IV. Provided nevertheleſs, That no ſuch Bye-law, Rule, Order, or Ordinance, ſhall be binding, or have any Force or Effect, until the ſame ſhall have been agreed to, and confirmed by, the next ſucceeding General Court, whether annual, quarterly, or extraordinary; and that the ſame Method ſhall be obſerved in altering or repealing any ſuch Bye-laws, Rules, Orders, or Ordinances.

Power for the Treaſurer to inveſt Sums of Money to be given for Purpoſes mentioned, except ſo much as the Corporation ſhall require, in the publick Funds.

V. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Treaſurer for the Time being of the ſaid hereby-erected Corporation, and he is hereby authoriſed and required, from Time to Time, by and with the Conſent and Approbation of the Committee thereof for the Time being, or the major Part of ſuch Committee, to be teſtified in Writing under their Hands, to lay out and inveſt all or any ſuch Sum or Sums of Money, as hath or have been given, deviſed, or bequeathed, or ſhall, at any Time or Times hereafter, be paid, given, deviſed, or bequeathed, by any charitable or well-diſpoſed Perſon or Perſons, to and for the charitable Ends, Intents, and Purpoſes, in this Act mentioned, or any Part thereof, other than and except ſuch and ſo much thereof as the Exigencies of the ſaid Corporation ſhall call for the immediate Application or Expenditure of, in any of the Publick Funds, in his own Name, and, from Time to Time, with ſuch Conſent and Approbation as aforeſaid, to alter and transfer ſuch Funds, and make Sale thereof.

Monies ariſing by ſuch Sales, Dividends, &c. to be applied for the Purpoſes of this Act.

VI. And it is hereby enacted and declared, That the Monies ariſing from or by ſuch Sale or Sales, or ſo much thereof as ſhall not be again laid out and inveſted with ſuch Conſent and Approbation as aforeſaid, in ſome other of the Publick Funds, and alſo all the Dividends, Intereſt, and annual Proceed, which ſhall, from Time to Time, ariſe from ſuch Funds, ſhall, from Time to Time, be applied to and for the Uſes, Ends, Intents, and Purpoſes, in this Act mentioned.

Vacancies to be filled up at a General Court.

VII. Provided always, and be it further enacted by the Authority aforeſaid, That in caſe of the Death or Reſignation of the Preſident, or of a Vice Preſident, or Treaſurer, of the ſaid Corporation, it ſhall and may be lawful to and for the Governors of the ſaid Corporation, at any General Court, or the major Part of them, then there preſent, but not leſs than Seven ſuch Governors, to nominate and appoint a Preſident, Vice Preſident or Vice Preſidents, or Treaſurer, in the Room of the Preſident, Vice Preſident or Vice Preſidents, or Treaſurer, ſo deceaſed, or having reſigned.

Directions touching the Election of Members.

VIII. And, to the Intent that there never may be wanting a competent Number of Governors of the ſaid hereby-erected Corporation, and for perpetuating the Succeſſion thereof, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Governors of the ſaid Corporation, at ſuch General Court, or the greater Part of them that ſhall be preſent at any ſuch General Court to be held as aforeſaid, but not leſs than Seven ſuch Governors, to elect and chooſe ſome other fit and able Perſon or Perſons to be a Governor or Governors of the ſaid hereby-erected Corporation, in the Room or Place of ſuch of the Perſons before mentioned, or to be from Time to Time elected Governors as aforeſaid, as ſhall happen to depart this Life, or ſhall refuſe to continue and remain, to be a Governor or Governors.

Queſtions at a General Court, or Committee, to be decided by Vote, unleſs Members demand a Ballot.

IX. And be it further enacted, That all Queſtions upon the Proceedings of the ſaid Corporation, at any General Court or Committee, ſhall be decided by Vote; and in caſe of an Equality of Voices, the Preſident or Chairman ſhall have the caſting Vote; and upon Demand of any Five Governors of the ſaid Corporation, preſent at ſuch General Court or Committee reſpectively, the ſame ſhall be determined by Ballot, to be immediately proceeded upon and completed.

General Court impowered to fill up Vacancies in Committee, and appoint ſuch Officers, &c. as ſhall be neceſſary, and to remove or ſuſpend them; and to allow them reaſonable Salaries.

Committee, at their Weekly or other Meetings, impowered to ſuſpend or remove Officers, &c.

X. And be it further enacted, That the Governors of the ſaid Corporation, at a General Court, or the major Part of them, preſent at ſuch General Court, but not leſs than Seven ſuch Governors, ſhall have Power, from Time to Time, and at all Times, to fill up any Vacancy or Vacancies in the Committee, and appoint ſuch other Officers and Perſons as they ſhall think neceſſary to employ for the Purpoſes and in the Execution of this Act, and from Time to Time to ſuſpend or remove all ſuch Officers and other Perſons, or any of them, as they ſhall think fit, and appoint others in caſe of Death, or ſuch Suſpenſion or Removal; and may, out of the Monies to be received for the Purpoſes of this Act, make reaſonable Allowances to ſuch Officers and other Perſons for their Services: And it ſhall and may be lawful to and for the ſaid Committee ſo to be appointed, or any Five or more of them, at any Weekly or other Meeting, to ſuſpend or remove any ſuch Officers and other Perſons, and to appoint others in caſe of Death, or ſuch Suſpenſion or Removal, until a General Court ſhall be held; and the Governors of the ſaid Corporation, at any ſuch General Court, or the major Part of them then preſent, but not leſs than Seven, may confirm ſuch Appointment or Appointments, or may remove ſuch Officers or other Perſons, and appoint others in their Room, as they ſhall think fit; and all and every ſuch Officers and other Perſons ſhall, from Time to Time, when thereunto required by the ſaid Committee, or any Five or more of them, make and render to the ſaid Committee, or any Five or more of them, a true, exact, and perfect Account, in Writing, under their reſpective Hands, upon Oath, to be taken before Two or more of the ſaid Committee, (which Oath any Two of the ſaid Committee are hereby impowered to adminiſter), of all Monies which he, ſhe, or they, and every of them reſpectively, ſhall to that Time have received, paid, and diſburſed, by virtue of this Act, or by reaſon of their reſpective Offices; and in caſe any Money ſo received ſhall remain in their or any of their Hands, the ſame ſhall be paid to the ſaid Committee, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and in caſe any ſuch Officer or other Perſon ſhall not make and render, or ſhall refuſe to verify, upon Oath, any ſuch Account, or to make ſuch Payment as aforeſaid, then any One or more Juſtice or Juſtices of the Peace for the County of Middleſex, or for the City of London, ſhall and may, upon Complaint to him or them, make Inquiry of and concerning ſuch Default in a ſummary Way, (as well by Confeſſion of the Parties themſelves, as by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath, which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter); and if any ſuch Officer or Perſon ſhall be convicted of any ſuch Offence, ſuch Juſtice or Juſtices ſhall, upon ſuch Conviction, commit the Party offending to the common Gaol of the County of Middleſex, or of the City of London, there to remain, without Bail or Mainprize, until he or ſhe ſhall have made a true and perfect Account and Payment as aforeſaid, or until he or ſhe ſhall have compounded and agreed with the ſaid Committee, or any Five or more of them, and have paid ſuch Compoſition-money; which Compoſition the ſaid Committee, or any Five or more of them, are hereby impowered to make.

Treaſurer to account at a General Court.

XI. Provided always, and it is hereby further enacted and declared, That the Treaſurer for the Time being of the ſaid Corporation ſhall not be obliged to account with ſuch Committee, or any of them, but ſhall give in his Accounts, from Time to Time, when required, at a General Court, there to be examined, and allowed or diſallowed, and ſhall pay over all the Monies remaining in his Hands, and transfer all the Funds ſtanding in his Name, as Treaſurer aforeſaid, to the Treaſurer immediately ſucceeding him, on Demand.

Perſons giving 12 *l.* 12 *s.* at any One Payment, or ſubſcribing 2 *l.* 2 *s.* *per Annum*, may be choſen a Governor,

XII. And, for the Encouragement of ſuch as ſhall be Benefactors to the ſaid Charity, be it enacted by the Authority aforeſaid, That if any Perſon ſhall, at One Payment, pay into the Hands of the Treaſurer of the ſaid Corporation for the Time being, or ſuch Perſon as ſhall be deputed for receiving the ſame, the full Sum of Twelve Pounds Twelve Shillings, or ſhall ſubſcribe and pay the yearly Sum of Two Pounds Two Shillings for the Space of Eight Years, for the Uſe of the ſaid Corporation, every ſuch Perſon ſhall be capable of being elected a Governor of the ſaid Corporation.

and have equal Powers with thoſe inſerted in this Act.

XIII. And it is hereby enacted and declared, That every Perſon and Perſons, who, in conſequence of ſuch Payment as aforeſaid, or in purſuance of any Bye-law hereafter to be made, ſhall be duly choſen and elected a Governor of the ſaid Corporation, ſhall, from and after ſuch Election, be, to all Intents and Purpoſes, a Governor of the ſaid Corporation, as fully and effectually as if the Name or Names of ſuch Perſon and Perſons was or were inſerted and included in this Act.

Indenture to be One ſingle Stampt Piece of Paper or Parchment.

Boys Age to be mentioned.

XIV. And be it enacted by the Authority aforeſaid, That every Indenture whereby any Child or Children reſpectively ſhall, from and after the Twenty-fifth Day of June, One thouſand ſeven hundred and ſeventy-two, be bound an Apprentice or Apprentices, or otherwiſe placed out by the ſaid Corporation, ſhall be good and valid to all Intents and Purpoſes, although the ſame be not ſtamped with any other Stamp than a ſingle Sixpenny Stamp; and that the Age of every ſuch Child or Children ſhall be mentioned in their Indentures, which Age ſhall be taken to be their true Age, ſo far as regards this preſent Act, or any Matter or Thing herein contained, without any further Proof thereof; any Law, Cuſtom, or Uſage, to the Contrary thereof in any-wiſe notwithſtanding.

No ſuch Apprentice, or Servant, to be impreſſed, &c. until 18 Years old.

XV. And be it further enacted by the Authority aforeſaid, That no ſuch Apprentice or Apprentices, Servant or Servants, ſo to be bound or placed out as aforeſaid, ſhall be impreſſed into His Majeſty's Service at Sea, or into the Sea Service of His Majeſty's Heirs or Succeſſors, until ſuch Apprentice or Apprentices, Servant or Servants reſpectively, ſhall arrive to the Age of Eighteen Years.

Perſons ſerving ſuch Apprenticeſhips may exerciſe Trades.

XVI. And be it further enacted by the Authority aforeſaid, That all ſuch Perſon and Perſons as ſhall be bound out an Apprentice or Apprentices to the Sea Service, and ſhall ſerve out their reſpective Apprenticeſhips, not being for a leſs Time than Four Years, may ſet up and exerciſe ſuch Trade or Buſineſs as they are apt and able for, in any Town or Place within the Kingdoms of Great Britain or Ireland, without any Let, Suit, or Moleſtation, of any Perſon or Perſons whomſoever, for or by reaſon of the uſing of ſuch Trade or Buſineſs: And if any ſuch Perſon or Perſons who ſhall have been ſo bound as aforeſaid, and ſhall have ſerved out their reſpective Apprenticeſhips, as aforeſaid, ſhall be ſued, impleaded, or indicted, in any Court whatſoever within the ſaid Kingdoms, or either of them, for uſing or exerciſing any ſuch Trade or Buſineſs as aforeſaid, then ſuch Perſon or Perſons who ſhall have been ſo bound as aforeſaid, and ſhall have ſerved out their reſpective Apprenticeſhips, as aforeſaid, making it appear to the ſame Court where they are reſpectively ſo ſued, impleaded, or indicted, that they reſpectively have been ſo bound as aforeſaid, and have ſerved out their reſpective Apprenticeſhips as aforeſaid, ſhall, upon the General Iſſue pleaded, be found not guilty in any Plaint, Bill, Information, or Indictment, exhibited againſt them reſpectively; and ſuch Perſons reſpectively, as, notwithſtanding this Act, ſhall proſecute their ſaid Suit by Bill, Plaint, Information, or Indictment, and ſhall have a Verdict paſs againſt them reſpectively, or become nonſuit therein, or diſcontinue the ſaid Suit, ſhall pay unto ſuch Perſon or Perſons reſpectively who ſhall have been ſo bound as aforeſaid, and ſhall have ſerved out their reſpective Apprenticeſhips as aforeſaid, and ſhall be ſo ſued, impleaded, or indicted, Double Coſts of Suit; to be recovered as any other Coſts at common Law may be recovered; and all Judges and Jurors before whom any ſuch Suit, Information, or Indictment, ſhall be brought, and all other Perſons whomſoever, are to take Notice of this preſent Act, and ſhall conform themſelves thereunto, any Statute, Law, Ordinance, Cuſtom, or Proviſion, to the Contrary in any-wiſe notwithſtanding.

Privileges of *Oxford* and *Cambridge* preſerved.

XVII. Provided always, That this Act ſhall not in any-wiſe be prejudicial to the Privileges of the Univerſities of Cambridge and Oxford, or either of them, or extend to give Liberty to any Perſon to ſet up the Trade of a Vintner, or to ſell any Wine, or other Liquors, within the ſaid Univerſities, or either of them, without Licence firſt had and obtained from the Vice Chancellors of the ſame reſpectively.

Juſtices to determine Complaints between Maſters and Apprentices.

XVIII. And be it further enacted by the Authority aforeſaid, That Two or more Juſtices of the Peace, in their reſpective Counties, and dwelling in or near any of the Ports aforeſaid, and all Mayors, Aldermen, Bailiffs, and other Chief Officers and Magiſtrates of any City, Borough, or Town Corporate, in or near adjoining to ſuch Port or Ports to which any ſuch Ship or Veſſel aforeſaid, having any ſuch Apprentice or Servant on Board, ſhall at any Time arrive, ſhall have full Power and Authority, and are hereby authoriſed and impowered to inquire into and examine, hear and determine, all Complaints of hard and ill Uſage from the ſeveral and reſpective Maſters to ſuch their Apprentice and Apprentices, Servant and Servants, ſo to be bound and placed as aforeſaid, and reſpectively to make ſuch Orders therein as now they are, and hereafter may be enabled, by Law to do, in other Caſes between Maſters and Apprentices, or Servants, in this Act.

The Society to recover the Money bequeathed by Mr. *Hickes*'s Teſtament.

XIX. And whereas, under and by virtue of the Laſt Will and Teſtament of *William Hickes*, late a Member of the Company of Merchants Adventurers of *England*, reſiding in the City of *Hamburgh*, and of a Decree or Decretal Order of the High Court of Chancery of *Great Britain*, bearing Date the Twenty-third Day of *June*, One thouſand ſeven hundred and ſeventy, made in a certain Cauſe, wherein His Majeſty's Attorney General, at the Relation of the ſaid *John Thornton* Eſquire, on the Behalf of himſelf and the other Members of the ſaid *Marine Society*; and alſo the ſaid other Members and Informants and Plaintiffs, and *Charles Johnſtone* and others are Defendants; the ſaid Society is intitled to Eleven full and equal Twentieth Parts (the Whole into Twenty equal Parts to be divided) of the Sum of Twenty thouſand Pounds, in caſe the Eſtate and Effects of the ſaid *William Hickes* will extend to pay the ſame: And whereas, in reſpect of what the ſaid Society are ſo intitled unto, there is now ſtanding in the Books of the Governor and Company of the Bank of *England*, in the Name of the Accomptant General of the ſaid Court of Chancery, and to the Credit of the ſaid Cauſe, in Truſt for ſaid *Marine Society*, the Sum of Five thouſand five hundred and ſeventy-one Pounds, Twelve Shillings and Four-pence, Bank Three *per Centum*, Conſolidated Annuities, the Dividends of which are applied to effect the charitable Deſigns of the ſaid Society, purſuant to the ſaid Will and Decree: Now, it is hereby enacted and declared by the Authority aforeſaid, That the ſaid Sum of Five thouſand five hundred and ſeventy-one Pounds, Twelve Shillings and Four-pence, Bank Three per Centum Conſolidated Annuities, and all and every Sum and Sums of Money to which the ſaid Marine Society is or may be intitled, under, or by virtue of the ſaid Will and Decree or Decretal Order, together with the Intereſt, Dividends, and Produce thereof, ſhall be, and is and are hereby fully and abſolutely veſted in the ſaid hereby-erected Corporation; and that the ſaid Corporation, at any General Court or Courts, to be held in purſuance of this Act, ſhall have, and the ſame is hereby veſted with, full Power and Authority, from Time to Time, to apply and diſpoſe thereof, and of every or any Part thereof, to and for the charitable Purpoſes of the ſaid Corporation, purſuant to the Will of the ſaid William Hickes.

Limitation of Actions.

General Iſſue.

Double Coſts.

XX. And be it further enacted, That if any Action ſhall be brought, or Suit commenced, againſt any Perſon or Perſons for any Thing done in purſuance of this Act, or in relation to the Premiſes, or any of them, every ſuch Action or Suit ſhall be laid or brought within Six Months next after, in the County or Place where the Fact was done, and not elſewhere; and the Defendant or Defendants, in ſuch Action, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance, and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall not be brought within the Time before limited, or ſhall be brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuit, or ſuffer a Diſcontinuance of his, her, or their Action or Actions; or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs; the ſaid Defendant ſhall have Double Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant or Defendants hath or have for Coſts in other Caſes by Law.

Publick Act.

XXI. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others, without ſpecially pleading the ſame.

CAP. LXVIII.

An Act for the better Relief and Employment of the Poor within that Part of the Pariſh of *Saint Sepulchre*, which is in the County of *Middleſex*; and for paving, cleanſing, lighting, watching, and regulating the Squares, Streets, Lanes, Alleys, Courts, Yards, and open Paſſages and Places, within the ſame; and for removing Annoyances therefrom; and for making the Communication between *Charter-houſe Square* and *Saint John Street*, through *Charter-houſe Lane*, more convenient.

Preamble.

WHEREAS the Poor of that Part of the Pariſh of *Saint Sepulchre* which lieth in the County of *Middleſex* are become very numerous, and are maintained and ſupported at a very great Expence: And whereas the giving proper Powers for the governing, regulating, employing, and maintaining, the ſaid Poor, would be a Means of their being more effectually relieved and provided for, and be of great Eaſe and Convenience to the Pariſhioners: And whereas the Squares, Streets, Lanes, Alleys, Courts, Yards, and open Paſſages and Places, within that Part of the ſaid Pariſh, are not properly paved, nor ſufficiently cleanſed, lighted, or watched; and ſeveral of the Houſes in ſome of the ſaid Streets or Places are frequently annoyed by Water, for want of proper Sewers or Drains, and it would tend greatly to the Safety, Preſervation, and Benefit, of the Inhabitants of that Part of the ſaid Pariſh, and all other Perſons having Occaſion to reſort thereto, if the ſame were properly paved, cleanſed, drained, and lighted, and the Obſtructions and Annoyances removed therefrom, and an able Watch kept therein in the Night-time: And whereas the Paſſage leading from *Charter-houſe Square* to *Saint John's Street*, known by the Name of *Charter-houſe Lane*, is very narrow and incommodious to Paſſengers, and the widening thereof would be a great Advantage thereto, and to all Perſons paſſing through the ſame; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, the Vicar of the ſaid Pariſh Church, and the Churchwardens and Overſeers of the Poor for the Time being, of that Part of the ſaid Pariſh which lieth in the County of Middleſex, and all other Inhabitants of the ſaid Part of the ſaid Pariſh, who ſhall rent a Meſſuage, Lands, or Tenements, of Ten Pounds a Year, or upwards, therein, and none others, ſhall be Veſtrymen of the ſaid Part of the ſaid Pariſh for the Time being; and the ſaid Veſtrymen are hereby authoriſed and required to aſſemble and meet together in the Veſtry-room belonging to the ſaid Part of the ſaid Pariſh, for the Firſt Time, on the Second Tueſday after the paſſing of this Act, and afterwards annually on Eaſter Tueſday, or within Ten Days after, and they, being Twelve in Number at the leaſt, the major Part of them then preſent ſhall then and there make out a Liſt of Eight fit and proper Perſons, being Veſtrymen, and inhabiting within the ſaid Part of the ſaid Pariſh, to be Overſeers of the Poor there, which Liſt ſhall be returned to any Two or more Juſtices of the Peace for the County of Middleſex, at a Petty Seſſions to be held for that Purpoſe; and publick Notice ſhall be given in the Pariſh Church on the Sunday next preceding the holding of ſuch Petty Seſſions, of the Time and Place of holding the ſame; and out of which Liſt the Juſtices of the Peace, or the major Part of them then preſent, ſhall nominate and appoint Four Perſons to be Overſeers of the Poor for the ſaid Part of the ſaid Pariſh, for the Year then next enſuing; and in caſe ſuch Petty Seſſions ſhall not be held within Fourteen Days after ſuch Liſt ſhall have been ſo made out as aforeſaid, or the Juſtices at ſuch Petty Seſſions ſhall neglect or refuſe to act in the Premiſes, then the ſaid Veſtrymen ſhall make ſuch Nomination and Appointment as aforeſaid.

A Liſt of Eight Veſtrymen to be made out by the Veſtrymen,

and returned to a Petty Seſſions, out of whom Juſtices are to appoint Four Overſeers.

Veſtrymen to aſcertain the Money to be raiſed for the Relief of the Poor;

II. And be it further enacted by the Authority aforeſaid, That at the ſaid Firſt Meeting of Veſtrymen, or at their future Annual or other Meetings, appointed as aforeſaid, or at any other Meeting or Meetings which they ſhall think proper to hold for the following Purpoſes; of all which reſpective Meetings Eight Days Notice ſhall be given, on a Sunday, in the Pariſh Church; the ſaid Veſtrymen, or the major Part of them, ſo aſſembled, ſuch major Part not being leſs than Nine, ſhall, and they are hereby required, then and there, and from Time to Time, to ſettle and aſcertain what Monies ſhall be aſſeſſed within the Limits of that Part of the ſaid Pariſh, for the Relief and Employment of the Poor therein, and for carrying this Act into Execution, with relation thereto: And, at ſome Meeting, to be held within Fourteen Days after ſuch Monies ſhall have been ſo aſcertained, the ſaid Veſtrymen, or the major Part of them, ſo met, ſuch major Part not being leſs than Seven, ſhall and are hereby required to make One general equal Pound-rate, for the Relief and Employment of the Poor in the ſaid Part of the ſaid Pariſh, upon all and every Perſon or Perſons who do and ſhall inhabit, hold, occupy, or enjoy, any Land, Houſe, Shop, Warehouſe, Coach-houſe, Stable, or any other Building, Tenement, or Hereditament, within that Part of the ſaid Pariſh, and on every other Perſon who by Law is chargeable and aſſeſſable for and towards the Relief of the Poor within that Part of the ſaid Pariſh; all which Rates ſhall be entered in a Book or Books, to be provided for that Purpoſe, wherein there ſhall be Four diſtinct Columns for the Four Quarters of the Year, and a Fifth for the Sum Total of the ſaid Four Quarters, over againſt the Name of every Perſon charged to the ſaid Rate, for the more eaſy Collection thereof; which ſaid Rate, together with all Arrears then due, ſhall be collected Quarterly from the ſaid Inhabitants and Occupiers by the Overſeers of the Poor for the ſaid Part of the ſaid Pariſh for the Time being; and in caſe of any

and within 14 Days after to meet again; and to make One general Pound-rate for that Purpoſe.

Deficiency, the ſame ſhall be made good by a Reaſſeſſment, to be rated and collected in Manner as herein directed.

Notice to be given of the Rates, and of the Time and Place of hearing Appeals.

III. And be it enacted by the Authority aforeſaid, That when any ſuch Rate ſhall have been ſo made, Notice thereof, and alſo of the Time and Place for hearing Appeals, ſhall be given in the ſaid Pariſh Church on the Sunday next after the making thereof; and in caſe any Perſon or Perſons ſhall think him, her, or themſelves, aggrieved by ſuch Rate, he, ſhe, or they, may, upon the Day expreſſed in ſuch Notice, appeal therefrom to Two or more Juſtices of the Peace reſiding in the County of Middleſex aforeſaid; and ſuch Juſtices are hereby impowered and required to hear every ſuch Appeal, and to determine the ſame, in ſuch Manner as to them ſhall ſeem juſt.

Perſons diſſatisfied with the Determination of the Juſtices, may appeal to the Quarter Seſſions.

IV. Provided nevertheleſs, That if any Perſon or Perſons ſhall be diſſatisfied with the Determination of ſuch Juſtices, it ſhall be lawful for him, her, or them, upon giving Notice to ſuch Juſtices within Six Days then next following, to appeal from ſuch Determination to the then next General or Quarter Seſſions of the Peace to be holden for the ſaid County of Middleſex; and the Juſtices, at their ſaid General or Quarter Seſſions, ſhall make ſuch Order therein as to them ſhall ſeem meet.

Where Houſes are let in ſeparate Apartments, the Landlord to be charged to with the Rate.

V. And whereas there are divers Houſes within the ſaid Part of the ſaid Pariſh which are let in ſeparate Apartments, and other Houſes let ready-furniſhed to Lodgers, and others let to the poorer Sort of People, at Rents under Ten Pounds a Year, whereby the Payment of the ſaid Rate may be evaded; for Remedy whereof, be it further enacted by the Authority aforeſaid, That every Perſon, whether Landlord or Tenant, who ſhall let out his or her Houſe or Houſes in ſeparate Apartments, or ready-furniſhed, to a Lodger or Lodgers, or under the Rent of Ten Pounds a Year, ſhall be deemed and taken to be the Occupier or Occupiers of ſuch Houſe or Houſes, and may be rated and aſſeſſed accordingly, and ſhall be liable and ſubject to the Payment of the Sum ſo rated or aſſeſſed.

The Occupier is to pay the Rate, and deduct it out of the Rent.

VI. And, for the more eaſy Recovery of the ſaid Rate, be it further enacted by the Authority aforeſaid, That each and every Perſon and Perſons, ſo renting or occupying any ſeparate Apartment in ſuch Houſe or Houſes, or renting or occupying any ready-furniſhed Houſe, or any Houſe under the Rent of Ten Pounds a Year, ſhall be liable and compellable to the Payment of the ſame, to be recovered in Manner herein-after directed; and all and every ſuch Occupier, who ſhall pay ſuch Rate, or from whom the ſame ſhall be recovered, in the Manner herein-after directed, ſhall and may deduct the ſame from and out of the next Rent due and payable from him or her to the reſpective Landlord or Owner; and the Receipt for ſuch Payment ſhall be a ſufficient Diſcharge for ſo much Money as he or ſhe ſhall have ſo paid, or as ſhall have been levied on his or her Goods and Chattels, in purſuance of this Act.

No other Poor's Rate to be made.

VII. Provided always, That no Rate ſhall be made for the Relief or Employment of the Poor within the ſaid Part of the ſaid Pariſh other than is in and by this Act directed and authoriſed.

Landlords not to be aſſeſſed for increaſed Rents on that Account.

VIII. Provided alſo, That no ſuch Landlord or Owner ſhall be charged with or liable to pay for any increaſed Rent reſerved or made payable to him for or on account of his paying ſuch Poor's Rates.

Rates may be levied by Diſtreſs.

IX. And for the better and more effectual raiſing and recovering the Rates directed to be made by this Act, for the Purpoſes of the Poor, be it further enacted by the Authority aforeſaid, That in caſe any of the Inhabitants, Occupiers, Leſſees, or Owners of any ſuch Lands, Houſes, Shops, Warehouſes, Coach-houſes, Stables, or other Buildings, Tenements, or Hereditaments, within the ſaid Part of the ſaid Pariſh of Saint Sepulchre, ſhall refuſe or neglect to pay the Money rated and aſſeſſed upon him, her, or them reſpectively, and all Arrears thereof, it ſhall be lawful for the Overſeer or Overſeers of the Poor, by Warrant under the Hand and Seal, or Hands and Seals, of One or more of His Majeſty's Juſtices of the Peace for the ſaid County of Middleſex, (which Warrant the ſaid Juſtice or Juſtices is and are hereby authoriſed and required to grant, in any Place within the ſaid County, or out of the Limits thereof, ſuch Warrant being firſt backed or counterſigned by ſome Magiſtrate in the County, City, or Liberty, where the Rate is to be recovered, which Warrant ſuch Magiſtrate is hereby required to back or counterſign without Fee or Reward), to collect and levy ſuch Rates, and all Arrears due thereon, by Diſtreſs of the Goods and Chattels of the Party ſo neglecting or refuſing to pay the ſame, whereſoever the ſame ſhall or may be found; and if within Four Days next after ſuch Diſtreſs ſhall be made, the ſaid reſpective Rates, and all Arrears due thereon, ſhall not be paid, together with the reaſonable Charges of taking and keeping the ſame, the ſaid Overſeer or Overſeers ſhall cauſe the Goods and Chattels to be ſold, or ſuch Part thereof as ſhall be ſufficient to pay the ſaid Rates, together with all Arrears due thereon, and the reaſonable Charges of making ſuch Diſtreſs and Sale, rendering the Overplus, and the Goods and Chattels remaining, (if any be) unto the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained, and ſold.

Majority of Veſtrymen at publick Meetings to act.

X. And be it further enacted and declared by the Authority aforeſaid, That no Act, Order, or Determination, of the ſaid Veſtrymen ſhall be valid, unleſs done or made at a publick Meeting to be held by virtue of this Act, in the Workhouſe, or ſome other Place within the ſaid Part of the ſaid Pariſh, to be from Time to Time appointed by the ſaid Veſtrymen; at which Meetings all the Powers and Authorities by this Act veſted in ſuch Veſtrymen ſhall and may, from Time to Time, be exerciſed by the major Part of them who ſhall attend any ſuch Meeting, the Number of ſuch Veſtrymen preſent not being leſs than Five, (except where a greater Number is declared neceſſary by this Act); and all the Orders and Proceedings of the major Part of ſuch Veſtrymen, preſent at ſuch publick Meetings, ſhall have the ſame Force and Effect as if done or made by all ſuch Veſtrymen for the Time being; and all Veſtrymen ſhall, at all their Meetings, defray their own Expences.

Veſtry to make Bye-laws for Government of the Poor,

XI. And be it further enacted by the Authority aforeſaid, That the ſaid Veſtrymen ſhall and may, from Time to Time, make ſuch Rules, Orders, and Regulations, for the better Diſpoſition of ſuch Monies as ſhall be raiſed and received for the Relief of the Poor of that Part of the ſaid Pariſh, and for the better maintaining, governing, employing, and regulating ſuch Poor, as to them the ſaid Veſtrymen ſhall appear neceſſary or expedient; but no ſuch Rules, Orders, or Regulations, ſhall be in Force until confirmed by the ſaid Veſtrymen at a ſubſequent Meeting, or the major Part of them who ſhall ſo aſſemble, ſuch major Part not being leſs than Seven; and if at any Time any ſuch Rules, Orders, and Regulations, when made and confirmed, ſhall be repealed or altered by the ſaid Veſtrymen, ſuch Repeal or Alteration ſhall not be valid or take Place until approved and confirmed by the Majority of Veſtrymen at a ſubſequent Meeting to be held for that Purpoſe, ſuch Majority not being leſs than Nine.

which are not to be in Force till confirmed. Not to be altered afterwards but in Veſtry, &c.

XII. Provided always, That no ſuch Rules, Orders, and Regulations, ſhall be repugnant to the Laws of this Realm.

Proviſo.

XIII. And be it further enacted by the Authority aforeſaid, That the ſaid Veſtrymen ſhall, and are hereby impowered to keep, maintain, and employ, all ſuch Poor of that Part of the ſaid Pariſh in any Workhouſe or Workhouſes erected, or to be erected, in that Part of the ſaid Pariſh; and to take the Benefit of the Work, Labour, and Service, of every ſuch Perſon or Perſons who ſhall be kept and maintained in ſuch Houſe or Houſes, to be applied towards the Relief and Maintenance of the Poor of that Part of the ſaid Pariſh: And the ſaid Veſtrymen, or any Seven or more of them, are hereby impowered to purchaſe, or contract and agree, from Time to Time, as they ſhall think fit, with any Perſon or Perſons, for all Proviſions, Neceſſaries, and Materials, of what Kind ſoever, which ſhall be uſed or brought into the ſaid Workhouſe, or for the lodging, keeping, maintaining, or employing, all or any ſuch Poor.

Veſtrymen may employ the Poor, and apply the Profits in Aid of the Rates, and contract for Proviſions, &c. or for their Keeping and Work.

XIV. And be it further enacted by the Authority aforeſaid, That the Overſeer or Overſeers of the Poor for the Time being of the ſaid Part of the ſaid Pariſh is and are hereby authoriſed and required, from Time to Time, to diſburſe and pay, out of the Monies to be raiſed and collected by Authority of this Act, all ſuch Sum and Sums of Money as ſhall be neceſſary for the Purpoſes aforeſaid, or which ſhall become due or payable upon ſuch Contracts or Agreements; which Sum or Sums, ſo paid, ſhall be allowed him or them in his or their Accounts reſpectively.

Overſeers of the Poor ſhall pay what ſhall become due on ſuch Contracts.

XV. And whereas many Perſons, maintained in publick Workhouſes, refuſe to work, or are guilty of prophane Curſing and Swearing, Drunkenneſs, or other Miſbehaviour, and by the Laws now in being no Puniſhment can be inflicted upon them without committing them to the Houſe of Correction or common Gaol, which Commitments have not been found to anſwer the Purpoſe thereby intended; be it therefore further enacted by the Authority aforeſaid, That if any poor Perſon, maintained in any Workhouſe or Workhouſes belonging to that Part of the ſaid Pariſh ſhall embezzle or purloin any Part of the Apparel provided for the Poor, or of the Goods or Proviſions provided for or belonging to the ſaid Workhouſe or Workhouſes, or any Materials for Work, or be guilty of prophane Curſing, Swearing, Drunkenneſs, or of any lewd, immoral, or indecent Behaviour, or refuſe or neglect to perform the Work or Service which he or ſhe ſhall be required to do, or ſhall be remiſs therein, it ſhall be lawful for the ſaid Veſtrymen to cauſe ſuch Perſon or Perſons ſo offending to be puniſhed in ſuch Workhouſe, either by moderate Correction, Confinement, diſtinguiſhing in Dreſs, or ſuch other Method as may beſt tend to remedy ſuch Offences for the future, without committing ſuch Offenders to the Houſe of Correction or other Priſon; any Law, Statute, or Uſage, to the Contrary notwithſtanding.

Veſtrymen to puniſh the Poor who are idle, &c.

XVI. And whereas divers Children, deſerted by their Parents, are frequently wandering and begging, and not able to give any Account of themſelves, or the Place of their legal Settlement, which Children, if properly employed and inured to a Habit of Induſtry, might be furniſhed with Means for their future Maintenance, and inſtead of being a Nuiſance, be rendered uſeful to the Publick; be it therefore further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Veſtrymen, or any One or more of them, to cauſe ſuch Child or Children as he or they ſhall judge to be under the Age of Twelve Years, who ſhall be found wandering or begging in the ſaid Part of the ſaid Pariſh, to be taken and ſent to any of the Workhouſes belonging to the ſaid Part of the ſaid Pariſh, there to be detained and employed until he or ſhe ſhall attain, (or in caſe his or her Age cannot be aſcertained), until he or ſhe ſhall be adjudged by the ſaid Veſtrymen to have attained the Age of Twenty-one Years, or be married, unleſs ſooner diſcharged by the ſaid Veſtrymen, or by due Courſe of Law; and it ſhall alſo be lawful for the ſaid Veſtrymen, or any One or more of them, to cauſe ſuch Perſon or Perſons as ſhall be found wandering or begging, or miſbehaving themſelves in the ſaid Part of the ſaid Pariſh, to be ſent to the Workhouſe, there to be detained and employed for ſo long Time as the ſaid Veſtrymen ſhall think proper, or until they ſhall be diſcharged by due Courſe of Law; and in caſe of any Miſbehaviour of any ſuch Perſon or Perſons ſo ſent as aforeſaid, it ſhall be lawful to puniſh ſuch Offenders in Manner herein-before mentioned, with reſpect to the Poor within the ſaid Workhouſe.

All Children found begging to be taken up, and kept until of Age, or till married; and Perſons, till diſcharged by Law; and puniſhed for Miſbehaviour.

XVII. And be it further enacted by the Authority aforeſaid, That the ſeveral Laws relating to the Overſeers of the Poor, and for the Relief and providing for the Poor, ſhall continue in Force within the ſaid Part of the ſaid Pariſh of Saint Sepulchre, except where the ſame are altered by this preſent Act; any Thing in this Act contained to the Contrary notwithſtanding.

Laws to be in Force, where not altered by this Act.

XVIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall knowingly buy or receive into Pawn any of the Clothes or Wearing Apparel of any of the Poor who ſhall hereafter be received into and maintained in ſuch Workhouſe; or who ſhall knowingly buy or receive into Pawn any of the Goods or Materials carried into the ſaid Workhouſe, or any other Houſe or Place, in order to be wrought up, manufactured, or uſed by the Poor of the ſaid Part of the ſaid Pariſh, or any of the Goods and Furniture of the ſaid Workhouſe, the Perſon or Perſons ſo offending, and being thereof convicted, by his, her, or their own Confeſſion, or by the Oath of any One or more credible Witneſs or Witneſſes, before any Juſtice or Juſtices of the

Perſons buying or taking in Pawn Clothes or Materials, to forfeit 40s.

to be levied by Diſtreſs.

For want of Diſtreſs, to be committed.

Peace for the ſaid County of Middleſex, (which Oath ſuch Juſtice or Juſtices is and are hereby authoriſed and required to adminiſter), ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof ſhall go to the Informer, and the other Moiety to the Uſe of the Poor: And if any Offender ſhall not, upon ſuch Conviction, pay the ſame, the ſaid Juſtice or Juſtices ſhall cauſe the Money ſo forfeited, by Warrant under his or their Hand and Seal, or Hands and Seals, to be levied by Diſtreſs and Sale of the Offenders Goods and Chattels, and the Overplus, (if any), after ſuch Forfeiture, and Charges of the Diſtreſs and Sale, are deducted and paid, ſhall be returned, upon Demand, to the Owners of ſuch Goods and Chattels; and in caſe ſufficient Diſtreſs cannot be found, it ſhall be lawful for ſuch Juſtice or Juſtices, and he or they is and are hereby authoriſed and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Offender or Offenders to be committed to the Houſe of Correction for the County of Middleſex, there to be kept to hard Labour for any Time not exceeding One Month, unleſs ſuch Forfeiture, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Accounts to be entered in Books,

and to be inſpected without Fee.

XIX. And be it further enacted by the Authority aforeſaid, That an Account of the total Sums aſſeſſed, collected, and received, within the ſaid Part of the ſaid Pariſh for the Purpoſes of the Poor, and of all Monies paid and diſburſed for all or any of thoſe Purpoſes, ſhall be fairly entered in a Book or Books, to be provided for that Purpoſe by the Veſtry Clerk of the ſaid Pariſh for the Time being, or ſuch other Perſon as the ſaid Veſtrymen ſhall appoint; and, on or before the Fifteenth Day of June yearly, ſhall be examined, adjuſted, and ſigned, at a Meeting of the Veſtry duly aſſembled, or a Committee appointed by the Veſtry for that Purpoſe, the Perſon or Perſons paſſing ſuch Accounts being previouſly ſworn to the Truth of his or their Accounts; which ſaid Book or Books, and Accounts, ſhall be lodged in ſuch proper Place as ſhall be appointed by the ſaid Veſtrymen, under the Care of the ſaid Veſtry Clerk, or ſuch other Perſon as aforeſaid; and all which Books, and alſo the Book or Books containing the Rates hereinbefore authoriſed to be made, ſhall and may at all ſeaſonable Times be inſpected and peruſed by any of the Inhabitants of the ſaid Part of the ſaid Pariſh who ſhall deſire the ſame, without Fee or Reward.

Commiſſioners Names.

XX. And be it further enacted by the Authority aforeſaid, That John Morſe, Philip Jackſon, Thomas Barclay, John William Anderſon, Joſeph Barr, John Harriſon, Eſquires; the Reverend Edward Pickard, Thomas Roberts, William Stagg, Samuel Hawkins, Joſeph Smith, Richard Smith, William Lilley, William Loveday, George Fillingham, Benjamin Ollive, George Stow, Thomas Hurford, Paul Cauldwell, William Donkley, William Pardoe Allat, John Steele, James Lucas, Matthew Boyle, Pierce Hall, Joſeph Nightingale, Richard Ivory, William Beſt, Joſeph Clark, Bernard Bedwell, John Yates, Thomas Milward, William Hilliker, Apſley Pallet, John Watſon, Edward Gueſt, William Hudſon, Eardley Norton, Henry Hurford, John Clay, James Draper, John Williams, John Scollough, John Willſhire, Edward Broughton, Thomas Bickerdyke, Joſeph Loft, John Blower, James Townſend, Samuel Ware, David Dean, and Matthew Robinſon, together with the Maſter, Regiſter, Receiver, Phyſician, and Schoolmaſter, of the Charterhouſe, ſhall be, and be called Commiſſioners for paving, repairing, cleanſing, draining, lighting, and watching, that Part of the ſaid Pariſh of *Saint Sepulchre*, that is and lieth in the County of *Middleſex*, and for removing Obſtructions and Annoyances therefrom, and preventing the like for the future; and for widening the Lane called *Charter-houſe Lane*; and for the other Purpoſes of this Act, ſave and except ſo much thereof as relates to the governing, regulating, employing, and maintaining, the Poor of the ſaid Part of the ſaid Pariſh.

Commiſſioners, how to be elected.

XXI. And be it further enacted by the Authority aforeſaid, That as often as any Commiſſioner by this Act appointed, (except ſuch as are Commiſſioners by virtue of their Offices), or to be elected, ſhall die, remove out of the ſaid Part of the ſaid Pariſh, or ſhall neglect to act for the Space of Two Years, it ſhall be lawful for the ſurviving or remaining Commiſſioners, or any Five or more of them, by Writing under their Hands and Seals, to elect and appoint One other Perſon to be a Commiſſioner in the Room of the Commiſſioner ſo dying, removing, or neglecting to act; but Notice in Writing, or printed, and ſigned by the Clerk or Clerks, ſhall be given to or left for ſuch Commiſſioners, at their laſt or uſual Place of Abode, One Day at leaſt before ſuch Election; and all Perſons who ſhall be ſo elected and appointed, (being qualified as herein-after mentioned), are hereby veſted with the ſame Powers and Authorities as any Commiſſioner or Commiſſioners hereby appointed is or are veſted with.

Qualifications of Commiſſioners.

Penalty on acting if not qualified.

XXII. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be, in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents, Iſſues, or Profits, of Freehold Lands, Tenements, or Hereditaments, of the clear yearly Value of Twenty Pounds; or ſhall be Heir-apparent to ſome Perſon having ſuch Eſtate, of the clear yearly Value of One hundred Pounds; or ſhall be poſſeſſed of, or intitled unto, a Perſonal Eſtate, to the Amount or Value of One thouſand Pounds: And if any Perſon not being ſo qualified ſhall preſume to act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof given of his having acted as a Commiſſioner in the Execution of this Act.

Proviſo.

XXIII. Provided always, and be it enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, during the Time he ſhall hold any Place of Profit, or enter into any Contract, or have any Share or Intereſt in any Contract, relating to the Execution of any of the Powers of this Act; but ſuch Commiſſioners as are Juſtices of the Peace for the County of Middleſex may nevertheleſs act as Juſtices in the Execution of this Act, except in ſuch Caſes where they ſhall be perſonally intereſted; and in all Caſes where Cognizance is given by this Act to any Juſtice or Juſtices of the Peace, it ſhall be lawful for ſuch Juſtice and Juſtices to adminiſter an Oath to any Perſon or Perſons, for more certain Information in the Matter depending; and in all Caſes where the Commiſſioners are hereby authoriſed or impowered to bring or inſtitute any Action or Actions at Law, the ſame ſhall and may be brought and inſtituted in the Name or Names of the Treaſurer or Treaſurers appointed by the ſaid Commiſſioners by virtue of this Act.

All Actions to be brought in the Name of the Treaſurer.

XXIV. And be it further enacted, That the ſaid Commiſſioners ſhall meet together in the Veſtry-room belonging to the ſaid Part of the ſaid Pariſh, on the Second Thurſday next after the paſſing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, and ſhall proceed to the Execution of this Act; and ſhall and may, then, and from Time to Time afterwards, adjourn themſelves, to meet at the Place aforeſaid, or at any other Place or Places within the ſaid Pariſh, as ſuch Commiſſioners ſhall think proper or convenient, for putting this Act in Execution; and of which Adjournment Notice in Writing, or printed, and ſigned by the Clerk or Clerks, ſhall be given to, or left for, ſuch Commiſſioners, at their laſt or uſual Place or Places of Abode, One Day at leaſt before ſuch intended Meeting: And if it ſhall happen that there ſhall not appear at any Meeting, which ſhall be appointed to be had or held by ſuch Commiſſioners, a ſufficient Number of ſuch Commiſſioners as are hereby appointed to conſtitute a Quorum to act at ſuch Meeting, and to adjourn to another Day; or in caſe the ſaid Commiſſioners, when aſſembled, ſhall omit, neglect, or refuſe to adjourn themſelves; then, and in any ſuch Caſe, the Clerk or Clerks of ſuch Commiſſioners for the Time being ſhall, and is and are hereby required to ſummon ſuch Commiſſioners to meet at the ſame Place within Ten Days, ſuch Summons to be ſigned by the Clerk or Clerks, and to be delivered at the laſt or uſual Place of Abode of ſuch Commiſſioners, at leaſt Two Days before ſuch Meeting; and in caſe the ſaid Clerk or Clerks ſhall happen to die before ſuch Summons iſſued, or ſhall neglect to iſſue ſuch Summons in Manner as aforeſaid, then the Treaſurer or Treaſurers for the Time being to ſuch Commiſſioners ſhall and may, and he or they is and are hereby required to iſſue ſuch Summons within Ten Days from the Time the ſaid Commiſſioners ought to have been ſummoned by the Clerk or Clerks, in Manner aforeſaid: And in caſe any Three or more of the ſaid Commiſſioners ſhall at any Time think it neceſſary that a Meeting of Commiſſioners ſhould be held before the Time appointed by virtue of any Adjournment, and ſhall ſignify the ſame in Writing to the Clerk or Treaſurer to the ſaid Commiſſioners for the Time being; then, and in every ſuch Caſe, the ſaid Clerk or Treaſurer ſhall, and is hereby required to ſummon the Commiſſioners appointed by this Act to meet at the Place where the laſt Meeting was held, on a Day to be mentioned in the Summons, not being leſs than Six Days from the Date thereof; and in every ſuch Summons, the particular Buſineſs intended to be done and tranſacted at ſuch Meeting ſhall be ſpecified, and which Buſineſs the ſaid Commiſſioners, or any Seven or more of them, preſent at ſuch Meeting, may do and tranſact; but any Buſineſs done and tranſacted at ſuch Meeting, other than what ſhall be ſpecified in ſuch Summons as aforeſaid, ſhall be, to all Intents and Purpoſes, void and of none Effect; and the Commiſſioners ſhall at all their Meetings pay their own Expences.

Firſt Meeting of Commiſſioners; who have Power to adjourn; and to call Meetings upon any Emergency. Commiſſioners to pay their own Expences.

XXV. Provided always, and it is hereby enacted and declared, That all the Powers and Authorities by this Act granted to or veſted in ſuch Commiſſioners, ſhall and may, from Time to Time, be exerciſed by the major Part of them who ſhall attend any Publick Meeting, to be holden as herein-before mentioned, the Number of ſuch Commiſſioners preſent at ſuch Publick Meetings not being leſs than Five, (except where a greater Number is declared neceſſary by this Act); and all the Orders and Proceedings of the major Part of ſuch Commiſſioners, preſent at ſuch Publick Meetings, ſhall have the ſame Force and Effect as if done or made by all ſuch Commiſſioners for the Time being.

Majority at publick Meetings to act.

XXVI. And be it further enacted by the Authority aforeſaid, That all the Acts, Orders, and Proceedings, of ſuch Commiſſioners, from Time to Time, ſhall be entered in a Book or Books, to be kept for that Purpoſe, and ſigned by the Chairman for the Time being at their next Meeting; and ſuch Orders ſhall then be deemed and taken to be original Orders, and ſuch Book or Books ſhall and may be produced, and read in Evidence, in all Courts whatſoever.

Proceedings to be entered in a Book, and may be read in Evidence.

XXVII. Provided always, and be it enacted by the Authority aforeſaid, That no Act of ſuch Commiſſioners ſhall be valid, unleſs done or made at ſome Meeting to be held in purſuance of this Act, and confirmed at the next ſubſequent Meeting.

No Act valid unleſs done at a publick Meeting.

XXVIII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall and may, by Writing under their Hands and Seals, from Time to Time, as they ſhall find it neceſſary, appoint a Treaſurer or Treaſurers, Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, and ſuch other Officer or Officers as they ſhall think proper, and ſhall take ſuch Security as they ſhall think proper, from ſuch Treaſurers, Clerks, Collectors, Surveyors, or other Officers, for the due and faithful Diſcharge of their reſpective Offices; and likewiſe may, from Time to Time, remove any or either of ſuch Officer or Officers, or other Perſon or Perſons, and appoint others in the Room of ſuch of them as ſhall be ſo removed, or that ſhall die; and the ſaid Commiſſioners ſhall and may, out of the Monies ariſing by virtue of this Act, for the Purpoſes herein-after mentioned, pay, or cauſe to be paid, ſuch Salaries, or other Allowances, as they ſhall judge reaſonable to be paid or made to the Officers or other Perſons ſo appointed, for and in conſideration of his and their Office and Offices reſpectively, and to ſuch other Perſon or Perſons as have been or ſhall be aiding and aſſiſting in and about the Execution of this Act, for any ſuch Purpoſes.

Commiſſioners to appoint Officers, and to pay their Salaries.

Officers taking larger Fees than allowed by Commiſſioners,

XXIX. And be it further enacted by the Authority aforeſaid, That if any Treaſurer, Clerk, Collector, Surveyor, or other Officer or Servant, which ſhall or may hereafter be appointed by the ſaid Commiſſioners in the Execution of this Act, or any Part thereof, ſhall exact, demand, take, or accept, any Fee or Reward whatſoever, other than ſuch Salaries and Rewards as ſhall be appointed, allowed, and approved of by ſuch Commiſſioners as aforeſaid, for or on account of any Thing done, or to be done, by virtue of this Act, or for forbearing to do any Thing ordered or directed by the Commiſſioners for putting this Act in Execution, or on any Account whatſoever relating to the Execution thereof, or ſhall any way be concerned or intereſted in any Bargain or Contract made, or to be made, by ſuch Commiſſioners, or any of them, for any of the Purpoſes intended by this Act; every Perſon ſo offending ſhall for ever be incapable of ſerving or being employed under the ſaid Commiſſioners, and over and above, forfeit and pay the Sum of One hundred Pounds, to any Perſon or Perſons who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, within Six Calendar Months next after the Offence committed, wherein no Protection, Eſſoin, or Wager of Law, or more than One Imparlance, ſhall be allowed.

to forfeit 100*l.*

Pavements veſted in the Commiſſioners, who may cauſe the Streets, &c. to be new paved.

XXX. And be it further enacted by the Authority aforeſaid, That the Property of all the preſent and future Pavements whatſoever, in all or any the Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, or any Part or Parts thereof, whether Foot or Carriage Way, within the ſaid Part of the ſaid Pariſh of Saint Sepulchre, which is and lieth in the County of Middleſex, ſhall be, and the ſame is hereby veſted in the Commiſſioners for putting this Act in Execution; and they may cauſe all or any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, or any Part or Parts thereof, whether Foot or Carriage Way, to be new paved or repaired, and for ſuch Purpoſes, may cauſe to be dug, carted, and carried out of, or brought into, the ſame, or any of them, or any Part or Parts thereof, ſuch Gravel, Stones, and other Materials, as they ſhall judge neceſſary; and may likewiſe cauſe the Ground thereof to be raiſed or lowered, the Courſe of the Gutters or Channels running in or through the ſame to be turned or altered, new Grates to the Common Sewers to be added or replaced, and in what Numbers or Places they ſhall think proper; and the Water-pipes which now lie, or hereafter ſhall be laid, under Ground, to be taken up, and new laid in ſuch Places, Manner, and Form, as they ſhall judge beſt; and may cauſe all or any Poſts or Rails, in ſuch Streets or Places within the Limits aforeſaid, as they ſhall judge uſeleſs, or to be a Nuiſance or Obſtruction either to Foot-paſſengers or to Carriages, to be taken up and removed; and likewiſe all Steps, Bulks, Stalls, Dung-holes, Saw-pits, Shew-glaſſes, and Shew-boards, encroaching upon the Foot-way; as alſo all Steps and Doors opening or leading from the Foot-way or Carriage-way into Vaults, Cellars, or other Places, to be removed, filled up, or altered, as they the ſaid Commiſſioners ſhall judge neceſſary.

Old Materials may be ſold.

XXXI. And be it further enacted by the Authority aforeſaid, That the Property of all Stones, Poſts, and all and every Part and Parts of the old Materials, which ſhall belong to the old Pavement, as well of the Carriage as of the Foot Ways, ſhall be veſted in the ſaid Commiſſioners; and it ſhall be lawful for them, or their Surveyor or Surveyors for the Time being, by their Order, to ſell and diſpoſe of the ſame, or of all or any Part or Parts thereof, to ſuch Perſon or Perſons who ſhall be willing to buy or purchaſe the ſame, and to apply the Purchaſe-money ariſing by ſuch Sale to the Purpoſes of this Act, under the Direction of the ſaid Commiſſioners.

Materials alſo may be made uſe of.

XXXII. Provided always, and it is hereby enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners to order all or any of the ſaid old Materials to be made uſe of in paving or repairing any Square, Street, Lane, Court, Yard, Alley, Paſſage, or Place, within the Limits aforeſaid; and the ſaid Commiſſioners may, from Time to Time, hire a Piece of Ground to convey, lay, and diſpoſe of, all or any of the ſaid old Materials as aforeſaid, for and until ſuch Time as they ſhall have Occaſion or judge it neceſſary to uſe the ſame.

Property of Poſts, &c. veſted in Commiſſioners.

XXXIII. And be it further enacted by the Authority aforeſaid, That the Property of the Stones, Poſts, Lamps, Timber, Furniture, and other Materials and Things, which ſhall be purchaſed, provided, or made uſe of, for the Purpoſes of this Act, ſhall be, and the ſame is hereby veſted in the ſaid Commiſſioners, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, or to prefer, or order and direct the preferring of, Indictments againſt any Perſon or Perſons who ſhall ſteal, take, or carry away, any or any Part of ſuch Materials or Things; and if any Perſon or Perſons ſhall wilfully or maliciouſly break up, deſtroy, or otherwiſe damage or ſpoil any of the ſaid Materials or Things, or any of the Works done in purſuance of this Act, or any Part or Parts thereof, every Perſon ſo offending therein, and being thereof convicted by the Oath of One or more Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace for the County of Middleſex, ſhall, for the Firſt Offence, forfeit any Sum not exceeding Forty Shillings, nor leſs than Ten Shillings; and for the Second, and every other Offence, any Sum not exceeding Three Pounds, nor leſs than Twenty Shillings; to be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made; which Forfeiture ſhall be applied to the Purpoſes of this Act, under the Direction of the Commiſſioners: And in caſe the Perſon or Perſons ſo offending, and convicted, ſhall have no Goods or Chattels whereupon the ſame can be levied; then, and in every ſuch Caſe reſpectively, it ſhall be lawful for ſuch Juſtice or Juſtices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Perſon and Perſons reſpectively to the Houſe of Correction, there to remain for any Space not exceeding Two Calendar Months, nor leſs than Ten Days, to be reckoned from the Day of ſuch Commitment; and the Perſon or Perſons ſo incurring, and

being

Penalties for offending,

may be levied and recovered by Diſtreſs and Sale.

For want of Diſtreſs Offender to be committed.

being convicted of any of the ſaid pecuniary Penalties, ſhall not be diſcharged until he, ſhe, or they, ſhall have paid the Sum forfeited as aforeſaid, or until the Expiration of the ſaid reſpective Times.

Commiſſioners to hire Ground for getting Gravel; and buy Materials, and hire Workmen.

XXXIV. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners to hire a Piece or Pieces of Ground for the Purpoſe of digging Gravel for the better paving the ſaid Streets, Squares, and Places, for ſuch Time, and for ſuch Sum and Sums of Money, as to them ſhall appear reaſonable; which Sum and Sums of Money ſhall be paid out of the Monies ariſing, or to ariſe, by virtue of this Act, under the Power of the ſaid Commiſſioners; and alſo to buy ſuch Carts, Horſes, Teams, or Carriages, as may be neceſſary for the Purpoſe of carting ſuch Gravel, or for paving and cleanſing the Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, or for any other Purpoſe directed by this Act; and ſhall and may buy ſuch other Materials, and hire, order, and direct, ſuch and ſo many Paviors, Artificers, Workmen, Labourers, Carters, and others, in the reſpective Works aforeſaid, as they ſhall judge neceſſary for the due Execution of ſuch Works, and make ſuch Regulations concerning the ſame as they in their Diſcretion ſhall think proper, any Law, Statute, or Uſage, to the Contrary thereof in anywiſe notwithſtanding; and no Perſon or Perſons, for any Act done in conſequence of his or their being ſo employed by Order of ſuch Commiſſioners, ſhall be ſubject or liable to any Action, Indictment, or Information, upon the Statute, made in the Fifth Year of Queen Elizabeth, intituled, An Act containing divers Orders for Artificers, Labourers, Servants of Huſbandry, or Apprentices.

Commiſſioners may contract for cleanſing, lighting, and paving

XXXV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Nine or more of them, may, and are hereby authoriſed and impowered, at any of their ſaid Meetings, to contract with any fit Perſon or Perſons for paving, keeping in Repair, cleanſing, and lighting, all or any of the ſaid Squares, Streets, Lanes, Courts, Alleys, Yards, Paſſages, or Places; which Contract and Contracts ſhall ſpecify the ſeveral Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſaid Works ſhall be completed, and the Penalties to be ſuffered in caſe of Nonperformance thereof, and ſhall be ſigned by the ſaid Commiſſioners, or any Nine or more of them, and alſo by the Perſon or Perſons contracting to perform ſuch Works reſpectively; which Contracts ſhall be entered in a Book or Books, to be kept for that Purpoſe, by the Clerk or Clerks to ſuch Commiſſioners; but, previous to the making of any ſuch Contract, Fourteen Days Notice at the leaſt ſhall be given in ſome publick Newſpaper, expreſſing the Intention of ſuch Contract, in order that any Perſon or Perſons, willing to undertake the ſame, may make Propoſals for that Purpoſe to the ſaid Commiſſioners, at a certain Time and Place in ſuch Notice to be mentioned.

Perſons carrying away Cinders, &c. to forfeit 5s.

XXXVI. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, other than the Scavenger contracting with or employed by the ſaid Commiſſioners, or thoſe employed under him, ſhall, without the Privity and Conſent of the Owner, carry away any Cinders or Aſhes from any Houſe or other Premiſes, in any Square, Street, or Place, within the Limits aforeſaid; ſuch Perſon or Perſons, ſo carrying away ſuch Cinders or Aſhes, ſhall forfeit a Sum not exceeding Five Shillings for every ſuch Offence.

Owners of Carts to pay 5s. for each Offence.

XXXVII. And it is hereby further enacted by the Authority aforeſaid, That in caſe the Perſon who ſhall carry away the Cinders or Aſhes without being properly authoriſed by the Scavenger cannot be apprehended, that then a like Penalty of Five Shillings ſhall be forfeited by the Owner of the Cart in which ſuch Cinders or Aſhes ſhall be placed, in order to be carried away.

Works to be inſpected by Surveyors.

XXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to cauſe all and every the Work done in purſuance of this Act to be inſpected by their Surveyor or Surveyors, or by ſuch other Perſon or Perſons as they ſhall, from Time to Time, appoint; and in caſe the ſame ſhall not be well and ſufficiently performed, according to the Intent and Meaning of ſuch Contract or Contracts, or ſhall not be finiſhed and completed at or within the Time or Times that the ſame is or are agreed to be completed by the ſaid Contractor or Contractors; the ſaid Surveyor or Surveyors, or other Perſon or Perſons, ſhall report the ſame to the ſaid Commiſſioners, at their next or any ſubſequent Meeting, who ſhall or may thereon bring an Action of Debt, in any of His Majeſty's Courts of Law at Weſtminſter, againſt any Perſon or Perſons ſo contracting and neglecting to perform any ſuch Contract or Contracts, and for any Penalty or Penalties which ſhall be contained in ſuch Contract or Contracts; and on Proof of the ſigning of the ſaid Contract or Contracts, and Nonperformance thereof, at the Time or Times for that Purpoſe therein mentioned, the ſaid Commiſſioners ſhall be intitled to, and ſhall recover ſuch Penalty or Penalties; which, when recovered, ſhall be applied for the Purpoſes of this Act, under the Direction of the Commiſſioners.

Commiſſioners may compound for Breach of Contract.

XXXIX. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, to compound and agree with any Perſon or Perſons againſt whom ſuch Commiſſioners ſhall bring, or cauſe to be brought, any Action or Actions, Suit or Suits, for any Penalty or Penalties contained in any Contract or Contracts, made or entered into in purſuance of this Act, on account of any Breach or Nonperformance of any ſuch Contract or Contracts, for ſuch Sum or Sums of Money as they ſhall think proper, ſo as the Sum ſo compounded and agreed upon be not leſs than the Injury or Damage ſuſtained by the Breach or Nonperformance of ſuch Contract or Contracts, and all Coſts, Charges, and Expences, which ſhall be occaſioned thereby.

Penalty on altering the Form of the Streets, &c. not exceeding 5l. nor leſs than 40s.

XL. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall alter, or cauſe to be altered, the Form of any of the Pavements in any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, which ſhall be new-paved by Order of ſuch Commiſſioners, or in anywiſe encroach thereon, or put up any Poſt or Poſts, Step or Steps, or erect any Bulks or Stalls, or place out any Shew-glaſſes or Shew-boards, ſo as to be an Incroachment, or make any Dung-holes or Saw pits, upon Pain, that every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, over and above the Expences of relaying and reinſtating ſuch Pavements, or taking down ſuch Poſts, Bulks, or Stalls, and removing or altering ſuch Shew-boards, or Shew-glaſſes, or filling up ſuch Dung-holes or Saw-pits, according to the Direction of ſuch Commiſſioners.

Notice to be given when Pavements want Repair.

XLI. And be it further enacted by the Authority aforeſaid, That from and after the First Meeting of the Commiſſioners, if any Houſeholder or Houſeholders, within the Limits aforeſaid, ſhall make Complaint in Writing, under his, her, or their Hand or Hands, and ſhall leave the ſame at the laſt or uſual Place of Abode of the Surveyor or Surveyors to the ſaid Commiſſioners, of any Defect or want of Repair in any of the Pavements of any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, either before or after the ſame ſhall have been new-paved or repaired by virtue of this Act, Three Days before the Meeting of the ſaid Commiſſioners; then, and in every ſuch Caſe, the ſaid Surveyor or Surveyors ſhall view the ſaid Pavement, and report the Condition thereof to the ſaid Commiſſioners at their next Meeting; and if the ſaid Surveyor or Surveyors, to whom ſuch Notice ſhall be given or left as aforeſaid, ſhall, upon ſuch View, find the Pavement complained of to be bad and defective, (unleſs it ſhall appear to ariſe from a Defect relating to the Water-pipes lying under ſuch Pavement), the ſaid Commiſſioners ſhall give Order to their Contractor or Contractors, Pavior or Paviors, to repair the ſame within ſuch Time as they the ſaid Commiſſioners ſhall judge neceſſary for the Repair thereof, which Time ſhall be ſpecified in ſuch Order: And if the Contractor or Contractors, Pavior or Paviors, to whom ſuch Order ſhall be given, ſhall not repair and amend ſuch Pavements within ſuch Time as he or they ſhall be directed by the ſaid Commiſſioners to repair and amend the ſame; then, and in every ſuch Caſe, the ſaid Contractor or Contractors, Pavior or Paviors, ſhall forfeit and pay the Sum of Twenty Shillings for every Day that the ſaid defective Pavement ſhall remain unrepaired, after the Time limited by the ſaid Commiſſioners in their ſaid Order; and One Half of every ſuch Penalty ſhall be applied and paid to ſuch complaining Houſeholder, for his or her Loſs of Time and Trouble in and about the Premiſes.

Penalty on Paviors neglecting their Duty.

If Surveyors think ſuch Pavements not defective, &c. Commiſſioners to view the ſame.

XLII. Provided always, and it is hereby enacted and declared, That if the ſaid Surveyor or Surveyors ſhall, on any View or Views, be of Opinion, that the Pavement or Pavements mentioned to be bad and defective by ſuch Houſeholder or Houſeholders in ſuch Notice is not bad and defective; then, and in ſuch Caſe, the ſaid Commiſſioners ſhall forthwith proceed to view the ſaid Pavement, and their Opinion and Order concerning the ſame, after ſuch View, ſhall be final and concluſive; any Thing in this Act contained to the Contrary thereof in anywiſe notwithſtanding.

Where Materials may be lodged.

XLIII. And it is hereby further enacted, That during the Time any Square, Street, Lane, Court, Yard, Alley, Paſſage, or Place, ſhall be new-paving or repairing under the Direction of the ſaid Commiſſioners, they ſhall have Power to order the neceſſary Materials to be lodged in that or any adjoining Street or Place, or Streets or Places, according to their Diſcretion; as alſo to ſtop the Way through any adjacent Square, Street, Lane, Court, Yard, Alley, Paſſage, or Place, ſo long as they ſhall judge neceſſary; and all Perſons acting under the Directions aforeſaid are hereby indemnified from any Proſecution or Action whatſoever, except where ſuch Materials ſhall be lodged upon, or over, or within Six Feet of the Fire-plug or Cock; and no ſuch Materials ſhall be depoſited in or near the End of any Street or Place in ſuch Manner as to prevent the Admiſſion of Fire-engines.

Streets, &c. may be watered.

XLIV. And it is hereby further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall have full Power and Authority to cauſe all or any of the Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, within the Limits aforeſaid, to be watered as often as they ſhall think fit; and, for ſuch Purpoſe, to cauſe any Well or Wells to be dug or ſunk in ſuch Places (not being a Vault, Cellar, or other Building, under any of the Streets and Places aforeſaid) as they ſhall think proper; and alſo any Pump or Pumps to be erected in or near ſuch Places, and alſo any Pump or Pumps now ſtanding, or which ſhall hereafter be erected, for the Purpoſe of watering the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, to be removed and altered; and to defray the Expence thereof out of the Monies to be raiſed by virtue of and for the Purpoſes of this Act, under the Power of the ſaid Commiſſioners.

Incroachments, &c. to be removed.

Signs, &c. how to be fixed.

XLV. And be it further enacted, That the ſaid Commiſſioners ſhall and may cauſe all Trees, Signs, Sign-poſts, Sign-irons, Dyers, Scourers, and Barbers, Poles, or any other Poles, Porches, Penthouſes, Boards, Spouts, and Gutters, projecting into or over the Highways or Footways, and all other Incroachments, Projections, or Annoyances whatſoever, within the Limits aforeſaid, to be taken down and removed; and ſhall cauſe all Signs, Boards, and Gutters, to be affixed and placed cloſe to, or on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong; and ſhall return, or cauſe to be returned, to the reſpective Owners, all or ſo much of ſuch Signs, Sign-poſts, Poles, Sign-irons, Boards, Spouts, and Gutters, as ſhall not be affixed or put up, or otherwiſe made uſe of, in the Alterations directed by the ſaid Commiſſioners in purſuance of this Act: And that for the future, all Signs, Boards, and Gutters, ſhall be placed and fixed cloſe to or on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, to which they reſpectively belong, and not otherwiſe: And if any Perſon or Perſons ſhall at any Time hereafter hang, place, erect, or build, any Sign, Sign-poſt, or other Poſts, Sign-iron, Pole, Porch, Penthouſe, Board, Spout, Gutter, or other Projection, Obſtruction, or Annoyance whatſoever, or cauſe the ſame to be done, contrary to the Directions aforeſaid, and the true Intent and Meaning of this Act, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, and the Sum of Five Pounds for every Week the ſame ſhall be continued.

Perſons refuſing to treat,

XLVI. And whereas it might tend to the publick Convenience, if all Buildings and Erections projecting into or upon the Footways were taken down and removed, as alſo all Doors or Cellars leading from and out of any of the Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, and all Steps belonging thereto, and all Projections whatſoever, and not herein-before mentioned, were taken down, removed, and altered, be it therefore further enacted by the Authority aforeſaid, That if any Perſon or Perſons whomſoever in any-wiſe intereſted in any of the ſaid Premiſes, upon Thirty Days Notice to them given or left in Writing at the Houſe or Houſes, Place or Places of Abode, of ſuch Perſon or Perſons, or at the Houſe, Shop, Shed, or other Place of the Tenant in Poſſeſſion of ſuch Premiſes, ſhall neglect or refuſe, or ſhall be incapable to treat, or ſhall not agree for the Sale of any ſuch Premiſes, or any Part or Parts thereof, or for their Intereſt therein; then, and in every ſuch Caſe, the ſaid Commiſſioners ſhall cauſe the Value of the Premiſes to be inquired into and aſcertained by a Jury, in ſuch and the ſame Manner, and under the ſame Powers, Reſtrictions, and Regulations, as is herein-after directed with reſpect to the Premiſes to be purchaſed for the Purpoſe of widening or opening Charter-houſe Lane, except as is herein excepted.

Value to be aſcertained in ſuch Manner as is after directed, with Relation to *Charter houſe Lane*.

Money awarded for Premiſes ſettled to like Uſes.

XLVII. And be it hereby further enacted, That if any Perſon ſhall be intitled, either in Reverſion or Remainder, to any ſuch Premiſes, the Money ſo awarded by a Jury as a Satisfaction ſhall be ſettled to the ſame Uſes as the Premiſes were, unleſs ſuch Perſon ſo intereſted ſhall conſent to give up ſuch reverſionary Intereſt.

In caſe of Diſputes, &c. Monies to be paid into the Treaſurer's Hands.

XLVIII. And be it further enacted by the Authority aforeſaid, That in caſe the Perſon or Perſons to whom any Money ſhall be ſo aſſeſſed or due cannot be found; or if by reaſon of Diſputes depending in any Court of Law or Equity, or for Default of Evidence, or otherwiſe, it ſhall not appear to the ſaid Commiſſioners what Perſon or Perſons is or are intitled to the ſame; then, and in all and every ſuch Caſes, it ſhall be lawful for the ſaid Commiſſioners to order the Sum or Sums ſo aſſeſſed and awarded to be paid into the Hands of their Treaſurer or Treaſurers for the Time being, for the Uſe of the Parties intereſted in the ſaid Premiſes, to be paid to them, and every of them, according to the reſpective Eſtates and Intereſts in the ſaid Premiſes, as the ſaid Commiſſioners ſhall, by any Order to be by them made, direct.

Conſideration money how to be paid.

XLIX. And be it further enacted by the Authority aforeſaid, That all Sums of Money, or other Conſideration, Recompence, or Satisfaction, to be paid, made, or given, purſuant to any Agreement, Award, Judgement, Sentence, Decree, or Determination, as aforeſaid, ſhall be, and are hereby charged and chargeable upon all or any Part of ſuch Money or Monies as as ſhall be received by virtue of this Act, under the Direction of the ſaid Commiſſioners, for the Purpoſes of paving, cleanſing, lighting, and watching.

All Buildings to riſe perpendicular, &c.

L. And be it further enacted by the Authority aforeſaid, That all Houſes and Buildings hereafter to be built or new-fronted, or any Part thereof, within the ſaid Part of the ſaid Pariſh, ſhall, for the effectual and abſolute Prevention of all Manner of Projections, Annoyances, and Inconveniencies thereby, riſe, perpendicularly from the Foundation; and if any Perſon or Perſons ſhall, at any Time or Times hereafter, preſume to build or new-front any Houſe or other Building, or any Part thereof, within the Diſtrict aforeſaid, or cauſe the ſame to be done, or riſe otherwiſe than perpendicularly from ſuch Foundation, it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, by Writing, under their Hands and Seals, to cauſe the ſame to be pulled down and removed by any Perſon, Workmen or Perſons, they ſhall think fit, the Coſts and Charges whereof ſhall be paid and reimburſed to the ſaid Commiſſioners by the Owner or Owners of ſuch Houſes or Buildings, or other Perſon or Perſons ordering or directing the ſame; and in caſe of ſuch Refuſal or Neglect in paying or reimburſing the ſame to the ſaid Commiſſioners, or ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, it ſhall be lawful for them to cauſe any Action to be brought for the Recovery thereof, with Coſts of Suit.

Names of Streets to be affixed up, and Houſes numbered.

LI. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall and may order and direct the Houſes within the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, within the Limits aforeſaid, or any of them, to be numbered with Figures, placed or painted upon or over the Doors thereof, or on ſuch other Part of the ſaid Houſes reſpectively as they ſhall think proper; and may alſo cauſe to be painted, engraved, or deſcribed, in Stone or Wood, or otherwiſe, and to be affixed in a conſpicuous Part of One or more Houſe or Houſes, Building or Buildings, at or near each End, Corner, or Entrance, of each of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, the Name by which each reſpective Square, Street, Lane, Court, Yard, Alley, Paſſage, and Place, is properly or uſually called or known; and if any Perſon or Perſons ſhall wilfully deſtroy, pull down, injure, obliterate, or deface, any ſuch Names, Deſcriptions, Marks, or Numbers, or any Part or Parts thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Ten Shillings.

Penalties on defacing Numbers, &c. not exceeding 40 s. nor leſs than 10 s.

Annoyances how to be removed; and the Penalty on Perſons not complying.

LII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, at any Time or Times hereafter, drive or place, or cauſe to be driven or placed, in any of the Carriage-ways within the Limits aforeſaid, any Coach, Cart, Waggon, Dray, or other Carriage, or on any Part or Parts thereof, ſo as to occaſion any Annoyance whatſoever, and ſhall not immediately remove the ſame, when required ſo to do by any Perſon or Perſons whatſoever; or if any Perſon or Perſons ſhall ſet or place any ſuch Carriage, for the Purpoſe of loading or unloading thereof, or for any other Purpoſe, upon any Foot-way or Croſſing in any Square, Street, Way, Lane, Paſſage, or Place, within the Limits aforeſaid, every Perſon ſo offending ſhall, for every or either of the ſaid Offences, forfeit and pay the Sum of Five Shillings; and One of ſuch Commiſſioners, or any Perſon or Perſons appointed by them for that Purpoſe, may ſeize, or cauſe to be ſeized, any ſuch Coach, Cart, Waggon, Dray, or other Carriage, together with the Horſe or Horſes, if any ſhall be thereunto belonging; and drive or remove, or cauſe the ſame to be driven or removed, to the Pound, or any other proper Place within the ſaid Pariſh, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants, ſhall and do pay to the Perſon or Perſons, in whoſe Cuſtody the ſame ſhall be, the ſaid Penalty, together with the Charges of removing the ſame, and of keeping ſuch Horſe or Horſes, if any; and in caſe the ſame ſhall not be claimed, and the ſaid Penalty and Charges paid, within the Space of Five Days next after ſuch Seizure thereof, then it ſhall and may be lawful to and for the ſaid Commiſſioners to order the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act, under the Direction of the ſaid Commiſſioners.

Penalty on not removing Caſks, *etc.* after Notice, not leſs than 5 *s.*

LIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, at any Time or Times hereafter, ſet or place, or cauſe to be ſet or placed, in any of the Carriage-ways or Foot-ways within the Limits aforeſaid, any Caſks, Package, Timber, Stones, Wheels, Bricks, Lime, Sand, Mortar, or Wood, or any other Materials or Things whatſoever for the Purpoſes of making Mortar, or of building any Houſe, Shop, Warehouſe, Coach-houſe, Stable, or Tenement, or for any other Purpoſe, (unleſs the ſame ſhall be incloſed in a Hoard or other Erection, as herein-after is directed), and ſhall not remove the ſame within the Space of Two Hours next after Notice in Writing to him or her given for that Purpoſe, or left at the Premiſes where the ſame ſhall be, or if empty and unoccupied, or in building, ſtuck againſt the Wall thereof, by any One of ſuch Commiſſioners as aforeſaid, or by any Perſon or Perſons by them appointed for that Purpoſe, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Five Shillings; and any One of ſuch Commiſſioners, or any Perſon or Perſons ſo appointed by them, may ſeize, or cauſe to be ſeized, ſuch Caſks, Package, Timber, Stones, Wheels, Bricks, Lime, Sand, Mortar, Wood, or other Materials, (not being incloſed as aforeſaid), and take or remove, or cauſe the ſame to be taken or removed, to the Pound, or any other proper Place within the ſaid Pariſh, there to be kept and detained until the Owner or Owners thereof, or his, her, or their Servant or Servants, ſhall and do pay to the Perſon in whoſe Cuſtody the ſame ſhall be the ſaid Penalty, together with the Charges of removing the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Penalty and Charges paid, within the Space of Five Days next after ſuch Seizure thereof, then it ſhall be lawful for the ſaid Commiſſioners to order the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act, under the Direction of the ſaid Commiſſioners.

Penalty if Nuiſances are continued.

LIV. And it is hereby further enacted, That if any ſuch Nuiſance, Obſtruction, or Annoyance, ſhall be afterwards replaced, and be continued for the Space of One Hour after Notice to remove the ſame, the Perſon or Perſons convicted of ſuch Second Offence ſhall forfeit and pay the Sum of Ten Shillings, and the like Sum of Ten Shillings for every repeated Offence.

Licences may be granted for erecting Hoards, *&c.*

LV. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons whatſoever ſhall erect or build, or cauſe to be erected or built, any Hoard, or erect any Poſts, Bars, Rails, Boards, or other Things, by way of Incloſure, for the Purpoſe of making Mortar, and depoſiting Bricks, Stone, Lime, Sand, or any other Materials for building or repairing any Houſe, Tenement, or other Works, or for any other Purpoſe, without Leave or Licence firſt had and obtained under the Hand or Hands of the Surveyor or Surveyors for the Time being to ſuch Commiſſioners, who is and are hereby required to grant the ſame forthwith to every Perſon ſo applying for ſuch Licence; and no Perſon whatſoever ſhall erect or build any ſuch Kind of Hoard or Incloſure as aforeſaid in any other Manner, or ſuffer the ſame to remain for any longer Time, than ſhall be expreſſed or allowed in ſuch Licence from the ſaid Surveyor or Surveyors, to be ſigned as aforeſaid, upon Pain of forfeiting any Sum not exceeding Twenty Shillings, nor leſs than Five Shillings, for every Twelve Hours that the ſame, or any Part thereof, ſhall be continued contrary to the Directions of this Act: And if any ſuch Kind of Incloſure ſhall be erected or built without the Leave of the ſaid Surveyor or Surveyors ſo had and obtained, and ſigned as aforeſaid, or ſhall be ſet up in any other Manner, or continued for any longer Time, than ſhall be allowed and expreſſed in ſuch Licence; then, and in either of the ſaid Caſes, it ſhall be lawful for the ſaid Commiſſioners to cauſe the ſame to be pulled down and removed, and the Materials thereof to be depoſited in the Pound, or any other proper Place within the ſaid Pariſh, there to be kept and detained until the Owner or Owners, or his, her, or their Servant or Servants, ſhall and do pay, to the Perſon or Perſons in whoſe Cuſtody the ſame ſhall be, the ſaid Penalty, together with the Charges of removing the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Penalty and Charges paid, within the Space of Five Days next after ſuch Seizure thereof, then it ſhall be lawful for the ſaid Commiſſioners to order the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act, under the Direction of the Commiſſioners.

Perſons ſifting Lime, *&c.* in any Square, *&c.* to forfeit 40 *s.*

LVI. And it is hereby further enacted, That if any Perſon or Perſons ſhall ſift, ſcreen, or ſlack, any Lime (except within ſuch Incloſure as aforeſaid) in any Square, Street, Way, Lane, or Paſſage, or cauſe the ſame to be done, he or they ſhall forfeit and pay for every ſuch Offence the Sum of Forty Shillings.

Penalty on driving Carriages, *&c.* on Foot-pavements, or throwing Aſhes, *&c.*

LVII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, for the future, carry, run, drive, or draw, or cauſe to be carried, run, driven, or drawn, on any of the Foot-pavements, within the Limits aforeſaid, any Wheel or Wheels, Sledge, Wheelbarrow, or any Carriage whatſoever; or ſhall wilfully ride, lead, or drive, any Horſe, Aſs, or other Cattle, Coach, or other Carriage whatſoever, upon any Part of the ſaid Foot-pavements; or ſhall throw or caſt any Dung, Aſhes, Dirt, Soil, Filth, or Rubbiſh, into or upon any of the Carriage or Foot Ways; then, and in ſuch Caſe, and as often as they or any of them ſhall happen, it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, who ſhall ſee ſuch Offence committed, to ſeize, and alſo for any other Perſon or Perſons to aſſiſt in ſeizing, the Offender or Offenders, and they are hereby required ſo to do by the Authority of this Act, and without any other Warrant to convey and deliver him, her, or them, into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid County; and the Party or Parties accuſed being brought before any ſuch Juſtice, ſuch Juſtice ſhall proceed to examine, upon Oath, any Witneſs or Witneſſes who ſhall appear or be produced to give Information touching ſuch Offence; and if the Party or Parties accuſed ſhall be convicted of ſuch Offence, either by his, her, or their Confeſſion, or upon Information, as aforeſaid, he, ſhe, or they, ſo convicted of any ſuch Offence reſpectively, ſhall forfeit the Sum of Ten Shillings for the Firſt Time of offending, the Sum of Twenty Shillings for the Second Time of offending, and the Sum of Forty Shillings for the Third and every other Time of offending; and in caſe ſuch Offender ſhall not, upon ſuch Conviction, pay ſuch Forfeitures by him, her, or them incurred, as aforeſaid, the Juſtice, before whom ſuch Offender or Offenders ſhall be convicted, is hereby required to commit him, her, or them, to the Houſe of Correction for the ſaid County, there to be kept to hard Labour for any Space of Time not exceeding Ten Days, nor leſs than Three Days.

Footways to be ſwept, &c. Once a Day.

LVIII. And it is hereby further enacted, That every Occupier of any Houſe or Tenement, within the Limits aforeſaid, and in reſpect to Inmates, every Houſe-owner ſhall, Once in every Day, Sundays excepted, between the Hours of Six and Nine of the Clock in the Forenoon of each Day, ſcrape, ſweep, and cleanſe, the Footway, all along the Front of their reſpective Houſes and Tenements, or cauſe the ſame to be done, upon Pain of forfeiting, for every Neglect, the Sum of Five Shillings.

Stands of Hackney Coachmen, &c. to be regulated.

LIX. And be it further enacted, That the ſaid Commiſſioners may direct and regulate all Stands of Hackney Coaches and Hackney Chairs, within the ſaid Part of the ſaid Pariſh, in ſuch Manner as they ſhall in their Diſcretion think proper; and if any Hackney Coachman or Hackney Chairman ſhall not comply with ſuch Directions and Regulations, he or they ſhall forfeit the Sum of Ten Shillings for every Offence.

Times of emptying Bog-houſes, &c.

LX. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever ſhall come with any Cart or Carts, or begin to empty any Bog-houſe or Bog-houſes, or to take away any Night-ſoil from any Houſe or Houſes, within the Limits aforeſaid, before the Hour of Twelve of the Clock in the Night, or ſhall continue to take away the ſame after the Hour of Five of the Clock in the Morning, from Michaelmas to Lady-day, or after the Hour of Four of the Clock in the Morning from Lady-day to Michaelmas; or if any Perſon ſhall put or caſt, or cauſe to be put or caſt, out of any Cart, Tub, or otherwiſe, in or near any of the Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, within the Limits aforeſaid, or within Half a Mile thereof, any ſuch Night-ſoil, it ſhall and may be lawful to and for any Conſtable, Beadle, or Watchman, (and they are hereby ſtrictly required and directed ſo to do), or any other Perſon or Perſons whatſoever, to apprehend and carry him or them, guilty of either of the ſaid Offences, to any Watch-houſe within the ſaid Part of the ſaid Pariſh, and from thence, as ſoon as conveniently may be, before ſome Juſtice of the Peace for the ſaid County; who, upon Oath made of ſuch Offence or Offences as aforeſaid, ſhall and may commit ſuch Perſon or Perſons guilty of any of the ſaid Offences to the Houſe of Correction for the ſaid County, for any Time not exceeding Two Months, nor leſs than Fourteen Days, there to be kept to hard Labour; and it ſhall be lawful for the ſaid Commiſſioners to order any Sum not exceeding Twenty Shillings, nor leſs than Ten Shillings, to be paid to the Perſon who ſhall detect, apprehend, and convey, before any ſuch Juſtice or Juſtices of the Peace, any ſuch Perſon or Perſons guilty as aforeſaid, to be paid out of the Rates to be raiſed by virtue of this Act, under the Power of the ſaid Commiſſioners.

Where any of the Water-pipes break, Notice to be given to the Pavior,

LXI. And be it further enacted by the Authority aforeſaid, That when and ſo often as it ſhall ſo happen that any Pipe or Pipes belonging to any Water Companies ſhall break or burſt in any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, it ſhall be lawful for the Surveyor for the Time being to the Commiſſioners for putting this Act in Execution, or ſuch other Perſon as the ſaid Commiſſioners ſhall appoint for that Purpoſe, to give immediate Notice thereof to the Pavior of the Water Company to whom he apprehends ſuch Pipe or Pipes does or do, or may belong, and require him to take up the Pavement, and open the Ground, at or near the Place where the Water ſhall or may iſſue, by reaſon of ſuch Pipe or Pipes breaking or burſting, within Two Days after ſuch Notice given to ſuch Pavior, or left at his laſt or uſual Place of Abode: And if, upon taking up of the Pavement, and opening the Ground, it ſhall appear that the Pipe or Pipes ſo broken or burſt doth not, or do not, belong to the Water Company whoſe Pavior ſhall have taken up ſuch Pavement, and opened ſuch Ground; that then, and in ſuch Caſe, the Surveyor, or other Perſon, as aforeſaid, ſhall give immediate Notice to the Pavior of that Company to whom it ſhall appear that the ſaid Pipe or Pipes doth or do belong, ſuch Notice to be given or left with ſuch Pavior, or at his laſt or uſual Place of Abode; and the Pavior of the Company to whom ſuch Pipe or Pipes ſhall belong is hereby required to repair the ſame, and fill in the Ground, within Two Days after ſuch Notice given or left as aforeſaid; and alſo within Two Days after ſuch Pipe ſhall be repaired, and the Ground filled in, to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor or other Perſon aforeſaid, of ſuch Pipe or Pipes being repaired, and ſuch Ground being filled in, ſuch Notice to be given to ſuch Contractor, Surveyor, or other Perſon, or left at his or their laſt or uſual Place of Abode: And in caſe it ſhall happen that the Pavior who firſt receives Notice to take up the Pavement, and open the Ground, for the Purpoſes aforeſaid, ſhall take up ſuch Pavement, and open ſuch Ground, and it ſhall then be diſwho ſhall, for every Neglect in doing his Duty, forfeit 20 s.

covered that the Pipe or Pipes which, is, are, or ſhall be burſt or broken, doth or do not belong to the Company to whom he is Pavior; that then, and in ſuch Caſe, the Pavior of the Company to whom ſuch Pipe or Pipes doth or do belong ſhall make Satisfaction to the Pavior who ſo took up ſuch Pavement, and opened ſuch Ground, for ſuch Work; and in caſe the Pavior to whom ſuch Notice ſhall be given to take up ſuch Pavement, and open ſuch Ground, ſhall neglect or refuſe to do the ſame, within the ſaid Two Days after Notice given, he ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings; and in caſe the Pavior of the Company to whom ſuch Pipe or Pipes, ſo broken or burſt, ſhall belong, ſhall neglect or refuſe to repair and amend the ſame, and fill in the Ground ſo taken up, for the Space of Two Days next after ſuch Notice given, or ſhall Neglect to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor to the ſaid Commiſſioners, or to ſuch other Perſons as aforeſaid, ſuch Pavior ſhall, for every ſuch Offence, forfeit the Sum of Twenty Shillings: And if the Perſon or Perſons contracting with the ſaid Commiſſioners to relay ſuch Pavement ſo broken or taken up, for the Reaſons aforeſaid, ſhall neglect or refuſe to relay ſuch Pavement, in a good, ſufficient, and effectual Manner, within Two Days after ſuch Notice given to him as aforeſaid, or if the Surveyor, or other Perſon to whom ſuch Notice ſhall be given ſhall neglect to acquaint the Contractor of ſuch Notice; then, and in every ſuch Caſe, the Perſon or Perſons ſo offending ſhall, for every ſuch Offence, forfeit the Sum of Twenty Shillings: And if any Pipe or Pipes, other than ſuch as belong to any of the Water Companies, ſhall happen to break or burſt, in any of the Squares, Lanes, Courts, Yards, Alleys, Paſſages, or Places, the Owner or Owners thereof ſhall cauſe the Ground to be opened, and ſuch Pipe or Pipes to be repaired, within the Times before reſpectively limited for ſuch Purpoſes; and alſo ſhall forthwith give Notice to the Contractor or Contractors, Surveyor or Surveyors, or other Perſon or Perſons, ſo appointed as aforeſaid, to relay the Pavement ſo broken and taken up, upon Pain of forfeiting, for every ſuch Neglect or Refuſal, the Sum of Twenty Shillings: Or if any Pavement ſhall be broken or taken up by the Commiſſioners of Sewers, for the Purpoſes of making, repairing, or altering, any Sewer or Drain, or for any other Purpoſe whatſoever, the Surveyor for the Time being to the ſaid Commiſſioners of Sewers, or ſuch other Perſon or Perſons ſo breaking or taking up the ſaid Pavement, ſhall forthwith give Notice thereof to the Surveyor or Surveyors, Contractor or Contractors, or other Perſon or Perſons, appointed by the Commiſſioners for putting this Act in Execution, to relay or repair the Pavements ſo broken or taken up as aforeſaid, upon Pain of forfeiting, for every ſuch Neglect or Refuſal, the Sum of Twenty Shillings: Or if the ſaid Surveyor or Surveyors, to or for whom ſuch Notice ſhall be given or left as aforeſaid, ſhall neglect or refuſe to acquaint the Contractor or Contractors, or other Perſon or Perſons, ſo appointed as aforeſaid, of ſuch Notice; or if ſuch Contractor or Contractors, or ſuch other Perſon or Perſons, ſhall not, within Two Days next after ſuch Notice reſpectively given, relay or repair the ſame; then, and in every ſuch Caſe, the Perſon or Perſons ſo reſpectively offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings, and the like Sum of Twenty Shillings for every Day ſuch Pavement ſhall continue without being relayed or repaired, after the Expiration of the ſaid Two Days.

Pavements, when taken up, to be relaid under the Inſpection of the Surveyor.

LXII. And be it further enacted, That when and ſo often as any Part of the Pavement of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, ſhall be taken up, for the Purpoſe of making, repairing, altering, cleanſing, or emptying any Sewer, Vault, or Drain, or of laying, altering, or amending, any Water-pipe or Plug, or for any other Purpoſe whatſoever, the Perſon or Perſons ſo taking up ſuch Pavement ſhall immediately give Notice thereof to the Surveyor, Inſpector, or Clerk to the Commiſſioners for putting this Act in Execution, in order that the ſame may, with all convenient Speed, be laid down and repaired, under the Inſpection of the ſaid Surveyor, Inſpector, or Clerk; and the Charges and Expences thereof ſhall be paid by the ſaid Commiſſioners, and they ſhall be reimburſed the ſame by the Perſon or Perſons, Companies of Waterworks, or Commiſſioners of Sewers, who ſhall take up, or cauſe or procure to be taken up, the ſaid Pavement, or any Part or Parts thereof.

Proviſo.

LXIII. Provided always, That when and ſo often as any Part of the Pavements of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, ſhall be taken up by any Perſon or Perſons for the Purpoſes of placing, altering, or amending, any ſuch Pipe, the ſame ſhall, with all convenient Speed, be repaired by the Pavior or Paviors contracting with or employed by the ſaid Commiſſioners, or under the Direction of their Surveyor or Surveyors, at the Expence of the Proprietor or Proprietors of the ſaid leaden or other Pipes reſpectively, if ſuch Pipe is replaced, altered, or amended, at the Requeſt of ſuch Proprietor, and not otherwiſe.

Commiſſioners may compound for the relaying the Pavement.

LXIV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, from Time to Time, to compound and agree with the ſaid Companies, or Commiſſioners of Sewers, or other Perſon or Perſons reſpectively, for a certain Sum of Money, by the Foot or other Meaſure, as the ſaid Commiſſioners for putting this Act into Execution ſhall think reaſonable, in lieu and in ſtead of laying down or repairing ſuch Pavement as ſhall be neceſſarily taken up for any of the Purpoſes aforeſaid.

Monies expended in relaying the Pavement, how to be recovered.

LXV. And be it further enacted, That in caſe ſuch Perſon or Perſons, Companies of Waterworks, or Commiſſioners of Sewers reſpectively, ſhall neglect or refuſe to pay what the ſaid Commiſſioners ſhall have ſo paid and diſburſed, or what ſhall be due upon ſuch Contract or Compoſition as aforeſaid, within Ten Days next after Notice thereof, to be left by the Surveyor or Clerk, appointed, or to be appointed, by the ſaid Commiſſioners, at the Dwelling-houſe or laſt Place of Abode of ſuch Perſon or Perſons, or of the Secretary or Secretaries, Clerk or Clerks, of ſuch Companies of Waterworks, or Commiſſioners of Sewers reſpectively; which Notice ſhall be in Writing, and ſigned by the Clerk to the Commiſſioners for putting this Act in Execution, by Order of the ſaid Commiſſioners, and annexed to the Bill containing an Account of the Expence of ſuch Repair, or Money due upon ſuch Compoſition; it ſhall be lawful for the ſaid laſt-mentioned Commiſſioners, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, againſt ſuch Perſon or Perſons, Secretary or Secretaries, or Clerk or Clerks, of ſuch Company of Waterworks, or Commiſſioners of Sewers reſpectively, for the Recovery of ſuch Sum or Sums of Money reſpectively; and in caſe ſuch Perſon or Perſons hereby directed to give ſuch Notice to the Surveyor or Clerk to the Commiſſioners for putting this Act in Execution, as is before directed, ſhall neglect ſo to do for the Space of Twenty-four Hours after ſuch Pavement ſhall be ſo taken up, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Expences of altering Pipes for the Purpoſes of this Act to be borne by the Commiſſioners.

LXVI. Provided nevertheleſs, and it is hereby enacted, That if at any Time or Times it ſhall be found neceſſary to raiſe, ſink, or any otherwiſe alter the Poſition of any of the Pipes or Plugs laid down or placed by any of the Companies who furniſh the Inhabitants within the Limits aforeſaid with Water, or of any leaden or other Pipes belonging to any of the ſaid Water Companies, or to any other Perſon or Perſons, which, for the Purpoſes of conveying Water into any Houſe, Area, or other Place, have been, or ſhall be laid into or from any ſuch Pipe or Pipes, for the Purpoſe of new-paving or altering the Pavement of any of the Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, the Expence thereof ſhall, from Time to Time, be paid out of the Money ariſing, or to ariſe, by virtue of this Act, under the Authority of the ſaid Commiſſioners, for the Purpoſes of paving, cleanſing, lighting, and watching, and ſhall always be done with as little Detriment and Inconvenience to the ſaid reſpective Companies or Inhabitants, as the Circumſtances of the Caſe will admit.

Paviors, *etc.* to give Notice of their Places of Abode.

LXVII. And be it further enacted by the Authority aforeſaid, That the ſeveral and reſpective Paviors and Turncocks now appointed, or hereafter to be appointed, in caſe of the Death or Removal of any ſuch Pavior or Turncock, by the ſaid ſeveral and reſpective Water Companies, ſhall, and they are hereby required, within the Space of Twenty-one Days next after the paſſing of this Act, or within the Space of Three Days next after he or they ſhall be appointed Pavior or Paviors, Turncock or Turncocks, to ſuch Company or Companies, to give Notice in Writing to the Surveyor or Surveyors for the Time being to the Commiſſioners for putting this Act in Execution, or to ſuch Perſon or Perſons as ſhall be by them appointed for that Purpoſe, which Notice ſhall contain ſuch Pavior's or Turncock's Name and Place of Abode reſpectively, as alſo to what Company he is Pavior or Turncock, and in what Diſtrict he has the Care of ſuch Company or Companies Pipes; and in like Manner the Surveyor or Surveyors to ſuch Commiſſioners for the Time being ſhall, within the reſpective Times aforeſaid, give Notice to the reſpective Paviors and Turncocks of the ſaid ſeveral Water Companies of his or their own Place or Places of Abode, and alſo to the Surveyor or Surveyors to the Commiſſioners of Sewers, of the Names and Places of Abode of ſuch Contractor or Contractors, and of the Pavior or Paviors employed by ſuch Commiſſioners; and every Perſon or Perſons neglecting or refuſing to give ſuch Notice as aforeſaid, within the Times before reſpectively ſpecified, ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings.

Grates over Sewers to be made by the Commiſſioners.

LXVIII. And be it further enacted, That when and ſo often as there ſhall be Occaſion to make any new, or to repair any Grate or Grates now being over any Sewer or Sewers, belonging to the Commiſſioners of Sewers, in the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, or any of them, the ſame ſhall be made new or repaired by and at the Expence of the ſaid Commiſſioners of Sewers, (if the ſame ſhall be thought neceſſary by them); and the ſame, when ſo made new or repaired, ſhall be laid down in ſuch Manner as ſhall be directed by the Surveyor to the Commiſſioners for putting this Act in Execution.

Commiſſioners may rectify the Sewers, *&c.*

LXIX. And whereas, by reaſon of the great Conflux of Water from the Lands and Grounds about *Iſlington*, and other Places, the Streets called *Saint John's Street*, and *Cow Croſs*, are continually annoyed by Water, and, for want of proper Sewers or Drains to carry off the ſame, the Buildings there are greatly prejudiced; be it therefore further enacted, That the Commiſſioners for putting this Act in Execution, or any Seven or more of them, ſhall have Power, and they are hereby authoriſed, at ſuch Time and Times as they ſhall think proper, during the Time the ſaid Streets are new-paving, to cauſe any new Sewers or Drains, with proper and ſufficient Grates over the ſame, to be made in the ſaid Streets called Saint John's Street, and Cow Croſs, ſufficient to carry off the Water which would otherwiſe annoy the ſame, and to communicate ſuch Sewers or Drains with any ſuch publick Sewers or Drains therein, or thereabouts, as ſhall be directed by the Commiſſioners of Sewers: And in caſe it ſhall be neceſſary for that Purpoſe to alter or widen any old Sewer or Sewers, the Expence thereof ſhall be borne and paid by the Commiſſioners for putting this Act in Execution, and the Work performed by them under the Inſpection of the Commiſſioners of Sewers: And for paying the Expence of making ſuch new Drains or Sewers, and Grates over the ſame, it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, Once in every Year, or oftener, if they think proper, to make a Rate upon the Occupiers of all Houſes, Shops, Buildings, Tenements, and Hereditaments, within the ſaid Streets where ſuch new Drains or Sewers ſhall be made, not exceeding Sixpence in the Pound, of the yearly Rent or Value of all ſuch Houſes, Shops, Buildings, Tenements, and Hereditaments; and the ſaid Commiſſioners ſhall have, and they are hereby veſted with the like Powers for receiving, collecting, and recovering the ſaid Rate, as are herein given with reſpect to the Rates for paving, and other Purpoſes; which Rate ſhall be paid by the Occupiers of the reſpective Houſes, Shops, Buildings, Tenements, and Hereditaments; and One Half thereof ſhall be allowed them again by their reſpective Landlords, who are hereby required to allow the ſame to their reſpective Tenants, upon receiving the Remainder of his or her Rent or Rents reſpectively.

Rates to continue only till Expence paid.

LXX. Provided always, That ſuch Rates ſhall not be made or continued any longer than until the Money to be raiſed in Manner herein-after mentioned, for making ſuch new Sewers, ſhall be paid off and ſatisfied.

New Sewers, &c. may be made by the Commiſſioners.

LXXI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners appointed by this Act, if they ſhall think proper, to make, or cauſe to be made, any other new publick Sewer or Sewers, or Drain or Drains, to communicate with any the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, or any of them; and alſo any new Grate or Grates over ſuch Sewer or Sewers, Drain or Drains; and to cauſe the ſame to be placed in ſuch Manner as the ſaid Commiſſioners, or their Surveyor, ſhall think proper; and the Expences attending the making ſuch other new Sewer or Sewers, Drain or Drains, and Grate or Grates, ſhall be paid out of the Monies ariſing by virtue of this Act, under the Authorities of the ſaid Commiſſioners; and when all or any ſuch Sewer or Sewers, Drain or Drains, Grate or Grates, either in Saint John's Street, Cow Croſs, or elſewhere, ſhall be made and completed, the ſame ſhall be under the Care, Management, and Direction of the Commiſſioners of Sewers in like Manner as the other Sewers now are.

Commiſſioners of Sewers to be ſummoned to meet when any Works neceſſary to be done by them.

LXXII. And be it further enacted, That when and ſo often as there ſhall be Occaſion to make new or additional Grates over any Sewer or Sewers within the ſaid Part of the ſaid Pariſh, or to repair, alter, cleanſe, or amend, any of the ſaid Sewers, or the Grates over the ſame; the Clerk for the Time being of the Commiſſioners of Sewers ſhall, at the Requeſt in Writing of the Surveyor to the ſaid Commiſſioners of Pavement, or other Perſon or Perſons authoriſed by them for that Purpoſe, forthwith ſummon the ſaid Commiſſioners of Sewers to meet, in order to take the Premiſes into Conſideration, which they are hereby authoriſed and required to do at ſuch Meeting; and alſo at the ſame Meeting, or any adjourned or other Meeting, to exerciſe the ſeveral Powers and Authorities with which they are veſted, in order that the ſaid ſeveral Works may be ſpeedily done, completed, and finiſhed.

Lamps to be ſet up, etc.

LXXIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, from Time to Time, to cauſe ſuch and ſo many Lamps to be ſet up in ſuch Places within the Limits aforeſaid, and to be placed in ſuch Manner, and at ſuch Diſtances, as they ſhall judge neceſſary; and may contract or agree with any Perſon or Perſons for ſuch Lamps, or may find and provide the ſame, if they ſhall think fit; and alſo may contract or agree with any Perſon or Perſons for the lighting, ſupplying, maintaining, and repairing ſuch Lamps, and appoint how and where the ſaid Lamps ſhall be placed, and at what Time, and how long the ſaid Lamps ſhall be and continue lighted and burning, ſo that they ſhall be lighted at Sun-ſetting, and continue burning till Sun-riſing; and what Sum and Sums of Money ſhall be paid to the Perſon or Perſons ſo to be contracted or agreed with to light, maintain, and repair the ſaid Lamps; provided that no ſuch Contract or Agreement ſhall be for a longer Term than Three Years from the Commencement thereof.

Lamp irons where to be affixed.

Penalty on Perſons extinguiſhing or damaging Lamps,

is 20s. for every Lamp.

LXXIV. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners to order and direct Lamp-irons to be put, or affixed, againſt the Walls of all or any of the ſeveral Houſes or Tenements within the Limits aforeſaid, or into, upon, or againſt the Rails before the Area, or in ſuch Manner, and in ſuch other Place, as the ſaid Commiſſioners ſhall think proper and convenient: And if any Perſon or Perſons ſhall wilfully take away, break, throw down, or damage any Lamp that ſhall be ſo ſet up, or wilfully extinguiſh the Light or Lights within the ſame, or throw down or damage the Irons or other Furniture thereof, it ſhall be lawful for any Perſon or Perſons whatſoever, who ſhall ſee ſuch Offence committed, to ſeize, as alſo for any other Perſon or Perſons to aſſiſt in ſeizing, the Offender or Offenders; and, by Authority of this Act, and without any other Warrant, to convey and deliver him, her, or them, into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid County; and ſuch Juſtice ſhall proceed to examine, upon Oath, any Witneſs or Witneſſes who ſhall appear, or be produced to give Information or Evidence touching ſuch Offence; and if the Party or Parties accuſed ſhall be convicted of any ſuch Offence, either by his, her, or their Confeſſion, or upon ſuch Information or Evidence as aforeſaid, he, ſhe, or they, ſo convicted, ſhall forfeit and pay the Sum of Twenty Shillings for each Lamp or Lamp-iron ſo broken, thrown down, or damaged, or for every Lamp ſo extinguiſhed as aforeſaid; and moreover ſhall make full Satisfaction to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, for the Damage ſo by him or them done as aforeſaid: And in caſe ſuch Offender or Offenders ſhall not, on Conviction, pay ſuch Forfeiture, and make ſuch Satisfaction, as aforeſaid, ſuch Juſtice is hereby required to commit him, her, or them, to the Houſe of Correction for the ſaid County, there to be kept to hard Labour for any Space of Time, not exceeding One Calendar Month, nor leſs than Seven Days; and ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he, ſhe, or they, ſhall be ſo committed, unleſs ſuch Forfeiture and Satisfaction ſhall be ſooner paid and given.

Perſons accidentally damaging Lamps to make Satiſfaction.

LXXV. And be it further enacted by the Authority aforeſaid, That in caſe any Perſon or Perſons ſhall careleſsly or accidently break, throw down, or damage any Lamp or Lamps hung out or ſet up by Order of the ſaid Commiſſioners, within the Limits aforeſaid, or the Irons or other Furniture thereof, and ſhall not immediately, upon Demand, make Satisfaction for the Damage done thereto; then, and in every ſuch Caſe, it ſhall and may be lawful to and for any One Juſtice of the Peace in and for the ſaid County, upon Complaint to him made by One or more credible Witneſs or Witneſſes, to ſummon before him the Party or Parties who ſhall be complained of for doing ſuch Damages as aforeſaid; and, upon hearing the Allegations and Proofs on both Sides, or Non-appearance of the Party or Parties ſo complained of, to award ſuch Sum or Sums of Money, by way of Satisfaction, to the Owner of ſuch Lamp or Lamps, or to the ſaid Commiſſioners, as the Caſe ſhall be, for ſuch Damages as ſuch Juſtice ſhall think reaſonable; and in caſe of Neglect or Refuſal to pay any Sum or Sums of Money ſo awarded, within Ten Days after Demand, to cauſe the ſame to be levied as Fines, Penalties, and Forfeitures, are by this Act herein-after directed to be levied.

On Nonpayment to be levied by Diſtreſs.

LXXVI. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners, from Time to Time, to order and appoint what Number of Watchmen and Beadles they ſhall judge neceſſary or proper to be kept in the ſaid Part of the ſaid Pariſh of Saint Sepulchre, which is and lieth in the County of Middleſex, and to nominate and elect ſuch able-bodied Men to be employed in the ſaid Services as they the ſaid Commiſſioners ſhall think beſt qualified, and ſhall order and direct how and where the ſeveral Watchmen ſhall be ſtationed, and in what Manner they ſhall be armed; how often they ſhall go their Rounds, how long they ſhall continue upon Duty, and what Wages ſhall be allowed to ſuch Watchmen and Beadles, for their Attendance; and ſhall order and direct what Number of Conſtables and Headboroughs ſhall attend every Night, and in what Parts; and alſo ſhall and may uſe the preſent Watch-houſe belonging to the ſaid Part of the ſaid Pariſh, or may erect or hire a proper Place or Places within the ſaid Part of the ſaid Pariſh, for the Reception of the ſaid Conſtables, Headboroughs, and Watchmen, and make all ſuch Rules, Orders, and Regulations, for the better Attendance, Government, and Direction, of the ſaid Conſtables, Headboroughs, Watchmen, and Beadles, and the watching of that Part of the ſaid Pariſh, as they ſhall think proper, or the Nature of the ſeveral Services may require.

Commiſſioners impowered to appoint Watchmen, *etc*,

and make Rules, Orders, and Regulations for the Conſtables, *etc*. and better Watching.

LXXVII. And be it further enacted by the Authority aforeſaid, That true Copies or Tranſcripts of all ſuch Nominations, Rules, Orders, and Regulations, as ſhall be made from Time to Time for the better Direction and Government of the ſaid Conſtables, Headboroughs, Watchmen, and Beadles, ſhall be fairly written and ſigned by the ſaid Commiſſioners, and ſhall be delivered to the ſeveral Conſtables and Headboroughs for the Time being of the ſaid Part of the ſaid Pariſh; and that One of the Conſtables and Headboroughs, together with One of the Beadles, ſhall attend every Night by Turns, and ſhall keep Watch and Ward within the ſaid Parts of the ſame Pariſh, for ſuch reſpective Times, and in ſuch Manner, as ſhall, from Time to Time, be appointed by the ſaid Commiſſioners; and ſhall, in their ſeveral Turns and Courſes of Watching, uſe their beſt Endeavours to prevent all Miſchiefs happening by Fires, and all Murders, Burglaries, Robberies, Breaches of the King's Peace, and all other Outrages and Diſorders; and to that End ſhall, and they are hereby jointly and ſeverally impowered and required to arreſt, apprehend, and detain in the Watch-houſe, or other convenient Place of Security, all Malefactors, Diſturbers of the King's Peace, and all ſuſpected Perſons who ſhall be found wandering or miſbehaving themſelves, and ſhall carry them (ſo ſoon as conveniently may be) before One or more of His Majeſty's Juſtices of the Peace for the ſaid County of Middleſex, to be examined and dealt with according to Law; and the ſaid Conſtables and Headboroughs ſhall, ſo often in every Night as ſhall be ordered by the ſaid Commiſſioners, go about their reſpective Diſtricts and Rounds, to take Notice whether all the Watchmen perform their Duty in their ſeveral Stations, according to ſuch Rules, Orders, and Regulations, as ſhall be provided for that Purpoſe by the ſaid Commiſſioners as aforeſaid: And in caſe any One or more of the ſaid Watchmen ſhall be found to have miſbehaved himſelf, or neglected his or their Duty, the ſaid Conſtable or Headborough ſhall, as ſoon as conveniently may be, give Notice thereof to the ſaid Treaſurer of the ſaid Commiſſioners for the Time being, who is hereby authoriſed to ſuſpend ſuch Watchman from the Execution of his Office, and appoint another Perſon to officiate therein, until the next Meeting of the ſaid Commiſſioners, when the ſaid Treaſurer ſhall acquaint the Commiſſioners aſſembled at ſuch Meeting with the Complaint againſt ſuch Watchman, in order for the ſaid Commiſſioners to proceed to the Examination of the ſaid Offence; and ſuch Watchman ſhall, for every ſuch Offence, Neglect, or Miſbehaviour, forfeit and pay the Sum of Five Shillings, or be diſcharged from his ſaid Office of Watchman.

Copies of Regulations to be delivered to Conſtables and Headboroughs.

Diſturbers of the Peace may be ſecured.

Penalty on Watchmen neglecting their Duty.

LXXVIII. And be it further enacted by the Authority aforeſaid, That if the ſaid Conſtables, Headboroughs, or Beadles, or any of them, ſhall wilfully neglect to attend in his or their Turn to keep Watch and Ward, or ſhall not come to keep Watch and Ward in Manner, or during the Times, which ſhall be appointed by the ſaid Commiſſioners for his or their Attendance thereon, or ſhall depart from or leave keeping Watch and Ward during the reſpective Hours appointed by the ſaid Commiſſioners as aforeſaid for keeping the ſame, or ſhall otherwiſe neglect his or their Duty, or miſbehave him or themſelves; the Perſon or Perſons ſo offending ſhall reſpectively forfeit and pay, for every ſuch Neglect or Offence, any Sum not exceeding Twenty Shillings, nor leſs than Ten Shillings.

Penalty on Conſtables, *etc*. neglecting their Duty.

LXXIX. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby impowered and required, as ſoon as may be after their Firſt Meeting, to widen or enlarge and improve the ſaid Lane or Way called Charter-houſe Lane, by taking down the preſent Gateways at the Eaſt and Weſt Entrances to the ſaid Lane, and the Buildings over the ſame reſpectively, and by taking down Houſes and other Buildings on the South Side of the ſaid Lane only, ſo as the ſaid Lane or Way, at the Weſt Entrance thereof, for the Firſt Sixty-ſeven Feet from Saint John's Street, ſhall not exceed Twenty-eight Feet in Width, and from thence to the Eaſt End of the ſaid Lane, ſhall not, in any One Part thereof, exceed Thirty-ſix Feet in Width: And for ſuch Purpoſes the ſaid Commiſſioners, or any Seven or more of them, ſhall have, and are hereby inveſted with full Power, to contract and agree with the Owner or Owners, Occupier or Occupiers, and other Perſons intereſted in the ſaid Gateways and Buildings over the ſame, and the Houſes adjoining thereto, and in ſuch other Houſes, Tenements, Edifices, Erections, Buildings, Grounds, and Hereditaments, as are ſituate on the South Side of the ſaid Lane, or ſuch Parts, or ſo much thereof as the ſaid Commiſſioners,

Commiſſioners impowered to widen *Charter-houſe Lane*, &c.

ſioners, or any Seven or more of them, ſhall think neceſſary to be purchaſed, removed, pulled down, or uſed for the Purpoſes aforeſaid, for ſuch Sum or Sums of Money as the ſaid Commiſſioners, or any Seven or more of them, and the ſaid Owner or Owners, Occupier or Occupiers, ſhall agree upon; and that, upon Payment of ſuch Sum or Sums of Money as ſhall be agreed to be paid for ſuch Premiſes reſpectively, or to be contracted for, as aforeſaid, or where no Agreement or Contract ſhall be made, on making Satiſfaction in Manner herein-after mentioned to the Owners of, and Perſons intereſted in, ſuch Premiſes, it ſhall be lawful for the ſaid Commiſſioners to take down all ſuch Houſes, Tenements, Edifices, Erections, and Buildings, or any Part or Parts thereof, ſo deemed neceſſary and proper to be taken down for the Purpoſes aforeſaid, and to cauſe the Materials thereof to be removed and taken away.

Materials veſted in the Truſtees.

LXXX. And be it further enacted by the Authority aforeſaid, That all Timber, Stones, Bricks, Tiles, Slates, Planks, Iron, Lead, Glaſs, and all other Materials belonging or appertaining to the ſeveral Houſes or Tenements, Edifices, and Buildings, which ſhall be taken down by virtue of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners, and they are hereby required, with all convenient Speed, when, and as any ſuch Houſes or Buildings are taken down, or taking down, to cauſe ſuch Materials, from Time to Time, to be removed off the Premiſes, and to uſe and employ ſo much thereof, in and about the widening and improving the ſaid Lane or Way, as they ſhall ſee fitting, and the remaining Part of the ſaid Materials ſhall be ſold and diſpoſed of for as much Money as can be had or gotten for the ſame, and the Money ariſing from the Sale thereof ſhall go and be applied for and towards the widening, enlarging, and improving the ſaid Lane or Way.

Bodies Politick, *etc.* may contract for Sale.

LXXXI. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees for Lunaticks and Idiots, or other Truſtees whomſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes-covert, who are or ſhall be ſeiſed in their own Right, and all and every Perſon or Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any ſuch Houſes, Edifices, Tenements, Erections, Buildings, Lands, Grounds, or Hereditaments, or any Part thereof, which ſhall be thought neceſſary to be purchaſed for the Purpoſes of this Act, to treat, contract, and agree with the ſaid Commiſſioners, or any Seven or or more of them, for the Sale thereof, or of any Part thereof, and to ſell and convey all or any Part thereof, and all the Eſtate, Right, Title, and Intereſt whatſoever, of, in, or to the ſame, to the ſaid Commiſſioners, or to ſuch Perſons and their Heirs, for ever, as the ſaid Commiſſioners, or any Seven or more of them, ſhall direct, in Truſt for them the ſaid Commiſſioners, for the Purpoſes aforeſaid; and that all Contracts, Agreements, Bargains, Sales, and Conveyances, which ſhall be ſo made by virtue and in purſuance of this Act as aforeſaid, ſhall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Aſſurances in the Law whatſoever, be good, valid, and effectual, to all Intents and Purpoſes, not only to convey the Eſtate and Intereſt of the Perſon and Perſons conveying, but alſo to convey all Right, Eſtate, Intereſt, Uſe, Property, Claim, and Demand whatſoever, of their ſaid ſeveral and reſpective Ceſtuique Truſts, and all claiming, or to claim by, from, or under them, any Law, Statute, Uſage, or any other Matter or Thing whatſoever, to the Contrary thereof in any-wiſe notwithſtanding; and that all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue and in purſuance of this Act.

On Refuſal to treat, Value to be ſettled by a Jury.

LXXXII. And be it further enacted by the Authority aforeſaid, That if any Body Politick, Corporate or Collegiate, Corporation Aggregate or Sole, Feme-covert, Owner or Owners, Occupier or Occupiers, or other Perſon or Perſons whomſoever, in and by this Act impowered and qualified to treat, contract, or agree for, ſell, convey, and diſpoſe of, any Part of the Premiſes herein-before mentioned, ſhall refuſe to treat, contract, or agree, as aforeſaid, or by reaſon of Abſence, or otherwiſe, ſhall be prevented from treating and agreeing, or ſhall decline or refuſe to ſell, convey, and diſpoſe of the Premiſes whereof or wherein, or whereunto they reſpectively ſhall be ſo ſeiſed, poſſeſſed, intereſted, or intitled, as aforeſaid, or their reſpective Rights, Titles, Claims, or Intereſts, in, to, or upon the ſame, or any Part thereof, unto the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall nominate, for the Purpoſes, and according to the Tenor, true Intent and Meaning of this Act; or ſhall not produce or make out a clear Title to the Premiſes they are in Poſſeſſion of, or to the Intereſt they claim therein, to the Satiſfaction of the ſaid Commiſſioners; or if any Diſpute or Difference ſhall ariſe touching ſuch Purchaſe or Purchaſes, the ſaid Commiſſioners are hereby impowered and authoriſed to iſſue a Notice, in Writing, under the Hands of any Five or more of them, to the Sheriff of the ſaid County of Middleſex, thereby requiring him, or his Deputy, who is hereby authoriſed, directed, and required accordingly, to impanel, ſummon, and return, at ſuch Time and Place as ſhall be expreſſed in ſuch Notice, Twenty-four ſubſtantial and diſintereſted Perſons, qualified to ſerve on Juries; and out of ſuch Perſons ſo to be impanelled, ſummoned, and returned, the ſaid Commiſſioners ſhall, at ſuch Time and Place, ſwear, or cauſe to be ſworn, a Jury of Twelve Perſons of the ſaid Twenty-four, who ſhall be drawn by the Clerk to, or other Perſon to be appointed by, the ſaid Commiſſioners for the Time being, in the ſame Manner as Juries for Trials of Iſſues joined in His Majeſty's Courts at Weſtminſter, by an Act made in the Third Year of the Reign of

Juries may be impanelled.

of King George the Second, intituled, An Act for the better Regulation of Juries, are directed to be drawn, which Twelve Men ſhall be the Jury for the Purpoſes aforeſaid; and the ſaid Commiſſioners ſhall order ſuch Jury to view the Place in queſtion, if there ſhall be Occaſion; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff or his Deputy ſhall return other honeſt and indifferent Perſons of the Standers by, or that can be ſpeedily procured, to attend that Service, to make up the Number Twelve; which Perſons, ſo to be impanelled, ſummoned, and returned, as aforeſaid, are hereby required to come and appear before the ſaid Commiſſioners, at ſuch Time and Place as in ſuch Notice or Notices ſhall be directed and appointed, and to attend there from Day to Day until diſcharged by the ſaid Commiſſioners; and all Perſons concerned ſhall have their lawful Challenges (but not challenge the Array of the Panel) againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Commiſſioners are hereby impowered to ſummon or call before ſuch Jury, and examine upon Oath, all Perſons who ſhall be thought neceſſary or proper to be examined as Witneſſes touching the Matters in queſtion, which Oath the ſaid Commiſſioners are hereby impowered to adminiſter; and the ſaid Commiſſioners ſhall have full Power, from Time to Time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff or his Deputy making Default in the Premiſes, and on any Perſon or Perſons who ſhall be ſummoned and returned as ſuch Jury, and ſhall not appear, or who ſhall in any other Manner neglect their Duty contrary to the true Intent and Meaning of this Act; or on any Perſon or Perſons who, being required to give Evidence before ſuch Jury, ſhall refuſe or neglect to appear, or appearing, ſhall refuſe to be ſworn and give Evidence, ſo as no ſuch Fine ſhall exceed the Sum of Ten Pounds upon any Perſon for One Offence; which Fine or Fines ſhall be applied towards the widening, enlarging, or improving, the ſaid Lane or Way; and the ſaid Commiſſioners ſhall have Power to adjourn ſuch Meeting, from Day to Day, as Occaſion ſhall require; and ſuch Jury, Witneſſes, and Parties, ſhall attend, until all Matters for which they ſhall be ſo ſummoned ſhall be concluded; and the ſaid Jury, upon their Oath, ſhall inquire of and aſſeſs the Value, Recompence, and Satisfaction, to be paid or made for ſuch Premiſes reſpectively, and aſſeſs and aſcertain the proportionable Sum or Sums to be paid to every ſuch Perſon or Perſons, for the Purchaſe of their reſpective Eſtates and Intereſts claimed therein, or any Part thereof; and the ſaid Commiſſioners ſhall give Judgement for ſuch Sum and Sums of Money ſo to be aſſeſſed; which ſaid Verdict or Verdicts, and the ſaid Judgement, Decree, and Determination thereon, (Notice in Writing being given to the Perſon or Perſons intereſted, at leaſt Fourteen Days before the Time of ſuch Aſſeſſment, declaring the Time and Place of the Meeting of the ſaid Commiſſioners as aforeſaid, and Jury, by leaving ſuch Notice at the Dwelling-houſe of ſuch Perſon or Perſons, or at his, her, or their uſual or laſt Place or Places of Abode, or with the Tenant or Occupier of ſuch Premiſes ſo intended to be valued or aſſeſſed), ſhall be binding and concluſive to all Intents and Purpoſes whatſoever, againſt all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Perſons whomſoever; and the ſaid Verdicts, Judgements, and Decrees, and all other Proceedings of the ſaid Commiſſioners, as aforeſaid, and Juries, ſo to be made, given, and pronounced, as aforeſaid, ſhall be fairly written or engroſſed, and kept and entered amongſt the Records of the Quarter Seſſions in the Clerk of the Peace's Office of the ſaid County of Middleſex; and the ſaid Verdicts, Judgements, and Decrees, and all ſuch other Proceedings, ſhall be deemed and taken to be Records to all Intents and Purpoſes whatſoever, and the ſame, or a Copy thereof, ſhall be deemed and taken to be good and effectual Evidence and Proof in any Court or Courts of Law or Equity whatſoever; and all Perſons may have Recourſe to the ſame *gratis*, and take Copies thereof, paying for every Copy, not exceeding Two-pence for Seventy-two Words; and ſo proportionably for any greater Number of Words.

Juries may be challenged.

Penalty on Sheriffs, Jurymen, and Witneſſes, making Default.

Jury may aſſeſs the Value and proportionable Sums to be paid to every Perſon intereſted, which Verdict to be binding,

and recorded in the Office of the Clerk of the Peace.

LXXXIII. And be it further enacted, That in all Caſes where any Verdicts ſhall be given for a greater Sum or Recompence than ſhall have been offered by or on the Behalf of the ſaid Commiſſioners, or any Seven or more of them, before the ſummoning of any ſuch Jury, for or in reſpect of any ſuch Houſes, Tenements, Edifices, Erections, Buildings, Lands or Hereditaments, or Damages, as aforeſaid, that then all the Expences of ſuch Jury, and the Witneſſes attending in conſequence thereof, and of taking ſuch Inqueſt, ſhall be paid by the ſaid Commiſſioners, out of the Monies to ariſe by virtue of this Act; but if any Verdict ſhall be given for no more, or a leſs Sum than ſhall have been ſo previouſly offered by or on the Behalf of the ſaid Commiſſioners, or any Seven or more of them, then, and in every ſuch Caſe, ſuch Expences ſhall be paid by the Owners of or Perſons intereſted in the Houſes, Tenements, Edifices, Erections, Buildings, Lands, or Hereditaments in Queſtion.

Expences of the Jury how to be borne.

LXXXIV. Provided always, That in caſe the ſaid Sum or Sums ſo aſſeſſed by the ſaid Jury, and ordered and adjudged by the ſaid Commiſſioners to be paid, as a Satisfaction to the Owners, Occupiers, or others, for their reſpective Intereſts in the ſaid Premiſes, ſhall not be paid, tendered, or left, as herein mentioned, according to the true Intent and Meaning of this Act, within Three Months after the ſame ſhall have been ſo aſſeſſed, ordered, and adjudged; then, and in ſuch Caſe, the Verdict of the ſaid Jury, and Order and Adjudication of the ſaid Commiſſioners, ſhall not be binding upon the ſaid Parties, any Thing herein contained to the Contrary notwithſtanding.

Verdict not binding unleſs Money paid within Three Months.

LXXXV. And it is hereby further enacted and declared, That upon Payment of ſuch Sum or Sums of Money, ſo aſſeſſed and decreed as aforeſaid, the Perſon or Perſons to whom the ſame ſhall be ſo aſſeſſed and decreed ſhall make and execute, or procure to be made and executed, good, valid, and legal Conveyances and Aſſurances in the Law to the ſaid Commiſſioners, or ſuch Perſon or Perſons as they ſhall nominate and appoint, in Truſt for the ſaid Commiſſioners, of ſuch Premiſes, or any Part thereof reſpectively, or of ſuch Eſtate, or Intereſt, for which ſuch Sum or Sums of Money ſhall be ſo awarded, and ſhall procure all neceſſary Parties to execute ſuch Conveyances, Aſſignments, and

On Payment of Purchaſe-money, Premiſes to be conveyed.

Aſſurances, and ſhall do all Acts, Matters, and Things, requiſite and neceſſary to make a clear and perfect Title to ſuch Premiſes; and ſuch Conveyances, Aſſignments, and Aſſurances, ſhall contain all ſuch reaſonable and uſual Covenants as ſhall on the Part of the ſaid Commiſſioners be required: And in caſe ſuch Perſon or Perſons, to whom any ſuch Sum or Sums of Money ſhall be ſo awarded or due, as aforeſaid, ſhall not be able to evince their Title to the Premiſes, and to make, or procure to be made, good, valid, and legal Conveyances thereof, or ſhall refuſe ſo to do, being thereto required, and ſuch Sum or Sums, ſo aſſeſſed and awarded, and due as aforeſaid, being produced and tendered to be paid to them on their making ſuch Title, and executing, and procuring to be executed, ſuch Conveyances, Aſſignments, or Aſſurances, as aforeſaid; or in caſe ſuch Perſon or Perſons, to whom ſuch Sum or Sums of Money ſhall be ſo aſſeſſed or due as aforeſaid, cannot be found, or if by reaſon of Diſputes depending in any Court of Law or Equity, or for Defect of Evidence, or otherwiſe, it ſhall not appear to the ſaid Commiſſioners what Perſon or Perſons is or are intitled; or if any Mortgagee or Mortgagees ſhall refuſe to take in his, her, or their Mortgage-money, due on the Premiſes, after Notice given to him, her, or them, for that Purpoſe, as herein-after is provided; then, and in all and every ſuch Caſe and Caſes, it ſhall be lawful for the ſaid Commiſſioners to order the Sum or Sums ſo aſſeſſed and awarded as aforeſaid, or as ſhall be due upon ſuch Mortgage, to be paid into the Bank of England, in the Name, and with the Privity, of the Accountant General of the High Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Premiſes, (deſcribing them) ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court of Chancery, on the Application of any Perſon or Perſons making claim to ſuch Sum, or any Part thereof, by Motion or Petition, ſhall be, and is hereby impowered, in a ſummary Way of Proceeding, or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the Diſtribution thereof, according to the reſpective Eſtate and Eſtates, Title, or Intereſt, of the Perſon or Perſons making Claim thereto, of, in, or to ſuch Meſſuages, Lands, Tenements, or Hereditaments, to be made appear to, and to be declared by, the ſaid Court, and according to the Value thereof aſſeſſed as aforeſaid; and to make ſuch further or other Order in the Premiſes as to the ſaid Court ſhall appear juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of England, who ſhall receive ſuch Sum and Sums, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what Premiſes, and for what Uſe, the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay ſuch Sum or Sums into the Bank as aforeſaid, which Receipt or Receipts ſhall be entered on Record, and regiſtered in ſuch Place, and in ſuch Manner, as ſuch Verdicts, Judgements, and other Proceedings, as aforeſaid, are herein-before required to be kept; and immediately on ſuch Payment, and Regiſtry, all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand in Law and Equity, of the Perſon or Perſons reſpectively, for whoſe Uſe the ſame was paid, in, to, or out of ſuch Houſes, Ground, Tenements, Edifices, Erections, Buildings, Lands, and Premiſes, ſhall veſt in the ſaid Commiſſioners for the Time being for putting this Act in Execution, and the Survivors of them, for the only Uſes and Purpoſes of this Act; and they ſhall be deemed in Law to be in the actual Poſſeſſion thereof, to all Intents and Purpoſes, as fully and effectually as if every Perſon having an Eſtate in the ſaid Premiſes had actually conveyed the ſame by Leaſe and Releaſe, Bargain and Sale inrolled, Feoffment with Livery and Seiſin, Fine and Recovery, or any other legal Conveyance whatſoever; and ſuch Payments ſhall not only bar all Right, Title, Intereſt, Claim, and Demand, of the Perſon or Perſons to whoſe Uſe ſuch Payment was made, but alſo ſhall extend to, and be deemed and conſtrued to bar the Dower and Dowers of the Wife or Wives of ſuch Perſon or Perſons; and all Eſtates Tail in Reverſion or Remainder; and the Iſſue or Iſſues of ſuch Perſon or Perſons, and every Perſon claiming under them, as effectually as a Fine or Recovery would do, if levied or ſuffered by the proper Parties in due Form of Law.

On Refuſal or Incapacity to convey, &c.

or Mortgagees refuſing to take their Mortgage-money, the ſame to be paid into the Bank in the Name of the Accountant General of the Court of Chancery.

Perſons claiming may recover their Money by the Order of that Court in a ſummary Way, or otherwiſe.

Receipts to be regiſtered.

Premiſes veſted in the Commiſſioners.

Purchaſe-money before Application to Chancery may be placed out at Intereſt.

LXXXVI. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, before Payment into the Bank, and Entry of Receipts, as aforeſaid, and before any Application in reſpect thereof to the ſaid Court of Chancery, at the Petition of any Perſon or Perſons intereſted in any Part of ſuch Premiſes, or in the Monies ſo paid into the Bank for the Purchaſe thereof, or in reſpect of any Right or Intereſt therein, to place out and inveſt, or to cauſe to be placed out and inveſted, ſuch Sum or Sums of Money, or any Part thereof, in ſome of the publick Funds, or on Government Securities, at Intereſt, in the Name of any Perſon or Perſons authoriſed and appointed by the ſaid Commiſſioners for that Purpoſe, in Truſt, to transfer and aſſign the ſame to ſuch Perſon or Perſons to whom the Money ſo paid ſhall belong, on their executing proper Conveyances as aforeſaid; and, in the mean Time, in Truſt, to pay the Intereſt and Dividends ariſing therefrom to ſuch Perſon or Perſons who was or were in Poſſeſſion of the ſaid Premiſes at the Time of the ſaid Payment into the Bank.

Perſons intitled to the meſne Profits may recover againſt the Perſon receiving.

Commiſſioners to make Orders on the Bank for inveſting Money in the Funds.

Commiſſioners not anſwerable for Monies ſo depoſited.

LXXXVII. And be it further enacted by the Authority aforeſaid, That all and every Perſon or Perſons who would be intitled to recover the meſne Profits of the Premiſes againſt the Perſon or Perſons in Poſſeſſion, in caſe the ſame had not been ſo conveyed to or veſted in the ſaid Commiſſioners as aforeſaid, ſhall be intitled to recover the Sum and Sums to ariſe from ſuch Intereſt and Dividends as aforeſaid, by Action of Debt, or otherwiſe, againſt the Perſon or Perſons who ſhall receive the ſame; and the ſaid Commiſſioners are hereby impowered and authoriſed to make ſuch Orders on the Bank, to be regiſtered as aforeſaid, as ſhall be neceſſary for inveſting in the Funds, or Government Securities, ſuch Sum or Sums of Money, or any Part thereof; and the ſaid Commiſſioners ſhall be quieted in the Poſſeſſion of ſuch of the ſaid Premiſes, for which ſuch Monies ſhall be ſo paid as aforeſaid, and ſhall not be anſwerable or accountable in any Court of Law or Equity for the Money to be ſo depoſited and placed out as aforeſaid,

ſaid, any otherwiſe than according to the Tenor, Purport, and true Meaning of this Act.

Mortgagees to aſſign upon Tender of Principal and Six Months Intereſt.

LXXXVIII. And be it further enacted by the Authority aforeſaid, That all and every ſuch Perſon and Perſons, who ſhall have any Mortgage or Mortgages on ſuch Houſes, Lands, Tenements, or Hereditaments, which ſhall be purchaſed in purſuance of this Act, his, her, or their Heirs, Executors, Adminiſtrators, and Aſſigns reſpectively, not being in Poſſeſſion thereof by virtue of ſuch Mortgage or Mortgages, ſhall, on the Tender of the principal Money, and Intereſt due thereon, together with Six Calendar Months Intereſt of the ſaid principal Money, by the ſaid Commiſſioners, or by ſuch Perſon or Perſons as they ſhall appoint, immediately aſſign ſuch Mortgage or Mortgages to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint in Truſt for them; or in Caſe ſuch Mortgagee or Mortgagees ſhall have Notice in Writing given to him, her, or them, from the ſaid Commiſſioners, or any Perſon authoriſed by them, and they will pay off and diſcharge the Principal and Intereſt Money, which, at the Expiration of the ſaid Six Calendar Months, to be computed from ſuch Notice given, ſhall be due on ſuch Mortgage; that then, at the End of the ſaid Six Calendar Months, on Payment or Tender of the Principal and Intereſt Money ſo due, ſuch Mortgagee or Mortgagees ſhall convey and aſſign his, her, and their reſpective Eſtates and Intereſts in the ſaid mortgaged Premiſes to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall nominate and appoint in Truſt for them, to the Uſes and Purpoſes of this Act; and if any ſuch Mortgagee or Mortgagees, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall refuſe ſo to do, on ſuch Tender or Payment, then all Intereſt on every ſuch Mortgage ſhall ceaſe and determine.

Tenants to quit on Notice given.

LXXXIX. And be it further enacted by the Authority aforeſaid, That in caſe the ſaid Commiſſioners, or any Perſon authoriſed by them, ſhall, after any Houſes, Edifices, Buildings, Tenements, Lands, Grounds, or Premiſes, ſhall be purchaſed by them, in purſuance of this Act, give Six Calendar Months Notice in Writing to the Tenants or Occupiers reſpectively, of any ſuch Premiſes ſo purchaſed, to quit or deliver up ſuch Premiſes at the Expiration of ſuch Six Months, then every ſuch Tenant or Occupier ſhall, at the End of ſuch Six Months, peaceably and quietly deliver up the Poſſeſſion of the Premiſes ſo by him or her reſpectively occupied, whether upon Leaſe or otherwiſe, to the Perſon or Perſons who ſhall be appointed by the ſaid Commiſſioners to take Poſſeſſion thereof; and if any Perſon or Perſons ſo in Poſſeſſion ſhall refuſe to give up ſuch Poſſeſſion, at the Expiration of ſuch Six Months after every ſuch Notice as aforeſaid, it ſhall and may be lawful for the ſaid Commiſſioners, from Time to Time, to iſſue a Precept or Precepts to the Sheriff of the ſaid County of Middleſex, to cauſe Poſſeſſion thereof to be delivered to ſuch Perſon or Perſons who ſhall be in ſuch Precept or Precepts nominated to receive the ſame, and to direct the ſaid Sheriff to levy ſuch Coſts as ſhall accrue by Means of the iſſuing and Execution of every ſuch Precept, by Diſtreſs and Sale of the Goods and Chattels of any Perſon or Perſons who ſhall have refuſed to give up ſuch Poſſeſſion as aforeſaid, and ſhall refuſe or neglect to pay the ſame Coſts; and the ſaid Sheriff is hereby required to deliver Poſſeſſion, and levy ſuch Coſts, in Manner aforeſaid.

Monies payable to Bodies Corporate, &c. to be re-inveſted in Purchaſe of other Eſtates.

XC. And be it hereby further enacted by the Authority aforeſaid, That the Principal Money to ariſe from the Sale of any Houſes, Edifices, Lands, Tenements, or Hereditaments, which ſhall be purchaſed for the Purpoſes intended by this Act, of any Body Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Guardians, Committees, or other Truſtees, or from any Feme or Femes Covert, ſhall be paid to ſuch Perſons as they ſhall reſpectively nominate to receive the ſame, in Truſt, with all convenient Speed, to be re-inveſted in the Purchaſe of other Meſſuages, Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to and upon, and ſubject to the like Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Houſes, Edifices, Lands, Tenements, and Hereditaments, which ſhall be purchaſed from them reſpectively by the ſaid Commiſſioners, in Manner aforeſaid, were reſpectively ſettled, limited, or aſſured, at the Time of ſuch Purchaſe, or ſo many thereof, as, at the Time of making ſuch Conveyances and Settlements, ſhall be exiſting, and capable of taking Effect.

In what Manner Houſes, &c. may be purchaſed.

XCI. Provided always, and it is hereby enacted and declared by the Authority aforeſaid, That if any Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, ſhall be applied to, by or on Behalf of the ſaid Commiſſioners, to treat for, ſell, diſpoſe of, or convey, for any of the Purpoſes aforeſaid, any Part or Parts of any Houſe, Warehouſe, Yard, or Ground, in the actual Occupation of One Tenant, or of ſeveral joint Tenants, and the Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, ſhall, by Notice in Writing, to be left with the Clerk of the ſaid Commiſſioners, within Twenty-one Days next after ſuch Application, ſignify his, her, or their Inclination, or Deſire to treat for, ſell, diſpoſe of, and convey the Whole of ſuch Houſe, Warehouſe, Yard, or Ground; then, and in every ſuch Caſe, the Whole of every ſuch Houſe, Warehouſe, Yard, or Ground, ſhall be deemed, taken, and held, to be neceſſary to be purchaſed for effecting the Purpoſes of this Act; and if it ſhall happen that the ſaid Commiſſioners ſhall not think proper or be willing to purchaſe the Whole of ſuch Houſe, Warehouſe, Yard, or Ground; then, and in every ſuch Caſe, nothing in this Act contained ſhall extend, or be conſtrued to extend, to compel the Owner or Owners, Occupier or Occupiers thereof, to treat for, ſell, diſpoſe of, or convey, any Part of ſuch Houſe, Warehouſe, Yard, or Ground; any Thing hereinbefore contained to the Contrary thereof in anywiſe notwithſtanding.

Commiſſioners may let or ſell any overplus Ground, &c.

XCII. And whereas by reaſon of the Purchaſes which the ſaid Commiſſioners are hereby impowered to make by virtue of this Act, they may happen to be poſſeſſed of ſome Piece or Pieces of Ground, over and above what may be made uſe of for the widening, enlarging, and improving, of the ſaid Lane or Way, be it therefore further enacted by the Authority aforeſaid,

ſaid, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, to let, ſell, or diſpoſe of, any ſuch Piece or Pieces of Ground, either together or in Parcels, in ſuch Manner as they ſhall find moſt advantageous and convenient, to ſuch Perſon or Perſons as ſhall be willing to contract, agree for, or purchaſe the ſame, giving Preference to the Perſon or Perſons of whom the ſame ſhall have been purchaſed; and it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to deſign, aſſign, and lay out, in what Manner any new Houſes or Edifices ſhall be erected or built upon any ſuch Piece or Pieces of Ground which they ſhall be poſſeſſed of as aforeſaid, over and above what may be neceſſary for widening, enlarging, and improving, the ſaid Lane or Way.

Application of that Money.

XCIII. Provided always, That the Monies to ariſe by Sale of ſuch Piece or Pieces of Ground ſhall be applied for the Purpoſe of widening, enlarging, and improving, the ſaid Lane or Way, and to or for no other Uſe, Intent, or Purpoſe whatſoever.

Powers of this Act not to extend to Eſtates belonging to the *Charter houſe*, without Conſent of the Governors.

XCIV. Provided always, That this Act, or any Thing herein contained, ſhall no way extend to impower the ſaid Commiſſioners to purchaſe or take down the Gate and Gatehouſe ſtanding at the Eaſt End of Charter-houſe Lane aforeſaid, or any Part thereof, or to purchaſe any other Meſſuage, Tenement, or Ground, belonging to the Hoſpital of King James, founded in Charter-houſe, within the County of Middleſex, at the humble Petition and only Coſts and Charges of Thomas Sutton Eſquire, without the Conſent of the Governors of the ſaid Hoſpital firſt had and obtained in Writing under their common Seal for that Purpoſe, or to charge the ſaid Hoſpital, or any Meſſuages, Lands, Tenements, or Hereditaments, now in the Occupation of any of the Officers or Servants belonging to the ſaid Hoſpital, or the Perſons occupying the ſame, with the Payment of any of the Rates to be raiſed by Authority of this Act.

Rates.

XCV. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, the ſaid Commiſſioners, or any Seven or more of them, ſhall, and are hereby impowered and required, Once in every Year, or oftener, if they think proper, to make and ſign Two diſtinct Rates, to be raiſed by an equal Pound Rate, according to the annual Rent or annual Value, upon all and every Perſon or Perſons who do or ſhall inhabit, hold, uſe, occupy, poſſeſs, or enjoy, any Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament, in any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, within the Limits aforeſaid; that is to ſay, One Rate for defraying the Expences of paving, repairing, cleanſing, draining, watching, and lighting, the ſeveral Squares, Streets, Lanes, Courts, Yards, and other open Places and Paſſages, within the Limits aforeſaid, and removing all or any Annoyances and Obſtructions therein, not exceeding, in any One Year, Two Shillings and Sixpence in the Pound; and One other Rate for the Purpoſe of widening, enlarging, and improving, of the ſaid Lane or Way called Charter-houſe Lane, not exceeding Sixpence in the Pound, the Accounts of which ſaid ſeveral Rates, and of the Payments of the Intereſt of the Monies which ſhall be borrowed, and Annuities granted on ſuch Rates reſpectively, ſhall be kept ſeparate and diſtinct from each other.

Commencement of Rates.

XCVI. And be it further enacted by the Authority aforeſaid, That the ſaid firſt Rate or Rates ſhall commence from the ſaid Second Tueſday after the paſſing of this Act; and every ſuch future Rate or Rates ſhall commence from the Time that the laſt proceeding Rates ended, and not otherwiſe, and the Monies therein and thereby charged and aſſeſſed, ſhall be payable and recoverable Quarterly, in Manner herein-after directed.

Rates not to continue after the Money is paid.

XCVII. Provided always, That ſuch laſt-mentioned Rate, for the Purpoſe of widening, enlarging, and improving, Charter-houſe Lane, ſhall not be made or continued longer than until the Monies to be raiſed in Manner herein-after mentioned for thoſe Purpoſes ſhall be paid off and ſatisfied.

Rates to be ſigned by Juſtices of the Peace.

Manner of Recovery, if any Perſon refuſe Payment.

XCVIII. And be it further enacted by the Authority aforeſaid, That all the Rates made by the ſaid Commiſſioners ſhall be allowed and ſigned by Two Juſtices of the Peace acting in and for the ſaid County of Middleſex, who are alſo hereby impowered and required to grant a Warrant or Warrants for collecting and levying the ſame; and the ſaid Rates, after the ſame ſhall be ſo allowed and ſigned by the ſaid Juſtices, ſhall be reſpectively collected Quarterly by the Perſon or Perſons from Time to Time appointed by the ſaid Commiſſioners purſuant to this Act to collect and receive the ſame: And if any Perſon or Perſons ſhall refuſe, neglect, or omit, to pay the Sum or Sums of Money, which he, ſhe, or they, ſhall be rated or aſſeſſed to ſuch reſpective Rates, for the Space of Ten Days after perſonal Demand made thereof, or Demand in Writing left at the Place of Abode or Occupation of ſuch Perſon or Perſons; then, and in every ſuch Caſe, it ſhall and may be lawful for the ſaid Collector or Collectors, and he and they is and are hereby authoriſed and required, to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting, refuſing, or omiting, to pay the ſame reſpectively: And in caſe no ſuch Goods or Chattels can be found to be ſo diſtrained, or in caſe ſuch Goods and Chattels ſhall be locked up or ſecured, or removed from the ſaid Collector or Collectors, ſo that he or they cannot diſtrain the ſame; then, and in either of the ſaid Caſes, upon Information thereof given to the ſaid Juſtices, or any Two Juſtices of the Peace for the ſaid County of Middleſex, it ſhall and may be lawful for ſuch Juſtices, and they are hereby required, to commit the Offender or Offenders to the Houſe of Correction or common Gaol for the ſaid County, there to remain without Bail or Mainprize, for any Time not exceeding the Space of Six Months, or until Payment of ſuch Rate or Aſſeſſment, and reaſonable Charges occaſioned by the Nonpayment thereof.

How Rates may be recovered from Perſons quitting their Houſes, *&c.*

XCIX. And whereas it may happen, that many Perſons liable to, and who may be charged, rated, and aſſeſſed, towards defraying the Expences of the ſeveral Purpoſes of this Act, under the Direction of the ſaid Commiſſioners, may, before Payment of the Sums which may be rated on them reſpectively, quit and leave their Lands, Grounds, Dwelling-houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, in the Square, Street, or Place, where the ſame ſhall be rated and aſſeſſed, and remove to ſome other Square, Street, or Place, which are not within the Limits aforeſaid, and thereby endeavour to avoid the Payment of the ſaid Rates; be it therefore enacted, That when any Perſon or Perſons who hath or have been ſo rated and aſſeſſed ſhall quit his, her, or their Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament, in any Square, Street, or Place, wherein ſuch Rates have been made, before he, ſhe, or they, ſhall have paid the ſame reſpectively, and ſhall afterwards refuſe or neglect to pay the ſame when due, and demanded by the Collector or Collectors authoriſed and appointed to receive the ſame; that then, and in every ſuch Caſe, it ſhall be lawful for the ſaid Collector or Collectors, by Warrant under the Hand and Seal of any Juſtice of the Peace for the County of Middleſex, (which Warrant the ſaid Juſtices are hereby authoriſed and required to grant), in any Place within the ſaid County, or out of the Limits thereof, ſuch Warrant being firſt backed or counterſigned by ſome Magiſtrate of the County, City, or Liberty, where the Diſtreſs is to be made, (which Warrant ſuch Magiſtrate is hereby required to back or counterſign without Fee or Reward), to collect and levy ſuch Rates reſpectively, and all Arrears due thereon, by Diſtreſs of the Goods and Chattels of ſuch Perſon or Perſons ſo refuſing or neglecting to pay the ſame, whereſoever ſuch Goods and Chattels ſhall or may be found; and if within Five Days next after ſuch Diſtreſs ſhall be made, the ſaid reſpective Rates, and all Arrears due thereon, ſhall not be paid, together with the reaſonable Charges of taking and keeping ſuch Diſtreſs, the ſaid Collector or Collectors ſhall cauſe the ſaid Goods and Chattels to be ſold, or ſuch Part thereof as ſhall be ſufficient to pay the ſaid reſpective Rates, together with all Arrears due thereon, and the reaſonable Charges and Expences of ſuch Diſtreſs and Sale, rendering the Overplus, and the Goods and Chattels remaining, (if any be), unto the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold.

Commiſſioners may ſue in the Name of their Treaſurer.

C. Provided always, That the ſaid Commiſſioners may, if they ſhall think proper, ſue in the Name or Names of their Treaſurer or Treaſurers, for all or any of the Rates which ſhall be by them made by virtue of this Act, and all Arrears due thereupon and unpaid, in which Action no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Empty Houſes how to be rated.

CI. And it is hereby further enacted, That where any of the Lands, Houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, ſhall, at the Time of making any of the ſaid Rates by the ſaid Commiſſioners, be empty, untenanted, or unoccupied; then, and in every ſuch Caſe, it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, to rate and aſſeſs ſuch Premiſes reſpectively at One Half of ſuch Rates reſpectively, during the Time only that ſuch Premiſes ſhall be empty, untenanted, or unoccupied, and alſo in caſe any ſuch Premiſes, after the making ſuch reſpective Rate or Rates, ſhall become empty, untenanted, or unoccupied, One Half only of ſuch Rates ſhall be charged on ſuch Premiſes reſpectively, for and during ſo long a Time as the ſame ſhall continue empty, untenanted, and unoccupied; and then, and in any of the ſaid Caſes, the ſaid Rate or Rates, and all Arrears due thereon, ſhall be paid by the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, or by the firſt or any other Tenant or Occupier thereof, in which laſt Caſe ſuch Tenant or Tenants, Occupier or Occupiers, ſhall and may, and is and are hereby authoriſed to deduct and detain the ſame out of his, her, or their Rent or Rents reſpectively, and the Landlord or Landlords, Owner or Owners, of ſuch Premiſes, is and are hereby required to allow ſuch Deductions and Payment, upon Receipt of the Reſidue of his, her, or their reſpective Rents; and the ſaid Tenant or Tenants, Occupier or Occupiers, ſhall be, and is, and are hereby acquitted and diſcharged of and from ſo much of his, her, or their Rent, as the Rate or Rates, and all Arrears due thereon, and ſo paid by him, her, or them, ſhall amount unto.

Rates how to be paid.

Owners deemed Occupiers.

CII. And whereas there are many Houſes, Buildings, Stables, Tenements, and Hereditaments, within the Limits aforeſaid, which are taken on Leaſes for Years, or otherwiſe, and by the Leſſees or Tenants, and alſo by Landlords or Owners, let out at Rents under Ten Pounds a Year, or in Parcels, or ſeparate Apartments, to Under-tenants, and other Houſes and Premiſes let ready-furniſhed to Lodgers; be it therefore enacted by the Authority aforeſaid, That the Leſſee, Landlord, Owner, or Proprietor, of each and every ſuch Houſe, Building, Stable, Land, Tenement, or Hereditament, ſo let out, or which ſhall be let out in Parcels or ſeparate Apartments, or ready-furniſhed to a Lodger or Lodgerss, ſhall be deemed and taken as the Occupier or Occupiers thereof, and ſhall be liable and ſubject to the Payment of the Rates directed by this Act to be made, raiſed, and levied, under the Direction of the ſaid Commiſſioners, according to the yearly Rent or Value of ſuch Premiſes.

Occupiers to pay the Rates;

CIII. And, for the more eaſy Recovery of ſuch Rates ſo to be made by the ſaid Commiſſioners, be it further enacted by the Authority aforeſaid, That each and every Perſon ſo renting or occupying any ſuch Parcel or ſeparate Apartment as aforeſaid, ſhall be liable and compellable to the Payment of the ſaid reſpective Rates, and all Arrears due thereon, to be recovered in Manner herein-before directed.

and may be deducted out of their Rents.

CIV. Provided always, That each and every reſpective Occupier or Occupiers, who ſhall pay ſuch reſpective Rates, and any Arrears due thereon, or from whom the ſame ſhall be recovered in purſuance of this Act, ſhall and may deduct the ſame from and out of the next or any other Rent due and payable from him, her, or them, to ſuch reſpective Leſſee, Landlord, Owner, or Proprietor; and the Receipt for ſuch Payment ſhall be a ſufficient Diſcharge to ſuch Tenant or Tenants, Occupier or Occupiers, from his, her, or their Landlord, for ſo much Money as he, ſhe, or they, ſhall pay, or which ſhall be levied on the Goods and Chattels of him, her, or them, by virtue of this Act, as fully, to all Intents and Purpoſes, as if the ſame had been actually paid to ſuch Landlord.

Landlords not to be charged for increaſed Rents, on account of paying the Rates.

CV. Provided alſo, That no ſuch Landlord, Leſſee, or Tenant, ſhall be charged with, or liable to pay for, any increaſed Rent reſerved or made payable to him, for or on account of his paying ſuch Rates.

Publick Buildings, &c. to be rated.

CVI. And foraſmuch as it is reaſonable that all publick Buildings, and all dead Walls and void Spaces of Ground, ſhall be rated and aſſeſſed in due Proportion towards the ſeveral Purpoſes of this Act, under the Direction of the ſaid Commiſſioners, it is hereby further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, at their Diſcretion, and they are hereby required, from Time to Time, to rate and aſſeſs, towards the Purpoſes of this Act, under the Direction of the ſaid Commiſſioners, all Pariſh Churches, Parochial and other Chapels, Meeting-houſes, Schools, Markets, Warehouſes, and all other publick Buildings whatſoever, (charged or not charged to the Land Tax), ſituate, ſtanding, and being, in any Square, Street, or Place, within the Limits aforeſaid, which now is, or are, or hereafter may be built, or in building, at a Rate not exceeding Two Shillings and Sixpence in the Pound, according to the clear yearly Income ariſing from ſuch Pariſh Church, Parochial and other Chapels, Meeting-houſes, Schools, Markets, Warehouſes, and other publick Buildings reſpectively; and where there is not any ſuch clear yearly Income, or the ſame cannot be fully aſcertained, then, and in either of the ſaid Caſes, the ſame ſhall be charged and aſſeſſed towards the Expences of paving, cleanſing, lighting, and watching, at a Rate not exceeding Sixpence per ſquare Yard, in any One Year, of the Pavement, paved or repaired under the Direction of the ſaid Commiſſioners, and ſituate, lying, and being, in any ſuch Square, Street, or Place, and belonging to ſuch Pariſh Church, Parochial or other Chapel, Meeting-houſe, School, Warehouſe, or other publick Building, and towards the Purpoſes of Charter-houſe Lane, at a Rate not exceeding One Shilling per Foot of the Front or Sides of ſuch Pariſh Church, Parochial or other Chapel, Meeting-houſe, School, Warehouſe, or other publick Building, towards any Square, Street, or Place, paved under the Direction of the ſaid Commiſſioners; and the ſaid Commiſſioners, or any Seven or more of them, ſhall alſo, at their Diſcretion, yearly, or oftener, if needful, aſſeſs all Church-yards, dead Walls, and void Spaces of Ground, towards the Purpoſes aforeſaid, and which are not charged in reſpect of any Dwelling-houſe or other Building, by the Pound-rate, or otherwiſe, by virtue of this Act, for the Purpoſes under the Direction of the ſaid Commiſſioners; ſo that in the Whole ſuch Rate or Aſſeſſment towards the Expences of paving, cleanſing, lighting, and watching, ſhall not, in any One Year, exceed the Sum of Four-pence for every ſquare Yard of Pavement, paved or repaired under the Direction of the ſaid Commiſſioners, ſituate as aforeſaid, or belonging to or lying before ſuch Yards, dead Walls, or void Spaces of Ground, and for the Purpoſes of Charter-houſe Lane, not exceeding the Sum of Eight-pence per Foot of the Front of ſuch Church-yards, dead Walls, and other void Spaces of Ground, towards any ſuch Square, Street, or Place, as aforeſaid; which Rates ſhall commence the ſaid Second Tueſday after the paſſing of this Act, and the ſaid Rate or Rates, to be made and paid for ſuch Pariſh Church, Church-yard, and Parochial Chapels, ſhall be paid by the Churchwardens or Chapelwardens reſpectively, out of any of the Monies payable to, and received by, the ſaid Churchwardens or Chapelwardens reſpectively, either for Seats in the ſaid Church or Chapels, or for Burial Fees; and the Rate or Rates to be made and paid for any other Chapel, Meeting-houſe, School, Market, Warehouſe, or other publick Building, dead Wall, or void Space of Ground, ſhall be paid by the reſpective Owner or Owners, Proprietor or Proprietors thereof, and ſhall be charged and chargeable on the ſaid Premiſes, and be recovered and applied in ſuch Manner as other Rates and Aſſeſſments made, under the Direction of the ſaid Commiſſioners, are directed to be recovered and applied by this Act.

Unfiniſhed Houſes, &c. to be rated.

CVII. And whereas there are ſeveral Houſes, and other Buildings, within the Limits aforeſaid, frequently begun to be built, but are not finiſhed nor let; and foraſmuch as it is reaſonable that ſuch Houſes and Buildings ſhould be rated and aſſeſſed for the Purpoſes under the Authority of the ſaid Commiſſioners; be it therefore enacted, That until ſuch Houſes, or other Buildings, which now are, or hereafter may be built, or in Building, ſhall be finiſhed and tenanted, (if the Street, Square, Lane, or other Place, wherein ſuch Houſe, or other Building, ſhall be ſituate, ſhall be paved and lighted by virtue and in purſuance of this Act), it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby required and directed, when and as ſoon as conveniently may be, to rate and aſſeſs, according to their Diſcretion, all ſuch Houſes, and other Buildings, which ſhall be ſituate within the Limits aforeſaid, and which are or ſhall be erected and covered in, at a Rate not exceeding Four-pence for every ſquare Yard of Ground paved, or to be paved, by virtue of this Act, and belonging to the Fronts or Sides of ſuch Houſes, or other Buildings, and at a Rate not exceeding Eight-pence per Foot of the Fronts and Sides of ſuch Houſes, or other Buildings, for the Purpoſes of Charter-houſe Lane; and for all Houſes, and other Buildings, which are or ſhall be erected, and not covered in, at a Rate not exceeding Two-pence for every ſquare Yard of Ground paved, or to be paved, by virtue of this Act; and for every Foot belonging to the Fronts or Sides of ſuch Houſes, and other Buildings, not exceeding Four-pence, for the Purpoſes of Charter-houſe Lane, until the ſame ſhall be covered in as aforeſaid, and then at a Rate not exceeding Four-pence for every ſquare Yard of Ground paved, or to be paved, and Eight-pence per Foot, for the Purpoſes of Charter-houſe Lane, until the ſame ſhall be let or occupied; which Rates or Aſſeſſments ſhall commence from the ſaid Second Tueſday after the paſſing of this Act, and ſhall be paid by, and be recoverable from, the Proprietor or Proprietors, Leſſee or Leſſees, Owner or Owners, of ſuch Houſe or Houſes, Building or Buildings reſpectively, and ſhall be charged and chargeable on the ſaid Premiſes: And if the ſaid Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, ſhall refuſe or neglect to pay the ſame, upon Demand; then, and in every ſuch Caſe, ſuch reſpective Rate or Rates, and all Arrears due thereon reſpectively, ſhall and may be levied on the Goods and Chattels of the Perſon or Perſons ſo required to pay the ſame in Manner herein-after directed; and in caſe the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, of ſuch Houſe or Houſes, Building or Buildings, ſhall not be known, or cannot be found, or ſhall be under Commiſſion of Bankrupt, then the ſaid reſpective Rate or Rates made thereon ſhall be and remain charged and chargeable on the ſaid Premiſes, until the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, can be found, or until Aſſignees, in caſe of Bankruptcy, are appointed, when the ſame, and all Arrears due thereon, ſhall be levied on the Goods and Chattels of ſuch Owner or Owners, Proprietor or Proprietors, or Leſſee or Leſſees, or upon the Goods and Chattels of ſuch Aſſignee or Aſſignees, who is and are hereby made liable to pay the ſame, or upon the ſaid Premiſes, in like Manner as other Rates made by virtue of this Act, under the Direction of the ſaid Commiſſioners, are made recoverable.

Places built upon, and not paved, to be viewed, &c.

and Notice left with Owners,

and may be compounded for,

or paved by the Commiſſioners, at the Owners Expence.

CVIII. And, whereas there are, or hereafter may be, new Streets and Places which are not paved, and ſmall Pieces or Parcels of Ground in ſeveral of the Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, within the Limits aforeſaid, unbuilt upon, which are neither paved, cleanſed, nor lighted; be it therefore enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners to view and inſpect any Square, Street, Lane, Court, Yard, Alley, Paſſage, or Place, within the Limits aforeſaid, which now is, or hereafter may be, built upon, or in building; and if, upon ſuch View, they ſhall be of Opinion, that the ſame, or any Part or Parts thereof, is or are fit and proper to be paved, the ſaid Commiſſioners, at any Meeting to be held in purſuance of this Act, after ſuch View, ſhall and may order their Surveyor or Surveyors, or other Perſon or Perſons by them appointed for that Purpoſe, to give Notice to the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, of any ſuch Lands, Grounds, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Tenement, or Hereditament, in any ſuch Square, Street, Lane, Court, Yard, Alley, Paſſage, or Place, or leave the ſame at his, her, or their laſt or uſual Place of Abode, or with his, her, or their Servant or Servants; or if no ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, can be found, then ſuch Notice ſhall be ſtuck againſt the ſaid Premiſes, or any Part thereof; which Notice ſhall require ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, to meet ſuch Commiſſioners at the Time and Place therein mentioned, not being leſs than Ten Days from the Date of ſuch Notice, to compound for the paving thereof, at any Sum not exceeding Three Shillings for every ſquare Yard of ſuch Pavement, whether Carriage-way or Foot-way; which Compoſition the ſaid Commiſſioners are hereby authoriſed to make: And if ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, ſhall not attend, or ſhall not compound or agree with the ſaid Commiſſioners, as aforeſaid; then it ſhall be lawful for the ſaid Commiſſioners to order the ſame to be paved as ſoon as conveniently may be; and all Charges and Expences attending ſuch paving ſhall be paid by the reſpective Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, and ſhall be recovered and levied upon their Goods and Chattels, in the Manner herein-before directed.

Owners of vacant Ground not chargeable for more than 200 ſquare Yards.

CIX. Provided always, and it is hereby enacted and declared, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to impower the ſaid Commiſſioners to charge, or make chargeable, any One Proprietor, Owner, or Leſſee, of ſuch vacant Ground, with more than Two hundred ſquare Yards of Paving, on account of any ſuch vacant Ground, in any One Square, Street, or Place, until the ſame ſhall be built upon, or ſhall be in building.

Entries of Rates.

CX. And be it further enacted by the Authority aforeſaid, That the Clerk or Clerks for the Time being to the ſaid Commiſſioners, ſhall, and he and they is and are hereby required to keep proper Entries, in a Book or Books to be kept for that Purpoſe, of all and ſingular the Rates and Aſſeſſments which they ſhall make by virtue of this Act, and ſhall keep the Entries of the Rates or Aſſeſſments made for the Purpoſes of paving, cleanſing, lighting, and watching, ſeparate and diſtinct from the Rates or Aſſeſſments made for the Purpoſes of Charter-houſe Lane; to which Book or Books every Perſon liable to pay the ſaid Rates or Aſſeſſments reſpectively ſhall and may have free Acceſs, at all convenient Times, and ſhall be permitted to inſpect the ſame without Fee or Reward.

Contracts between Landlord and Tenant not to be void.

CXI. Provided alſo, and it is hereby further enacted, That nothing in this Act contained ſhall be deemed or taken to make void any Contract, Covenant, or Agreement, between Landlord and Tenant, touching or concerning the paving, repairing, cleanſing, lighting, or watching, any, or any Part of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, within the Limits aforeſaid; but that every Perſon who is now, by virtue of any ſuch Contract or Agreement, obliged to pave, keep in Repair, cleanſe, light, or watch, any, or any Part of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, ſhall, in lieu thereof, be obliged to pay the Rates hereby directed to be made and aſſeſſed, or ſo much thereof as the ſaid Commiſſioners ſhall deem juſt, and according to the true Meaning of ſuch Contract, Covenant, or Agreement, for and during the Time that ſuch Contract, Covenant, or Agreement, ſhall remain in Force: And in caſe any Diſpute ſhall ariſe concerning ſuch Contract, Covenant, or Agreement, the ſaid Commiſſioners ſhall have Power to hear and finally determine the ſame.

Perſons paying Rates exempted from paving, &c.

CXII. And be it enacted, That all and every Perſon or Perſons paying the Rates by this Act laid and aſſeſſed by the ſaid Commiſſioners, ſhall be, and they, and every of them, is and are hereby exempted and diſcharged from the Expence of paving, repairing, cleanſing, lighting, or watching, the ſaid Squares, Streets, or Places, or any of them, and alſo from all Penalties which may or might be incurred by reaſon of their neglecting to pave, repair, cleanſe, light, or watch the ſame.

Arrears not to be excuſed.

CXIII. Provided always, and it is hereby enacted by the Authority aforeſaid, That nothing in this Act contained ſhall prevent the collecting any Arrears due from any Perſon or Perſons within the Limits aforeſaid, for any of the Purpoſes of this Act, under the Direction of the ſaid Commiſſioners.

Exemption of *Charter-houſe Square.*

CXIV. Provided always, That this Act, or any Thing herein contained, ſhall not extend to charge the Inhabitants, or Owners or Occupiers, of any of the Houſes or Tenements in Charter-houſe Square, or in the Courts within the ſame, with the Payment of any Rate or Aſſeſſment, at any Time to be made and levied by virtue of this Act, for paving, cleanſing, lighting, and watching, the Squares, Streets, Lanes, and other Places before mentioned, or to ſubject the ſaid Square to be paved, cleanſed, lighted, and watched, in any other Manner than as directed and authoriſed by an Act, made in the Sixteenth Year of the Reign of His late Majeſty King George the Second, intituled, An Act to enable the preſent and future Proprietors and Inhabitants of the Houſes in *Charter-houſe Square*, in the County of *Middleſex*, to make a Rate for raiſing Money effectually to incloſe, pave, watch, clean, and improve, the ſaid Square, and to continue the ſame in Repair; this Act, or any Thing herein-before contained, to the Contrary thereof in anywiſe notwithſtanding.

Collectors to pay to the Treaſurer,

CXV. And be it further enacted by the Authority aforeſaid, That the Collector or Collectors of the reſpective Rates, made under the Direction of the ſaid Commiſſioners, ſhall pay the Money, as he or they ſhall receive the ſame, to the Treaſurer or Treaſurers for the Time being to the ſaid Commiſſioners; and, upon Payment of every ſuch Sum of Money to ſuch Treaſurer or Treaſurers, ſuch Collector or Collectors ſhall take a Receipt for the ſame of the ſaid Treaſurer or Treaſurers, which ſhall be given without Fee or Reward, and therein the Name or Names of ſuch Collector or Collectors ſhall be expreſſed, and the Sum or Sums of Money paid ſhall be ſpecified: And if ſuch Collector or Collectors ſhall at any Time keep and retain, in his or their Hands, more than the Sum of One hundred Pounds for any Time longer than the Space of Fourteen Days, (provided the Treaſurer or Treaſurers to ſuch Commiſſioners ſhall within that Time be ready to receive the ſame), he or they ſhall forfeit and pay the Sum of Five Pounds for every Day that he or they ſhall retain any Sum exceeding the Sum of One hundred Pounds beyond the ſaid Fourteen Days.

and not to retain Money in Hand.

Commiſſioners may borrow Money on the Credit of the Rates.

CXVI. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby impowered, from Time to Time, when they ſhall judge it neceſſary for any or either of the Purpoſes aforeſaid, to borrow and take up at Intereſt ſuch Sum or Sums of Money as any Perſon or Perſons is or are willing to lend and advance upon the Credit of any of the ſaid ſeveral Rates authoriſed to be made by the ſaid Commiſſioners, and, by any Writing or Writings upon Vellum or Parchment, ſigned by the ſaid Commiſſioners, to aſſign the ſaid Rates reſpectively, or any Part thereof, to any Perſon or Perſons who ſhall advance and lend ſuch Money on any ſuch particular Rate, as a Security or Securities for the ſeveral Sums ſo borrowed, with Intereſt for the ſame; which Intereſt ſhall be payable and paid half-yearly by the Treaſurer or Treaſurers to the ſaid Commiſſioners for the Time being, out of the Monies to ariſe by or from the particular Rates or Aſſeſſments on the Credit of which ſuch Monies were reſpectively advanced and paid.

Annuities to be raiſed on the Credit of the Rates.

CXVII. And, whereas many Perſons may chuſe to advance Money for the Purchaſe of Annuities, to be ſecured upon, and payable out of the reſpective Rates to be made by virtue of this Act by the ſaid Commiſſioners; be it therefore further enacted by the Authority aforeſaid, That it ſhall be lawful for any Perſon or Perſons to contribute, advance, and pay, into the Hands of the ſaid Commiſſioners, on the Credit of ſuch Rates reſpectively, any Sum or Sums of Money for the abſolute Purchaſe of One or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of ſuch Perſon or Perſons as ſhall be nominated by or on Behalf of ſuch reſpective Contributors, at the Time of Payment of their reſpective Contribution-monies; all which Annuities ſo to be purchaſed ſhall be payable and paid by the Treaſurer or Clerk to the ſaid Commiſſioners for the Time being, out of the Monies to ariſe by or from the particular Rates on the Credit whereof ſuch Sum or Sums of Money were reſpectively advanced and paid, by Four equal quarterly Payments, the Firſt Payment to be made to the reſpective Purchaſers, or their Aſſigns, at the Expiration of the Firſt Quarter after Payment of their reſpective Purchaſe-monies; all which Annuities ſhall be ſold to the beſt Bidder at a publick Sale, Notice whereof ſhall be given in ſome publick News-paper Ten Days at the leaſt before ſuch Sale; and all and every the Annuity or Annuities ſo to be purchaſed, ſhall be, and they are hereby charged upon, and payable, from Time to Time, out of the Monies ariſing by or from the particular Rate on the Credit whereof ſuch Sum or Sums of Money were reſpectively advanced and paid, to be raiſed and aſſeſſed by virtue of this Act, under the Powers of the ſaid Commiſſioners, ſo as the Money to be raiſed, both by Mortgage of the Rates for the Purpoſe of making Sewers in Saint John's Street and Cow Croſs, and by Annuities payable thereout, ſhall at no One Time exceed the Sum of One thouſand Pounds; and ſo as the Money to be raiſed, both by Mortgage of the Rates for paving, cleanſing, lighting, and watching, and by Annuities payable thereout, ſhall at no One Time exceed the Sum of Nine thouſand Pounds; and ſo as the Monies to be raiſed in like Manner, both by Mortgage and Annuities on the Rates for widening, enlarging, and improving, Charter-houſe Lane, ſhall at no One Time exceed the Sum of Four thouſand Pounds.

If Annuitants die, other Perſons may Purchaſe until Mortgages be paid off.

CXVIII. Provided always, and it is hereby enacted, That until the reſpective Sums of Money borrowed by Mortgage of either of the ſaid reſpective Rates, together with all Intereſt due thereon reſpectively, ſhall be repaid, as often as any ſuch Annuitants ſhall die, it ſhall be lawful for any Perſon or Perſons to purchaſe of the ſaid Commiſſioners One or more Annuity or Annuities, upon the Life of any Perſon or Perſons ſo to be nominated upon the Credit of the Rates on which ſuch Annuity was originally raiſed, upon ſuch Terms and Conditions, and to be payable in ſuch Manner, as above mentioned;

tioned; and the Money ſo raiſed ſhall be applied in Diſcharge of the Money ſo borrowed by Mortgage on the Credit of ſuch Rate.

Annuities not liable to Taxes.

CXIX. And be it further enacted, That all and every Perſon and Perſons who ſhall purchaſe ſuch Annuity of Annuities, and ſhall duly pay the Purchaſe-money for the ſame, and his, her, and their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall have, receive, and enjoy, the reſpective Annuity or Annuities, ſo purchaſed, during the Term of the natural Life or Lives of the Perſon or Perſons by them reſpectively nominated at the Time of ſuch Purchaſe, and ſhall have good, ſure, abſolute, and indefeaſible Eſtates and Intereſts in the ſaid Annuities reſpectively, according to the true Intent and Meaning of this Act; and that none of the ſaid Annuitants ſhall be ſubject or liable to any Tax aſſeſſed upon Land by Authority of Parliament; and every ſuch Purchaſer ſhall, upon Payment of his or her Purchaſe-money as aforeſaid, have an Order upon Parchment or Vellum for Payment of the Annuity or Annuities ſo purchaſed by him or her, for or during the natural Life or Lives of ſuch Perſon or Perſons as ſhall be nominated by him or her as aforeſaid; which Order ſhall be ſigned by the ſaid Commiſſioners, and after ſigning thereof, ſhall be firm, good, valid, and effectual in Law, according to the Purport and Meaning thereof, and of this Act.

Securities, &c. may be aſſigned.

CXX. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful to and for any Perſon or Perſons intitled to ſuch Security or Securities, Annuity or Annuities, and his, her, or their Executors, Adminiſtrators, or Aſſigns, from Time to Time, by Writing under his, her, or their Hand and Seal, or Hands and Seals, to be indorſed on the Back of his, her, or their Security or Grant, or by any other Writing or Writings, to be executed in the Preſence of Two or more credible Witneſſes, to aſſign ſuch Security or Securities, Annuity or Annuities, or any Part thereof, or any Intereſt therein, to any Perſon or Perſons whomſoever, and ſo toties quoties; all which Aſſignments or Transfers ſhall be produced to the Clerk or Clerks of the ſaid Commiſſioners, within Thirty Days next after the Date thereof, who ſhall cauſe an Entry of ſuch Transfers and Aſſignments to be made in the Book or Books kept for ſuch Entries, in Manner as herein-after directed, for which the ſaid Clerk or Clerks, or One of them, ſhall be paid the Sum of Two Shillings and Sixpence, and no more; and no ſuch Transfer or Aſſignment ſhall be deemed valid unleſs ſuch Entry or Entries ſhall be firſt made.

Securities, &c. to be entered in a Book.

CXXI. And be it further enacted, That the Clerk or Clerks to the ſaid Commiſſioners ſhall enter in a Book or Books, to be for that Purpoſe provided and kept by ſuch Clerk or Clerks, all Securities for Monies borrowed, or Annuities granted, by virtue or in purſuance of this Act, under the Authority of the ſaid Commiſſioners, and all Aſſignments or Transfers thereof, expreſſing in Words at Length the Names, Surnames, Additions, Places of Abode, and Deſcription, of all ſuch Perſons as ſhall from Time to Time be intitled to ſuch Securities and Grants, and upon what Rates particularly the ſame are charged and chargeable, and the Sums received by the ſaid Commiſſioners upon ſuch Securities; and alſo the Names, Surnames, Additions, Places of Abode, and other Deſcriptions of the Perſons for whoſe Lives the ſaid Annuities ſhall be reſpectively granted, and the Days whereon the ſaid Annuities ſhall be reſpectively payable; to which Book or Books the Perſons intitled thereto, and all and every other Perſon or Perſons liable to the Payment of the ſaid reſpective Rates and Aſſeſſments, ſhall, at all ſeaſonable Times, have Acceſs, with free Liberty to inſpect the ſame, without Fee or Reward.

Treaſurers to pay Money into the Bank.

CXXII. And be it further enacted, That as ſoon as conveniently may be after the Perſon or Perſons, or any or either of them, acting as Treaſurer or Treaſurers to ſuch Commiſſioners as aforeſaid, ſhall at any Time have received the Sum of Five hundred Pounds of the Monies appointed to be received by him or them, by virtue and for the Purpoſes of this Act, he or they ſhall, from Time to Time, pay the ſame into the Bank of England, in the Name, and on the Account, of ſuch Commiſſioners, and the ſame ſhall be diſpoſed of by Order of ſuch Commiſſioners, or any Seven or more of them, for the Purpoſes for which the ſame was received, under their Direction, by virtue of this Act.

Treaſurers, &c. to account on Oath.

CXXIII. And be it further enacted by the Authority aforeſaid, That the Treaſurer or Treaſurers, Collector or Collectors, and other Officers to be appointed by the ſaid Commiſſioners as aforeſaid, for the Time being, ſhall, upon Seven Days Notice, in Writing, given, or left for them reſpectively, at their uſual Places of Abode by the Clerk or Clerks to ſuch Commiſſioners as aforeſaid, deliver in upon Oath (if thereunto reſpectively required) to the ſaid Commiſſioners, at ſuch Time and Place as they ſhall appoint, (which Oath ſuch Commiſſioners are hereby impowered to adminiſter), true and perfect Accounts, in Writing, under the reſpective Hands of ſuch Treaſurer or Treaſurers, Collector or Collectors, and other Officers and Perſons to be appointed as aforeſaid, of all Matters and Things committed to their Charge by virtue of this Act; and alſo all Monies which he or they ſhall have received by reaſon of his or their ſaid Office or Offices, and how much thereof hath been paid and diſburſed for the Execution of this Act, and for what Purpoſe, together with the proper Vouchers for ſuch Payments; alſo a true Liſt of the Names of all Perſons who ſhall have neglected or refuſed to pay the reſpective Rates or Aſſeſſments laid on them by the ſaid Commiſſioners, as aforeſaid; and of the ſeveral Sums of Money, from him, her, or them reſpectively due and in arrear, together with the Dates when the ſame reſpectively became due, and for what particular Rates, to the Intent that the ſame may be ſpeedily got in and recovered;

Officers refuſing to account to forfeit 10*l.*

and if any Treaſurer or Treaſurers, Collector or Collectors, or other Officer or Officers, after ſuch Notice given, ſhall neglect or refuſe to bring in his Accounts as aforeſaid, and to produce and deliver the Vouchers relating to the ſame reſpectively, or to account for any Sum or Sums of Money by him or them received and collected, and to pay the ſame, and every Part thereof, as is herein-before directed, or ſhall not deliver to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, within Twenty-one Days after being thereunto required by them, all Books, Papers, and Writings, in his or their Cuſtody or Power, relating to the Execution of this Act, or give Satiſfaction to the ſaid Commiſſioners, reſpecting the ſaid Books, Papers, and Writings; that then, and in either of the Caſes aforeſaid, ſuch Treaſurer or Treaſurers, Collector or Collectors, Officer or Officers, ſhall, for every ſuch Neglect or Refuſal reſpectively, forfeit the Sum of Ten Pounds; and it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authoriſed and impowered, to bring, or cauſe to be brought, an Action againſt ſuch Treaſurer or Treaſurers, Collector or Collectors, Officer or Officers, ſo neglecting or refuſing as aforeſaid, for the Recovery as well of the ſaid Forfeiture as of the Monies which ſhall be in the Hands of ſuch Treaſurer or Treaſurers, Collector or Collectors, Officers, or Perſons reſpectively; or if Complaint ſhall be made by ſuch Commiſſioners, or by any Perſon or Perſons by them appointed, of any ſuch Neglect or Refuſal, to any Juſtice of the Peace for the County or Place wherein ſuch Treaſurer or Treaſurers, Collector or Collectors, Officer, or Perſons, ſo neglecting or refuſing, ſhall be and reſide, ſuch Juſtice may, and is hereby authoriſed and required, by Warrant under his Hand and Seal, to cauſe ſuch Treaſurer or Treaſurers, Collector or Collectors, Officer, or Perſons, ſo neglecting or refuſing, to be brought before him, and upon his, her, or their appearing, or not being to be found, to hear and determine the Matter of ſuch Complaint in a ſummary Way; and if, upon the Confeſſion of the Party or Parties, or the Teſtimony of any credible Witneſs or Witneſſes upon Oath, it ſhall appear to ſuch Juſtice, that any of the Monies which ſhall have been collected, raiſed, and received, by virtue of this Act, ſhall be in the Hands of ſuch Treaſurer or Treaſurers, Collector or Collectors, Officers, or Perſons, ſo unaccounted for by them reſpectively, ſuch Juſtice may, and is hereby authoriſed and required, by Warrant or Warrants, under his Hand and Seal, to cauſe ſuch Money, as alſo ſuch Forfeiture as aforeſaid, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Treaſurer or Treaſurers, Collector or Collectors, Officers, or Perſons reſpectively; and if no Goods or Chattels of ſuch Treaſurer or Treaſurers, Collector or Collectors, Officers, or Perſons, can be found ſufficient to anſwer and ſatisfy the ſaid Money, as alſo the Forfeitures, and the Charges of diſtraining and ſelling the Goods and Chattels ſo diſtrained, or in caſe it ſhall appear to ſuch Juſtice, by the Confeſſion of the Party ſo offending, or by the Teſtimony of any credible Witneſs upon Oath, that any Books, Papers, or Writings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of any ſuch Treaſurer or Treaſurers, Collector or Collectors, Officers, or Perſons, and he or they ſhall refuſe to deliver the ſame as aforeſaid, or give Satisfaction reſpecting the ſame as aforeſaid; then, and in either of the Caſes aforeſaid, ſuch Juſtice ſhall commit every ſuch Offender to the Houſe of Correction, until he or they ſhall make and give a true and perfect Account as aforeſaid, or until he or they ſhall compound with the ſaid Commiſſioners, and ſhall have paid ſuch Compoſition, in ſuch Manner as they ſhall appoint, which Compoſition the ſaid Commiſſioners are hereby impowered to make, or until he ſhall deliver up ſuch Books, Papers, and Writings, as aforeſaid, and give Satisfaction in reſpect thereof to the ſaid Commiſſioners.

For want of Goods Offenders to be committed.

Offenders not to be detained longer than Six Months.

CXXIV. Provided always, That no Perſon who ſhall be committed on account of his having no Goods and Chattels, ſhall be detained in Priſon for any Term longer than Six Calendar Months.

Collectors to account Four Times a Year.

CXXV. Provided alſo, and be it further enacted, That Four Times at leaſt in every Year an Account from the Book or Books, to be kept by the Collector or Collectors of the ſaid reſpective Rates, Duties, Sum and Sums of Money, ſo aſſeſſed by the ſaid Commiſſioners, ſhall be fairly ſtated and ſigned by the ſaid Collector or Collectors, and delivered by him or them to ſuch Commiſſioners as aforeſaid, who are hereby impowered to diſcharge the ſaid Collector or Collectors of all Monies which he or they ſhall have truly accounted for.

On Death or Bankruptcy of Officers, legal Repreſentatives to pay the Monies remaining in Hand to the Treaſurer;

CXXVI. And be it further enacted, That if any Treaſurer or Treaſurers, Collector or Collectors, Officers, or other Perſons, ſhall happen to die, or become Bankrupt, before he or they ſhall have fully paid and ſatisfied all the Monies by him or them received by virtue of this Act; then, and in every ſuch Caſe, the Executors, Adminiſtrators, or other legal Repreſentative or Repreſentatives, or Perſon or Perſons poſſeſſing the Eſtate and Effects of every ſuch Treaſurer or Treaſurers, Collector or Collectors, Officer or Officers, or other Perſon, or the Aſſignee or Aſſignees of ſuch Bankrupt, ſhall, out of ſuch Eſtate and Effects, pay unto the Treaſurer or Treaſurers for the Time being to the ſaid Commiſſioners, previous to the paying any other Debts or Sums of Money, all ſuch Sums of Money as ſhould be in the Hands of ſuch Perſons reſpectively at the Time of his or their Death, or at the Time of ſuing out any Commiſſion of Bankruptcy againſt him or them, and not paid over, or ſo much thereof as the ſaid Eſtate will extend to pay; and the Receipt or Receipts of the ſaid Treaſurer or Treaſurers ſhall be a good Diſcharge for the ſaid Money; and every Executor or Adminiſtrator, Aſſignee or Aſſignees, or other Perſons as aforeſaid, may, to any Action or Suit commenced or brought againſt him, her, or them, plead or give in Evidence the Authority of this Act for ſuch Payment, and ſhall be allowed the ſame prior to any Debt or Demand whatſoever; and in caſe of Nonpayment of the ſame by the Space of One Year after the ſame ſhall have been demanded, it ſhall be lawful for ſuch Commiſſioners, and they are hereby directed and required, to commence One or more Action or Actions, in any of His Majeſty's Courts of Record at Weſtminſter, againſt ſuch Executors, Adminiſtrators, Aſſignee or Aſſignees, or other Perſons, as aforeſaid, for the Recovery of the ſame; in which Action, no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

whoſe Receipt ſhall be a Diſcharge.

On Nonpayment, Actions may be commenced.

Treaſurer to pay Monies drawn upon him,

CXXVII. And be it further enacted by the Authority aforeſaid, That the Treaſurer or Treaſurers to the ſaid Commiſſioners as aforeſaid, for the Time being, ſhall and may, and is and are hereby authoriſed and required, out of the Monies paid to him or them in purſuance of this Act, to pay all Sums of Money drawn upon him or them, or ordered to be paid by ſuch Commiſſioners for the reſpective Purpoſes under their Direction by virtue of this Act; and the ſaid Treaſurer or Treaſurers for the Time being ſhall, and is and are hereby required to keep regular and fair Entries in a Book or Books, to be by him or them for that Purpoſe provided, of all and ſingular the Receipts and Payments which he or they ſhall make as aforeſaid, and ſhall keep the Accounts of the Monies received and paid for or in reſpect of each reſpective Rate, ſeparate and diſtinct from each other; and alſo that the Treaſurer or Treaſurers for the Time being ſhall have the ſaid Accounts audited and paſſed by the ſaid Commiſſioners, who are hereby impowered and required to audit and paſs the ſame Half-yearly, if they approve thereof.

and keep a regular Account in a Book.

Commiſſioners obtaining a Verdict, Defendant to pay Double Coſts.

CXXVIII. And be it further enacted by the Authority aforeſaid, That if any Action or Actions ſhall be brought by or by Order of ſuch Commiſſioners, againſt any Perſon or Perſons whatſoever, for the Recovery of any Money or Monies payable by virtue of this Act, or for any Materials, Matters, and Things, ſold and delivered by them, or either of them, their, any or either of their Officers, by their, or either of their Order, or for the Recovery of any Rate or Rates, or any other Purpoſe whatſoever, and a Verdict ſhall be had and given againſt any ſuch Perſon or Perſons againſt whom ſuch Action or Actions ſhall be brought, ſuch Perſon or Perſons ſhall pay Double Coſts; and the ſaid Commiſſioners, in ſuch Action or Actions, ſhall have ſuch Remedy or Remedies for recovering the ſame, as any Plaintiff or Plaintiffs may have for his, her, or their Coſts, in any other Caſes by Law.

Penalties and Forfeitures how to be recovered and applied.

CXXIX. And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed, either for the Purpoſes of the Poor, or touching the Matters under the Direction of the Commiſſioners appointed by this Act, (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed), ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Juſtice of the Peace for the ſaid County of Middleſex, which Warrant ſuch Juſtice is hereby impowered and required to grant, upon the Confeſſion of the Party or Parties, or upon the Information of One or more credible Witneſs or Witneſſes upon Oath, and the Informer is hereby rendered a competent Witneſs; and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) upon Demand, to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained, and the Charges of ſuch Diſtreſs and Sale being firſt deducted, ſhall be paid to the Overſeer or Overſeers of the Poor, or to the Treaſurer or Treaſurers to the ſaid Commiſſioners for the Time being, accordneg to the Nature of ſuch reſpective Penalties and Forfeitures, and ſhall be applied to and for the Purpoſes for promoting whereof ſuch Penalties and Forfeitures are reſpectively inflicted or given by this Act.

Informer deemed a competent Witneſs.

Commiſſioners may reward Informers.

CXXX. Provided always, and it is hereby enacted and declared, That it ſhall be lawful for the ſaid Veſtrymen or Commiſſioners reſpectively, at any Meeting to be held in purſuance of this Act, to order the Overſeer or Overſeers of the Poor, or the Treaſurer or Treaſurers to the ſaid Commiſſioners for the Time being, to pay ſuch Part of the ſaid Penalties to the ſaid Informer as they ſhall judge reaſonable, not exceeding One Half thereof.

Diſtreſs not to be deemed unlawful for want of Form.

CXXXI. And be it further enacted by the Authority aforeſaid, That where any ſuch Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, either for the Purpoſes of the Poor, or the Matters under the Direction of the Commiſſioners appointed by this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or want of Form in any Proceedings relating thereto, nor ſhall the Party or Parties be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the ſpecial Damage in any Action on the Caſe.

Plaintiff not to recover if Tender of Amends hath been made.

CXXXII. Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action, or for any ſuch Irregularity, Treſpaſs, or other Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, every or any ſuch Irregularity, Treſpaſs, or wrongful Proceeding, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants, in any Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into the Court ſuch Sum of Money as he or they ſhall ſee fit; whereupon ſuch Proceedings or Order and Judgement ſhall be had, made, or given, in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Perſons aggrieved may appeal to the Quarter Seſſions.

CXXXIII. Provided alſo, and be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved, by any Matter or Thing done, or directed to be done, in purſuance of this Act, for which no particular Method of Relief hath been already appointed, either for the Purpoſes of the Poor, or the Matters under the Authority of the ſaid Commiſſioners, ſuch Perſon or Perſons ſhall and may appeal to the Juſtices of the Peace, at any General Quarter Seſſions of the Peace to be holden for the ſaid County of Middleſex, within Three Months next after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving, or cauſing to be given, Fourteen Days Notice at the leaſt, in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Veſtry Clerk, or to the Clerk or Treaſurer to ſuch Commiſſioners, as the Caſe may be, and within Four Days next after ſuch Notice entering into Recognizance before ſome Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and to abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices of ſuch Quarter Seſſions; and the ſaid Juſtices, at ſuch Quarter Seſſions, upon due Proof of ſuch Notice being given, as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt as the ſaid Juſtices ſhall think proper; and the Determination of ſuch Juſtices at their Quarter Seſſions ſhall be final, binding, and concluſive.

Writings to be without Stamps.

CXXXIV. And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Aſſignment, Transfer, or other Security for the borrowing of Money, granting Annuities, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals of, or only ſigned by, any Veſtryman or Veſtrymen, Commiſſioner or Commiſſioners, for putting this Act in Execution, or by any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby veſted in ſuch Veſtryman or Veſtrymen, Commiſſioner or Commiſſioners, or Juſtice or Juſtices of the Peace, or any of them, or Transfer or Aſſignment of any of the Securities or Grants aforeſaid made by any Perſon or Perſons, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Proceedings not to be quaſhed for want of Form.

CXXXV. And be it further enacted by the Authority aforeſaid, That no Rate or Rates, Aſſeſſment or Aſſeſſments, nor any Proceeding to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or any other Matter or Thing to be done or tranſacted in, or relating to, the Execution of this Act, either for the Purpoſes of the Poor, or any of the Matters under the Direction of the Commiſſioners appointed by this Act, ſhall be vacated or quaſhed for want of Form, or be removed by Certiorari, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; any Law, Statute, or Uſage, to the Contrary notwithſtanding.

Expences of the Act how to be borne.

CXXXVI. And be it further enacted by the Authority aforeſaid, That all Coſts, Charges, and Expences, of paſſing this Act, and all other Charges incident to the obtaining thereof, or attending any Applications to Parliament relative thereto, by and on Behalf of any of the Inhabitants of the ſaid Pariſh, ſhall be borne, paid, and defrayed, out of the firſt Monies ariſing by virtue of this Act, for the Purpoſes of paving, cleanſing, watching, and lighting.

Limitation of Actions.

CXXXVII. And be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, for the Purpoſes of the Poor, or any of the Matters under the Direction of the ſaid Commiſſioners, until Thirty Days Notice ſhall be thereof given in Writing to the Veſtry Clerk, or to the Clerk or Treaſurer to the ſaid Commiſſioners, as the Caſe may be, or after Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought; and all ſuch Actions and Suits ſhall be laid and tried in the County of Middleſex, and not elſewhere; and that the Defendant or Defendants, in ſuch Action or Actions, Suit or Suits, and every of them, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which ſhall be had thereupon; and that the Matter or Thing, for or on which ſuch Action or Actions, Suit or Suits, ſhall be brought, was done in purſuance and by the Authority of this Act: And if the ſaid Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Suit was brought before Thirty Days Notice thereof given as aforeſaid, or that ſufficient Satisfaction was made or tendered as aforeſaid, or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid, then the Jury or Juries ſhall find for the Defendant or Defendants therein; and if a Verdict ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, Suit or Suits, or if upon a Demurrer or Demurrers in ſuch Action or Actions, Suit or Suits, Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants may have for his, her, or their Coſts, in other Caſes by Law.

General Iſſue.

Treble Coſts.

Publick Act.

CXXXVIII. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

CAP. LXIX.

An Act for paving, lighting, cleanſing, watering, and watching, the Streets, and other publick Places, within ſuch Part of the Pariſh of *Saint Pancras*, in the County of *Middleſex*, as lies on the Weſt Side of *Tottenham-court Road*; and for preventing Nuiſances and Obſtructions therein; and for obliging the Truſtees for the Care of the ſaid Road to pave, repair, and cleanſe, ſuch Part of the ſaid Road, as is therein deſcribed.

Preamble.

WHEREAS the Pariſh of *Saint Pancras*, in the County of *Middleſex*, is very large and extenſive, and of late Years ſeveral Houſes have been erected upon ſuch Part thereof as lays Weſtward of *Tottenham-court Road*, and ſeveral other Buildings are likely to be erected within that Part of the ſaid Pariſh: And whereas, by reaſon of the great Number of Carriages which paſs and repaſs through the Streets within that Part of the ſaid Pariſh, the Pavements thereof are in a very bad State, and in a continual want of Repair, and the ſaid Pariſh is not duly lighted, cleanſed, or watched, and is ſubject to Annoyances and Incroachments: And whereas it would be of great Benefit and Safety to the Inhabitants of the ſaid Pariſh, and to all other Perſons paſſing and repaſſing through the ſame, if the ſaid ſeveral Streets, and other publick Paſſages, within that Part of the Pariſh of *Saint Pancras*, which lays on the Weſt Side of *Tottenham-court Road*, were properly paved, lighted, cleanſed, and watered, and all Nuiſances and Annoyances removed and prevented in future, and alſo if a Nightly

Commiſſioners Names.

On Death, &c. of Commiſſioners others to be choſen.

Nightly Watch was to be eſtabliſhed under proper Regulations; but the ſeveral beneficial Purpoſes aforeſaid cannot be effected without the Aid of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That George Alcock, William Bryer, James Butler, Henry Bullock, Thomas Brookſbank, Joſeph Babbs, Thomas Bray, John Cox, Samuel Coates, John Croſſe, Colonel Charles Campbell, George Clavaring, Sir George Cooke, Thomas Summers Cocks, Abraham Chambers, George Dempſter, Robert Davis, Nathaniel Day, Sir John Danvers, Henry Dagge, the Honourable Charles Fitzroy, William Franks, William Farrell, Samuel Foyſter, John French, William Goodge, William Gaſcoyne, John Greſſe, Horace Hayes, Ambroſe Hankin, Rowland Hoſier, Thomas Harriſon, John Hill, Henry Hill, Bartholomew Hammond, William Hotham, Charles Hunt, Alexander Jephſon, Thomas Jemmitt, John Jones, Jacob Leroux, Stephen Cæſar Lemaiſtre, Thomas More, Arthur Moleſworth, the Reverend Anthony Stephen Matthew, the Reverend Samuel Markham, John Middleton, Harry Daniel Mander, Herbert Mackworth, Middleton Onſlow, Sir Charles Price Knight, John Perrott, Edmund Pepys, William Pars, John Pinxton, the Reverend Roger Parry, Thomas Rhodes, Benjamin Reynold, Burkat Shudi, John Snowdon, John Sheldon, Edward Stanley, Philip Stephens, John Taylor, Philip Elias Turſt, Thope, Taylor, John Wright, John Walker M. D. Sir Charles Whitworth, John Wade, John Arnold Wallinger, Saunders Welch, Richard Wilſon, and Mathew Yateman, ſhall be, and are hereby appointed Commiſſioners for putting this Act in Execution: And in caſe of the Death of any of the ſaid Commiſſioners, or of their Refuſal or Neglect to act, for the Space of Two Years, or becoming diſqualified, it ſhall be lawful for the ſurviving or remaining Commiſſioners, or any Seven or more of them, at any Meeting to be held by virtue of this Act, by Writing under their Hands and Seals, to elect and appoint One other Perſon to be a Commiſſioner in the Room or Stead of each Commiſſioner dying, refuſing, neglecting, or becoming diſqualified to act, as aforeſaid; and every Perſon who ſhall be ſo elected and appointed, is hereby veſted with the ſame Powers and Authorities as the Commiſſioner in whoſe Place he was elected and appointed was veſted with.

Qualification of Commiſſioners who now may act.

II. Provided always, That no Perſon whatſoever ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be, in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds; or poſſeſſed of, or intitled to, a Perſonal Eſtate, of the Value of One thouſand Pounds.

and of thoſe who hereafter may be elected.

Penalty on acting if not qualified.

No Commiſſioner to hold a Place of Profit.

III. Provided alſo, That no Perſon hereafter to be elected a Commiſſioner for the Purpoſes of this Act, ſhall be capable of acting as ſuch in the Execution thereof, unleſs he ſhall be, in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, iſſuing and ariſing from Lands, Tenements, or Hereditaments, ſituate, lying, or being, within the Limits of this Act, and rated and aſſeſſed for the Purpoſes thereof; or ſhall be reſident within the Limits of this Act, and poſſeſſed of, or intitled to, a Perſonal Eſtate, of the Value of One thouſand Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds, together with Full Coſts of Suit, to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof given by the Proſecutor, than that ſuch Perſon proſecuted hath acted as a Commiſſioner in the Execution of this Act: But no Perſon ſhall in any Caſe be capable of acting as a Commiſſioner in the Execution of this Act, during ſuch Time as he ſhall hold any Office, or enter into any Contract, or have any Share or Intereſt in any Contract by virtue of this Act.

Commiſſioners to appoint Officers, *etc*,

and may remove them, and appoint others; and allow them Salaries.

Penalty of 100 *l.* on Offices receiving Fees above their Salaries,

IV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, at any Meeting to be held in purſuance of this Act, to appoint One or more Treaſurer or Treaſurers, Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, with ſuch Allowances as they ſhall judge reaſonable; and alſo may, from Time to Time, appoint ſuch other Officer or Officers as they ſhall find neceſſary and convenient, and ſhall or may take Security from all ſuch Perſons for the due Execution of their reſpective Offices; and may, from Time to Time, remove all or any of the ſaid Officer or Officers, or other Perſon or Perſons, and appoint others in the Room of ſuch of them as ſhall be ſo removed, or that ſhall die; and the ſaid Commiſſioners, or any Seven or more of them, ſhall and may, out of the Monies ariſing by virtue of this Act, pay ſuch Salaries, and make ſuch other Allowances, to ſuch Officers and other Perſons ſo to be appointed, or who ſhall be anywiſe employed in the Execution of this Act, as they the ſaid Commiſſioners, or any Seven or more of them, ſhall think fit: And in caſe any Treaſurer, Clerk, Collector, Surveyor, or other Officer or Servant, which ſhall be appointed by the ſaid Commiſſioners, ſhall exact, demand, take, or accept, any Fee, or Reward whatſoever, other than ſuch Salaries and Rewards as ſhall be appointed and allowed by ſuch Commiſſioners, as aforeſaid, for, or on account of any Thing done, or to be done, by virtue of this Act, or for forbearing to do any Thing ordered or directed to be done by the Commiſſioners, relating to the Execution of this Act, or ſhall any way be concerned or intereſted in any Bargain or Contract, made, or to be made, by ſuch Commiſſioners, or any of them, for any of the Purpoſes of this Act, every Perſon ſo offending ſhall for ever be incapable of being employed under this Act, and ſhall alſo forfeit and pay the Sum of One hundred Pounds to any Perſon or Perſons who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information,

formation, in any of His Majeſty's Courts of Record, within Six Calendar Months next after the Offence committed, wherein no Protection, Eſſoin, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Firſt Meeting of the Commiſſioners.

V. And be it further enacted, That the Commiſſioners for putting this Act into Execution, or any Five or more of them, ſhall meet together at the Two Blue Poſts in Tottenham-Court Road, in the ſaid Pariſh, on the Thurſday Seven-night after the paſſing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, and ſhall proceed to the Execution of this Act, and ſhall then, and from Time to Time afterwards, adjourn themſelves, and meet at the Place aforeſaid, or at any other Place or Places within the ſaid Pariſh, as ſuch Commiſſioners, or any Five or more of them, ſhall think proper or convenient, for putting this Act into Execution: And if it ſhall happen that there ſhall not appear, at any ſuch Meeting, a ſufficient Number of Commiſſioners to act, and to adjourn; then, and as often as the Caſe ſhall happen, the Clerk to the ſaid Commiſſioners ſhall appoint the ſaid Commiſſioners to meet on that Day Seven-night, at the ſame Place at which ſuch laſt Meeting was appointed to have been held; and the ſaid Commiſſioners ſhall, at all their Meetings, pay their own Expences.

For want of a ſufficient Number to act, &c. Clerk to call another Meeting.

Proceedings to be entered in a Book.

VI. And be it further enacted, That all Acts, Orders, and Proceedings, of the ſaid Commiſſioners, from Time to Time, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſhall be ſigned by the Chairman at the next Meeting; and all ſuch Orders ſhall then be deemed and taken to be Original Orders, and ſuch Book or Books ſhall and may be produced and read in Evidence in all Courts whatſoever.

No Act valid unleſs done at a publick Meeting.

VII. Provided always, That no Act of the ſaid Commiſſioners ſhall be valid, unleſs the Number of Commiſſioners authoriſed to do ſuch Act ſhall be preſent, and alſo unleſs the ſame ſhall be done at ſome Meeting to be held in purſuance of this Act, and confirmed at the next ſubſequent Meeting; but all the Powers and Authorities by this Act granted to or veſted in the ſaid Commiſſioners, ſhall and may, from Time to Time, be exerciſed by the major Part of them who ſhall attend at any Meeting to be holden as herein-before mentioned; and all Orders and Proceedings of the major Part of the ſaid Commiſſioners, as aforeſaid, ſhall have the ſame Force and Effect as if the ſame had been done or made by all the Commiſſioners for executing this Act.

Property of Pavements, &c. veſted in Commiſſioners.

VIII. And be it further enacted, That the Property of the ſaid Pavements, Lamps, Iron, Timber, Furniture, and all Materials and Things which ſhall be made uſe of for the Purpoſes of this Act, ſhall be, and the ſame is hereby veſted in the Commiſſioners; and they, or any Five or more of them, are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name or Names of any One or more of them, or in the Name of their Clerk or Treaſurer, or to prefer, and order and direct the preferring of Indictments againſt any Perſon or Perſons who ſhall ſteal, take, or carry away the ſame, or any Part or Parcel thereof: And if any Perſon or Perſons ſhall wilfully or maliciouſly break up, deſtroy, or otherwiſe damage or ſpoil any of the ſaid Materials or Things, or any of the Works done in purſuance of this Act, or any Part or Parts thereof, every Perſon ſo offending therein, and being thereof convicted by the Oath of One or more Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace for the County of Middleſex, ſhall, for the Firſt Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Ten Shillings, and for the Second, and every other Offence, any Sum not exceeding Three Pounds, nor leſs than Twenty Shillings; to be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Juſtice or Juſtices, before whom ſuch Conviction ſhall be made; which Forfeiture ſhall be applied to the Purpoſes of this Act: And in caſe the Perſon or Perſons ſo offending and convicted ſhall have no Goods or Chattels whereupon the ſame can be levied; then, and in ſuch Caſe reſpectively, it ſhall and may be lawful to and for One or more of ſuch Juſtice or Juſtices of the Peace as aforeſaid, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Perſon or Perſons reſpectively to the Houſe of Correction, there to remain for any Space, not exceeding Two Calendar Months, nor leſs than Ten Days, to be reckoned from the Day of Commitment; and the Perſon or Perſons incurring ſuch Penalty, and being convicted thereof, ſhall not be diſcharged, until he, ſhe, or they, ſhall have paid the Sum forfeited as aforeſaid, or until the Expiration of the reſpective Times for which he, ſhe, or they, ſhall be committed as aforeſaid.

Penalty on damaging Works.

For want of Diſtreſs, Offender to be committed.

Old Materials, &c. veſted in Commiſſioners.

IX. And be it further enacted, That the Property of all Stones, Poſts, and all and every Part and Parts of the old Materials which ſhall belong to the old Pavement, as well of the Carriage as the Foot Ways, within the Limits aforeſaid, ſhall be, and are hereby veſted in the ſaid Commiſſioners; and it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, or their Surveyor or Surveyors for the Time being, by their Order, to ſell and diſpoſe thereof, or of all or any Part or Parts thereof, to ſuch Perſon or Perſons who ſhall be willing to buy or purchaſe the ſame; and to apply the Purchaſe-money ariſing by ſuch Sale to the Purpoſes of this Act: And if any Perſon or Perſons, to whom ſuch Materials, or any Part or Parts thereof, ſhall be ſold, ſhall refuſe or neglect to pay for the ſame, within Ten Days after Sale thereof, to him, her, or them, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to bring, or cauſe to be brought, any Action or Actions, in the Name of their Clerk or Treaſurer for the Time being, for the Recovery of the Money due for ſuch Materials ſo ſold; in which Action or Actions, no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Payments to be made in 10 Days.

Old Materials may be made uſe of.

X. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, to order all or any of the ſaid old Materials to be made uſe of in paving and repairing any Square, Street, Lane, Court, Yard, Mewſe, Alley, Paſſage, or Place, within the Limits aforeſaid; and from Time to Time to hire any Piece or Pieces of Ground, to lay and diſpoſe of all or any ſuch old Materials in or upon, until ſuch Time as they ſhall have Occaſion to uſe the ſame; any Thing in this Act contained to the Contrary thereof in any-wiſe notwithſtanding.

Ground may be hired for getting Gravel, *etc.*

XI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to hire any Piece or Pieces of Ground for the Purpoſes of digging Gravel, for the better paving the ſaid Streets, Squares, and Places, for ſuch Time, and for ſuch Sum and Sums of Money, as to them ſhall appear reaſonable; which Sum and Sums of Money ſhall be paid out of the Monies ariſing, or to ariſe, by virtue of this Act; and to buy ſuch Carts, Horſes, Teams, or Carriages, as may be neceſſary for the Purpoſes of carting ſuch Gravel, or for cleanſing the Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, and Places, or for any other Purpoſe directed by this Act; and alſo to hire ſuch Perſons, buy ſuch Materials, and make ſuch Regulations, for the better cleanſing the ſame, as they, or any Seven or more of them, in their Diſcretion, ſhall think proper.

Commiſſioners may contract for the paving Streets, *etc.*

XII. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, are hereby authoriſed and impowered, from Time to Time, at any of their ſaid Meetings, as Occaſion ſhall require, to contract with any fit Perſon or Perſons, for paving, keeping in Repair, cleanſing, lighting, and watering, all or any of the ſaid Squares, Streets, Lanes, Courts, Alleys, Yards, Mewſes, Paſſages, or Places, within the Limits aforeſaid; which Contract and Contracts ſhall ſpecify the ſeveral Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſame Works ſhall be completed, and the Penalties to be ſuffered in caſe of Nonperformance thereof; and ſhall be ſigned by the ſaid Commiſſioners, or any Seven or more of them, and alſo by the Perſon or Perſons contracting to perform ſuch Works reſpectively; which Contract ſhall be entered in a Book or Books, to be kept for that Purpoſe by the Clerk or Clerks to ſuch Commiſſioners; but previous to the making of any ſuch Contract, Fourteen Days Notice, at the leaſt, ſhall be given in ſome of the publick News-papers, expreſſing the Intention of ſuch Contract, in order that any Perſon or Perſons, willing to undertake the ſame, may make Propoſals for that Purpoſe, to be offered and preſented to the ſaid Commiſſioners, at a certain Time and Place in ſuch Notice to be mentioned: And if any Perſon or Perſons, other than the Scavenger contracting with the ſaid Commiſſioners, or thoſe employed under him, ſhall, without the Privity or Conſent of the Owner, carry away any Cinders or Aſhes from any Houſe, or other Premiſes, in any Square, Street, or Place, within the Limits aforeſaid, that ſuch Perſon or Perſons, ſo carrying away ſuch Cinders or Aſhes, ſhall forfeit a Sum, not exceeding Five Shillings, for every ſuch Offence; and in caſe the Perſon, who ſhall carry away the Cinders and Aſhes without being properly authoriſed by the Scavenger, cannot be apprehended, that then a like Penalty of Five Shillings ſhall be forfeited by the Owner of the Cart in which ſuch Cinders or Aſhes ſhall be placed, in order to be carried away.

Penalty on Perſons carrying Cinders or Aſhes away, not being the Scavenger.

Penalty on Owner of the Cart.

Works to be inſpected.

XIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, and they are hereby directed, to cauſe all and every of the Works done in purſuance of this Act to be inſpected by their Surveyor or Surveyors, or by ſuch other Perſon or Perſons as they ſhall from Time to Time appoint; and in caſe the ſame ſhall not be well and ſufficiently performed, according to the Intent and Meaning of ſuch Contract or Contracts, or ſhall not be finiſhed and completed at or within the Time or Times that the ſame is or are agreed to be completed by the ſaid Contractor or Contractors, the ſaid Surveyor or Surveyors, or other Perſon or Perſons, ſhall report the ſame to the ſaid Commiſſioners, at their next or any other ſubſequent Meeting, who ſhall or may thereon, in their own Names, or the Names of any Five or more of them, or in the Name or Names of their Treaſurer or Treaſurers for the Time being, bring an Action of Debt, in any of His Majeſty's Courts of Law at Weſtminſter, againſt any Perſon or Perſons ſo contracting and neglecting to perform any ſuch Contract or Contracts; and for any Penalty or Penalties which ſhall be contained in ſuch Contract or Contracts; and, on Proof of the ſigning of the ſaid Contract or Contracts, and Nonperformance thereof at the Time or Times for that Purpoſe therein mentioned, the ſaid Commiſſioners ſhall be intitled to, and ſhall recover ſuch Penalty or Penalties, which, when recovered, ſhall be applied for the Purpoſes of this Act.

Commiſſioners may compound for Breach of Contract.

XIV. Provided always, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, to compound and agree with any ſuch Perſon or Perſons, for any Penalty or Penalties contained in any Contract or Contracts made or entered into in purſuance of this Act, on account of any Breach or Nonperformance of any ſuch Contract or Contracts, for ſuch Sum or Sums of Money as they ſhall think proper, ſo as the Sums ſo compounded and agreed for be not leſs than the Injury or Damage ſuſtained by the Breach or Nonperformance of ſuch Contract or Contracts; and all Coſts, Charges, and Expences, which ſhall be occaſioned thereby.

Paviors, Carters, *etc.* to be appointed.

XV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, to order and direct ſuch and ſo many Paviors, Artificers, Workmen, Labourers, Carters, and others, in the reſpective Works as aforeſaid, as they ſhall judge neceſſary for the due Execution of ſuch Works; and no Perſon or Perſons ſhall, for any Act done in conſequence of his, her, or their being ſo employed by Order of ſuch Commiſſioners, be ſubject or liable to any Action, Indictment, or Information, upon the Statute, made in the Fifth Year of the Reign of Queen Elizabeth, intituled, An Act containing divers Orders for Artificers, Labourers, Servants of Huſbandry, and Apprentices: And in caſe any Diſpute ſhall ariſe with reſpect to the Wages of ſuch Paviors, Artificers, or Labourers employed, all ſuch Diſputes may be ſettled by any One of His Majeſty's Juſtices of the Peace for the County of Middleſex, and the ſame ſhall be final.

XVI. And

Commiſſioners may cauſe the Streets, *etc.* to be new paved.

XVI. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, may cauſe all or any of the ſaid Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, or Places, or any Part or Parts thereof, whether Foot or Carriage Way, within the Limits aforeſaid, to be new-paved or repaired; and for ſuch Purpoſes may cauſe to be dug, carted, and carried out of, or brought into the ſame, or any of them, or any Part or Parts thereof, ſuch Gravel, Stones, and other Materials, as they ſhall judge neceſſary; and may likewiſe cauſe the Ground thereof to be raiſed or lowered, the Courſe of the Channels running in or through the ſame to be turned or altered, new Grates to the Common Sewers to be added or replaced, and in what Number of Places they ſhall think proper; and the Water-pipes which now lie, or hereafter ſhall be laid, under Ground, to be taken up and new-laid in ſuch Places, Manner, and Form, as they ſhall judge beſt; and may cauſe all or any Poſts or Rails, in ſuch Streets or Places within the Limits aforeſaid, as they ſhall judge uſeleſs, or to be a Nuiſance or Obſtruction either to Foot Paſſengers or Carriages, to be taken up and removed; and likewiſe all Steps, Bulks, Stalls, Dung-holes, Saw-pits, Shew-glaſſes, and Shew-boards, or Goods expoſed for Sale, or otherwiſe, incroaching upon the Foot-way; as alſo all Steps and Doors opening or leading from the Foot-way or Carriage-way into Vaults, Cellars, and other Places, to be removed, filled up, and altered, as they the ſaid Commiſſioners, or any Seven or more of them, ſhall judge neceſſary.

Penalty on altering the Form of Streets, erecting Bulks, placing Shew-boards, *etc.*

XVII. And be it further enacted, That no Perſon or Perſons ſhall alter, or cauſe to be altered, the Form of any of the ſaid Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, or Places, which ſhall be paved by Order of the ſaid Commiſſioners, as aforeſaid, or the Manner of the Pavement thereof, or in anywiſe incroach thereon; or put up any Poſt or Poſts, Step or Steps, or erect any Bulks or Stalls, or place out any Shew-glaſſes or Shew-boards, or Goods expoſed for Sale, or otherwiſe, ſo as to be an Incroachment; or make any Dung-holes or Saw-pits; upon Pain that every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, over and above the Expences of relaying and reinſtating ſuch Pavements, or taking down ſuch Poſts, Bulks, or Stalls, and removing or altering ſuch Shew-boards or Shew-glaſſes, or filling up ſuch Dung-holes or Saw-pits, according to the Direction of the ſaid Commiſſioners.

Perſons digging Earth or leaving Holes for making Vaults, *etc.* to incloſe the ſame.

XVIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever, from and after the paſſing of this Act, ſhall dig any Earth, or leave any Hole in any Street or Place before any Houſe or Tenement, built or in building, within the Limits aforeſaid, for the Purpoſe of making Vaults, or any other Purpoſes whatſoever, and ſhall not incloſe the ſame in a good and ſufficient Manner, to be approved of by the Surveyor or Surveyors to the ſaid Commiſſioners; or if any ſuch Perſon or Perſons ſhall keep up ſuch Incloſure longer than the ſaid Commiſſioners ſhall think abſolutely neceſſary, or ſhall not well and ſufficiently fence or rail before the Area or Areas fronting to any Street or Place; every Perſon or Perſons, guilty of any of the Offences aforeſaid, ſhall forfeit and pay the Sum of Five Pounds, and the like Sum of Five Pounds for every Week that ſuch Nuiſance ſhall be continued.

Inhabitants to give Notice to Surveyors when Pavements want any Repairs.

XIX. And be it further enacted, That if any Houſeholder or Houſeholders, within the Limits aforeſaid, ſhall make Complaint in Writing, under his, her, or their Hand or Hands, and ſhall leave the ſame at the laſt or uſual Place of Abode of the Surveyor or Surveyors to the ſaid Commiſſioners, of any Defect or want of Repair in any of the Pavements within the Limits aforeſaid, before or after the ſame ſhall have been new-paved or repaired by virtue of this Act, Three Days before the Meeting of the ſaid Commiſſioners; then, and in every ſuch Caſe, the ſaid Surveyor or Surveyors ſhall view the ſaid Pavement, and report the Condition thereof to the ſaid Commiſſioners at their next Meeting; and if the ſaid Surveyor or Surveyors ſhall, upon ſuch View, find the Pavement complained of to be bad and defective, (unleſs ſuch Defect ſhall appear to ariſe from the Water Pipes lying under ſuch Pavement), the ſaid Commiſſioners ſhall give Orders to their Contractor or Contractors, Pavior or Paviors, to repair the ſame, within ſuch Time as the ſaid Commiſſioners, or any Seven or more of them, ſhall judge neceſſary for the Repair thereof, which Time ſhall be ſpecified in ſuch Order: And if the Contractor or Contractors, Pavior or Paviors, to whom ſuch Order ſhall be given, ſhall not repair and amend ſuch Pavements within ſuch Time as he or they ſhall be directed by the ſaid Commiſſioners to repair as aforeſaid; then, and in every ſuch Caſe, the ſaid Contractor or Contractors, Pavior or Paviors, ſhall forfeit and pay the Sum of Twenty Shillings for every Day that the ſaid defective Pavement ſhall remain unrepaired after the Time limited by the ſaid Commiſſioners in their ſaid Order; and One Half of every ſuch Penalty ſhall be applied and paid to the Inhabitant making ſuch Complaint, for his or her Loſs of Time and Trouble in and about the Premiſes.

Penalty on Paviors neglecting Orders.

If Surveyors think ſuch Pavements not defective Commiſſioners to view the ſame.

XX. And be it further enacted, That if the ſaid Surveyor or Surveyors ſhall, on any ſuch View or Views, be of Opinion, that the Pavement or Pavements mentioned to be bad and defective by ſuch Houſeholder or Houſeholders in ſuch Notice is not bad and defective; then, and in ſuch Caſe, the ſaid Commiſſioners, or any Two or more of them, ſhall proceed forthwith to view the ſaid Pavement, and their Opinion and Order concerning the ſame, after ſuch View, ſhall be final and concluſive; any Thing in this Act coutained to the Contrary thereof in any-wiſe notwithſtanding.

Streets to be watered, *etc.*

XXI. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power and Authority to cauſe all or any of the Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, and Places, within the Limits aforeſaid, to be watered as often as they ſhall think fit; and alſo to cauſe ſuch Number of Wells to be dug or ſunk in ſuch Places, (not being a Vault, Cellar, or other Building, under any of the Streets and Places aforeſaid), as they ſhall think proper; and alſo any Pump or Pumps to be erected in or near ſuch Places, and alſo any Pumps now ſtanding, or which ſhall hereafter be erected, for the Purpoſes of watering the ſaid

Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, and Places, to be removed and altered; and to defray the Expences thereof out of the Monies to be raiſed by virtue of this Act.

Projections, &c. to be removed.

XXII. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall and may cauſe all Trees, Signs, Sign-poſts, Sign-irons, Dyers, Scourers, and Barbers Poles, or any other Poles, Porches, Penthouſes, Boards, Spouts, and Gutters, projecting into or over the Highways and Footways, and all other Incroachments, Projections, or Annoyances whatſoever, within the Limits aforeſaid, (ſave and except all Porticoes now erected), to be taken down and removed; and ſhall cauſe all Signs, Boards, and Gutters, to be affixed cloſe to or on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong; and ſhall return, or cauſe to be returned, to the reſpective Owners, all ſuch Signs, Sign-poſts, Poles, Sign-irons, Boards, Spouts, and Gutters, or ſo much thereof as ſhall not be affixed, or put up, or otherwiſe made uſe of, in the Alterations directed to be made in purſuance of this Act; and that, for the future, all Signs, Sign-poſts, and Gutters, ſhall be placed and fixed cloſe to or on the Fronts of the Houſes, Shops, Warehouſes, and Buildings, to which they reſpectively belong, and not otherwiſe: And if any Perſon or Perſons ſhall, at any Time hereafter, hang, place, erect, or build, any Sign, Sign-poſt, or other Poſts, Sign-iron, Pole, Porch, Penthouſe, Board, Spout, Gutter, or other Projection, Obſtruction, or Annoyance whatſoever, or cauſe the ſame to be done, contrary to the true Intent and Meaning of this Act, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings; and the Sum of Five Pounds, for every Week the ſame ſhall be continued, after Notice in Writing given by the Commiſſioners to remove the ſame.

Signs to be fixed on the Fronts, &c.

Penalty on a Second Offence.

Buildings projecting may be removed.

XXIII. And whereas it might tend to the publick Convenience, if all Buildings and Erections, projecting into or upon the Footways were taken down and removed; as alſo all Doors of Cellars leading from and out of any of the Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, and Places, and all Steps belonging thereto, and all other Projectioos whatſoever, and not herein-before mentioned, were taken down, removed, or altered, in ſuch Manner as the ſaid Commiſſioners ſhall direct; be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons whomſoever, in anywiſe intereſted in any of the ſaid Premiſes, upon Ten Days Notice to them given, or left in Writing at the Houſe or Houſes, Places or Places of Abode, of ſuch Perſon or Perſons, or at the Houſe, Shop, Shed, or other Place, of the Tenant in Poſſeſſion of ſuch Premiſes, ſhall neglect or refuſe to treat, or ſhall not agree for the Sale of any ſuch Premiſes, or any Part or Parts thereof, or for their Intereſt therein; then, and in every ſuch Caſe, the ſaid Commiſſioners, or any Seven or more of them, ſhall cauſe the Value of the Premiſes to be inquired into, and aſcertained, by and on the Oath of a Jury of Twelve indifferent Men of the County of Middleſex, (which Oath the ſaid Commiſſioners, or any One or more of them, is and are hereby impowered and required to adminiſter), what Damages will be ſuſtained by, and what Recompence and Satiſfaction ſhall be made to, ſuch Owners, Occupiers, or Proprietors, or other Perſon or Perſons intereſted in the Premiſes before mentioned, or any Part or Parts thereof, which the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper to be pulled down and removed, for their reſpective Intereſts therein; and in order thereunto the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered and required, from Time to Time, as there ſhall be Occaſion, to ſummon and call before the ſaid Jury, and to examine upon Oath, all Perſons whatſoever, who ſhall be thought neceſſary or proper to be examined as Witneſſes touching or concerning the Premiſes; (which Oath any One of the ſaid Commiſſioners is and are hereby impowered and required to adminiſter); and if any of the Parties intereſted ſhall requeſt the ſame, or the ſaid Commiſſioners, or any Seven or more of them, ſhall think it neceſſary, ſhall alſo cauſe the ſaid Jury to view the Place or Places in queſtion, and ſhall uſe all other lawful Ways or Means, as well for their own as for the ſaid Jury's Information in the Premiſes, in ſuch Manner as they the ſaid Commiſſioners, or any Seven or more of them, ſhall think fit; and after the ſaid Jury ſhall have ſo inquired of, aſcertained, and ſettled ſuch Damages and Recompence, they the ſaid Commiſſioners, or any Seven or more of them, ſhall thereupon order and adjudge the Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury for the ſaid Premiſes, as aforeſaid, to be paid to the Perſons intereſted in the ſaid Premiſes, or any Part or Parts thereof, according to their Verdict and Inquiſition; and the Orders and Adjudications ſo had and made ſhall be final and concluſive to all Intents and Purpoſes, againſt all Parties and Perſons whatſoever, claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs, Executors, or Adminiſtrators, Aſſigns, or Succeſſors reſpectively, as well abſent as preſent, Infants, Femes Covert, Lunaticks, Idiots, and Perſons under any Diſability whatſoever, as well as all other Perſon or Perſons whomſoever; and all and every Perſon and Perſons, in anywiſe intereſted in the Premiſes, or in any Part or Parts thereof, ſhall, from and after Payment, or Tender of the Money ſo aſſeſſed and adjudged, as aforeſaid, in Manner hereafter directed, be hereby, to all Intents and Purpoſes whatſoever, diveſted of all Right, Title, Claim, Intereſt, and Property, of, in, or to the ſame.

Perſons refuſing to treat, &c. the Damage to be ſettled by a Jury.

Witneſſes to be examined on Oath.

Verdict of the Jury to be final.

All Money awarded for Premiſes ſettled to like Uſes.

XXIV. And be it further enacted, That if any Perſon ſhall be intitled, either in Reverſion or Remainder, to any ſuch Premiſes, the Money ſo awarded by a Jury, as a Satiſfaction, ſhall be ſettled to the ſame Uſes as the Premiſes were, unleſs ſuch Perſon ſo intereſted ſhall conſent to give up ſuch reverſionary Intereſt.

Sheriff to iſſue his Warrant to impanel a Jury.

XXV. And be it further enacted by the Authority aforeſaid, That for the ſummoning and returning of ſuch Jury or Juries, the ſaid Commiſſioners, or any Five or more of them, are hereby impowered, from Time to Time, to iſſue their Warrant or Warrants to the Sheriff of the County of Middleſex, thereby requiring him to impanel, ſummon, and return, an indifferent Jury of Twenty-four Perſons, to appear before the ſaid Commiſſioners, or any Seven or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, of which Time and Place all Parties intereſted ſhall have Ten Days Notice given or left, in Manner laſt-before mentioned; and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, ſummon, and return, ſuch Twenty-four Perſons accordingly; and out of the Perſons ſo impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear according to or upon ſuch Summons, the ſaid Commiſſioners, or any Seven or more of them, ſhall cauſe to be ſworn Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and for Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return ſo many of the Standers-by as ſhall be neceſſary to make up the Number of Twelve to ſerve on ſuch Jury.

Verdict not binding, unleſs Satiſfaction be made within a Month.

XXVI. Provided always, That in caſe the ſaid Sum or Sums ſo aſſeſſed by the ſaid Jury, and ordered and adjudged by the ſaid Commiſſioners, or any Seven or more of them, to be paid as a Satiſfaction to the Owners, Occupiers, or others, for their reſpective Intereſts in the ſaid Premiſes, ſhall not be paid, tendered, or left, as herein mentioned, according to the true Intent and Meaning of this Act, within One Calendar Month after the ſame ſhall have been ſo aſſeſſed, ordered, and adjudged; then, and in ſuch Caſe, the Verdict of the ſaid Jury, and Order and Adjudication of the ſaid Commiſſioners, or any Seven or more of them, ſhall not be binding upon the ſaid Parties, any Thing herein contained to the Contrary thereof in anywiſe notwithſtanding: Provided always, That all Perſons concerned ſhall, from Time to Time, have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Commiſſioners, or any Seven or more of them, acting in the Premiſes, ſhall have Power, from Time to Time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or ſhall refuſe to be ſworn on ſuch Jury, or to give their Verdict, or in any Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons who, being required to give Evidence touching the Premiſes, ſhall refuſe to be examined or give Evidence, and, from Time to Time, to levy ſuch Fine or Fines, in ſuch Manner as any Penalties in this Act are directed to be levied and recovered, ſo that no Fine ſhall exceed the Sum of Ten Pounds upon any One Perſon for any One Offence.

Jurymen may be challenged.

10 *l.* Penalty on Sheriffs making Default.

In caſe of Diſputes, Money to be paid into the Bank.

XXVII. And be it further enacted, That in caſe ſuch Perſon or Perſons, to whom ſuch Sums of Money ſhall be ſo aſſeſſed or due as aforeſaid, cannot be found; or if, by reaſon of Diſputes depending in any Court of Law or Equity, or for Default of Evidence, or otherwiſe, it ſhall not appear to the ſaid Commiſſioners, or any Seven or more of them, what Perſon or Perſons is or are intitled to the ſame; or if any Mortgagee or Mortgagees ſhall refuſe to take in his, her, or their Mortgage-money due upon the Premiſes, after Notice given to him, her, or them, for that Purpoſe; that then, and in all and every ſuch Caſe or Caſes, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to order the Sum or Sums ſo aſſeſſed and awarded as aforeſaid, or as ſhall be due on any ſuch Mortgage, to be paid into the Bank of England, in the Name or Names of the Treaſurer or Treaſurers to the ſaid Commiſſioners for the Time being, for the Uſe of the Parties intereſted in the ſaid Premiſes, to be paid to them, and every of them, according to their reſpective Eſtates and Intereſts in the ſaid Premiſes, as the ſaid Commiſſioners, or any Seven or more of them, ſhall, by any Order to be by them made, direct.

Conſideration-monies, &c. payable out of the Rates.

XXVIII. And be it further enacted, That all Sum and Sums of Money, or other Conſideration, Recompence, or Satiſfaction, to be paid, made, or given, purſuant to any Agreement, Award, Judgement, Sentence, Decree, or Determination, as ſhall be made in Purſuance of this Act, ſhall be, and are hereby charged and chargeable, upon all or any Part of ſuch Money or Monies as ſhall be received by virtue of this Act.

Names of Streets to be fixed up, and Houſes numbered.

XXIX. And be it further enacted, That the ſaid Commiſſioners as aforeſaid, or any Five or more of them, ſhall cauſe to be painted, engraved, or deſcribed in Stone or Wood, or otherwiſe, and to be affixed in a conſpicuous Part of One or more Houſe or Houſes, Building or Buildings, at or near each End, Corner, or Entrance, of each of the ſaid Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, and Places, the Name by which each reſpective Square, Street, Lane, Court, Yard, Alley, Mewſe, Paſſage, and Place, is properly or uſually called or known; and ſhall alſo cauſe every Houſe, Shop, or Warehouſe, in each of the ſaid Streets and Places, to be marked and numbered in ſuch Manner as they ſhall judge moſt proper for diſtinguiſhing the ſame; and if any Perſon or Perſons ſhall wilfully deſtroy, pull down, injure, obliterate, or deface, any ſuch Names, Deſcriptions, Marks, or Numbers, or any Part or Parts thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor leſs then Ten Shillings.

Penalty on defacing Numbers, &c.

Annoyances placed in the Carriage ways to be removed.

XXX. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time or Times hereafter, drive or place, or cauſe to be driven or placed, in any of the Carriage-ways within the Limits aforeſaid, any Coach, Cart, Waggon, Dray, or other Carriage, or on any Part or Parts thereof, ſo as to occaſion any Annoyance whatſoever, and ſhall not immediately remove the ſame, when required ſo to do by any Perſon or Perſons whatſoever; or if any Perſon or Perſons ſhall ſet or place any ſuch Carriage, for the Purpoſe of loading or unloading thereof, or for any other Purpoſes, upon any Foot-croſſing in any Square, Street, Way, Lane, Paſſage, or Place, within the Limits aforeſaid; every Perſon ſo offending ſhall, for every or either of the ſaid Offences, forfeit and pay the Sum of Five Shillings; and any One of ſuch Commiſſioners, or any Perſon or Perſons appointed by them for that Purpoſe, may ſeize, or cauſe to be ſeized, any ſuch Coach, Cart, Waggon, Dray, or other Carriage, together with the Horſe or Horſes, if any ſhall be thereunto belonging, and drive or remove, or cauſe the ſame to be driven or removed, to ſome convenient Place, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants, ſhall and do pay to the Perſon or Perſons, in whoſe Cuſtody the ſame ſhall be, the ſaid Penalty, together with the Charges of removing the ſame, and of keeping ſuch Horſe or Horſes, (if any); and in caſe the ſame ſhall not be claimed, and the ſaid Penalty and Charges paid, within the Space of Five Days next after ſuch Seizure thereof; then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to order the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act.

Penalty on not removing Caſks, &c. placed in Carriage or Foot-ways.

XXXI. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time or Times hereafter, ſet or place, or cauſe to be ſet or placed, in any of the Carriage-ways or Foot-ways within the Limits aforeſaid, any Caſks, Package, Timber, Stones, Wheels, Bricks, Lime, Sand, Mortar, or Wood, or any other Materials or Things whatſoever, for the Purpoſe of making Mortar, or of building any Houſe, Shop, Warehouſe, Coach-houſe, Stable, or Tenement, or for any other Purpoſe, (unleſs the ſame ſhall be incloſed in a Hoard, or other Erection, as herein-after is directed), and ſhall not remove the ſame within the Space of One Day next after Notice to him or her given for that Purpoſe, or left at the Premiſes where the ſame ſhall be; or if empty or unoccupied, or in building, ſtuck againſt the Wall thereof, by any One of ſuch Commiſſioners as aforeſaid, or by any Perſon or Perſons by them appointed for that Purpoſe; every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Five Shillings; and any One of ſuch Commiſſioners, or any Perſon or Perſons ſo appointed by them, may ſeize, or cauſe to be ſeized, ſuch Caſks, Package, Timber, Stones, Wheels, Bricks, Lime, Sand, Wood, Mortar, or other Materials, (not being incloſed as aforeſaid), and take or remove, or cauſe the ſame to be taken or removed, to ſome convenient Place to be appointed by the ſaid Commiſſioners, or any Seven or more of them, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants, ſhall and do pay to the Perſon, in whoſe Cuſtody the ſame ſhall be, the ſaid Penalty, together with the Charges of removing the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Penalty and Charges paid, within the Space of Five Days next after ſuch Seizure thereof, then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to order the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act.

Penalty if Nuiſances are replaced and continued.

XXXII. And be it further enacted, That if any ſuch Nuiſance or Obſtruction, or Annoyance, as aforeſaid, ſhall be afterwards replaced, and be continued for the Space of One Hour after Notice to remove the ſame ſhall have been given, in Manner as before directed, the Perſon or Perſons convicted of ſuch Second Offence ſhall forfeit and pay the Sum of Ten Shillings, and the like Sum of Ten Shillings for every other Offence of the like Sort.

Licences may be granted for erecting Hoards, &c.

XXXIII. And be it further enacted, That if any Perſon or Perſons whatſoever ſhall erect or build, or cauſe to be erected and built, any Hoard, or erect any Poſts, Bars, Rails, Boards, or other Thing, by way of Incloſure, for the Purpoſe of making Mortar, and depoſiting Bricks, Stone, Lime, Sand, or any other Materials for building or repairing any Houſe, Shop, Warehouſe, Coach-houſe, Stable, or Tenement, or other Works, or for any other Purpoſe, without Leave or Licence firſt had and obtained under the Hand or Hands of the Surveyor or Surveyors for the Time being to the ſaid Commiſſioners, who is and are hereby required to grant the ſame forthwith, on every Perſon's ſo applying for ſuch Licence; and no Perſon or Perſons whatſoever ſhall erect or build any ſuch Kind of Hoard or Incloſure as aforeſaid, in any other Manner, or ſuffer the ſame to remain for any longer Time, than ſhall be expreſſed and allowed in ſuch Licence from the Surveyor or Surveyors, to be ſigned as aforeſaid, upon Pain of forfeiting any Sum not exceeding Twenty Shillings, nor leſs than Five Shillings, for every Twelve Hours that the ſame, or any Part thereof, ſhall be continued contrary to the Directions of this Act: And if any ſuch Incloſure ſhall be erected or built without the Leave of the ſaid Surveyor or Surveyors ſo had and obtained, and ſigned as aforeſaid, or ſhall be ſet up in any other Manner, or continued for any longer Time, than ſhall be allowed and expreſſed in ſuch Licence; then, and in either of the ſaid Caſes, it ſhall and may be lawful for ſuch Commiſſioners, or any Five or more of them, to cauſe the ſame to be pulled down and removed, and the Materials thereof ſhall be depoſited in ſuch convenient Place as aforeſaid, there to be kept and detained until the Owner or Owners, or his, her, or their known Servant or Servants, ſhall and do pay to the Perſon or Perſons in whoſe Cuſtody the ſame ſhall be the ſaid Penalty, together with the Charges of removing the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Penalty or Charges paid, within the Space of Five Days next after ſuch Seizure thereof, then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to order the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act.

No Lime to be ſifted, &c. in any Square, Street, &c.

XXXIV. And be it further enacted, That if any Perſon or Perſons ſhall ſift, ſcreen, or ſlack, any Lime (except within ſuch Incloſure as aforeſaid) in any Square, Street, Way, Lane, Paſſage, or Place, or cauſe the ſame to be ſo done, he or they ſhall forfeit and pay, for every ſuch Offence, the Sum of Forty Shillings.

Penalty on driving Carriages, &c. on the the Foot Pavements.

XXXV. And be it further enacted, That if any Perſon or Perſons ſhall, for the future, carry, run, drive, or draw, or cauſe to be carried, run, driven, or drawn, on any of the Foot Pavements, within the Limits aforeſaid, any Wheel or Wheels, Sledge, Wheelbarrow, or any Carriage whatſoever, or ſhall wilfully ride, lead, or drive, any Horſe, Aſs, or other Cattle, Coach, or other Carriage whatſoever, upon any Part of the ſaid Foot Pavements; then, and in any ſuch Caſe, and as often as they or any of them ſhall happen, it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, who ſhall ſee ſuch Offence committed, to ſeize, and alſo for any other Perſon or Perſons to aſſiſt in ſeizing the Offender or Offenders, and they are hereby required ſo to do by the Authority of this Act, and without any other Warrant to convey and deliver him, her, or them, into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid County; and the Party or Parties accuſed being brought before any ſuch Juſtice, ſuch Juſtice ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear, or be produced, to give Information touching ſuch Offence, (which Oath the ſaid Juſtice is hereby authoriſed and required to adminiſter); and if the Party or Parties accuſed ſhall be convicted of ſuch Offence, either by his, her, or their own Confeſſion, or upon Information, as aforeſaid, he, ſhe, or they, ſo convicted of any ſuch Offence reſpectively, ſhall forfeit the Sum of Ten Shillings for the Firſt Time of offending, the Sum of Twenty Shillings for the Second Time of offending, and the Sum of Forty Shillings for the Third and every other Time of offending: And in caſe ſuch Offender or Offenders ſhall not, upon ſuch Conviction, pay ſuch Forfeitures, by him, her, or them, incurred as aforeſaid, the Juſtice, before whom ſuch Offender or Offenders ſhall be convicted, is hereby required to commit him, her, or them, to the Houſe of Correction for the ſaid County, there to be kept to hard Labour for any Space of Time not exceeding Ten Days, nor leſs than Three Days.

Stands of Hackney Coachmen, &c. to be regulated.

XXXVI. And whereas Hackney Coachmen and Hackney Chairmen frequently take their Stands, with their Coaches and Chairs, in ſuch Parts of the Streets, ſo as to occaſion Obſtructions both in the Foot and Carriage Ways; be it therefore enacted, That from and after the paſſing of this Act, the ſaid Commiſſioners, or any Seven or more of them, may direct and regulate ſuch Stands of all Hackney Coaches and Chairs, within the Limits of this Act, as they ſhall in their Diſcretion think proper; and if any Hackney Coachman or Hackney Chairman ſhall not comply with ſuch Directions and Regulations, he or they ſhall forfeit the Sum of Ten Shillings for every ſuch Offence.

Regulations to be obſerved on the burſting of Pipes.

XXXVII. And be it further enacted, That when and ſo often as any Pipe or Pipes belonging to any of the Water Companies, who now furniſh, or ſhall hereafter furniſh, the Inhabitants within the Limits aforeſaid with Water, ſhall happen to burſt in any of the Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, or Places, the Surveyor or Surveyors to the Commiſſioners for putting this Act in Execution, or any other Perſon or Perſons to be by them, or any Five or more of them, appointed for that Purpoſe, ſhall forthwith give Notice to the Pavior or Paviors of the Water Companies to whom he apprehends the ſame to belong, and require him or them to take up the Pavement, and open the Ground, at or near the Place where the Water ſhall or may iſſue, by reaſon of ſuch Pipe or Pipes burſting or breaking, within Six Days next after Notice given to ſuch Pavior or Paviors, or left at his or their laſt or uſual Place of Abode; and when, upon taking up the Pavement, and opening the Ground, it ſhall appear to what Water Company the ſaid Pipe or Pipes ſo broken or burſt does or do belong, that then the Surveyor or Surveyors to the ſaid Commiſſioners, or ſuch other Perſon or Perſons as they, or any Five or more of them, ſhall appoint, ſhall give Notice to the Pavior or Paviors of that Company to whom the ſaid Pipe or Pipes ſhall belong, or leave the ſame at his or their laſt and uſual Place of Abode; and the Pavior or Paviors of the Company to whom ſuch Pipe or Pipes ſhall belong is and are hereby required to repair the ſame, and fill in the Ground, and alſo repair the ſame Pavement ſo broken and taken up, in ſuch Manner as the Surveyor or Surveyors to the ſaid Commiſſioners for the Time being ſhall direct, within Two Days next after ſuch Notice ſhall be given or left as aforeſaid: And if it ſhall happen that the Pavior who firſt receives Notice to take up the Pavement, and open the Ground, ſhall, on taking up ſuch Pavement, and opening ſuch Ground, diſcover that the Pipe or Pipes, ſo burſt or broken, doth not or do not belong to the Company whoſe Pavior he is; that then, and in ſuch Caſe, the Pavior to whoſe Company ſuch Pipe or Pipes doth or do belong ſhall make Satisfaction to the Pavior who took up ſuch Pavement, and opened ſuch Ground, as aforeſaid: And in caſe the Pavior to whom ſuch Notice ſhall be given to take up ſuch Pavement, and open ſuch Ground, ſhall neglect or refuſe to do the ſame, within Twenty-four Hours next after Notice given; and in caſe the Pavior to the Company to whom ſuch Pipe or Pipes ſo broken or burſt do belong ſhall neglect or refuſe to amend or repair ſuch Pipe or Pipes, and fill in the Ground, and repair the Pavement, in ſuch Manner as the ſaid Surveyor or Surveyors ſhall direct as aforeſaid, for the Space of Four Days next after ſuch Notice ſhall be given or left as aforeſaid; then, and in every ſuch Caſe, the Perſon or Perſons guilty of ſuch Neglect ſhall, for every ſuch Offence, forfeit and pay ſeverally the Sum of Five Pounds; and if any Pipe or Pipes (other than ſuch as belong to any of the Water Companies) ſhall happen to break or burſt in any of the ſaid Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, or Places, the Owner or Owners thereof ſhall cauſe the Ground to be opened, and ſuch Pipe or Pipes to be repaired, within the Times before reſpectively limited for ſuch Purpoſes; and alſo ſhall forthwith give Notice to the Contractor or Contractors, Surveyor or Surveyors, or other Perſon or Perſons, ſo appointed as aforeſaid, to relay the Pavement ſo broken or taken up, upon Pain of forfeiting, for every ſuch Neglect or Refuſal, the Sum of Forty Shillings; or if any Pavement ſhall be broken or taken up by the Commiſſioners of Sewers, for the Purpoſes of making, repairing, or altering, any Sewer or Drain, or for any other Purpoſe whatſoever, the Surveyor for the Time being to the ſaid Commiſſioners of Sewers, or ſuch other Perſon or Perſons ſo breaking or taking up the ſaid Pavement, ſhall forthwith give Notice thereof to the Surveyor or Surveyors, Contractor or Contractors, or other Perſon or Perſons, appointed by the Commiſſioners for putting this Act in Execution, to relay or repair the Pavement ſo broken or taken up as aforeſaid, upon Pain of forfeiting, for every ſuch Neglect or Refuſal, the Sum of Forty Shillings; or if the ſaid Surveyor or Surveyors, to or for whom ſuch Notice ſhall be given or left as aforeſaid, ſhall neglect or refuſe to acquaint the Contractor or Contractors, or ſuch other Perſon or Perſons, ſo appointed as aforeſaid, of ſuch Notice; or if ſuch Contractor or Contractors, or ſuch other Perſon or Perſons, ſhall not, within Two Days next after ſuch Notice reſpectively given, relay or repair the ſame; then, and in every ſuch Caſe, the Perſon or Perſons ſo reſpectively offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings, and the like Sum of Twenty Shillings for every Day ſuch Pavement ſhall continue, without being relayed or repaired, after the Expiration of the ſaid Two Days.

Paviors to give Notice of their Place of Abode.

XXXVIII. And be it further enacted, That the ſeveral and reſpective Paviors and Turncocks now appointed, or hereafter to be appointed, in caſe of the Death or Removal of any ſuch Pavior or Turncock belonging to the ſaid ſeveral and reſpective Water Companies, ſhall, and they are hereby required, within the Space of Three Days next after the paſſing of this Act, or within the Space of Three Days next after he or they ſhall be appointed Pavior or Paviors, Turncock or Turncocks, to ſuch Company or Companies, to give Notice, in Writing, to the Surveyor or Surveyors for the Time being to the Commiſſioners, or any Seven or more of them, for putting this Act in Execution, or to ſuch other Perſon or Perſons as ſhall be by them, or any Five or more of them, appointed for that Purpoſe; which Notice ſhall contain ſuch Pavior or Turncock's Name and Place of Abode reſpectively, as alſo to what Company he is Pavior or Turncock, and in what Diſtrict he has the Care of ſuch Company or Companies Pipes; and, in like Manner, the Surveyor or Surveyors to the ſaid Commiſſioners for the Time being ſhall, within the reſpective Times aforeſaid, give Notice to the reſpective Paviors or Turncocks of the ſaid ſeveral Water Companies, of his or their own Place or Places of Abode, and alſo to the Surveyor or Surveyors to the Commiſſioners of Sewers, of the Names and Places of Abode of ſuch Contractor or Contractors, and of the Pavior or Paviors employed by ſuch Commiſſioners; and every Perſon or Perſons neglecting or refuſing to give ſuch Notice as aforeſaid, within the Times before reſpectively ſpecified, ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings.

Commiſſioners to cleanſe, alter, and empty Drains and Sewers.

XXXIX. And be it further enacted, That when and ſo often as any Sewer or Drain, which ſhall or may be under the Direction of the Commiſſioners or Sewers, in any of the ſaid Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, or Places, ſhall require to be repaired, altered, cleanſed, or emptied, or any new or additional Sewer or Sewers, Drain or Drains, ſhall be neceſſary to be made, or any new Grate or Grates to be made and put over any Sewer, in any of the ſaid Squares, Streets, or Places, or any old Grates over the ſame ſhall require to be repaired, removed, or altered; then, and in every ſuch Caſe, the ſaid Commiſſioners of Sewers ſhall, within Three Days next after Notice given to or left for their Surveyor for the Time being, at his laſt or uſual Place of Abode, cauſe ſuch Sewer or Sewers, Drain or Drains, to be made, repaired, altered, cleanſed, or emptied, or ſuch new and additional Grates to be made and put down, or ſuch old Grates to be repaired, removed, or altered; and, in Default thereof, it ſhall and may be lawful to and for the Commiſſioners for putting this Act in Execution, or any Five or more of them, or their Surveyor or Surveyors for the Time being, to cauſe ſuch Sewer or Sewers, Drain or Drains, to be made, repaired, altered, cleanſed, or emptied, or ſuch new and additional Grates to be made and put down, or ſuch old Grates to be repaired, removed, or altered, as the Caſe may require, or ſo much thereof as ſhall remain unfiniſhed.

Owners of Pipes to relay them at their own Expences.

XL. Provided always, That the Charges and Expences of relaying or repairing the Pavement, which ſhall be broken or taken up for the Purpoſe of repairing or amending any ſuch Pipe or Pipes not belonging to any of the Water Companies, ſhall be paid to the Commiſſioners for putting this Act in Execution, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint to receive the ſame, by the reſpective Owner or Owners of ſuch Pipe or Pipes: And that the Charges and Expences of making, repairing, altering, cleanſing, or emptying, any ſuch Sewer, Drain, or Vault, and of making and putting down any ſuch new and additional Grates, and altering and repairing ſuch old Grates, and of relaying and repairing the Pavement ſo broken or taken up for any of the Purpoſes aforeſaid, ſhall be paid to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint to receive the ſame, by the Treaſurer or Clerk for the Time being to the ſaid Commiſſioners of Sewers, or by the Perſon or Perſons who ſhall take up, or cauſe the ſaid Pavement, or any Part thereof, to be taken up for the Purpoſes aforeſaid: And in caſe the reſpective Owner or Owners of ſuch Pipe or Pipes as aforeſaid, or the Treaſurer or Clerk to the ſaid Commiſſioners of Sewers, or other Perſon or Perſons as aforeſaid, ſhall neglect or refuſe to pay what ſhall have been ſo laid out or diſburſed for the Purpoſes aforeſaid, within Ten Days next after Notice thereof in Writing, ſigned by the Clerk to the Commiſſioners for putting this Act in Execution, and left at their reſpective Dwelling-houſes, or laſt Place of Abode, together with a Bill annexed thereto, (which Notice ſhall cantain an Account of ſuch Charges and Expences); that then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in their own Names, or in the Name or Names of their Treaſurer or Treaſurers for the Time being, againſt all or any or either of the reſpective Perſons aforeſaid, for the Recovery of ſuch Sum or Sums of Money as they ſhall have ſo laid out and expended for the Purpoſes aforeſaid, in which Action or Actions no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Commiſſioners to pay for cleanſing Sewers, &c.

Commiſſioners to have equal Authority with Commiſſioners of Sewers.

XLI. And whereas the Commiſſioners of Sewers in ſome Parts of the Year do not meet for a conſiderable Interval of Time from their laſt preceding Meeting, from which great Inconveniencies may ariſe; be it therefore enacted, That the Commiſſioners for putting this Act in Execution, or any Five or more of them, within the Limits aforeſaid, ſhall have the ſame Authority to determine in all Caſes relating to the Sewers as the Commiſſioners of Sewers now enjoy.

Commiſſioners to pay for altering Pipes.

XLII. Provided nevertheleſs, That if at any Time or Times it ſhall be found neceſſary to raiſe, ſink, or any otherwiſe alter the Poſition of any of the Pipes or Plugs, laid down or placed by any of the Companies, who furniſh the Inhabitants within the Limits aforeſaid with Water, or of any leaden or other Pipes belonging to any of the ſaid Water

Companies, or to any other Perſon or Perſons, which, for the Purpoſes of conveying Water into any Houſe, Area, or other Place, have been, or ſhall be, laid into or from any ſuch Pipe or Pipes, or to remove or to replace the Grates over any of the Common Sewers, for the Purpoſe of new paving or altering the Pavement of any of the Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, or Places, the Expence thereof ſhall, from Time to Time, be paid out of the Money ariſing, or to ariſe, by virtue of this Act, and ſhall always be done with as little Detriment and Inconvenience to the ſaid reſpective Companies or Inhabitants as the Circumſtances of the Caſe will admit.

Pavements altered at the Requeſt of Proprietors, they are to pay all Expences.

XLIII. Provided always, That when and ſo often as any Part of the Pavements of the ſaid Squares, Streets, Lanes, Courts, Yards, Mewſes, Alles, Paſſages, or Places, ſhall be taken up by any Perſon or Perſons, for the Purpoſes of placing, altering, or amending, any ſuch Pipe or Pipes, the ſame ſhall, with all convenient Speed, be repaired by the Pavior or Paviors contracted with or employed by the ſaid Commiſſioners, or under the Direction of their Surveyor or Surveyors, at the Expence of the Proprietor or Proprietors of the ſaid leaden or other Pipes reſpectively, if ſuch Pipe is replaced, altered, or amended, at the Requeſt of ſuch Proprietor or Proprietors, and not otherwiſe.

Commiſſioners may compound with ſaid Proprietors.

XLIV. Provided alſo, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, to compound and agree with any of the ſaid Proprietors for a certain Sum of Money, by the Foot or other Meaſure, as the ſaid Commiſſioners, or any Seven or more of them, ſhall think reaſonable, in Lieu and Stead of their laying down and repairing ſuch Parts of the ſaid Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, or Places, as ſhall be neceſſary to be taken up for the Purpoſes aforeſaid.

Lamps to be ſet up, &c.

XLV. And for the better lighting the ſaid Squares, Streets, Lanes Courts, Yards, Mewſes, Alleys, Paſſages, and Places, be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, to cauſe ſuch and ſo many Lamps to be ſet up in ſuch Places within the Limits aforeſaid, and to be placed in ſuch Manner, and at ſuch Diſtances, as they ſhall judge neceſſary; and may contract and agree with any Perſon or Perſons for ſuch Lamps, or may find and provide the ſame, if they ſhall think fit; and alſo may contract and agree with any Perſon or Perſons, for the lighting, ſupplying, maintaining, and repairing, ſuch Lamps; and appoint how and where the ſaid Lamps ſhall be placed, and at what Time, and how long, the ſaid Lamps ſhall be and continue lighted and burning, and what Sum or Sums of Money ſhall be paid to the Perſon or Perſons ſo to be contracted or agreed with, to light, maintain, and repair, the ſaid Lamps; provided that no ſuch Contract or Agreement ſhall be for a longer Term than Three Years at any One Time.

Lamp-irons to be affixed againſt Walls, &c.

Penalty on wilfully damaging Lamps, &c.

XLVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to order and direct Lamp-irons to be put or affixed againſt the Walls of all or any of the ſeveral Houſes or Tenements within the Limits aforeſaid; or into, upon, or againſt the Rails before the Area, or in ſuch Manner, and in ſuch other Place, as the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper and convenient: And if any Perſon or Perſons ſhall wilfully take away, break, throw down, or damage, any Lamp, that ſhall be ſet up for the Purpoſes of lighting any of the ſaid Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, or Places, or wilfully extinguiſh the Light or Lights within the ſame, or throw down, or damage the Irons, or other Furniture thereof, it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, who ſhall ſee ſuch Offence committed, to ſeize, as alſo for any other Perſon or Perſons to aſſiſt in ſeizing, the Offender or Offenders, and, by Authority of this Act, and without any other Warrant, to convey and deliver him, her, or them, into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid County; and ſuch Juſtice ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear, or be produced, to give Information or Evidence touching ſuch Offence, (which Oath the ſaid Juſtice is hereby authoriſed and required to adminiſter); and if the Party or Parties accuſed ſhall be convicted of any ſuch Offence, either by his, her, or their Confeſſion, or upon ſuch Information or Evidence as aforeſaid, he, ſhe, or they, ſo convicted, ſhall forfeit and pay the Sum of Twenty Shillings for each Lamp or Lamp-iron ſo broken, thrown down, and damaged, or for every Light ſo extinguiſhed, as aforeſaid, and moreover ſhall make full Satiſfaction to the ſaid Commiſſioners, or to ſuch Perſon or Perſons, as they, or any Seven or more of them, ſhall appoint to receive the ſame, for the Damage ſo by him, her, or them, done as aforeſaid: And in caſe ſuch Offender or Offenders ſhall not, on Conviction, pay ſuch Forfeiture, and make ſuch Satiſfaction, as aforeſaid, ſuch Juſtice is hereby required to commit him, her, or them, to the Houſe of Correction for the ſaid County, there to be kept to hard Labour for any Space of Time not exceeding One Calendar Month, nor leſs than Seven Days; and ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he, ſhe, or they, ſhall be ſo committed, unleſs ſuch Forfeiture and Satiſfaction ſhall be ſooner paid and given.

On Nonpayment, Offender to be committed.

Perſons accidentally damaging Lamps to make Satiſfaction.

XLVII. And be it further enacted, That in caſe any Perſon or Perſons ſhall careleſsly or accidentally break, throw down, or damage, any Lamp or Lamps, hung out or ſet up by Order of the ſaid Commiſſioners, within the Limits aforeſaid, or the Irons or other Furniture thereof, and ſhall not immediately, upon Demand, make Satiſfaction for the Damage done thereto; then, and in every ſuch Caſe, it ſhall and may be lawful to and for any One Juſtice of the Peace, in and for the ſaid County, upon Complaint to him made by One or more credible Witneſs or Witneſſes, to ſummon before him the Party or Parties who ſhall be complained of for doing ſuch Damages as aforeſaid; and, upon hearing the Allegations and Proofs on both Sides, or Nonappearance of the Party or Parties ſo complained of, to award ſuch Sum or Sums of Money, by way of Satiſfaction to the Owners of ſuch Lamp or Lamps, or to the ſaid Commiſſioners, as the Caſe ſhall be, for ſuch Damages as ſuch Juſtice ſhall think reaſonable; and in caſe of Neglect or Refuſal to pay any Sum or Sums of Money ſo awarded, within Ten Days after Demand, to cauſe the ſame to be levied as Fines, Penalties, and Forfeitures, are by this Act herein-after directed to be levied.

Commiſſioners ſhall cauſe Watch-houſes to be erected, &c.

XLVIII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, ſhall and may cauſe a proper Watch-houſe or Watch-houſes to be built within the Limits aforeſaid; and alſo ſuch Number of proper Watch-boxes to be erected and built, as they ſhall think fit; and appoint ſuch a Number of fit and able-bodied Men as they ſhall think proper, from Time to Time, to watch and guard the ſaid Streets, and other Places; and give ſuch Orders and Directions concerning the Manner in which the ſaid Watchmen ſhall be armed and ſtationed, and for the due and regular Performance of the ſaid Service, as they the ſaid Commiſſioners, or any Seven or more of them, ſhall judge expedient; and, from Time to Time, remove any of the ſaid Watchmen, and appoint others in their Stead; and out of any Money to be raiſed by virtue of this Act, pay the Expences, attending the Building and fitting up ſuch Watch-houſe or Watch-houſes, and Watch-boxes, and alſo the Allowances to ſuch Watchmen for their Attendance, and all other neceſſary Charges and Expences, incident to and attending this Service.

Footways to be cleanſed once a Day.

XLIX. And be it further enacted, That every Occupier of any Houſe or Tenement, within the Limits aforeſaid, and, in reſpect to Inmates, every Houſe Owner, ſhall, Once in every Day, between the Hours of Eight and Ten of the Clock in the Forenoon of each Day, ſcrape, ſweep, and cleanſe the Footway, all along the Front of their reſpective Houſes and Tenements, or cauſe the ſame to be ſcraped, ſwept, and cleanſed; and in Default thereof, ſhall, for every ſuch Offence, forfeit and pay the Sum of Two Shillings; to be levied by Warrant under the Hand and Seal or Hands and Seals, of One or more Juſtice or Juſtices of the Peace for the ſaid County, upon the Oaths of Two or more credible Witneſſes, which Oath the ſaid Juſtice or Juſtices of the Peace is and are hereby required and impowered to adminiſter.

Where Materials for Footways may be lodged.

L. And be it further enacted, That during the Time any Square, Street, Lane, Court, Yard, Mewſe, Alley, Paſſage, or Place, ſhall be new paving or repairing, under the Direction of the ſaid Commiſſioners, or any Seven or more of them, they ſhall have Power to order the neceſſary Materials to be lodged in that or any adjoining Street or Place, or Streets or Places, which they, or any Seven or more of them, ſhall think fit; as alſo to ſtop the Way through any adjacent Square, Street, Lane, Court, Yard, Mewſe, Alley, Paſſage, or Place, ſo long as they, or any Seven or more of them, ſhall judge neceſſary; and all Perſons acting under their Directions, as aforeſaid, are hereby indemnified from any Proſecution or Action whatſoever, except where ſuch Materials ſhall be lodged upon, or over, or within Six Feet of any Fire Plug or Cock, and alſo, except where any ſuch Materials ſhall be depoſited in or near the End of any narrow Street or Place, in ſuch Manner as to prevent the Admiſſion of Fire-engines into ſuch Street or Place.

Penalty on obſtructing Surveyors.

LI. And be it therefore enacted, That if any Perſon or Perſons, ſhall, at any Time or Times, from and after the paſſing of this Act, obſtruct, hinder, or moleſt, any Surveyor or Surveyors, or other Officer or Officers, Perſon or Perſons whomſoever, who are or ſhall be employed by the ſaid Commiſſioners, or any Five or more of them, in the Performance or Execution of their Duty; every Perſon or Perſons ſo offending, ſhall, for the Firſt Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds.

Rates may be laid for the Purpoſes of this Act.

LII. And, in order to raiſe a ſufficient Sum of Money for carrying the ſeveral Purpoſes of this Act into Execution, be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, One or more Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall, for the Purpoſe of repairing, cleanſing, lighting, watering, and watching, the ſeveral Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, and Places, within the Limits aforeſaid, be made, laid, and aſſeſſed, by the ſaid Commiſſioners, or any Nine or more of them, Once in every Year, or oftener, if they ſhall judge it needful, upon all and every Perſon and Perſons, who do or ſhall inhabit, hold, uſe, occupy, poſſeſs, or enjoy, any Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament, in any of the ſaid Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, or Places, in ſuch competent Sum and Sums of Money, as the ſaid Commiſſioners, or any Seven or more of them, ſhall order and direct; ſo as ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, do not exceed in the Whole the Sum of Two Shillings in the Pound, in any One Year, according to the yearly Rent or Value of ſuch Lands, Grounds, Houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, ſituate as aforeſaid.

Commencement of the Rates.

LIII. And be it further enacted, That the Firſt Rate or Aſſeſſment ſhall commence from the Twenty-fifth Day of December laſt paſt; and every future Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall commence from the Time that the laſt preceding Rates or Aſſeſſments ended, and not otherwiſe; and the Monies therein and thereby charged and aſſeſſed ſhall be payable and recoverable Quarterly, in Manner herein-after directed.

Where any Streets, &c. are new-paved, an additional Rate may be laid on the Inhabitants.

LIV. And be it further enacted, That when and ſo ſoon as the ſaid Commiſſioners, or any Nine or more of them, ſhall have cauſed any Square, Street, Lane, Court, Yard, Mewſe, Alley, Paſſage, or Place, within the Limits aforeſaid, or any Part or Parts thereof, to be new paved, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, as ſoon as conveniently may be, and ſo in like Manner yearly, or oftener, if Occaſion ſhall require, to make, lay, and aſſeſs, upon all and every Perſon or Perſons, who do or ſhall inhabit, hold, uſe, occupy, poſſeſs, or enjoy, any ſuch Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament reſpectively, as far as ſuch new Pavement ſhall extend, (except ſuch Squares, Streets, and Places, as ſhall be new paved at the Requeſt of Three-fourth Parts of the Inhabitants of any ſuch Square, Street, or Place, in the Manner herein-before directed), a further Sum, not exceeding Sixpence in the Pound, of the yearly Rent or Value of ſuch Lands, Grounds, Houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments reſpectively, to commence from the Time that ſuch new Pavement ſhall be reſpectively completed.

Money may be borrowed on the Credit of the Rate.

LV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, from Time to Time, when they ſhall judge it neceſſary for the Purpoſe aforeſaid, to borrow and take up at Intereſt, ſuch Sum or Sums of Money, as any Perſon or Perſons is or are willing to lend and advance, upon the Credit of the ſaid additional Rate or Aſſeſſment of Sixpence in the Pound; and, by any Writing or Writings, upon Vellum or Parchment, ſigned by the ſaid Commiſſioners, or any Nine or more of them, to aſſign the ſaid additional Rate or Aſſeſſment to any Perſon or Perſons who ſhall advance and lend ſuch Money thereon, as a Security or Securities for the ſeveral Sums ſo borrowed, with Intereſt for the ſame; which Intereſt ſhall be payable and paid Half-yearly by the Treaſurer or Treaſurers for the Time being, out of the Monies to ariſe by or from the ſaid additional Rate or Aſſeſſment.

Application of Monies.

LVI. And be it further enacted, That ſuch Sum or Sums of Money, when ſo received by the ſaid Commiſſioners, or any Nine or more of them, at any Meeting to be held in purſuance of this Act, or by their Treaſurer or Treaſurers for the Time being, the ſame ſhall be depoſited in the Hands of ſuch Banker, as the ſaid Commiſſioners, or any Seven or more of them, ſhall direct, to be iſſued and applied be the ſaid Commiſſioners, or any Seven or more of them, for the new paving any Square, Street, or Place, within the Limits aforeſaid.

Securities to be entered in Books.

LVII. And be it further enacted, That there ſhall be entered in a Book or Books, to be for that Purpoſe provided and kept by the Clerk or Clerks to the ſaid Commiſſioners, all Securities for Monies borrowed by virtue of or in purſuance of this Act, and all Aſſignments or Transfers thereof, expreſſing, in Words at Length, the Names, Surnames, Additions, Places of Abode, and other Deſcriptions, of all ſuch Perſons as ſhall, from Time to Time, be intitled to ſuch Securities, and the Sums received upon ſuch Securities; to which Book or Books the Perſons intitled thereto, and all and every Perſon or Perſons liable to the Payment of the ſaid Rates and Aſſeſſments, ſhall, at all ſeaſonable Times, have Acceſs, with free Liberty to inſpect the ſame without Fee or Reward; and the Treaſurer or Treaſurers to the ſaid Commiſſioners ſhall, from Time to Time, keep the Accounts relating to ſuch additional Rate or Aſſeſſment, and the Payment of the Intereſt of the Money borrowed, ſeparate and diſtinct from the other Accounts of the ſaid Commiſſioners; and if any Sum or Sums of Money ſhall at any Time remain over and above what ſhall be ſufficient to pay ſuch Intereſt, then ſuch Sum or Sums of Money ſhall be applied towards paying off the Principal ſo borrowed as aforeſaid; and for that Purpoſe may be placed out at Intereſt, on Government Security, in the Name or Names of the Treaſurer or Treaſurers for the Time being to the ſaid Commiſſioners, at ſuch Time, and in ſuch Manner, as the ſaid Commiſſioners, or any Seven or more of them, ſhall direct or appoint, until the ſame ſhall amount to the Sum of Five hundred Pounds, which Sum ſhall be employed for and towards the Payment of the Money lent and advanced on ſuch additional Rate; and no Preference, either in the Payment of Intereſt or Principal, ſhall be given to any Perſon or Perſons whatſoever on account of the Priority of advancing ſuch Sum or Sums, but that each Perſon ſhall be a Creditor in equal Degree, according to the Sum or Sums ſo by him, her, or them, lent and advanced as aforeſaid.

All Creditors deemed equal in Degree.

Securities may be transferred.

LVIII. And be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons intitled to any of the Securities aforeſaid, and his, her, or their Executors, Adminiſtrators, or Aſſigns, at any Time or Times, by Writing under his, her, or their Hand or Hands reſpectively, to aſſign or transfer ſuch Securities, by Indorſement on the Back thereof, to any Perſon or Perſons whatſoever, and teſtified by Two Witneſſes, and ſo toties quoties; and ſuch Aſſignments and Transfers, after they ſhall be reſpectively entered in the Book or Books of the ſaid Commiſſioners, in Manner aforeſaid, ſhall intitle the Perſon or Perſons to whom they ſhall be reſpectively made, and his, her, and their reſpective Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security or Securities ſo aſſigned or transferred.

Empty Houſes how to be rated, &c.

LIX. And be it further enacted, That where any of the Lands, Houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, after the ſame ſhall have been once inhabited or occupied, ſhall, at the Time of making any of the ſaid Rates or Aſſeſſments, be empty, untenanted, or unoccupied; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to rate and aſſeſs ſuch Premiſes reſpectively at One Half of ſuch Rates or Aſſeſſments, during the Time only that ſuch Premiſes ſhall be empty, untenanted, or unoccupied; and alſo in caſe any ſuch Premiſes, after the making of ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall become empty, untenanted, or unoccupied, One Half only of ſuch Rate or Aſſeſſment ſhall be charged on ſuch Premiſes reſpectively, for and during ſo long a Time as the ſame ſhall continue empty, untenanted, and unoccupied; and then, and in any of the ſaid Caſes, the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, and all Arrears due thereon, ſhall be paid by the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, or by the Firſt or any other Tenant or Occupier thereof; and in which laſt Caſe ſuch Tenant or Tenants, Occupier or Occupiers, ſhall and may, and is and are hereby authoriſed to deduct and detain the ſame out of his, her, or their Rent or Rents reſpectively; and the Landlord or Landlords, Owner or Owners, of ſuch Premiſes, is and are hereby required to allow ſuch Deductions and Payment upon Receipt of the Reſidue of his, her, or their reſpective Rents; and the ſaid Tenant or Tenants, Occupier or Occupiers, ſhall be, and is and are hereby acquitted and diſcharged of and from ſo much of his, her, or their Rent, as the Rate or Rates, Aſſeſſment or Aſſeſſments, and all Arrears due thereon, and ſo paid by him, her, or them, ſhall amount unto.

Landlords, &c. of Houſes, &c. liable to the Rates.

LX. And whereas there are many Houſes, Buildings, Grounds, and Premiſes, within the Limits aforeſaid, which are taken on Leaſes for Years, or otherwiſe, and, by the Leſſees or Tenants, and alſo by Landlords and Owners, let out in Parcels or ſeparate Apartments to Undertenants, and other Houſes and Premiſes let ready-furniſhed to Lodgers; be it therefore enacted by the Authority aforeſaid, That the Leſſee, Landlord, Owner, or Proprietor, of all ſuch Houſes, Buildings, Grounds, and Premiſes, ſo let out, or which ſhall be let out in Parcels or ſeparate Apartments, or ready-furniſhed to a Lodger or Lodgers, ſhall be deemed and taken as the Occupier or Occupiers thereof, and ſhall be liable and ſubject to the Payment of the Rates or Aſſeſſments directed by this Act to be made, raiſed, and levied, according to the yearly Rent or Value of ſuch Premiſes.

Occupiers to pay the Rates,

LXI. And, for the more eaſy Recovery of ſuch Rates or Aſſeſſments, be it further enacted, That each and every Perſon ſo renting or occupying any ſuch Parcel or ſeparate Apartment, as aforeſaid, ſhall be liable and compellable to the Payment of the ſaid Rates or Aſſeſſments, and all Arrears due thereon; to be recovered in Manner herein-after directed.

Occupiers to be allowed the Rates in their Rents.

LXII. Provided always, That each and every Occupier who ſhall pay ſuch reſpective Rates or Aſſeſſments, and any Arrears due thereon, or from whom the ſame ſhall be recovered in purſuance of this Act, ſhall and may deduct the ſame from and out of the next or any other Rent due and payable from him, her, or them, to ſuch reſpective Leſſee, Landlord, Owner, or Proprietor; and the Receipt for ſuch Payment ſhall be a ſufficient Diſcharge for ſuch Tenant or Tenants, Occupier or Occupiers, to his, her, or their Landlord, for ſo much Money as he, ſhe, or they, ſhall pay, or ſhall be levied on the Goods and Chattels of him, her, or them, by virtue of this Act.

Rates on Houſes occupied by Ambaſſadors to be paid by the Landlord.

LXIII. And be it further enacted, That every Rate, Tax, or Aſſeſſment, which ſhall be made, laid, or aſſeſſed, by virtue of this Act, for or in reſpect of any Houſes, Buildings, Grounds, or Premiſes, which any Ambaſſador or Reſident, Agent, or other publick Miniſter of any foreign Prince or State now doth, or hereafter ſhall inhabit, ſhall be paid by the Landlord, Leſſee, Owner, or Proprietor, thereof reſpectively, who ſhall be liable and compellable to the Payment thereof, and ſhall be recovered in Manner herein-after directed.

Publick Buildings and dead Walls to be rated.

LXIV. And, foraſmuch as it is reaſonable that all publick Buildings, and all dead Walls and void Spaces of Ground, within the Limits aforeſaid, ſhould be rated and aſſeſſed in a due Proportion for the ſeveral Purpoſes of this Act, be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, at their Diſcretion, and they are hereby required, from Time to Time, to rate and aſſeſs, towards the Purpoſes of this Act, all Chapels, Meeting-houſes, Schools, Markets, Warehouſes, and all other publick Buildings whatſoever within the Limits aforeſaid, (charged or not charged to the Land Tax), which now is or are, or hereafter may be built, or in building, at a Rate not exceeding Two Shillings in the Pound, according to the clear yearly Income ariſing from ſuch Chapels, Meeting-houſes, Schools, Markets, Warehouſes, and other publick Buildings reſpectively; and where there is not any ſuch clear yearly Income, or the ſame cannot be fully aſcertained, then, and in either of the ſaid Caſes, the ſame ſhall be charged and aſſeſſed at a Rate not exceeding Sixpence per ſquare Yard, in any One Year, of the Pavement paved or repaired under the Direction of the ſaid Commiſſioners, and ſituate, lying, and being, in any ſuch Square, Street, or Place, and belonging to ſuch Chapel, Meeting-houſe, School, Warehouſe, or other publick Building; and the ſaid Commiſſioners, or any Seven or more of them, ſhall alſo, at their Diſcretion, yearly, or oftener, (if needful) aſſeſs all Burying-grounds, dead Walls, and void Spaces of Ground, towards the Purpoſes aforeſaid, and which are not charged in reſpect of any Dwelling-houſe, or other Building, by the Pound-rate, or otherwiſe, by virtue of this Act, ſo that in the Whole ſuch Rate or Aſſeſſment ſhall not, in any One Year, exceed the Sum of Sixpence for every ſquare Yard of Pavement paved or repaired under the Direction of the ſaid Commiſſioners, ſituate as aforeſaid, or belonging to, or lying before, ſuch Burying-grounds, dead Walls, or void Spaces of Ground; which Rates or Aſſeſſments ſhall commence upon the Twenty-fifth Day of December, One thouſand ſeven hundred and ſeventy-one; and all Rates or Aſſeſſments to be made and paid for all ſuch Burying-grounds, Chapels, Meeting-houſes, Schools, Markets, Warehouſes, or other publick Buildings, dead Walls, or void Spaces of Ground, ſhall be paid by the reſpective Owner or Owners, Proprietor or Proprietors thereof, and ſhall be charged and chargeable on the ſaid Premiſes, and be recovered and applied in ſuch Manner as other Rates and Aſſeſſments are directed to be recovered and applied by this Act.

Unfiniſhed Houſes, &c. to pay Rates;

LXV. And whereas there are ſeveral Houſes, and other Buildings, within the Limits aforeſaid, which are unfiniſhed, or not let, and it is reaſonable that the ſame ſhould be rated and aſſeſſed for the Purpoſes aforeſaid, until ſuch Time as the ſame are occupied; be it therefore enacted, That until ſuch Time as any Houſes, or other Buildings, ſhall be finiſhed and tenanted, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby required and directed, when, and as ſoon as conveniently may be, to rate and aſſeſs, according to their Diſcretion, all ſuch Houſes, and other Buildings, which are or ſhall be erected, and covered in, and unoccupied, at a Rate not exceeding Four-pence for every ſquare Yard of Ground paved, or to be paved, by virtue of this Act, and belonging to the Fronts or Sides of ſuch Houſes, or other Buildings; and for all Houſes, or other Buildings, which are or ſhall be erected, and not covered in, at a Rate not exceeding Two-pence for every ſquare Yard of Ground paved, or to be paved, by virtue of this Act, and belonging to the Fronts or Sides of ſuch Houſes, or other Buildings, until the ſame ſhall be covered in as aforeſaid, and then at a Rate not exceeding Four-pence for every ſquare Yard, until the ſame ſhall be let or occupied; which Rates or Aſſeſſments ſhall commence from the Twenty-fifth Day of December, how, and by whom payable.

One thouſand ſeven hundred and ſeventy-one, and ſhall be paid by, and recoverable from, the Proprietor or Proprietors, Leſſee or Leſſees, Owner or Owners, of ſuch Houſe or Houſes, Building or Buildings reſpectively, and ſhall be charged and chargeable on the ſaid Premiſes: And if the ſaid Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, ſhall refuſe or neglect to pay the ſame upon Demand; then, and in every ſuch Caſe, all ſuch Rates or Aſſeſſments, and all Arrears due thereon, ſhall and may be levied on the Goods and Chattels of the Perſon or Perſons ſo required to pay the ſame, in Manner herein-after directed; and in caſe the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, of ſuch Houſe or Houſes, Building or Buildings, ſhall not be known, or cannot be found, or ſhall be under Commiſſion of Bankruptcy, then the ſaid Rates or Aſſeſſments made thereon ſhall be and remain charged and chargeable on the ſaid Premiſes, until the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, can be found, or until Aſſignees, in caſe of Bankruptcy, are appointed; when the ſame, and all Arrears due thereon, ſhall be levied on the Goods and Chattels of ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, or upon the Goods and Chattels of ſuch Aſſignee or Aſſignees, who is and are hereby made liable to pay the ſame, or upon the ſaid Premiſes, in like Manner as other Rates, made by virtue of this Act, are made recoverable.

New Streets and Places unpaved to be rated.

If Commiſſioners judge any new-built Street proper to be repaired,

they are to require Inhabitants to meet and compound for paving.

On Neglect, Compoſition may be levied.

LXVI. And whereas there are and may be ſeveral new Streets and Places which are not paved, Part of which are built and in building, and ſmall Pieces or Parcels of Ground within the Limits aforeſaid unbuilt upon, which are neither paved, cleanſed, or lighted; and it would be a Means of forwarding the good Purpoſes of this Act, if Builders or others, who by Law are liable to pave the ſame, were to pay ſuch Sums of Money for that Purpoſe as are herein-after directed; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to view and inſpect all Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, or Places, within the Limits aforeſaid, which now are or hereafter may be built upon, or in building; and if, upon ſuch View, they ſhall be of Opinion that the ſame, or any Part or Parts thereof, is or are fit and proper to be paved, the ſaid Commiſſioners, or any Seven or more of them, at any Meeting to be held in purſuance of this Act, after ſuch View, ſhall and may order their Surveyor or Surveyors, or other Perſon or Perſons by them appointed for that Purpoſe, to give Notice to the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, of all and every ſuch Lands, Grounds, Houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Tenements, or Hereditaments, ſituated within the Limits aforeſaid, or leave the ſame at his, her, or their laſt or uſual Place of Abode, or with his, her, or their known Servant or Servants; or if no ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, can be found, then ſuch Notice ſhall be ſtuck againſt the ſaid Premiſes, or any Part thereof; which Notice ſhall require ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, to meet the ſaid Commiſſioners, or any Five or more of them, at the Time and Place to be therein mentioned, (not being leſs than Ten Days from the Date of ſuch Notice), to compound for the paving thereof, at any Sum not exceeding Three Shillings for every ſquare Yard of ſuch Pavement, whether Carriage-way or Footway; which Compoſition the ſaid Commiſſioners, or any Seven or more of them, are hereby authoriſed to make; and if ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, ſhall not attend, or ſhall not compound and agree with the ſaid Commiſſioners, or any Seven or more of them, as aforeſaid, then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to order the ſame to be paved as ſoon as conveniently may be, and all the Charges and Expences attending ſuch Paving ſhall be paid by the reſpective Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, and ſhall be recovered and levied by Diſtreſs and Sale of their Goods and Chattels in the Manner herein-after directed.

Owners of vacant Ground not to be charged for more than 200 ſquare Yards.

LXVII. Provided always, and it is hereby declared, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to impower the ſaid Commiſſioners, or any of them, to charge, or make chargeable, any One Proprietor, Owner, or Leſſee, of ſuch vacant Ground, with more than Two hundred ſquare Yards of Paving, on account of any ſuch vacant Ground in any One Square, Street, or Place, until the ſame ſhall be built upon, or ſhall be in building.

Rates to be entered in Books, which may be inſpected *gratis*.

LXVIII. And be it further enacted, That the Clerk or Clerks for the Time being to the ſaid Commiſſioners ſhall, and he or they is and are hereby required to keep proper Entries, in a Book or Books to be kept for that Purpoſe, which ſhall be ſigned by the ſaid Commiſſioners who ſhall have made ſuch Rates or Aſſeſſments reſpectively, of all and ſingular the Rates and Aſſeſſments which they ſhall make by virtue of this Act for the Purpoſes aforeſaid, to which Book or Books every Perſon liable to pay the ſaid Rates or Aſſeſſments ſhall and may have free Acceſs, at all convenient Times, and ſhall be permitted to inſpect the ſame without Fee or Reward.

Inhabitants, *&c.* refuſing to pay Rates, how to be recovered.

LXIX. And, for the better and more effectual raiſing and levying the Rates and Aſſeſſments directed to be made by this Act, be it further enacted, That in caſe any of the Inhabitants or Occupiers, or any Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, of any Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament, within the Limits aforeſaid, and herein before made liable to pay any Rate or Aſſeſſment, made, laid, or aſſeſſed, by virtue of this Act, ſhall refuſe or neglect to pay the Money rated and aſſeſſed upon him, her, or them reſpectively, and all Arrears due thereon, it ſhall and may be lawful to and for the Collector or Collectors appointed by the ſaid Commiſſioners, or any Seven or more of them, to collect and levy ſuch Rates or Aſſeſſments, by Warrant under the Hands and Seals of Two of His Majeſty's Juſtices of the Peace for the ſaid County, and all Arrears due upon the ſaid Rates or Aſſeſſments, by Diſtreſs and Sale of the Goods and Chattels of the Party ſo neglecting or refuſing, which ſhall be found either within the Limits aforeſaid, or elſewhere; and if within Five Days next after ſuch Diſtreſs ſhall be made, the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, together with all Arrears due thereon, ſhall not be paid, together with the reaſonable Charges of taking and keeping the ſame, the ſaid Collector or Collectors ſhall cauſe the ſaid Goods to be appraiſed and ſold, or ſuch Part thereof as ſhall be ſufficient to pay the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, together with all Arrears due thereon, and the reaſonable Charges of making ſuch Diſtreſs, and of keeping and ſelling the ſame, returning the Overplus (if any be) to the Owner or Owners of ſuch Goods and Chattels reſpectively.

How Rates may be recovered from Perſons quitting their Houſes, *&c.* before Payment.

LXX. And, for the more eaſy Recovery of the Rates and Aſſeſſments, directed to be rated and aſſeſſed by virtue of this Act, be it further enacted, That when any Perſon or Perſons who hath or have been ſo rated and aſſeſſed as aforeſaid, ſhall quit his, her, or their Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament, which ſhall have been ſo rated and aſſeſſed before he, ſhe, or they, ſhall have paid ſuch Rate or Aſſeſſment, and ſhall afterwards refuſe to pay the ſame when due, and demanded by the Collector or Collectors authoriſed and appointed to receive the ſame; that then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Collector or Collectors, by Warrant under the Hands and Seals of any Two or more Juſtices of the Peace for the ſaid County of Middleſex, or elſewhere, (which Warrant the ſaid Juſtices are hereby authoriſed and required to grant without Fee or Reward), to diſtrain the Goods and Chattels of ſuch Perſon or Perſons ſo refuſing or neglecting, and to ſell the ſame, rendering the Overplus, (if any be), after having deducted the reaſonable Charges and Expences of ſuch Diſtreſs and Sale, to the Owner or Owners of ſuch Goods and Chattels, upon Demand.

Rates may be ſued for in the Name of the Treaſurer.

LXXI. Provided always, That the ſaid Commiſſioners, or any Seven or more of them, may (if they ſhall think proper) ſue in the Name or Names of their Treaſurer or Treaſurers, or ſuch other Perſon or Perſons as the ſaid Commiſſioners, at any of their Meetings, ſhall, by Writing, under their Hands and Seals, appoint, for all or any of the Rate or Rates, Aſſeſſment or Aſſeſſments, which ſhall be made by virtue of this Act, and all Arrears thereof; in which Action no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

No Contract for paving, *&c.* to be void by this Act.

LXXII. Provided always, and be it further enacted and declared, That nothing in this Act contained ſhall be deemed or taken to make void any Contract, Covenant, or Agreement, between Landlord and Tenant, touching or concerning the paving, repairing, cleanſing, lighting, watering, and watching, any or any Part of the ſaid Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, or Places, within the Limits aforeſaid, but that every Perſon who is now, by virtue of any ſuch Contract or Agreement, obliged to pave, keep in Repair, and cleanſe, any or any Part of the ſaid Squares, Streets, Lanes, Courts, Mewſes, Alleys, Paſſages, or Places, ſhall, in lieu thereof, be obliged to pay the Rates hereby directed to be made and aſſeſſed, or ſo much thereof as ſuch Commiſſioners as aforeſaid, or any Seven of them, ſhall deem juſt, and according to the true Meaning of ſuch Contract, Covenant, or Agreement, and for and during the Term thereof; and in caſe any Diſpute ſhall ariſe concerning ſuch Contract, Covenant, or Agreement, the ſaid Commiſſioners, or any Seven or more of them, ſhall have Power to hear and finally determine the ſame.

Perſons paying Rates exempted from paving.

LXXIII. And be it enacted, That all and every Perſon or Perſons paying the Rates or Aſſeſſments by this Act laid and aſſeſſed, ſhall be, and they and every of them is and are hereby exempted and diſcharged from the Expence of paving, cleanſing, lighting, watching, or keeping in Repair, the ſaid Squares, Streets, or Places, or any of them; and alſo from all Penalties which may or might be incurred by reaſon of their neglecting to pave, cleanſe, light, or keep the ſame in Repair.

Perſons paying Rates exempted from the Aſſeſſments for repairing the Highways.

LXXIV. And be it further enacted by the Authority aforeſaid, That all and every Perſon or Perſons who inhabit, hold, uſe, occupy, poſſeſs, or enjoy, any Land, Houſe, Tenement, or Hereditament, or any Stable, or any Building, within the Limits aforeſaid, ſhall be exempted from the Payment of any Sum or Sums of Money rated or aſſeſſed, or which ſhall or may, at any Time or Times hereafter, be rated and aſſeſſed upon them, for and towards the Repair of common Highways, Cauſeways, Streets, and Pavements, to be repaired at the publick Charge of the Inhabitants of the ſaid Pariſh of Saint Pancras, by virtue of an Act of Parliament, paſſed in the Seventh Year of the Reign of His preſent Majeſty, intituled, An Act to explain, amend, and reduce into One Act of Parliament, the ſeveral Statutes now in being for the Amendment and Preſervation of the publick Highways of this Kingdom; and for other Purpoſes therein mentioned.

Act 7 *Geo.* III. *c.* 42.

Act 29. *Geo.* II.

LXXV. And whereas Part of the Road or Street, called *Tottenham-court Road*, leading from the *Black Horſe* to the Turnpike at *Tottenham-court*, is now under the Care and Management of the Truſtees appointed to put in Execution an Act of Parliament, made in the Twenty-ninth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act to enable the reſpective Truſtees of the Turnpike Roads leading to* Highgate Gatehouſe *and* Hampſtead, *and from* Saint Giles's Pound *to* Kilbourne Bridge, *in the County of* Middleſex, *to make a new Road from the great Northern Road, at* Iſlington, *to* Edgeware Road, *near* Paddington; *and alſo from the North End of* Portland Street, *croſs the* Farthing-pyehouſe Fields, *into the ſaid new Road; and for enlarging the Terms and Powers granted by Two ſeveral Acts for repairing the ſaid Road from* Saint Giles's Pound *to* Kilbourne Bridge: And whereas it will be for the Convenience and Benefit of the Inhabitants of the ſaid Pariſh, if ſo much of *Tottenham-court Road* as extends from the North End of *Chapel Street* to the *Black Horſe* in the ſaid Road, Southward, was to be paved, cleanſed, and kept in Repair; be it therefore enacted by the Authority aforeſaid, That the ſaid Truſtees for putting in Execution the ſaid Act of the Twenty-ninth Year of His ſaid late Majeſty's Reign ſhall, and are hereby authoriſed and required, forthwith to cauſe to be well and ſufficiently repaired ſo much of the ſaid Road as is already paved, and to new-pave ſuch Part of the ſaid Road above deſcribed as is not already paved, and to cauſe the ſame to be properly repaired and cleanſed from Time to Time for the future; and to defray the Expences thereof out of the Tolls directed to be collected and received by virtue of the ſaid Act, or out of any

Tottenham-court Road to be paved, *&c.*

Money which ſhall be borrowed on the Credit thereof: And in caſe the ſaid Truſtees ſhall neglect or refuſe forthwith well and ſufficiently to repair ſuch Part of the ſaid Road which is already paved, and to new-pave ſo much of the ſaid Road as is not at preſent paved; or ſhall neglect or refuſe to keep the Whole of the ſaid Road herein-before deſcribed in good and ſufficient Repair, or to keep the ſame properly cleanſed, from Time to Time, as often as ſhall be neceſſary; that then the ſaid Commiſſioners appointed to put this Act in Execution, or any Seven or more of them, ſhall and may, from Time to Time, at any of their Meetings to be held in purſuance of this Act, give Notice, under their Hands and Seals, to the Surveyor to the Truſtees for the Care of the ſaid Road, of any ſuch Neglect or Neglects as aforeſaid; and if the ſaid Truſtees for the Care of the ſaid Road ſhall not well and ſufficiently pave, repair, amend, and cleanſe ſuch Part or Parts of the ſaid Road as aforeſaid, within Twenty-one Days after ſuch Notice, according to the true Intent and Meaning of this Act, it ſhall and may be lawful to and for the Commiſſioners appointed to put this Act in Execution, or any Seven or more of them, to cauſe the ſaid Road, or ſuch Parts thereof as ſhall be neceſſary, to be paved, cleanſed, and repaired, in ſuch Manner as they ſhall think proper, and all Coſts, Charges, and Expences, attending the paving, cleanſing, and repairing, the ſaid Road, or ſuch Parts thereof as aforeſaid, ſhall be reimburſed the ſaid Commiſſioners, by the ſaid Truſtees, for putting in Execution the ſaid Act of the Twenty-ninth Year of His ſaid late Majeſty, out of any of the Tolls to be collected by virtue of the ſaid laſt-mentioned Act, or out of any Money to be borrowed on the Credit thereof, within Fourteen Days next after ſuch Charges and Expences ſhall have been incurred as aforeſaid; any Thing in the ſaid Act to the Contrary hereof in any-wiſe notwithſtanding.

Collector to pay Money, as received, to the Treaſurer.

5 l. Penalty on Collectors keeping above 100 l. longer than Two Days.

LXXVI. And be it further enacted, That the Collector or Collectors of the Rates and Aſſeſſments aforeſaid ſhall pay the Money as he or they ſhall receive the ſame, to the Treaſurer or Treaſurers for the Time being to the ſaid Commiſſioners; and upon Payment of every ſuch Sum of Money to ſuch Treaſurer or Treaſurers, ſuch Collector or Collectors ſhall take a Receipt for the ſame, and therein the Name or Names of ſuch Collector or Collectors ſhall be expreſſed, and the Sum or Sums of Money paid ſhall be ſpecified: And if ſuch Collector or Collectors ſhall, at any Time, keep and retain in his or their Hands more than the Sum of One hundred Pounds, for any Time longer than the Space of Two Days, provided the Treaſurer or Treaſurers to ſuch Commiſſioners ſhall, within that Time, be ready to receive the ſame, he or they ſhall forfeit and pay the Sum of Five Pounds for every Day that he or they ſhall retain in his Hands more than the Sum of One hundred Pounds beyond the ſaid Two Days, as aforeſaid.

Treaſurer having 500 l. to pay it into ſuch Bankers as the Commiſſioners ſhall appoint.

LXXVII. And be it further enacted, That as ſoon as conveniently may be after the Treaſurer or Treaſurers to the ſaid Commiſſioners ſhall, at any Time, have received the Sum of Five hundred Pounds of the Monies appointed to be received by him or them, by virtue of and for the Purpoſes of this Act, he or they ſhall, from Time to Time, pay the ſame into the Hands of ſuch Banker or Bankers as the ſaid Commiſſioners, or any Seven or more of them, ſhall for that Purpoſe direct, in the Name, and on the Account, of the ſaid Commiſſioners; and the ſame ſhall be diſpoſed of by Order of the ſaid Commiſſioners, or any Seven or more of them, for the Purpoſes of this Act, and not otherwiſe.

Officers to account upon Oath, &c.

LXXVIII. And be it further enacted, That the Treaſurer or Treaſurers, Collector or Collectors, and other Officers to be appointed as aforeſaid for the Time being, within the Limits aforeſaid, ſhall, upon Three Days Notice in Writing, given or left for them reſpectively, at their uſual Places of Abode, by the Clerk or Clerks to the ſaid Commiſſioners, deliver in upon Oath, (if thereunto reſpectively required), to the ſaid Commiſſioners, or any Seven or more of them, at ſuch Time and Place as they ſhall appoint, (which Oath any One of them is hereby impowered to adminiſter), a true and perfect Account in Writing, under the reſpective Hands of ſuch Treaſurer or Treaſurers, Collector or Collectors, and other Officers and Perſons to be appointed as aforeſaid, of all Matters and Things committed to their Charge by virtue of this Act, and alſo all Monies which he or they ſhall have received by reaſon of his or their ſaid Office or Offices, and how much thereof hath been paid and diſburſed by Order of the ſaid Commiſſioners, or any Seven or more of them, and for what Purpoſe, together with the proper Vouchers for ſuch Payments; alſo a true Liſt of the Names of all Perſons who ſhall have neglected or refuſed to pay the Rates or Aſſeſſments laid on them as aforeſaid, and of the ſeveral Sums of Money from him, her, or them reſpectively due and in arrear, together with the Dates that the ſame reſpectively became due, to the Intent that the ſame may be ſpeedily got in and recovered: And if any Treaſurer or Treaſurers, Collector or Collectors, or other Officer or Officers, after ſuch Notice given, ſhall neglect or refuſe to bring in his Account as aforeſaid, and to produce and deliver the Vouchers relating to the ſame, or to account for any Sum or Sums of Money by him or them received and collected, and to pay the ſame, and every Part thereof, as is herein-before directed, ſuch Treaſurer or Treaſurers, Collector or Collectors, Officer or Officers, ſhall, for every ſuch Neglect or Refuſal reſpectively, forfeit the Sum of Ten Pounds: And it ſhall and may be lawful to and for the ſaid Commiſſioners appointed for the Execution of this Act, or any Seven or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action in the Names of the ſaid Commiſſioners, or any Five or more of them, againſt ſuch Treaſurer or Treaſurers, Collector or Collectors, Officer or Officers, ſo neglecting or refuſing as aforeſaid, for the Recovery, as well of the ſaid Forefeiture as of the Monies which ſhall be in the Hands of ſuch Treaſurer or Treaſurers, Collector or Collectors, Officers, or Perſons reſpectively; or if Complaint ſhall be made of ſuch Neglect or Refuſal by the ſaid Commiſſioners, or by any Perſon or Perſons appointed by them, or any Seven or more of them, to any Juſtice of the Peace for the County or Place wherein ſuch Treaſurer or Treaſurers, Collector or Collectors,

Penalty on Officers refuſing to account.

Commiſſioners impowered to bring Actions, &c.

or if Complaint be made to the Juſtices, Officers, or Perſons, ſo neglecting or refuſing ſhall be and reſide, ſuch Juſtice may, and is hereby authoriſed and required, by Warrant under his Hand and Seal, to cauſe ſuch Treaſurer or Treaſurers, Collector or Collectors, Officer, or Perſon, ſo neglecting or refuſing, to be brought before him, and, upon his or their appearing, or not being to be found, to hear and determine the Matter of ſuch Complaint in a ſummary Way; and if upon the Confeſſion of the Party or Parties, or the Teſtimony of any credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice is hereby impowered and required to adminiſter), it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been collected, raiſed, and received, by virtue of this Act, ſhall be in the Hands of ſuch Treaſurer or Treaſurers, Receiver or Receivers, Officers, or Perſons, ſo unaccounted for by them reſpectively, ſuch Juſtice may, and is hereby authoriſed and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money, as alſo ſuch Forfeiture as aforeſaid, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Treaſurer or Treaſurers, Collector or Collectors, Officers, or Perſons reſpectively: And if no Goods and Chattels of ſuch Treaſurer or Treaſurers, Collector or Collectors, Officers, or Perſons, can be found, ſufficient to anſwer and ſatisfy the ſaid Money, as alſo the ſaid Forfeitures, and the Charges of diſtraining and ſelling the Goods and Chattels ſo diſtrained; then, and in either of the Caſes aforeſaid, ſuch Juſtice ſhall commit every ſuch Offender to the Houſe of Correction, until he or they ſhall give or make a true and perfect Account as aforeſaid, or until he or they ſhall compound for the ſame with the ſaid Commiſſioners, or any Seven or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint, which Compoſition the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered to make; or until he ſhall deliver up ſuch Books, Papers, and Writings, as aforeſaid, and give Satisfaction in reſpect thereof to the ſaid Commiſſioners, or any Seven or more of them.

they are to enquire into the Default,

and to levy ſuch Money, and the Penalty by Diſtreſs.

For want of Diſtreſs, Offender to be committed.

LXXIX. Provided always, and be it further enacted, That Four Times at leaſt in every Year an Account, from the Book or Books to be kept by the Collector or Collectors, of the Sum and Sums of Money, as ſhall be ſo aſſeſſed, ſhall be fairly ſtated and ſigned by the Collector or Collectors, and delivered by him or them to the ſaid Commiſſioners, who are hereby impowered to give a Diſcharge to the ſaid Collector or Collectors for all ſuch Monies as he or they ſhall have truly accounted for: And in caſe any Treaſurer or Treaſurers, Collector or Collectors, Officers, or other Perſons, ſhall happen to die, or become bankrupt, before he or they ſhall have fully paid and ſatisfied all the Monies by him or them received by virtue of this Act; then, and in every ſuch Caſe, the Executors, Adminiſtrators, Executrix, Adminiſtratrix, or other legal Repreſentative or Repreſentatives, Perſon or Perſons, poſſeſſing the Eſtate and Effects of every ſuch Treaſurer or Treaſurers, Collector or Collectors, Officer or Officers, or other Perſon or Perſons, or the Aſſignee or Aſſignees of ſuch Bankrupt, ſhall, out of ſuch Eſtate and Effects, pay unto the Treaſurer or Treaſurers for the Time then being to the ſaid Commiſſioners all ſuch Sums of Money as ſhould be in the Hands of ſuch Perſons reſpectively at the Time of his or their Death, or at the Time of ſuing out any Commiſſion of Bankruptcy againſt him or them, and not paid over, or ſo much thereof as the ſaid Eſtate or Effects will extend to pay, and the Receipt or Receipts of the Treaſurer or Treaſurers ſhall be a good Diſcharge for the ſaid Money; and every Executor or Adminiſtrator, Aſſignee or Aſſignees, or other Perſons, as aforeſaid, may, to any Action or Suit commenced or brought againſt him, her, or them, plead or give in Evidence the Authority of this Act for ſuch Payment, and ſhall be allowed the ſame prior to any other Debt or Demand whatſoever: And in caſe of Nonpayment of the ſame by the Space of Ten Days after the ſame ſhall have been demanded, it ſhall and may be lawful to and for the Treaſurer or Treaſurers for the Time being to ſuch Commiſſioners, and he and they is and are hereby directed and required, in his or their own Name or Names, to commence One or more Action or Actions, in any of His Majeſty's Courts of Record at Weſtminſter, againſt ſuch Executors, Adminiſtrators, Aſſignee or Aſſignees, or other Perſons, as aforeſaid, for the Recovery of the ſame; in which Action, no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Collectors to Account Four Times a Year.

On Death or Bankruptcy of Officers,

legal Repreſentatives to pay Monies remaining in Hand to the Treaſurer;

whoſe Receipt ſhall be a Diſcharge.

On Nonpayment, Actions may be commenced.

LXXX. And be it further enacted, That the Treaſurer or Treaſurers to the Commiſſioners as aforeſaid for the Time being ſhall and may, and is and are hereby authoriſed and required, out of the Monies paid to him or them in purſuance of this Act, to pay all Sums of Money drawn upon him or them, or ordered to be paid by the ſaid Commiſſioners, or any Seven or more of them, for the Purpoſes of this Act; and the ſaid Treaſurer or Treaſurers ſhall, and is and are hereby required to keep regular and fair Entries, in a Book or Books to be by him or them for that Purpoſe provided, of all and ſingular the Receipts and Payments which he or they ſhall make on the Account as aforeſaid; to which Book or Books every Inhabitant within the Limits of this Act as aforeſaid ſhall and may have free Acceſs, at all convenient Times, and ſhall be permitted to inſpect the ſame without Fee or Reward; and the ſaid Treaſurer or Treaſurers ſhall have the ſaid Account audited and paſſed by the ſaid Commiſſioners, or any Seven or more of them, who are hereby impowered and required to audit and paſs the ſame.

Treaſurer to pay Monies drawn upon him,

and keep a regular Account in a Book.

LXXXI. And be it further enacted, That if any Action or Actions ſhall be brought by, or by Order of the ſaid Commiſſioners, or any Seven or more of them, againſt any Perſon or Perſons whatſoever, for the Recovery of any Money or Monies laid out and expended by the ſaid Commiſſioners, by virtue of this Act, or for any Materials, Matters, and Things, ſold and delivered by them, or any of their Officers by their Order, or for the Recovery of any Rate or Rates, or any other Purpoſe whatſoever, and a Verdict ſhall be had and given againſt any ſuch Perſon or Perſons againſt whom ſuch Action or Actions ſhall be brought, ſuch Perſon or Perſons ſhall pay Double Coſts; and the ſaid Commiſſioners, in ſuch Action or Actions, ſhall have ſuch Remedy or Remedies for re-

Commiſſioners obtaining a Verdict, Defendant to pay Double Coſts.

covering the ſame, as any Plaintiff or Plaintiffs may have for his, her, or their Coſts, in any other Caſes by Law.

Penalties and Forfeitures how to be recovered and applied.

LXXXII. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed, (the Manner of levying and recovering whereof is not otherwiſe particularly directed), ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of ſuch Juſtice of the Peace for the ſaid County of Middleſex, (which Warrant ſuch Juſtice is hereby impowered and required to grant, upon the Confeſſion of the Party or Parties, or upon the Information of One or more credible Witneſs or Witneſſes upon Oath), and the Informer is hereby rendered a credible Witneſs, (which Oaths ſuch Juſtice is hereby impowered and required to adminiſter;) and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) upon Demand to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, and the Charges of ſuch Diſtreſs and Sale being firſt deducted, ſhall be paid to the Treaſurer or Treaſurers to the ſaid Commiſſioners, and ſhall be applied to and for the Purpoſes of this Act; and it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, at any Meeting to be held in purſuance of this Act, to order their Treaſurer or Treaſurers for the Time being to pay ſuch Part of the ſaid Penalties to the Informer as they ſhall judge reaſonable, not exceeding One Half thereof.

Informer deemed a competent Witneſs.

Commiſſioners may reward Informers.

Diſtreſs not to be deemed unlawful for want of Form.

LXXXIII. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Default or want of Form in any Proceedings relating thereto; nor ſhall the Party or Parties be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the ſpecial Damage in any Action on the Caſe.

Plaintiff not to recover, if Tender of Amends hath been made.

LXXXIV. Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action, or for ſuch Irregularity, Treſpaſs, or other Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, every or any ſuch Irregularity, Treſpaſs, or wrongful Proceeding, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into the Court ſuch Sum of Money as he or they ſhall ſee fit; whereupon ſuch Proceedings, or Order and Judgement ſhall be made, or given, in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXXXV. Provided always, and be it enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved by any Rate or Rates, Aſſeſſment or Aſſeſſments, or any other Matter or Thing done, or directed to be done, in purſuance of this Act, ſuch Perſon or Perſons ſhall apply for Relief to the Commiſſioners for putting this Act into Execution, at any Meeting to be held within One Month next after Demand made of any ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, or next after any ſuch Matter or Thing done and committed, by, or by Order of, the ſaid Commiſſioners, or any Five or more of them, ſuch Commiſſioners are hereby authoriſed and impowered (if they ſhall think ſuch Perſons aggrieved) to give ſuch Relief in the Premiſes as to them ſhall ſeem neceſſary; and if ſuch Perſon or Perſons ſhall not be ſatisfied with the Determination of ſuch Commiſſioners, he, ſhe, or they, ſhall be obliged to pay ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, and to comply with ſuch Order of the ſaid Commiſſioners, and then ſhall and may appeal to the Quarter Seſſions of the Peace, to be holden for the ſaid County of Middleſex, within Three Months next after ſuch Determination of the ſaid Commiſſioners, ſuch Appellant firſt giving, or cauſing to be given, Twenty-one Days Notice at the leaſt in Writing of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Treaſurer to ſuch Commiſſioners, and within Two Days next after ſuch Notice, entering into Recognizance before ſuch Juſtice of the Peace for ſuch County, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and to abide the Order thereof, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices, at ſuch Quarter Seſſions, upon due Proof of ſuch Notice given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Juſtices at their Quarter Seſſions ſhall be final, binding, and concluſive.

Writings to be without Stamps.

LXXXVI. And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Aſſignment, Transfer, or other Security, for the borrowing of any Money, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals of, or only ſigned by, any Commiſſioner or Commiſſioners for putting this Act in Execution, or by any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, touching or concerning, or in Execution of any of the Powers or Authorities hereby veſted in ſuch Commiſſioner or Commiſſioners, or Juſtice or Juſtices of the Peace, or any of them, or Transfer or Aſſignment of any of the Securities aforeſaid, made by any Perſon or Perſons, ſhall be charged or chargeable with any Stamp-duty whatſoever.

No Proceedings, *&c.* to be removed by *Certiorari.*

LXXXVII. And be it further enacted, That no Rate or Rates, Aſſeſſment or Aſſeſſments, nor any Proceeding to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Orders made, or any other Matter or Thing to be done or tranſacted, in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form, or be removed by *Certiorari*, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; any Law, Statute, or Uſage, to the Contrary notwithſtanding.

LXXXVIII. And

Expences of this Act how to be paid.

LXXXVIII. And be it further enacted, That all the Coſts, Charges, and Expences, of paſſing this Act, and all other Charges incident to the obtaining thereof, ſhall be borne, paid, and defrayed, out of the firſt Monies ariſing by virtue of this Act.

Limitation of Actions.

General Iſſue.

Treble Coſts.

LXXXIX. And be it further enacted, That no Action or Actions ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Twenty-one Days Notice ſhall be thereof given in Writing to the Clerk or Treaſurer to the ſaid Commiſſioners, or after ſufficient Satiſfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought; and all ſuch Actions or Suits ſhall be laid and tried in the County of Middleſex, and not in any other County, City, or Place; and that the Defendant or Defendants in ſuch Action or Actions, Suit or Suits, and every of them, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which ſhall be had thereupon, and that the Matter or Thing for or on which ſuch Action or Actions, Suit or Suits, ſhall be brought, was done in Purſuance and by the Authority of this Act: And if the ſaid Matter or Thing ſhall appear to have been ſo done; or if it ſhall appear that ſuch Action or Suit was brought before Twenty-one Days Notice thereof given as aforeſaid, or that ſufficient Satiſfaction was made or tendered as aforeſaid; or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid; then the Jury or Juries ſhall find for the Defendant or Defendants: And if a Verdict ſhall be found for ſuch Defendant or Defendants therein; or if the Plaintiff or Plaintiffs in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, Suit or Suits; or if, upon a Demurrer or Demurrers in ſuch Action or Actions, Suit or Suits, Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant or Defendants may have for his, her, or their Coſts in other Caſes by Law.

Publick Act.

XC. And be it further enacted, That this Act ſhall be allowed in all Courts whatſoever, as a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP. LXX.

An Act for granting to His Majeſty a certain Sum of Money out of the Sinking Fund; and for applying certain Monies therein mentioned for the Service of the Year One thouſand ſeven hundred and ſeventy-two; and for further appropriating the Supplies granted in this Seſſion of Parliament; and for making forth Duplicates of Exchequer Bills, Lottery Tickets, Certificates, Receipts, Annuity Orders, and other Orders loſt, burnt, or deſtroyed.

Preamble.

Moſt Gracious Sovereign,

WE, Your Majeſty's moſt dutiful and loyal Subjects, the Commons of *Great Britain*, in Parliament aſſembled, towards raiſing the neceſſary Supplies which we have cheerfully granted to Your Majeſty in this Seſſion of Parliament, have reſolved to give and grant to Your Majeſty the Sum herein-after mentioned; and do therefore moſt humbly beſeech Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That by or out of ſuch Monies as ſhall, from Time to Time, be and remain in the Receipt of the Exchequer, of the Surpluſſes, Exceſſes, Overplus Monies, and other Revenues compoſing the Fund commonly called The Sinking Fund, after paying, or reſerving ſufficient to pay, all ſuch Sums of Money as have been directed by any former Act or Acts of Parliament to be paid out of the ſame, there ſhall and may be iſſued and applied, for and towards making good the Supply granted to His Majeſty for the Service of the Year One thouſand ſeven hundred and ſeventy-two, a Sum not exceeding One million eight hundred fifty-ſix thouſand ſeven hundred twenty-three Pounds, One Shilling, and Two-pence; and the Commiſſioners of His Majeſty's Treaſury now or for the Time being, or any Three or more of them, or the High Treaſurer for the Time being, are or is hereby authoriſed and impowered to iſſue and apply the ſame accordingly.

1,856,723 *l.* 1 *s.* 2 *d.* granted out of the Fund, for the Service of the current Year,

to be iſſued by the Treaſury accordingly.

Treaſury impowered to raiſe the ſaid Sum, or any Part thereof, by Loans or Exchequer Bills, on the Credit of the Sinking Fund;

II. And it is hereby enacted by the Authority aforeſaid, That in caſe the ſaid Commiſſioners of His Majeſty's Treaſury now or for the Time being, or any Three or more of them, or the High Treaſurer for the Time being, ſhall think it adviſeable to raiſe the ſaid Sum of One million eight hundred fifty-ſix thouſand ſeven hundred twenty-three Pounds, One Shilling, and Two-pence, or any Part thereof, by Loans or Exchequer Bills, in Manner herein-after mentioned, that it ſhall and may be lawful to and for any Perſon or Perſons, Natives or Foreigners, Bodies Politick or Corporate, to advance or lend to His Majeſty, at the Receipt of His Majeſty's Exchequer, any Sum or Sums of Money not exceeding the ſaid Sum of One million eight hundred fifty-ſix thouſand ſeven hundred twenty-three Pounds, One Shilling, and Two-pence, upon the Credit of the ſaid Surpluſſes, Exceſſes, and Overplus Monies, or other Revenues compoſing the Sinking Fund, and to have and receive Intereſt for the Forbearance of the Money lent; ſo as ſuch Loans be allowed to be made by the ſaid Commiſſioners of the Treaſury, or any Three or more of them, now or for the Time being, or the High Treaſurer for the Time being, who are or is hereby authoriſed to iſſue his or their Warrants for that Purpoſe, as ſuch Loans ſhall be wanted for the publick Service; and moreover, that no Money to be lent upon the Security of this Act ſhall be rated or aſſeſſed to any Tax or Aſſeſſment whatſoever.

and to ſtrike Tally of Loan, with Orders for Repayment of the Money ſo advanced, and Intereſt payable quarterly.

Orders to be regiſtered in Courſe.

No undue Preference to be given in Payment,

nor Fee to be taken; on Forfeiture of Treble Damages, with full Coſts.

Penalty of undue Preference in point of Regiſtry or Payment.

Auditor, &c. neglecting his Duty liable for Damages, &c. to be recovered in any of the Courts of Record at *Weſtminſter*.

III. And be it further enacted, That all and every Perſon or Perſons, who ſhall lend any Money upon the Credit of this Act, as aforeſaid, and pay the ſame into the Receipt of the Exchequer, ſhall immediately have a Tally of Loan ſtruck for the ſame, and an Order for his, her, or their Repayment, bearing the ſame Date with his, her, or their Tally, in or upon which Order ſhall be alſo contained a Warrant for Payment of Intereſt for the Forbearance thereof, and to be paid every Three Months, until the Repayment of the Principal; and all ſuch Orders, for Repayment of Money ſo to be lent, ſhall be regiſtered in Courſe, according to the Dates reſpectively; and that all and every Perſon and Perſons ſhall be paid in Courſe, according as their Orders ſhall ſtand regiſtered in the ſaid Regiſter Books, ſo as the Perſon or Perſons, Natives or Foreigners, his, her, or their Executors, Adminiſtrators, or Aſſigns, who ſhall have his, her, or their Order or Orders firſt entered in the ſaid Books of Regiſter ſhall be taken and accounted to be the Firſt Perſon or Perſons to be paid out of the ſaid Surpluſſes, Exceſſes, and Overplus Monies, or other Revenues; and he, ſhe, or they, who ſhall have his, her, or their Order or Orders next entered, ſhall be taken and accounted to be the Second Perſon to be paid, and ſo ſucceſſively and in Courſe; and that the Monies to come in, of or for the ſaid Surpluſſes, Exceſſes, and Overplus Monies, or other Revenues compoſing the Sinking Fund as aforeſaid, ſhall be, in the ſame Order, liable to the Satisfaction of the ſaid reſpective Perſons, and Body or Bodies Politick or Corporate, their Executors, Adminiſtrators, Succeſſors, or Aſſigns reſpectively, without any undue Preference of One before another, and not otherwiſe; and ſhall not be diverted or divertible to any other Uſe, Intent, or Purpoſe whatſoever, (other than ſuch Uſes and Purpoſes as are appointed by any other Act or Acts of Parliament in that Behalf as aforeſaid); and that no Fee, Reward, or Gratuity, directly or indirectly, ſhall be demanded or taken of any of His Majeſty's Subjects, for providing or making of any ſuch Books or Regiſters, or any Entries, Views, or Searches, in or for Payment of Money lent, or the Intereſt thereof, as aforeſaid, by any of His Majeſty's Officer or Officers, their Clerks or Deputies, on Pain of Payment of Treble Damages to the Party grieved, by the Party offending, with full Coſts of Suit; or if the Officer himſelf take or demand any ſuch Fee or Reward, then to loſe his Place alſo: And if any undue Preference of One before another ſhall be made, either in point of Regiſtry or Payment, contrary to the true Meaning of this Act, by any ſuch Officer or Officers, then the Party offending ſhall be liable, by Action of Debt, or on the Caſe, to pay the Value of the Debt, with full Coſts of Suit, to the Party grieved, and ſhall be forejudged of his Place or Office; and if any ſuch Preference be unduly made by any, his Deputy or Clerk, without Direction or Privity of his Maſter, then ſuch Deputy or Clerk only ſhall be liable to ſuch Action, Debt, Damages, and Coſts, and ſhall be for ever after incapable of his Office or Place: And in caſe the Auditor of the Receipt ſhall not direct the ſaid Orders of Loan, or the Clerk of the Pells record, or the Teller make Payment upon ſuch Orders, according to each Perſon's due Place and Order, as before directed; then he or they ſhall be adjudged to forfeit, and the reſpective Deputies and Clerks therein offending, to be liable to ſuch Action, Debt, Damages, and Coſts, in ſuch Manner as aforeſaid; all which ſaid Penalties, Forfeitures, Damages, and Coſts, to be incurred by any the Officers of the Exchequer, or any their Deputies or Clerks, ſhall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter; wherein no Eſſoin, Protection, Privilege, Wager of Law, Injunction, or Order of Reſtraint, ſhall be in anywiſe granted or allowed.

No undue Preference in the Regiſtering where Tallies or Orders are brought the ſame Day;

IV. Provided always, and it is declared, That if it ſhall happen that ſeveral Tallies of Loan, or Orders for Payment, as aforeſaid, bear Date, or be brought the ſame Day to the Auditor of the Receipt to be regiſtered; then it ſhall be interpreted no undue Preference which of thoſe be entered firſt, ſo as he enters them all the ſame Day.

nor if ſubſequent Orders are paid before others not brought in courſe, ſo as Money may be reſerved for the precedent Orders.

V. Provided alſo, That it ſhall not be interpreted any undue Preference, to incur any Penalty in Point of Payment, if the Auditor direct, and the Clerk of the Pells record, and the Tellers do pay ſubſequent Orders, to Perſons that come and demand their Monies, and bring their Orders, before other Perſons that did not come and take their Monies, and bring their Orders in Courſe, ſo as there be ſo much Money reſerved as will ſatisfy precedent Orders, which ſhall not be otherwiſe diſpoſed of, but kept for them; Intereſt upon Loan being to ceaſe from the Time the Money is ſo reſerved and kept in Bank for them.

Power of Aſſignment, and Method of transferring of Orders.

VI. And be it further enacted, That all and every Perſon and Perſons to whom any Money ſhall be due for Loans to be regiſtered by virtue of this Act, after Order entered in the Book of Regiſter as aforeſaid, his, her, or their Executors, Adminiſtrators, or Aſſigns, by proper Words of Aſſignment to be indorſed and written upon his, her, or their Order, may aſſign and transfer his, her, or their Right, Title, Intereſt, and Benefit of ſuch Order, to any other; which being notified in the Office of the Auditor of the Receipt aforeſaid, and an Entry or Memorial thereof alſo made in the Book of Regiſter aforeſaid, for Orders, (which the Officers ſhall, upon Requeſt, without Fee or Charge, accordingly make), ſhall intitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, Succeſſors, and Aſſigns, to the Benefit thereof, and Payment thereon; and ſuch Aſſignee may in like Manner aſſign again, and ſo toties quoties; and afterwards it ſhall not be in the Power of ſuch Perſon or Perſons, who hath or have made ſuch Aſſignment, to make void, releaſe, or diſcharge the ſame, or any Monies thereby due, or any Part thereof.

If it ſhall be judged more adviſeable, the Treaſury may raiſe the ſaid Sum by Exchequer Bills, inſtead of Loans;

VII. And to the End there may be no Want or Failure of a certain Sum, not to exceed in the Whole the ſaid Sum of One million eight hundred fifty-ſix thouſand, ſeven hundred twenty-three Pounds, One Shilling and Two-pence, to be raiſed either by ſuch Loans as aforeſaid, or by iſſuing Exchequer Bills, as is herein-after mentioned, or by both or either of thoſe Ways and Means, for the Publick Service; be it further enacted by the Authority aforeſaid, That in caſe the Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, now or for the Time being, or the High Treaſurer for the Time being, ſhall judge it more adviſeable to raiſe the ſaid Sum of One million eight hundred fifty-ſix thouſand, ſeven hundred twenty-three Pounds, One Shilling and Two-pence, or any Part thereof, by Exchequer Bills, inſtead of ſuch Loans as aforeſaid; that then, he or they reſpectively is or are hereby authoriſed and impowered, at any Time or Times, to prepare and make, or cauſe to be prepared or made, at the Exchequer, any Number of new Exchequer Bills, for any Sum or Sums of Money, not exceeding in the Whole the ſaid Sum of One million eight hundred fifty-ſix thouſand, ſeven hundred twenty-three Pounds, One Shilling and Two-pence, together with ſuch Loans aforeſaid, in the ſame or like Manner, Form, or Order, and according to the ſame or like Rules and Directions, as in and by a certain Act of this preſent Seſſion of Parliament, intituled, An Act for continuing and granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thouſand ſeven hundred and ſeventy-two, are enacted and preſcribed, concerning the Exchequer Bills to be made in purſuance of the ſaid Act.

the Bill in ſuch Caſe to be made as thoſe preſcribed by the Malt Act of this Seſſion.

VIII. And be it further enacted by the Authority aforeſaid, That all and every the Clauſes, Proviſoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Diſabilities, contained in the ſaid laſt-mentioned Act, relating to the Loans or Exchequer Bills authoriſed to be made by the ſame Act, (except ſuch Clauſes as do charge the ſame on the Taxes granted by the ſame Act, and except ſuch Clauſes as limit the Rate of Intereſt to be paid for the Forbearance of Money lent on the Credit of the ſaid Act), ſhall be applied and extended to the Exchequer Bills to be made in purſuance of this Act, as fully and effectually, to all Intents and Purpoſes, as if the ſaid Exchequer Bills had been originally authoriſed by the ſaid laſt-mentioned Act, or as if the ſaid ſeveral Clauſes or Proviſoes had been particularly repeated and re-enacted in the Body of this preſent Act.

All Advantages and Penalties in the Malt Act of this Seſſion, relating to Loans or Exchequer Bills thereby authoriſed to be made forth, extended to this Act.

IX. And be it enacted by the Authority aforeſaid, That all the Exchequer Bills, which ſhall be made in purſuance of this Act, and the Intereſt, Premium, Rate, and Charges incident to, or attending the ſame, ſhall be, and are hereby charged and chargeable upon, and ſhall be repaid and borne by and out of the growing Produce of the ſaid Surpluſſes, Exceſſes, and Overplus Monies, or other Revenues compoſing the Sinking Fund, (except ſuch Monies of the ſaid Sinking Fund as are appropriated to any particular Uſe or Uſes by any former or other Act or Acts of Parliament in that Behalf); and ſuch Monies of the ſaid Sinking Fund ſhall and may be iſſued and applied, as ſoon as the ſame can be regularly ſtated and aſcertained, for and towards the paying off, cancelling, and diſcharging, ſuch Exchequer Bills, Intereſt, Premium, Rate, or Charges, until the Whole of them ſhall be paid off, cancelled, and diſcharged, or Money ſufficient for that Purpoſe be kept and reſerved in the Exchequer, to be payable on Demand to the reſpective Proprietors thereof.

The ſaid Exchequer Bills, Intereſt, and Charges, are to be paid out of the Sinking Fund.

X. And be it declared and further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Governor and Company of the Bank of England, to advance or lend to His Majeſty, in like Manner, at the Receipt of the Exchequer, upon the Credit of Loan granted by this Act, any Sum or Sums of Money, not exceeding in the Whole the Sum of One million eight hundred fifty-ſix thouſand ſeven hundred twenty-three Pounds, One Shilling and Two-pence; any Thing in an Act, made in the Fifth and Sixth Years of the Reign of King William and Queen Mary, intituled, An Act for granting to Their Majeſties ſeveral Rates and Duties upon Tonnage of Ships and Veſſels, and upon Beer, Ale, and other Liquors; for ſecuring certain Recompences and Advantages, in the ſaid Act mentioned, to ſuch Perſons as ſhall voluntarily advance the Sum of One million five hundred thouſand Pounds, towards carrying on the War againſt France, to the Contrary thereof in anywiſe notwithſtanding.

Bank authoriſed to lend to His Majeſty the Sum of 1,856,723 *l.* 1 *s.* 2 *d.* notwithſtanding Act 5 & 6 *Gul. & Mariæ.*

XI. And be it further enacted by the Authority aforeſaid, That the Sum of One hundred thirty-ſix thouſand, four hundred ſixteen Pounds, and Eight-pence Halfpenny, remaining in the Receipt of the Exchequer on the Tenth Day of October, One thouſand ſeven hundred and ſeventy-one, for the Diſpoſition of Parliament, of the Monies which had then ariſen of the Surpluſſes, Exceſſes, and Overplus Monies, and other Revenues of the Fund commonly called The Sinking Fund; and alſo the Sum of Fifty-five thouſand one hundred ninety-two Pounds, Six Shillings, and Eleven-pence Three Farthings, remaining in the Receipt of the Exchequer on the Fifth Day of January, One thouſand ſeven hundred and ſeventy-two, for the Diſpoſition of Parliament, of the Monies which had then ariſen of the Surpluſſes, Exceſſes, and Overplus Monies, and other Revenues of the Fund commonly called The Sinking Fund; and alſo the Sum of Eight hundred and five thouſand three hundred ninety-eight Pounds, Thirteen Shillings and Two-pence, remaining in the Receipt of the Exchequer on the Fifth Day of April, One thouſand ſeven hundred and ſeventy-two, for the Diſpoſition of Parliament, of the Monies which had then ariſen of the Surpluſſes, Exceſſes, and Overplus Monies, and other Revenues of the Fund commonly called The Sinking Fund; and alſo the Sum of Ten thouſand four hundred twenty-ſix Pounds, Nine Shillings and Three-pence, remaining in the Receipt of the Exchequer for the Diſpoſition of Parliament; and alſo the Sum of Twenty-one thouſand ſeven hundred and Ten Pounds, remaining in the Receipt of the Exchequer on the Fifth Day of April, One thouſand ſeven hundred and ſeventy-two, being the Surplus of the Deductions of Sixpence in the Pound out of all Monies paid upon all Salaries, Penſions, Annuities, and other Payments from the Crown, after ſatisfying the Annuities, or other Charges, then due and payable out of the ſame; and alſo the Sum of Four hundred thouſand Pounds, which, by an Act, made in the Ninth Year of His preſent Majeſty's Reign, intituled, An Act for carrying into Execution certain Propoſals made by the *Eaſt India Company* for the Payment of the annual Sum of Four hundred thouſand Pounds, for a limited Time, in reſpect of the Territorial Acquiſitions and Revenues lately obtained in the Eaſt Indies, is directed to be paid within the preſent Year into the Receipt of His Majeſty's Exchequer by the ſaid Company;

136,416 *l.* 8 *d.* 2 *q.* Surplus of the Sinking Fund in the Exchequer on 10 *Oct.* 1771;

55,192 *l.* 6 *s.* 11 *d.* 3 *q.* remaining in the Exchequer on 5 *Jan.* 1772;

and 805,398 *l.* 13 *s.* 2 *d.* remaining in the Exchequer on 5 *April*, 1772;

and 10,426 *l.* 9 *s.* 3 *d.* remaining in the Exchequer;

and 21,710 *l.* remaining in the Exchequer on 5 *April*, 1772;

alſo 400,000 *l.* directed to be paid by the *Eaſt India Company*, by Act 9 *Geo.* III. and ſuch Monies as ſhall be paid into the Exchequer between *April* 5, 1772, and *April* 5, 1773, of the Duties of *Gum Senega* and *Gum Arabic*.

Company; and alſo ſuch of the Monies as ſhall be paid into the Receipt of the Exchequer after the Fifth Day of April, One thouſand ſeven hundred and ſeventy-two, and on or before the Fifth Day of April, One thouſand ſeven hundred and ſeventy-three, of the Produce of the Duties charged by an Act of Parliament, made in the Fifth Year of His preſent Majeſty's Reign, upon the Importation and Exportation of Gum Senega and Gum Arabic, ſhall and may be iſſued and applied at the ſaid Receipt of His Majeſty's Exchequer, for and towards making good the ſaid Supply; and the Commiſſioners of His Majeſty's Treaſury, now or for the Time being, or any Three or more of them, or the High Treaſurer for the Time being, are or is hereby authoriſed and impowered to iſſue and apply the ſame accordingly.

138,090 *l.* 5 *s.* 10 *d.* out of Savings ariſing upon an Augmentation to the Land Forces for 1771; and 36,772 *l.* 10 *s.* from the Sum voted for Extraordinaries in 1770; 1863 *l.* 13 *s.* 10 *d.* ariſing upon Grants for Difference between *Britiſh* and *Iriſh* Pay of the 64th and 65th Regiments, 1768; and 40,000 *l.* out of Savings upon Grants for Pay of reduced Officers, 1757 to 1772.

XII. And be it further enacted by the Authority aforeſaid, That a Sum not exceeding One hundred thirty-eight thouſand and ninety Pounds, Five Shillings, and Tenpence, out of Savings ariſing upon the Grant for the Pay of an Augmentation to His Majeſty's Land Forces for the Year One thouſand ſeven hundred and ſeventy-one; and alſo a Sum not exceeding Thirty-ſix thouſand ſeven hundred ſeventy-two Pounds, and Ten Shillings, out of the Savings ariſing upon the Sum voted in the Account of Extraordinaries in the Year One thouſand ſeven hundred and ſeventy, for Levy-money for the ſaid Augmentation; and alſo a Sum not exceeding One thouſand eight hundred ſixty-three Pounds, Thirteen Shillings and Ten-pence, out of the Savings ariſing upon Grants for the Difference between Britiſh and Iriſh Pay of the Sixty-fourth and Sixty-fifth Regiments of Foot, from the Firſt Day of September to the Twenty-fourth Day of December, One thouſand ſeven hundred and ſixty-eight; and alſo a Sum not exceeding Forty thouſand Pounds out of the Savings ariſing upon the Grants for the Pay of reduced Officers of Land Forces and Marines, from the Twenty-fifth Day of June, One thouſand ſeven hundred and fifty-ſeven, to the Twenty-fourth Day of December, One thouſand ſeven hundred and ſixty-eight, be applied towards making good the Supply granted to His Majeſty towards defraying the extraordinary Expences of His Majeſty's Land Forces, and other Services incurred to the Twentieth Day of February, One thouſand ſeven hundred and ſeventy-two, and not provided for by Parliament; and the Commiſſioners of His Majeſty's Treaſury now or for the Time being, or any Three or more of them, or the High Treaſurer for the Time being, are or is hereby authoriſed and impowered to iſſue and apply the ſame accordingly.

20,000 *l.* out of the Monies paid into the Exchequer, in 5 *April*, 1773, being the Produce of Duties reſerved towards Expence of defending, *etc.* the *Britiſh* Colonies in *America*, &c. how applicable.

XIII. And be it further enacted by the Authority aforeſaid, That a Sum not exceeding Twenty-thouſand Pounds, out of ſuch Monies as ſhall be paid into the Receipt of the Exchequer on or before the Fifth Day of April, One thouſand ſeven hundred and ſeventy-three, of the Produce of all or any of the Duties and Revenues which by any Act or Acts of Parliament, have been directed to be reſerved for the Diſpoſition of Parliament, towards defraying the neceſſary Expences of defending, protecting, and ſecuring, the Britiſh Colonies and Plantations in America, be applied towards making good ſuch Part of the Supply as hath been granted to His Majeſty for maintaining His Majeſty's Forces and Garriſons in the Plantations, and for Proviſions for the Forces in North America, Nova Scotia, Newfoundland, and the ceded Iſlands, for the Year One thouſand ſeven hundred and ſeventy-two: And the Commiſſioners of His Majeſty's Treaſury now or for the Time being, or any Three or more of them, or the High Treaſurer for the Time being, are or is hereby authoriſed and impowered to iſſue and apply the ſame accordingly.

Appropriation of the Supplies.

Malt Tax,

XIV. Provided always, and it is hereby enacted by the Authority aforeſaid, That all the Monies coming into the Exchequer, either by Loans or Exchequer Bills, upon One Act of this Seſſion of Parliament, intituled, An Act for continuing and granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thouſand ſeven hundred and ſeventy-two, and ſo much Money, if any ſuch be, of the Duties thereby granted, as ſhall ariſe or remain after all the Loans or Exchequer Bills made, or to be made, on the ſame Act, and all the Intereſt, Premium, Rate, and Charges thereon, and the Charges thereby allowable for raiſing the ſaid Duties, ſhall be ſatisfied, or Money ſufficient ſhall be reſerved in the Exchequer, to ſatisfy and diſcharge the ſame; and alſo all the Monies coming into the Exchequer, either by Loans or Exchequer Bills, upon One other Act of this Seſſion of Parliament, intituled, An Act for granting an Aid to His Majeſty by a Land Tax, to be raiſed in *Great Britain*, for the Service of the Year One thouſand ſeven hundred and ſeventy-two; and ſo much Money, if any ſuch be, of the Tax thereby granted, as ſhall ariſe or remain after all the Loans or Exchequer Bills made, or to be made, on the ſame Act, and all the Intereſt, Premium, Rate, and Charges thereon, and the Charges allowable thereby, for raiſing the ſaid Land Tax, ſhall be ſatisfied, or Money ſufficient ſhall be reſerved in the Exchequer to ſatisfy and diſcharge the ſame; and alſo the Sum of One million eight hundred thouſand Pounds, granted by One other Act of this Seſſion of Parliament, intituled, An Act for raiſing a certain Sum of Money by Loans or Exchequer Bills for the Service of the Year One thouſand ſeven hundred and ſeventy-two; and alſo all the Monies coming into the Exchequer by Contributions for a Lottery, granted by One other Act of this Seſſion of Parliament, intituled, An Act for redeeming One million five hundred thouſand Pounds of the Capital Stocks of Three Pounds *per Centum* Annuities, in the Manner and on the Terms therein mentioned, and for eſtabliſhing a Lottery; and alſo the ſaid Sum of One hundred thirty-ſix thouſand four hundred fifteen Pounds and Eight-pence Halfpenny, remaining in the Receipt of the Exchequer on the Tenth Day of October, One thouſand ſeven hundred and ſeventy-one, for the Diſpoſition of Parliament, of the Monies which had then ariſen of the Surpluſſes, Exceſſes, and Overplus Monies, and other Revenues of the Fund, commonly called The Sinking Fund; and alſo the ſaid Sum of Fifty-five thouſand one hundred ninety-two Pounds, Six Shillings and Eleven-pence Three Farthings, remaining in the Receipt of the Exchequer on the Fifth Day of January, One thouſand ſeven hundred and ſeventy-two, for the Diſpoſition of Parliament, of the Monies which had then ariſen of the Surpluſſes, Exceſſes, and Overplus Monies, and other Revenues of the Fund commonly

Land Tax,

Loans,

Lottery, and

136,416 *l.* 8 *d.* 2 *q.* in Exchequer, *Oct.* 10, 1771;

55,192 *l.* 6 *s.* 11 *d.* 3 *q.* Surpluſſes in 5 *Jan.* 1772;

commonly called The Sinking Fund; and alſo the ſaid Sum of Eight hundred and five thouſand three hundred ninety-eight Pounds, Thirteen Shillings and Two-pence, remaining in the Receipt of the Exchequer on the Fifth Day of April, One thouſand ſeven hundred and ſeventy-two, for the Diſpoſition of Parliament, of the Monies which had then ariſen of the Surpluſſes, Exceſſes, and Overplus Monies, and other Revenues of the Fund commonly called The Sinking Fund; and alſo the ſaid Sum of Ten thouſand four hundred twenty-ſix Pounds, Nine Shillings and Three-pence, remaining in the Receipt of the Exchequer, for the Diſpoſition of Parliament; and alſo the ſaid Sum of Twenty-one thouſand ſeven hundred and ten Pounds, remaining in the Receipt of the Exchequer on the Fifth Day of April, One thouſand ſeven hundred and ſeventy-two, being the Surplus of the Deductions of Sixpence in the Pound, out of all Monies paid upon all Salaries, Penſions, Annuities, and other Payments from the Crown, after ſatisfying the Annuities, or other Charges, then due and payable out of the ſame; and alſo the ſaid Sum of Four hundred thouſand Pounds, which, by an Act, made in the Ninth Year of His preſent Majeſty's Reign, intituled, An Act for carrying into Execution certain Propoſals made in the *Eaſt India Company*, for the Payment of the annual Sum of Four hundred thouſand Pounds, for a limited Time, in reſpect of the Territorial Acquiſitions and Revenues lately obtained in the *Eaſt Indies*, is directed to be paid, within the preſent Year, into the Receipt of His Majeſty's Exchequer, by the ſaid Company; and alſo ſuch of the Monies as ſhall be paid into the Receipt of the Exchequer after the Fifth Day of April, One thouſand ſeven hundred and ſeventy-two, and on or before the Fifth Day of April, One thouſand ſeven hundred and ſeventy-three, of the Produce of the Duties charged by an Act of Parliament, made in the Fifth Year of His preſent Majeſty's Reign, upon the Importation and Exportation of Gum Senega and Gum Arabic; and alſo the further Sum of One million eight hundred fifty-ſix thouſand ſeven hundred twenty-three Pounds, One Shilling and Two-pence, by this Act granted, out of ſuch Monies as ſhall or may ariſe of the Surpluſſes, Exceſſes, or Overplus Monies, and other Revenues compoſing the Fund commonly called The Sinking Fund, ſhall be further appropriated, and are hereby appropriated, and ſhall be iſſued and applied, for and towards the ſeveral Uſes and Purpoſes hereafter expreſſed, together with the Reſidue of the Monies ariſing from the Sale of French Prizes taken before the Declaration of the late War, which His Majeſty declared, in a moſt gracious Speech to His Parliament, that He had directed, for the Eaſe of His Subjects, to be applied to the publick Service; and alſo ſuch Sum or Sums of Money as His Majeſty, according to His moſt gracious Intentions, expreſſed in the ſame Speech, ſhall direct, for the further Eaſe of His Subjects, to be alſo applied to the publick Service, out of the Monies which have ariſen, or ſhall ariſe, by the Sale of Lands belonging to His Majeſty in the Iſlands of the Weſt Indies, which were ceded to His Majeſty by the late Treaty of Peace.

805,398 *l.* 13 *s.* 2 *d.* remaining in the Exchequer on *April* 5, 1772;

and 10,426 *l.* 9 *s.* 3 *d.* and 21,710 *l.* to remain in the Exchequer;

and 400,000 *l.* by Act 9 Geo. III. and ſuch Monies as ſhall be paid into the Exchequer between 5 *April* 1772, and 5 *April* 1773, of the Produce of the Duties on *Gum Senega* and *Gum Arabic*; and 1,856,723 *l.* 1 *s.* 2 *d.* granted by this Act out of the Sinking Fund,

together with the Prize-money taken before the Declaration of War; and the Monies ariſing by the Sale of the ceded Lands in *Weſt Indies*.

XV. And it is hereby alſo enacted by the Authority aforeſaid, That out of all or any the Aids or Supplies provided as aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Two millions, ſeventy thouſand ſix hundred and ſixty-four Pounds, Seventeen Shillings and Sixpence, for or towards the Naval Services herein particularly expreſſed; that is to ſay, For or towards Victuals, Wages, Wear and Tear of the Navy, and the Victualling thereof performed, and to be performed, and for or towards Sea Services in the Office of Ordnance performed, and to be performed, and for or towards defraying the Ordinary of His Majeſty's Navy, and for Half Pay to Sea and Marine Officers, and for or towards maintaining Six thouſand ſix hundred and ſixty-four Marines, and towards the Buildings, Rebuildings, and Repairs, of Ships of War in His Majeſty's Yards, and other extra Works, over and above what may be done upon the Heads of Wear and Tear, and Ordinary, for the Year One thouſand ſeven hundred and ſeventy-two.

2,070,664 *l.* 17 *s.* 6 *d.* towards Naval Services herein expreſſed.

XVI. And it is hereby alſo enacted by the Authority aforeſaid, That, out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Two hundred fifteen thouſand eight hundred eighty-three Pounds, Seventeen Shillings and Four-pence, for the Charge of the Office of Ordnance, for Land Service, for the Year One thouſand ſeven hundred and ſeventy-two.

215,883 *l.* 17 *s.* 4 *d.* towards paying off the Debt of the Navy.

XVII. And it is hereby alſo enacted by the Authority aforeſaid, That, out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Thirty-two thouſand four hundred ninety-eight Pounds, Six Shillings and Three-pence, for defraying the Expence of Services performed by the Office of Ordnance for Land Service, and not provided for by Parliament, in One thouſand ſeven hundred and ſeventy-one.

32,498 *l.* 6 *s.* 3 *d.* for Charges of the Office of Ordnance.

XVIII. And it is hereby alſo enacted by the Authority aforeſaid, That out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money, not exceeding One million three hundred fourteen thouſand ſeven hundred and one Pounds, Twelve Shillings, and Five-pence, and One Eighth Part of a Penny, for and towards maintaining His Majeſty's Land Forces, and other Services herein-after more particularly expreſſed; that is to ſay, Any Sum or Sums of Money, not exceeding Six hundred twenty-nine thouſand four hundred ninety-one Pounds, Twelve Shillings, and Four-pence, and Seven Eighth Parts of a Penny, for defraying the Charge of Seventeen thouſand five hundred forty-ſeven effective Men, commiſſioned and non-commiſſioned Officers included; and including One thouſand five hundred and twenty-two Invalids, for Guards, Garriſons, and other His Majeſty's Land Forces in Great Britain, Jerſey, and Guernſey, for the Year One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money, not exceeding Three hundred ſixty-eight thouſand nine hundred fifty-three Pounds, Twelve Shillings, and Seven-pence Three Farthings, towards further maintaining His Majeſty's Forces and Garriſons in the Plantations, and Africa, including thoſe in Garriſon at Minorca and Gibraltar, and for Proviſions for the Forces in North America, Nova Scotia, Newfoundland, Gibraltar, the ceded Iſlands, and Africa, for the Year One thouſand ſeven hundred and ſeventy-

1,314,701 *l.* 12 *s.* 5 *d.* and One Eighth of a Penny towards the Land Forces; of which not exceeding 629,491 *l.* 12 *s.* 4 *d.* and Seven Eighths of a Penny, for defraying the Charges of 17,547 effective Men, *&c.* 368,953 *l.* 12 *s.* 7 *d.* ¾ for Guards and Garriſons in the Plantations, and *Africa*, &c. and Proviſions for the Forces abroad;

Not exceeding 4723l. 16s. 2d. 1 q. to make good the Difference of Pay between the Britiſh and *Iriſh* Eſtabliſhment of Troops in the *Iſle of Man*, &c.

11,322l. 7s. 3d. for General and General Staff Officers;

115,765l. 16s. to the reduced Officers of the Land Forces and Marines;

1281l. 6d. to the Two Troops of Horſe Guards reduced; and to the ſuperannuated Gentlemen of the Four Troops of Horſe Guards, &c.;

644l. to Officers Widows;

124,813l. 12s. 6d. to the Out Penſioners of *Chelſea*;

57,705l. 14s. 11d. 1q. extraordinary for Land Forces, &c.

ſeventy-two; and any Sum or Sums of Money, not exceeding Four thouſand ſeven hundred twenty-three Pounds, Sixteen Shillings, and Two-pence Farthing, for defraying the Charges of the Difference of Pay between the Britiſh and Iriſh Eſtabliſhment of Five Battalions and Four Companies of Foot, ſerving in Iſle of Man, at Gibraltar, Minorca, and the ceded Iſlands, for the Year One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money, not exceeding Eleven thouſand three hundred twenty-two Pounds, Seven Shillings and Three-pence, for the Pay of the General and General Staff Officers in Great Britain, for the Year One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money, not exceeding One hundred fifteen thouſand ſeven hundred ſixty-five Pounds, and Sixteen Shillings, upon account of the reduced Officers of His Majeſty's Land Forces and Marines, for the Year One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money not exceeding One thouſand two hundred eighty-one Pounds and Sixpence, for defraying the Charge for Allowances to the ſeveral Officers and private Gentlemen of the Two Troops of Horſe Guards reduced, and to the ſuperannuated Gentlemen of the Four Troops of Horſe Guards, for the Year One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money, not exceeding Six hundred and forty-four Pounds, for the paying of Penſions to the Widows of ſuch reduced Officers of His Majeſty's Land Forces and Marines as died upon the Eſtabliſhment of Half Pay in Great Britain, and who were married to them before the Twenty-fifth Day of December, One thouſand ſeven hundred and ſixteen, for the Year One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money, not exceeding One hundred twenty-four thouſand eight hundred thirteen Pounds, Twelve Shillings and Sixpence, upon Account, towards defraying the Charge of Out-penſioners of Chelſea Hoſpital, for the Year One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money, not exceeding Fifty-ſeven thouſand ſeven hundred and five Pounds, Fourteen Shillings and Eleven-pence Farthing, towards further defraying the extraordinary Expences of His Majeſty's Land Forces, and other Services incurred, to the Twentieth Day of February, One thouſand ſeven hundred and ſeventy-two, and not provided for by Parliament.

1,800,000l. for diſcharging Exchequer Bills of laſt Seſſion.

XIX. And it is hereby alſo enacted by the Authority aforeſaid, That, out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied the Sum of One million eight hundred thouſand Pounds, for paying off and diſcharging the Exchequer Bills made out by virtue of an Act, paſſed in the laſt Seſſion of Parliament, intituled, An Act for raiſing a certain Sum of Money by Loans or Exchequer Bills for the Service of the Year One thouſand ſeven hundred and ſeventy-one, and charged upon the firſt Aids to be granted in this Seſſion of Parliament.

6580l. to make good to His Majeſty the like Sum iſſued purſuant to the Addreſſes of the Houſe of Commons;

XX. And it is hereby alſo enacted by the Authority aforeſaid, That, out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied the Sum of Six thouſand five hundred and eighty Pounds, to make good to His Majeſty the like Sum which has been iſſued by His Majeſty's Orders, in purſuance of the Addreſſes of the Houſe of Commons.

5346l. 10s. 5d. for ſupporting the Civil Eſtabliſhment of *Nova Scotia*;

3186l. for the Civil Eſtabliſhment of *Georgia*;

4950l. for the Civil Eſtabliſhment of *Eaſt Florida*;

5650l. for the Civil Eſtabliſhment of *Weſt Florida*;

1885l. 4s. for defraying Expences attending Surveys in *North America*.

XXI. And it is hereby alſo enacted by the Authority aforeſaid, That, out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Five thouſand three hundred forty-ſix Pounds, Ten Shillings, and Five-pence, upon Account, for maintaining and ſupporting the Civil Eſtabliſhment of His Majeſty's Colony of Novo Scotia, for the Year One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money not exceeding Three thouſand one hundred and eighty-ſix Pounds, upon Account, for defraying the Charges of the Civil Eſtabliſhment of His Majeſty's Colony of Georgia, and other incidental Expences attending the ſame, from the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-one, to the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money not exceeding Four thouſand nine hundred and fifty Pounds, upon Account, for defraying the Expences of the Civil Eſtabliſhment of His Majeſty's Colony of Eaſt Florida, and other incidental Expences attending the ſame, from the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-one, to the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money not exceeding Five thouſand ſix hundred and fifty Pounds, upon Account, for defraying the Expences of the Civil Eſtabliſhment of His Majeſty's Colony of Weſt Florida, and other incidental Expences attending the ſame, from the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-one, to the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money not exceeding One thouſand eight hundred eighty-five Pounds and Four Shillings, upon Account, for defraying the Expences attending general Surveys of His Majeſty's Dominions in North America, for the Year One thouſand ſeven hundred and ſeventy-two.

13,000l. for repairing and maintaining the Forts in *Africa*.

6336l. 9d. 2q. for ſupporting the Civil Eſtabliſhment of *Senegambia*.

2400l. for repairing the Fort of *Cape Coaſt Caſtle*, and 4000l. for proſecuting Diſcoveries toward the *South Pole*.

XXII. And it is hereby alſo enacted by the Authority aforeſaid, That, out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Thirteen thouſand Pounds, to be employed in repairing, maintaining, and ſupporting, the Britiſh Forts and Settlements on the Coaſt of Africa; and any Sum or Sums of Money not exceeding Six thouſand three hundred thirty-ſix Pounds, and Nine-pence Halfpenny, on Account, for defraying the Expence of ſupporting and maintaining the Civil Eſtabliſhment of the Government of Senegambia, on that Part of the Coaſt of Africa ſituate between the Port of Sallee in South Barbary and Cape Rouge, for the Year One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money not exceeding Two thouſand four hundred Pounds, for the more effectually repairing the Fort of Cape Coaſt Caſtle, on the Coaſt of Africa; and any Sum or Sums of Money not exceeding Four thouſand Pounds, to be applied as an Encouragement, for the more effectually proſecuting Diſcoveries towards the South Pole.

XXIII. And it is hereby alſo enacted by the Authority aforeſaid, That, out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied, any Sum or Sums of Money not exceeding Five thouſand Pounds, to be advanced to the Governor and Company of the Merchants of England trading into the Levant Seas, to be applied in aſſiſting the ſaid Company in carrying on their Trade; and any Sum or Sums of Money not exceeding Two thouſand Pounds, towards enabling the Truſtees of the Britiſh Muſeum to carry on the Execution of the Truſt repoſed in them by Parliament; and any Sum or Sums of Money not exceeding Eight thouſand four hundred and ten Pounds, to enable His Majeſty to purchaſe, for the Uſe of the Publick, a Collection of Etruſcan, Grecian, and Roman Antiquities, brought from Italy by Sir William Hamilton, Knight of the moſt Honourable Order of the Bath, which ſaid Collection ſhall be, and the ſame is hereby veſted in the Truſtees of the Britiſh Muſeum; and any Sum or Sums of Money, not exceeding Eight hundred and forty Pounds, to enable the ſaid Truſtees to provide a proper Repoſitory for the Reception of the ſaid Collection of Etruſcan, Grecian, and Roman Antiquities.

Not exceeding 5000 *l.* to Merchants trading to the *Levant*;

2000 *l.* to the *Britiſh Muſeum*, to carry on the Truſt repoſed by Parliament;

8410 *l.* to purchaſe a Collection of *Etruſcan, Grecian*, and *Roman* Antiquities;

800 *l.* for a Repoſitory, *&c.*

XXIV. And it is hereby alſo enacted by the Authority aforeſaid, That, out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Six thouſand nine hundred ninety-eight Pounds, Fourteen Shillings, and Five-pence, upon Account of the Expences of the new Roads of Communication, and building Bridges, in the Highlands of North Britain, in the Year One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money not exceeding Two hundred ninety-four Pounds, Three Shillings and Eleven-pence, to make good to His Majeſty the like Sum, which has been paid to ſeveral Perſons in North Britain, as a Compenſation, and in full Satiſfaction to their Loſſes and Expences incurred, purſuant to ſeveral Orders of Council, for preventing the ſpreading of the Diſtemper amongſt the Horned Cattle; and any Sum or Sums of Money not exceeding Five hundred Pounds, to enable His Majeſty to reward Daniel Peter Layard, Doctor of Phyſick, for his Advice and Aſſiſtance in carrying into Execution a Plan for preventing the ſpreading of the Infectious Diſorder among the Horned Cattle in Great Britain; and any Sum or Sums of Money not exceeding Five thouſand Pounds, to be paid to Charles Irving, for the Diſcovery of an eaſy and practicable Method of making Sea Water freſh and wholeſome; and any Sum or Sums of Money not exceeding One thouſand five hundred Pounds, to be paid as a Compenſation to Edmund Hill, for the Loſs he will ſuſtain by diſcontinuing the Uſe of Peſtles in making Gunpowder in his Mills upon Hounſlow Heath, in caſe it ſhall be found neceſſary for the publick Security to prohibit the Uſe of ſuch Peſtles.

6998 *l.* 14 *s.* 5 *d.* for defraying Expence of new Roads, *&c.* in the *Highlands* of *Scotland* in 1772;

794 *l.* 3 *s.* 11 *d.* (to be made good to His Majeſty) paid to Perſons in preventing the Diſtemper among Horned Cattle;

5000 *l.* to Mr. *Irving*, for a late Diſcovery.

1500 *l.* as Compenſation to Mr. *Hill*, for diſcontinuing his Peſtle Mill.

XXV. And it is hereby alſo enacted by the Authority aforeſaid, That, out of all or any the Aids or Supples aforeſaid, there ſhall and may be iſſued and applied the Sum of One million three hundred and fifty thouſand Pounds, to enable His Majeſty to ſatiſfy and make good the ſeveral Sums payable to the Perſons who have ſubſcribed their Capital Stock of Three Pounds per Centum Annuities, to be diſcharged and annihilated upon the Terms expreſſed in the Reſolution of the Houſe of Commons, of the Second Day of May, One thouſand ſeven hundred and ſeventy-two.

1,350,000 *l.* to make good Sums payable to Perſons who have ſubſcribed their Capital Stock of 3 *l. per Cent.* Annuities.

XXVI. And it is hereby alſo enacted by the Authority aforeſaid, That out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Forty-two thouſand four hundred forty-five Pounds, Five Shillings, and Five-pence, to replace to the Sinking Fund the like Sum paid out of the ſame, to make good the Deficiency on the Fifth Day of July, One thouſand ſeven hundred and ſeventy-one, of the Fund eſtabliſhed for paying Annuities in reſpect of Five Millions, borrowed by virtue of an Act made in the Thirty-firſt Year of the Reign of His late Majeſty, towards the Supply granted for the Service of the Year One thouſand ſeven hundred and fifty-eight; and any Sum or Sums of Money not exceeding Thirty-nine thouſand four hundred fifty-ſix Pounds, and Ten-pence Farthing, to make good the Deficiency of the Grants for the Service of the Year One thouſand ſeven hundred and ſeventy-one.

42,445 *l.* 5 *s.* 5 *d.* to make good Deficiencies in 1771.

and not exceeding 39,456 *l.* 10 *s.* 1 *q.* to make good Deficiencies of Grants for 1771.

XXVII. And it is hereby further enacted by the Authority aforeſaid, That the ſaid Aids and Supplies, provided as aforeſaid, ſhall not be iſſued or applied to any Uſe, Intent, or Purpoſe whatſoever, other than the Uſes and Purpoſes before mentioned, or for the ſeveral Deficiencies, or other Payments, directed to be ſatiſfied thereout by any Act or Acts, or any particular Clauſe or Clauſes for that Purpoſe, contained in any other Act or Acts of this preſent Seſſion of Parliament.

The ſaid Aids to be applied only to the Uſes before mentioned.

XXVIII. And, as to the Sum of One hundred fifteen thouſand ſeven hundred ſixty-five Pounds, and Sixteen Shillings, by this Act appropriated on Account of Half Pay as aforeſaid, it is hereby enacted and declared by the Authority aforeſaid, That the Rules herein-after preſcribed ſhall be duly obſerved in the Application of the ſaid Half Pay; that is to ſay, That no Perſon ſhall have or receive any Part of the ſame who was a Minor, and under the Age of Sixteen Years, at the Time when the Regiment, Troop, or Company, in which he ſerved, was reduced; that no Perſon ſhall have or receive any Part of the ſame, except ſuch Perſon who did actual Service in ſome Regiment, Troop, or Company; that no Perſon having any other Place or Employment of Profit, Civil or Military, under His Majeſty, ſhall have or receive any Part of the ſaid Half Pay; that no Chaplain of any Garriſon or Regiment, who has any Eccleſiaſtical Benefice in Great Britain or Ireland, ſhall have or receive any Part of the ſaid Half Pay; that no Perſon ſhall have or receive any Part of the ſame who has reſigned his Commiſſion, and has had no Commiſſion ſince; that no Part of the ſame ſhall be allowed to any Perſon, by virtue of any Warrant or Appointment, except to ſuch Perſons as would have been otherwiſe intitled to the ſame as reduced Officers; and that no Part of the ſame ſhall be allowed to any of the Officers of the Five Regiments of Dragoons, and Eight Regiments of Foot, lately diſbanded in Ireland, except to ſuch as were lately taken off the Eſtabliſhment of Half Pay in Great Britain.

Rules to be obſerved in the Application of the Half Pay.

By Act 11 Geo. III.

XXIX. And whereas by an Act of Parliament, made in the Eleventh Year of His preſent Majeſty's Reign, intituled, *An Act for granting to His Majeſty a certain Sum of Money out of the Sinking Fund, and for applying certain Monies therein mentioned for the Service of the Year One thouſand ſeven hundred and ſeventy-one; and for further appropriating the Supplies granted in this Seſſion of Parliament, for carrying to the Aggregate Fund a Sum of Money which hath ariſen by the Two-ſevenths Exciſe, and for enabling the Commiſſioners for executing the Office of Treaſurer of His Majeſty's Exchequer, or the Lord High Treaſurer for the Time being, to pay to* John Dobſon, *Owner of the* Greenland *Ship* Lord Molyneux, *the Bounty due for the ſaid Ship on the laſt Year's Fiſhery*; the ſeveral Supplies which had been granted to His preſent Majeſty, as is therein mentioned, were appropriated to the ſeveral Uſes and Purpoſes therein expreſſed; amongſt which any Sum or Sums of Money, not exceeding One hundred and ſeventeen thouſand eight hundred and fifty-eight Pounds, Ten Shillings, was appropriated to be paid to the reduced Officers of His Majeſty's Land Forces and Marines for the Year One thouſand ſeven hundred and ſeventy-one, ſubject nevertheleſs to ſuch Rules to be obſerved in the Application of the ſaid Half Pay as in and by the aforeſaid Act were preſcribed in that Behalf: **Now, it is hereby provided, enacted, and declared, by the Authority aforeſaid, That ſo much of the ſaid Sum of One hundred and ſeventeen thouſand eight hundred and fifty-eight Pounds, Ten Shillings, as is or ſhall be more than ſufficient to ſatisfy the ſaid reduced Officers, according to the Rules preſcribed by the ſaid Act to be obſerved in the Application thereof, or any Part of ſuch Overplus, ſhall and may be diſpoſed of to ſuch Officers who are maimed, or have loſt their Limbs in the late Wars, or ſuch others as, by reaſon of their long Service, or otherwiſe, His Majeſty ſhall judge to be proper Objects of Charity, or to the Widows or Children of ſuch Officers, according to ſuch Warrant or Warrants, under His Majeſty's Royal Sign Manual, as ſhall be ſigned in that Behalf; any Thing in this Act, or the ſaid former Act, to the Contrary notwithſtanding.**

a Sum not to exceed 117,858 *l.* 10 *s.* was appropriated to be paid to reduced Officers.

Overplus Monies above ſatisfying ſaid Officers, to be diſpoſed of to Officers who were maimed, &c. in the late Wars, or to Officers Widows and Children, as His Majeſty ſhall direct.

How Exchequer Bills, Lottery Tickets, &c. that have been loſt, burnt, or otherwiſe deſtroyed, may be made good to Perſons intitled to Payment.

XXX. And whereas ſeveral Bills, commonly called *Exchequer Bills*, ſeveral Tickets, commonly called *Lottery Tickets*, ſeveral Orders and Certificates made forth in lieu of the ſaid Lottery Tickets, and likewiſe for Annuities of divers Kinds, payable at or near the Receipt of His Majeſty's Exchequer, as alſo ſeveral Receipts of the Caſhiers of the Governor and Company of the Bank of *England*, or ſome of them, for Money contributed there for the Purchaſe of Annuities transferrable in the Books of the ſaid Governor and Company, or for other Monies payable there in purſuance of Acts of Parliament, have, by Caſualty or Miſchance, been loſt, burnt, or otherwiſe deſtroyed; which Exchequer Bills, Lottery Tickets, Certificates, Receipts, Annuity Orders, and other Orders of the reſpective Denominations aforeſaid, were made forth by and in purſuance of ſeveral Acts of Parliament in that Behalf; **be it therefore enacted by the Authority aforeſaid, That in all Caſes where it ſhall appear, by Affidavit, to be made before any or either of the Barons of the Exchequer for the Time being, (who ſhall interrogate the Deponent thereupon), to the Satisfaction of ſuch Baron or Barons, that any ſuch Exchequer Bills, or any ſuch Tickets, Certificates, Receipts, Annuity Orders, or other Orders, as aforeſaid, before the Firſt Day of** July, **One thouſand ſeven hundred and ſeventy-two, have been, are, or ſhall be loſt, burnt, or otherwiſe deſtroyed, or that there be good Reaſon to believe the ſame have been burnt, loſt, or otherwiſe deſtroyed, it ſhall and may be lawful for the reſpective Officers and Perſons appointed to iſſue or make forth ſuch Exchequer Bills, Tickets, Certificates, Receipts, Annuity Orders, or other Orders, or to pay or diſcharge the ſame, or to iſſue any Monies due or payable thereupon, upon producing a Certificate from any or either of the ſaid Barons, of ſuch Affidavit made before him or them, (which Affidavit the ſaid Barons, or any or either of them, is and are hereby authoriſed to take, and which Certificate he or they is or are hereby required to make and grant without Fee or Reward); and, on Security given to the ſaid reſpective Officers and Perſons, to their good liking, to indemnify them reſpectively againſt all other Perſons whatſoever, for or concerning the Monies ſpecified in or due upon ſuch reſpective Bill or Bills, Ticket or Tickets, Certificate or Certificates, Receipt or Receipts, Order or Orders, they the ſaid Perſons reſpectively ſhall, and are hereby required to make forth Duplicates of the ſaid Bills, Tickets, Certificates, Receipts, and Orders, at the Requeſt of the reſpective Owners; and to pay, ſatisfy, and diſcharge the ſame, and all ſuch Intereſt as is or ſhall be due on any of them, carrying Intereſt; or to make forth Stock or transferrable Annuities, in lieu of ſuch Receipts, as he or they ſhould have paid, ſatisfied, or diſcharged, or made forth, on the ſaid original Bills, Tickets, Certificates, Receipts, Annuity Orders, or other Orders, if the ſame had been produced; and ſhall be allowed all ſuch Payments, Sum or Sums of Money, in their reſpective Accounts; and, in all Caſes where the Signing of the Commiſſioners of His Majeſty's Treaſury, or the Lord High Treaſurer of** Great Britain **for the Time being, ſhall be neceſſary for making the ſaid Duplicates, or any of them, effectual, for the Purpoſes aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, or the Lord High Treaſurer for the Time being, to ſign ſuch Duplicates accordingly.**

CAP. LXXI.

An Act for repealing ſeveral Laws therein mentioned againſt Badgers, Engroſſers, Foreſtallers, and Regrators, and for indemnifying Perſons againſt Proſecutions for Offences committed againſt the ſaid Acts.

Preamble.

WHEREAS it hath been found by Experience, that the Reſtraints laid by ſeveral Statutes upon the Dealing in Corn, Meal, Flour, Cattle, and ſundry other Sorts of Victuals, by preventing a free Trade in the ſaid Commodities, have a Tendency to diſcourage the Growth, and to enhance the Price, of the ſame; which Statutes, if put in Execution, would bring great Diſtreſs upon the Inhabitants of many Parts of this Kingdom, and in particular upon thoſe of the Cities of *London* and *Weſtminſter*; **be it therefore enacted by the**

the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That an Act, made in the Third and Fourth Year of King Edward the Sixth, intituled, An Act for the buying and ſelling of Butter and Cheeſe; and alſo an Act, made in the Fifth and Sixth Year of King Edward the Sixth, intituled, An Act againſt Regrators, Foreſtallers, and Engroſſers; and alſo an Act, made in the Third Year of Philip and Mary, intituled, An Act for the keeping of Milch Kine, and for breeding and rearing of Calves; and alſo an Act, made in the Fifth Year of Queen Elizabeth, intituled, An Act touching Badgers of Corn, and Drovers of Cattle, to be licenſed; and alſo an Act, made in the Fifteenth Year of King Charles the Second, intituled, An Act to prevent the ſelling of live fat Cattle by Butchers; and ſo much of an Act, made in the Fifth Year of Queen Anne, intituled, An Act for continuing the Laws therein mentioned relating to the Poor, and to the buying and ſelling of Cattle in *Smithfield*, and for ſuppreſſing of Piracy, as relates to Butchers ſelling Cattle alive or dead within the Cities of London and Weſtminſter, or within Ten Miles thereof; any all the Acts made for the better Enforcement of the ſame, being detrimental to the Supply of the labouring and manufacturing Poor of this Kingdom, ſhall be, and the ſame are hereby declared to be repealed.

Acts 3, 4, 5, & 6 *Edw.* VI.;

Act 3 *Phil. & Mariæ*;

Act 5 *Eliz.*; Act 15 *Car.* II and Act 5 *Annæ* repealed.

II. And be it further enacted by the Authority aforeſaid, That all Informations, Indictments, Suits, or Proſecutions, already commenced, for the inflicting any Puniſhment, or for the Recovery of any Fine, Penalty, or Forfeiture, under the ſaid former Acts, or any of them, ſhall ceaſe and determine; and no further Proceedings ſhall be had thereupon: And that no Information, Indictment, Suit, or Proſecution, ſhall be commenced or proſecuted againſt any Perſon or Perſons whatſoever, under or by virtue of the ſaid Acts, or any of them; but that all ſuch Proceedings ſhall be void, and of no Effect; any Law, Statute, or Uſage, to the Contrary notwithſtanding.

All Informations, *&c.* commenced under the ſaid Acts, to determine, and Proceedings to be void.

CAP. LXXII.

An Act for rendering the Payment of the Creditors of Inſolvent Debtors more equal and expeditious, and for regulating the Diligence of the Law by Arreſtment and Poinding, and for extending the Privilege of Bills to Promiſſory Notes, and for limiting Actions upon Bills and Promiſſory Notes, in that Part of *Great Britain* called *Scotland*.

WHEREAS by the Laws now ſubſiſting in that Part of *Great Britain* called *Scotland*, the perſonal Eſtates of ſuch Debtors as become Inſolvent are generally carried off by the Diligences of Arreſtment and Poinding, executed by a few Creditors, who, from the Nearneſs of their Reſidence to, and Connection with, ſuch Debtors, get the earlieſt Notice of the Inſolvency, to the great Prejudice of Creditors more remote and unconnected, and to the Diſappointment of that Equality which ought to take Place in the Diſtribution of the Eſtates of Inſolvent Debtors among their Creditors: Therefore, to remedy ſuch Injuſtice and Inequality in Time coming, and to render the Payment of the Creditors of Inſolvent Debtors more equal and expeditious, may it pleaſe Your moſt Excellent Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That when any Debtor, in that Part of Great Britain called Scotland ſhall ſuffer a Poinding on a Horning, or on the Precept of an inferior Judge, after the Days of the Charge are elapſed, to be executed againſt his perſonal Eſtate, or any Part of it, or ſhall be under Diligence by Horning and Caption, and ſhall be impriſoned, or retire to the Abbey, or any other privileged Place, or fly or abſcond for his perſonal Security, or defend his Perſon by Force; or if any Debtor out of Scotland, or who cannot be impriſoned by reaſon of Privilege, ſhall be under Diligence by Letters of Horning duly denounced and regiſtered, and ſhall have his or her perſonal Eſtate, or any Part thereof, attached by Arreſtment; it ſhall be lawful to the Creditor or Creditors, at whoſe Inſtance the ſaid Diligence proceeds, to apply to the Court of Seſſion by a ſummary Petition for a Sequeſtration of the Debtor's Eſtate, which Court is hereby authoriſed and required, upon ſuch Application, and Production of the Grounds of Debt and Diligence aforeſaid, and the Execution of a Meſſenger, or other Officer of the Law, employed in executing the ſaid Diligence, and upon his, her, or their making Oath to the Verity of the Debt upon which the Diligence has proceeded, or his, her, or their known Agent, making Oath that he believes the Debt for which the Diligence has proceeded to be due, to grant Warrant for citing the Debtor or Debtors, if more than One are bound for the Debt, and the Diligence aforeſaid have been uſed againſt them, by delivering to him, her, or them, a Copy of the Petition, perſonally; or by leaving it at his, her, or their Dwelling-places; or if he, ſhe, or they, are out of Scotland, by affixing Copies upon the Market Croſs of Edinburgh, Pier and Shore of Leith, to appear in Court within the Time ſpecified in the Warrant for Citation, not being leſs than Six nor more than Thirty Days, from the Date of the Citation, to ſhew Cauſe why Sequeſtration ſhould not be awarded againſt his, her, or their perſonal Eſtate; and if the Debtor or Debtors ſhall not appear within the Time ſpecified in the Citation, by themſelves or Counſel, or ſhall not either pay the Debt upon which the Diligence has proceeded, or ſhew other reaſonable Cauſe why the Court ſhould not proceed to Sequeſtration, the Court ſhall forthwith ſequeſtrate his, her, or their perſonal Eſtate, and appoint a Factor for managing and recovering the ſame; and ſhall likewiſe make an Order, requiring him, her, or them, to produce their Books and Papers, and to make a full and fair Diſcovery of his, her, or their whole Eſtate, heritable and moveable, wherever ſituated, upon Oath, if required by the Petitioner or Petitioners, or other Creditors appearing; and to grant a Diſpoſition of his whole perſonal Eſtate, wherever ſituated, to the Factor ſo named, for the Benefit of his whole Creditors; which Diſpoſition ſhall not be reduceable upon any of the former Statutes concerning

Preamble.

Debtors ſuffering Poinding on a Horning, or ſhall be impriſoned, or retire to the *Abbey*, &c.

Court of Seſſion to grant Warrant for citing them;

and, if they ſhall not appear; pay the Debt; diſcover their Eſtate on Oath;

or grant a Diſpoſition for the Benefit of their Creditors; the Court to compel them by Impriſonment, *&c.*

Lord Ordinary's Power in Time of Vacance.

concerning Bankrupts; and if the Debtor or Debtors ſhall refuſe to obey ſuch Orders, the Court may compel him, her, or them, by Impriſonment, until he, ſhe, or they ſhall comply: And if the Creditor or Creditors, having uſed the Diligence aforeſaid, are deſirous to apply for a Sequeſtration of his, her, or their Debtor's perſonal Eſtate in Time of Vacance, ſuch Creditor or Creditors may preſent his, her, or their Petition, and produce their Grounds of Debt, and Diligence, to the Lord Ordinary officiating on the Bills for the Time, who thereupon is authoriſed and required to grant Warrant for citing the Debtor or Debtors, and to ſequeſtrate, if proper, and to appoint a Factor, and to do every Thing neceſſary in Execution of this Act, during the Vacance, that the Court is impowered to do when the Petition is preſented to it while the Court is ſitting; and when the Application for Sequeſtration is made to the Court, and any Thing ſhall be left undone at the End of any Seſſion by the Want of Time, the Lord Ordinary on the Bills is authoriſed and required to do every Thing neceſſary in Execution of this Act during the Vacance that he is impowered to do when the Petition for Sequeſtration is originally preſented to him and the Court; or the Lord Ordinary on the Bills, in Time of Vacance, may grant to Debtors not in Priſon, cited under the Authority of this Act, a Protection from perſonal Diligence for ſuch Time as unto the Court, or the Lord Ordinary on the Bills, ſhall ſeem expedient, for the Execution of the Act: And if the Debtors cited to appear are in Priſon, the Court, or the Lord Ordinary on the Bills in Time of Vacance, at the Deſire of the Petitioner or Petitioners, may grant Warrant for bringing the Perſons of ſuch Debtors into Court, or before the Lord Ordinary on the Bills in Time of Vacance, in the Cuſtody of a Macer of Court, Meſſenger, or other Perſon authoriſed for that Purpoſe; and if that is not required, may grant Warrant for the Liberation of ſuch Debtors; and may, in either Caſe, when ſuch Debtors appear in Court, or before the Lord Ordinary on the Bills in Time of Vacance, grant to them a perſonal Protection, or not, as their Behaviour in doing Juſtice to their Creditors ſhall ſeem to merit.

Factor preſented by Majority of Creditors to be preferred; who ſhall give publick Intimation of a Sequeſtration, and require the Creditors to meet.

II. Provided always, and be it enacted by the Authority aforeſaid, That, in the Nomination of a Factor, the Court, or the Lord Ordinary on the Bills at the Time of the Sequeſtration, ſhall prefer the Perſon preſented by the Majority of the Creditors concurring in the Application for Sequeſtration, or producing their Grounds of Debt in the Hands of the Clerk to the Sequeſtration; and who immediately thereafter ſhall cauſe an Advertiſement to be inſerted in the London Gazette, and in the publick Paper to be appointed as is herein-after mentioned, intimating the Sequeſtration, and requiring the whole Creditors of the Debtor or Debtors to meet at the Time and Place appointed by the Court, or the Lord Ordinary on the Bills, not ſooner than Thirty Days after the Sequeſtration, in order to their continuing the ſame Factor, or chuſing another, upon the ſequeſtrated Eſtate; and the Perſon choſen by a Majority in Value of the Creditors preſent at ſuch Meeting, by themſelves, or by their Attornies or Agents authoriſed to act for them, and who ſhall then have produced their Claims and Vouchers, or Grounds of Debt, and proved their Debts in Manner after directed, ſhall be by the Court appointed Factor upon the ſequeſtrated Eſtate; and thereupon the Powers of the Factor, named at the Time of the Sequeſtration, if the Perſon made Choice of is different from him, ſhall ceaſe and determine, and he ſhall be obliged to convey to the new Factor the whole of the perſonal Eſtate which the Bankrupt diſponed to him, and that ſhall then not be recovered and converted into Money; and ſhall deliver to the new Factor every Part of the Bankrupt's Eſtate in his Poſſeſſion, and all Securities taken for the ſame, or any Part thereof, and pay ſuch Balance as may appear to be due by him when his Accounts are ſettled.

Court of Seſſion, or Lord Ordinary, to make *interim* Orders.

III. Provided alſo, and be it enacted by the Authority aforeſaid, That if Circumſtances lead to ſuſpect that the Debtor or Debtors may embezzle, ſecrete, or dilapidate, his, her, or their Effects, between the Time of preſenting the Petition for Sequeſtration and the ſequeſtrating and appointing a Factor, the Court, in Time of Seſſion, or the Lord Ordinary officiating on the Bills in Time of Vacance, may, at the Suit of any Creditor who petitions for the Sequeſtration, and upon his, her, or their making Oath, or upon the Oath of his, her, or their known Agent or Attorney, that he, ſhe, or they, have Reaſon to ſuſpect that the Debtor ot Debtors may embezzle, ſecrete, or dilapidate, his, her, or their Effects, make ſuch interim Orders as ſhall be judged moſt expedient for preventing the Eſtate of the Debtor or Debtors from being embezzled, ſecreted, or dilapidated.

Factors Powers,

ſubject to the Order of the Court.

IV. And be it enacted by the Authority aforeſaid, That the Factors appointed upon ſequeſtrated Eſtates, in Manner before directed, ſhall be inveſted with all the Powers competent by the Law of Scotland to ſuch Factors as are in uſe to be appointed by the Court for the Management of ſequeſtrated Eſtates, or of the Eſtates of Perſons abſent or incapable of Management; and ſhall likewiſe be ſubject to all the Duties incumbent on ſuch Factors, and alſo to ſuch other Rules and Orders as the Court ſhall make, from Time to Time, for the more effectual and expeditious Recovery, or converting into Money, the Eſtates of ſuch Inſolvent Debtors.

Advertiſement to be publiſhed by Factor for Creditors giving in their Vouchers.

V. And be it further enacted by the Authority aforeſaid, That the Factor appointed or continued after the Meeting called in Manner before directed, ſhall immediately publiſh an Advertiſement as is herein-after mentioned, requiring all the Creditors to give in their Claims and Vouchers, or Grounds of Debt, to the Clerk of the Sequeſtration, in order that a State of the Debts may be prepared by the Factor; and certifying, that ſuch Creditors as ſhall not produce their Claims, with the Vouchers thereof, and make Oath before the Lord Ordinary officiating on the Bills for the Time, or before a Commiſſioner to be named by him, or before the Judge Ordinary where they reſide, if Notice is given to the Factor of the Oath being to be made in that Manner, and of the Time when, and Place where, it is to be made, upon the Verity of their Debts, within Nine Calendar Months after the Date of the Sequeſtration, ſhall not be intitled to any Share in the firſt Diſtribution of the Debtor's Eſtate among the Creditors.

Oath of Creditors abroad, and Oath of Minors Factors ſufficient.

VI. Provided always, and be it enacted and declared by the Authority aforeſaid, That if any Creditor ſhall happen to be out of the Kingdom of Great Britain and Ireland, his Oath of Verity, taken before any Magiſtrate where he is reſident at the Time, or an Oath of Credulity by his Factor or Attorney in Scotland, ſhall be ſufficient; and alſo that if any Creditor is under Age, the Oath of Credulity of any of his Factors or Curators, or of the Factor employed in the Management of the Minor's Affairs, taken in the Manner before directed, ſhall be ſufficient.

Accounts being produced, the Court to allow 20 Days to the Creditors to peruſe the ſame;

and Order a rateable Diſtribution of Money recovered.

VII. And be it enacted by the Authority aforeſaid, That the Factor, within Ten Days after the Lapſe of Nine Calendar Months from the Date of the Sequeſtration, ſhall lodge with the Clerk to the Sequeſtration a State of the Debtor's Funds then come to his Knowledge, diſtinguiſhing what Part of them have been converted into Money, and what Part of them are not converted; and alſo a State of the Debts which have been proved within the Nine Months, in Manner before directed; and likewiſe publiſh an Advertiſement, as is herein-after mentioned, notifying to the Creditors that he has produced a State of his Accounts to the Court; and upon the State of the Accounts being ſo produced, the Court ſhall allow Twenty Days to the Creditors to peruſe the ſame, and to make Objections to them, if they any have; and immediately thereafter the Court ſhall order an equal and rateable Diſtribution of the Eſtate recovered by the Factor, and converted into Money, to be made amongſt the Creditors only who have proved their Debts, and produced their Vouchers or Grounds of Debt in Manner before mentioned, and whoſe Debts are not objected againſt; and in caſe any of the Debts claimed upon ſhall be objected to, in Whole or in Part, or ſhall not be liquidated at the Time of the Diſtribution, the Share correſponding to ſuch Debts ſhall be forthwith lodged by the Factor in the Bank of Scotland, or Royal Bank, at ſuch reaſonable Intereſt as can be got, not more than One per Centum under the legal Intereſt: And in caſe of the ſaid Banks refuſing to give ſuch reaſonable Intereſt for the Money, the Factor ſhall lodge the ſame with any Banking Company, named by the Court, who are willing to give ſuch reaſonable Intereſt, and to give ſuch Security for the Money lodged as ſhall appear ſatisfactory to the Court; and the Money ſo lodged ſhall remain until the Objections are determined, and be ſubject to the after Diſpoſal of the Court, in making an equal and rateable Diſtribution of the Debtor's Eſtate.

If the Nine Months after Sequeſtration expire during Vacance, Accounts to be produced to the Lord Ordinary.

VIII. Provided always, and be it further enacted by the Authority aforeſaid, That if the Nine Months after the Sequeſtration ſhall expire during the Time of Vacance, the Factor in that Caſe ſhall produce the State of his Accounts to the Lord Ordinary officiating on the Bills for the Time, and ſhall notify the ſame to the Creditors, by Advertiſement, in Manner herein-after mentioned; and thereupon the Lord Ordinary ſhall appoint the State of Accounts to be ſeen and objected to by the Creditors againſt the firſt Sederunt Day of the next Seſſion, when, or as ſoon after as may be, the Court ſhall order an equal and rateable Diſtribution to be made in the Manner before directed.

When the Factor ſhall mak up a Second State of Accounts.

IX. And be it further enacted, That, within Ten Days of Eighteen Calendar Months from the Date of the Sequeſtration, when it is to be expected the Factor will have all the perſonal Eſtate under his Management converted into Money, except ſuch Claims of the Debtor's as may be ſuſpended by Litigation, the Factor ſhall make up a Second State of Accounts, preſent them to the Court, or to the Lord Ordinary officiating on the Bills for the Time, and advertiſe the Creditors, in Manner herein-after mentioned; and the Court ſhall proceed therein, and order a Second Diſtribution among the Creditors, in Manner before directed.

Debtor's Eſtate not converted into Money, ſhall after Recovery be diſtributed

X. Provided always, and be it further enacted, That ſuch Part of the Debtor's perſonal Eſtate as has not after the Elapſe of Eighteen Months from the Sequeſtration been converted into Money, by reaſon of Litigation, or ſome other Impediment, ſhall be, after the Recovery thereof, diſtributed among the Creditors, at ſuch Time as the Court ſhall direct; the Factor being always bound to give in his Accounts within the firſt Ten Sederunt Days of each Seſſion, of the Monies recovered by him ſince the laſt accounting, until all the Funds are divided.

Creditors who have not produced their Grounds of Debt intitled only to a rateable Proportion.

XI. And be it further enacted, That ſuch Creditors only who ſhall have produced their Vouchers or Grounds of Debt, and proved the Verity thereof, before the Day fixed for each Diſtribution, as before mentioned, ſhall be intitled to a Share in ſuch Diſtribution; and ſuch Creditors as ſhall not have produced and proved the Verity of their Grounds of Debt, ſhall only be intitled to a rateable Proportion correſpondent to the Balances then due to the other Creditors, in any Diſtribution to be made, after their Grounds of Debt are produced, and the Verity proved as aforeſaid.

Penalty if the Factor fails in doing his Duty is not leſs than 5 *l.* and not exceeding 30 *l.*

XII. And be it further enacted by the Authority aforeſaid, That the Factor, before receiving his Warrant or Commiſſion from the Court, ſhall be bound to give Security, to the Satiſfaction of the Court, for his doing exact Diligence in performing his Duty as a Factor; and if he ſhall fail in doing his Duty in any of the Articles before mentioned, he ſhall be liable in a Penalty not under Five Pounds, and not exceeding Thirty Pounds, of lawful Money of Great Britain, to be applied in Payment of the Creditors; and further, if he ſhall be guilty of embezzling or concealing any Part of the Debtor's Eſtate, he ſhall be liable in Treble the Value of what he ſo embezzles or conceals, and which ſhall alſo be applied in Payment of the Creditors; and the Factor ſhall not keep in his Hands, at any Time, more than One hundred Pounds Sterling of the Debtor's Money; and what Money ſhall come into his Hands above that Sum, he ſhall forthwith lodge in the Bank of Scotland, or Royal Bank, or with a Banking Company, in the Manner before directed, upon ſuch reaſonable Intereſt as can be got for the Money, not more than One per Centum under the legal Intereſt, otherwiſe he ſhall be liable for the legal Intereſt thereof; and the Factor ſhall have ſuch Allowance for his Trouble as the Court ſhall judge proper, at every Diſtribution, not exceeding in whole Five per Centum of the Sums recovered; and the Court may remove the Factor, upon Cauſe ſhewn; and, upon ſuch Removal or Factor's Death, appoint another in his Place, in Manner aforeſaid.

Creditors Shares not called for to be lodged in the Bank.

XIII. And be it further enacted by the Authority aforeſaid, That ſuch Creditors who claim upon Debts, whereof the Term of Payment is not come at the Time of the Diſtribution, may nevertheleſs, upon diſcounting the legal Intereſt to the Term of Payment, draw their Shares in Proportion to what remains after ſuch Diſcount; and the Shares of Creditors, not called for at the Time of the Diſtribution, ſhall be lodged by the Factor in One of the Banks, or with a Banking Company, in Manner before directed, at ſuch Intereſt as can be got for the ſame, not more than One per Centum under the legal Intereſt; and the Names of the Perſons to whom ſuch Shares are due ſhall, immediately after ſuch Diſtribution, be publiſhed by Advertiſement as the Court ſhall direct, the Expence whereof ſhall be paid by the Bank, or Banking Company, with whom the Money ſhall be lodged, and ſhall be retained by ſuch Bank, or Banking Company, out of the Money due when Payment comes to be made.

In caſe of Doubts, the Debts intitled to Preference to be lodged in the Bank.

XIV. And be it further enacted and declared by the Authority aforeſaid, That, in the making up Caſts or Schemes for diſtributing the Debtor's Effects, all Debts claimed upon, which are intitled to a Preference by the Law of Scotland, not altered by this Act, ſhall be preferred accordingly; and if any Doubt ariſes about the Preference, and if the Diſpute is likely to occaſion any conſiderable Delay, a Share equal to the Debt claimed in Preference ſhall be lodged in One of the Banks, or with a Banking Company, at ſuch Intereſt as can be got, not more than One per Centum under the legal Intereſt, in Manner before directed, ſubject to the after Diſpoſal of the Court.

Factor may ſubmit to Arbitration.

XV. And be it further enacted, That the Factor authoriſed by Three-fourths of the Creditors in Value, preſent at a Meeting, to be called for that Purpoſe by Advertiſement in the Manner herein-after mentioned, may ſubmit to Arbitration, or compound, or ſell by Auction, any Claims competent to the Debtor.

No Creditor to have a Vote, whoſe Debt does not exceed 10 l.

XVI. And be it further enacted, That the Time and Place of all the Meetings to be held in virtue of this Act ſhall be advertiſed in the Manner herein-after mentioned; and at ſuch Meeting the Creditors may either appear by themſelves, or by any Perſon authoriſed to act for them; and Pupils and Minors may appear by their Tutors and Curators, or by any of them, or by a Perſon properly authoriſed to act for ſuch Pupils and Minors; and no Creditor ſhall have a Vote at ſuch Meetings whoſe Debt does not exceed Ten Pounds of lawful Money of Great Britain; and the Minutes of ſuch Meetings, ſubſcribed by the Preſes of the Meeting, elected by a Majority of the Creditors preſent, or others intitled to act for them, ſhall bear Faith.

Arreſter obliged to deliver the Effects arreſted.

XVII. And be it further enacted by the Authority aforeſaid, That no Arreſtment of a Debtor's perſonal Eſtate, or any Part of it, uſed at any Time within Thirty Days before an Application for a Sequeſtration of ſuch perſonal Eſtate, under the Authority of this Act, ſhall give any Preference to the arreſting Creditor, in the Event of a Sequeſtration taking Place; and the Arreſtee ſhall be obliged to deliver the Effects arreſted, or pay what he owes to the Inſolvent Debtor to the Factor appointed, as if no ſuch Arreſtment had been uſed; and if the Arreſtee has delivered the Effects, or paid the Money arreſted, to the Arreſter, by virtue of a Decreet of Forthcoming, or any other Authority whatever, the Arreſter ſhall be obliged to pay or deliver the ſame to the Factor appointed by the Court.

Poinder obliged to deliver to the Factor the Goods poinded.

XVIII. And be it further enacted by the Authority aforeſaid, That no Poinding of a Debtor's Effects, not completely executed Thirty Days before an Application for a Sequeſtration of the Debtor's perſonal Eſtate, under the Authority of this Act, ſhall give any Right or Preference to the Poinder, in the Event of a Sequeſtration taking Place; but the Poinder ſhall be obliged to deliver to the Factor the Goods poinded, if not ſold or diſpoſed of when he is required ſo to do; and if they are then ſold or diſpoſed of, he ſhall be liable to account to the Factor for the apprized Value of the Goods poinded, and which ſhall make Part of the Fund to be diſtributed among the Creditors.

Factor intitled to recover Goods and Effects ſold, and Payment of Claim of Debt, conveyed unjuſtly.

XIX. And be it enacted by the Authority aforeſaid, That all Payments made by a Debtor to his Creditors, after an Application for a Sequeſtration of his perſonal Eſtate, under the Authority of this Act, ſhall be void and ineffectual to the Receivers, in the Event of a Sequeſtration taking Place, and the Factor ſhall be intitled to recover the Monies ſo paid as Part of the Bankrupt's Eſtate; and the Monies ſo recovered ſhall make a Part of the Fund to be diſtributed among the Creditors: And that no Bargain of Sale of, or Agreement about, any Goods or Effects, or Conveyance of any Ground or Claim of Debt, by Aſſignment, Indorſement, or otherwiſe, made by a Debtor, after an Application for a Sequeſtration of his perſonal Eſtate, under the Authority of this Act, for any Cauſe or Conſideration whatever, other than a fair and adequate Price paid, or to be paid, in Money, ſhall be effectual, in the Event of a Sequeſtration taking Place; and the Factor ſhall be intitled to recover ſuch Goods and Effects, ſo ſold or agreed for, and to recover Payment of ſuch Grounds or Claims of Debt ſo conveyed, by Aſſignment, Indorſement, or otherwiſe, for any Cauſe or Conſideration, other than a fair adequate Price paid, or to be paid, as if ſuch Sale, Agreement, or Conveyance, had never been made; and the Effects or Debts ſo recovered ſhall make a Part of the Fund to be diſtributed among the Creditors.

Perſons deprived of the Benefit of any Bargain of Sale, to receive Expences incurred.

XX. Provided always, and be it enacted and declared, That all Arreſters and Poinders, who ſhall be deprived of the Benefit of their reſpective Diligences, in Manner aforeſaid, ſhall be intitled to demand and to receive the Expence laid out by them in proſecuting ſuch Diligences: And that all Perſons who ſhall be deprived, in Manner aforeſaid, of the Benefit of any Bargain of Sale, or Agreement about any Goods or Effects, or of any Conveyance of Claims or Grounds of Debt, ſhall likewiſe be intitled to demand and to receive all the Expence they may have, bona fide, incurred by the Sale, Bargain, or Conveyance, being rendered ineffectual.

Court, upon Application and Production of Grounds Debt,

XXI. And be it enacted by the Authority aforeſaid, That when any Debtor ſuffers the Diligence to be executed againſt him, which intitles the Creditor who uſes ſuch Diligence to petition the Court of Seſſion for a Sequeſtration, it ſhall be competent to any other of the Creditors of the Debtor to apply for Sequeſtration of the Debtor's tor's perſonal Eſtate; and the Court is hereby authoriſed and required, upon ſuch Application, and upon Production of the Grounds of Debt of ſuch Petitioner or Petitioners, and ſatisfying Evidence of the Diligence having been uſed, which is preſcribed by this Act, before a Sequeſtration can be applied for; and upon an Oath being made to the Verity of the Debt, in Manner as directed, when an Application is made by the Creditor who has uſed Diligence, to grant Warrant for citing the Debtor, in the ſame Manner as if the Sequeſtration had been applied for by the Creditor who uſed the ſaid Diligence, and to proceed in the ſame Way and Manner as if the Application had been made by the Creditor who uſed the Diligence: Provided always, that no ſuch Application ſhall be competent, unleſs it is made within the Space of Thirty Days from the Time the Diligence was executed, which intitled the Uſer thereof to apply for a Sequeſtration.

to grant Warrant for citing the Debtor.

On Application of Debtors, the Court ſhall proceed to Sequeſtration.

XXII. And be it enacted by the Authority aforeſaid, That all Debtors who know themſelves to be failing in their Credit and Circumſtances, may apply to the Court of Seſſion in Time of Seſſion, or to the Lord Ordinary officiating on the Bills in Time of Vacance, ſetting forth their Caſe, and offering to make a fair Surrender of their perſonal Eſtate: And upon ſuch Application the Court, or the Lord Ordinary on the Bills in Time of Vacance, ſhall forthwith proceed to Sequeſtration, appointing a Factor, and to do all other Things required by this Act to be done, when Sequeſtrations proceed upon the Petition of Creditors, in Manner before directed.

Debtors not complying to be puniſhed as fraudulent Bankrupts.

XXIII. And be it further enacted and declared, That if any Debtor ſhall not, after the Sequeſtration, make a fair and full Surrender of all his or her perſonal Eſtate, and of all his or her Books, and other Writings and Documents whatſoever, neceſſary for diſcovering and recovering his or her perſonal Eſtate; or ſhall not comply with what is required of him or her by this Act; or ſhall behave in any Reſpect fraudulently with regard to his or her Creditors; he or ſhe ſhall be puniſhed by the Court as a fraudulent Bankrupt, and be excluded from the Benefit of the Action of Ceſſio Bonorum.

Proviſo.

XXIV. Provided always, That nothing in this Act contained ſhall prevent or affect any Diligence, or other Proceedings, againſt the real or heritable Eſtates of Debtors; but it ſhall be competent to every Creditor to follow forth the ſame in due Courſe of Law.

Proviſo.

XXV. Provided alſo, and be it enacted, That the Surplus of every Debtor's perſonal Eſtate that may remain after Payment of his or her Debts, and of the Expence incurred in carrying this Act into Execution, ſhall be paid over to the Debtor, or to his or her Aſſigns or Executors.

Debtors dying during a Sequeſtration, Proceedings to be carried on.

XXVI. And it is further enacted and declared, That if any Debtor ſhall die during the Subſiſtence of the Sequeſtration of his perſonal Eſtate, the Proceedings under this Act, notwithſtanding thereof, ſhall be carried on, and followed out, to their Concluſion; and the Factor ſhall be intitled to ſue for, and to recover the Debtor's Eſtate, in the ſame Manner he would have been intitled to do, if the Debtor had continued in Life.

No Fee to be paid for an Oath of Verity, &c. if the Debt does not exceed 10 *l*.

XXVII. And be it enacted by the Authority aforeſaid, That no Fee ſhall be paid by any Creditor to the Clerks of Court, or any Perſon whatever, for an Oath of Verity or Credulity as to the Debt claimed being due, or for Production of the Intereſt or Grounds of Debt of any Creditor, unleſs the Debt claimed exceeds the Sum of Ten Pounds lawful Money of Great Britain.

If an Appeal ſhall be taken againſt an Interlocutor, &c. the Court to make neceſſary Orders.

XXVIII. And it is alſo enacted by the Authority aforeſaid, That if any Appeal ſhall be taken againſt any Order or Interlocutor of the Court of Seſſion, or againſt any Act or Order of the Lord Ordinary upon the Bills in Time of Vacance, it ſhall be lawful and competent to the ſaid Court, in Time of Seſſion, and Lord Ordinary on the Bills in Time of Vacance, notwithſtanding ſuch Appeal, to make ſuch Orders, and direct ſuch Proceedings, as ſhall appear to be expedient for preventing the Eſtate of the Debtor from being embezzled, ſecreted, or dilapidated, while the Appeal is pendant.

Creditors who have uſed Horning &c. prevented from impriſoning their Creditors, it ſhall be deemed equal to Impriſonment.

XXIX. And be it enacted by the Authority aforeſaid, That if any Creditor who has uſed the Diligence of Horning and Caption againſt his or her Debtor, ſhall be prevented from impriſoning his or her Debtor, by the Debtor's having obtained a perſonal Protection from the Court of Seſſion, or the Lord Ordinary on the Bills, in purſuance of this Act; the Meſſenger employed to apprehend the Debtor, returning in his Execution, that he has been prevented from impriſoning the Debtor, by the Debtor's having obtained ſuch perſonal Protection, ſhall, in all Actions and Queſtions that may ariſe upon the Conſtruction and Effect of the Act of the Parliament of Scotland, paſſed in One thouſand ſix hundred and ninety-ſix, intituled, An Act for declaring nottour Bankrupts, be held and deemed equal to Impriſonment.

Majority of Creditors may chuſe a Truſtee in place of a Factor.

XXX. And be it further enacted and declared by the Authority aforeſaid, That if Two-thirds in Value of the Creditors preſent, by themſelves, or others impowered to act for them, at the Meeting advertiſed for chuſing a Second Factor, and having proved their Debts in Manner before directed, ſhall judge it to be more for the Intereſt of the Creditors to manage the Bankrupt's perſonal Eſtate by the Aſſiſtance of Truſtees than to continue it under the Management of a Factor appointed by the Court of Seſſion, it ſhall be lawful for them to chuſe a Truſtee or Truſtees for that Purpoſe, at that Meeting; or for Two-thirds of the Creditors in Value, at any ſubſequent Meeting called for that Purpoſe by Advertiſement, in Manner herein-after mentioned, publiſhed Thirty Days at leaſt prior to the Day of Meeting, to chuſe ſuch Truſtee or Truſtees, and upon the Minutes of the Creditors making Choice of ſuch Truſtee or Truſtees being produced to the Court, with an Acceptance on the Part of the Truſtee or Truſtees named, the Court ſhall, and they are hereby required to make an Act or Order, declaring the perſonal Eſtate of the Bankrupt within Scotland to be veſted in the Truſtee or Truſtees elected for the Benefit of the whole Creditors, and directing the Factor to convey to the Truſtee or Truſtees all the perſonal Eſtate of the Bankrupt out of Scotland, which has been conveyed to him by the Bankrupt, ſo far as had not been recovered; and to deliver to the ſaid Truſtee or Truſtees, or to any Factor to be appointed by them, in Manner hereafter directed,

rected, every Part of the Bankrupt's perſonal Eſtate, and all Writings concerning the ſame, and to pay the Balance that ſhall appear to be due upon his Accounts, he receiving ſuch Sum for the Trouble he has been at as the Court ſhall direct; and from thenceforth the Sequeſtration ſhall ceaſe, and the Management of the Bankrupt's perſonal Eſtate ſhall be committed to the Truſtee or Truſtees.

Truſtees may chuſe a Factor.

XXXI. And be it further enacted by the Authority aforeſaid, That the ſaid Truſtee or Truſtees may either act in the Management of the Bankrupt's Eſtate, or may appoint a Factor for whom they ſhall be anſwerable, to act for them, and may give ſuch a reaſonable Reward to ſuch Factor for his Trouble, not exceeding Five Pounds Sterling per Centum of the Money recovered by him, or ſuch other Allowance as may be ſpecified in the Minutes of the Creditors wherein the Truſtee or Truſtees are elected.

Creditors may remove Truſtees, *&c.*

XXXII. And be it likewiſe enacted by the Authority aforeſaid, That Two-thirds of the Creditors in Value may, at any Meeting, remove the Truſtee or Truſtees, and appoint another or others in their Place; and the former Truſtee or Truſtees, after receiving a Copy of the Minutes appointing the new Truſtee or Truſtees, and of the Acceptance of the new Truſtee or Truſtees, ſubſcribed by the Preſes of the Meeting, ſhall be bound to account to the new Truſtee or Truſtees for their or his Management, and to deliver to ſuch new Truſtee or Truſtees, or to the Factor to be appointed by them, and for whom they ſhall be anſwerable, all Effects which belonged to the Bankrupt in their Cuſtody, and all Papers concerning the ſame, with a Conveyance to the new Truſtee or Truſtees of ſuch Parts of the Bankrupt's Eſtate as have not been recovered; and upon the Death of any Truſtee or Truſtees, Two-thirds of the Creditors in Value may, at any Meeting, appoint another or others in his or their Place.

Meeting for ſuch Removal to be called by Advertiſement.

XXXIII. Providing always, That the Meeting where ſuch Removal and Appointment of Truſtees are made ſhall be called by One or more Creditors, by Advertiſement, as is herein-after mentioned; which Advertiſement ſhall be repeated Twice at the leaſt, Forty Days before the Day of Meeting, and contain an Intimation of the Purpoſe for which the Meeting is called.

Truſtees to perform the Conditions ſpecified in the Minutes.

XXXIV. And be it further enacted by the Authority aforeſaid, That the Minutes of the Meeting of Creditors, appointing Truſtees, ſubſcribed by the Preſes of the Meeting, and of the Acceptance of the Truſtees ſubſcribed by themſelves, ſhall be Evidence in all Courts of Juſtice; and the ſaid Truſtee or Truſtees ſhall be liable to perform all the Conditions ſpecified in the Minutes, in which they are elected and appointed, and ſhall be bound to account to the Creditors for the legal Intereſt of all Money recovered from the Bankrupts that ſhall appear to be in their Hands, or in the Hands of their Factor, at any Time, exceeding the Sum of One hundred Pounds lawful Money of Great Britain, except in ſo far as this Rule may be relaxed by the Creditors in their Minutes, in which the Truſtee or Truſtees are elected and appointed.

Court to appoint One of the *Edinburgh* Papers for all ſuch Advertiſements.

XXXV. And be it further enacted, That, for the Purpoſe of carrying this Act more effectually into Execution, the Court of Seſſion ſhall be, and hereby is authoriſed and required, to appoint, from Time to Time, One publick Paper, printed at Edinburgh, wherein may and ſhall be inſerted all ſuch Advertiſements as are herein-before directed to be publiſhed.

After *May* 15, 1772, Promiſſory Notes to bear Intereſt as Bills.

XXXVI. And whereas it would be advantageous to Trade in that Part of *Great Britain*, called *Scotland*, that Promiſſory Notes were allowed the like ſummary Execution and other Privileges with Bills; be it therefore enacted by the Authority aforeſaid, That from and after the Fifteenth Day of May, One thouſand ſeven hundred and ſeventy-two, the ſame Diligence and Execution ſhall be competent, and ſhall proceed upon Promiſſory Notes, whether holograph or not, as is provided to paſs upon Bills of Exchange, and Inland Bills, by the Law of Scotland, and that Promiſſory Notes ſhall bear Intereſt as Bills, and ſhall paſs by Indorſation; and that Indorſees of Promiſſory Notes ſhall have the ſame Privileges as Indorſees of Bills in all Points.

No Bills of Exchange, *&c.* after *May* 15, 1772, to produce Diligence, unleſs ſuch Diligence ſhall be uſed within Six Years.

XXXVII. And whereas the not limiting Bills and Promiſſory Notes to a moderate Endurance in that Part of *Great Britain* called *Scotland* has been found by Experience to be attended with great Inconveniencies; for Remedy whereof, be it enacted by the Authority aforeſaid, That no Bill of Exchange, or Inland Bill, or Promiſſory Note, executed after the Fifteenth Day of May, One thouſand ſeven hundred and ſeventy-two, ſhall be of Force, or effectual to produce any Diligence or Action in that Part of Great Britain called Scotland, unleſs ſuch Diligence ſhall be raiſed and executed, or Action commenced thereon, within the Space of Six Years from and after the Terms at which the Sums in the ſaid Bills or Notes became exigeable.

Bills of Exchange, *&c.* granted before *May* 15, 1772, to be ſubject to the above Limitation.

XXXVIII. And be it further enacted, That no Bill of Exchange, or Inland Bill, or Promiſſary Note, which has been or ſhall be granted before the ſaid Fifteenth Day of May, One thouſand ſeven hundred and ſeventy-two, ſhall be of Force, or effectual to produce any Diligence or Action, unleſs ſuch Diligence has been or ſhall be raiſed, or Action has or ſhall be commenced thereon, before the Expiration of Six Years from and after the ſaid Fifteenth Day of May, One thouſand ſeven hundred and ſeventy-two.

Bank Bills not included in this Limitation.

XXXIX. Providing always, That no Notes, commonly called Bank Notes or Poſt Bills, iſſued or to be iſſued by any Bank or Banking Company, and which contain an Obligation of Payment to the Bearer, and are circulated as Money, ſhall be comprehended under the aforeſaid Limitation or Preſcription; and that it ſhall and may be lawful and competent, at any Time after the Expiration of the ſaid Six Years, in either of the Caſes before mentioned, to prove the Debts contained in the ſaid Bills, and Promiſſory Notes, and that the ſame are reſting and owing by the Oaths or Writs of the Debtor.

Years of Minority not to be computed.

XL. And it is hereby enacted and declared, That the Years of the Minority of the Creditors, in ſuch Notes or Bills, ſhall not be computed in the ſaid Six Years.

XLI. And it is further enacted and declared, That all Inland Bills and Promiſſory Notes ſhall be proteſted in like Manner as Foreign Bills before the Expiration of the

Three Days of Grace, otherwiſe there ſhall be no Recourſe againſt the Drawers or Indorſers of ſuch Inland Bills, or againſt the Indorſers of ſuch Promiſſory Notes; and it ſhall be ſufficient to preſerve the ſaid Recourſe, if Notice is given of the Diſhonour within Fourteen Days after the Proteſt is taken, without Prejudice to the Notification of the Diſhonour of Foreign Bills, to be made within ſuch Time as is required by the Uſage and Cuſtom of Merchants.

Promiſſory Notes and Inland Bills to be protested as Foreign Bills.

XLII. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Fifteenth Day of May, One thouſand ſeven hundred and ſeventy-two, ſummary Execution, by Horning, or other Diligence, ſhall paſs upon Bills, whether Foreign or Inland, and whether accepted or proteſted for Nonacceptance, and upon all Promiſſory Notes duly negociated, not only againſt the Accepters of ſuch Bills, or Granters of ſuch Notes, but alſo againſt the Drawers of ſuch Bills, and the whole Indorſers of the ſaid Bills and Notes jointly and ſeverally, excepting where the Indorſation is qualified to be without Recourſe; ſaving and reſerving to the Drawers or Indorſers their reſpective Claims of Recourſe againſt each other, and all Defences againſt the ſame, according to Law.

After *May* 15, 1772, ſummary Execution, by Horning, ſhall paſs upon Bills, *&c.*

XLIII. And be it alſo enacted by the Authority aforeſaid, That from and after the ſaid Fifteenth Day of May, One thouſand ſeven hundred and ſeventy-two, ſummary Execution by Horning, or other Diligence, ſhall be competent to the Indorſee of a Bill, although the Proteſt is not in the Name of the Indorſee craving the Diligence; and although the Bill is not reconveyed to him by Indorſation, if he produces a Receipt for the Value by Act of Honour, or a miſſive Letter from the proteſting Indorſee, mentioning the Diſhonour, agreeable to the Practice of Merchants in returned Bills.

After *May* 15, 1772, ſummary Execution, by Horning, ſhall be competent to the Indorſee.

XLIV. And be it further enacted by the Authority aforeſaid, That the preſent Act ſhall continue and be in Force for Seven Years, from the ſaid Fifteenth Day of May, One thouſand ſeven hundred and ſeventy-two, and to the End of the then next Seſſion of Parliament, and no longer.

The Act to continue for 7 Years.

CAP. LXXIII.

An Act for the better Regulation of Buildings and Party Walls within the Cities of *London* and *Weſtminſter*, and the Liberties thereof, and other the Pariſhes, Precincts, and Places in the Weekly Bills of Mortality, the Pariſhes of *Saint Mary le Bone* and *Paddington*, *Saint Pancras*, and *Saint Luke* at *Chelſea*, in the County of *Middleſex*; and for the better preventing of Miſchiefs by Fire within the ſaid Cities, Liberties, Pariſhes, Precincts, and Places, and for amending and reducing the Laws relating thereto into One Act; and for other Purpoſes.

Preamble.

WHEREAS the ſeveral Acts of Parliament now in Force for regulating Buildings and Party Walls, and for preventing Miſchiefs happening by Fire, for providing Fire-engines, and obtaining a ſufficient Supply of Water at Fires, and for paying Rewards to Perſons aſſiſting at Fires within the Cities of *London* and *Weſtminſter*, and the Liberties thereof, and other the Pariſhes, Precincts, and Places within the Weekly Bills of Mortality, the ſeveral Pariſhes of *Saint Mary le Bone* and *Paddington*, *Saint Pancras*, and *Saint Luke* at *Chelſea*, in the County of *Middleſex*, and the Proviſions, Regulations, and Reſtrictions, made and ſpecified in and by the ſaid ſeveral Acts, have, in many Reſpects, been found inſufficient to anſwer the good Purpoſes intended thereby: And whereas it will tend to the Safety of the Inhabitants, and prevent great Inconveniencies to Builders, and Workmen employed in Buildings, within the ſaid Cities and Liberties, Pariſhes, Precincts, and Places, if ſome of the ſaid Acts were repealed, and the good and wholeſome Laws and Proviſions therein contained were re-enacted and reduced into One Act, with certain further Regulations, Amendments, and Proviſions, reſpecting ſuch Buildings, and for the preventing Miſchiefs by Fire as aforeſaid; may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, in all Buildings to be built within the ſaid Cities, Liberties, Pariſhes, Precincts, and Places, and every of them, the Rules, Directions, and Reſtrictions herein-after preſcribed ſhall be duly obſerved by all Perſons therein concerned; and that no Houſe or other Building ſhall be erected within the Limits aforeſaid, but ſuch as ſhall be purſuant to ſuch Rules and Orders of Buildings as are herein-after particularly appointed, any Law, Statute, or Uſage, to the Contrary notwithſtanding; (that is to ſay), That all Fronts and Rear Walls of every Houſe or Tenement for Habitation, to be built as aforeſaid, within the Limits aforeſaid, ſhall be built of Brick or Stone, or of Brick and Stone together, (except ſound Square Bond Timbers, Door Caſes, and Window Frames, Shutters, Story Poſts, and Breaſt-ſummer Fronts to the Ground Floor Story, and Cornices to the Breaſt-ſummer Fronts); and that all the Front Walls of every ſuch Houſe or Tenement for Habitation ſhall be carried up to the full Height of Eighteen Inches above the Gutter, and coped with Stone, Tile, or Brick, and not otherwiſe; and that from and after the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, every Houſe or Tenement for Habitation, which ſhall be ſo erected and built, ſhall have Party Walls between Houſe and Houſe, or other Buildings, wholly of Brick or Stone, or of Brick and Stone together, (all neceſſary ſound Square Bond Timbers only excepted); and that ſuch Party Walls between Houſe and Houſe ſhall be built, One Half thereof on the Soil or Scite of each of the ſaid Houſes; and that every Party Wall, or Flank, or Side Wall, of every ſuch Houſe or Building, the Expence of building and finiſhing of which Houſe ſhall exceed the Sum of One hundred and twenty Pounds, ſhall be of the Thickneſs of Two Bricks and One Half in Length, or One Foot and Nine Inches at the leaſt in the Cellar or loweſt Story, and of Two Bricks in Length, or

Rules to be obſerved in the Erection of all future Buildings.

One Foot Five Inches, and One Half of an Inch, from thence upwards to the Garret Floor, and from the Garret Floor upwards One Brick and an Half in Length, or Thirteen Inches; and ſhall be carried up of ſuch laſt-mentioned Thickneſs to the full Height of Eighteen Inches above the Roof or Gutters adjoining thereto; and to every Houſe or Tenement for Habitation, the Expence of building and finiſhing of which Houſe ſhall not exceed the Sum of One hundred and twenty Pounds, every Party Wall, and every Flank or Side Wall, ſhall be of the Thickneſs of One Brick and an Half in Length, or Thirteen Inches, in the Cellar or loweſt Story, and from thence upwards, ſhall be carried up of the Thickneſs of One Brick in Length, or Nine Inches, to the full Height of Eighteen Inches above the Roof or Gutters adjoining thereto; and that all and every the Bricks which ſhall be uſed in every ſuch Party Walls ſhall be good, ſound, hard, and well-burnt Bricks, and none other; and that no Timbers (except the Girders, Binding and Triming Joiſts, and the Templets under the ſame, and all ſuch neceſſary Bond Timbers as aforeſaid) ſhall be laid into any ſuch Party Wall, or Flank, or Side Wall, as aforeſaid; and that no Timbers of the Roof ſhall be laid into any ſuch Party Wall, or Flank, or Side Wall, (except the Purloins or Kirbs thereof, and Gutter Plates), and that no Girder, Binding, or Trimming Joiſts, ſhall lie more than Nine Inches within ſuch Party Wall, Flank, or Side Wall, and that no Girder, Binding, or Trimming Joiſts, in Houſes or Buildings adjoining to each other, ſhall meet or be laid oppoſite to each other, and that the Sides thereof ſhall be at leaſt Nine Inches diſtant from each other; and that there ſhall be Five Inches at the leaſt of ſolid Brick-work left at or between the Ends of all Lentils, Wall Plates, and Bond Timbers, to be hereafter uſed in any ſuch Buildings as aforeſaid.

No Bow Windows to be made, except for Shops.

II. Provided always, and be it further enacted by the Authority aforeſaid, That no Bow Window or other Projection ſhall be built, made, ſet up, or affixed in, to, againſt, or before any Houſe or other Building, ſituate in any publick Street, Lane, or Place, fronting to any ſuch Street, Lane, or Place, (except for the Convenience of a Shop or Shops only); and where any ſuch Window, or other Projection, ſhall be ſo made, ſet up, or fixed, for the Convenience of a Shop or Shops, the ſame ſhall not project or extend forwards more than Five Inches from the Upright of the Houſe or Building to the Front of the Stall-board, in any Street, Lane, or Place, which ſhall not be Thirty-two Feet wide, nor more than Ten Inches from ſuch Upright to the Front of the Stall-board, in any Street, Lane, or Place, being more than Thirty-two Feet wide; and that no ſuch Projection, in any Caſe, ſhall be carried higher than the Ground Story, or Story next above the Level of the Street, Lane, or Place, of the Houſe or other Building, in, to, againſt, or before which the ſame ſhall be made or placed; nor ſhall any Roof over any Projection, by this Act allowed to be made or ſet up, be higher than the Sill of the One Pair of Stairs Window of ſuch laſt-mentioned Houſe or Building; and that no Timber Building, Projection, or Erection whatſoever, (otherwiſe than as aforeſaid), ſhall be built or erected in the Front or Rear, or on the Top of any Houſe or Building; any Cuſtom or Uſage to the Contrary notwithſtanding.

Proviſo.

III. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to interfere with, or make void, any of the Powers heretofore given by any Act of Parliament to the Commiſſioners of Sewers, Lamps, and Pavements, for the City of London, and the Liberties thereof.

Gateways, &c. to be left for Carriages to paſs to Wharfs.

IV. And whereas in the building of Houſes or other Buildings near or adjoining to the River *Thames*, it may be proper and convenient to erect or leave Archways, or other Gateways, for Carts and Carriages to paſs under the ſaid Houſes, or ſome Part or Parts of ſome of them, to Wharfs near or adjoining to the ſaid River, and to place or fix Breaſt-ſummers into the Walls of ſuch Part or Parts of ſuch Houſes, ſo extending over or acroſs ſuch Archways or Gateways; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Builder of the Party Wall or Party Walls of any Houſe or Houſes, or other Buildings, near or adjoining to the ſaid River, within the Limits aforeſaid, to make or leave Archways or Gateways for Carriages to paſs to the ſaid Wharfs, in ſuch Part of the Ground and Cellar Floors, or either of them, of any ſuch Houſe or Houſes, or other Buildings, and to place and fix a proper Breaſt-ſummer or Breaſt-ſummers, over any ſuch Arched-way or Gateway; any Thing herein contained, or any Law, Statute, or Uſage, to the Contrary notwithſtanding.

Walls acroſs Gateways to Wharfs to be One Brick and an Half thick.

V. Provided always, and be it further enacted, That every Wall and Walls to be erected or ſet up upon any Breaſt-ſummer, over any ſuch Arched-way or Gateway, ſhall not be leſs than One Brick and an Half, or Thirteen Inches thick; any Thing herein contained to the Contrary notwithſtanding.

In what Caſes 2d Builder may uſe Party or End Walls.

VI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Perſon or Perſons, who ſhall build againſt any ſuch Party Wall or Party Walls, Flank, or Side Wall or Walls, and ſhall have paid the full and due Proportion of the Charges of Building ſuch Wall or Walls, according to the Directions herein-after ſet forth, to cut into ſuch Wall or Walls, and to lay into the ſame, according to the Directions and Regulations herein preſcribed, Girders, Binding Joiſts, and Templets under the ſame, according to the ſaid Directions and Regulations, at ſuch Diſtances, and in ſuch Manner, as the Firſt Builder might do, and not otherwiſe; and alſo to make Indents of not more than Four Inches, for inſerting of Partition Walls and Jambs of Chimnies therein; and alſo to make an Indent into the End of any adjoining Front Wall, not more or deeper than Four Inches, for the Purpoſe of joining the Walls between Houſe and Houſe; and to cut into any ſuch Wall or Walls, where there is no Funnel, the Depth of Five Inches, and not more or deeper, for the Purpoſe only of laying Stone Steps into the ſame Wall or Walls; and of the Depth of Four Inches, and not more or deeper, for laying Timbers for Stairs or Steps of Wood; but ſhall not cut into, or wound any ſuch Wall or Walls, in any other Part or Parts thereof, or in any other Manner, or for any other Purpoſe whatſoever; and that no Cornice or Projection of Wood, in or upon any other Wall of any Houſe or other Building, already built, or hereafter to be built, in any Street, Lane, or Place, within the Limits aforeſaid, ſhall be made or ſuffered, except to Frontiſpieces of Doors, and ſuch Shop Windows as are hereby authoriſed to be made.

Regulations for placing Chimney Jambs, &c. in Party Walls.

VII. Provided always, and be it enacted by the Authority aforeſaid, That if any Perſon or Perſons, being poſſeſſed of, and intitled unto, any Ground adjoining to any Flank or Side Wall of a Houſe or Building for Habitation, about to be built, or building on any new Foundation or Foundations, according to the Directions of this Act, ſhall be deſirous of Building any Houſe or Tenement for Habitation on the Ground ſo adjoining, and of having Chimney Jambs, Breaſts, and Flues of Chimnies, for ſuch his, her, or their intended Houſe or Building, erected and ſet into any ſuch Flank or Side Wall; or being poſſeſſed of any Houſe or other Building adjoining to any Houſe or Tenement for Habitation, hereafter to be built on any old Foundation or Foundations, within the Limits of this Act, ſhall be deſirous of having Chimney Jambs, Breaſts, and Flues of Chimnies, for ſuch adjoining Houſe or Tenement, erected and ſet into any Party Wall or Walls, hereafter to be erected according to the Directions of this Act, and of ſuch Deſire ſhall and do give Notice in Writing to the Builder or Builders thereof, or any One of them, at any Time before any ſuch Flank or Side Wall or Party Wall ſhall be begun to be built; then, and in that Caſe, ſuch Builder or Builders ſhall, and is and are hereby directed and required, from and after ſuch Notice ſo given, to erect in a proper, ſubſtantial, and workmanlike Manner, ſuch and ſo many Chimney Jambs, Breaſts, and Flues of Chimnies, in all ſuch Parts of every ſuch Flank, or Side Wall, or Party Wall, unbuilt at the Time of ſuch Notice, as ſhall be by the Perſon or Perſons giving ſuch Notice required and directed, not interfering with, or injurious to, the Jambs and Flues of the Chimnies to be built to the adjoining Houſe or Tenement, nor being in any Reſpect contrary to the Rules, Orders, Regulations, and Reſtrictions, in and by this Act preſcribed and directed: And from and after the erecting and ſetting up ſuch Jambs, Breaſts, and Flues of Chimnies, ſo required to be built, the Perſon or Perſons giving any ſuch Notice as aforeſaid, his, her, or their Executors and Adminiſtrators, ſhall, to all Intents and Purpoſes, be deemed and taken to have made uſe of every ſuch Flank, or Side Wall, or Party Wall, and ſhall be from thenceforth liable to pay the whole Expence of erecting and ſetting up all and every ſuch Jambs, Breaſts, and Flues of Chimnies, erected and built in purſuance of ſuch Notice, and alſo One full Moiety of the Expence of the Whole of every Wall or Walls in which ſuch Jambs, Breaſts, and Flues, ſhall be ſo erected; to be computed and aſcertained as herein-after directed, and to be recoverable and recovered, with full or common Coſts of Suit, in the ſame or like Manner as any other Proportion of any Party Wall or other Wall is herein and hereby made recoverable.

Thickneſs of Chimney Jambs.

VIII. And be it further enacted by the Authority aforeſaid, That all Jambs and Backs of Chimnies, which, from and after the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, ſhall be erected or built within the Limits aforeſaid, ſhall be at leaſt One Brick and an Half, or Thirteen Inches thick, in the Cellar or loweſt Story of the Buildings wherein the ſame ſhall be erected, and from thence to the upper Story of ſuch Building, One Brick or Nine Inches thick; and that all Withs, in the Inſide of ſuch Chimnies, ſhall be the Breadth of a Brick or Four Inches thick; and that all the Funnels of ſuch Chimnies ſhall be plaiſtered or pargetted on the Inſide on all Parts thereof, from the Bottom to the Top, and ſhall alſo be plaiſtered or pargetted without Side to the Cieling of the Upper Story; and that the Flues of every Chimney on the Outſide of every ſuch Party Wall as aforeſaid, next to any vacant Ground, ſhall be Lime-whited, from the Bottom to the Roof of the Houſe or Building; and that every Chimney, ſo to be built as aforeſaid, ſhall be turned or arched under the Hearth thereof with Brick, except on the loweſt Story of the Building wherein the ſame ſhall be erected; and that no Timber ſhall lie or be placed nearer than Five Inches to any Chimney Funnel or Fire Place; and that every Mantle between the Jambs of Chimnies ſhall be arched over with Brick, or ſet upon an Iron Bar or Iron Bars; and that no Wood or Wainſcot whatever ſhall be placed or affixed to the Front of any ſuch Jamb or Mantle nearer than Five Inches from the Inſide of ſuch Jamb or Mantle; and that no Stove, Boiler, Copper, or Oven, ſhall, from and after the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, be ſet up, fixed, or hung, within the Limits aforeſaid, otherwiſe than with Iron, Brick, or Stone; nor ſhall the Flue of any ſuch Stove, Boiler, Copper, or Oven, be placed nearer than Nine Inches to any Timber or Wood, for or on any Pretence whatſoever.

Funnels to be plaiſtered and pargetted within and without.

Hearths to be arched with Brick.

Between the Jambs to be arched with Brick, or ſet on Iron.

How Stoves, Boilers, and Coppers, are to be ſet.

No Breaſt-ſummer, Door-caſe, Window, &c. to be in any Party Wall.

IX. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, it ſhall not be lawful to make or have in any Flank or Side Wall of any Houſe or Building againſt or adjoining to which any other Houſe or Building is to be, or may be erected, or in any Party Wall of any Houſe or Building for Habitation within the Limits aforeſaid, (except as herein-before expreſſed and directed) any Door-caſe, Window-lentil, Breaſt-ſummer, Story Poſt, or Plate whatever, unleſs where Two or more Houſes or other Buildings ſhall be laid together, and being ſo laid together, ſhall be uſed and occupied as one Houſe or Building.

Directions reſpecting Front and Rear Walls, Story Poſts, Breaſt-ſummers, Party Walls, Girders, Joiſts, Chimnies, Bow Windows, &c. to be obſerved by all Builders, &c.

X. And be it further enacted by the Authority aforeſaid, That if the Front or Rear Wall of any Houſe or other Building for Habitation, which from and after the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, ſhall be erected or built within the Limits aforeſaid, ſhall be built, made, or carried up, otherwiſe than with Brick or Stone, or Brick and Stone together, (except as herein excepted); or if any ſuch Front Wall ſhall not be built and carried up from the Foundation of ſuch Houſe or other Building to the full Height herein directed and required; or if any ſuch Wall ſhall not be coped with Stone, Tile, or Brick; or if any ſuch Houſe or other Building which ſhall be erected ſhall not have ſuch Party Wall and

Walls, Flank, or Side Walls, wholly of Brick or Stone, or of Brick and Stone together, as herein-before directed and required, (except as herein excepted); or if any ſuch Party Wall, Flank, or Side Wall, ſhall be in any Part thereof of a leſſer Thickneſs than is herein-before preſcribed, or ſhall not be carried up to the full Height herein directed and required; or if any Bricks, other than good, ſound, hard, well-burnt Bricks, ſhall be laid, put into, or uſed, in any ſuch Party Wall, Flank, or Side Wall; or if any Timber, other than Girders, Binding, and Trimming Joiſts, and Templets under them, and other than neceſſary ſound ſquare Bond Timbers; or if any Timber of the Roof (except the Purloins and Kirbs thereof, and Gutter Plates) ſhall be laid into any Party Wall, Flank, or Side Wall, as aforeſaid; or if any Girder, or Binding, or Trimming Joiſt, ſhall be laid into any Party Wall more than Nine Inches; or if the Ends of any Girders, Binding, or Trimming Joiſts, in any adjoining Houſes or other Buildings, ſhall meet or be laid oppoſite to each other; or if the Sides of any Girders, or Binding, or Trimming Joiſts, in any adjoining Houſe, or other Building, ſhall not be of the full Diſtance herein directed from each other; or if there ſhall not be Five Inches in Breadth, at the leaſt, of ſolid Brick-work left between the Ends of all and every Lentils, Wall Plates, or Bond Timbers; or if any Bow Window, or other Projection, ſhall be built, made, ſet up, or affixed to, againſt, or before any Houſe or other Building fronting to any Street, Lane, or Place, except for the Convenience of a Shop or Shops only; or if any Bow Window, or other Projection, for the Convenience of a Shop or Shops, ſhall project or extend forward more than Five Inches from the Upright of the Houſe or Building to the Front of the Stall-board in any Street, Lane, or Place, not being Thirty-two Feet wide, or more than Ten Inches from ſuch Upright, to the Front of the Stall-board, in any Street, Lane, or Place, which ſhall be more than Thirty-two Feet wide, or ſhall be higher than the Top of the Ground Story, or Story next above the Level of the Street, Lane, or Place, of the Houſe or other Building, to, or againſt, or before which the ſame ſhall be made or placed; or if any Roof over any Projection by this Act allowed to be made or ſet up, ſhall be higher than the Sill of the One Pair of Stairs Window of ſuch laſt-mentioned Houſe or Building; or if any Timber Building, Erection, or Projection whatever, other than by this Act allowed, ſhall be built or erected in the Front or Rear, or on the Top of any Houſe or Building; or if any Perſon or Perſons who ſhall build againſt any Party Wall, or End, or Side Wall, ſhall make any Indent of more than Four Inches for inſerting any Partition Wall and Jambs of Chimnies therein, or ſhall make in any adjoining Front Wall an Indent more or deeper than Four Inches, for the better adjoining of the Front Walls between Houſe and Houſe, or ſhall cut into any other Part of any ſuch Wall to any greater Depth than Five Inches for the laying of Stone Steps into the ſame, or more than Four Inches for laying Stairs or Steps of Wood; or if any Cornice or Projection of Wood, except to Shops having Breaſt-ſummer Fronts, and to Frontiſpieces of Doors, and ſuch Bow Windows as are hereby authoriſed to be made, ſhall be put or ſuffered in any Front or Rear Wall of any Houſe or other Building already built, or hereafter to be built, within the Limits aforeſaid, or other Wall fronting to any Street, Lane, or Place; or if the Jamb or Back of any Chimney to be built within the Limits aforeſaid ſhall not be at leaſt One Brick and an Half or Thirteen Inches thick in the Cellar or loweſt Story, and One Brick or Nine Inches to the upper Story; or if any With within the Inſide of any Chimney ſhall be leſs than Four Inches thick; or if any Funnel in any ſuch Chimney ſhall not be plaiſtered or pargetted within and without, as herein-before directed; or if on the Flue of every Chimney, on the Outſide of every Party Wall next to any vacant Ground, ſhall not be Lime-whited from the Bottom to the Roof of the Houſe or Building; or if any Chimney hereafter to be built within the Limits aforeſaid ſhall not be turned or arched under the Hearth with Brick, except in the loweſt Story; or if any Timber ſhall lie or be placed nearer than Five Inches to any Chimney, Funnel, or Fire-place; or if any Mantle between the Jambs of the Chimney ſhall not be arched over with Brick, or ſet upon an Iron Bar or Iron Bars; or if any Wood or Wainſcot ſhall be placed or affixed to the Front of the Jamb or Mantle nearer than Five Inches from the Inſide of ſuch Jamb or Mantle; or if any Stove, Boiler, Copper, or Oven, ſhall be ſet up, placed, or hung, otherwiſe than herein-before directed; or if, for or on any Account or Pretence whatever, any Party Wall, or End, or Side Wall whatever, ſhall be cut into or wounded, (except as is herein excepted); or if any Door-caſe, Window, Window-frame, Lentil, Breaſt-ſummer, Story-poſt, Plate, or Timber, (all neceſſary Bond Timber as aforeſaid excepted) ſhall be fixed, ſet up, or put into, any Party Wall, or End, or Side Wall, except where Two or more Houſes or other Buildings ſhall be laid together, and uſed and occupied as One Houſe or Building; then, and in every or any ſuch Caſe, the Maſter or Head Builder, Maſter Bricklayer, or Maſter Workman, or other Perſon, cauſing ſuch Building to be erected and built, ſhall, for every Offence or Default as aforeſaid, forfeit and pay the Sum of Fifty Pounds; One Moiety thereof to be paid to the Overſeer or Overſeers of the Poor of the Pariſh, Precinct, or Place, wherein the Offence was committed, for the Uſe of ſuch Poor only, and the other Moiety thereof to the Perſon or Perſons ſuing for the ſame; to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

under the Penalty of 50 *l.*

Pariſhioners, &c. where the Offence is committed to be Witneſſes.

XI. And be it further enacted by the Authority aforeſaid, That the Pariſhioners and Inhabitants of the Pariſh, Precinct, or Place, where any Offence againſt this Act ſhall be committed, (except Perſons receiving Alms) ſhall be admitted and allowed to be competent Witneſſes in the Trial, or otherwiſe, in any Action, Bill, Plaint, or Information, in any of the ſaid Courts of Record, or at or upon the Hearing and Determination of any Information before the Mayor of London, or other Juſtice of the Peace, for or concerning any Offence or Offences againſt this preſent Act, notwithſtanding his, her, or their being a Pariſhioner or Pariſhioners, Inhabitant or Inhabitants, in ſuch Pariſh, Precinct, or Place.

XII. And be it further enacted by the Authority aforeſaid, That the Maſter or Head Builder, Maſter Bricklayer, or Maſter Workman, or other Perſon cauſing ſuch Building to be erected, againſt whom any of the Forfeitures or Penalties aforeſaid ſhall be recovered, ſhall, and is hereby required, within the Space of Nine Months next after the Recovery thereof, to make good all ſuch Defects and Irregularities, for which every ſuch Forfeiture and Penalty was recovered, and render the Building of ſuch Houſe and Houſes, or other Building or Buildings, conformable to the Directions of this preſent Act: And in caſe all or any of the Defects and Irregularities for which ſuch Forfeiture or Forfeitures, Penalty or Penalties, was or were recovered, ſhall not be made good, and the Building of the ſaid Houſe or Houſes, or other Buildings, ſhall not be rendered conformable to the Directions of this preſent Act, within the ſaid Nine Months; then, every Perſon or Perſons againſt whom ſuch Recovery ſhall have been, ſhall forfeit the Sum of Fifty Pounds; to be recovered and applied in the ſame or like Manner as the before-mentioned Forfeitures and Penalties are herein-before directed to be recovered and applied, and ſo toties quoties, for every Nine Months that ſuch Defects and Irregularities ſhall continue, and that ſuch Houſe or Houſes, or other Buildings, ſhall remain built otherwiſe than conformable to the Directions of this preſent Act.

Builder, after Conviction, to make good Irregularities, on Pain of a further Penalty of 50*l.*

XIII. And be it further enacted by the Authority aforeſaid, That if any Workmen, or Servants to any Maſter or Head Builder, Maſter Bricklayer, or Maſter Workman, or other Perſon or Perſons cauſing ſuch Buildings to be erected, ſhall wilfully, careleſsly, or negligently, and without the Direction, Privity or Conſent, of ſuch Maſter or Head Bricklayer, or Maſter Workman, do any Thing in or about ſuch Buildings contrary to the Directions of this Act, every ſuch Workman or Servant ſo offending, ſhall, for every Offence, upon Conviction thereof before the Mayor of London, or other Juſtice of the Peace for the ſaid City of London, or before One or more Juſtice or Juſtices of the Peace for the ſaid County of Middleſex, or County of Surrey, or the City and Liberty of Weſtminſter, or the Liberty of His Majeſty's Tower of London, (as the Caſe ſhall be), upon the Oath of One or more credible Witneſs or Witneſſes, (which Oath the ſaid Mayor, and every ſuch Juſtice, is hereby impowered and required to adminiſter), or upon his own Confeſſion, ſhall forfeit the Sum of Ten Pounds; One Moiety thereof to be paid to the Overſeer or Overſeers of the Poor of the Pariſh, Precinct, or Place, wherein the Offence was committed, for the Uſe of the Poor only, and the other Moiety thereof to the Informer; and if any ſuch Forfeiture of Ten Pounds ſhall not be paid upon and immediately after ſuch Conviction, then the Offender ſhall, by Warrant, under the Hand and Seal of ſuch Mayor, or other Juſtice, (except as herein-after is excepted), be committed to the Houſe of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Three Months, nor leſs than One Month, unleſs the ſaid Penalty ſhall be ſooner paid.

Workmen doing any Thing contrary to this Act ſhall forfeit 10*l.*

XIV. And whereas ſeveral Houſes, and other Buildings, within the Limits aforeſaid, are in Part erected and built over the Ground and Soil of another or other Proprietor or Proprietors, or the ſeveral Rooms or Floors of ſuch Houſes lie intermixed over or under each other; ſo that a Party Wall between ſuch Houſes cannot be built upon the old Foundations perpendicular through all the Stories, without pulling down ſuch Houſes, and laying Parts of each to the other, or others, of ſuch Houſes; in all which Caſes Difficulties have ariſen, or may ariſe, amongſt the ſaid ſeveral Owners or Proprietors, and the rebuilding the ſaid Premiſes, and the ſaid Party Walls thereof, may be thereby prevented or delayed, to the great Injury or Inconvenience of ſuch of the Owners as are deſirous of rebuilding: For Remedy whereof, and in order to prevent the fatal Effects of Fire, be it enacted by the Authority aforeſaid, That in all and every or any of ſuch Caſes, when any Owner or Proprietor of any ſuch Houſe or other Building within the Limits aforeſaid, intermixed as aforeſaid, ſhall be deſirous of rebuilding his, her, or their ſaid Houſe, or other Building, and the Owner or Owners of ſuch Houſe, or other Building, which did or ſhall thereto adjoin, ſhall not be able or willing to join, or by reaſon of any legal Diſability cannot join in ſuch Rebuilding, then, if the Party or Parties ſo deſirous of rebuilding his, her, or their Houſe or Houſes, or other Buildings, ſhall give Notice in Writing to the Owner or Owners of ſuch Houſe or Houſes, or other Buildings, which did or ſhall thereto adjoin, that he, ſhe, or they, ſo intending to rebuild, will apply to the Court of Mayor and Aldermen of the City of London, to be holden in the outer Chamber of the Guildhall of the ſaid City, according to the Cuſtom of the ſaid City, when the Premiſes, or any Part thereof, ſhall be ſituate within the ſaid City, or the Liberties thereof; to the Juſtices of the Peace for the County of Middleſex, in their General or Quarter Seſſions of the Peace for the ſaid County of Middleſex, when the Premiſes, or any Part thereof, ſhall be ſituate in the ſaid County of Middleſex; or to the Juſtices of the Peace for the County of Surrey, in their General Quarter Seſſions of the Peace for the ſaid County of Surrey, when the Premiſes, or any Part thereof, ſhall be ſituate in the ſaid County of Surrey; or to the Juſtices of the Peace for the ſaid City and Liberty of Weſtminſter, in their General Quarter Seſſions of the Peace for the ſaid City and Liberty, when the Premiſes, or any Part thereof, ſhall be ſituate in the ſaid City or Liberty; or to the Juſtices of the Peace for the ſaid Liberty of the Tower of London, in their General Quarter Seſſions of the Peace for the ſaid Liberty, when the Premiſes, or any Part thereof, ſhall be ſituate in the ſaid Liberty, which ſhall be next holden after Fourteen Days from the Delivery of ſuch Notice, in order to obtain the Judgement and Determination of the ſaid Court of Mayor and Aldermen, or of the ſaid Court of Seſſions, (as the Caſe ſhall be), touching the rebuilding the Houſe or Houſes, or other Buildings, or Party Walls, to be deſcribed in ſuch Notice, and for aſcertaining the Scite of a perpendicular Party Wall or Party Walls, to be built according to the Directions and Reſtrictions in this Act contained and deſcribed, by delivering a true Copy of ſuch Notice to the Owner or Owners of ſuch Houſe or Houſes, or other Buildings, which did or ſhall adjoin, or by leaving the ſame at his, her, or their laſt or uſual Place of Abode, or by delivering a true Copy of ſuch Notice to the Tenant in Poſſeſſion of ſuch Houſe or Houſes, or other Buildings, which did or ſhall ſo adjoin, or by fixing ſuch Copy to or upon the Door, or other notorious Part of ſuch laſt-

Owners intending to rebuild according to the Act, but are prevented by the Premiſes being intermixed with the Property of other Owners under Diſability, or unwilling to join, may apply to the Mayor, or to the Juſtices at their Quarter Seſſions.

Sheriffs to ſummon Juries for the Purpoſes of determining whether Premiſes ought to be rebuilt, &c.

Act 3 *Geo.* II. *c.* 25.

Witneſſes may be cited.

Court to give Judgement according to ſuch Verdict, and Judgement to be binding.

Judgements, &c. to be entered as of Record.

mentioned Houſe, or other Building; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Court of Mayor and Aldermen, and to and for the Juſtices of the Peace for the ſaid County of Middleſex, in their General or Quarter Seſſions of the Peace for the ſaid County of Middleſex, and to and for the ſaid Juſtices of the Peace in their General Quarter Seſſions of the Peace reſpectively, (as the Caſe ſhall be), and they are hereby reſpectively authoriſed and required, upon Application to them by the Party or Parties ſo deſirous to rebuild, and upon ſuch Proof of ſuch Notice as they ſhall deem reaſonable, to iſſue their Warrant or Warrants, Precept or Precepts, to the Sheriffs of London, or to the Sheriff of the ſaid County of Middleſex, or Sheriff of the ſaid County of Surrey, or Sheriff or Bailiff of the Liberty of His Majeſty's Tower of London, (as the Caſe ſhall be), requiring them or him reſpectively to impanel and return a competent Number of ſubſtantial and diſintereſted Perſons, qualified to ſerve on Juries within the reſpective Diſtricts for which they are ſummoned, not leſs than Twenty-four, nor more than Thirty-ſix; and out of ſuch Perſons ſo to be impanelled, ſummoned, and returned, a Jury of Twelve Perſons ſhall be drawn by ſome Perſon or Perſons to be by the ſaid Court or Seſſion appointed, in ſuch Manner as Juries are directed to be drawn for the Trial of Iſſues joined in His Majeſty's Courts of Record at Weſtminſter, by an Act, made in the Third Year of the Reign of His late Majeſty King George the Second, (intituled, An Act for the better Regulation of Juries); which Perſons ſo to be impanelled, ſummoned, and returned, as aforeſaid, are hereby required to come and appear before the ſaid Court of Mayor and Aldermen, or before the ſaid Courts of Seſſions for the ſaid County of Middleſex, or County of Surrey, or City and Liberty of Weſtminſter, or the Liberty of His Majeſty's Tower of London, (as the Caſe ſhall be), at ſuch Time and Place as in ſuch Warrant or Warrants, Precept or Precepts, ſhall be directed and appointed, and there to attend, from Day to Day, until diſcharged by the Court; and all Parties concerned ſhall and may have their lawful Challenges againſt any of the ſaid Jury, but ſhall not be at Liberty to challenge the Array; and the ſaid Court of Mayor and Aldermen, and any of the ſaid Courts of the ſaid County of Middleſex or Surrey, City and Liberty of Weſtminſter, or Liberty of the Tower of London, is and are hereby authoriſed and impowered, by Precept or Precepts, from Time to Time, as Occaſion ſhall require, to call before them reſpectively all and every Perſon and Perſons who ſhall be thought proper or neceſſary to be examined as a Witneſs or Witneſſes before them, on their Oath or Oaths, concerning the Premiſes; and either of the ſaid Courts, if they ſhall think fit, ſhall and may likewiſe authoriſe the ſaid Jury to view the Place or Places in queſtion, in ſuch Manner as they ſhall direct; and ſhall have Power to command ſuch Jury, and all ſuch Witneſſes and Parties as ſhall be neceſſary or proper, to attend, until all ſuch Affairs for which they are ſummoned ſhall be concluded; and the ſaid Jury upon their Oaths, (which Oaths, as alſo the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence to any or either of the ſaid Courts, the ſaid Courts are herein reſpectively impowered and required to adminiſter), ſhall inquire and try, and determine by their Verdict, whether the Premiſes in every or any of the Caſes aforeſaid ought to be rebuilt or not; and if the ſame ought to be rebuilt, to award and determine the Scite of a perpendicular Party Wall or Party Walls of ſuch Houſe or Houſes, or other Buildings, ſo intended to be rebuilt, as near to the old Foundation as may be, and to aſcertain the Quantity of the Soil or Ground (if any) neceſſary to be laid to or taken from the Houſe of the Perſon or Perſons deſirous to rebuild, permitting ſuch Perſon or Perſons to erect a perpendicular Party Wall or Party Walls upon or as near as may be to ſuch old Foundation or Foundations, as aforeſaid; and to fix, aſcertain, and award what (if any) Compenſation or Recompence ſhould be made, given, and paid, by any or either of the ſaid Parties in Difference to the other or others of them, in lieu of the leſſening either of the ſaid Houſes, or other Buildings, by ſuch perpendicular Party Wall or Party Walls; and the ſaid Court of Mayor and Aldermen, and the ſaid Seſſions reſpectively, ſhall give Judgement according to ſuch Verdict, as well for the Scite of ſuch intended Party Wall or Walls, as alſo for ſuch Sum or Sums of Money (if any) ſo to be aſſeſſed by the ſaid Jury; and ſhall and may (if they ſhall ſee fit) award to either of the Parties ſuch Coſts as they ſhall deem juſt and reaſonable; which Verdict or Verdicts, and the Judgement, Order, or Determination thereupon, ſhall be binding and concluſive to all Intents and Purpoſes whatſoever, againſt all and every Perſon and Perſons, Bodies Politick and Corporate, claiming any Eſtate, Right, Title, Truſt, Uſe, or Intereſt, in, to, or out of the ſaid Premiſes, or any Part thereof, either in Poſſeſſion, Reverſion, Remainder, or Expectancy, as alſo againſt the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and againſt Infants and Iſſue unborn, Lunaticks, Idiots, and Femes-covert, and Perſons under any other legal Incapacity or Diſability, and all Truſtees and Ceſtuique Truſts, his, her, and their Succeſſors, Heirs, Executors, and Adminiſtrators, and againſt all other Perſons whomſoever: And all and every the ſaid Verdicts, Judgements, Orders, and Determinations, and all other Proceedings of the ſaid Court of Mayor and Aldermen, and Court of Seſſions, ſo to be made, given, and pronounced, as aforeſaid, ſhall be by the Town Clerk of the City of London, or by the Clerk of the Peace, (as the Caſe ſhall be), entered and filed, as of Record of the ſaid Court where ſuch Proceedings ſhall have been had; for the Entry and Filing whereof, and for every Order of Court, and Copy thereof, the ſaid Town Clerk, or Clerk of the Peace, ſhall be paid after the Rate of Twelvepence for every One hundred Words, and no more; and each of them, the ſaid Town Clerk, and Clerk of the Peace reſpectively, is hereby impowered and required to make and deliver to any Perſon or Perſons requiring the ſame, an Exemplification, under his Hand and Seal, of every or any ſuch Verdict, Judgement, Order, and Determination, being paid for the ſame after the Rate of Twelvepence for every One hundred Words; and every ſuch Exemplification ſhall and may be taken and read as Evidence in all Courts of Law and Equity whatever: And from and after the obtaining ſuch Judgement, and Payment, or Tender, in Manner herein-after directed, of the Sum or Sums of Money (if any) thereby aſſeſſed or awarded, or where no Sum of Money ſhall be ſo aſſeſſed or awarded, from and after the obtaining ſuch Judgement, the Perſon or Perſons who ſhall have applied for and obtained ſuch Judgement, his, her, or their Heirs, Executors, or Adminiſtrators, Servants, or Workmen, ſhall and may pull down his, her, or their own Houſe, or other Building, and rebuild the ſame with a perpendicular Party Wall or Party Walls, on the Scite of ſuch Ground, as ſhall be aſcertained for that Purpoſe by ſuch Judgement; and to that End ſhall and may, in the Preſence of a Conſtable or Headborough, or other Officer of the Peace, after the End of Fourteen Days after ſuch Judgement, Order, or Determination, ſhall have been obtained, enter upon the Scite of the Ground ſo aſcertained for a Party Wall or Walls, and into the Houſe or other Building (if any be) adjoining to the Houſe or Party Wall intended to be rebuilt, at any Time between the Hours of Six in the Morning and Six in the Afternoon, (Sundays excepted); and if the outer Door of ſuch Houſe, or other Building, ſhall be ſhut, and the Occupier, or any other Perſon therein, ſhall refuſe to open the ſame, being thereunto required; or if ſuch Houſe, or other Building, ſhall be empty and unoccupied, ſhall and may break open ſuch outer Door, and remove, to ſome other Part of the ſame Premiſes, any Goods, Furniture, Shelves, or other Matter or Thing, which ſhall obſtruct the building of ſuch intended perpendicular Party Wall or Walls, or the pulling down any Wall, Partition, or other Thing neceſſary to be pulled down and removed, in order to the building ſuch intended Party Wall or Walls; and from and after ſuch Entry as aforeſaid, and at all uſual Times of working, it ſhall and may be lawful to and for the Builder or Builders employed to erect ſuch intended Party Wall or Walls, and his and their Servants, and all others employed by him or them, to enter into and upon the Premiſes, and abide therein the uſual Times of working, for the ſhoring up the ſaid Houſe, or other Building, ſo broke into or entered upon, and for taking down and removing any Party Wall or Walls, Partition, Wainſcot, or other Thing neceſſary to be taken down and moved for the Purpoſe aforeſaid, and to build ſuch intended perpendicular Party Wall or Walls: And if any ſuch Owner or Occupier, or other Perſon or Perſons, ſhall in any Manner hinder, obſtruct, or impede, any Workman or Workmen employed for any of the Purpoſes aforeſaid, or ſhall wilfully damage or injure the ſaid Works, every ſuch Owner or Occupier, or other Perſon, ſo offending, ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Pounds; to be recovered, levied, and applied, as herein after mentioned.

After Judgement and Payment, &c. of Money, (if any), Party applying may pull down his Houſe, and rebuild the ſame with a perpendicular Party Wall; and, in the Preſence of a Conſtable, may enter the adjoining Houſe, and may remove Goods or Furniture.

If any Perſon hinder the Workmen, to forfeit 10l.

XV. Provided always, and be it further enacted by the Authority aforeſaid, That, upon every Application to the General Quarter Seſſions of the Peace for the ſaid County of Surrey, for or concerning any Matter to be by ſuch Quarter Seſſions ordered, directed, or done, by virtue or in purſuance of this Act, the Jury (if any) to be impanelled, and all Parties required to attend the Quarter Seſſions for the ſaid County, ſhall be impanelled, directed, and required to attend, at ſome General or Special Adjournment of the ſaid Quarter Seſſions, within Six Weeks next after ſuch Application; which ſaid Adjournments ſhall be to the Court-houſe of the Town and Borough of Southwark, in the ſaid County, ſituate and being at Saint Margaret's Hill, within the ſaid Town and Borough, or in ſome convenient Part thereof, or in ſome other Place near or thereunto adjoining, to be appointed by the Juſtices in the ſaid Seſſions, ſo as not to impede or interrupt the Buſineſs at any Time hereafter to be done by or before His Majeſty's Juſtices of Aſſize, Juſtices of Oyer and Terminer, Juſtices of Gaol Delivery, or Juſtices of the Peace, or the County Leets or Courts of Sewers for the City of London, or Liberties thereof, and which have been uſually done, held, or kept, in the ſaid Court-houſe; and that, from Time to Time, every further Meeting of the ſaid Seſſions for any Thing to be done upon ſuch Application ſhall be appointed at or within the Space of Three Weeks; which Adjournment and Adjournments the Juſtices of the Peace for the ſaid County of Surrey, and every of them, are hereby impowered and required to make and hold, from Time to Time, as there ſhall be Occaſion; any Law or Uſage to the Contrary notwithſtanding.

Seſſions for *Surrey* to be held at *Saint Margaret's Hill*.

XVI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Court of Mayor and Aldermen, and to and for any or either of the aforeſaid Courts of Seſſions, (as the Caſe ſhall be), and they are hereby impowered and required, from Time to Time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff or Sheriffs, or their or his Deputies or Deputy, or any of them, making Default in the Premiſes; and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear at the Time and Place in ſuch Summons ſpecified, or appearing, ſhall refuſe to be ſworn on ſuch Jury, or to give his or their Verdict, or in any Manner wilfully neglecting his or their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons having Notice to attend to give Evidence touching the Premiſes, who ſhall not attend, or attending, ſhall refuſe to be examined or give Evidence; and, from Time to Time, in Default of Payment thereof on Demand, to levy ſuch Fine or Fines in ſuch Manner as the before-mentioned Penalty of Fifty Pounds is herein before directed to be recovered and levied, ſo that no Fine ſhall exceed the Sum of Ten Pounds upon any One Perſon for any One Offence; and ſuch Fine or Fines, when ſo received, or levied and recovered, ſhall be applied to and for the Uſe of the Perſon or Perſons ſo applying to the ſaid Court of Mayor and Aldermen, or to the ſaid Courts of Seſſions, (as the Caſe ſhall be), and to and for no other Uſe or Purpoſe whatever.

Court may fine the Sheriff or his Deputy making Default.

XVII. And whereas it may happen that Party Walls, heretofore built within the Limits aforeſaid, may be ſo far out of Repair as to render it neceſſary to pull down and rebuild the ſame, when both the adjoining Houſes, or other Buildings, may not require to be rebuilt; be it enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, all and every the Owner or Proprietor of any Houſe or Building, within the Limits aforeſaid, who ſhall think it neceſſary to pull down any Partition or Party Wall between any ſuch Houſe and the

Proprietors pulling down Party Walls, to give Notice in the following Form.

next adjoining Houſe, ſhall (in caſe the Owner or Owners, Proprietor or Proprietors, of ſuch adjoining Houſe will not, or by Diſability cannot, agree touching the pulling down or rebuilding ſuch Party Wall) give Three Months Notice to the Owner or Occupier of ſuch adjoining Houſe, of ſuch his, her, or their Intention to pull down ſuch Partition or Party Wall; which Notice ſhall be in the Form, or to the Effect following:

The Form.

APPREHENDING the Party Wall between your Houſe, ſituate
inhabited by and my Houſe adjoining thereto, to be ſo far out of Repair as to render it neceſſary to pull down and rebuild the ſame, take Notice, That I intend to have the ſaid Party Wall ſurveyed, agreeable to an Act of Parliament made in the Twelfth Year of the Reign of King *George* the Third, and have appointed
of and of my Surveyors, to
meet at in on my Behalf, on the Day of next, at
of the Clock, in the of the ſame Day; and I do hereby require and call upon you, to appoint Two other Surveyors, or able Workmen, on your Part, to meet them at the Time and Place aforeſaid, to view the ſaid Party Wall, and certify the State and Condition thereof, and whether the ſame ought to be pulled down and rebuilt.

Dated this Day of

Surveyors to be appointed to view Party Walls.

And every ſuch Owner and Occupier ſhall appoint Two Surveyors, or able Workmen, to meet at the Time and Place in ſuch Notice to be mentioned; and they, together with the Two Surveyors, or able Workmen, to be named by the Party giving ſuch Notice, and whoſe Names ſhall be expreſſed in ſuch Notice, may view ſuch Party Wall, and certify the State and Condition thereof, and whether the ſame ought to be pulled down and rebuilt; and ſuch Surveyors, ſo to be named as aforeſaid, or in caſe the Owner or Occupier of ſuch adjoining Houſe or Building, having Notice as aforeſaid, ſhall refuſe or neglect to name ſuch Two Surveyors, or able Workmen, according to ſuch Notice; then the Two Surveyors, or Workmen, named in ſuch Notice, together with Two other Surveyors, or able Workmen, alſo to be named by the Party giving ſuch Notice as aforeſaid, ſhall and may, within Six Days after their Appointment, view the Partition or Party Wall intended to be pulled down; and ſhall certify in Writing under their Hands to the ſaid Court of Mayor and Aldermen, or to the ſaid Juſtices of the Peace, in their next General or Quarter Seſſions of the Peace reſpectively, (as the Caſe may be), the State and Condition of ſuch Party Wall, and whether the ſame ought to be pulled down and rebuilt:

Surveyors neglecting to ſign the Certificate for One Month, Juſtices may appoint another Surveyor.

And in caſe the major Part of the Surveyors or Workmen appointed, in Manner by this Act preſcribed, to view ſuch Partition or Party Wall ſo intended to be pulled down, ſhall not, within the Space of One Month next after ſuch Appointment, ſign ſuch Certificate in Writing; then, and in every ſuch Caſe, it ſhall and may be lawful to and for any One or more of His Majeſty's Juſtices of the Peace for the ſaid City of London, or County of Middleſex or Surrey, or City and Liberty of Weſtminſter, or Liberty of His Majeſty's Tower of London, (as the Caſe ſhall be), and ſuch One or more Juſtice or Juſtices is and are hereby authoriſed and required, upon Application made to him or them for that Purpoſe by the Party giving ſuch Notice as aforeſaid, to name and appoint One other able Surveyor or Workman to be added to the Surveyors or Workmen appointed by virtue and in purſuance of this Act; and all the ſaid Surveyors or Workmen ſo appointed, or the major Part of them who ſhall meet for that Purpoſe, (Six Days Notice having been given to or left at the Dwelling-houſe of each and every of them, of ſuch intended Meeting), ſhall view the Partition or Party Wall ſo propoſed to be pulled down;

Major Part of ſaid Surveyors certifying the Walls to be ruinous, Copy of Certificate to be delivered to Owners, &c. within Three Days.

and in caſe the major Part of ſuch Surveyors or Workmen, to be appointed in Manner aforeſaid, ſhall certify in Writing, under their Hands, that ſuch Wall is decayed and ruinous, or is not ſufficiently ſecure againſt Fire, if any ſhould happen, and that the ſame ought to be pulled down, then, within Three Days next after ſuch Certificate made by ſuch major Part of the ſaid Surveyors or Workmen as aforeſaid, a Copy thereof ſhall be delivered to the Owner or Occupier of, or left at ſuch next adjoining Houſe;

Owners, &c. may appeal to the General Quarter Seſſions,

and ſuch laſt-mentioned Owner or Occupier ſhall and may (if he, ſhe, or they, ſhall ſo think fit) appeal from or againſt ſuch Certificate to the next General or Quarter Seſſions to be holden for the City, County, or Place, (as the Caſe may be); and the Juſtices, at the ſaid General or Quarter Seſſions to which ſuch Appeals ſhall be made, ſhall ſummon before them One or more of ſuch Surveyors or Workmen, and ſuch other Perſon or Perſons as they ſhall think fit, and ſhall examine the Matter upon Oath, which Oath or Oaths they are hereby impowered to adminiſter; and upon ſuch Examination or Examinations the ſaid Juſtices are hereby authoriſed and required to make ſuch Order or Orders in the Premiſes as they, in their Diſcretions, ſhall think to be juſt and reaſonable;

whoſe Determination ſhall be final.

and the Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties, without any Appeal from the ſame: And for Neglect or Default of appealing, or if on Appeal there ſhall be no Order to the Contrary; then, and in every or any ſuch Caſe, and not otherwiſe, it ſhall and may be lawful to and for the Party intending to pull down and rebuild ſuch Party Wall as aforeſaid to cauſe ſuch Partition or Party Wall to be pulled down, and to have and exerciſe the like Power of Entry into or upon the adjoining Houſe or Houſes, and of removing Wainſcot, Shelves, Furniture, and other Things, and of ſhoring up the ſaid adjoining Houſe or Houſes, as is given or allowed to the Owners or Proprietors of intermixed Houſes or Buildings in and by this preſent Act, and ſhall and may erect and build a new perpendicular Party Wall or Walls of ſuch Materials, and of ſuch Thickneſs and Height, and in ſuch Manner, and ſubject to ſuch Reſtrictions and Directions, as are in and by this Act preſcribed and directed.

Old Partitions or Timber Walls may be pulled down by the Owner

XVIII. And whereas ſeveral old Houſes within the Limits aforeſaid have, inſtead of One Party Wall, One Timber Partition, or Two old Timber Walls or Partitions, One belonging to each Houſe: And whereas Diſputes may ariſe, touching the pulling down ſuch Walls or

Partitions, and the building Party Walls, agreeable to the Rules and Directions herein contained, in the Place and Stead of ſuch Partition or Wall, whenever it may be expedient to rebuild any ſuch Houſe or Building; be it enacted by the Authority aforeſaid, That if the Owner or Builder of any Houſe or Building, to which any ſuch Partition or old Timber Wall or Walls ſhall belong, ſhall be deſirous of pulling down and rebuilding ſuch Houſe or Building, and of ſuch his Deſire ſhall give Three Months Notice to the Owner or Owners, Occupier or Occupiers, of the next adjoining Houſe or Building, in the Form, or to the Effect following:

or Builder of the Houſe adjoining, and new Party Walls built in their Stead.

Form of Notice.

IN Three Months from the Date hereof, take Notice, That I intend to pull down the Timber Partition or Partitions, or Timber Wall, between your Houſe, occupied by ſituate in and my Houſe in adjoining thereto, and in the Stead thereof, to build a Brick perpendicular Party Wall, agreeable to an Act of Parliament made in the Twelfth Year of the Reign of King *George* the Third. Dated this Day of

Then, and in that Caſe, from and after the Expiration of the Three Months, to be expreſſed in ſuch Notice, it ſhall and may be lawful to and for the Owner or Builder of ſuch Houſe or Building ſo to be rebuilt, to pull down the ſaid Partition or Partitions, and to have and exerciſe the like Power of Entry into and upon the ſaid adjoining Houſe or Building, and of removing Wainſcot, Shelves, Furniture, or other Things, and of ſhoring up the ſaid adjoining Houſe or Building, as is given and allowed to the Firſt Builder in any other Caſe in and by this preſent Act, and ſhall and may, in the Place and Stead of ſuch Partition or Partitions, Wall or Walls, build new perpendicular Party Wall or Walls, of ſuch Materials, of ſuch Thickneſs and Height, and in ſuch Manner, and ſubject to ſuch Reſtrictions and Directions, as are herein-before mentioned.

Expence of Party Walls, how to be recovered.

XIX. And be it further enacted by the Authority aforeſaid, That One Moiety of the Expence of all Party Wall or Walls, Flank, or End Wall or Walls, to be built by any Perſon or Perſons whomſoever, in Manner in and by this Act directed, ſhall be paid and reimburſed to the Perſon or Perſons at whoſe Charge the ſame was or were built and erected, by ſuch Perſon or Perſons, and at ſuch Times, and in ſuch Manner, as herein-after is mentioned; and, in the mean Time, and until the ſame ſhall be ſo paid for, the ſole Property of ſuch Party, Flank, or Side Wall or Walls, and of the Scite or Ground whereon every or any ſuch Wall or Walls doth or do ſtand, ſhall be veſted and be ſolely in the Perſon or Perſons at whoſe Expence the ſame was or were built; that is to ſay, As to, for, and in reſpect of all and every ſuch Flank or Side Wall of any Houſe or Building, whereunto, at the Time of building thereof, no other Houſe or Building was adjoining; and all and every the Perſon or Perſons who ſhall then-after build any Houſe or Building adjoining thereto, and ſhall make uſe of the Wall or Walls, in the Manner, and for any of the Purpoſes herein-before mentioned, his, her, or their Executors, Adminiſtrators, or Aſſigns, ſhall be liable to pay, or ſhall be charged with One Moiety of the Expence of the ſaid Wall or Walls, to be reimburſed as aforeſaid to the Perſon or Perſons who ſhall then have the Property of ſuch Wall or Walls, as ſoon as ſuch Wall or Walls ſhall have been firſt cut into, or made uſe of as aforeſaid; and as to, for, and in reſpect of, all or any ſuch Party Wall as hath been or ſhall be built againſt, or adjoining to any other Houſe or Building, the Owner or Proprietor of ſuch Houſe or Building next adjoining thereto, his or her Executors, Adminiſtrators, and Aſſigns, ſhall be liable to pay, and ſhall be charged with One Moiety of the Expence thereof, to be eſtimated after the Rate of Seven Pounds per Rod, to be paid to the Perſon or Perſons at whoſe Expence the ſame ſhall have been built, his, her, or their Executors or Adminiſtrators, together with all the Charges and Expences of ſhoring the ſaid adjoining Houſe or other Building, and the removing any Goods, Furniture, or other Things, and the pulling down any Partition, Wainſcot, or other Thing, in order to the pulling down and removing any Party Wall or Walls, or Partition Wall or Walls, and other the contingent Expences in any of the Caſes aforeſaid actually incurred; and alſo all ſuch Coſts, (if any), as ſhall have been awarded by any ſuch Judgement of the Court of Mayor and Aldermen, or Court of Seſſions, as aforeſaid, when, and as ſoon as the ſeme Party Wall ſhall be built; and within Ten Days after ſuch Party Wall ſhall be ſo built, ſuch Firſt Builder or Builders ſhall, in Writing, leave at ſuch next Houſe or Building a true Account of the Number of Rods in ſuch Party Wall; and One Moiety of the Expence thereof ſhall be paid by the Owner or Owners of ſuch Houſe or Houſes, or other Buildings, who are intitled to the improved Rent; and it ſhall and may be lawful to and for ſuch Tenant or Occupier to pay ſuch Firſt Builder or Builders for the ſame, and alſo for the ſhoring and ſupporting the Houſe as aforeſaid, after he or they ſhall have built ſuch Party Wall, and to deduct the ſame out of the next Rent which ſhall become due from him or her to ſuch Owner or Owners, under whom he or ſhe holds or enjoys the ſame reſpectively; and in caſe the ſame ſhall not be paid within Twenty-one Days next after Demand thereof, then the ſame ſhall and may be recovered, together with full Coſts of Suit, of and from the Owner or Owners, by Action of Debt, or on the Caſe, in any of His Majeſty's Courts of Record at Weſtminſter, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed: And if the Plaintiff or Plaintiffs who ſhall commence any ſuch Action ſhall, Three Calendar Months at the leaſt before the Commencement thereof, give Notice in Writing to the Perſon or Perſons againſt whom ſuch Action is intended to be brought, of his, her, or their Intention to bring the ſame, or leave the ſame at his, her, or their laſt or uſual Place of Abode, and in ſuch Notice ſpecify the Sum for which it is to be brought, and ſhall alſo annex to ſuch Notice a Bill of the juſt and true Particulars of the Expences and Charges with which the intended Defendant or Defendants is or are to be charged; then, and in that Caſe, ſuch Plaintiff or Plaintiffs, if he, ſhe, or they, ſhall recover the full Sum to be ſpecified in ſuch Notice, ſhall alſo recover and be intitled to Double Coſts of Suit, and ſhall have and be intitled to the ſame, or like Remedies, for Recovery thereof, as are uſually given for Common Coſts in other Caſes of Coſts at Law.

Houſes, *&c.* preſented as ruinous to be hoarded in.

Owners neglecting to take down ruinous Buildings, after Notice, the Mayor, *&c.* may iſſue Warrants to take them down, *&c.*

XX. And whereas Houſes and Tenements within the Limits aforeſaid are often, either from litigated Titles thereto, or the Obſtinacy, Neglect, or Poverty, of the Owners or Proprietors thereof, or of the Parties intereſted therein, in ſo ruinous a Condition that Paſſengers paſſing thereby are in Danger of their Lives or Limbs from the falling thereof, or of Bricks or Timber therefrom; be it therefore enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, if any Preſentment ſhall be made by any Inqueſt or Grand Jury in London, or by any Annoyance Jury within the City and Liberty of Weſtminſter, or by the Jury ſworn at the Court Leet, held by the Sheriff in his Turn for any Hundred or Place, or by any other Jury or Inqueſt, ſworn within any other Part of the Limits aforeſaid, that any Houſe or Tenement within the ſame Limits, or any Part thereof, is or are in a ruinous Condition, it ſhall be lawful for the Court of Mayor and Aldermen, in reſpect of any ſuch Houſe or Tenement within the ſaid City of London, and the Liberties thereof, or for the Churchwardens or Overſeers of the Poor for the Time being of ſuch Pariſh, Precinct, or Place, in which ſuch Houſe or Tenement ſhall be, (not being in the City of London, or the Liberties thereof), and the ſaid Court, and every ſuch Churchwardens and Overſeers of the Poor, is and are hereby required, on Notice of any ſuch Preſentment being made, and on a Copy thereof being laid before them or him reſpectively, to cauſe with all convenient Speed then afterwards a proper and ſufficient Hoard to be put up for the Safety of all Paſſengers paſſing thereby, and to cauſe Notice in Writing to be given to the Owner or Owners, or other Perſon or Perſons intereſted therein, if he, ſhe, or they, can be found; and if not, to cauſe ſuch Notice in Writing to be left at the Premiſes ſo preſented to be in ſuch ruinous Condition, to be affixed to or upon the Door or other notorious Part of ſuch Houſe or Tenement, to repair the ſame, or to take down ſuch Building, as the Caſe ſhall require, within the Space of Fourteen Days then next enſuing: And if ſuch Owner or Owners, or other Perſon or Perſons intereſted in any ſuch Houſe or Tenement, ſhall not repair or take down the ſame within the ſaid Space of Fourteen Days after any ſuch Notice as aforeſaid ſhall be given, left, or affixed, as aforeſaid; then, Oath being made before the ſaid Mayor, or a Juſtice of the Peace for the ſaid City of London, or County of Middleſex or Surrey, or City and Liberty of Weſtminſter, or Liberty of His Majeſty's Tower of London, as the Caſe ſhall be, (which Oath every of them the ſaid Mayor and Juſtice is hereby impowered and required to adminiſter), of ſuch Notice having been ſo given, left, or affixed, as aforeſaid, the ſaid Court of Mayor and Aldermen, by and out of the Caſh in the Chamber of London, and alſo every ſuch Churchwarden and Overſeer of the Poor, by and out of any Monies in his Hands, is hereby authoriſed and required, with all convenient Speed then afterwards, to order and cauſe ſuch Houſe or Tenement ſo preſented to be in a ruinous Condition, or ſo much thereof as the ſaid Court, or the ſaid Churchwardens or Overſeers of the Poor, ſhall find neceſſary for the Safety of Paſſengers, to be taken down and ſecured in ſuch Manner as ſhall, from Time to Time, be thought requiſite; and to ſell and diſpoſe of ſuch of the Materials as the ſaid Court of Mayor and Aldermen, or the ſaid Churchwardens or Overſeers of the Poor, ſhall judge neceſſary or expedient, and by and out of the Monies to ariſe by the Sale thereof, to reimburſe, repay, and ſatisfy to themſelves, and all and every Perſon and Perſons by them reſpectively employed for the Purpoſes aforeſaid, all the Charges of putting up every ſuch Hoard, and of taking down and ſecuring all or any Part of every ſuch Houſe or Tenement to be taken down, or made ſecure for the Safety of Paſſengers as aforeſaid, and of the Sale of Materials as aforeſaid, or ſo much thereof as the Monies to ariſe by ſuch Sale will extend to pay, and ſhall account for and pay the Surplus of the Monies to ariſe by ſuch Sale, (if any be), to the Owner or Proprietor of every ſuch Houſe or Tenement, upon perſonal Demand thereof made by ſuch Owner or Proprietor: And if no ſuch Demand ſhall be made of any ſuch Overſeer or Overſeers before another or other Overſeer or Overſeers of the Poor of the ſaid Pariſh, Precinct, or Place, ſhall be appointed; then, and in every ſuch Caſe, ſuch Overplus ſhall be added to the Monies raiſed and collected by virtue of the Rates made for the Relief of the Poor of the ſaid Pariſh, Precinct, or Place, and accounted for as ſuch.

Overplus of the Sale to be paid to the Owners on Demand.

XXI. Provided nevertheleſs, That any ſuch Owner or Proprietor, his or her Executors or Adminiſtrators, ſhall and may, at all Times then-after, be intitled to have and receive ſuch Overplus from the Overſeers of the Poor for the Time being of ſuch Pariſh, Precinct, or Place, within Ten Days after Demand thereof perſonally made by ſuch Owner or Proprietor, his or her Executors or Adminiſtrators; and every ſuch Overſeer ſhall, and is hereby required to pay the ſame accordingly, out of any Monies raiſed, or to be raiſed, by any Rate or Rates for the Relief of the Poor, and ſhall be allowed the Payment thereof in any Account to be by him made with the Veſtry, Inhabitants, and Pariſhioners, of the ſaid Pariſh, Precinct, or Place, or the future Overſeer or Overſeers thereof: And if it ſhall happen that the Monies to ariſe by ſuch Sale ſhall fall ſhort and be deficient to repay and ſatisfy all ſuch Charges; then, and in every ſuch Caſe, ſuch Deficiency ſhall, from Time to Time, be paid by the Owner or Owners of every ſuch Houſe or Tenement, if known, and he, ſhe, or they, can be met with within the Limits aforeſaid; and if ſuch Owner or Owners ſhall, on Demand thereof, neglect or refuſe to pay the ſame, then ſuch Deficiency may be levied by Warrant under the Hand and Seal of the Mayor of the ſaid City of London for the Time being, or any other Juſtice of the Peace for the ſame City, or the Hands and Seals of Two or more Juſtices of the Peace for the County of Middleſex, or County of Surrey, or City and Liberty of Weſtminſter, or Liberty of His Majeſty's Tower of London, (as the Caſe ſhall be), by Diſtreſs and Sale of the Goods and Chattels of ſuch Owner or Owners, if any ſuch can be found within the Limits aforeſaid: And if no ſuch Owner or Owners can be met with within the ſaid Limits, or if ſufficient Diſtreſs of his or their Goods or Chattels cannot be met with, wherefrom ſuch Deficiency of ſuch Coſts and Charges may be levied and recovered; then, and in every ſuch Caſe, the Perſon or Perſons who ſhall at any Time then-after occupy any ſuch Houſe or Tenement, or the Ground whereon the ſame ſtood, is and are hereby required and authoriſed to pay the ſame, and to deduct the ſame out of the Rent thereof; and if he, ſhe, or they, ſhall neglect or refuſe to pay ſuch Deficiency of Charges, then the ſame ſhall, by Warrant under the Hand and Seal of the ſaid Mayor of the ſaid City for the Time being, or any other Juſtice of the Peace for the ſame City, or Hands and Seals of Two or more ſuch Juſtices of the Peace as aforeſaid, to be levied by Diſtreſs and Sale of the Goods and Chattels of any Occupier or Occupiers of the Premiſes, together with the Coſts of every ſuch Diſtreſs and Sale; and the Owner or Owners, Proprietor or Proprietors, of the Premiſes, is and are hereby required to allow to every ſuch Occupier or Occupiers all ſuch Deficiencies and Charges which he, ſhe, or they, ſhall ſo pay, or which ſhall be recovered or levied by Diſtreſs and Sale from him, her, or them, as aforeſaid, out of any Rent which ſhall become due for the ſaid Premiſes, or any Part thereof; and every Occupier paying any ſuch Deficiency and Charges ſhall be acquitted and diſcharged for ſo much Money as he, ſhe, or they, ſhall ſo pay, in the ſame Manner as if the ſame had been actually paid to ſuch Perſon or Perſons to whom his, her, or their Rents were due, and ſhould have been paid; and all ſuch Money as ſhall, from Time to Time, be received or recovered on the Account aforeſaid, for or in reſpect of any ſuch Houſe or Tenement, within the City of London, or the Liberties thereof, ſhall be paid to the Chamberlain of the ſaid City, and be by him, from Time to Time, placed to the Credit of the Caſh of the ſaid City of London; and every ſuch Sum or Sums of Money as on the Account aforeſaid ſhall, from Time to Time, be received or recovered for or in reſpect of any ſuch Houſe or Tenement in any Part of the Limits aforeſaid, (other than the ſaid City of London, and the Liberties thereof), ſhall be paid to the Churchwardens or Overſeers of the Poor for the Time being of the Pariſh, Precinct, or Place, where ſuch Houſe or Tenement ſo preſented ſhall be or did ſtand, and ſhall be placed and brought to the Account and Uſe of the ſaid Pariſh, in Aid of ſuch or a like Rate or Fund out of which the Expence and Charges ſo received or recovered were originally diſburſed.

Water from Roofs to be conveyed into the Streets by Pipes, on Penalty of 10 l.

XXII. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, the Water from the Tops of all Houſes, or other Buildings, which ſhall be erected or built, or rebuilt, and from the Fronts of Shops, and all Projections, by this Act allowed within the Limits aforeſaid, ſhall be conveyed into the Streets, Lanes, and other Places, or into the Areas of ſuch Houſes, or other Buildings, in Lead or other Pipe or Pipes, affixed againſt or on the Sides or Fronts of every ſuch Houſe or other Building, reaching into any publick Street, Lane, or Place, or extending downwards to the Pavement of the Street or Area, on Pain that the Owner or Owners of any ſuch Houſe, or other Building, Shop, or other Projection, offending herein, ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Pounds: And if after any Conviction of any ſuch Offence, the Water from the Top of any ſuch Houſe, or other Building, Shop, or other Projection, within the Limits aforeſaid, ſhall be ſtill conveyed into any Street, Lane, or other Place, otherwiſe than in Lead or other Pipe or Pipes ſo affixed, and reaching as aforeſaid, for the Space of One Month, or more; then, and in every ſuch Caſe, the Owner of every ſuch Houſe, or other Building, ſhall forfeit the further Sum of Ten Pounds, and ſo toties quoties, for every Month after ſuch firſt Conviction, during which the Water ſhall be conveyed otherwiſe than as aforeſaid; every ſuch Forfeiture to be recovered and applied in ſuch Manner as the ſeveral Forfeitures and Penalties of Ten Pounds are herein-before directed to be recovered, levied, and applied.

Not more than Ten Gallons of Turpentine to be diſtilled at One Time, on Penalty of 100 l.

XXIII. And whereas the diſtilling of Turpentine, and the drawing off the Oil of Turpentine and Roſin by diſtilling of Turpentine, and the boiling of the ſaid Oil and Turpentine together, for making of Varniſh, within the Limits aforeſaid, may prove of dangerous Conſequence to the Neighbourhood where every ſuch Practice ſhall be uſed: For preventing thereof for the future, be it enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, it ſhall not be lawful for any Perſon or Perſons to diſtil or boil any Turpentine, or to draw any Oil of Turpentine and Roſin by diſtilling of Turpentine, or to boil any Oil and Turpentine together, above the Quantity of Ten Gallons at One Time of all or any the ſaid Commodities within the Limits aforeſaid, in any Workhouſe or Place contiguous to any other Building, or in any Place nearer to any other Building than the Diſtance of Fifty Feet at the leaſt, upon Pain that every Perſon offending therein ſhall, for every ſuch Offence, forfeit and pay the Sum of One hundred Pounds; every of which Forfeitures ſhall and may be recovered, with Treble Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; One Moiety whereof ſhall be to the Uſe of the Poor of the Pariſh, Precinct, or Place, wherein the Offence was committed, and the other Moiety thereof to ſuch Perſon or Perſons as ſhall inform or ſue for the ſame.

Proviſo.

XXIV. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to prevent Shipwrights, Barge-builders, Boat-builders, or Maſtmakers, or other Perſons employed in building or repairing Ships, Barges, Boats, or other Veſſels, near the River Thames, from boiling or mixing Oil and other Materials for the Purpoſe of paying Ships, Barges, Boats, or Maſts.

Fire Engines to be kept in publick Places.

XXV. And whereas the having a ſufficient Number of Fire Engines kept in known publick Places, and at convenient Diſtances from each other, and ready to be brought forth as Occaſion may require, and the ſupplying ſuch Engines with Plenty of Water, and the giving Encouragement to Engineers, and others, to bring forth, uſe, and work ſuch Engines, may tend greatly to leſſen the Miſchiefs happening by Fire; be it enacted by the Authority aforeſaid, That from and

Churchwardens to fix Marks in Writing near the Place where Firecocks lie.

An Inſtrument or Key to be left.

and after the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, it ſhall and may be lawful to and for the Churchwardens of each and every Pariſh, and to and for the Overſeers of the Poor of every Precinct and Place not having any Churchwarden, within the Limits aforeſaid, and they are hereby reſpectively required, from Time to Time, for ever, to make, place, and fix, at the Charge of ſuch reſpective Pariſh, Precinct, or Place, upon the Mains and Pipes belonging to any Waterwork whatſoever, within the Limits aforeſaid, ſuch and ſo many Stop-blocks of Wood, with a Wood Plug, or ſuch and ſo many Firecocks to go into each Main or Pipe, and to be placed at ſuch Diſtances in each and every Street or Place where ſuch Churchwardens or Overſeers of the Poor reſpectively for the Time being ſhall direct; and that the Top of every ſuch Stop-block or Turncock ſhall be even with the Pavement of each Street or Place, to the Intent ſuch Plugs or Firecocks may, upon Occaſion of any Fire, be opened to let out the Water without Loſs of Time in digging down to the Pipes: And that all and every or any ſuch Churchwardens or Overſeers of the Poor reſpectively ſhall have Power, and are hereby required, from Time to Time, to fix any Mark or Writing on the Front of any Houſe or Houſes over againſt or neareſt to the Place where ſuch Stop-block, Plug, or Firecock, doth or ſhall lie, or is or ſhall be placed, for the better making known where ſuch Stop-blocks, Plugs, or Firecocks lie; and ſhall alſo keep an Inſtrument or Key in every ſuch Houſe where every ſuch Mark ſhall be, to open the Stop-block, Plug, or Fire-cock; and ſhall keep in ſuch Houſe a Pipe for the Water to come thereout, to be made uſe of as Occaſion ſhall require; and all and every ſuch Stop-blocks and Firecocks to be kept in Repair at the Charge of each Pariſh, Precinct, or Place, where the ſame ſhall be placed, and ſuch Plugs to be kept in Repair by the Owners of the Mains and Pipes where the ſame ſhall be fixed: And whenever the Owners of any Waterworks ſhall afterwards remove, change, or alter the ſaid Mains or Pipes; then, and in every ſuch Caſe, the Owner or Owners of every ſuch Main or Pipe ſhall, at his or their own proper Coſts and Charges, place and fix the ſame, or the like Stop-blocks, Plugs, and Fire-cocks, upon every ſuch new Main or Pipe, to be placed where the Churchwardens of the Pariſh, or Overſeers of the Precinct or Place, not having a Churchwarden for the Time being, ſhall direct and appoint; and in every ſuch Caſe the Inſtrument or Key and Pipe ſhall be removed to the Houſe oppoſite or neareſt to the Place to which ſuch Stop-block, Plug, and Firecock, ſhall be removed; and every ſuch Churchwarden or Overſeer reſpectively ſhall cauſe a like Mark or Writing to be fixed againſt every ſuch Houſe.

Engines to be kept by every Pariſh.

Churchwardens to pay 10*l.* for Default;

to be levied by Diſtreſs.

XXVI. And be it further enacted by the Authority aforeſaid, That each and every Pariſh within the Limits aforeſaid ſhall, from Time to Time, and at all Times hereafter, have, and keep in good Order and Repair, in ſome known and publick Place within each Pariſh, a large Engine, and alſo an Hand Engine, to throw up Water for the extinguiſhing of Fires; and alſo ſhall provide, keep, and maintain One Leather Pipe at leaſt, with a Socket of the ſame Size as the Plug or Firecock, and a Stand-cock and Suction-pipe, to the Intent the Socket may be put into the Pipe, to convey the Water clean, and without Loſs or Help of Buckets, into the Engine: And in Default of making, placing, fixing, and continuing, ſuch Stop-blocks or Firecocks on the ſeveral Mains and Pipes, as alſo in Default of having and keeping in good Repair ſuch large Engine, Hand Engine, and Leather Pipe or Pipes, Socket, and Stand-cock and Suction-pipe, every Churchwarden of ſuch Pariſh, and every Overſeer of any ſuch Precinct or Place not having a Churchwarden, making Default in the Premiſes, and being convicted thereof before Two of His Majeſty's Juſtices of the Peace for the ſaid City of London, or for the County of Middleſex or Surrey, or Liberty where the ſame may happen, (as the Caſe ſhall be), ſhall forfeit and pay the Sum of Ten Pounds; One Moiety thereof to the Informer, and the other Moiety thereof to ſome other proper Officer, not ſo convicted, of the Pariſh, Precinct, or Place, where ſuch Default ſhall be made, for the Uſe of the Poor of ſuch Pariſh, Precinct, or Place, in Aid of the Rates for Relief of the Poor, and to be accounted for with and as Part of ſuch Rates; to be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of ſuch Churchwarden and Overſeers reſpectively.

Turncock to have 10 *s.* whoſe Water ſhall firſt come into a Main or Pipe at a Fire.

Firſt Engine-keeper 30 *s.*

Second Engine-keeper 20 *s.* and the Third 10 *s.*

to be recovered by Diſtreſs and Sale.

XXVII. And be it further enacted by the Authority aforeſaid, That the Turncock belonging to the Water-work, whoſe Water ſhall be found on, or ſhall firſt come into the Main or Pipe where any Plug ſhall be opened, at any Fire within the Limits aforeſaid, ſhall be paid Ten Shillings by the Churchwarden or Overſeer of the Poor of every ſuch reſpective Pariſh, Precinct, or Place, where ſuch Fire may happen; and that the Engine-keeper which firſt brings a Pariſh Engine, or other large Engine, to help to extinguiſh any Fire happening within the Limits aforeſaid, if in good Order and complete, with a Socket, Hoſe, Leather Pipe, Stand-cock, and Suction-pipe, ſhall be paid Thirty Shillings; the Keeper of the Second Pariſh Engine, or other large Engine, which ſhall be next brought in ſuch Order, and ſo complete, to help to extinguiſh any ſuch Fire, ſhall be paid Twenty Shillings; and the Keeper of any Pariſh Engine, or other large Engine, which ſhall be the Third of ſuch Engines brought in ſuch Order, and ſo complete, to any ſuch Fire, ſhall be paid Ten Shillings; every ſuch Payment to be made by the Churchwardens of each Pariſh, or by the Overſeers of the Poor of every ſuch Precinct or Place, not having any Churchwarden (as the Caſe ſhall be) where any ſuch Fire ſhall happen: And in Default of Payment thereof, ſuch Reward ſhall be levied and recovered from the ſaid Churchwardens and Overſeers reſpectively by Diſtreſs and Sale of the Goods and Chattels of every ſuch Churchwarden and Overſeer, in the ſame or like Manner as the Penalty or Forfeiture of Ten Pounds is herein-before directed to be levied and recovered.

No Reward to be paid to any Turncock or Engine-keeper without the Approbation of an Alderman, &c.

XXVIII. Provided always, and it is hereby further enacted by the Authority aforeſaid, That no ſuch Reward ſhall be paid to any Turncock or Engine-keeper by the Churchwarden of any Pariſh, or Overſeer of the Poor of any Precinct or Place aforeſaid, where any Fire ſhall happen, without the Approbation and Direction of the Alderman of the Ward wherein ſuch Pariſh, Precinct, or Place, is ſituate, or his Deputy, or

Two of the Common Councilmen of the ſame Ward for the Time being, if ſuch Fire ſhall happen within the City of London, or the Liberties thereof, or without the Approbation and Conſent of One or more Juſtice or Juſtices of Peace, in and for the ſaid County of Middleſex, or County of Surrey, or Liberty where the ſame may happen (as the Caſe ſhall be), reſiding within ſuch Pariſh, Precinct, or Place, where ſuch Fire ſhall happen; and if there ſhall not be any Juſtice or Juſtices of the Peace reſiding in ſuch Pariſh, Precinct, or Place, then of ſuch Juſtice or Juſtices of the Peace reſiding in the Pariſh or Place near or next adjoining.

After *June* 24, 1772, Rewards payable for Fire in a Chimney to be defrayed by Inhabitants and Occupiers.

XXIX. And whereas many of the Pariſhes within the Limits aforeſaid have been frequently put to conſiderable Expences, occaſioned by the Neglect of the Inhabitants, as well Lodgers and Inmates, as Houſekeepers, in not cauſing their Chimnies to be duly ſwept, by Means whereof Alarms of Fire are frequently made, to the great Terror and Danger of His Majeſty's Subjects, which might and ought, and probably would be prevented if ſuch Inhabitants were obliged to defray and bear the Charges and Expences attending ſuch their Neglects, or ſome reaſonable Part thereof; be it therefore enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, in all Caſes where any Reward or Rewards, or other Recompence by this Act made payable, ſhall be borne and paid by any Churchwarden or Overſeer of the Poor, for or on account of any Fire being in a Chimney only, or firſt beginning in, and ocaſioned by the taking Fire of any Chimney only, the Inhabitant or Inhabitants, Occupier or Occupiers, of any Room or Apartment to which any ſuch Chimney ſhall belong, being a Lodger or Inmate to or with any Tenant, Renter, or Holder of any Houſe or Building of which ſuch Room or Apartment ſhall be Part; or if ſuch Chimney ſhall not belong to any ſuch Lodger or Inmate, then the Tenant, Renter, Holder, or Occupier of the Houſe or Building wherein any ſuch Fire as laſt-mentioned ſhall be, or ſhall firſt begin, ſhall reimburſe and repay to the Churchwarden or Overſeer of the Poor all and every ſuch Reward and Rewards, or other Payments, which ſhall have been by him or them made, purſuant to the Directions of this Act, or ſuch Part thereof as the Mayor or other Juſtice of the Peace of the City of London, or Juſtice of the Peace for the Liberty of His Majeſty's Tower of London, or Juſtice of the Peace for the County of Middleſex or County of Surrey, or for the City and Liberty of Weſtminſter, (as the Caſe ſhall be), upon the Application and Complaint of any ſuch Churchwarden or Overſeer of the Poor, and hearing the Party or Parties complained againſt, ſhall, under his Hand and Seal, think fit to award and direct: And to the End the ſaid Mayor or other Juſtice aforeſaid may be the better enabled to award and direct what may in any ſuch Caſe be juſt and reaſonable, the ſaid Mayor for the Time being, and every ſuch Juſtice, ſhall and may, and is hereby authoriſed and impowered to ſummon and call before him, after any ſuch Complaint made, the Party and Parties complained againſt, and all Perſons fit and proper to give Evidence touching the Premiſes, of whom he ſhall have Notice or Information; and to examine them, and every of them, upon Oath, (which Oath the ſaid Mayor, and every ſuch Juſtice, is hereby impowered and required to adminiſter without Fee or Reward); and if the Party or Parties complained againſt, being ſummoned, ſhall not appear, the ſaid Mayor, and every ſuch Juſtice of the Peace, ſhall and may proceed to hear and examine the Matter of the Complaint, and ſuch Evidence as ſhall be produced, and to make ſuch Award and Direction thereupon as ſhall be juſt, and as if the Party or Parties making ſuch Default of Appearance had been preſent, and heard in his, her, or their Defence; and if any Sum or Sums of Money, ſo awarded and directed to be reimburſed or repaid to any ſuch Churchwarden or Overſeer of the Poor, ſhall not be reimburſed or repaid within Fourteen Days after Demand thereof made, it ſhall and may be lawful to and for every or any ſuch Churchwarden or Overſeer, by Warrant under the Hand and Seal of ſuch Mayor, or other Juſtice, (which Warrant the ſaid Mayor and every ſuch Juſtice is hereby authoriſed and impowered to make), to levy every ſuch Reward and Rewards, or other Recompence which ſhall have been ſo paid, or ſuch Part thereof as ſhall have been ſo awarded and directed, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties making Default of Payment, or of any of his, her, or their Goods or Chattels found in the Room or Appartment to which ſuch Chimney belongs where ſuch Fire was, or firſt began, or in any other Part of any Houſe or Building, whereof ſuch Room or Apartment was or ſhall be Part; any Thing in this Act contained to the Contrary thereof in any-wiſe notwithſtanding.

United Pariſhes deemed as One Pariſh.

XXX. And foraſmuch as ſeveral of the Pariſhes within the City of *London* were, after the great Fire, which happened in the Year of our Lord Chriſt, One thouſand ſix hundred and ſixty-ſix, united together; be it enacted by the Authority aforeſaid, That any Two or more of the ſaid Pariſhes ſo united are intended to be, and ſhall, for the Purpoſes in this Act mentioned, be eſteemed and taken as One Pariſh only.

Veſtries having more than One large Engine to be under the Regulations of this Act.

XXXI. Provided neverthelеſs, and it is further enacted, That in caſe the Veſtries of any of the ſaid united Pariſhes, or of any other Pariſh within the Limits aforeſaid, ſhall at any Time conceive it neceſſary for the ſaid Pariſh, in reſpect of the Largeneſs thereof, to have more than One great Engine or Hand Engine; it ſhall and may be lawful for them to provide Two or more great Engines or Hand Engines at the Pariſh Charge, and that the ſame Engines, and every of them, ſhall be under the like Regulations and Encouragements as the other Engine or Engines directed to be provided by this Act are under.

Fire-engines, &c. to be provided and paid for out of the Poors Rates.

XXXII. And, in order to raiſe Money to defray the neceſſary Charges of providing and maintaining ſuch Engine, Stop-blocks, and Firecocks, and Keys, and other Implements and Materials, and Payment of the Rewards or Gratuities directed by this Act, be it further enacted by the Authority aforeſaid, That the Churchwardens, Overſeers of the Poor, and Inhabitants, in Veſtry, or other publick Meeting duly aſſembled, of the ſeveral Pariſhes, Precincts, and Places within the Limits aforeſaid, ſhall and may, and they are hereby impowered, from Time to Time, (as often as there ſhall be Occaſion), by any Rate or Rates to be made for Relief of the Poor of every ſuch Pariſh, Precinct, and Place reſpectively, over and above what they ſhall judge competent and ſufficient for the Relief and Maintenance of ſuch Poor, or by any eſpecial Rate or Rates to be made for the Purpoſes of this Act, to rate and aſſeſs ſuch competent Sum and Sums of Money as ſhall be needful and requiſite for the Ends aforeſaid, in like Manner as by

Law they may do for the Maintenance and Relief of the Poor of their reſpective Pariſhes, Precincts, and Places; which Rates, being allowed and confirmed in the like Manner as the Rates made for the Relief of the Poor are or ought to be, ſhall be collected and recovered, in the ſame Manner as the Rates made for the Relief of the Poor by Law now may or ought to be collected and recovered, ſubject to the like Appeal as in Caſes of Rates made for the Relief of the Poor: And the ſaid Officers ſhall be accountable for the ſame, in like Manner as by Law they are accountable for the Money by them collected for the Relief of the Poor, and ſhall be ſubject and liable to the ſame or like Pains and Commitments for not accounting for the ſame, or not paying Monies by them collected, and remaining in their Hands, as Overſeers of the Poor are, by the Statute of the Forty-third Year of the Reign of Queen Elizabeth, made ſubject and liable to, for not accounting for or not paying Monies collected by virtue of any Rates for Relief of the Poor.

Watermen retained by inſuring Offices to extinguiſh Fires, not to be impreſſed into the Sea or Land Service.

XXXIII. And whereas the ſeveral Offices for inſuring Houſes againſt Loſs by Fire retain in their ſeveral Services, and give Coats and Badges, and other Rewards, unto Watermen, for their Service and Aſſiſtance in and towards extinguiſhing of Fire, and who are to be always ready when wanted, and are provided with various Sorts of Poles, Hooks, Hatchets, and ſeveral other Inſtruments and Things, at the Charge of the ſaid reſpective Inſurance Offices, for the extinguiſhing of Fire; which Watermen ſo retained are and have been by Experience found to venture much further, and to have Skill to give, and do give at Fires, happening within the Limits aforeſaid, greater Help than other Perſons not uſed to come into Danger; be it further enacted by the Authority aforeſaid, That the Watermen ſo retained, and wearing ſuch Coats and Badges for the Time being, belonging to every ſuch Inſurance Office within the Limits aforeſaid, not exceeding Thirty for each Office, ſhall be free from being impreſſed or liable to be compelled to go to Sea, or ſerve as Marines or as Soldiers on Land, their Names and Places of Abode being regiſtered and entered with the Secretary or other Officer of the Admiralty Office.

Money inſured on Houſes burnt down, how to be applied.

XXXIV. And in order to deter and hinder ill-minded Perſons from wilfully ſetting their Houſe or Houſes, or other Buildings, on Fire, with a View of gaining to themſelves the Inſurance-money, whereby the Lives and Fortunes of many Families may be loſt or endangered; be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the reſpective Governors or Directors of the ſeveral Inſurance Offices within the Limits aforeſaid, for inſuring Houſes or other Buildings againſt Loſs by Fire, and they are hereby authoriſed and required, upon the Application and Requeſt of any Perſon or Perſons intereſted in or intitled unto any Houſe or Houſes, or other Buildings, within the Limits by this Act preſcribed, which hereafter ſhall or may be burnt down, demoliſhed, or damaged by Fire, or upon any Grounds of Suſpicion that the Owner or Owners, Occupier or Occupiers, or other Perſon or Perſons who ſhall have inſured ſuch Houſe or Houſes, or other Buildings, have been guilty of Fraud, or of wilful ſetting their Houſe or Houſes or other Buildings on Fire, to cauſe the Inſurance-money to be laid out and expended, as far as the ſame will go, towards rebuilding, reinſtating, or repairing ſuch Houſe or Houſes, or other Buildings, ſo burnt down, demoliſhed, or damaged by Fire, unleſs the Party or Parties claiming ſuch Inſurance-money ſhall, within Sixty Days next after his, her, or their Claim ſhall be adjuſted, give a ſufficient Security to the Governors or Directors of the Inſurance Office where ſuch Houſe or Houſes, or other Buildings are inſured, that the ſame Inſurance-money ſhall be laid out and expended as aforeſaid, or unleſs the ſaid Inſurance-money ſhall be in that Time ſettled and diſpoſed of to and amongſt all the contending Parties, to the Satisfaction and Approbation of ſuch Governors or Directors of ſuch Inſurance Office reſpectively.

Negligence in Servants reſpecting Fires, puniſhable by Fine of 100*l.* or Impriſonment.

XXXV. And whereas Fires often happen by the Negligence and Careleſſneſs of Servants, be it therefore enacted by the Authority aforeſaid, That if any menial or other Servant or Servants, through Negligence or Careleſſneſs, ſhall fire, or cauſe to be fired, any Dwelling-houſe, or Out-houſe or Houſes, or other Buildings, ſituate within the Limits aforeſaid, ſuch Servant or Servants, being thereof convicted by the Oath of One or more credible Witneſs or Witneſſes, made before Two or more of His Majeſty's Juſtices of the Peace, ſhall forfeit and pay the Sum of One hundred Pounds unto the Churchwardens or Overſeers of ſuch Pariſh where ſuch Fire ſhall happen, to be diſtributed amongſt the Sufferers by ſuch Fire in ſuch Proportions as to the ſaid Churchwardens ſhall ſeem juſt: And in caſe of Default or Refuſal to pay the ſame immediately after ſuch Conviction, the ſame being lawfully demanded by the ſaid Churchwardens; that then, and in ſuch Caſe, ſuch Servant or Servants ſhall, by Warrant under the Hands and Seals of Two or more of His Majeſty's Juſtices of the Peace, be committed to the common Gaol, or Houſe of Correction, as the ſaid Juſtices ſhall think fit, for the Space of Eighteen Months, there to be kept to hard Labour.

Conſtables and Beadles, on Notice, to repair to Places on Fire, and what they are to do.

XXXVI. And be it further enacted by the Authority aforeſaid, That upon the breaking out of any Fire within the Limits aforeſaid, all Conſtables and Beadles, upon Notice thereof, ſhall immediately repair to the Place where the ſaid Fire ſhall happen, with their Staves and other Badges of their Authority, and be aiding and aſſiſting, as well in extinguiſhing the ſaid Fires, and cauſing People to work at the Engines, as alſo in preventing Goods being ſtolen, and ſhall ſeize and apprehend all ill-diſpoſed Perſons that they ſhall find ſtealing or pilfering from the Inhabitants; as alſo that the ſaid Conſtables and Beadles ſhall give their utmoſt Aſſiſtance to help the Inhabitants to remove their ſaid Goods.

No Action to lay againſt a Perſon where the Fire accidentally begins.

XXXVII. And be it further enacted by the Authority aforeſaid, That no Action, Suit, or Proceſs whatever, ſhall be had, maintained, or proſecuted againſt any Perſon in whoſe Houſe or Chamber any Fire ſhall, from and after the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-two, accidentally begin, nor ſhall any Recompence be made by ſuch Perſon for any Damage ſuffered or occaſioned thereby; any Law, Uſage, or Cuſtom to the Contrary notwithſtanding: And in ſuch Caſe, if any Action ſhall be brought, the Defendant may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial thereof to be had; and in caſe the Plaintiff ſhall become nonſuited, or diſcontinue his Action or Suit, or if a Verdict ſhall paſs againſt him, the Defendant ſhall recover Treble Coſts: Provided, that nothing in this Act contained ſhall extend to defeat or make void any Contract or Agreement made between Landlord and Tenant.

Diſtreſs not unlawful for want of Form, &c.

XXXVIII. And be it further enacted by the Authority aforeſaid, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be recovered by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or want of Form in any Proceedings relating thereto; nor ſhall the Party or Parties be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties making ſuch Diſtreſs; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satiſfaction for the ſpecial Damage by Action on the Caſe.

Plaintiff not to recover if Tender of ſufficient Amends be made, &c.

XXXIX. Provided always, and be it further enacted by the Authority aforeſaid, That no Plaintiff or Plaintiffs ſhall recover in any Action, or for any ſuch Irregularity, Treſpaſs, or other Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, every or any ſuch Irregularity, Treſpaſs, or wrongful Proceeding, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into the Court ſuch Sum of Money as he or they ſhall ſee fit; whereupon ſuch Proceedings, or Order and Judgement, ſhall be had, made, or given, in and by ſuch Court, as in other Actions when the Defendant is allowed to pay Money into Court.

Acts 4 & 6 Geo. III. for regulating Buildings, &c.

XL. And whereas by Two ſeveral Acts of Parliament, the One made in the Fourth and the other in the Sixth Year of His preſent Majeſty's Reign, for the better regulating Buildings, and preventing Miſchiefs happening by Fire, a Penalty of Fifty Pounds is inflicted upon the Head Builder, Maſter Bricklayer, or Workmen, who ſhould neglect to build every Houſe, thereafter to be built, according to the Directions of the ſaid Acts: And whereas, ſince the paſſing of the ſaid Acts, there has been a very great Increaſe of Buildings within the Limits aforeſaid, and many of the Houſes ſo built are not in every Reſpect built according to the Directions of the ſaid recited Acts, whereby the ſeveral Owners and Head Builders thereof have incurred the ſaid Penalties, and ſeveral Perſons are informed againſt, and are now under Proſecution for the ſame: And whereas ſuch Firſt Owners, Head Builders, Maſter Bricklayers, or Workmen, of ſuch Houſes, are willing and deſirous to make the ſame conformable to this Act; be it therefore enacted by the Authority aforeſaid, That if any Action, Bill, Plaint, Suit, or Information, is and are now depending in any of His Majeſty's Courts of Record at Weſtminſter, or before any of His Majeſty's Juſtices of the Peace, againſt any ſuch Owner, Head Builder, Maſter Bricklayer, or Workmen, for not having built ſuch Houſe conformable to the Directions of the ſaid Acts, it ſhall and may be lawful for the Court where the ſame ſhall be reſpectively brought, and ſuch Court is hereby required, authoriſed, and impowered, on the Application of ſuch Defendant or Defendants, to make a Rule for the Plaintiff or Informer in ſuch Action, Bill, Plaint, Suit, or Information, to ſet forth the particular Defect or Irregularity complained of in the building ſuch Houſe or Houſes; and if ſuch Defendant or Defendants ſhall thereupon enter into an Agreement for making good the Irregularities and Defects ſo complained of, and rendering the building of ſuch Houſes conformable to the Direction of this Act, within a certain Time to be ſpecified in ſuch Agreement, and ſhall be deſirous that ſuch Agreement ſhould be made a Rule of any of His Majeſty's Courts of Record, that then, ſuch Agreement being ſo made, ſhall and may, upon producing an Affidavit of the Execution thereof by the Witneſſes thereunto, or any of them, in the Court of which the ſame is agreed to be made a Rule, and reading and filing the ſaid Affidavit in Court, be entered of Record in ſuch Court, and a Rule ſhall thereupon be made by ſuch Court, that ſuch Defendant or Defendants ſhall, within a certain Time to be limited and ſpecified in ſuch Rule, make good the Defects and Irregularities complained of, and render the building of ſuch Houſe or Houſes conformable to the Direction of this Act; and that ſuch Defendant or Defendants ſhall moreover pay ſuch Coſts as the ſaid Court ſhall direct and award: And alſo it ſhall and may be lawful to and for ſuch Juſtice or Juſtices of the Peace, before whom any Information or Informations as aforeſaid is or are now depending, and ſuch Juſtice and Juſtices of the Peace are hereby required, authoriſed, and impowered, on the Application of any Firſt Owner, Head Builder, Maſter Bricklayer, or Workmen, againſt whom ſuch Information or Informations ſhall be given and laid, to accept and receive ſuch Agreement to make good the Defects and Irregularities complained of, and to render the Buildings of ſuch Houſes conformable to the Directions of this Act.

are hereby rendered conformable to this Act.

Juſtices to indemnify all Perſons for Penalties incurred by former Acts.

XLI. And be it further enacted, That in every ſuch Caſe it ſhall and may be lawful for, and ſuch Court and Juſtices of the Peace is and are hereby required, authoriſed, and impowered, on ſuch Firſt Owner, Head Builder, Maſter Bricklayer, or Workmen, making appear to them reſpectively that the Defects and Irregularities complained of are made good, and the building of ſuch Houſe or Houſes rendered conformable to the Direction of this Act, according to his or their Agreement entered into for that Purpoſe, to indemnify, free, and diſcharge, every ſuch Defendant and Defendants, of, from, and againſt, all Penalties and Forfeitures incurred, or to be incurred, for or by reaſon of not having originally built ſuch Party Walls purſuant to the Directions of the ſaid Acts, or for or by reaſon of any other Defect or Irregularity, whereby ſuch Houſes are otherwiſe built than purſuant to ſuch Directions; any Thing in the ſaid Acts contained to the Contrary notwithſtanding.

Proviſo.

XLII. Provided always, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to indemnify any Perſon againſt whom final Judgement ſhall have been given in any Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, for any Penalty incurred, by having neglected to make ſuch Party Walls, or in any other reſpect to build ſuch Houſes, purſuant to the Directions of the ſaid Acts of the Fourth and Sixth Years of His preſent Majeſty.

For allowing an Appeal.

XLIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any Conviction, Commitment, Diſtreſs, Order, or Judgement, of any Juſtice or Juſtices of the Peace made by virtue of this Act, ſuch Perſon or Perſons ſhall and may appeal to the Juſtices of the Peace at their next General Quarter Seſſions of the Peace to be holden in and for the City of London and Liberties thereof, the Counties of Middleſex and Surrey, the City and Liberty of Weſtminſter, or the Liberties of His Majeſty's Tower of London, (as the Caſe ſhall be), which ſhall be holden next after ſuch Conviction, Commitment, Diſtreſs, Order, or Judgement, who ſhall proceed to hear and determine the Cauſes and Matters of ſuch Appeal upon Oath, (which Oath or Oaths they are hereby impowered to adminiſter), and award ſuch Coſts to the Parties appealing or appealed againſt as they ſhall think proper; and the Order, Judgement, and Determination, of the ſaid Juſtices, in their ſaid reſpective Seſſion, ſhall be binding, final, and concluſive to all Parties, without any Appeal from the ſame.

Proviſo.

XLIV. Provided always, and be it further enacted by the Authority aforeſaid, That the Perſon or Perſons ſo intending to appeal, ſhall, immediately after ſuch Conviction, Commitment, Diſtreſs, Order, or Judgement, if he ſhall be required ſo to do, or within Two Days at the fartheſt, enter into a Recognizance before ſuch Juſtice or Juſtices of the Peace, with Two ſufficient Sureties conditioned to try ſuch Appeal, and to abide the Order of, and pay ſuch Coſts as ſhall be awarded by the ſaid Seſſions reſpectively.

Limitation of Actions.

General Iſſue.

Treble Coſts.

XLV. And be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Twenty-one Days after Notice in Writing of any Intention to bring ſuch Action or Suit ſhall be given to the Perſon or Perſons againſt whom ſuch Action or Suit ſhall be brought or commenced, nor after the Expiration of Three Calendar Months next after the Fact committed; and every ſuch Action or Suit, the Cauſe or Occaſion whereof ſhall ariſe within the ſaid City of London, or the Liberties thereof, ſhall be laid and tried in the ſaid City of London, and not elſewhere; and every ſuch Action or Suit, the Cauſe or Occaſion whereof ſhall ariſe in any Part of the Limits aforeſaid, out of the ſaid City of London, and Liberties thereof, ſhall be laid and tried in the County of Middleſex, and not elſewhere; and the Defendant or Defendants, in every ſuch Action or Suit, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which ſhall be had thereupon, and that the Matter or Thing for or on which ſuch Action or Suit ſhall be brought was done in Purſuance and by the Authority of this Act: And if the ſaid Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Suit was brought before the Expiration of Twenty-one Days Notice, to be given as aforeſaid, or that ſufficient Satiſfaction was made or tendered as aforeſaid, or if any ſuch Action or Suit ſhall not be commenced within the Time herein for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid, then the Jury, in every ſuch Action or Suit, ſhall find for the Defendant or Defendants therein; and if a Verdict ſhall be found for the Defendant or Defendants; or if the Plaintiff or Plaintiffs, in any ſuch Action or Suit, ſhall become nonſuited, or ſhall diſcontinue or ſuffer a Diſcontinuance of any ſuch Action or Suit; or if, upon any Demurrer or Demurrers, in any ſuch Action or Suit, Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants may have for his, her, or their Coſts, in other Caſes by Law.

Former Acts, ſo far as reſpect Party Walls, regulating of Buildings, preventing Miſchiefs by Fire, &c. repealed.

XLVI. And be it further enacted by the Authority aforeſaid, That ſo much of an Act, made in the Nineteenth Year of the Reign of His late Majeſty King Charles the Second, (intituled, An Act for rebuilding the City of *London*), as relates to regulating Buildings and Party Walls; and an Act, made in the Sixth Year of the Reign of Her late Majeſty Queen Anne, (intituled, An Act for the better preventing Miſchiefs that may happen by Fire); alſo an Act made in the Seventh Year of the Reign of Her ſaid late Majeſty, (intituled, An Act for making more effectual an Act made in the Sixth Year of Her Majeſty's Reign, for the better preventing of Miſchiefs that may happen by Fire); alſo ſo much of an Act, made in the Eleventh Year of the Reign of His late Majeſty King George the Firſt, (intituled, An Act for the better regulating of Buildings, and to prevent Miſchiefs that may happen by Fire, within the weekly Bills of Mortality, and other Places therein mentioned), as relates to regulating Buildings and Party Walls; alſo ſo much of an Act, made in the Thirty-third Year of the Reign of His late Majeſty King George the Second, (intituled, An Act for widening certain Streets, Lanes, and Paſſages, within the City of *London*, and Liberties thereof, and for opening certain new Streets and Ways within the ſame, and for other Purpoſes therein mentioned), as relates to the regulating of Buildings, and Party Walls, and preventing Miſchiefs that may happen by Fire; alſo ſo much of an Act, made in the Fourth Year of the Reign of His preſent Majeſty, (intituled, An Act for the better regulating of Buildings, and to prevent Miſchiefs that may happen by Fire, within the Weekly Bills of Mortality, and other Places therein mentioned), as relates to the regulating of Buildings and Party Walls, and preventing Miſchiefs happening by Fire; alſo ſo much of an Act, made in the Sixth Year of His preſent Majeſty's Reign, (intituled, An Act to explain, amend, and render more effectual the Powers of an Act, made in the Thirty-third Year of the Reign of His late Majeſty, intituled, *An Act for widening certain Streets, Lanes, and Paſſages, within the City of* London, *and Liberties thereof; and for opening certain new Streets and Ways within the ſame; and for other Purpoſes therein mentioned*); as relates to the regulating of Buildings and Party Walls; alſo of another Act, made in the ſaid Sixth Year of His preſent Majeſty's Reign, (intituled, An Act to explain, amend, and render more effectual an Act made in the Fourth Year of His preſent Majeſty's Reign, for the better regulating of Buildings, and to prevent Miſchiefs that may happen by Fire within the Weekly Bills of Mortality, and other Places therein mentioned), as relates to the regulating of Buildings and Party Walls, and preventing Miſchiefs that may happen by Fire, ſhall be, and the ſame are hereby repealed.

Publick Act.

XLVII. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

Anno decimo tertio GEORGII III.

At the Parliament begun and holden at *Weſtminſter*, the Tenth Day of *May*, *Anno Domini* One thouſand ſeven hundred and ſixty-eight, in the Eighth Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* and from thence continued, by ſeveral Prorogations, to the Twenty-ſixth Day of *November*, One thouſand ſeven hundred and ſeventy-two; being the Sixth Seſſion of the Thirteenth Parliament of *Great Britain*.

CAP. I.

An Act for allowing the Importation of Wheat, Wheat-flour, Rye, Rye-meal, Barley, Barley-meal, Oats, Oat-meal, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, from any Part of *Europe* or *Africa*, into this Kingdom, for a limited Time, free of Duty.

Preamble.

WHEREAS the Importation of Wheat, Wheat-flour, Rye, Rye-meal, Barley, Barley-meal, Oats, Oat-meal, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, from any Part of *Europe* or *Africa* into *Great Britain*, will be advantageous to this Kingdom: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for any Perſon or Perſons whatſoever to import into Great Britain, in any Ship or Veſſel whatſoever, at any Time or Times before the Firſt Day of January, One thouſand ſeven hundred and ſeventy-four, any Wheat, Wheat-flour, Rye, Rye-meal, Barley, Barley-meal, Oats, Oat-meal, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, from any Part of Europe or Africa, without the Payment of any Subſidy, Cuſtom, Duty, or Impoſition whatſoever; and may alſo be carried Coaſtwiſe, under ſuch Regulations as Wheat, Wheat-flour, Rye, Rye-meal, Barley, Barley-meal, Oats, Oat-meal, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, of the Growth of this Kingdom, are now allowed to be carried Coaſtwiſe, at all Times before the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-four; any Thing in any former or other Act or Acts of Parliament to the Contrary thereof in any-wiſe notwithſtanding.

At any Time before *Jan.* 1, 1774, Wheat, Wheat-flour, Rye, *&c.* may be imported from *Europe* or *Africa*, Duty-free.

II. Provided always, and be it further enacted by the Authority aforeſaid, That a due Entry ſhall be made, in ſuch Manner and Form as were uſed or practiſed before the making of this Act, of all Wheat, Wheat-flour, Rye, Rye-meal, Barley, Barley-meal, Oats, Oat-meal, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, which ſhall be imported or brought into this Kingdom before the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-four, at the Cuſtom-houſe belonging to the Port into which the ſame ſhall be imported or brought in; or otherwiſe, in Default of making ſuch Entry, ſuch Wheat, Wheat-flour, Rye, Rye-meal, Barley, Barley-meal, Oats, Oat-meal, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, ſhall be liable and ſubject to ſuch and the ſame Duties as were payable upon the Importation thereof before the making of this Act; any Thing in this Act contained to the Contrary notwithſtanding.

Entry to be made in ſuch Form as was formerly practiſed, before the making of this Act.

CAP. II.

An Act for allowing the Importation of Wheat, Wheat-flour, *Indian* Corn, *Indian* Meal, Biſcuit, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, from His Majeſty's Colonies in *America*, into this Kingdom, for a limited Time, free of Duty.

Preamble.

WHEREAS the Importation of Wheat, Wheat-flour, *Indian* Corn, *Indian* Meal, Biſcuit, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, from His Majeſty's Colonies in *America*, into *Great Britain*, will be advantageous to this Kingdom: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of

From *Dec.* 1, 1772, and before *Jan.* 1, 1774. Wheat, Wheat-flour, *&c.* may be imported from *America* Duty-free.

of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for any of His Majeſty's Subjects to import into Great Britain, in any Ship or Veſſel navigated according to Law, at any Time or Times, from and after the Firſt Day of December, One thouſand ſeven hundred and ſeventy-two, and before the Firſt Day of January, One thouſand ſeven hundred and ſeventy-four, any Wheat or Wheat-flour, Indian Corn, Indian Meal, Biſcuit, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, from any of His Majeſty's Colonies in America, without the Payment of any Subſidy, Cuſtom, Duty, or Impoſition whatſoever; any Thing in any former or other Act or Acts of Parliament to the Contrary thereof in any-wiſe notwithſtanding.

Due Entry to be made as formerly;

otherwiſe ſuch Wheat, *etc.* ſhall be ſubject to the Duties formerly payable on Importation;

and may be carried Coaſtwiſe as formerly.

II. Provided always, and be it further enacted by the Authority aforeſaid, That a due Entry ſhall be made in ſuch Manner and Form as were uſed or practiſed before the making of this Act, of all Wheat, Wheat-flour, Indian Corn, Indian Meal, Biſcuit, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, which ſhall be imported or brought into this Kingdom by virtue of this Act, before the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-four, at the Cuſtom Houſe belonging to the Port into which the ſame ſhall be imported or brought in; or otherwiſe, in Default of making ſuch Entry, ſuch Wheat, Wheat-flour, Indian Corn, Indian Meal, Biſcuit, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, ſhall be liable and ſubject to ſuch and the ſame Duties as were payable upon the Importation thereof before the making of this Act; any Thing in this Act contained to the Contrary notwithſtanding: And ſuch Wheat Wheat-flour, Indian Corn, Indian Meal, Biſcuit, Pulſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, may be carried Coaſtwiſe, under ſuch Regulations as Wheat, Wheat-flour, and Pulſe, of the Growth of this Kingdom, are now allowed to be carried Coaſtwiſe, at all Times before the ſaid Firſt Day of January, One thouſand ſeven hundred and ſeventy-four.

CAP. III.

An Act to prohibit the Exportation of Corn, Grain, Peaſe, Beans, Meal, Malt, Flour, Bread, Biſcuit, and Starch; and alſo the Extraction of Low Wines and Spirits from Wheat and Wheat-flour, for a limited Time.

Preamble.

WHEREAS it is expedient that the Exportation of any Sort of Corn, Grain, Peaſe, Beans, Meal, Malt, Flour, Bread, Biſcuit, and Starch, out of the Kingdoms of *Great Britain*, or *Ireland*, ſhould be prohibited for a limited Time: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, no Perſon or Perſons whatſoever ſhall, directly or indirectly, export, tranſport, carry, or convey, or cauſe or procure to be exported, tranſported, carried, or conveyed, out of or from the ſaid Kingdoms of Great Britain, or Ireland, or load or lay on Board, or cauſe or procure to be laden or laid on Board, in any Ship or other Veſſel, or Boat, in order to be exported or carried out of the ſaid Kingdoms of Great Britain, or Ireland, any Sort of Corn, Grain, Peaſe, Beans, Meal, Malt, Flour, Bread, Biſcuit, or Starch, under the Penalties and Forfeitures herein-after mentioned; that is to ſay, That all the ſaid Commodities that ſhall be ſo exported, ſhipped, or laid on Board, or loaded to be exported, ſhipped, or carried out contrary to this Act, ſhall be forfeited; and that every Offender or Offenders therein ſhall forfeit the Sum of Twenty Shillings for every Buſhel of Corn, Grain, Peaſe, Beans, Malt, Meal, or Flour, and Twelvepence for every Pound Weight of Bread, Biſcuit, or Starch, and ſo in proportion for any greater or leſs Quantity which ſhall be ſo exported, ſhipped, or put on Board to be exported; and alſo the Ship, Boat, or Veſſel, upon which any of the ſaid Commodities ſhall be exported, ſhipped, or laden to be exported, and all her Guns, Tackle, Apparel, and Furniture, ſhall be forfeited; and One Moiety of all the ſaid Penalties and Forfeitures ſhall be to the King's Majeſty, His Heirs and Succeſſors, and the other Moiety to him or them that will ſue for the ſame:

Corn, Grain, *etc.* exported from *Great Britain* or *Ireland*, or loaded in any Ship, *etc.* for Tranſportation, ſhall be forfeited; and Offenders to forfeit 20*s.* for every Buſhel of Corn, Grain, *etc.* and 12 *d.* for every *lb.* Weight of Bread, *&c.* and alſo the Ship, Boat, *&c.*

And for Offences which ſhall be committed in that Part of Great Britain called England, ſuch Penalties and Forfeitures ſhall be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or before the Juſtices of Aſſize, or at the Great Seſſions in Wales, or by Information at any General Quarter Seſſions of the Peace for the County, City, Riding, Diviſion, or Place, where the Offence ſhall be committed; and in ſuch Suit no Eſſoin, Protection, Privilege, or Wager of Law, ſhall be allowed: And for Offences which ſhall be committed in that Part of Great Britain called Scotland, by Action, or Summary Bill, or Information, in the Courts of Seſſion or Exchequer in Scotland: And for Offences which ſhall be committed in Ireland, in, His Majeſty's Courts of Record in Dublin, or at the General Quarter Seſſions of the Peace for the County, City, or Place where the Offence ſhall be committed: And that the Maſter and Mariners of any ſuch Ship, Boat, or Veſſel,

and in *Scotland*, before the Courts of Seſſion or Exchequer; and Forfeitures incurred in *Ireland* are recoverable in the Courts of Record in *Dublin*.

Veſſel wherein any ſuch Offence ſhall be committed, knowing ſuch Offence, and wittingly and willingly aiding and aſſiſting thereunto, and being thereof duly convicted in any ſuch Courts as aforeſaid, ſhall be impriſoned for the Space of Three Months without Bail or Mainprize.

Forfeitures on Diſcovery of Offences how to be applied.

II. And it is hereby further enacted by the Authority aforeſaid, That in caſe any Mariner or other Perſon on Board any Ship or Veſſel (other than and except the Maſter or Perſon having the Charge or Command thereof) wherein any Corn, Grain, Peaſe, Beans, Meal, Malt, Flour, Bread, Biſcuit, or Starch, ſhall be exported, contrary to the Intent and Meaning of this Act, ſhall diſcover any ſuch Offence to the Commiſſioners, or any Officer of His Majeſty's Cuſtoms, within the Space of Five Months after ſuch Offence ſhall be committed, ſuch Mariner, or other Perſon, (except as aforeſaid), making ſuch Diſcovery, ſhall, as an Encouragement, have, and be intitled to receive, One third Part of the Net Money which ſhall be recovered and paid by Means of ſuch Diſcovery, after deducting from the Money recovered the Charges of proſecuting for and recovering the ſame; and One other Third Part thereof ſhall be to the Uſe of His Majeſty, His Heirs, and Succeſſors; and the other Third Part to ſuch Officer or Officers of His Majeſty's Cuſtoms as ſhall ſue and proſecute for the ſame.

Officers of the Cuſtoms, *etc.* may ſeize Commodities not allowed to be exported as they find laid on Board any Ship with Intent to be exported.

III. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Perſon or Perſons, being an Officer or Officers of the Cuſtoms, or being lawfully authoriſed in this Behalf, by the Lord High Treaſurer of Great Britain, or the Commiſſioners of the Treaſury for the Time being, or any Three or more of them, to take and ſeize all ſuch of the ſaid Commodities, not allowed to be exported by this Act, as he or they ſhall happen to find, know, or diſcover to be laid on Board any Ship or other Veſſel, or Boat, at Sea, or in any Port, or in any navigable River or Water, to the Intent or Purpoſe to be exported, tranſported, or conveyed out of Great Britain or Ireland, contrary to the true Intent of this Act; and alſo the Ship, Veſſel, or Boat, in which the ſame ſhall be found; and to bring the ſaid Goods to the King's Warehouſe or Warehouſes belonging to the Cuſtomhouſe next to the Place where ſuch Seizures ſhall be made, or to ſome other ſafe Place, (where there are no ſuch Warehouſes), in order to be proceeded againſt according to Law; and, in caſe of Recovery, to be divided in Manner as aforeſaid.

Not to extend to Commodities neceſſary for certain Veſſels:

IV. Provided always, That this Act, or any Thing herein contained, ſhall not extend to prohibit the Exportation of ſuch or ſo much of the ſaid Commodities as ſhall be neceſſary to be carried in any Ship or Ships, or other Veſſel or Veſſels, in their reſpective Voyages, for the Suſtenance, Diet, and Support of the Commanders, Maſters, Mariners, Paſſengers, or others, in the ſame Ships or Veſſels only, or for the Victualling or providing any of His Majeſty's Ships of War, or other Ships or Veſſels in His Majeſty's Service, or for His Majeſty's Forces, Forts, or Garriſons; any Thing herein contained to the Contrary notwithſtanding.

or carrying Coaſtwiſe any of the ſaid Commodities, under Coaſt Cocquets, Security being firſt given.

V. Provided alſo, That this Act, or any Thing herein contained, ſhall not extend to prohibit any Perſon or Perſons to ſhip, or put on Board, any of the Commodities aforeſaid, to be carried Coaſtwiſe; that is to ſay, From any Port, Creek, or Member of the Kingdoms of Great Britain or Ireland, to any other Port, Creek, or Member of the ſame reſpectively, having ſuch or the like Coaſt Cocquet, or Sufferance, for that Purpoſe; and ſuch or the like ſufficient Security being firſt given for the landing and diſcharging the ſame in ſome other Port, Member, or Creek, of the ſaid Kingdoms, and returning a Certificate in Six Months, as is required by Law, in Caſes where Goods which are liable to pay Duties on Exportation are carried Coaſtwiſe from One Port of Great Britain to another, and not otherwiſe.

This Act not to extend to hinder any of the ſaid Commodities being ſhipped out of *Great Britain* to *Ireland, etc.* or from *Great Britain* or *Ireland* to *Gibraltar, etc.* the Exporter declaring the Iſland for which they are deſigned, *etc.*

VI. Provided alſo, That this Act, or any Thing contained, ſhall not extend to any of the ſaid Commodities which ſhall be exported, or ſhipped to be exported, out of or from Great Britain, to Ireland, or from Ireland to Great Britain, or from Great Britain or Ireland to Gibraltar or Minorca, or unto any of His Majeſty's Iſlands or Colonies in America, that have uſually been ſupplied with any of the ſaid Commodities from Great Britain or Ireland, for the Suſtentation of the Inhabitants of the ſaid Iſlands, Colonies, or Dominions, or for the Benefit of the Britiſh Fiſhery in thoſe Parts only, ſo as the Exporter do, before the Shipping or laying on Board the ſame, declare the Iſland, Colony, or Dominion, Iſlands, Colonies, or Dominions, for which the ſaid Commodities are reſpectively deſigned; and do become bound, with other ſufficient Security, in Treble the Value thereof, to the Commiſſioners, or Chief Officer or Officers of His Majeſty's Cuſtoms, belonging to the Port or Place where the ſame ſhall be ſhipped or put on Board, (who hath or have hereby Power to take ſuch Security, in His Majeſty's Name, and to His Majeſty's Uſe), that ſuch Commodities ſhall not be landed or ſold in any Parts whatſoever, other than the Kingdoms, Dominions, Iſlands, or Colonies, for which the ſame ſhall be ſo declared; and that a Certificate under the Hand and Seal of the Collector, Comptroller, or other Chief Officer of the Cuſtoms; or, if no ſuch, of the Naval Officer, or ſome other Principal Officer of the Port where the ſame ſhall be landed, ſhall, within the reſpective Times herein-after for that Purpoſe mentioned (the Danger of the Seas excepted) be returned to the Officers who took the ſaid Bonds, that the ſaid Commodities have been landed at the Port or Place for which the ſame ſhall be ſo declared; and for

Certificates to be given by Collectors, *etc.* without Fee.

the taking of ſuch Security, and for giving ſuch Certificates, (which the reſpective Officers aforeſaid are hereby, on Demand, required to give), no Fee or Reward ſhall be demanded or received: And if any Officer ſhall make any falſe Certificate of any ſuch Commodities being ſo landed, such Officer ſhall forfeit the Sum of Two hundred Pounds, and loſe his Employment, and be incapable of ſerving His Majeſty, his Heirs or Succeſſors, in any Office relating to the Cuſtoms: And if any Perſon ſhall counterfeit, raſe, or falſify any ſuch Certificate, or knowingly publiſh any ſuch counterfeit, raſed, or falſe Certificate, he ſhall forfeit the Sum of Two hundred Pounds, and ſuch Certificate ſhall be void and of no Effect: Which ſaid Penalties for Offences committed in Great Britain or Ireland ſhall be recovered in the ſame Courts, and in the ſame Manner, as the other Penalties inflicted by this Act are recoverable; and for Offences committed in the Colonies or Plantations in America, or other the Dominions belonging to the Crown of Great Britain in Europe, ſhall be recovered in the High Court of Admiralty, or in any chief Court of civil or criminal Juriſdiction in ſuch reſpective Colonies, Plantations, or Dominions; and ſhall be divided into equal Moieties between His Majeſty and the Informer; and the ſaid Bond or Bonds, if not proſecuted within Three Years, ſhall be void.

Officers making falſe Certificates to forfeit 200 *l.*

Any Perſon counterfeiting a Certificate to forfeit 200 *l.* and the Certificate to be void.

VII. Provided alſo, That nothing herein contained ſhall extend to prohibit the Exportation of Beans to the Britiſh Forts, Caſtles, and Factories, in Africa; or for the Uſe of the Ships trading upon that Coaſt, that uſually have been ſupplied with the ſame from Great Britain or Ireland; ſo as the like Security be given for the exporting thereof as is required by this Act to be given by Perſons carrying any of the ſaid Commodities to the Britiſh Colonies in America.

Nothing herein to prohibit the Exportation of Beans to the Forts, *etc.* of *Africa*;

VIII. Provided alſo, That nothing herein contained ſhall extend to prohibit the United Company of Merchants of England trading to the Eaſt Indies from exporting any of the ſaid Commodities to any of their Forts, Factories, or Settlements, for the Support of the Perſons reſiding there, ſo as the like Security be given for the exporting thereof, as is required by this Act to be given by Perſons carrying any of the ſaid Commodities to the Britiſh Colonies in America.

nor to prohibit the *Eaſt India Company* with ſupplying their Forts, *etc.* with Corn, Grain, *etc.*

IX. Provided alſo, That this Act, or any Thing herein contained, ſhall not extend to any Wheat, Flour, Malt, Barley, Bread, Biſcuit, or Peaſe, to be tranſported out of or from the Port of Southampton only unto the Iſlands of Jerſey, Guernſey, and Alderney, or any of them, for the only Uſe of the Inhabitants of thoſe Iſlands, ſo as the Exporter, before the lading of ſuch Commodities, or laying the ſame on Board, do become bound, with other ſufficient Security, in Treble the Value thereof, which the Cuſtomer or Comptroller of the ſame Port hath hereby Power to take, in His Majeſty's Name, and to His Majeſty's Uſe, and for which Security no Fee or Reward ſhall be given or taken, that ſuch Commodities ſhall be landed in the ſaid Iſlands of Jerſey, Guernſey, and Alderney, or One of them, (the Danger of the Seas only excepted), for the Uſe of the Inhabitants there, and ſhall not be landed or ſold in any other Parts whatſoever; and to return the like Certificates of the landing the ſame there as are herein required on the Exportation of the ſaid Commodities to the Britiſh Colonies in America, and within the Time for that Purpoſe herein mentioned; and ſo as the Quantity of Wheat flour, Malt, Barley, Bread, Biſcuit, and Peaſe, which at any Time or Times, during the Continuance of this Act, ſhall be ſhipped at the ſaid Port for the ſaid Iſlands, or either of them, as aforeſaid, do not exceed in the Whole Five thouſand Quarters; any Thing herein contained to the Contrary notwithſtanding.

The Port of *Southampton* only may ſupply *Jerſey, etc.* with Meal, Barley, *etc.* the Exporter becoming bound in Treble the Value that the Commodities ſhall not be landed or ſold at any other Port.

X. Provided alſo, That this Act ſhall not extend to any Wheat, Barley, Oats, Meal, or Flour, to be tranſported out of or from the Ports of Whitehaven or Liverpoole only into the Iſle of Man, for the only Uſe of the Inhabitants of that Iſland, ſo as the Exporter, before the lading of ſuch Wheat, Barley, Oats, Meal, or Flour, or laying the ſame on Board, do become bound, with other ſufficient Security, in Treble the Value thereof, which the Cuſtomer or Comptroller of either of the ſaid Ports reſpectively hath hereby Power to take, in His Majeſty's Name, and to His Majeſty's Uſe, for which Security no Fee or Reward ſhall be given or taken, that ſuch Wheat, Barley, Oats, Meal, or Flour, ſhall be landed in the ſaid Iſle of Man, (the Danger of the Seas only excepted), for the Uſe of the Inhabitants there, and ſhall not be landed or ſold in any other Parts whatſoever; and to return the like Certificates of the landing the ſame there, as are by this Act required on the Exportation of the ſaid Commodities to the Britiſh Colonies in America, and within the Time for that Purpoſe herein mentioned, and ſo as the whole Quantity of Wheat, Barley, Oats, Meal, and Flour, which at any Time or Times, during the Continuance of this Act, ſhall be ſhipped at both the ſaid Ports for the ſaid Iſle of Man, ſhall not exceed in the Whole Two thouſand five hundred Quarters; One Moiety thereof to be exported from the ſaid Port of Whitehaven, and the other Moiety thereof to be exported from the ſaid Port of Liverpoole; any Thing herein contained to the Contrary notwithſtanding.

The Ports of *Whitehaven* and *Liverpoole* may ſupply the *Iſle of Man* with Wheat, Barley, *etc.* under the aforeſaid Regulations, not exceeding 2500 Quarters.

XI. Provided alſo, That nothing in this Act contained ſhall extend to prohibit the Committee of Merchants trading to Africa from exporting, during the Continuance of this Act, any Quantity of Wheat-flour, not exceeding Two hundred Quarters, or

Merchants trading to *Africa* may tranſport Wheat flour, *etc.* there.

or any Quantity of Bread or Biſcuit, not exceeding Fifteen Tons in the Whole of ſuch Bread or Biſcuit, or of ſuch Bread and Biſcuit together, to the Britiſh Forts, Caſtles, and Factories in Africa, for the Support of the Perſons reſiding there, ſo as the like Security be given for the exporting thereof as is herein required to be given by Perſons carrying the ſaid Commodities to the Britiſh Colonies in America.

Commiſſioners of the Cuſtoms to give in a full Account to Parliament.

XII. And be it further enacted by the Authority aforeſaid, That the Commiſſioners of the Cuſtoms for the Time being ſhall, and they are hereby required to give a full and true Account, in Writing, to both Houſes of Parliament, at the Beginning of the next Seſſion thereof, of all Corn, Grain, Peaſe, Beans, Meal, Malt, Flour, Bread, Biſcuit, and Starch, that ſhall, before that Time, be exported to any Place whatſoever, by virtue or in purſuance of any of the Liberties or Powers hereby given or granted for that Purpoſe.

What Time Certificates of landing and diſcharging any of the ſaid Commodities ſhall be returned.

XIII. And be it further enacted by the Authority aforeſaid, That all Certificates of the landing and diſcharging of the ſaid Commodities to be exported, other than Coaſtwiſe, ſhall be returned within the reſpective Times following; (that is to ſay), Where the Bonds are taken in reſpect of any of the ſaid Commodities, to be exported from Great Britain or Ireland to any of the ſaid Colonies or Plantations in America, within Eighteen Calendar Months after the Date of ſuch Bonds; and where to Gibralter or Minorca, within Twelve Calendar Months after the Date of ſuch Bonds; and where to the Iſlands of Guernſey, Jerſey, Alderney, or Man, within Six Calendar Months after the Date of ſuch Bonds; and where from Great Britain to Ireland, or from Ireland to Great Britain, within Six Calendar Months after the Date of ſuch Bonds reſpectively.

No Bounty to be given on Exportation.

XIV. Provided always, and be it enacted by the Authority aforeſaid, That no Corn, Grain, Peaſe, Beans, Meal, Malt, Flour, Bread, Biſcuit, or Starch, which ſhall be exported by virtue of this Act, ſhall be intitled to any of the Bounties or Drawbacks which are allowed and made payable on the Exportation of ſuch Commodities, or any of them.

Exportation of Rice.

XV. Provided always, and be it enacted, That nothing herein contained ſhall extend to prohibit the Exportation of Rice out of this Kingdom.

No Low Wines or Spirits ſhall be made from Wheat or Wheat-flour, or any Material mixed with Wheat, &c.

XVI. And whereas it is expedient that the Extraction of Low Wines or Spirits from Wheat, or Wheat Flour, ſhould be prohibited for a further Time, be it therefore further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, no Low Wines or Spirits whatſoever ſhall be made, extracted, or diſtilled, within this Kingdom, from any Wheat or Wheat-flour; and if any Diſtiller or Maker of Low Wines or Spirits, or any other Perſon or Perſons whatſoever, ſhall make, extract, or diſtil, or cauſe or procure to be made, extracted, or diſtilled, any Low Wines or Spirits from any Wheat or Wheat-flour, or from any Grain or other Material mixed with Wheat, or with Wheat-flour; or ſhall uſe or mix, or cauſe or procure to be uſed or mixed, any Wheat or Wheat-flour, or any Grain or other Material mixed with Wheat, or with Wheat-flour, in any Worts or Waſh, in order for the making, extracting, or diſtilling Low Wines or Spirits, or ſhall put or lay, or cauſe or procure to be put or or laid, in any Tun, Waſhbatch, Caſk, Copper, Still, or other Veſſel or Utenſil, any Wheat or Wheat-flour, or any Grain or other Material mixed with Wheat, or with Wheat-flour, for the Purpoſe of preparing any Worts or Waſh, or for making, extracting, or diſtilling Low Wines or Spirits, whether ſuch Tun, Waſhbatch, Caſk, Copper, Still, or other Veſſel or Utenſil, hath or hath not been duly entered at the Exciſe Office; that then, and in each and every of the ſaid Caſes, ſuch Diſtiller or Maker of Low Wines or Spirits, or other Perſon or Perſons acting contrary to the Directions of this Act, or the Perſon or Perſons in whoſe Cuſtody or Poſſeſſion any ſuch Tun, Waſhbatch, Caſk, Copper, Still, or other Veſſel or Utenſil, which ſhall be made uſe of contrary to the Intention of this Act, ſhall be found, ſhall reſpectively, for every ſuch Offence, forfeit and pay the Sum of Two hundred Pounds; and all ſuch Wheat or Wheat-flour, and ſuch Worts and Waſh, Low Wines and Spirits, and all ſuch Grain, or other Material with Wheat, or with Wheat-flour, or the Value thereof, ſhall be alſo forfeited.

and if any Perſon acts to the contrary, he ſhall forfeit 200 *l.* and all ſuch Wheat, &c.

Wheat or Wheat-flour, &c. found in any Stillhouſe, &c. in which Low Wines ſhall be made, &c. ſince *Oct.* 1. 1772, ſhall be forfeited.

XVII. And be it further enacted by the Authority aforeſaid, That if any Wheat or Wheat-flour, or Grain, or other Material mixed with Wheat, or with Wheat-flour, ſhall be found in any Workhouſe, Stillhouſe, Storehouſe, Warehouſe, or any other Place wherein Low Wines or Spirits, or Worts, or Waſh, ſhall be made, extracted, diſtilled, or prepared, or where any Low Wines or Spirits, or Worts, or Waſh, ſhall have been made, extracted, diſtilled, or prepared, ſince the Firſt Day of October, One thouſand ſeven hundred and ſeventy-two, all ſuch Wheat and Wheat-flour, and all ſuch Grain or other Material mixed with Wheat, or with Wheat-flour, ſhall be forfeited; and the Perſon or Perſons in whoſe Poſſeſſion ſuch Work-houſe, Stillhouſe, Storehouſe, Warehouſe, or Place, ſhall be, ſhall, for every Offence reſpectively, alſo forfeit and pay the Sum of One hundred Pounds.

Juſtices of Peace may enter any Workhouſes, &c. where Low Wines, &c. are ſuſpected

XVIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon or Perſons, who ſhall be authoriſed for that Purpoſe by the Commiſſioners of Exciſe for the Time being, or any Two or more of them, within the Limits of the Chief Office of Exciſe in London, or by One or more Juſtice or Ju-

To be made ſince *Oct.* 1, 1772, and inſpect all the Materials.

On Suſpicion of Wheat-flour being mixed, a Sample may be taken, paying 2*s.* 6*d.*

If the Diſtiller refuſe Admittance, he ſhall forfeit 100 *l.*

Commiſſioners, *etc.* may ſeize and carry away all ſuch Wheat, *&c.*

ſtices of the Peace in any other Part of Great Britain, at any Time or Times, with any Officer of Exciſe, to enter into any Workhouſe, Stillhouſe, Storehouſe, Warehouſe, or any other Place, wherein any Low Wines or Spirits, or Worts or Waſh, ſhall be, or are ſuſpected to be made, extracted, diſtilled, or prepared, or wherein Low Wines or Spirits, or Worts or Waſh, ſhall have been made, extracted, diſtilled, or prepared, ſince the Firſt Day of October, One thouſand ſeven hundred and ſeventy-two, and ſhall have free Admittance into the ſame, and may inſpect all the Materials, Veſſels, and Utenſils, therein contained, giving thereby as little Interruption as may be to the Buſineſs which is carrying on; and in caſe any Officer of Exciſe ſhall have Reaſon to ſuſpect that any Wheat, or Wheat-flour, or any Grain, or other Material mixed with Wheat, or with Wheat-flour, is contained in any Bag, Sack, or other Package, or is mixed in any Worts or Waſh, or in any other Preparation for making, extracting, or diſtilling, Low Wines or Spirits, it ſhall and may be lawful for ſuch Officer, at any Time or Times during the Continuance of this Act, upon Payment of Two Shillings and Sixpence, to take a Sample, not exceeding Two Quarts of any ſuch Wheat or Wheat-flour, or of any ſuch Grain, or other Material mixed with Wheat, or with Wheat-flour, or of any ſuch Worts or Waſh, or Preparation, which ſhall be found in any ſuch Houſe or other Place aforeſaid; and in caſe any Diſtiller or Maker of Low Wines or Spirits, or the Owner or Occupier of any ſuch Houſe or Place, or any Workman or Servant to any ſuch Diſtiller, Owner, or Occupier belonging, ſhall refuſe to admit ſuch Perſon or Perſons as ſhall be ſo authoriſed, or any Officer of Exciſe, into any ſuch Houſe or Place, or ſhall obſtruct or hinder any ſuch Officer, or Perſon or Perſons, in making ſuch Inſpection as aforeſaid, or ſhall not allow any ſuch Officer to take ſuch Sample after the ſaid Sum of Two Shillings and Sixpence ſhall be paid, or tendered for the ſame; ſuch Diſtiller, Owner, or Occupier ſhall, for every ſuch Offence reſpectively, forfeit and pay the Sum of One hundred Pounds: And it ſhall be lawful for any ſuch Officer of Exciſe, or other Perſon or Perſons authoriſed as aforeſaid, having a Warrant for that Purpoſe from any Two or more of the Commiſſioners of the Exciſe, or any Juſtice or Juſtices reſpectively, as aforeſaid, to ſeize, take, and carry away, all ſuch Wheat and Wheat-flour, and all ſuch Grain or other Material mixed with Wheat, or with Wheat-flour, as ſhall be found in any ſuch Houſe or other Place, together with all the Sacks, Bags, and other Things, in which the ſaid Commodities ſhall be contained.

If any Diſtiller have more Wheat than Five Quarters, he forfeits 5 *l.* and the Overplus.

XIX. And be it further enacted by the Authority aforeſaid, That if any Diſtiller or Maker of Low Wines or Spirits for Sale or Exportation ſhall be poſſeſſed of, or have in his, her, or their Cuſtody or Poſſeſſion, or in the Cuſtody or Poſſeſſion of any Perſon or Perſons in Truſt, or for the Uſe or Benefit of ſuch Diſtiller or Maker of Low Wines or Spirits, more than Five Quarters of Wheat or Wheat-flour, at any One Time, in any One or more Place or Places, not being a Place or Places for preparing, making, extracting, diſtilling, or keeping Worts or Waſh, Low Wines or Spirits; every ſuch Diſtiller or Maker of Low Wines or Spirits ſhall, for every ſuch Offence reſpectively, forfeit all ſuch Wheat and Wheat-flour exceeding the ſaid Quantity of Five Quarters, and alſo the Sum of Five Pounds for every Quarter ſo forfeited.

This Act not to extend to Diſtillers who are Growers of Wheat, provided ſuch Wheat be not in their Poſſeſſion above 20 Days:

XX. Provided always, That this Act ſhall not extend to inflict the ſaid laſt-mentioned Penalty and Forfeiture upon any Diſtiller or Maker of Low Wines or Spirits, who ſhall be the actual Grower of Wheat, and ſhall be poſſeſſed of any Quantity of ſuch Wheat grown by him or her in the Straw, or after the ſame is threſhed out or ſeparated from the Straw, provided ſuch Wheat ſhall not be kept in his or her Poſſeſſion, or in the Poſſeſſion of any other Perſon or Perſons in Truſt for him or her, for a greater Space of Time than Twenty Days after the ſame ſhall be threſhed or ſeparated from the Straw, and ſo as ſuch Wheat be not kept in any Place uſed for making, extracting, or diſtilling Low Wines or Spirits, or for preparing or keeping Worts or Waſh.

Nor to extend to a Diſtiller who is a Miller.

XXI. Provided alſo, and be it further enacted by the Authority aforeſaid, That this Act ſhall not extend to inflict the laſt-mentioned Penalty and Forfeiture upon any Diſtiller or Maker of Low Wines, or Spirits, who practiſes the Trade of a Miller, by grinding Corn for Hire, or who ſells Corn, Flour, Meal, or Bran, as other Perſons following the Trade of a Miller uſually do, and who was poſſeſſed of and worked any Mill or Mills for the grinding of Wheat, in the Courſe of his Trade as a Miller, on or before the Firſt Day of October, One thouſand ſeven hundred and ſixty-ſix, for or upon Account of any Quantity of Wheat or Wheat-flour which ſhall, during the Continuance of this Act, be found in any ſuch Mill or Mills; any Thing in this Act contained to the Contrary hereof notwithſtanding.

Officers ſuſpecting Wheat, *&c.* above Five Quarters laid up in any Storehouſe belonging to a Diſtiller,

XXII. And be it further enacted by the Authority aforeſaid, That in caſe any Officer or Officers of Exciſe, or any other Perſon or Perſons, ſhall, at any Time or Times, have Cauſe to ſuſpect that any Wheat or Wheat-flour, or any Grain or other Material mixed with Wheat, or with Wheat-flour, in any Quantity exceeding the Quantity of Five Quarters, ſhall be laid or kept in any ſuch Storehouſe, Warehouſe, Granary, or other Place or Places as aforeſaid, belonging to any Diſtiller or Maker of Low Wines or Spirits, contrary to the true Intent and Meaning of this Act; then, and in every ſuch Caſe, upon Oath made by ſuch Officer or Officers, or other Perſon or Perſons, before the Commiſſioners of Exciſe for the Time being reſpectively, or any Two or more of them, or before One or more Juſtice or Juſtices of the Peace reſiding near the Place where ſuch Officer or Officers, or other Perſon or Perſons, ſhall ſuſpect the ſame to be laid and kept, ſetting forth the Ground of his or their Suſpicion, it ſhall and may be lawful to and for the ſaid Commiſſioners, or Juſtice or Juſtices of the Peace reſpectively, before whom ſuch Officer or Officers, or other Perſon or Perſons, ſhall make Oath as aforeſaid, (if he or they ſhall judge it reaſonable) by Special Warrant under his or their reſpective Hands and Seals, to authoriſe and impower ſuch Officer or Officers, or other Perſon or Perſons, authoriſed as aforeſaid, by Day or by Night, (but if in the Night, then in the Preſence of a Conſtable, or other lawful Officer of the Peace), to enter into all and every Storehouſe, Warehouſe, Granary, or other Place or Places where he or they ſhall ſuſpect that any Wheat or Wheat-flour exceeding the Quantity of Five Quarters, or any Grain or other Material mixed with Wheat, or with Wheat-flour, in any Quantity, ſhall be laid or kept, belonging to any ſuch Diſtiller or Maker of Low Wines or Spirits, and to ſeize, take, and carry away, all ſuch Wheat and Wheat-flour over and above the ſaid Quantity of Five Quarters, and all ſuch Grain, or other Material mixed with Wheat, or with Wheat-flour, as he or they ſhall ſo find, together with all the Sacks, Bags, or other Things, wherein the ſame ſhall reſpectively be contained; and ſuch Diſtiller or Maker of Low Wines or Spirits, or the Perſon or Perſons in whoſe Cuſtody or Poſſeſſion ſuch Wheat or Wheat-flour, exceeding the ſaid Quantity of Five Quarters, belonging to ſuch Diſtiller, ſhall be found, ſhall, for every ſuch Offence reſpectively, forfeit and pay the ſaid Penalty of Five Pounds for every Quarter exceeding the ſaid Quantity of Five Quarters; and ſuch Diſtiller or Maker of Low Wines or Spirits, or the Perſon or Perſons in whoſe Cuſtody or Poſſeſſion ſuch Grain or other Material mixed with Wheat, or with Wheat-flour, belonging to ſuch Diſtiller, ſhall be found, ſhall, for every ſuch Offence reſpectively, forfeit and loſe the Sum of Fifty Pounds; and the ſaid Officer or Officers, and other Perſon or Perſons, is and are hereby impowered, by ſuch Warrant, together with ſuch other Perſon or Perſons as he or they ſhall take to his or their Aſſiſtance, to enter ſuch Storehouſes, Warehouſes, Granaries, and other Place or Places, and break open the Doors thereof, in caſe they be not opened on Demand.

Juſtices may grant a Warrant to enter ſuch Storehouſe, *&c.* and to ſeize and carry away all above five Quarters, and forfeit 5 *l.* for every Quarter above the ſaid Quantity.

Diſtillers who have Materials mixed with Wheat, *etc.* forfeit 50 *l.*

XXIII. And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed, and for the Recovery and Application whereof no other Proviſion is herein-before made, ſhall be ſued for and recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record in Weſtminſter, or in the Court of Exchequer in Scotland: And that the reſpective Courts before whom the ſame ſhall be recovered may, and are hereby authoriſed, (if they ſhall think fit), to mitigate all or any of the pecuniary Penalties herein-before mentioned to any Sum not leſs than One-fourth Part of the Sum herein reſpectively mentioned; and that One Moiety of all ſuch Penalties and Forfeitures, when recovered, ſhall be to the Uſe of His Majeſty, His Heirs and Succeſſors, and the other Moiety to him or them who ſhall ſue for the ſame, or give Information of or diſcover the Offence.

How Penalties may be recovered.

Court to mitigate Penalties.

XXIV. Provided always, That all Suits, Proſecutions, or Informations, for Offences committed againſt this Act, ſhall be commenced and made within the Space of Six Calendar Months after the Fact is committed, and not otherwiſe; any Thing herein contained to the Contrary notwithſtanding.

Limitation of Actions.

XXV. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, ſuch Action or Suit ſhall be commenced within the Space of Four Calendar Months next after the Offence ſhall be committed: And if ſuch Action or Suit ſhall be commenced or proſecuted in that Part of Great Britain called England, the Defendant or Defendants in any ſuch Action or Suit may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if it ſhall appear ſo to have been done, the Jury ſhall find for the Defendant or Defendants; and if the Plaintiff ſhall be nonſuited, or diſcontinue his Action, after the Defendant or Defendants ſhall have appeared, or if Judgement ſhall be given upon any Verdict or Demurrer againſt the Plaintiff, the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for the ſame, as any Defendant or Defendants hath or have in other Caſes by Law: And if ſuch Action or Suit be commenced or proſecuted in that Part of Great Britain called Scotland, the Court before whom ſuch Action or Suit ſhall be brought ſhall allow the Defender to plead this Act on his Defence; and if the Purſuer ſhall not inſiſt on his Action, or if Judgement ſhall be given againſt ſuch Purſuer, the Defendant ſhall and may recover the full and real Expences he may have been put to by any ſuch Action or Suit.

Perſons againſt whom Actions ſhall be commenced may plead the General Iſſue.

Defendant may recover Treble Coſts.

Defendant in *Scotland* may plead this Act.

XXVI. And be it further enacted by the Authority aforeſaid, That this Act ſhall continue until the Firſt Day of January, One thouſand ſeven hundred and ſeventy-four.

This Act to continue till *Jan.* 1, 1774.

XXVII. Provided nevertheleſs, That the ſaid Continuation may be abridged or ſhortened, and this Act, or any Part thereof, may be altered and varied by any other Act or Acts to be made in this preſent Seſſion of Parliament.

Proviſo.

CAP.

CAP. IV.

An Act to continue for a further Time, an Act made in the Eighth Year of His preſent Majeſty's Reign, intituled, *An Act to continue and amend an Act, made in the Fifth Year of the Reign of His preſent Majeſty,* intituled, *An Act for Importation of Salted Beef, Pork, Bacon, and Butter, from* Ireland, *for a limited Time, and for allowing the Importation of Salted Beef, Pork, Bacon, and Butter, from the* Britiſh *Dominions in* America, *for a limited Time.*

Preamble, Act 5 *Geo.* III.
Act 8 *Geo.* III.
and Acts 9, 10, 11, & 12 *Geo.* III.
further continued till *March* 1, 1774.

WHEREAS an Act was made in the Fifth Year of His preſent Majeſty's Reign, (intituled, *An Act for Importation of Salted Beef, Pork, Bacon, and Butter, from* Ireland, *for a limited Time*): And whereas an Act was made in the Eighth Year of His preſent Majeſty's Reign to continue and amend the ſaid firſt-mentioned Act, and for allowing the Importation of Salted Beef, Pork, Bacon, and Butter, from the *Britiſh* Dominions in *America*, for a limited Time: And whereas, by Four Acts, made in the Ninth, Tenth, Eleventh, and Twelfth Years of the Reign of His preſent Majeſty, the ſaid laſt-mentioned Act was continued until the Firſt Day of *March*, One thouſand ſeven hundred and ſeventy-three: And whereas it is expedient that the Importation of the ſaid Goods and Commodities ſhould be allowed for a longer Time; may it therefore pleaſe Your Majeſty that it may be enacted; and **be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act, made in the Eighth Year of His preſent Majeſty's Reign, (intituled,** An Act to continue and amend an Act, made in the Fifth Year of the Reign of His preſent Majeſty, intituled, *An Act for Importation of Salted Beef, Pork, Bacon, and Butter, from* Ireland, *for a limited Time, and for allowing the Importation of Salted Beef, Pork, Bacon, and Butter, from the* Britiſh *Dominions in* America, *for a limited Time*), **ſhall continue and be in full Force and Effect until the Firſt Day of** March, **One thouſand ſeven hundred and ſeventy-four.**

CAP. V.

An Act to continue for a further Time an Act, made in the Seventh Year of His preſent Majeſty's Reign, intituled, *An Act to diſcontinue, for a limited Time, the Duties payable upon the Importation of Tallow, Hogs-lard, and Greaſe;* and to permit the Importation of Salted Beef, Pork, Bacon, Hams, and Cheeſe, into this Kingdom, from any Part of *Europe*, for a limited Time, free of Duty.

Preamble. Act 7 *Geo.* III.
Act 10 *Geo* III.
further continued until *March* 25, 1776.

WHEREAS an Act of Parliament, paſſed in the Seventh Year of the Reign of His preſent Majeſty, intituled, *An Act to diſcontinue, for a limited Time, the Duties payable upon the Importation of Tallow, Hogs-lard, and Greaſe:* And whereas an Act was made in the Tenth Year of His preſent Majeſty's Reign, to continue the ſaid Act until the Twenty-fifth Day of *March*, One thouſand ſeven hundred and ſeventy-three: And whereas the allowing the Importation of Tallow, Hogs-lard, and Greaſe, for a further Time, may be of great Advantage; may it therefore pleaſe Your Majeſty that it may be enacted; and **be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act of the Seventh Year of His preſent Majeſty's Reign, and all and every the Clauſes, Proviſions, Penalties, Forfeitures, Allowances, Matters, and Things, therein contained, ſhall be further continued, from the Expiration thereof, until the Twenty-fifth Day of** March, **One thouſand ſeven hundred and ſeventy-ſix, as fully and effectually to all Intents and Purpoſes as if the ſame were inſerted and re-enacted in the Body of this preſent Act.**

Salted Beef, Pork, Bacon, *&c* from any Part of *Europe*, ſhall be admitted Duty free till *Jan.* 1, 1774.

II. And whereas the free Importation of Salted Beef, Pork, Bacon, Hams, and Cheeſe, from any Part of *Europe*, for a limited Time, may be of great Advantage; **be it enacted, That from and after the paſſing of this Act, the Importation of Salted Beef, Pork, Bacon, Hams, and Cheeſe, from any Part of** Europe into Great Britain, **be admitted free of Duty until the Firſt Day of** January, **One thouſand ſeven hundred and ſeventy-four; and that all the Clauſes, Proviſions, Penalties, Forfeitures, Allowances, Matters, and Things, contained in the ſaid Act of the Seventh Year of His preſent Majeſty's Reign, ſhall extend, and be conſtrued to extend, to the Importation of Salted Beef, Pork, Bacon, Hams, and Cheeſe.**

CAP. VI.

An Act for continuing and granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thouſand ſeven hundred and ſeventy-three.

CAP. VII.

An Act for allowing the free Importation of Rice into this Kingdom from any of His Majeſty's Colonies in *America*, for a limited Time; and for encouraging the making of Starch from Rice.

Preamble.

WHEREAS the allowing the free Importation of Rice, from any of His Majeſty's Colonies in *America* into *Great Britain*, for a limited Time, is, and will be, of great Advantage, and may be a Means of encouraging the making of Starch from Rice:

May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, it ſhall and may be lawful for any Perſon or Perſons to import into Great Britain, from any of His Majeſty's Colonies in America, at any Time or Times before the Firſt Day of May, One thouſand ſeven hundred and eighty, any Rice, without the Payment of any Subſidy, Cuſtom, Duty, or Impoſition whatſoever; any Thing in any former Act or Acts of Parliament to the Contrary thereof in any-wiſe notwithſtanding.

Rice may be imported into *Britain* from *America*, at any Time before *May* 1, 1780, without Payment of Duty.

II. And be it further enacted by the Authority aforeſaid, That for and upon all Rice which ſhall be imported into this Kingdom Duty-free, by virtue of this Act, and which ſhall be again exported thereout, there ſhall be paid and anſwered to His Majeſty, His Heirs and Succeſſors, a Subſidy of Poundage of Sixpence in the Pound, according to the Value or Rate ſet upon Rice imported, in the Book of Rates referred to by the Act of the Twelfth Year of King Charles the Second; which ſaid Subſidy of Sixpence in the Pound, upon ſuch Rice ſo exported, ſhall be raiſed, levied, collected, and recovered, by ſuch Ways and Means, and under ſuch Rules, Regulations, Penalties, and Forfeitures, as the Subſidy or Poundage for any Goods or Merchandiſe exported from Great Britain may be raiſed, levied, collected, or recovered, by any Act of Parliament now in Force, as fully and effectually, to all Intents and Purpoſes, as if the ſeveral Clauſes, Powers, Directions, Penalties, and Forfeitures, relating thereto, were particularly repeated and again enacted in the Body of this preſent Act.

All ſuch Rice being afterwards exported, to pay to His Majeſty, &c. a Subſidy of 6 *d.* in the Pound, as by Act 12 *Car.* II.

III. And be it further enacted by the Authority aforeſaid, That the ſaid Duties, granted by this Act upon Rice exported, ſhall (the neceſſary Charges of Management excepted) be paid into the Receipt of His Majeſty's Exchequer, and be there reſerved for the Diſpoſition of Parliament.

The Duties to be paid into the Receipt of Exchequer.

IV. And whereas *William Prince* is intitled, under certain Letters Patent, granted to him ſome Time in the Year One thouſand ſeven hundred and ſixty-eight, to the ſole and excluſive Right of making Starch from Rice for the Term of Fourteen Years, commencing from the Date thereof; and the ſaid *William Prince* hath conſented to waive all Benefit, under the ſaid Letters Patent, for the general Advantage of the Starch Manufactory; be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, it ſhall and may be lawful for any Perſon or Perſons whomſoever to make Starch of Rice, the ſaid Letters Patent, or other Matter or Thing to the Contrary notwithſtanding.

All Perſons may make Starch of Rice, *William Prince*'s Letters Patent notwithſtanding.

CAP. VIII.

An Act for granting an Aid to His Majeſty by a Land Tax, to be raiſed in *Great Britain*, for the Service of the Year One thouſand ſeven hundred and ſeventy-three.

CAP. IX.

An Act to reſtrain the *Eaſt India Company*, for a limited Time, from making any Appointment of Commiſſioners for ſuperintending and regulating the Company's Affairs, at their Preſidencies in the *Eaſt Indies*.

CAP. X.

An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters.

CAP. XI.

An Act for the Regulation of His Majeſty's Marine Forces, while on Shore.

CAP. XII.

An Act to indemnify ſuch Perſons as have omitted to qualify themſelves for Offices and Employments within the Time limited by Law, and for giving further Time for that Purpoſe; and to give further Time to ſuch Perſons as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors.

Preamble.

WHEREAS divers Perſons, who, on account of their Offices, Places, Employments, or Profeſſions, or any other Cauſe or Occaſion, ought to have taken and ſubſcribed the Oaths, or the Aſſurance, reſpectively appointed to be by ſuch Perſons taken and ſubſcribed, in and by an Act, made in the Firſt Year of the Reign of His late Majeſty King *George* the Firſt, of glorious Memory, (intituled, *An Act for the further Security of His Majeſty's Perſon and Government, and the Succeſſion of the Crown in the Heirs of the late Princeſs* Sophia, *being Proteſtants; and for extinguiſhing the Hopes of the pretended Prince of* Wales, *and his open and ſecret Abettors*); or to have qualified themſelves according to an Act, made in the Thirteenth Year of the Reign of King *Charles* the Second, (intituled, *An Act for the well-governing and regulating Corporations*); or to have qualified themſelves according to another Act, made in the Twenty-fifth Year of the Reign of King *Charles* the Second, (intituled, *An Act for preventing the Dangers which may happen from Popiſh Recuſants, by receiving the Sacrament of the Lord's Supper according to the Uſage of the Church of* England, *and making and ſubſcribing the Declaration againſt Tranſubſtantiation therein mentioned*); or according to another Act, made in the Thirtieth Year of the Reign of King *Charles* the Second, (intituled, *An Act for the more effectual preſerving the King's Perſon and Government, by diſabling Papiſts from ſitting in either Houſe of Parliament*);

Perſons who have omitted to take the Oaths appointed by Act 1 *Geo.* I.

Act 13 *Car.* II.

Act 25 *Car.* II.

Act 30 *Car.* II.

Act 8 *Geo.* I.

Act 9 *Geo.* II.

Act 18 *Geo.* II.

and Act 6 *Geo.* III.

ment); or according to another Act, made in the Eighth Year of the Reign of His late Majeſty King *George* the Firſt, (intituled, *An Act for granting the People called* Quakers *ſuch Forms of Aſſirmation or Declaration as may remove the Difficulties which many of them lie under*); or according to another Act, made in the Ninth Year of the Reign of His late Majeſty King *George* the Second, (intituled, *An Act for indemnifying Perſons who have omitted to qualify themſelves for Offices within the Time limited by Law, and for allowing further Time for that Purpoſe; and for amending ſo much of an Act, paſſed in the Second Year of the Reign of His preſent Majeſty, as requires Perſons to qualify themſelves for Offices before the End of the next Term or Quarter Seſſions; and alſo for enlarging the Time limited by Law for making and ſubſcribing the Declaration againſt Tranſubſtantiation; and for allowing a further Time for Inrolment of Deeds and Wills made by Papiſts; and for Relief of Proteſtant Purchaſers, Deviſees, and Leſſees*); or according to another Act, made in the Eighteenth Year of the Reign of His late Majeſty King *George* the Second, (intituled, *An Act to amend and render more effectual an Act, paſſed in the Fifth Year of His preſent Majeſty's Reign, intituled,* An Act for the further Qualification of Juſtices of the Peace); or according to another Act, made in the Sixth Year of the Reign of His preſent Majeſty, (intituled, *An Act for altering the Oath of Abjuration, and the Aſſurance; and for amending ſo much of an Act made in the Seventh Year of Her late Majeſty Queen* Anne, *intituled,* An Act for the Improvement of the Union of the Two Kingdoms, *as, after the Time therein limited, required the Delivery of certain Liſts and Copies therein mentioned to Perſons indicted of High Treaſon, or Miſpriſion of Treaſon*); have, through Ignorance of the Law, Abſence, or ſome unavoidable Accident, omitted to take and ſubſcribe the ſaid Oaths and Aſſurance, and make and ſubſcribe the Declaration required by Law, or otherwiſe to qualify themſelves, as aforeſaid, within ſuch Time, and in ſuch Manner, as in and by the ſaid Acts reſpectively, or by any other Act of Parliament in that Behalf made, is required, whereby they have incurred, or may be in Danger of incurring, divers Penalties and Diſabilities: For quieting the Minds of His Majeſty's Subjects, and for preventing any Inconveniencies that might otherwiſe happen by means of ſuch Omiſſions, **be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and every Perſon or Perſons who, at or before the paſſing of this Act, hath or ſhall have omitted to take and ſubſcribe the ſaid Oaths and Declarations, or to receive the Sacrament of the Lord's Supper, or otherwiſe, to qualify him, her, or themſelves, within ſuch Time, and in ſuch Manner, as in and by the ſaid Acts, or any of them, or by any other Act of Parliament in that Behalf made, is required; and who, after accepting any ſuch Office, Place, or Employment, or undertaken any Profeſſion or Thing on account of which ſuch Qualification ought to have been had, and is required, before the paſſing of this Act, hath or have taken and ſubſcribed the ſaid Oaths, or made the Declarations required by Law, and alſo received the Sacrament of the Lord's Supper according to the Uſage of the Church of** England, **or who, on or before the Twenty-fifth Day of** December, **One thouſand ſeven hundred and ſeventy-three, ſhall take and ſubſcribe the ſaid Oaths, Declarations, and Aſſurance reſpectively, in ſuch Caſes wherein by Law the ſaid Oaths, Declarations, and Aſſurance, ought to have been taken or ſubſcribed, in ſuch Manner and Form, and at or in ſuch Place or Places, as are appointed in and by the ſaid Act, made in the Firſt Year of the Reign of His ſaid late Majeſty King** George **the Firſt, or by any other Act or Acts of Parliament in that Behalf made and provided, and alſo hath or have received, or ſhall, on or before the ſaid Twenty-fifth Day of** December, **One thouſand ſeven hundred and ſeventy-three, receive the Sacrament of the Lord's Supper according to the Uſage of the Church of** England, **in ſuch Caſes wherein the ſaid Sacrament ought to have been received, and hath or have made and ſubſcribed, or ſhall, on or before the ſaid Twenty-fifth Day of** December, **One thouſand ſeven hundred and ſeventy-three, make and ſubſcribe the ſaid Declaration againſt Tranſubſtantiation, and alſo hath or have made and ſubſcribed, or ſhall, on or before the ſaid Twenty-fifth Day of** December, **One thouſand ſeven hundred and ſeventy-three, make and ſubſcribe the ſaid Declaration in the ſaid Statute made in the Thirtieth Year of King** Charles **the Second, in ſuch Caſes wherein the ſaid Declarations ought to have been made and ſubſcribed, and take and ſubſcribe the Oath directed by the ſaid Act, made in the Eighteenth Year of the Reign of His late Majeſty King** George **the Second, in ſuch Caſes wherein the ſaid Oath ought to have been taken and ſubſcribed, in ſuch Manner as by the ſaid Act is directed, ſhall be, and are hereby indemnified, freed, and diſcharged, from and againſt all Penalties, Forfeitures, Incapacities, and Diſabilities incurred, or to be incurred, for or by Reaſon of any Neglect or Omiſſion, previous to the paſſing of this Act, or taking or ſubſcribing the ſaid Oaths or Aſſurance, or receiving the Sacrament, or making or ſubſcribing the ſaid Declarations, or taking or ſubſcribing the ſaid Oath, according to the above-mentioned Acts, or any of them, or any Act or Acts; and ſuch Perſon and Perſons is and are, and ſhall be fully and actually recapacitated and reſtored to the ſame State and Condition, as he, ſhe, or they were in before ſuch Neglect or Omiſſion, and ſhall be deemed and adjudged to have duly qualified him, her, or themſelves, according to the above-mentioned Acts, and every of them: And that all Elections of, and Acts done, or to be done, by any ſuch Perſon or Perſons,**

Perſons qualifying before the paſſing of this Act,

or before *Dec.* 25, 1773,

indemnified againſt Forfeitures.

ſons, or by Authority derived from him, her, or them, are and ſhall be of the ſame Force and Validity as the ſame or any of them would have been if ſuch Perſon or Perſons reſpectively had taken the ſaid Oaths or Aſſurance, and received the Sacrament of the Lords Supper, and made and ſubſcribed the ſaid Declarations, and taken and ſubſcribed the ſaid Oath, according to the Direction of the ſaid Acts, and every or any of them; and that the Qualification of ſuch Perſon or Perſons, qualifying themſelves in Manner, and within the Time appointed by this Act, ſhall be, to all Intents and Purpoſes, as effectual as if ſuch Perſon or Perſons had reſpectively taken the ſaid Oaths and Aſſurance, and received the Sacrament, and made and ſubſcribed the ſaid Declaration, and taken and ſubſcribed the ſaid Oath, within the Time, and in the Manner, appointed by the ſeveral Acts before mentioned.

Not to extend to reſtore Perſons to any Office avoided by Judgement.

II. Provided always, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to reſtore or intitle any Perſon or Perſons to any Office or Employment, Benefice, Matter, or Thing whatſoever, already actually avoided by Judgement of any of His Majeſty's Courts of Record, or already legally filled up and enjoyed by any other Perſon; but that ſuch Office, Employment, Benefice, Matter, or Thing, ſo avoided, or legally filled up and enjoyed, ſhall be and remain in and to the Perſon or Perſons who is or are now, or ſhall, at the paſſing of this Act, be legally intitled to the ſame, as if this Act had never been made.

Perſons who ſhall cauſe Affidavits to be filed before *Michaelmas* 1773,

III. And whereas many Perſons have omitted to cauſe Affidavits to be made, and afterwards to be filed in the proper Office, of the actual Execution of ſeveral Contracts in Writing entered into by them to ſerve as Clerks to Attornies or Solicitors within the Time in which the ſame ought to have been done, and many Infants, and others, may thereby incur certain Diſabilities; for preventing thereof, and relieving ſuch Perſons, be it enacted by the Authority aforeſaid, That every Perſon who, at the paſſing of this Act, ſhall have neglected or omitted to cauſe any ſuch Affidavit or Affidavits as aforeſaid to be made and filed, and who, on or before the Firſt Day of Michaelmas Term, One thouſand ſeven hundred and ſeventy-three, ſhall cauſe One or more Affidavit or Affidavits to be made, and afterwards to be filed, in ſuch Manner as the ſame ought to have been made and filed in due Time, ſhall be, and is hereby indemnified, freed, and diſcharged, from and againſt all Penalties, Forfeitures, Incapacities, and Diſabilities, in or by any Act or Acts of Parliament mentioned and incurred, or to be incurred, for or by Reaſon of ſuch Neglect or Omiſſion; and every ſuch Affidavit and Affidavits ſo to be made, and which ſhall be duly filed on or before the ſaid Firſt Day of Michaelmas Term, One thouſand ſeven hundred and ſeventy-three, ſhall be as effectual, to all Intents and Purpoſes, as if the ſame had been made and filed within the reſpective Times the ſame ought, by the Laws now in being for that Purpoſe, to have been made and filed.

are indemnified, and diſcharged from Penalties.

CAP. XIII.

An Act to enable certain Perſons therein named to continue to work a Peſtle Mill, heretofore employed and uſed in making Battle Gunpowder, at *Old Forge Farm*, in the Pariſh of *Tonbridge*, in the County of *Kent*.

CAP. XIV.

An Act to encourage the Subjects of Foreign States to lend Money upon the Security of Freehold or Leaſehold Eſtates, in any of His Majeſty's Colonies in the *Weſt Indies*; and to render the Securities granted to ſuch Aliens effectual for recovering Payment of the Money ſo to be lent, by Sale of ſuch Freehold or Leaſehold Eſtates.

Preamble.

WHEREAS the Cultivation and Improvement of Eſtates in His Majeſty's Colonies in the *Weſt Indies*, and the erecting of Sugar Works and other neceſſary Buildings thereon, are attended with great Expence; and the Proprietors of ſuch Eſtates are often obliged to borrow large Sums of Money for theſe Purpoſes upon the Credit of ſuch Eſtates: And whereas it has been found difficult to procure ſufficient Loans from the Subjects of this Kingdom, and it would tend greatly to the Improvement of ſuch Eſtates, and to the publick Benefit, if Money could be borrowed at a reaſonable Rate of Intereſt from the Subjects of Foreign States, for the Purpoſes aforeſaid; but Doubts have ariſen, whether, as the Law now ſtands, any Security, in the Nature of a Mortgage granted to a Foreigner, or Alien, or to any Perſon in Truſt for him, can be made effectual againſt ſuch Eſtates for recovering the Money lent thereon: And whereas no Foreigner or Alien, as the Law now ſtands, can bring or proſecute any Suit, for the Recovery of Money, in any Court of Law or Equity within His Majeſty's Dominions, at a Time when the State of which ſuch Alien is a natural-born Subject is at War with this Kingdom: In order to remove ſuch Doubts, and to encourage Foreigners, or Aliens, to lend Money upon the Security of ſuch Eſtates, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, it ſhall and may be lawful to and for all and every Perſon and Perſons, being Foreigners, or Aliens, to lend Money at a Rate of Intereſt not exceeding Five Pounds per Centum per Annum, upon the Security of any Freehold or Leaſehold Eſtate, in any

After the paſſing of this Act, Foreigners may lend Money at Intereſt, not exceeding 5 *l.* *Per Cent.* on the Security of Freehold Eſtates in the *Weſt Indies.*

any of His Majeſty's Colonies in the Weſt Indies and to hold the ſame as an effectual Security for the Money lent, and to proſecute any Suit or Suits for recovering the ſame, as herein-after mentioned, whether the Foreign State of which ſuch Alien is a natural-born Subject be at War with this Kingdom or not.

In caſe of Nonpayment, Suits may be brought at Common Law, for recovery of Demands;

or in the Court of Chancery for the Colony;

and the Plaintiff be intitled to the like Remedy for Recovery, as *Britiſh* Subjects.

II. And be it enacted by the Authority aforeſaid, That in caſe of Nonpayment of the Money lent upon any ſuch Security at the Time therein ſtipulated and agreed upon, it ſhall and may be lawful to and for all and every ſuch Foreigners, or Aliens, to bring and proſecute, by themſelves or their lawful Attornies reſpectively, any Suit or Suits at Common Law for the Recovery of their Demands, on any Bond, or other collateral Security, given or entered into, or on any Covenant on the Part of the Borrower contained in any ſuch Mortgage Deed or Deeds; and alſo his, her, or their Bill or Bills in the Court of Chancery of the Colony, where the Eſtate, on which ſuch Security ſhall have been granted, lies, praying a Decree of Sale of the ſaid mortgaged Premiſes for Payment of the Debt due thereon; in which ſaid Suit or Suits the Plaintiff or Plaintiffs ſhall be intitled to like Remedy and Remedies, for Recovery of his Debt and Coſts due, as any Britiſh Subject now may or can have; except the being intitled to have or obtain, directly or indirectly, the actual Poſſeſſion of any ſuch mortgaged Premiſes, by any Proofs of Execution whatſoever at the Common Law; or to foreclose the Equity of Redemption of ſuch mortgaged Premiſes by any Decree or Order of any Court of Equity whatſoever.

Court of Chancery to order the Sale of mortgaged Premiſes as in Caſes where the Mortgager hath conſented to a Sale.

III. And be it enacted by the Authority aforeſaid, That the ſaid Court of Chancery, where ſuch Bill or Bills ſhall be brought, may and ſhall direct and order the Sale of ſuch mortgaged Premiſes, in the ſame Manner as in Caſes where the Mortgager hath conſented to a Sale of the ſame; any Law, Uſage, or Practice, to the Contrary thereof in any-wiſe notwithſtanding.

Inconveniencies ariſing from the want of Means to compel Foreigners to appear to ſuch Bills, how to be prevented.

IV. And whereas upon Bills brought for the Redemption of ſuch Mortgages, Inconveniencies may ariſe from the Want of Means to compel ſuch Foreigners, or Aliens, or their Repreſentatives, to appear to ſuch Bills, who may reſide out of the Juriſdiction of the Court where ſuch Bills may be brought; be it enacted by the Authority aforeſaid, That in all ſuch Caſes, Service of any Writ or Proceſs of ſuch Court, upon the known Attorney or Agent of ſuch Foreigners or Aliens reſiding within the Juriſdiction of the ſaid Court reſpectively, ſhall be deemed good Service of ſuch Writ or Proceſs upon any ſuch Foreigner or Alien: And in caſe the Defendant or Defendants ſhall be abſent, and have no ſuch Attorney or Agent reſident within the Juriſdiction of the Court, upon Affidavit thereof made by the Perſon or Perſons ſeeking ſuch Relief, or by his, her, or their Attorney, duly conſtituted to the Satiſfaction of the Court out of which ſuch Writ or Proceſs ſhall iſſue, (in which Affidavit ſhall be expreſſed the Place of Reſidence of ſuch Foreigner, according to the beſt of the Deponent's Information and Belief), it ſhall be lawful for ſuch Court to iſſue a Commiſſion under Seal to Commiſſioners therein to be named, authoriſing ſuch Commiſſioners to take Affidavit of the Service of ſuch Writ or Proceſs on the Defendant or Defendants perſonally, or his, her, or their uſual Place of Reſidence, and to certify the ſame; and ſuch Affidavit returned with ſuch Commiſſion into the ſaid Court ſhall be competent Evidence of the Service of ſuch Writ or Proceſs, any Law, Cuſtom, or Uſage, to the Contrary in any-wiſe notwithſtanding: And if the Defendant or Defendants ſhall not, within Six Months after Service of the ſaid Writ or Proceſs upon the Attorney or Agent in the Colony, or upon the Defendant or Defendants abroad, appear to the ſaid Bill, either in Perſon, or by ſome Attorney or Attornies for that Purpoſe, lawfully to be appointed under Hand and Seal, or according to the Uſage of the Country to which the Defendant belongs; then, and in ſuch Caſe, the Court of Chancery in which ſuch Suit ſhall be brought is hereby authoriſed and required to take the Bill pro confeſſo, and to order and decree an Account to be taken, by One of the Maſters of the ſaid Court, of what is due to the Defendant or Defendants for Principal and Intereſt, and alſo for Coſts, if any; in taking of which Account, the Complainant or Complainants ſhall be obliged to ſhew or produce, before the Maſter, proper Vouchers for all Credits that he, ſhe, or they ſhall claim: And the ſaid Court is hereby further authoriſed, on the coming in of the Maſter's Report, to make a final Decree, appointing a Time and Place for Payment of the Sum, which, by ſuch Report, ſhall appear to be due to the Defendant or Defendants, together with Intereſt on the ſaid principal Sum, until tendered as herein-after mentioned, and adjudging a Redemption of the mortgaged Premiſes, upon the Payment of the ſaid Principal and Intereſt, and Coſts, if any, either to the Defendant or Defendants, or to his, her, or their lawful Attorney or Attornies, to be conſtituted as aforeſaid, or into the Bank of England, as herein-after preſcribed.

Court of Chancery may on the coming in of the Maſter's Report, make a final Decree for Payment.

Mortgagees refuſing to receive the Sum tendered, the Mortgager is to pay the ſame into the Bank of *England*;

V. And be it further enacted, That, after a Time and Place for Redemption of any ſuch Mortgage, and the Sum of Money to be paid for ſuch Redemption ſhall be aſcertained by the ſaid Court, according to the uſual Courſe of Proceeding in Caſes of Redemption of Mortgages, if the Sum of Money ſo to be paid ſhall be then and there lawfully tendered, and if ſuch Mortgagee or Mortgagees, or his or their Repreſentative or Repreſentatives, Attorney or Attornies, ſhall refuſe to receive the ſame, or ſhall not attend for that Purpoſe; then, and in either of ſuch Caſes, it ſhall be lawful for the Mortgager or Mortgagers, or his or their legal Repreſentative or Repreſentatives, or his, her, or their Attorney or Attornies, to pay ſuch Sum of Money into the Bank of England, in the Name, and with the Privity of the Accountant-general of the High Court of Chancery of England, to be placed to his Account there ex parte, the Mortgager or Mortgagers, or his or their Repreſentative or Repreſentatives, purſuant to the Method preſcribed by the Act of the Twelfth Year of the Reign of his late Majeſty King George the Firſt, (intituled, An Act for better ſecuring the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of *Eaſt India* Bonds and Indorſements thereon, as likewiſe Indorſements on *South Sea* Bonds), and the General Rules and Orders of the ſaid Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of his late Majeſty King George the Second, (intituled, An Act to impower the High Court of Chancery to lay out, upon proper Securities, any Monies not exceeding a Sum therein limited, out of the Common and General Caſh in the Bank of *England* belonging to the Suitors of the ſaid Court, for the Eaſe of the ſaid Suitors, by applying the Intereſt ariſing therefrom for anſwering the Charges of the Office of the Accountant-general of the ſaid Court), there to remain for the Benefit of the Mortgagee or Mortgagees, their Executors, Adminiſtrators, or Aſſigns, and to be laid out on Government or Parliamentary Securities, as herein-after mentioned, until he, ſhe, or they ſhall, upon a Petition to be preferred to the High Court of Chancery, in a ſummary Way, at his, her, or their Expence, obtain an Order of that Court for the Payment thereof, and of all Intereſt, Profits, and Dividends ariſing therefrom.

purſuant to Act 12 *Geo.* I.

and according to the General Rules of Court, and Act 12 *Geo.* II.

for the Benefit of the Mortgagees.

VI. And it is hereby further enacted by the Authority aforeſaid, That a Certificate or Certificates of the Accountant-general, under his Hand, (which he is hereby directed to give without Fee or Reward, as well to the Mortgager or Mortgagers, his, her, or their Heirs, as to the Mortgagee or Mortgagees, his, her, or their Executors, Adminiſtrators, or Aſſigns, upon Application made to him for that Purpoſe), that the Mortgager or Mortgagers, or his, her, or their Heirs or Repreſentatives, Attorney or Attornies, have paid ſuch Sum into the Bank of England, ſhall be a good and effectual Diſcharge to the Mortgager or Mortgagers, or his, her, or their Heirs; and that after ſuch Certificate ſhall be ſo given, the Mortgager or Mortgagers, his, her, or their Heirs or Aſſigns, and all and every other Perſon and Perſons who ſhall or may be Surety or Sureties for the Payment of the Sum originally lent, or the Intereſt thereof, ſhall be, and are hereby abſolutely acquitted, releaſed, and diſcharged of and from the ſame; and that the legal Eſtate, and all other the Intereſt of the Mortgagee or Mortgagees, or of his, her, or their Repreſentative or Repreſentatives in the mortgaged Premiſes, ſhall be, and is hereby declared to be, from and after the granting ſuch Certificate or Certificates, reveſted in the Mortgager or Mortgagers, or his, her, or their Heirs reſpectively, or in whom he, ſhe, or they, ſhall reſpectively appoint.

A Certificate of the Accountant-general for the Payment to be an effectual Diſcharge to the Mortgager.

VII. And be it further enacted by the Authority aforeſaid, That, in the mean Time, and until the Mortgagee or Mortgagees, or his, her, or their legal Repreſentative or Repreſentatives, ſhall apply by Petition to the High Court of Chancery for an Order to receive the ſaid Sum, the ſaid Accountant-general ſhall, and he is hereby directed and impowered to place out the ſame on Government or Parliamentary Securities; and ſhall pay the Intereſt, Dividends, or Profits therefrom ariſing, from Time to Time, as the ſame ſhall become due and payable unto the Perſon or Perſons who ſhall be intitled to the Sum ſo paid into the ſaid Bank.

Before Application to Chancery for an Order to receive the Sum, the Accountant is to place it out on Government Security.

VIII. And be it further enacted by the Authority aforeſaid, That the ſaid High Court of Chancery ſhall, and is hereby required and authoriſed to make an Order for the Payment of the Sum that ſhall be ſo paid into the ſaid Bank as aforeſaid, and of all Dividends, Profits, and Intereſt therefrom ariſing, to the Perſon or Perſons intitled thereto, upon an Application made to the ſaid Court by Petition, in a ſummary Way, by the Mortgagee or Mortgagees, his, her, or their Executors, Adminiſtrators, or Aſſigns; on hearing of which Petition it ſhall be ſufficient for the Petitioner or Petitioners to prove, to the Satiſfaction of the Court, that he, ſhe, or they, is or are the Perſon or Perſons for whoſe Uſe or Benefit the Money was ſo paid into the ſaid Bank, or that he, ſhe, or they, are the legal Repreſentative or Repreſentatives of ſuch Perſon or Perſons, without requiring any of the Proceedings in the Court of Chancery of the Colony in the Cauſe to be tranſmitted hither; and upon producing ſuch Order to the Accountant-general, the Money ſhall be paid to the Perſon ſpecified in ſuch Order, or to his, her, or their lawful Attorney or Attornies, without Fee or Reward.

Court of Chancery to order Payment of Money paid into the Bank, &c.

on Application in a ſummary Way by the Mortgagee.

IX. And be it enacted by the Authority aforeſaid, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without being ſpecially pleaded.

Publick Act.

CAP. XV.

An Act for paving, cleanſing, and lighting the *High Street*, *Eaſt Street*, and *Weſt Street*, in the Town and Pariſhes of *Graveſend* and *Milton*, in the County of *Kent*; and for lighting the other Streets; and for removing all Incroachments and Annoyances within the ſaid Town and Pariſhes.

Preamble.

WHEREAS the *High Street*, *Eaſt Street*, and *Weſt Street*, within the Town and Pariſhes of *Graveſend* and *Milton*, in the County of *Kent*, are very ill paved, cleanſed, and lighted: And whereas it would be a great Improvement of the ſaid Town and Pariſhes, and be very beneficial to the Inhabitants, and all Perſons reſorting thereto, if the above-mentioned Streets were properly paved and cleanſed, and if ſome Proviſion was made for lighting the ſaid Streets, and alſo the ſeveral other Streets and Places within the ſaid Town and Pariſhes, and removing and preventing all Annoyances, Nuiſances, and Incroachments, within the ſaid Town and Pariſhes: But the ſeveral Works aforeſaid cannot be effectually done without the Aid of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Seneſcal or High Steward of the Corporation of Graveſend and Milton for the Time being, the Mayor of the ſaid Corporation for the Time being, the Sub-ſeneſcal or Recorder of the ſaid Corporation for the Time being, the Governor for the Time being of His Majeſty's Town and Forts of Graveſend and Tilbury, the Deputy Governor for the Time being of the ſaid Town and Forts, Anthony Arnold, John Allen, David Bolger, John Brettle, George Cooper, William Cruden, Richard Cooſens, Joſeph Clarke, the Reverend John Dolman, John Delap, James Dawſon, William Fry, Captain Francis Gildart, John Goldſmith, James Harriſon, Lawrence Holker, John Hutchinſon, James Leigh Joynes, John Kittermaſter, William Lance, William Marriott, Walter Medhurſt, George Saint Lo Man, John Millen, Walter Nynn, William Outram, the Reverend Joſeph Pote, Henry Thames Rogers, John Radiſh, William Reed, Richard Read, Auguſtine Styles, Hans Sloane, Thomas Troughton, James Terry, George Vaughan, Francis Webb, James Wade, George Wilſon, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be, and are hereby appointed Commiſſioners for putting this Act in Execution.

Commiſſioners Names.

Qualification of Commiſſioners.

II. And be it further enacted, That no Perſon hereby appointed, or who ſhall be elected in Manner herein-after mentioned, ſhall be qualified or capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be, in his own Right, or in Right of his Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Ten Pounds, Freehold, or Leaſehold, ariſing within the ſaid Town and Pariſhes of Graveſend and Milton; or unleſs he ſhall be a Tenant or Occupier of Lands, Tenements, or Hereditaments, within the ſaid Pariſhes of the clear yearly Rent of Twelve Pounds, and ſhall alſo be poſſeſſed of a perſonal Eſtate to the Amount or Value of Three hundred Pounds; but no Perſon whatſoever ſhall be qualified or capable of acting as a Commiſſioner who ſhall hold any Place of Profit, or be concerned or intereſted, directly or indirectly, in any Contract to be made by virtue of this Act: And if any Perſon not being qualified or capable of acting as aforeſaid ſhall nevertheleſs preſume to act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of One hundred Pounds to any Perſon or Perſons who will ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is qualified, and capable of acting as a Commiſſioner according to the true Intent and Meaning of this Act, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor than that ſuch Perſon hath acted as a Commiſſioner in the Execution of this Act.

No Penalty upon the High Steward, Governor, *&c.*

III. Provided always, That nothing herein-before contained ſhall extend, or be conſtrued to extend, to inflict any Penalty upon the ſaid High Steward, Mayor, Recorder, Governor, or Deputy Governor, for or on account of acting as Commiſſioners in the Execution of this Act, although they ſhall not be qualified to act as herein-before is mentioned; any Thing herein-before contained to the Contrary hereof notwithſtanding.

Firſt Meeting of Commiſſioners.

IV. And be it further enacted, That the ſaid Commiſſioners ſhall meet at the Falcon Tavern, in the ſaid Pariſh of Milton, on the Tueſday Sevennight next after the paſſing of this Act, between the Hours of Two and Four of the Clock in the Afternoon, and afterwards at ſuch Place and Places, within the ſaid Pariſhes of Graveſend and Milton, or either of them, as they ſhall think fit, as often as it ſhall be neceſſary for putting this Act in Execution.

For appointing Officers.

V. And be it further enacted, That the ſaid Commiſſioners may, from Time to Time, chuſe, elect, and appoint a Clerk, Treaſurer, Collector, Surveyor, and Scavenger, and ſuch other Officers as they ſhall think proper and neceſſary for carrying this Act into

Execution, and ſhall take ſuch Security for the due Execution of their reſpective Offices, as the ſaid Commiſſioners ſhall think proper; and ſhall and may, from Time to Time, remove all or any of the ſaid Officers, and appoint others in the Room of ſuch of them as ſhall be ſo removed, or as may happen to die, as they ſhall think fit; and ſhall and may, out of the Monies ariſing by virtue of this Act, pay ſuch Salaries, give ſuch Gratuities, and make ſuch Allowances, as they ſhall judge reaſonable, to all ſuch Officers, and alſo to all ſuch other Perſons as have been or ſhall be employed in the Execution of this Act: And in caſe any Clerk, Surveyor, Scavenger, or other Officer or Perſon, who ſhall be employed by the ſaid Commiſſioners, ſhall forbear to do any Thing ordered or directed to be done, either by this Act, or by the ſaid Commiſſioners relative to the Execution thereof, or ſhall be any-way concerned in Intereſt in any Bargain or Contract made, or to be made, by the ſaid Commiſſioners, by Authority hereof; every Perſon offending in any of the Caſes aforeſaid ſhall forfeit and pay the Sum of Thirty Pounds to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, Bill, Plaint, or Information, to be commenced within Three Calendar Months after the Offences ſhall be committed; in which Action or Suit no Protection, Eſſoin, or Wager of Law, or more than One Imparlance, ſhall be allowed; and every ſuch Perſon ſhall alſo be for ever after incapable of being employed by the ſaid Commiſſioners in the Execution of this Act.

Penalty on Officers offending.

Property of Pavements, &c. veſted in Commiſſioners.

VI. And be it further enacted, That, from and after the paſſing of this Act, the Right and Property of all the preſent and future Pavements in the ſaid Streets called High Street, Eaſt Street, and Weſt Street, as well the Foot-ways as the Carriage-ways, and of all Lamps, Lamp-irons, and Poſts, which ſhall be erected or fixed, as well within the ſaid Streets as within any other Streets or Places within the ſaid Town and Pariſhes by virtue of this Act, and of all Materials, Implements, and other Things to be purchaſed for the Purpoſes of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners; and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Name of their Treaſurer or Clerk, or to prefer any Bill or Bills of Indictment (as the Caſe ſhall require) againſt any Perſon or Perſons who ſhall ſteal, take, or carry away, break, detain, ſpoil, injure, or deſtroy any of the ſaid Pavements, or any Lamps, Lamp-irons, Poſts, or any Materials or Things herein-before veſted in the ſaid Commiſſioners, or any Part or Parts thereof; and the ſaid Commiſſioners ſhall alſo have full Power and Authority to ſell and diſpoſe of all or any Part of the old Materials to any Perſon or Perſons who ſhall be willing to purchaſe the ſame; and the Money ariſing by ſuch Sale ſhall be applied for the Purpoſes of this Act.

Commiſſioners to order the Streets, &c. to be paved;

and to cauſe all Incroachments to be removed.

VII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, when and as often as they ſhall think proper, to order and direct all the Pavements of the ſaid High Street, Eaſt Street, and Weſt Street, or any Part or Parts thereof, to be taken up, and the ſaid Streets to be paved, repaired, raiſed, lowered, altered, and kept properly cleanſed and lighted, in ſuch Manner as they ſhall think fit; and alſo to cauſe all Incroachments, Annoyances, Obſtructions, and Nuiſances in the ſaid Streets to be taken down, removed, and carried away, and alſo proper Drains, Gutters, and Watercourſes to be made under Ground, or otherwiſe, for conveying Water along, out of, and from the ſame, when, and as often, and in ſuch a Manner, and at ſuch Places, as the ſaid Commiſſioners ſhall think proper and neceſſary; and to cauſe to be dug, carted, and carried out of and brought into the ſame Streets, or any of them, from Time to Time, ſuch Quantities of Gravel, Stones, and other Materials, and to employ ſuch Artificers, Workmen, Labourers, Carters, and others, in the ſeveral Works and Matters aforeſaid, as they ſhall think neceſſary; and the Perſon and Perſons authoriſed, directed, or employed, by the ſaid Commiſſioners to execute, do, and perform the ſaid ſeveral Works, Matters, and Things before mentioned, ſhall, and they have hereby full Power and Authority to do, execute, and perform all ſuch Works, Matters, and Things accordingly.

Penalty on altering Pavements, &c. without Conſent of the Commiſſioners.

VIII. And be it further enacted, That if any Perſon ſhall at any Time or Times make, or cauſe to be made, any Alteration in the Form of the Pavements within the ſaid High Street, Eaſt Street, or Weſt Street, without the Conſent of the ſaid Commiſſioners for that Purpoſe firſt had and obtained, the Perſon making or cauſing ſuch Alteration to be made, ſhall, at his, her, or their own Coſts and Charges, within Fourteen Days after Notice given for that Purpoſe by the Surveyor or Clerk to the ſaid Commiſſioners cauſe the ſaid Pavement to be put into the ſame State, Condition, and Form, as the ſame was in before ſuch Alteration was made; and in caſe of his, her, or their Neglect or Refuſal ſo to do within the Time aforeſaid, the ſaid Commiſſioners ſhall and may cauſe the ſaid Pavement to be put into the ſame State, Condition, and Form, as ſuch Pavement was in before ſuch Alteration was made; and all Expences attending the ſame ſhall be reimburſed the ſaid Commiſſioners by the Perſon who cauſed ſuch Alteration to be made without ſuch Conſent as aforeſaid; and in caſe all ſuch Expences ſhall not be paid to the ſaid Commiſſioners, or to their Order, within Fourteen Days after ſuch Expences ſhall be incurred, the ſame ſhall be levied and recovered in ſuch and the like Manner as the Rates or Aſſeſſments laid and aſſeſſed by virtue of this Act can or may be levied and recovered, together with all Charges and Expences attending the Recovery thereof.

Commiſſioners may contract for paving, &c. and cauſe a certain Proportion of the old Materials to be uſed.

IX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authoriſed and impowered, from Time to Time, to contract and agree with any Perſon or Perſons for the paving, repaving, repairing, raiſing, lowering, amending, altering, and cleanſing, the ſaid High Street, Eaſt Street, and Weſt Street, and all ſuch Contracts ſhall ſpecify the Works to be done, the Prices to be paid for the ſame, and the Time and Times when ſuch Works ſhall be performed and completed, and alſo the Penalties to be ſuffered in caſe of Nonperformance thereof; and all ſuch Contracts and Agreements ſhall be ſigned by the ſaid Commiſſioners, or any Seven or more of them, and by the Perſon or Perſons contracting to perform ſuch Works, and the ſaid Commiſſioners are hereby authoriſed to pay ſuch Sum or Sums of Money for ſuch Works out of the Money to be raiſed for the Purpoſes of this Act; and all the Foot-ways within the ſaid High Street, Eaſt Street, and Weſt Street, where the ſame can be done, ſhall be paved with Stones, called Maidſtone Flats, or ſome other ſmooth Stones with a Kirb Stone; and the Horſe and Carriage Ways within the ſaid Streets ſhall be paved with the Materials, and in the Proportions herein-after mentioned; that is to ſay, Two-third Parts at the leaſt of the Carriage-way within the ſaid High Street ſhall be repaved with the old Materials of the ſaid Street, (if ſuch old Materials ſhall be found ſufficient and fit for that Purpoſe), and One-half Part at the leaſt of the Carriage-ways within the ſaid Eaſt Street and Weſt Street ſhall be repaved with the old Materials of thoſe Streets, (if ſuch Materials ſhall be found ſufficient and fit for that Purpoſe), and the remaining Parts of the Carriage-ways within the ſaid High Street, Eaſt Street, and Weſt Street, ſhall be paved with good Kentiſh Blue Stones or ſized Pebbles, or with ſuch other hard Stones or Materials as the ſaid Commiſſioners ſhall think moſt proper.

Commiſſioners, &c. to take neceſſary Materials for paving according to Law.

X. And be it further enacted, That the ſaid Commiſſioners, or any Surveyor or other Perſon to be employed by them, or any Perſon or Perſons to be appointed or employed by ſuch Surveyor or other Perſon, ſhall and may, and they are hereby authoriſed and impowered to dig for, take, and carry away any Gravel and other Materials fit and proper for the paving and covering the Pavement of the ſaid High Street, Eaſt Street, and Weſt Street, or which they ſhall adjudge neceſſary or fitting to be uſed in and about the ſame, or for any of the Purpoſes of this Act, in ſuch Place and Places, and in ſuch Manner, as any Surveyor of the Highways of and for the Pariſhes of Graveſend and Milton is by Law impowered to do for repairing Highways within the ſame.

Commiſſioners may cauſe Pavements to be repaired upon Complaint of any Two Houſekeepers.

XI. And be it further enacted, That if any Two Houſekeepers within the ſaid High Street, Eaſt Street, or Weſt Street, ſhall make Complaint in Writing under their Hands to the ſaid Commiſſioners of any Defect or Want of Repair in any of the Pavements thereof, after the ſame ſhall have been new paved, repaved, or repaired, by virtue of this Act; then, and in every ſuch Caſe, the ſaid Commiſſioners, upon any ſuch Complaint, ſhall forthwith cauſe the Pavement ſo complained of to be inſpected; and if the ſame ſhall be found defective, and ſo reported to be to the ſaid Commiſſioners, they the ſaid Commiſſioners ſhall forthwith cauſe the ſame to be repaved or repaired by their Contractor or Pavior: And if the Contractor or Pavior to the ſaid Commiſſioners, to whom ſuch Order ſhall be given, ſhall not, within Eight Days next after the Receipt thereof, repair the ſaid defective Pavements; then, and in every ſuch Caſe, the ſaid Contractor or Pavior ſhall forfeit and pay the Sum of Five Shillings for every Day ſuch defective Pavement ſhall remain unrepaired, after the Expiration of the ſaid Eight Days.

The Limits of the *High Street*, *Eaſt Street*, and *Weſt Street*, aſcertained.

XII. And in order to prevent Diſputes touching the Limits of the ſaid *High Street*, *Eaſt Street*, and *Weſt Street*, to be paved and cleanſed as aforeſaid, be it further enacted and declared by the Authority aforeſaid, That the Limits of the ſaid Streets ſhall, for the ſeveral Purpoſes of this Act, be deemed and taken to extend and be as follows; (that is to ſay), The Limits of the ſaid High Street ſhall be deemed and taken to be from the South End of a Meſſuage or Tenement in the ſaid High Street, now in the Occupation of Vincent Arnold, on both Sides the Way, unto the North End of a certain Key or Wharf called The Town Key; the Limits of the ſaid Eaſt Street ſhall be deemed and taken to be from the Weſt End of a Meſſuage or Tenement now in the Occupation of John Francis, known by the Sign of The Queen's Head, ſituate at the Corner of the ſaid Eaſt Street, on both Sides the Way, unto the Eaſt End of a Meſſuage or Tenement in the ſame Street, now in the Occupation of Ellen Joynes, Widow, (excluſive of ſuch Part of the ſame Meſſuage or Tenement as was formerly called or known by the Name of The Brigantine); and the Limits of the ſaid Weſt Street ſhall be deemed and taken to be from the Eaſt End of a Meſſuage or Tenement now in the Occupation of Captain William Outram, at the Corner of the ſaid Weſt Street, on both Sides the Way, unto a Place called The Gully Hole in the ſame Street; any Uſage or Cuſtom to the Contrary hereof notwithſtanding.

Rates to be paid by Occupiers, &c;

XIII. And, for defraying the Charges and Expences of paving, repaving, repairing, and cleanſing the ſaid *High Street*, *Eaſt Street*, and *Weſt Street*, and other the Purpoſes of this Act, be it further enacted, That, from and after the paſſing of this Act, a Rate or

Aſſeſſment ſhall Once in every Year be made and aſſeſſed by the ſaid Commiſſioners, or any Seven or more of them, upon the Owner or Proprietor of every Houſe, Shop, Yard, Warehouſe, Storehouſe, Stable, Cellar, Vault, Building, Piece of Land or Ground, Wharf, Key, or other Tenement or Hereditament, within the ſaid High Street, Eaſt Street, and Weſt Street, or any Shop, Warehouſe, Storehouſe, Stable, Cellar, Vault, Building, Yard, Piece of Land or Ground, or any other Tenement or Hereditament, which ſhall belong to and be uſed and occupied by any Perſon or Perſons inhabiting any Houſe or other Building, ſituate in any of the ſaid Streets, and alſo upon the Owner or Proprietor of every Houſe, Shop, Yard, Warehouſe, Storehouſe, Stable, Cellar, Vault, Building, Piece of Land or Ground, Wharf, Key, or other Tenement or Hereditament, ſituate on the North Side of the ſaid Weſt Street, towards the River Thames, ſo as the ſaid Rate or Aſſeſſment, to be made as aforeſaid, ſhall not in any One Year exceed in the Whole the Sum of Eight-pence in the Pound, of the yearly Rent or Value of all ſuch Houſes, Shops, Yards, Warehouſes, Storehouſes, Stables, Cellars, Vaults, Buildings, Pieces of Land or Ground, Wharfs, Keys, or other Tenements or Hereditaments, according to the Rack-rent or full yearly Value thereof; which ſaid Rate or Aſſeſſment ſhall, from Time to Time, be paid to the Collector or Clerk for the Time being appointed by the ſaid Commiſſioners, by the Tenant or Occupier, Tenants or Occupiers, of any ſuch Houſes, Shops, Yards, Warehouſes, Storehouſes, Stables, Cellars, Vaults, Buildings, Pieces of Land or Ground, Wharfs, Keys, or other Tenements or Hereditaments; and every ſuch Tenant or Occupier, having paid ſuch Rate or Aſſeſſment, is hereby impowered to deduct and retain, out of his or her Rent, ſuch Sum or Sums of Money as he or ſhe ſhall reſpectively pay on account thereof, for the reſpective Owners or Proprietors of all ſuch Houſes, Shops, Yards, Warehouſes, Storehouſes, Stables, Cellars, Vaults, Buildings, Pieces of Land or Ground, Wharfs, Keys, or other Tenements or Hereditaments, as aforeſaid, and all ſuch Owners and Proprietors are hereby required to allow ſuch Deductions and Payments upon the Receipt of the Reſidue of their Rents; and if any ſuch Tenant or Occupier ſhall refuſe or neglect to pay ſuch Rate or Aſſeſſment within Ten Days after Demand thereof, by Notice in Writing under the Hand of the ſaid Collector or Clerk, to be delivered to or left at the Dwelling-houſe of ſuch Tenant or Occupier, the ſame ſhall and may be levied on every ſuch Tenant or Occupier by Diſtreſs and Sale of his or her Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any One or more Juſtice or Juſtices of the Peace of or for the Corporation of Graveſend and Milton, (which Warrant or Warrants the ſaid Juſtice or Juſtices is and are hereby authoriſed and required to grant, upon Information on Oath of ſuch Neglect or Refuſal, which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter without Fee or Reward), returning the Overplus (if any be) of the Money to be raiſed by ſuch Diſtreſs and Sale, after deducting all Coſts and Charges attending the ſame, to the Owner or Owners of ſuch Goods and Chattels ſo diſtrained, on Demand; and where any ſuch Houſe, Shop, Yard, Warehouſe, Storehouſe, Stable, Cellar, Vault, Building, Piece of Land or Ground, Wharf, Key, or other Tenement or Hereditament, ſhall be let or demiſed to more than One Tenant or Occupier, any One of ſuch Tenants or Occupiers ſhall be deemed the Tenant or Occupier thereof reſpectively, for the Purpoſes of this Act; and the ſaid Rate or Aſſeſſment, and all or any Arrears thereof, ſhall be levied by Diſtreſs and Sale of all or any of the Goods or Chattels in or upon any ſuch Houſe, Shop, Yard, Warehouſe, Storehouſe, Stable, Cellar, Vault, Building, Piece of Land or Ground, Wharf, Key, or other Tenement or Hereditament: And in caſe any ſuch Tenant or Tenants, Occupier or Occupiers, ſhall remove out of, or quit the Poſſeſſion of any Houſe, Shop, Yard, Warehouſe, Storehouſe, Stable, Cellar, Vault, Building, Piece of Land or Ground, Wharf, Key, or other Tenement or Hereditament, before ſuch Rate or Aſſeſſment ſhall be paid by him, her, or them; or if the Goods and Chattels of ſuch Tenant or Tenants, Occupier or Occupiers, ſhall not be ſufficient to defray ſuch Rate or Aſſeſſment, and all or any Arrears thereof; or if it happen that any ſuch Houſe, Shop, Yard, Warehouſe, Storehouſe, Stable, Cellar, Vault, Building, Piece of Land or Ground, Wharf, Key, or other Tenement or Hereditament, ſhall be untenanted or unoccupied at the Time the ſaid Rate or Aſſeſſment ſhall be due or payable; then, and in every ſuch Caſe, ſuch Houſe, Shop, Yard, Warehouſe, Storehouſe, Stable, Cellar, Vault, Building, Piece of Land or Ground, Wharf, Key, or other Tenement or Hereditament, ſhall be, and the ſame is and are hereby made a Security for and chargeable with every or any ſuch Rate or Aſſeſſment, and the ſame ſhall and may be levied, as aforeſaid, by Diſtreſs and Sale of the Goods and Chattels which ſhall be afterwards found upon the ſame Premiſes, or by Diſtreſs and Sale of the Goods and Chattels of the Owners or Proprietors thereof reſpectively: And in caſe ſuch Owners or Proprietors ſhall neglect or refuſe to pay the ſame for the Space of Twenty-one Days next after the ſame ſhall be demanded of him, her, or them, by Notice in Writing under the Hand of the ſaid Collector or Clerk, to be delivered to or left at the Dwelling-houſe or uſual Place of Abode of ſuch Owner or Owners, Proprietor or Proprietors, in caſe ſuch Owner or Proprietor ſhall reſide within the ſaid Town or Pariſhes of Graveſend and Milton; and in caſe ſuch Owner or

who may deduct the ſame out of their Rents.

How Rates are to be recovered from Perſons quitting Poſſeſſion.

or Proprietor ſhall not reſide within the ſaid Town and Pariſhes, then under the Hand and Seal or Hands and Seals of any One or more Juſtice or Juſtices of the Peace for the County, City, Borough, Town, or Place, where ſuch Owner or Proprietor ſhall live or reſide; and the Money ariſing by ſuch Rate or Aſſeſſment ſhall be, and the ſame is hereby veſted in the ſaid Commiſſioners, and ſhall be by them applied for the ſeveral Purpoſes of this Act.

Leſſees deemed Owners.

XIV. And be it further enacted, That no Perſon or Perſons whomſoever ſhall, on account of any Ground-rent iſſuing out of or payable for any Houſe, Shop, Yard, Warehouſe, Storehouſe, Stable, Cellar, Vault, Building, Piece of Land or Ground, Wharf, Key, or other Tenement or Hereditament, or on account of his or their Reverſion or Intereſt therein, be conſidered, deemed, taken, or adjudged to be the Owner or Owners, Proprietor or Proprietors thereof; but the Leſſee or Leſſees of ſuch Perſon or Perſons, or their Aſſigns, ſhall, during the Term for which ſuch Houſe, Shop, Yard, Warehouſe, Storehouſe, Stable, Cellar, Vault, Building, Piece of Land or Ground, Wharf, Key, or other Tenement or Hereditament, ſhall be demiſed, ſhall be conſidered, deemed, taken, and adjudged, for all and every the Purpoſes of this Act, to be the Owner or Proprietor thereof, and ſhall, during ſuch Term, bear and pay all Rates or Aſſeſſments whatſoever by virtue hereof to be borne or defrayed by the Owner or Proprietor of ſuch Houſes, Shops, Yards, Warehouſes, Storehouſes, Stables, Cellars, Vaults, Buildings, Pieces of Land or Ground, Wharfs, Keys, or other Tenements or Hereditaments, any Thing herein contained to the Contrary notwithſtanding.

Not to make void any Contract between Landlord and Tenant.

XV. Provided always, That nothing herein contained ſhall be deemed or taken to make void any Contract, Covenant, or Agreement, between any Landlord and Tenant, touching or concerning the paving the ſaid High Street, Eaſt Street, and Weſt Street, or any of them, or the keeping in Repair the Pavements thereof.

Additional Rates.

XVI. And, as a further Proviſion for defraying the Charges and Expences of carrying this Act into Execution, be it further enacted, That One Rate or Aſſeſſment ſhall alſo, Once in every Year, be made, laid, and aſſeſſed, by the ſaid Commiſſioners, or any Seven or more of them, upon all and every Perſon and Perſons who do or ſhall inhabit, hold, uſe, occupy, or enjoy, any Houſe, Shop, Yard, Warehouſe, Storehouſe, Stable, Cellar, Vault, Building, Piece of Land or Ground, Wharf, Key, or other Tenement or Hereditament, ſituate in the ſaid High Street, Eaſt Street, and Weſt Street, or any of them, or ſituate on the North Side of the ſaid Street called The Weſt Street, towards the River Thames, in ſuch Sum and Sums of Money as the ſaid Commiſſioners ſhall judge neceſſary; ſo as ſuch laſt-mentioned Rate or Aſſeſſment ſhall not exceed in the Whole the Sum of Sixpence in the Pound in any One Year of the yearly Rent or Value of ſuch Houſe, Shop, Yard, Warehouſe, Storehouſe, Stable, Cellar, Vault, Building, Piece of Land or Ground, Wharf, Key, or other Tenement or Hereditament, with the Appurtenances thereunto reſpectively belonging, or therewith uſed or enjoyed, according to the Rack-rent or full yearly Value thereof reſpectively; and the ſame ſhall be raiſed, collected, and recovered, by ſuch Ways and Means, and in ſuch Manner, as the Rates or Aſſeſſments on Tenants or Occupiers are herein-after directed to be recovered; and the Money ariſing by the ſaid laſt-mentioned Rate or Aſſeſſment ſhall be, and the ſame is hereby veſted in the ſaid Commiſſioners, and ſhall be by them applied for the ſeveral Purpoſes of this Act.

Poor's Rates may be inſpected.

XVII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Perſon or Perſons by them authoriſed under their Hands for that Purpoſe, from Time to Time to inſpect the Poor's Rates and Land-tax Aſſeſſments of and for the ſaid Town and Pariſhes, and to take Copies or Extracts therefrom, which the Overſeers of the Poor, or Collectors of the Land-tax, or other Perſon or Perſons having the Cuſtody thereof reſpectively, is and are hereby required to permit and ſuffer to be made and taken, on producing ſuch Order, without Fee or Reward; and on Refuſal ſo to do, every ſuch Overſeer of the Poor, or Collector of the Land-tax, ſhall forfeit and pay the Sum of Five Pounds for each ſuch Offence, to be levied and recovered in Manner herein-after mentioned.

Perſons paying the laſt-mentioned Rate to be excuſed doing Statute-duty.

XVIII. And for the Relief of all ſuch Perſons as ſhall pay the ſaid laſt-mentioned Rate or Aſſeſſment, be it further enacted, That all and every Perſon and Perſons (except as hereafter excepted) who ſhall be aſſeſſed, and ſhall pay the ſaid laſt-mentioned Rate or Aſſeſſment for the Purpoſes of this Act, ſhall, during all ſuch Time as they ſhall actually continue to pay the ſame, be excuſed and diſcharged from doing more than One Moiety of any Statute-duty or Labour towards the Repair of the Highways within the ſaid Town and Pariſhes, and from all Compoſition-money in lieu thereof, for or in reſpect of any Houſe, Building or other Tenement or Hereditament, in reſpect whereof he, ſhe, or they, ſhall pay ſuch Rate or Aſſeſſment as aforeſaid; any Law, Uſage, or Cuſtom to the Contrary hereof notwithſtanding.

No Perſons to be excuſed who keep Teams.

XIX. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to excuſe any Perſon or Perſons keeping any Team, Draught, or Plough, from any Statute or Highway Duty or Labour, which they ought to do and perform, or from the Payment of any Compoſition-money in lieu thereof.

XX. And be it further enacted, That if any additional Rate or Aſſeſſment ſhall at any Time or Times hereafter be laid upon the Inhabitants of the ſaid Town and Pariſhes by the Juſtices of the Peace of the Corporation of Graveſend and Milton, at their General Quarter Seſſions, for and towards repairing any of the Streets or Highways within the ſaid Town and Pariſhes, all and every Perſon and Perſons whatſoever within the ſaid Town and Pariſhes ſhall be liable to pay their Proportion of ſuch additional Rate or Aſſeſſment, in the ſame Manner as they would have been if this Act had not been made; any Thing in this Act contained to the Contrary hereof in anywiſe notwithſtanding.

All Perſons liable to pay additional Rates, &c.

XXI. And, in order forthwith to raiſe a Sum of Money ſufficient to carry the Purpoſes of this Act into Execution, be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay into the Hands of the ſaid Commiſſioners, for the Purpoſes aforeſaid, any Sum or Sums of Money, not exceeding in the Whole the Sum of Eight hundred Pounds, for the abſolute Purchaſe of One or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of ſuch Contributor or Contributors reſpectively, being of the Age of Forty Years or upwards, or the natural Life of ſuch other Perſon or Perſons, being of the ſame Age of Forty Years or upwards, as ſhall be nominated by or on the Behalf of ſuch Contributor or Contributors reſpectively, at the Time of Payment of his, her, or their Contribution-money, ſo as the ſaid Annuity or Annuities do not exceed the Rate of Ten Pounds for every One hundred Pounds, and ſo in proportion for any greater or leſs Sum of Money than One hundred Pounds, to be contributed, advanced, and paid, as aforeſaid: And all Annuities, to be purchaſed as aforeſaid, ſhall be and are hereby charged upon, and ſhall be paid and payable by, the ſaid Commiſſioners, out of the Monies to ariſe by or from the Rates or Aſſeſſments directed to be raiſed and aſſeſſed as aforeſaid, by Four equal Quarterly Payments; the Firſt Payment to be made to the reſpective Purchaſers thereof, or their Aſſigns, at the Expiration of the firſt Quarter after Payment of their reſpective Purchaſe-monies, the Rate whereof ſhall be ſettled and adjuſted at a publick Sale of the ſaid Annuities, by the ſaid Commiſſioners, to the beſt Bidder for the ſame; and all and every the Contributor or Contributors, upon the Credit of this Act, duly paying the Contribution or Purchaſe Money for any ſuch Annuity or Annuities, and his, her, and their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall have, receive, and enjoy, and be intitled, by virtue of this Act, to have, receive, and enjoy, the reſpective Annuity or Annuities ſo to be purchaſed out of the ſeveral Rates or Aſſeſſments by this Act appointed for the Payment thereof as aforeſaid, during the Term of the natural Life of the Perſon to be nominated by each ſuch Contributor or Purchaſer, as aforeſaid; and that all and every ſuch Purchaſer and Purchaſers, and their Executors, Adminiſtrators, and Aſſigns, ſhall have good, ſure, abſolute, and indefeaſible Eſtates and Intereſts in the Annuity or Annuities ſo by him or them reſpectively to be purchaſed, according to the Tenor and true Meaning of this Act; and that none of the ſaid Annuities ſhall be ſubject or liable to any Tax or Aſſeſſment, charged or to be charged, on Land, by Authority of Parliament; and that every ſuch Purchaſer or Contributor ſhall, upon Payment of his, her, or their Purchaſe-money, as aforeſaid, have a Receipt or Receipts for the ſame, and alſo an Order on Parchment (which may be made without any Stamps) for the Payment of the ſaid Annuity or Annuities, for and during the natural Life or Lives of the Perſon or Perſons reſpectively who ſhall be ſo nominated as aforeſaid; which Order ſhall be ſigned by the ſaid Commiſſioners, and after ſigning thereof, ſhall be firm, valid, and of good Effect in the Law, according to the true Purport and Meaning thereof, and of this Act.

Money to be raiſed by Annuities.

Annuities not to be ſubject to Land-tax.

XXII. Provided always, and be it further enacted, That when One full Fourth Part in the Whole of the Annuities which ſhall be purchaſed by and with the ſaid Sum of Eight hundred Pounds, to be contributed for that Purpoſe, as aforeſaid, ſhall ceaſe or determine by the Death of any Perſon or Perſons on whoſe Life or Lives the ſame ſhall be ſo purchaſed as aforeſaid; that then, and from thenceforth, every ſucceeding Rate or Aſſeſſment which ſhall be made, laid, or aſſeſſed, by the ſaid Commiſſioners, on the ſaid Owner or Owners, Proprietor or Proprietors, as aforeſaid, ſhall be lowered or reduced from the aforeſaid Rate of Eight-pence in the Pound, and ſhall be from Time to Time made, laid, and aſſeſſed, at and after the Rate of Sixpence in the Pound only, until One-half Part in the Whole of the ſame Annuity or Annuities ſhall ceaſe and determine; and that from and after the ſaid One-half Part in the Whole of the ſaid Annuities ſhall have ſo ceaſed and determined, every ſucceeding Rate or Aſſeſſment ſhall, in like Manner, be lowered or reduced from the ſaid Rate of Sixpence in the Pound, and be, from Time to Time, made, laid, and aſſeſſed, as aforeſaid, at and after the Rate of Four-pence in the Pound only, until Three-fourth Parts in the Whole of the Annuity or Annuities ſhall ceaſe and determine as aforeſaid; and that from and after Three-fourth Parts in the Whole of the ſaid Annuities ſhall have ſo ceaſed and determined, as aforeſaid, every ſucceeding Rate or Aſſeſſment ſhall, in like Manner, be lowered or reduced from the ſaid Rate of Four-pence in the Pound, and ſhall, from Time to Time, be made, laid, and aſſeſſed, as aforeſaid, at and after the Rate of Two-pence in the Pound only, until the Whole of the ſame Annuity or

Rates to be lowered in proportion as Annuitants drop.

Annuities ſhall ceaſe and determine as aforeſaid; and that then, and as ſoon as the Whole of the ſaid Annuities ſhall ceaſe and determine, the Power and Authority by this Act granted for making any Rate or Aſſeſſment on the Owner or Owners, Proprietor or Proprietors, of Houſes, Buildings, or other Tenements or Hereditaments whatſoever, as aforeſaid, ſhall entirely ceaſe, determine, and be abſolutely null and void; any Thing in this Act to the Contrary hereof notwithſtanding.

Annuitants dying, others may purchaſe, but not to be above the Value of 200 *l.*

XXIII. Provided always, and be it further enacted, That when and as often as any Perſon or Perſons, on whoſe Life or Lives any Annuity or Annuities ſhall be purchaſed as aforeſaid, ſhall die, it ſhall and may be lawful for any other Perſon or Perſons to purchaſe of the ſaid Commiſſioners One or more Annuity or Annuities, upon the Life or Lives of ſuch Perſon or Perſons, and upon ſuch Terms and Conditions, and payable in ſuch Manner, as before mentioned, ſo that the Sum or Sums of Money to be paid for the Purchaſe of the ſaid laſt-mentioned Annuities ſhall, during the Exiſtence of the ſame Annuities, at no Time exceed in the Whole the Sum of Two hundred Pounds.

Commiſſioners may borrow an additional Sum of 700 *l.* at common Intereſt.

XXIV. And, for the better and more ſpeedy carrying the Purpoſes of this Act into Execution, be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby impowered, from Time to Time, as often as they ſhall judge it neceſſary for the Purpoſes aforeſaid, to borrow and take up at Intereſt any further Sum or Sums of Money, not exceeding in the Whole the Sum of Seven hundred Pounds, (over and above the ſaid Sum of Eight hundred Pounds herein-before authoriſed to be borrowed and taken up for Annuities on Lives, as aforeſaid), upon the Credit of any of the ſaid Rates or Aſſeſſments authoriſed to be made by virtue of this Act; and, by any Writing or Writings, on Parchment, to be ſigned by the ſaid Commiſſioners, (without any Stamp thereupon), to aſſign all or any of the ſaid ſeveral Rates or Aſſeſſments, or any Part or Parts thereof, to any Perſon or Perſons who ſhall advance and lend ſuch Money thereon, as a Security or Securities for ſuch Sum or Sums of Money ſo to be advanced and lent, with ſuch Intereſt for the ſame, as ſhall be agreed upon, (not exceeding the Rate of Four Pounds Ten Shillings per Centum per Annum); which Intereſt ſhall be payable and paid half-yearly by the ſaid Commiſſioners out of the Money from Time to Time to ariſe by or from the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, as aforeſaid.

When the Surplus-money in the Hands of the Commiſſioners amounts to a certain Sum, it is to be applied in paying off Debts.

XXV. And in order that the Principal Money to be borrowed and taken up at Intereſt, as aforeſaid, may be diſcharged and paid off as ſoon as can be done, be it further enacted, That when and as often as there ſhall be in the Hands of the ſaid Commiſſioners any Sum or Sums of Money, ariſing by the Sale of ſuch laſt-mentioned Annuities, and ſuch Surplus Monies as ſhall at any Time or Times be in the Hands of the ſaid Commiſſioners, which, together or alone, ſhall amount to the Sum of Fifty Pounds, the ſaid Commiſſioners ſhall and are hereby required to pay and apply all ſuch Monies in the diſcharging and paying off all ſuch Principal Sums as ſhall be then due in the Whole, or in Part; and for that Purpoſe, to cauſe Notice in Writing to be given to, or left for, each of the Creditors or Lenders of all the Principal Sums, or their perſonal Repreſentatives or Aſſigns, at his, her, or their laſt or uſual Place of Abode, of the Commiſſioners Intention to diſcharge and pay off in the Whole, or in Part, ſuch Principal Sums, at the Expiration of Three Months next after the Date of ſuch Notice; and every ſuch Creditor or Lender, his, her, or their Repreſentatives or Aſſigns, having had ſuch Notice given to, or left for him, her, or them, ſhall, and is and are hereby required to accept his, her, or their Share or Proportion thereof, at the Expiration of the Time to be expreſſed in ſuch Notice; and in Failure of Acceptance thereof at the Time and Place appointed by ſuch Notice, all Intereſt of ſuch Share ſhall from thenceforth ceaſe, and be no longer payable; any Thing in this Act to the Contrary notwithſtanding.

Annuities and Money borrowed to be entered in Books.

XXVI. And be it further enacted, That the Clerk to the ſaid Commiſſioners ſhall enter in a Book or Books, to be provided for that Purpoſe, all Securities for Money borrowed, or Annuities granted, by virtue of this Act, and all Aſſignments or Transfers thereof, expreſſing, in Words at Length, the Names, Surnames, Additions, Places of Abode, and other Deſcriptions of the Perſons for whoſe Lives the ſaid Annuities ſhall be reſpectively granted, and the Days whereon the ſaid Annuities ſhall reſpectively be payable, and alſo the Names, Surnames, Additions, Places of Abode, and other Deſcriptions, of all other Perſons who ſhall have advanced or lent any Money on the Credit of this Act; to which Book and Books the Perſon or Perſons intitled to or poſſeſſed of ſuch Annuities, and all other Creditors under this Act, and alſo all and every Perſon and Perſons liable to the Payment of any of the ſaid Rates or Aſſeſſments, ſhall, at all ſeaſonable Times, have Acceſs, with free Liberty to inſpect the ſame without Fee or Reward.

Securities may be transferred.

XXVII. And be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons intitled to any of the Securities aforeſaid, and his, her, or their Executors, Adminiſtrators, and Aſſigns, at any Time or Times, by Writing under his, her, or their Hand and Seal, or Hands and Seals, to aſſign or transfer ſuch Securities, or his, her, or their Intereſt therein, by Indorſement on the Back thereof, or otherwiſe, to any Perſon or Perſons whomſoever, and ſo toties quoties; and ſuch

Aſſignments or Transfers, after they ſhall be entered by the Clerk to the ſaid Commiſſioners, in Manner aforeſaid, (which he is hereby required to do without Fee or Reward), ſhall intitle the Perſon or Perſons to whom they ſhall reſpectively be made, and his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security or Securities ſo aſſigned or transferred.

No Preference to be given in reſpect of the Priority of advancing Money.

XXVIII. And be it further enacted, That all and every the Annuity or Annuities ſo to be purchaſed, and all and every the Sum and Sums of Money ſo to be advanced and lent as aforeſaid, ſhall be, and they are hereby charged upon, and ſhall be paid and payable, from Time to Time, out of the Monies ariſing from the Rates and Aſſeſſments to be rated and aſſeſſed by virtue of this Act; and all Perſons who ſhall be poſſeſſed of ſuch Securities ſhall be Creditors in equal Degree, without Preference, in reſpect of the Priority of his, her, or their advancing the Money thereon.

Commiſſioners impowered to erect Lamps, &c.

XXIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby impowered and authoriſed to apply any Part of the Monies ariſing by this Act in the purchaſing, providing, fixing, and renewing ſuch Number of Lamps, of ſuch Sizes and Sorts, and ſuch Number of Poſts, Irons, and other Materials for fixing up ſuch Lamps, as they ſhall think requiſite and neceſſary for the lighting the ſaid High Street, Eaſt Street, and Weſt Street, and alſo all or any of the other Streets or Places within the ſaid Town and Pariſhes; and may, at any Meeting, order, direct, and cauſe ſuch Lamps to be ſet up, in ſuch Manner, and in ſuch Places, and at ſuch Diſtances One from the other, as they ſhall, from Time to Time, think proper; and may alſo contract with any Perſon or Perſons for lighting all ſuch Lamps at ſuch Seaſons of the Year, and at ſuch Hours of the Evening, as they ſhall think neceſſary.

Perſons breaking Lamps, &c. how to be puniſhed.

XXX. And be it further enacted, That if any Perſon or Perſons ſhall wilfully break, throw down, or otherwiſe damage any of the Lamps, which ſhall be erected by the ſaid Commiſſioners, or any of the Poſts, Irons, or other Fixtures or Furniture thereof, or belonging thereto, or extinguiſh any of the ſaid Lamps, it ſhall and may be lawful for any Juſtice or Juſtices of the Peace of the Corporation of Graveſend and Milton, and he and they is and are hereby impowered and required, upon Oath made of any ſuch Offence, to iſſue a Warrant for apprehending the Party accuſed; or it ſhall and may be lawful for any Perſon or Perſons who ſhall ſee ſuch Offence committed to apprehend, and alſo for any other Perſon or Perſons to aſſiſt in apprehending, the Offender or Offenders, and, by Authority of this Act, and without any other Warrant, to deliver him, her, or them, into the Cuſtody of a Conſtable or Borſholder, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid Corporation; and ſuch Juſtice ſhall and may proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear or be produced to give Information touching ſuch Offence; and if the Party accuſed ſhall be convicted of ſuch Offence, either by his, her, or their own Confeſſion, or upon ſuch Information as aforeſaid, he, ſhe, or they ſhall forfeit and pay any Sum not exceeding Twenty Shillings, nor leſs than Ten Shillings, for each Lamp ſo broken, thrown down, damaged, or extinguiſhed, as aforeſaid, and ſhall alſo make full Satisfaction to the ſaid Commiſſioners, or to their Clerk, for the Damage ſo done by him, her, or them: And in caſe ſuch Offender or Offenders ſhall not, upon Conviction, pay the Forfeiture by him, her, or them incurred, and make Satisfaction as aforeſaid, the Juſtice, before whom ſuch Offender or Offenders ſhall be convicted, is hereby required to commit him, her, or them, to the Houſe of Correction for the ſaid County of Kent, there to be kept to hard Labour for any Space of Time not exceeding One Calendar Month; and ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he, ſhe, or they, ſhall be committed, unleſs ſuch Forfeiture and Satisfaction ſhall be ſooner paid and given, One Moiety of all which Forfeitures, when recovered, ſhall be paid to the Informer or Informers, and the other Moiety ſhall be applied as the Rates and Aſſeſſments to be made by virtue of this Act are directed to be applied: And if any Perſon or Perſons ſhall negligently or accidently break, throw down, or otherwiſe damage any of the ſaid Lamps, or any of the Irons, Poſts, or other Fixtures or Furniture belonging thereto, and ſhall not, upon Demand, pay to the ſaid Commiſſioners, or to their Clerk, the Damage done by ſuch Perſon as aforeſaid, it ſhall and may be lawful for any Juſtice of the Peace of the ſaid Corporation, and he is hereby impowered and required, upon Complaint thereof made by the ſaid Commiſſioners, or their Clerk, to ſummon the Party complained of; and, upon his, her, or their appearing, or making Default to appear, (Oath being made that the Party complained of was ſerved with ſuch Summons, if known, or that he or ſhe could not be found), ſuch Juſtice ſhall proceed to examine the Matter of the ſaid Complaint, and upon Proof thereof, either by the Confeſſion of the Party complained of, or by the Oath of One or more credible Witneſs or Witneſſes, ſhall award and order ſuch Satisfaction to be made by the Party complained of, for the Damage ſo by him or her done, as to ſuch Juſtice ſhall appear juſt and reaſonable, and ſhall cauſe the Sum ſo awarded, in caſe the ſame ſhall not be paid forthwith upon the making ſuch Award or Order, to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon complained of, rendering to him or her upon Demand the Overplus, (if any be) after the Charges of proſecuting ſuch Complaint, and of ſuch Diſtreſs and Sale, ſhall be deducted.

The Expence of lighting the Lamps how to be defrayed.

XXXI. And for defraying the Charges and Expences attending the lighting and ſupporting the ſaid Lamps within the ſaid Town and Pariſhes, be it further enacted, That One Rate or Aſſeſſment ſhall, Once in every Year, be made and aſſeſſed by the ſaid Commiſſioners, or any Seven or more of them, upon all and every Perſon and Perſons who do or ſhall inhabit, hold, uſe, occupy, or enjoy any Houſe, Shop, Yard, Warehouſe, Storehouſe, Stable, Cellar, Vault, Building, Piece of Land or Ground, Wharf, Key, or other Tenement or Hereditament within the ſaid Town and Pariſhes reſpectively, as well within the ſaid High Street, Eaſt Street, and Weſt Street, as within any other of the Streets or Places in the ſaid Town and Pariſhes, (except all Hop Ground, Arable, Meadow, and Paſture Lands whatſoever, and all Spaces of unoccupied Land, and all Grounds uſed and occupied by Gardeners as Garden Grounds, and alſo all ſuch Buildings ſtanding and being thereon reſpectively at the Time of paſſing this Act, as are ſituate, lying, and being at a greater Diſtance than Forty Yards from any Street or Place which ſhall be lighted by virtue of this Act), in ſuch Sum and Sums of Money as the ſaid Commiſſioners ſhall judge neceſſary, ſo as ſuch laſt-mentioned Rate or Aſſeſſment ſhall not exceed in the Whole the Sum of Four-pence in the Pound in any One Year of the yearly Value of any ſuch Houſe, Shop, Yard, Warehouſe, Storehouſe, Stable, Cellar, Vault, Building, Piece of Land or Ground, Wharf, Key, or other Tenement or Hereditament, according to the Rack-rent or full yearly Value thereof; and all Monies ariſing by ſuch Rate or Aſſeſſment ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners, and ſhall be by them applied only for the Purpoſes of lighting the Streets within the ſaid Town and Pariſhes.

Rates to commence from *March* 25, 1773.

XXXII. And be it further enacted by the Authority aforeſaid, That each and every of the Rates or Aſſeſſments herein-before directed to be made, ſhall commence from the Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-three; and each and every future Rate or Aſſeſſment ſhall commence from the Time that the laſt preceding Rate or Rates, Aſſeſſment or Aſſeſſments reſpectively ended, and not otherwiſe; and the Monies therein and thereby reſpectively charged and aſſeſſed ſhall be payable and recoverable half-yearly, in Manner herein-after directed for the Recovery of Rates on Tenants and Occupiers.

Commiſſioners to appoint Collectors.

XXXIII. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall and may, yearly and every Year, and alſo as often as there ſhall be Occaſion, under their Hands, nominate and appoint One or more Inhabitant or Inhabitants within the ſaid Pariſhes of Graveſend and Milton, or either of them, to be Collector or Collectors of all and every or any of the Rates or Aſſeſſments aforeſaid; and ſhall and may, from Time to Time, as ſoon as may be after ſuch ſeveral and reſpective Rates or Aſſeſſments ſhall be made as aforeſaid, iſſue their Order under their Hands to the ſaid Collector or Collectors for the Time being, requiring them, jointly or ſeverally, to collect and receive the reſpective Sums of Money rated and aſſeſſed in ſuch reſpective Rates or Aſſeſſments, as ſoon as may be after the ſame reſpectively ſhall become due, Duplicates of which reſpective Rates or Aſſeſſments, under the Hands of the ſaid Commiſſioners, ſhall be delivered to ſuch Collector or Collectors, together with the ſaid Order; and ſuch Collector or Collectors, to whom any ſuch Orders ſhall be ſo directed, ſhall obey and duly execute the ſame in all Reſpects whatſoever; and the ſaid Commiſſioners ſhall and may, from Time to Time, as they ſhall ſee Occaſion, remove any ſuch Collector or Collectors, and appoint others, being ſuch Inhabitants as aforeſaid, in their Stead; and all ſuch Collectors ſhall and are hereby required to pay the Money by them collected and raiſed by virtue of this Act, when and as often as they ſhall have collected the Sum of Twenty Pounds, to the Clerk acting under the ſaid Commiſſioners, or to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint to receive the ſame; which Money, ſo received by ſuch Clerk or other Perſon, ſhall be applied for the Uſes and Purpoſes of this Act; and all ſuch Collectors are hereby required, at the Time of making every ſuch Payment, to deliver to the Perſon or Perſons impowered to receive the ſame, a true and exact Copy or Duplicate of all and every or any the Rates or Aſſeſſments aforeſaid, whereby the ſame was collected, together with an Account thereof, and alſo of all and every Sum and Sums of Money rated and aſſeſſed in ſuch ſeveral and reſpective Rates or Aſſeſſments remaining uncollected, (if any be), together with the Reaſons why the ſame were not collected, to the End that it may appear whether the Nonpayment happened through the Inſolvency of the Party rated, or through the Default of the Collector or Collectors: And in caſe any Perſon nominated and appointed to be a Collector as aforeſaid ſhall refuſe or neglect to take upon him the ſaid Office, or duly to execute the ſame, according to the true Intent and Meaning of this Act, all and every ſuch Collector and Collectors ſhall forfeit and pay the Sum of Five Pounds, and ſhall continue liable to be again appointed to the ſaid Office the Year following, or ſooner, if the ſaid Commiſſioners ſhall think fit; and in caſe of his Refuſal or Neglect afterwards to take upon him the ſaid Office, or having taken upon him the ſaid Office, ſhall refuſe or neglect to execute the ſame; every ſuch Perſon ſhall be again liable to the like Penalty, and in like Manner as often as he ſhall refuſe or neglect to take upon him the ſaid Office, or to duly execute the ſame, as aforeſaid.

The Penalty on refuſing to execute the Office of Collector is 5 *l.* and he is liable to be again elected.

How the Rates ſhall be collected, when Houſes are let to different Tenants.

XXXIV. And whereas ſeveral Houſes charged with the Rates or Aſſeſſments aforeſaid, or either of them, may be let to different Tenants, and it may be difficult to rate or aſſeſs ſuch Houſes, and to recover ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, when made; be it therefore enacted, That the ſaid Commiſſioners ſhall and may rate or aſſeſs the Landlord or Owner of any Houſe which ſhall be let to, or occupied by, Two or more Tenants; and all ſuch Rates or Aſſeſſments ſhall be paid by any One or more of the Occupiers of any Part or Parts of ſuch Houſe, who is and are hereby required to pay ſuch Sum or Sums of Money as ſhall be ſo rated or aſſeſſed upon the Landlord or Owner of any ſuch Houſe, by virtue of this Act, and to deduct the ſame out of his, her, or their Rent; and the Occupier or Occupiers paying ſuch Rates or Aſſeſſments, or any Part thereof, ſhall be acquitted and diſcharged of and for ſo much Money as he, ſhe, or they, ſhall have ſo paid, as if the ſame had been actually paid to the Landlord or Owner to whom his, her, or their Rent ſhall be due and payable; and every ſuch Landlord or Owner is hereby required to allow ſuch Deduction upon Receipt of the Reſidue of his or her Rent.

How Rates on Tenants or Occupiers are to be recovered.

XXXV. And be it further enacted, That in caſe any Tenant or Occupier rated or aſſeſſed, and made liable to pay any Rate or Aſſeſſment, by virtue of this Act, ſhall refuſe or neglect to pay the ſame to the Collector or Collectors for the Space of Seven Days after Demand thereof made, in Writing, left at the laſt or uſual Place of Abode of ſuch Perſon or Perſons, it ſhall and may be lawful to and for any One or more Juſtice or Juſtices of the Peace in and for the ſaid Corporation, upon Oath made of ſuch Demand, and Nonpayment as aforeſaid, (which Oath any ſuch Juſtice is hereby impowered and required to adminiſter *gratis*), by Warrant under his or their Hand and Seal, or Hands and Seals, (which Warrant he or they is and are hereby impowered and required to grant to the Collector or Collectors of the ſaid Rates), to cauſe all ſuch Rates or Monies ſo in arrear, together with the Coſts and Charges attending the ſame, to be aſcertained by ſuch Juſtice or Juſtices, to be levied by Diſtreſs and Sale of the Goods and Chattels of every ſuch Perſon and Perſons ſo in arrear and refuſing or neglecting to pay the ſame as aforeſaid, rendering the Overplus (if any be) to the Owner or Owners of ſuch Goods and Chattels, on Demand thereof being made by ſuch Owner or Owners: And in caſe any Perſon or Perſons ſhall come into and occupy any Houſe, Building, or other Tenement or Hereditament within the ſaid Town and Pariſhes of Graveſend and Milton, out of or from which any other Perſon aſſeſſed towards Payment of any of the Rates or Aſſeſſments made by virtue of this Act ſhall have removed, every Perſon ſo removing from, and every Perſon ſo coming into, or occupying the ſame, ſhall be liable to pay all ſuch Rates or Aſſeſſments, in proportion to the Time each Perſon ſo occupied the ſame reſpectively; and in caſe any Perſon ſhall quit his or her Houſe, Building, or other Tenement or Hereditament aforeſaid before he or ſhe ſhall have paid any Rate, or proportionable Part thereof, which ought to be paid by him or her, and ſhall afterwards refuſe or neglect to pay the ſame when demanded, it ſhall and may be lawful to and for the Collector or Collectors of ſuch Rates or Aſſeſſments, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Juſtice or Juſtices of the Peace for the County or Place wherein ſuch Perſon ſhall then reſide, or be found, (which Warrant ſuch Juſtice and Juſtices is and are hereby required to grant upon due Proof thereof made before him or them upon Oath, which Oath every ſuch Juſtice is hereby authoriſed and required to adminiſter), to levy all ſuch Rates, or proportionable Part thereof, by Diſtreſs and Sale of ſuch Perſon's Goods and Chattels, rendering the Overplus (if any be) on Demand to the Perſon whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting all neceſſary Charges and Expences attending ſuch Diſtreſs and Sale.

Occupiers ſhall pay the Rates in proportion to the Time of occupying.

Commiſſioners to take down Signs, &c.

XXXVI. And in order that all Obſtructions, Annoyances, and Incroachments, within the ſaid Town and Pariſhes may be removed, and prevented for the future, be it further enacted, That the ſaid Commiſſioners ſhall and may cauſe all Signs which now are, or at any Time hereafter ſhall be, placed or hung in any Part or Parts of all or any of the ſaid Streets within the ſaid Town and Pariſhes of Graveſend and Milton to be be taken down, and fixed or placed flat on and cloſe to the Fronts of the Houſes reſpectively whereunto the ſame ſhall belong; and alſo ſhall and may cauſe all and every Sign-iron, Sign-poſts, or any other Poſts, Spouts, Steps, Shop-windows, and Cellar-windows, Pent-houſes, and other Incroachments or Obſtructions, Projections, and Annoyances, in and upon the ſaid ſeveral Streets, or any of them, to be removed, altered, or reformed, in ſuch Manner as they ſhall think fit; and ſhall and may cauſe all Water to be conveyed from the Roofs of the Houſes, or other Buildings, by proper and ſufficient Pipes, Spouts, or Trunks, to be fixed to the Fronts or Sides of the Houſes, or other Buildings, whereto the ſame belong: And in caſe the Owner or Owners, Proprietor or Proprietors, of any ſuch Houſe or other Building, ſhall not (at his, her, or their own proper Coſts and Charges) within Fourteen Days after Notice in Writing ſhall be given to them reſpectively, or left at the Dwelling-houſes of their reſpective Tenants, under the Hands of the ſaid Commiſſioners, or under the Hand of their Clerk or Treaſurer, for that Purpoſe, cauſe all ſuch Pent-houſes to be removed, altered, or reformed, and all Water to be conveyed from the Roofs of ſuch Houſes or Buildings by proper and ſufficient Pipes, Spouts, or Trunks, to be fixed to the

Fronts or Sides thereof, in ſuch Manner, as ſhall be expreſſed in ſuch Notice; or if the Tenant or Occupier of any ſuch Houſe, or other Building, to which any Sign, Sign-irons, Sign-poſts, or any other Poſts, Steps, Shop-windows, and Cellar-windows, or any other Incroachment, now or hereafter may belong, ſhall not (at his, her, or their own Coſts and Charges) within Fourteen Days after Notice in Writing ſhall be given to them reſpectively, or left at their reſpective Dwelling-houſes, under the Hands of any Three or more of the ſaid Commiſſioners, or under the Hand of their Clerk or Treaſurer, remove, alter, or reform, all and every ſuch Signs, Sign-irons, Sign-poſts, or other Poſts, Steps, Shop-windows, and Cellar-windows, and other Incroachments and Annoyances, in ſuch Manner as ſhall be expreſſed in ſuch Notice, it ſhall and may be lawful to and for the ſaid Commiſſioners to cauſe the ſame to be done, and the Coſts and Charges attending the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Tenant or Occupier of ſuch Houſes or other Buildings, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Juſtice or Juſtices of the Peace of and for the ſaid Corporation of Graveſend and Milton, (which Warrant ſuch Juſtice or Juſtices is and are hereby authoriſed and required to grant), rendering the Overplus (if any be) when demanded to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold; or it ſhall and may be lawful for the ſaid Commiſſioners to remove, alter, or reform ſuch Pent-houſes, and to fix up Spouts, Trunks, or Pipes, againſt the Fronts or Sides of ſuch reſpective Houſes, the Coſts and Charges whereof ſhall and may be levied upon the Goods and Chattels of any ſuch Tenant or Occupier as aforeſaid, who is and are hereby impowered to deduct and retain the ſame out of his, her, or their Rent; and every Owner, Proprietor, or Landlord, is hereby required to allow the ſame accordingly.

Carriages prohibited to drag, except with flat Iron Drags.

XXXVII. And, for the better Preſervation of the Pavement within the ſaid *High Street*, *Eaſt Street*, and *Weſt Street*, be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Three or more of them, by Writing under their Hands, to be affixed upon the Town-hall and Market-houſe within the ſaid Town and Pariſhes, to prohibit all Waggons, Wains, Carts, Cars, Drays, Coaches, Chariots, Landaus, Berlins, Caravans, Chaiſes, Chairs, and all Carriages of any other Denomination, from wilfully dragging upon any Part of the Pavement of the ſaid High Street, Eaſt Street, and Weſt Street, except with flat Drags, made of Iron, and placed under One of the Wheels of every ſuch Carriage; which Drags ſhall be provided by the ſaid Commiſſioners, and by them kept at ſome convenient Place to be ſpecified in ſuch Notice; and alſo to prohibit any Truck or Trucks whatſoever to go or be drawn on the ſaid Pavement with Iron Wheels, or Wheels bound with Iron; and if, after One Month's Notice given as aforeſaid, any Perſon ſhall offend againſt ſuch Order, every Perſon ſo offending ſhall, for the Firſt Offence, forfeit the Sum of Five Shillings, and for the Second and every other Offence of the like Kind not leſs than Ten Shillings, nor more than Forty Shillings.

Penalty on driving Carriages on the Footways not to exceed 10 *s.* nor leſs than 3 *s.*

XXXVIII. And be it further enacted, That if any Perſon or Perſons ſhall drive or place any Carriage whatſoever upon any of the Foot-pavements of the ſaid High Street, Eaſt Street, or Weſt Street, or ſhall drive any Wheelbarrow, or run any Wheel, or draw any Sledge, upon ſuch Foot-pavements; or ſhall throw, ſweep, or lay, or permit or ſuffer to be thrown, ſwept, or laid, any Aſhes, Duſt, Dirt, Soil, Straw, Sand, Dung, or any other Filth or Annoyance whatſoever, in any of the Streets within the ſaid Town and Pariſhes; or ſhall wilfully or negligently break or damage the Pavements of the ſaid High Street, Eaſt Street, and Weſt Street, or any Part thereof; or ſhall ſet out or leave, or cauſe or procure to be ſet out or left, any Carriage, Timber, Stone, Cask, or any other Matter or Thing which may occaſion any Annoyance, Nuiſance, or Obſtruction whatſoever, in any of the Streets within the ſaid Town and Pariſhes, ſo as to endanger, hinder, or obſtruct, any Carriage, or Perſon paſſing thereon; or ſhall place, permit, or ſuffer any Carriage or Carriages whatſoever to ſtand, remain, or continue, in any of the ſaid Three Streets longer than will be neceſſary for the loading or unloading the ſame; or ſhall permit or ſuffer any Hogs or Swine to go at large in any of the Streets within the ſaid Town and Pariſhes, and ſhall be thereof convicted upon the Oath of any One or more Witneſs or Witneſſes, before any Juſtice or Juſtices of the Peace of the ſaid Corporation; every Perſon offending in any of the Caſes aforeſaid ſhall, for every ſuch Offence, forfeit and pay to the ſaid Commiſſioners any Sum not exceeding Ten Shillings, nor leſs than Three Shillings, over and above all Coſts and Charges attending ſuch Conviction.

Penalty on hooping Casks, *&c.* in the Streets not to exceed 20 *s.* nor leſs than 3 *s.*

XXXIX. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall hoop any Cask; or ſhall hew or ſaw, or cauſe to be hewed or ſawed, any Stone, Wood, or Timber; or ſhall bind, make, or repair, any Wheel or Wheels; or ſhall ſhoe, bleed, clean, or dreſs, any Horſe or Horſes; or drive or turn any Horſe looſe, or place, ſet, or put any Horſe or Horſes within any of the Streets within the ſaid Town and Pariſhes; or if any Perſon or Perſons ſhall wet, ſlack, or mix any Lime, or wet, mix, or make any Mortar; or make, or aſſiſt in the making, any Fire or Fires, commonly called Bonfires; or ſet fire to, or let off, or throw any Squib, Rocket, or any other Fireworks whatſoever, within the ſaid Streets, or any of them; or if any

Perſon or Perſons ſhall ſet, place, or expoſe to Sale, or cauſe, permit, or ſuffer to be ſet, placed, or expoſed to Sale, any Goods, Chattels, Wares, or Merchandiſes whatſoever, either on the Foot or Carriage Ways of any of the Streets within the ſaid Town and Pariſhes; or ſhall hang up, or expoſe any Goods, Wares, or Merchandiſes, or any other Matter or Thing whatſoever, within the ſaid Streets, or any of them, ſo as to obſtruct or incommode the free Paſſage of any of the Foot-ways or Carriage-ways of the ſame Streets; every Perſon ſo offending in any of the Caſes aforeſaid ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings, nor leſs than Three Shillings.

Commiſſioners, &c. to give Licence for erecting Hoards, &c.

XL. Provided always, and be it further enacted, That the ſaid Commiſſioners, or their Surveyor or Clerk, by Writing under his or their Hand or Hands, may give Liberty and Licence to any of the Proprietors or Inhabitants of Houſes within any of the Streets within the ſaid Town and Pariſhes, or to their Builders or Workmen, to make Hoards, or other Incloſures, for laying the neceſſary Materials for Building, or repairing any Houſe, Shop, or other Building, or for making any Drain or Vault belonging thereto, and alſo for depoſiting all the Rubbiſh occaſioned thereby; all which Licences ſhall expreſs the Dimenſions of ſuch Hoards, or other Incloſures, and the Time the ſame ſhall continue; and no Perſon acting under ſuch Licence, and agreeable to the Directions thereof, ſhall, during the Time for which ſuch Licence ſhall be granted, be ſubject or liable to any of the Penalties aforeſaid for erecting ſuch Hoards or Incloſures, or depoſiting or laying any Materials for building or laying any Rubbiſh, or other Matter or Thing, within ſuch Hoards or Incloſures; any Thing herein-before contained to the Contrary hereof notwithſtanding.

Foot-ways to be ſwept.

XLI. And be it further enacted, That every Occupier of any Houſe or Tenement within the ſaid High Street, Eaſt Street, and Weſt Street, (and in reſpect to Houſes let to Inmates, every Houſe-owner), ſhall, once in every Day (Sundays excepted) between the Hours of Eight and Ten in the Forenoon, ſweep and cleanſe, or cauſe to be ſwept and cleanſed, the Foot-ways in the Fronts of their reſpective Houſes or Tenements; and, in Default thereof ſhall, for every ſuch Neglect, forfeit and pay any Sum not exceeding Five Shillings, nor leſs than One Shilling.

To prevent making Bow-windows, &c.

XLII. And, in order to prevent any Incroachments or Projections into any of the Streets within the ſaid Town and Pariſhes for the future, be it enacted and declared by the Authority aforeſaid, That the Walls of all Houſes or other Buildings, and all other Walls whatſoever, which ſhall hereafter be built next to and adjoining upon, any of the Streets within the ſaid Town and Pariſhes, ſhall be carried up and built perpendicularly from the Foundation, and without any Projection into the Streets of any Sort or Kind whatſoever; and if any Perſon ſhall hereafter preſume to build any Wall next to, and adjoining upon, any of the ſaid Streets, in any other Manner than as aforeſaid; or to build or make any Bow-window, or any other Window or Thing whatſoever, which ſhall in any Manner project into any of the ſaid Streets, contrary to the true Intent and Meaning hereof, or cauſe the ſame to be done, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and impowered, by an Order under their Hands and Seals, to cauſe all ſuch Bow-windows, or other Windows, or other Things, which ſhall in any Manner project into any of the ſaid Streets, to be taken down by any Perſon, Workman, or Perſons, as they ſhall think fit; and the Coſts and Charges of taking down the ſame ſhall be paid and reimburſed to the ſaid Commiſſioners by the Perſon or Perſons who built, or cauſed ſuch Bow-window, or other Window or Projection, to be made or built, contrary to the Directions of this Act: And if any Perſon or Perſons ſhall obſtruct, hinder, moleſt, or prevent any Perſon or Perſons who ſhall be employed by the ſaid Commiſſioners to take down any ſuch Bow-window, or other Window or Projection which ſhall have been made or built contrary to the Directions hereof, every ſuch Perſon and Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Three Pounds.

The Act may extend to other Streets in the ſaid Town and Pariſh.

XLIII. And whereas it may hereafter be found neceſſary, that the Proviſions made by this Act for paving and cleanſing the ſaid *High Street*, *Eaſt Street*, and *Weſt Street*, ſhould be extended to the other Streets and Places within the ſaid Town and Pariſhes; be it therefore further enacted, That if the Landlords or Owners of Three-fourths in Value of the Houſes, Tenements, and Hereditaments, within any other of the Streets, Lanes, Alleys, Paſſages, or Places, within the ſaid Town and Pariſhes, ſhall, by Writing under their Hands, ſignify to the ſaid Commiſſioners that they are deſirous to have the ſeveral Powers given by this Act, for paving and cleanſing the ſaid High Street, Eaſt Street, and Weſt Street, extended to, and exerciſed over, any other Street, Lane, Alley, Paſſage, or Place, within the ſaid Town and Pariſhes; then, and in every ſuch Caſe, the ſeveral Powers and Authorities by this Act given and granted for paving and cleanſing the ſaid High Street, Eaſt Street, and Weſt Street, ſhall, from thenceforth, extend to ſuch Street, Lane, Alley, Paſſage, or Place, for which ſuch Application ſhall be made; and that One Moiety of the Money which ſhall be found neceſſary to be raiſed for thoſe Purpoſes ſhall be raiſed by Annuities, and the other Moiety by Mortgage of the Rates or Aſſeſſments which ſhall be laid or aſſeſſed upon ſuch Houſes, Tenements, or Hereditaments, within ſuch Streets, Lanes, Alleys, Paſſages, and Places, for thoſe Purpoſes; which Rates or Aſſeſſments ſhall not exceed the ſeveral

Fronts or Sides thereof, in ſuch Manner, as ſhall be expreſſed in ſuch Notice; or if the Tenant or Occupier of any ſuch Houſe, or other Building, to which any Sign, Sign-irons, Sign-poſts, or any other Poſts, Steps, Shop-windows, and Cellar-windows, or any other Incroachment, now or hereafter may belong, ſhall not (at his, her, or their own Coſts and Charges) within Fourteen Days after Notice in Writing ſhall be given to them reſpectively, or left at their reſpective Dwelling-houſes, under the Hands of any Three or more of the ſaid Commiſſioners, or under the Hand of their Clerk or Treaſurer, remove, alter, or reform, all and every ſuch Signs, Sign-irons, Sign-poſts, or other Poſts, Steps, Shop-windows, and Cellar-windows, and other Incroachments and Annoyances, in ſuch Manner as ſhall be expreſſed in ſuch Notice, it ſhall and may be lawful to and for the ſaid Commiſſioners to cauſe the ſame to be done, and the Coſts and Charges attending the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Tenant or Occupier of ſuch Houſes or other Buildings, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Juſtice or Juſtices of the Peace of and for the ſaid Corporation of Graveſend and Milton, (which Warrant ſuch Juſtice or Juſtices is and are hereby authoriſed and required to grant), rendering the Overplus (if any be) when demanded to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold; or it ſhall and may be lawful for the ſaid Commiſſioners to remove, alter, or reform ſuch Pent-houſes, and to fix up Spouts, Trunks, or Pipes, againſt the Fronts or Sides of ſuch reſpective Houſes, the Coſts and Charges whereof ſhall and may be levied upon the Goods and Chattels of any ſuch Tenant or Occupier as aforeſaid, who is and are hereby impowered to deduct and retain the ſame out of his, her, or their Rent; and every Owner, Proprietor, or Landlord, is hereby required to allow the ſame accordingly.

Carriages prohibited to drag, except with flat Iron Drags.

XXXVII. And, for the better Preſervation of the Pavement within the ſaid *High Street*, *Eaſt Street*, and *Weſt Street*, be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Three or more of them, by Writing under their Hands, to be affixed upon the Town-hall and Market-houſe within the ſaid Town and Pariſhes, to prohibit all Waggons, Wains, Carts, Cars, Drays, Coaches, Chariots, Landaus, Berlins, Caravans, Chaiſes, Chairs, and all Carriages of any other Denomination, from wilfully dragging upon any Part of the Pavement of the ſaid High Street, Eaſt Street, and Weſt Street, except with flat Drags, made of Iron, and placed under One of the Wheels of every ſuch Carriage; which Drags ſhall be provided by the ſaid Commiſſioners, and by them kept at ſome convenient Place to be ſpecified in ſuch Notice; and alſo to prohibit any Truck or Trucks whatſoever to go or be drawn on the ſaid Pavement with Iron Wheels, or Wheels bound with Iron; and if, after One Month's Notice given as aforeſaid, any Perſon ſhall offend againſt ſuch Order, every Perſon ſo offending ſhall, for the Firſt Offence, forfeit the Sum of Five Shillings, and for the Second and every other Offence of the like Kind not leſs than Ten Shillings, nor more than Forty Shillings.

Penalty on driving Carriages on the Footways not to exceed 10 s. nor leſs than 3 s.

XXXVIII. And be it further enacted, That if any Perſon or Perſons ſhall drive or place any Carriage whatſoever upon any of the Foot-pavements of the ſaid High Street, Eaſt Street, or Weſt Street, or ſhall drive any Wheelbarrow, or run any Wheel, or draw any Sledge, upon ſuch Foot-pavements; or ſhall throw, ſweep, or lay, or permit or ſuffer to be thrown, ſwept, or laid, any Aſhes, Duſt, Dirt, Soil, Straw, Sand, Dung, or any other Filth or Annoyance whatſoever, in any of the Streets within the ſaid Town and Pariſhes; or ſhall wilfully or negligently break or damage the Pavements of the ſaid High Street, Eaſt Street, and Weſt Street, or any Part thereof; or ſhall ſet out or leave, or cauſe or procure to be ſet out or left, any Carriage, Timber, Stone, Caſk, or any other Matter or Thing which may occaſion any Annoyance, Nuiſance, or Obſtruction whatſoever, in any of the Streets within the ſaid Town and Pariſhes, ſo as to endanger, hinder, or obſtruct, any Carriage, or Perſon paſſing thereon; or ſhall place, permit, or ſuffer any Carriage or Carriages whatſoever to ſtand, remain, or continue, in any of the ſaid Three Streets longer than will be neceſſary for the loading or unloading the ſame; or ſhall permit or ſuffer any Hogs or Swine to go at large in any of the Streets within the ſaid Town and Pariſhes, and ſhall be thereof convicted upon the Oath of any One or more Witneſs or Witneſſes, before any Juſtice or Juſtices of the Peace of the ſaid Corporation; every Perſon offending in any of the Caſes aforeſaid ſhall, for every ſuch Offence, forfeit and pay to the ſaid Commiſſioners any Sum not exceeding Ten Shillings, nor leſs than Three Shillings, over and above all Coſts and Charges attending ſuch Conviction.

Penalty on hooping Caſks, &c. in the Streets not to exceed 20 s. nor leſs than 3 s.

XXXIX. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall hoop any Caſk; or ſhall hew or ſaw, or cauſe to be hewed or ſawed, any Stone, Wood, or Timber; or ſhall bind, make, or repair, any Wheel or Wheels; or ſhall ſhoe, bleed, clean, or dreſs, any Horſe or Horſes; or drive or turn any Horſe looſe, or place, ſet, or put any Horſe or Horſes within any of the Streets within the ſaid Town and Pariſhes; or if any Perſon or Perſons ſhall wet, ſlack, or mix any Lime, or wet, mix, or make any Mortar; or make, or aſſiſt in the making, any Fire or Fires, commonly called Bonfires; or ſet fire to, or let off, or throw any Squib, Rocket, or any other Fireworks whatſoever, within the ſaid Streets, or any of them; or if any

Perſon or Perſons ſhall ſet, place, or expoſe to Sale, or cauſe, permit, or ſuffer to be ſet, placed, or expoſed to Sale, any Goods, Chattels, Wares, or Merchandiſes whatſoever, either on the Foot or Carriage Ways of any of the Streets within the ſaid Town and Pariſhes; or ſhall hang up, or expoſe any Goods, Wares, or Merchandiſes, or any other Matter or Thing whatſoever, within the ſaid Streets, or any of them, ſo as to obſtruct or incommode the free Paſſage of any of the Foot-ways or Carriage-ways of the ſame Streets; every Perſon ſo offending in any of the Caſes aforeſaid ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings, nor leſs than Three Shillings.

Commiſſioners, &c. to give Licence for erecting Hoards, &c.

XL. Provided always, and be it further enacted, That the ſaid Commiſſioners, or their Surveyor or Clerk, by Writing under his or their Hand or Hands, may give Liberty and Licence to any of the Proprietors or Inhabitants of Houſes within any of the Streets within the ſaid Town and Pariſhes, or to their Builders or Workmen, to make Hoards, or other Incloſures, for laying the neceſſary Materials for Building, or repairing any Houſe, Shop, or other Building, or for making any Drain or Vault belonging thereto, and alſo for depoſiting all the Rubbiſh occaſioned thereby; all which Licences ſhall expreſs the Dimenſions of ſuch Hoards, or other Incloſures, and the Time the ſame ſhall continue; and no Perſon acting under ſuch Licence, and agreeable to the Directions thereof, ſhall, during the Time for which ſuch Licence ſhall be granted, be ſubject or liable to any of the Penalties aforeſaid for erecting ſuch Hoards or Incloſures, or depoſiting or laying any Materials for building or laying any Rubbiſh, or other Matter or Thing, within ſuch Hoards or Incloſures; any Thing herein-before contained to the Contrary hereof notwithſtanding.

Foot-ways to be ſwept.

XLI. And be it further enacted, That every Occupier of any Houſe or Tenement within the ſaid High Street, Eaſt Street, and Weſt Street, (and in reſpect to Houſes let to Inmates, every Houſe-owner), ſhall, once in every Day (Sundays excepted) between the Hours of Eight and Ten in the Forenoon, ſweep and cleanſe, or cauſe to be ſwept and cleanſed, the Foot-ways in the Fronts of their reſpective Houſes or Tenements; and, in Default thereof ſhall, for every ſuch Neglect, forfeit and pay any Sum not exceeding Five Shillings, nor leſs than One Shilling.

To prevent making Bow-windows, &c.

XLII. And, in order to prevent any Incroachments or Projections into any of the Streets within the ſaid Town and Pariſhes for the future, be it enacted and declared by the Authority aforeſaid, That the Walls of all Houſes or other Buildings, and all other Walls whatſoever, which ſhall hereafter be built next to and adjoining upon, any of the Streets within the ſaid Town and Pariſhes, ſhall be carried up and built perpendicularly from the Foundation, and without any Projection into the Streets of any Sort or Kind whatſoever; and if any Perſon ſhall hereafter preſume to build any Wall next to, and adjoining upon, any of the ſaid Streets, in any other Manner than as aforeſaid; or to build or make any Bow-window, or any other Window or Thing whatſoever, which ſhall in any Manner project into any of the ſaid Streets, contrary to the true Intent and Meaning hereof, or cauſe the ſame to be done, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authoriſed and impowered, by an Order under their Hands and Seals, to cauſe all ſuch Bow-windows, or other Windows, or other Things, which ſhall in any Manner project into any of the ſaid Streets, to be taken down by any Perſon, Workman, or Perſons, as they ſhall think fit; and the Coſts and Charges of taking down the ſame ſhall be paid and reimburſed to the ſaid Commiſſioners by the Perſon or Perſons who built, or cauſed ſuch Bow-window, or other Window or Projection, to be made or built, contrary to the Directions of this Act: And if any Perſon or Perſons ſhall obſtruct, hinder, moleſt, or prevent any Perſon or Perſons who ſhall be employed by the ſaid Commiſſioners to take down any ſuch Bow-window, or other Window or Projection which ſhall have been made or built contrary to the Directions hereof, every ſuch Perſon and Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Three Pounds.

The Act may extend to other Streets in the ſaid Town and Pariſh.

XLIII. And whereas it may hereafter be found neceſſary, that the Proviſions made by this Act for paving and cleanſing the ſaid *High Street*, *Eaſt Street*, and *Weſt Street*, ſhould be extended to the other Streets and Places within the ſaid Town and Pariſhes; be it therefore further enacted, That if the Landlords or Owners of Three-fourths in Value of the Houſes, Tenements, and Hereditaments, within any other of the Streets, Lanes, Alleys, Paſſages, or Places, within the ſaid Town and Pariſhes, ſhall, by Writing under their Hands, ſignify to the ſaid Commiſſioners that they are deſirous to have the ſeveral Powers given by this Act, for paving and cleanſing the ſaid High Street, Eaſt Street, and Weſt Street, extended to, and exerciſed over, any other Street, Lane, Alley, Paſſage, or Place, within the ſaid Town and Pariſhes; then, and in every ſuch Caſe, the ſeveral Powers and Authorities by this Act given and granted for paving and cleanſing the ſaid High Street, Eaſt Street, and Weſt Street, ſhall, from thenceforth, extend to ſuch Street, Lane, Alley, Paſſage, or Place, for which ſuch Application ſhall be made; and that One Moiety of the Money which ſhall be found neceſſary to be raiſed for thoſe Purpoſes ſhall be raiſed by Annuities, and the other Moiety by Mortgage of the Rates or Aſſeſſments which ſhall be laid or aſſeſſed upon ſuch Houſes, Tenements, or Hereditaments, within ſuch Streets, Lanes, Alleys, Paſſages, and Places, for thoſe Purpoſes; which Rates or Aſſeſſments ſhall not exceed the ſeveral

Rates or Aſſeſſments herein before laid on the Houſes, Tenements, or Hereditaments, within the ſaid High Street, Eaſt Street, and Weſt Street.

New Commiſſioners how to be elected.

XLIV. And be it further enacted, That when any of the Commiſſioners herein-before appointed, or who may hereafter be elected, by virtue of this Act, ſhall die, or ſhall for the Space of One whole Year refuſe or neglect to act as a Commiſſioner in the Execution of this Act, (except the ſaid High Steward, Mayor, Recorder, Governor, and Deputy-governor, reſpectively, ſuch Death, Refuſal, or Neglect, having been firſt declared at ſome publick Meeting of the ſaid Commiſſioners); that then the ſurviving or remaining Commiſſioners ſhall, at a Meeting to be appointed for that Purpoſe, on that Day Month next after ſuch Vacancy ſhall have been ſo declared, elect and chuſe a fit Perſon, being reſident within the ſaid Town and Pariſhes, to be a Commiſſioner in the Place of ſuch Commiſſioner deceaſed, or who ſhall have refuſed or neglected to act as aforeſaid; and all Perſons, ſo elected and choſen, ſhall be joined with the ſurviving or remaining Commiſſioners, and ſhall be and are hereby declared to be veſted with the ſame Powers and Authorities for putting this Act in Execution, as the Perſons in whoſe Places they ſhall have been named and appointed Commiſſioners in and by this Act.

A ſufficient Number of Commiſſioners not appearing, the Clerk may adjourn the Meeting.

XLV. And be it further enacted, That if at any Meeting there ſhall not appear a ſufficient Number of Commiſſioners to act, or to adjourn to another Day, or in caſe the Commiſſioners ſhall not adjourn themſelves; then their Clerk ſhall, by Notice in Writing, to be affixed at the publick Market-place of the ſaid Town, at leaſt Ten Days before the next Meeting, appoint the ſaid Commiſſioners to meet at the Place where the laſt Meeting was to have been held; and the ſaid Commiſſioners ſhall, at all their Meetings defray their own Expences.

Commiſſioners to defray their own Expences.

Commiſſioners at any Meeting, not leſs than Three, may act, (except as excepted.)

Proceedings to be entered in Books.

Orders, *&c.* to be made by the majority of the Commiſſioners preſent.

XLVI. And be it further enacted, That at all Meetings of the Commiſſioners for putting this Act in Execution, (except in ſuch Caſes only where a greater Number are particularly required to be preſent), the ſeveral Powers and Authorities by this Act granted ſhall and may, from Time to Time, be exerciſed by the major Part of ſuch of them as ſhall be preſent at any ſuch Meeting, ſuch major Part not being leſs than Three; and all Acts, Orders, and Proceedings, of the ſaid Commiſſioners, ſhall be entered in Books to be kept for that Purpoſe, and ſhall be ſigned by the Clerk at ſuch Meeting, or at the next Meeting of the Commiſſioners; and all ſuch Orders, ſo ſigned, ſhall be deemed original Orders; and all ſuch Books may be produced, and ſhall be allowed to be read in Evidence in all Courts whatſoever; but no Act, Order, Proceeding, or Determination of the ſaid Commiſſioners, ſhall in any Caſe be valid, unleſs done or made at ſome publick Metting to be held in purſuance of this Act, and where Five or more Commiſſioners, as the Caſe ſhall require, ſhall have been preſent.

The Expences of the Act to be paid out of the firſt Monies.

XLVII. And be it further enacted, That the Charges and Expences of obtaining and paſſing this Act ſhall be paid out of the Firſt Monies ariſing by this Act.

Penalties and Forfeitures how to be recovered and applied.

XLVIII. And be it further enacted, That all Penalties, Forfeitures, and Payments, by this Act impoſed, incurred, and directed to be made, (the Recovery and Application whereof is not herein otherwiſe particularly directed), ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of any Juſtice or Juſtices of the Peace acting within the ſaid Corporation of Graveſend and Milton, or under the Hand and Seal, or Hands and Seals, of any Juſtice or Juſtices of the Peace for any County, City, or Place, wherein ſuch Offender ſhall inhabit, reſide, or be; which Warrant or Warrants the ſaid Juſtice or Juſtices is and are hereby impowered and required to iſſue upon the Information of One or more credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter *gratis*); and ſuch Penalties and Forfeitures, when recovered, after rendering the Overplus, (if any be), after deducting the Charges of ſuch Diſtreſs and Sale, when demanded, to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, ſhall go and be applied for ſuch Purpoſes of this Act as the ſaid Commiſſioners ſhall think fit; and in all Actions, Proſecutions, Informations, Cauſes, and Proceedings whatſoever, relating to or concerning the Execution of this Act, any Inhabitant within the ſaid Town and Pariſhes may and ſhall be admitted to give Evidence, notwithſtanding ſuch Perſon being an Inhabitant of the ſaid Town or Pariſhes, and liable to pay, or who ſhall actually pay, the Rates or Aſſeſſments laid and aſſeſſed by virtue of this Act.

Commiſſioners may act as Juſtices.

XLIX. And be it further enacted, That every Commiſſioner who is a Juſtice of the Peace for the ſaid Corporation of Graveſend and Milton, may act as a Juſtice of the Peace for putting this Act in Execution, notwithſtanding his being a Commiſſioner.

Perſons aggrieved may appeal to the Quarter Seſſions.

L. And be it further enacted, That if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved, by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon or Perſons may, within Four Months after the Cauſe of Complaint ſhall have ariſen, appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace, to be holden in and for the Weſtern Diviſion of the County of Kent, ſuch Appellant or Appellants firſt giving, or cauſing to be given, Fourteen Days Notice at the leaſt in Writing of his, her, or their Intention to bring ſuch Appeal, and of the Cauſe or Matter thereof, to the Clerk or Treaſurer to the ſaid Commiſſioners, and within Ten Days after ſuch Notice, entering into a Recognizance before ſome Juſtice or Juſtices of the Peace of the ſaid Corporation, with ſufficient Sureties to try ſuch Appeal at, and abide the Order of the Court, and to pay ſuch Coſts, as ſhall be awarded by the ſaid Juſtices at the ſaid Quarter Seſſions; and the ſaid Juſtices at ſuch Quarter Seſſions, upon due Proof of ſuch Notice being given, and of the entering into ſuch Recognizance as aforeſaid, ſhall hear and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party or Parties appealing or appealed againſt as they the ſaid Juſtices ſhall think proper; and their Determination ſhall be binding, final, and concluſive, to all Intents and Purpoſes.

Diſtreſs not unlawful for want of Form.

LI. Provided always, and be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Default or want of Form in any Proceeding relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the ſpecial Damage in an Action on the Caſe; but no Plaintiff ſhall recover in any Action on account of any Irregularity, Treſpaſs, or other Proceeding, if ſufficient Tender of Amends ſhall be made to the Plaintiff by or on the Behalf of the Defendant before ſuch Action brought; and in caſe no ſuch Tender ſhall have been ſo made, it ſhall and may be lawful to and for the Defendant in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as to him ſhall ſeem meet; whereupon ſuch Proceedings, or Orders and Judgements, ſhall be had, made, and given in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Proceedings not to be quaſhed for want of Form, nor removed by *Certiorari.*

LII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or other Matter or Thing done or tranſacted in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form only, or be removed by Certiorari, or any Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; any Law or Statute to the Contrary notwithſtanding.

Writings to be without Stamps.

LIII. And be it further enacted, That no Nomination, Appointment, Information, Warrant, Order, Judgement, or other Writing whatſoever, under the Hand and Seal or Hands and Seals of, or only ſigned by any Commiſſioner or Commiſſioners conſtituted by this Act, or by any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, or under the Hand and Seal or Hands and Seals of, or only ſigned by, any other Perſon or Perſons whomſoever, relating to the Execution of this Act, ſhall be charged or chargeable with any Stamp-duty whatſoever.

No Action to be commenced till after Notice given, &c.

LIV. And be it further enacted, That no Action or Suit ſhall be brought againſt any Perſon or Perſons for any Thing done in purſuance of this Act, unleſs the ſame be commenced within Six Months next after the Fact committed, and alſo unleſs Twenty Days Notice in Writing ſhall be firſt given to the Treaſurer or Clerk to the ſaid Commiſſioners; and every ſuch Action or Suit ſhall be brought and tried in the County of Kent, and not elſewhere; and the Defendant or Defendants, in all ſuch Actions and Suits, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial which ſhall be had thereupon, and that the Matter or Thing for which ſuch Action or Suit ſhall be brought was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear ſo to be done, or if it ſhall appear that ſuch Action or Suit was brought after the Time herein-before limited for bringing the ſame, or before Twenty Days Notice thereof given, as aforeſaid, or that ſufficient Satisfaction was made or tendered as aforeſaid, or ſhall be brought in any other County than as aforeſaid; then, and in all or any of the Caſes aforeſaid, the Jury ſhall find for the Defendant; and if a Verdict ſhall be found for the Defendant, or if the Plaintiff ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action, or if Judgement ſhall be given for the Defendant therein, then the Defendant ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame as Defendants have in other Caſes at Law.

General Iſſue.

Treble Coſts.

Publick Act.

LV. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

CAP. XVI.

An Act for taking down the Shire Hall of the County of *Devon*, and for building a new Shire Hall in a more commodious Manner.

Preamble.

WHEREAS the Shire Hall of the County of *Devon*, ſituate in the Caſtle of *Rougemont*, commonly called *The Caſtle of Exeter*, where the Aſſizes, Seſſions of the Peace, County Courts, and Meetings for the Adminiſtration of Juſtice, and for other publick

Shire Hall veſted in Commiſſioners,

to be taken down;

and a new one to be built.

publick Services of the ſaid County, are holden, is in a ruinous Condition, and very incommodious: And whereas it is neceſſary that the ſaid Shire Hall, and the Buildings thereunto belonging, ſhould be taken down, and new ones erected, for the Purpoſes aforeſaid: And whereas no Proviſion is made by the Laws in being to authoriſe the raiſing of Money for defraying the Expence of taking down and rebuilding the ſaid Hall; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and immediately after the paſſing of this Act, the ſeveral Perſons named in the preſent, or to be named in any future Commiſſion of the Peace for the ſaid County, although they ſhall not have ſued out a Dedimus by virtue of ſuch Commiſſion, together with the ſeveral Truſtees herein-after named, and to be appointed, by virtue of this Act, ſhall be, and they are hereby conſtituted Commiſſioners for carrying this Act into Execution: And they, or any Seven or more of them, are hereby authoriſed and impowered, to cauſe the ſaid preſent Shire Hall, and Buildings thereunto belonging, to be taken down, and to contract and agree with any Perſon or Perſons for the taking down the ſame, and to ſell and diſpoſe of ſuch Part of the Materials as ſhall not be made uſe of for the Purpoſe of building the new Shire Hall to ſuch Perſon or Perſons as ſhall be willing to purchaſe the ſame; and alſo to cauſe a new Shire Hall, with proper and neceſſary Apartments therein, to be erected and built upon or near to the Ground where the preſent Shire Hall doth ſtand, for the Uſe of the ſaid County; and alſo to erect and build temporary Courts near to the preſent Shire Hall, for the holding of the ſaid Aſſizes, Seſſions, and County Courts, and publick Meetings of the ſaid County, during the Time in which the ſaid new-intended Shire Hall ſhall be building; and to contract and agree with any Perſon or Perſons for the building, completing, finiſhing, and fitting up ſuch new Shire Hall, and temporary Courts, in ſuch Manner as the Commiſſioners, or any Seven or more of them, ſhall think proper.

Manner of holding Meetings.

II. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall meet at the ſaid Caſtle of Exeter, on Tueſday the Twentieth Day of April next, and proceed to carry into Execution this Act; and ſhall then, and from Time to Time afterwards, as they ſhall think proper, chuſe a Clerk; and, if they ſee Occaſion, may afterwards remove him, and chuſe another in his Room; and make him a proper Allowance for his Trouble and Attendance on them; and may adjourn themſelves to, and meet in the ſaid Caſtle, or at ſuch Place or Places in the ſaid City of Exeter, when and as often as they ſhall think proper: And in caſe a ſufficient Number of Commiſſioners ſhall not be preſent at any ſuch Meeting to act and to adjourn to another Day; then, and ſo often as the Caſe ſhall happen, ſuch Meeting ſhall ſtand over, and be held at the ſame Place, on the ſame Day in every ſucceeding Week, until another Day ſhall be appointed by the ſaid Commiſſioners, or any Seven or more of them; and no Order ſhall be made, or Buſineſs tranſacted, by the ſaid Commiſſioners, relative to the Execution of this Act, otherwiſe than at ſuch Meetings as aforeſaid.

Expences of Building to be defrayed by the Commiſſioners.

III. And be it further enacted, That the ſaid new-intended Shire Hall ſhall be built, completed, fitted up, and finiſhed, for the convenient carrying on and tranſacting the publick Buſineſs of the ſaid County of Devon, in ſuch Manner as the ſaid Commiſſioners, or any Seven or more of them, ſhall, from Time to Time, direct or appoint: And the Expences to be incurred in and upon account of taking down the preſent Shire Hall and Buildings, as aforeſaid, and erecting a new Shire Hall, and temporary Courts, until ſuch intended Hall ſhall be finiſhed, ſhall be defrayed and diſcharged by and under the Direction and Appointment of the ſaid Commiſſioners, or any Seven or more of them, in the Manner herein directed, and out of the Monies which ſhall be raiſed or received by virtue of this Act.

Money to be raiſed by the Commiſſioners,

by Aſſeſſment on the County.

IV. And, for raiſing Money for the Purpoſes aforeſaid, be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall and may, from Time to Time, as often as they ſhall think proper, certify, in Writing, under their Hands, to the Juſtices of the Peace of the ſaid County of Devon, aſſembled at their General Quarter Seſſions of the Peace for ſuch County, or at any Adjournment thereof, the Sum or Sums of Money which ſhall, from Time to Time, be neceſſary to be raiſed, for defraying the Expence of taking down the preſent Shire Hall and Buildings, as aforeſaid; and of building, completing, fitting up, and finiſhing the ſaid new Shire Hall, and the ſaid temporary Courts, and other Buildings, and executing the other Purpoſes of this Act: And the ſaid Juſtices ſo aſſembled, when any ſuch Certificate ſhall be produced, ſhall immediately rate and aſſeſs on the ſaid County the Sum and Sums mentioned in every ſuch Certificate; and ſuch Sum and Sums ſhall be collected, recovered, levied, paid, and be accounted for, by the Perſons making ſuch Collections, in ſuch Manner, and by ſuch Means, and with ſuch Powers of Diſtreſs for enforcing the Collection and Payment thereof, and for puniſhing all Perſons whoſe Duty it ſhall be to collect and account for the ſame, and ſhall make Default therein, as the County Rates have been uſually, or may be, by an Act made in the Twelfth Year of His late Majeſty's Reign, intituled, An Act for the more eaſy aſſeſſing, collecting, and levying of County Rates, or by any other Act or Acts of Parliament, aſſeſſed, collected, recovered, levied, paid, and accounted for, within the ſaid County; and ſhall order and direct the Treaſurer of the ſaid County to pay, out of the County Money, then or thereafter to be in his Hands, the Sum and Sums mentioned in every ſuch Certificate, to the Commiſſioners appointed by this Act, or any Seven or more of them, or to ſuch Perſon or Perſons as they ſhall appoint, by Writing, under their Hands, to receive the ſame; and the Receipt of the ſaid Commiſſioners, or any Seven or more of them, or of ſuch Perſon or Perſons who ſhall be ſo appointed, ſhall be a full and ſufficient Diſcharge to the ſaid Treaſurer for the Payment of ſuch Monies.

Not more than 4000 l. to be raiſed.

V. Provided always, That nothing herein contained ſhall extend to impower the Commiſſioners, or any of them, to lay out and expend, for the Purpoſes aforeſaid, any further or larger Sum than Four thouſand Pounds, including the Produce ariſing from the Sale of the Sum of One thouſand two hundred and thirty-one Pounds, Thirteen Shillings and Two-pence, now veſted in the publick Funds, as herein-after mentioned, but excluſive of the Coſts and Expences attending the obtaining and paſſing this Act, and the building of temporary Courts as aforeſaid, which ſhall be defrayed by and out of the Monies to be raiſed by the general Rates and Aſſeſſments in the ſaid County; and alſo of the Monies to be received by Sale of the Materials of the preſent Shire Hall, and other Buildings within the ſaid Caſtle, herein-before directed to be taken down; all which Monies ſhall be applied to and for the Purpoſe of this Act, and to no other Uſe or Purpoſe whatſoever.

The Shire-Hall to be ſupported at the Expence of the County.

VI. And be it further enacted, That when the ſaid new Shire Hall ſhall be built, fitted up, and finiſhed, the ſame ſhall be for ever after repaired, ſupported, maintained, and provided with proper Accommodations and Furniture, as Occaſion ſhall require, at the Expence and Charge of the ſaid County of Devon, in the ſame Manner as any other publick Works or Buildings of the ſaid County ought to be repaired, ſupported, or maintained: And that it ſhall and may be lawful for the ſaid Juſtices of the Peace, aſſembled at their General Quarter Seſſions of the Peace, from Time to Time, to order the ſaid Shire Hall to be repaired, ſupported, maintained, and provided with proper Accommodations and Furniture, in ſuch Manner as they ſhall think fit; and to order the Expence and Charge thereof to be, from Time to Time, paid and defrayed by and out of the Monies to be raiſed by the General Rates and Aſſeſſments made, and to be made, aſſeſſed, and levied, in the ſaid County: And the ſaid new Shire Hall, with the Apartments, and every Thing thereto belonging, when the ſame ſhall be built and furniſhed, ſhall thenceforth be under the Direction and Care of the Juſtices of the Peace of the ſaid County of Devon, for the Services of the ſaid County.

Proceedings to be entered in Books.

VII. And be it further enacted by the Authority aforeſaid, That all Proceedings of the ſaid Commiſſioners, and all Contracts and Agreements made and entered into by the ſaid Commiſſioners by virtue of this Act, ſhall be entered by their Clerk, in a Book or Books to be provided for that Purpoſe.

All Accounts to be depoſited with the Clerk of the Peace.

VIII. And be it further enacted, That when the ſaid new Shire Hall ſhall be built, finiſhed, fitted up, and furniſhed, and all Monies due upon Account thereof ſhall be fully paid and ſatiſfied, and all Matters and Things by this Act directed and authoriſed to be done and performed by the ſaid Commiſſioners ſhall be completed, the ſaid Commiſſioners ſhall cauſe all Books, Papers, Accounts, and other Writings, Plans, and other Drawings, relating to the Execution of this Act, to be depoſited with the Clerk of the Peace for the County of Devon, to be kept among the Records of ſuch County.

1231 l. 13 s. 2 d. veſted in Truſtees, for the Uſe of the ſaid County,

IX. And whereas the Sum of One thouſand two hundred and thirty-one Pounds, Thirteen Shillings and Two-pence, is now ſtanding in the publick Funds, in the Name of Sir *Richard Warwicke Bampfylde*, Baronet, One of His Majeſty's Juſtices of the Peace for the ſaid County, as ſurviving Truſtee, in his Name, and in the Names of *Francis Drewe*, *William Peere Williams*, *Richard Beavis*, *William Clifford Martyn*, and *William Neyle*, Eſquires, deceaſed, and the Intereſt and Dividends thereof have, from Time to Time, been paid and applied to the Uſes and Purpoſes of the ſaid County, and in the ſame Manner as the ſaid County Rates or Stock have been uſed and employed; but no Truſt having been declared concerning the ſaid capital Sum of One thouſand two hundred and thirty-one Pounds, Thirteen Shillings and Two-pence, the ſaid Sir *Richard Warwicke Bampfylde*, the ſaid ſurviving Truſtee, has no Authority to tranfer and apply the ſame to the Purpoſes of this Act without the Aid of Parliament, be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Sir Richard Warwicke Bampfylde, the ſaid ſurviving Truſtee before mentioned, his Executors and Adminiſtrators, and he and they are hereby fully authoriſed and impowered to ſell and transfer the ſaid Sum of One thouſand two hundred and thirty-one Pounds, Thirteen Shillings and Two-pence, and receive and give Receipt or Receipts for the Monies ariſing by the Produce thereof, and pay the ſame into the Hands of the Treaſurer of the ſaid County for the Time being, ſubject to the Order and Directions of the Juſtices of the Peace of the ſaid County, to be by them, from Time to Time, applied and made uſe of towards the Purpoſes aforeſaid; and that the Receipt of the ſaid Treaſurer for the Time being for the ſaid Monies ſhall be a ſufficient Diſcharge and Indemnification to the ſaid Sir Richard Warwicke Bampfylde for the Produce of

may be applied for the Purpoſes of this Act.

the ſaid Sum of One thouſand two hundred and thirty-one Pounds, Thirteen Shillings and Two-pence, and the Intereſts and Dividends thereof.

The Scite of the Building veſted in His Majeſty, granted by Act 9 *Annæ*, to ſeveral Perſons in Truſt;

and by 2 *Geo.* I.

X. And whereas the Place wherein the preſent Shire Hall is ſituated is very proper and commodious for building a new Shire Hall, being within the Walls of the ſaid Caſtle: And whereas by an Act, paſſed in the Ninth Year of the Reign of Her late Majeſty Queen *Anne*, intituled, *An Act to enable Her Majeſty to grant the ſaid Scite of the Caſtle of* Exon *(Parcel of her Duchy of* Cornwall*) for Ninety-nine Years, for the Uſe and Benefit of the County of* Devon, Her late Majeſty was impowered to grant unto ſeveral Perſons, appointed by Order of the Quarter Seſſions of the Peace for the ſaid County, and to their Executors, Adminiſtrators, and Aſſigns, all that the ſaid Scite of the Caſtle of *Exon*, Part of the Duchy of *Cornwall*, with the Lands and Buildings within the Walls of the ſaid Caſtle, and all Privileges and Appurtenances thereunto belonging, for and during the Term of Ninety-nine Years, fully to be complete and ended, in Truſt to and for the ſeveral publick Uſes and Purpoſes in the ſaid Act mentioned; (that is to ſay), To be uſed for Courts for holding the Aſſizes, Seſſions of the Peace, County Courts, and Meetings, for the Adminiſtration of Juſtice, and for other publick Uſes and Services of the ſaid County; which Grant was made accordingly by His late Majeſty King *George* the Firſt, by Letters Patent, dated the Twenty-third Day of *December*, in the Second Year of His Reign, to certain of His Majeſty's Juſtices of the Peace of and for the ſaid County therein mentioned, to hold to them, their Executors, Adminiſtrators, and Aſſigns, for and during the Term of Ninety-nine Years, to commence from the Date of the ſaid Letters Patent, as aforeſaid, in Truſt, for the publick Uſe and Benefit of the ſaid County; the Reſidue of which ſaid Term is not adequate to the great Expence of erecting the ſaid Shire Hall and other Buildings: And whereas the ſaid Caſtle of *Exeter*, and the Premiſes ſo granted, as aforeſaid, having been for many Ages paſt of little or no Advantage to the Crown, it would be of great Utility to the County of *Devon*, if, inſtead of the ſaid Term of Ninety-nine Years, the Fee-ſimple and Inheritance thereof was to be veſted in Truſtees, in Truſt, and for the Uſe of the ſaid County, to be uſed and diſpoſed of in Manner and for the Purpoſes herein mentioned; and that the ſaid Term of Ninety-nine Years, ſo granted as aforeſaid, and the Uſes, Truſts, and Purpoſes, declared thereof as aforeſaid, ſhould ceaſe, determine, and become extinguiſhed in the Inheritance of the ſame Premiſes; be it therefore enacted by the Authority aforeſaid, That all that manerial Scite or Manſion-houſe, called or known by the Name of the Caſtle of Exeter, ſituate within the Walls of the ſaid City of Exeter, in the County aforeſaid, Parcel of the ſaid Duchy of Cornwall aforeſaid, with the Lands, Houſes, and Buildings, within the Walls of the ſaid Caſtle, and all Privileges and Appurtenances thereunto belonging, as compriſed in the ſaid recited Letters Patent, ſhall, from and after the paſſing of this Act, be veſted in, and the ſame are hereby, from thenceforth, veſted in the Right Honourable Wilmot Lord Viſcount Liſburne in the Kingdom of Ireland, Sir Thomas Dyke Acland Baronet, Sir John Chicheſter Baronet, Sir John Wilmot Prideaux Baronet, Sir Richard Warwicke Bampfylde Baronet, Sir John Davie Baronet, Sir John Moleſworth Baronet, Sir George Yonge Baronet, Richard Hippiſley Coxe, John Walter, John Buller, Charles Warwicke Bampfylde, John Arſcott, Robert Palk, John Dyke Acland, John Parker, Frederick Rogers, John Roll, Francis Roſe Drewe, John Chicheſter, and John Duntze, Eſquires, and their Heirs, to the Uſe of them and their Heirs, freed and diſcharged from the Term of Ninety-nine Years before granted, and the Uſes, Truſts, and Purpoſes declared thereof, as aforeſaid; but nevertheleſs upon the Truſts, and to and for the ſeveral Uſes, Ends, Intents, and Purpoſes herein-before mentioned and declared, and for ſuch other publick Uſes and Purpoſes as the Juſtices of the Peace of the ſaid County of Devon for the Time being, or the major Part of them, at the General Quarter Seſſions of the Peace, ſhall, from Time to Time direct, order, and appoint.

The Caſtle veſted in Truſtees,

in Truſt, for the Purpoſes of the Act.

From the paſſing hereof, the ſaid Term ſhall ceaſe:

XI. And it is hereby further enacted and declared, That from and immediately after the paſſing of this Act, the ſaid Term of Ninety-nine Years, ſo limited as aforeſaid, ſhall ceaſe and become extinguiſhed in the Freehold and Inheritance of the Premiſes, out of which the ſame was granted, and ſo veſted in the ſeveral Truſtees before named, for the ſeveral Purpoſes before mentioned.

Proviſo and Condition, that the Truſtees pay the yearly Rent of 10 *l.*

XII. Provided always, That the ſaid Scite or Caſtle of Exeter, with the Lands, Houſes, and Buildings, within the ſaid Caſtle, and their Appurtenances, ſo veſted in the ſaid laſt-mentioned Truſtees, is and ſhall be upon this expreſs Condition, nevertheleſs that they the ſaid laſt-mentioned Truſtees, or the Juſtices of the Peace for the Time being of and for the ſaid County of Devon, do pay, or cauſe to be paid, yearly, and every Year, unto His ſaid Majeſty, His Heirs or Aſſigns, or unto His Royal Highneſs the Prince of Wales, His Heirs and Succeſſors for the Time being, or to him, her, or them, who ſhall have the Inheritance, or other Eſtate of the ſaid Duchy of Cornwall, the ancient yearly Rent of Ten Pounds, the ſame to be paid at Michaelmas in every Year; and in caſe the ſaid Rate or annual Payment of Ten Pounds, or any Part thereof, ſhall be behind and unpaid for the Space of Forty Days next after the ſame ſhall become due as aforeſaid, having been lawfully demanded; then, and in ſuch Caſe, the ſaid Premiſes, and every Part thereof, ſhall revert to, and be reveſted in, His ſaid Majeſty, His Heirs and Succeſſors, or in him, her, or them, who ſhall have the Inheritance, or other Eſtate of the ſaid Duchy; any Thing herein-before contained to the Contrary thereof in any-wiſe notwithſtanding.

General Saving.

XIII. Saving to all and every Perſon and Perſons, Bodies Politick and Corporate, their Heirs and Succeſſors, Executors, Adminiſtrators, and Aſſigns, (other than and except to our Sovereign Lord the King, and His Heirs and Succeſſors, and the Duke and Dukes of Cornwall for the Time being, and his and their Heirs and Succeſſors, and all and every Perſon and Perſons that ſhall hereafter have, inherit, or enjoy, the ſaid Dukedom of Cornwall, by Force of any Act of Parliament, or other Limitation whatſoever), all ſuch Rights, Titles, Eſtates, Cuſtoms, Intereſts, Tenures, Claims, and Demands whatſoever, of what Nature, Kind, or Quality ſoever, of, in, to, or out of the Scite of the ſaid Caſtle of Exeter, and the Land and Buildings within the Walls of the ſaid Caſtle, and the Privileges and Appurtenances thereunto belonging, to all Intents and Purpoſes whatſoever, as if this Act had never been made.

The Act not to prevent guarding or fortifying the Caſtle.

XIV. Provided always, That if in any future Time it ſhall be found neceſſary and convenient for the publick Services of this Kingdom, that the Caſtle aforeſaid ſhould be fortified and guarded by a Military Force, and that a Guard ſhould be placed therein, it ſhall and may be lawful for His preſent Majeſty, His Heirs and Succeſſors, to do every Thing which ſhall be neceſſary to be done for theſe Purpoſes in as ample a Manner as if this Act had not been paſſed; any Thing herein contained to the Contrary thereof in any-wiſe notwithſtanding.

When the Truſtees ſhall be reduced to leſs than Seven, others to be appointed.

XV. And it is further enacted by the Authority aforeſaid, That when the Number of the ſaid Truſtees, in whom the ſaid Caſtle and Premiſes aforeſaid is ſo veſted as aforeſaid, ſhall, by Death, or otherwiſe, be reduced to Seven, or a leſs Number; then, and in ſuch Caſe, the ſurviving Truſtees, or the Heirs or Heir of the Survivor, ſhall forthwith grant and convey, by Leaſe and Releaſe, or by Bargain and Sale, to be inrolled at the Quarter Seſſions of the Peace to be holden in and for the ſaid County of Devon, with the Clerk of the Peace there, all and ſingular the Caſtle and Premiſes, as aforeſaid, to Twenty-one other Perſons at the leaſt, who ſhall be in the Commiſſion of the Peace for the ſaid County, their Heirs and Aſſigns, for ever, for the Uſes, Ends, Intents, and upon the ſeveral Truſts and Conditions aforeſaid.

Perſons damaging the Buildings how to be puniſhed.

XVI. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall wilfully and maliciouſly pull down or deſtroy the ſaid Shire Hall, or other Buildings within the ſaid Caſtle, ſo to be erected, or any Part thereof, ſuch Perſon or Perſons, being lawfully convicted thereof, ſhall be adjudged guilty of Felony; and the Court before whom ſuch Perſon or Perſons ſhall be tried ſhall have full Power and Authority, either to order the Perſon or Perſons ſo offending to be tranſported for Seven Years, to ſuch Place, and in ſuch Manner, as other Felons are directed to be tranſported by the Laws and Statutes of this Realm, or to ſuffer ſuch corporal Puniſhment, by Whipping or Impriſonment, as to the Court before whom ſuch Perſon or Perſons ſhall be tried ſhall ſeem meet.

Limitation of Actions.

XVII. And be it further enacted, That if any Action or Suit ſhall be commenced or proſecuted by or againſt any of the Commiſſioners aforeſaid, or by or againſt any Perſon or Perſons acting by or under their Orders and Authority, as aforeſaid, for any Thing done in purſuance of this Act, ſuch Action or Suit ſhall be brought and commenced within Six Calendar Months after the Fact committed, and not afterwards: And every ſuch Action or Suit ſhall be laid and brought in the County of Devon, and not elſewhere; and the Damages, Coſts, Charges, and Expences incurred, or to be incurred, by Means of ſuch Proſecution, Action, or Suit, ſhall be paid and borne out of the County Stock, or Rates belonging to the ſaid County, by the Juſtices of the Peace of the ſaid County, and ſhall be by them raiſed, reimburſed, and paid, to ſuch Commiſſioner or Commiſſioners, Perſon or Perſons, as aforeſaid, by the Treaſurer of the ſaid County, as other County Expences are raiſed and paid by Order of the ſaid Juſtices, and out of the Publick Money belonging to the ſaid County of Devon; and the Defendant or Defendants in ſuch Action or Suit ſhall or may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon: And if the Plaintiff or Plaintiffs ſhall become nonſuit, or diſcontinue ſuch Action or Suit; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for recovering ſuch Coſts as any other Defendant or Defendants hath or have for Coſts in any other Caſe by Law.

General Iſſue.

Treble Coſts.

Publick Act.

XVIII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act; and all Judges, Juſtices, and other Perſons, ſhall take Notice thereof as ſuch, without ſpecially pleading the ſame.

C A P. XVII.

An Act for making the Exemplification of the Laſt Will and Teſtament of *William* Earl of *Bleſington*, in the Kingdom of *Ireland*, deceaſed, Evidence as well in *Ireland* as in *Great Britain*.

C A P. XVIII.

An Act to repeal an Act, paſſed in the Ninth Year of the Reign of His preſent Majeſty, intituled, *An Act for the more effectual Relief of the Poor in the County of* Devon; and for other Purpoſes therein mentioned.

CAP. XIX.

An Act to amend and render more effectual an Act paſſed in the Twenty-ſecond Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for draining and improving certain Fen Lands within the Manor and Pariſhes of* Upwell *and* Outwell, *and in the Pariſhes of* Denver *and* Welney, *in the* Iſle of Ely, *and Counties of* Cambridge *and* Norfolk, ſo far as the ſame relates to the Lands lying on the South Side of *Popham's Eau.*

CAP. XX.

An Act to amend and render more effectual an Act, made in the Thirty-third Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for draining and preſerving certain Fen Lands and Low Grounds in the* Iſle of Ely, *and Counties of* Suffolk *and* Norfolk, *between* Mildenhall *River, South;* Plant Load *and* Brandon *River, North; bounded on the Weſt by the River* Ouſe; *and on the Eaſt by* Winter Load, Earſwell *Brook, and the Hard Lands of* Mildenhall; *and for impowering the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, commonly called* Bedford Level, *to ſell certain Fen Lands lying within the Limits aforeſaid, commonly called* Inveſted Lands; ſo far as the ſame relates to the ſeveral Fen Lands and Low Grounds lying in the Firſt Diſtrict deſcribed in the ſaid Act.

Preamble.

Act 33 Geo. II.

WHEREAS by an Act, paſſed in the Thirty-third Year of the Reign of His late Majeſty King *George* the Second, (intituled, *An Act for draining and preſerving certain Fen Lands and Low Grounds in the* Iſle of Ely, *and Counties of* Suffolk *and* Norfolk, *between* Mildenhall *River, South,* Plant Load *and* Brandon *River, North, bounded on the Weſt by the River* Ouſe, *and on the Eaſt by* Winter Load, Earſwell *Brook, and the Hard Lands of* Mildenhall; *and for impowering the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, commonly called* Bedford Level, *to ſell certain Fen Lands lying within the Limits aforeſaid, commonly called* Inveſted Lands;) all and ſingular the Fen Lands and Low Grounds within the ſaid Firſt Diſtrict, and all and every the reſpective Owner and Owners, Occupier and Occupiers, of ſuch Lands and Grounds, were therein and thereby taxed and charged, during the Firſt Seven Years, to be computed from the Feaſt of *Saint John the Baptiſt*, in the Year of our Lord One thouſand ſeven hundred and ſixty, with the yearly Sum of One Shilling; and after the Expiration of the ſaid Seven Years, with the yearly Sum of One Shilling and Sixpence, for every Acre of the ſaid Fen Lands and Low Grounds, ſo long as any Money, which ſhall at any Time have been borrowed for the Purpoſes of the ſaid Act, or the Intereſt thereof, ſhall remain unpaid: And whereas the Commiſſioners, in purſuance of the Powers and Authorities thereby granted, for the more ſpeedy Execution of the ſaid Act, did, from Time to Time, borrow conſiderable Sums of Money upon the Credit of the ſaid Taxes, and have carried the Works of Draining into Execution, from which the Proprietors have found the greateſt Benefit; but from the great Expence neceſſarily attending the Maintenance of thoſe Works, the ſaid Commiſſioners are unable to pay off any Part of the Money now owing upon the Credit of the ſaid Taxes, without the further Aid of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Feaſt of Saint John the Baptiſt next following the paſſing of this Act, all and ſingular the Fen Lands and Low Grounds within the ſaid Firſt Diſtrict, and all and every the reſpective Owner and Owners, Occupier and Occupiers, of ſuch Lands and Grounds, ſhall be, and the ſame are hereby rated, aſſeſſed, taxed, and charged, during the Term of Ten Years, to be computed from the ſaid Feaſt of Saint John the Baptiſt next after the paſſing of this Act, with the farther yearly Sum of One Shilling for every Acre of the ſaid Fen Lands and Low Grounds, over and above the before-mentioned Acre-tax of One Shilling and Sixpence per Acre, charged by the ſaid former Act, and over and above ſuch other Acre Rates and Taxes wherewith the ſaid Fen Lands and Low Grounds in the ſaid Diſtrict, or any Part thereof, now are, or may be, chargeable; which ſaid Sum or Sums of Money, to be raiſed by virtue hereof, ſhall (after the Payment of the Charges and Expences of procuring and paſſing of this Act, which the Commiſſioners appointed or choſen for the ſaid Firſt Diſtrict, by or in purſuance of the ſaid former Act, and who are alſo hereby appointed Commiſſioners for carrying this preſent Act, and all the Powers and Authorities hereby given, into Execution, or any Seven or more of them, are impowered and required to pay) be paid, collected, levied, recovered, and accounted for, in ſuch Manner as in the ſaid Act the ſaid Acre-tax of One Shilling and Sixpence per Acre is directed to be paid, collected, levied, recovered, and accounted for; and ſhall be applied, from Time to Time, in paying off a Part of the ſaid principal Sum now owing upon the Credit of the ſaid former Act, and to no other Uſe or Purpoſe whatſoever.

How the Lands are to be further rated.

II. Provided always, That no further or other Sums of Money ſhall, during the Continuance of the ſaid additional Tax, be borrowed upon the Credit of the ſaid former Act; except in Caſes of an extraordinary Emergency, by a Breach or Breaches of Bank; in which Caſe the ſaid Commiſſioners may borrow the Sum of One thouſand

No further Sum to be borrowed during the Continuance of the additional Tax except on Emergency.

Pounds, if their ordinary Revenue be not ſufficient to repair the ſame without ſuch borrowing: Neither ſhall the ſaid Commiſſioners, or their Succeſſors, have Power, at any Time after the Expiration of the ſaid Term of Ten Years, to aſſign over the Taxes aſſeſſed, or to be aſſeſſed, upon the Lands within the ſaid Diſtrict, ſo as to make them a Security for any greater Debt than Eight thouſand Pounds in the Whole, at any One Time, without the expreſs Licence and Conſent of Two-thirds in Value of ſuch Perſons as ſhall be then Creditors upon the Security of ſuch Taxes firſt had and obtained in Writing for that Purpoſe; any Thing in this or the ſaid former Act contained to the Contrary notwithſtanding.

Commiſſioners may ſuſpend the additional Tax, if Monies due ſhall be reduced to 6000 *l.*

III. And be it further enacted by the Authority aforeſaid, That if it ſhall happen that the Monies now due and owing on the Credit of the Taxes, laid on the Lands lying in the ſaid Diſtrict, ſhall be reduced to the Sum of Six thouſand Pounds, or under, before the Expiration of the ſaid Ten Years; then, and in ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or the major Part of them, aſſembled at any of their publick Half-yearly Meetings, as aforeſaid, to lower or ſuſpend the Payment of the ſaid additional Tax of One Shilling an Acre, either in Whole, or in Part, as they ſhall ſee Cauſe; any Thing herein contained to the Contrary notwithſtanding.

Additional Tax to be paid in Moieties by Landlord and Tenant

IV. And whereas there may be ſeveral Leaſes of Lands within the ſaid Diſtrict now ſubſiſting between Landlord and Tenant, wherein no Proviſion is made for the Share or Proportion which each ought to bear of the additional Tax hereby impoſed, be it further enacted, That where there ſhall be Three or more Years of any ſuch Leaſe to come and unexpired at the Time of paſſing of this Act, the ſaid additional Tax ſhall be equally borne and paid by the Landlord and Tenant, Share and Share alike; (that is to ſay), One Moiety thereof by the Landlord, and the other Moiety by the Tenant; and in ſuch Caſes, where there ſhall be leſs than Three Years to come at the Time of paſſing this Act, it ſhall and may be lawful for the Commiſſioners for putting this Act in Execution, aſſembled at any of their publick Meetings, or the major Part of them, on the Application of either Party, to ſettle and determine the Proportion of the additional Tax each Party ought to bear and pay, according to their reſpective Intereſts; which Determination, being fairly entered in the ſaid Commiſſioners Book of Orders, ſhall be final and concluſive to all Parties.

Penalty for deſtroying the Banks by burning Lands,

V. And whereas it frequently happens by the Negligence and Careleſſneſs of Servants, or other Perſons, employed in burning Fen Lands, in order to their being ploughed and broke up into Tillage, that the Banks lying contiguous and adjoining to ſuch Lands are burnt and damaged by the Fire being ſuffered to remain too long on ſuch Lands, and to ſpread to ſuch Banks; be it therefore enacted by the Authority aforeſaid, That if any Perſon or Perſons, who ſhall be employed in burning any of the Lands or Grounds lying within the ſaid Diſtrict, ſhall careleſsly or wilfully fire, or cauſe to be fired, any Bank lying near or adjoining to any of the ſaid Lands or Grounds, ſo as ſuch Bank be thereby burned, deſtroyed, or damaged, ſuch Perſon or Perſons, being thereof lawfully convicted by the Oath of One or more credible Witneſs or Witneſſes, or by the Confeſſion of the Party or Parties offending, before any One or more Juſtice or Juſtices of the Peace for the ſaid Iſle of Ely, or Counties of Suffolk or Norfolk, where the Offence ſhall be committed, (which Oath ſuch Juſtice or Juſtices is and are hereby impowered to adminiſter), ſuch Juſtice or Juſtices ſhall and may hear and determine the ſaid Offence, and ſhall award ſuch Recompence and Satiſfaction for the ſaid Damage as ſuch Juſtice or Juſtices ſhall think reaſonable; and ſuch Perſon or Perſons, ſo convicted, ſhall pay the ſame, within ſuch Time as the ſaid Juſtice or Juſtices ſhall order and appoint, into the Hands of the Receiver or Receivers of the ſaid Diſtrict, (for the Time being), to be applied for the repairing and amending the ſaid Bank; and in caſe of Nonpayment thereof, the ſame ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made; and for want of ſufficient Diſtreſs, ſuch Offender or Offenders ſhall, by ſuch Juſtice or Juſtices, be committed to the Houſe of Correction for the ſaid Iſle or Counties reſpectively, there to be kept to hard Labour, for ſuch Time as ſuch Juſtice or Juſtices ſhall direct, not exceeding Three Months, unleſs ſuch Recompence ſhall be ſooner paid and ſatisfied.

to be levied by Diſtreſs and Sale;

or Offenders may be committed.

Owners and Occupiers to repair and ſcour Ditches and Tunnels.

VI. And whereas the Clauſe in the former Act for obliging the Owner or Occupier of any of the ſaid Fen Lands to rode, ſcour, cleanſe, open, and repair their Dikes and Tunnels, leading to the Mill Drains for carrying off the Water, or to make proper Tunnels where neceſſary, upon Twenty-one Days Notice given to him, her, or them, by the Collector or Collectors, Receiver or Receivers, appointed by virtue of the ſaid Act, has been found inſufficient for the Purpoſes thereof, for want of a Penalty to enforce the ſame; be it enacted by the Authority aforeſaid, That from and after the paſſing of this preſent Act, every Perſon ſo neglecting to do the ſame within Twenty-one Days after Notice given for that Purpoſe ſhall, for every ſuch Neglect, forfeit and pay the Sum of Three-pence for every Rod of ſuch Dike, ſo neglected to be ſcoured, cleanſed, opened, and required; the Sum of One Penny for every Rod of ſuch Dike, ſo neglected to be roded; and the Sum of Ten Shillings for every Tunnel, ſo neglected to be made, opened, or continued: And the ſaid Commiſſioners, or any Five or more of them, are hereby impowered and required, by Warrant under their Hands and Seals, to cauſe the ſaid

Penalty on Neglect is 3 *d. per* Rod, &c.

Penalties to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon neglecting to do the ſame, to be applied to the Uſe of the ſaid Diſtrict, over and above the Coſts and Expences of doing ſuch Work or Works (if done by the Officer) in purſuance of the ſaid former Act.

Owners of Mills reſtrained from throwing Water upon the Lands of other Perſons.

VII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall erect or ſet up, or ſhall uſe or work any Horſe-mill, Gigg, or other Engine or Device whatſoever, already erected, or to be erected, for draining or diſcharging Water from any Lands intended to be drained by virtue of this Act, through or upon the Lands of any other Perſon or Perſons, or in any other Manner than directly and immediately from the Lands of the reſpective Owner of ſuch Mill, Gigg, Engine, or Device, either into the River Ouſe or Mildenhall or Brandon Rivers, or into Lakenheath Load, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to the Commiſſioners for putting this Act in Execution, to be employed towards carrying on the Works of draining, if the ſaid Commiſſioners will ſue for the ſame within Twelve Months after ſuch Mill, Gigg, or Engine, or Device, ſhall be erected and worked, otherwiſe to any Perſon who will ſue for the ſame; and the Owner of ſuch Mill, Gigg, Engine, or Device, ſhall alſo make full Compenſation and Satisfaction to all and every Perſon or Perſons who ſhall be injured thereby, for the Damage ſuch Perſon or Perſons ſhall thereby ſuſtain; and ſuch Penalty, Compenſation, and Satisfaction, ſhall be recovered, together with full Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, in which no Eſſoin, Protection, Privilege, or Wager of Law, or more than One Imparlance, ſhall be allowed; or the ſaid Penalty, in caſe the ſame ſhall not exceed the Sum of Fifty Pounds, may be levied by Diſtreſs and Sale of any Stock, Crop, Goods, or Chattels, which ſhall be found upon the Premiſes, or any other Goods and Chattels of the Offender, wherever they ſhall be found, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Juſtice or Juſtices of the Peace for the ſaid Iſle of Ely, or Counties of Suffolk or Norfolk, before whom Proof of the ſaid Offence ſhall be made; and alſo that it ſhall and may be lawful to and for the Officer of the ſaid Commiſſioners for the Time being to open all the Drains and outring Dikes that may have been obſtructed by ſuch private Draining.

Acting Commiſſioners are to prevent any Injury from private Drainage.

VIII. Provided always, and be it further enacted, That before any Imbankment for private draining, either into the Rivers of Ouſe, Mildenhall, Brandon, or Lakenheath Load, ſhall be begun, a View ſhall be taken by Seven or more of the then acting Commiſſioners of the ſaid Diſtrict, (publick Notice of ſuch View being inſerted in The Cambridge Journal, or other publick News-paper, commonly circulated in the Iſle of Ely), to ſee whether ſuch Imbankment may not be detrimental or injurious to any other Lands within the ſaid Diſtrict, by obſtructing the free Paſſage of the Waters from ſuch other Lands to the Engines of the ſaid Commiſſioners, employed for the general and publick draining of the ſaid Diſtrict: And if it be adjudged upon ſuch View, by the major Part of the Commiſſioners then preſent, that ſuch private draining will not be injurious to any other Lands within the ſaid Diſtrict; or in caſe no ſuch View ſhall be taken, and Judgement given within Three Months after Application made to the ſaid Commiſſioners, at any of their publick Meetings, by the Parties intending ſuch private draining, his, her, or their Agent or Agents giving Notice of ſuch their Intentions. in Writing; then it ſhall and may be lawful to and for the Proprietor or Proprietors of the Lands ſo intended to be drained ſeparately to proceed with ſuch Imbankment and Drainage, any Thing herein before contanied to the Contrary notwithſtanding.

River Banks not to be cut but under the Inſpection of the Commiſſioners Officers.

IX. Provided alſo, That it ſhall not be lawful to cut either of the River Banks for a Water-way to ſuch private Engine but under the Inſpection of the Officer of the ſaid Commiſſioners for the Time being, who ſhall have Power, in caſe of Neglect of the Owner, to cauſe good and ſufficient Tunnels to be laid down, and ſuch Banks well and effectually made up again and ſecured, at the Coſts and Charges of the reſpective Owner or Owners of ſuch Engine, and alſo ſubject to the Direction of the Superintendant of the Works of the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, called Bedford Level.

Nothing contained to prevent Mr. *Jones* from imbanking and ſeparately draining his Lands.

X. Provided alſo, That nothing herein contained ſhall extend, or be conſtrued to extend, to hinder the Reverend Thomas Jones Clerk, Owner of Six hundred Acres of Land adjoining to the Mildenhall River, his Heirs or Aſſigns, from imbanking and ſeparately draining the ſaid Lands; nor ſhall any publick Drain or Dike be cut through or acroſs the ſaid Lands, ſo as to hinder or obſtruct the private Imbankment and draining thereof, upon Condition the Waters from the ſame are diſcharged immediately into Mildenhall River; and that a good and ſufficient Tunnel be laid down for diſcharging the ſame; and that the Bank through which ſuch Tunnel ſhall be laid be well and ſufficiently ſecured and ſupported at his or their Expence, under the Inſpection of the Officer appointed to ſuperintend the Works of the ſaid Diſtrict; and alſo ſubject to the Direction of the Superintendant of the Works of the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens; and alſo that no Obſtruction be thereby occaſioned in the Mildenhall Drain, or in any of the Diviſion Dikes of the other Proprietors leading on the Outſide of the ſaid Farm into the ſaid Drain.

Limitation for the Digging of Turf.

XI. And whereas the Proprietors of Fen Lands frequently dig, or cauſe the ſame to be dug into Turf, whereby the ſaid Lands are rendered of little or no Value, and often remain unoccupied for many Years afterwards, ſo that no Taxes can be levied thereupon, to the manifeſt Damage of the other Proprietors, and alſo of the Creditors who have lent their Money upon the Credit of thoſe Taxes; wherefore, for preventing this Injury, and for the better ſecuring of the Creditors, be it enacted, That it ſhall not be lawful for any Perſon or Perſons whomſoever to dig, or cauſe to be dug, any Turf, within the ſaid Diſtrict, except for the Purpoſes of Fuel, to be ſpent upon the Premiſes, or in the Dwelling-houſes of the Owners and Occupiers thereof; dividing Lands into Pieces, not leſs than Ten Acres, planting Holts, or Manure, unleſs he, ſhe, or they, ſhall firſt give Security, to be approved of by Seven or more of the Commiſſioners for putting this Act in Execution, for the regular Payment of the Taxes charged on the Lands ſo intended to be dug for Twenty Years after ſuch digging, or ſhall depoſit into the Hands of the Treaſurer of the ſaid Diſtrict (for the Time being) as much Money as Twenty Years Taxes thereof will amount to.

The Time of paying the Taxes to be appointed by Commiſſioners.

XII. And whereas great Trouble and Inconvenience has ariſen, and may hereafter ariſe, to the Collectors or Receivers of the ſaid Taxes in the ſaid Diſtrict, from the Mode of recovering the ſame preſcribed by the ſaid former Act; for avoiding whereof, be it further enacted by the Authority aforeſaid, That the preſent Tax of One Shilling and Sixpence per Acre, charged by the ſaid former Act, ſhall be paid to the Collector or Collectors, Receiver or Receivers, for the Time being, of the ſaid Diſtrict, within the firſt Seven Days in October in every Year, at ſuch Place in Ely as the ſaid Commiſſioners ſhall, from Time to Time, direct and appoint; and alſo, that the additional Tax of One Shilling an Acre, charged by this preſent Act, ſhall be paid to the Collector or Collectors, Receiver or Receivers thereof, for the Time being, within the firſt Seven Days of December, in every Year, at ſuch Place in Ely as the ſaid Commiſſioners ſhall, from Time to Time, direct and appoint for that Purpoſe, publick Notice of ſuch Times and Places of Payment being firſt given in the Cambridge Chronicle and Journal, ſo long as the ſame ſhall continue to be publiſhed, or in any other Weekly Paper circulated in the ſaid Iſle of Ely, and alſo affixed upon the Market Croſs in Ely Three Weeks at leaſt before the reſpective Times of Payment: And in caſe of Nonpayment of either of the ſaid Taxes, at the Times and Places ſo preſcribed for Payment thereof, every Perſon ſo neglecting, ſhall forfeit and pay the Sum of Three Shillings and Four-pence for every Twenty Shillings due for ſuch Taxes, and not paid as aforeſaid, and ſo in proportion for every greater or leſſer Sum than Twenty Shillings; to be recovered in the ſame Manner as the Taxes charged by the ſaid former Act are directed to be recovered.

Penalty, in caſe of Non-payment is 3 *s.* 4 *d.* for every 20 *s.* due.

Commiſſioners may ſell Lands for Payment of Taxes.

XIII And whereas it may ſometimes happen that ſome of the Lands and Grounds in the ſaid Diſtrict may be untenanted or unoccupied for a conſiderable Time, ſo that no Diſtreſs can be taken for levying the ſaid Taxes; therefore, for enforcing the Payment thereof in ſuch Caſes, be it further enacted, That where any of the ſaid Rates or Taxes ſhall be in arrear and unpaid by the Space of Three Years together, and no ſufficient Diſtreſs can be found upon the Lands and Grounds charged therewith, then the ſaid Commiſſioners, or any Five or more of them, at any of their Half-yearly Meetings, ſhall have full Power and Authority to ſell to the beſt Bidder, at a publick Auction, ſo much of the ſaid Lands and Grounds upon which any Tax ſhall be ſo in arrear and unoccupied, as they the ſaid Commiſſioners, or any Five or more of them, ſhall judge ſufficient to raiſe ſuch Taxes, and the Penalties incurred for Nonpayment thereof, as aforeſaid, by Writing, under the Hands and Seals of Five or more of the ſaid Commiſſioners; and the Perſon or Perſons to whom ſuch Sale ſhall be made ſhall be a lawful Purchaſer and Aſſignee of ſo much of the ſaid Lands and Grounds as ſhall be ſo ſold to all Intents and Purpoſes whatſoever.

Commiſſioners to give Notice to Owners of Lands to be ſold;

XIV. Provided always, and be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall cauſe perſonal Notice to be given to the Owner or Proprietor, Owners or Proprietors, of the Lands ſo to be ſold, if that can be conveniently done, or ſhall cauſe Notice, in Writing, to be left at his, her, or their Place or Places of Abode, if ſuch Place or Places of Abode be known to the Commiſſioners; or otherwiſe ſhall give publick Notice in the Cambridge News-paper, or ſome other publick News-paper circulated in the ſaid Iſle of Ely, Three Months at the leaſt intervening between the Time of any ſuch Sale and any ſuch perſonal Notice, or between the Day of the Date of any ſuch written or printed Notice or Notices and the Time of any ſuch Sale as aforeſaid.

and alſo Notice of Sale.

Schedule of the Lands to be ſold to be affixed on the Church Door, *&c.*

XV. Provided alſo, That the ſaid Commiſſioners ſhall cauſe a Schedule of the Lands, ſo to be ſold for Taxes in arrear, to be affixed upon the Church Door of the Pariſh where the Land ſhall lie, Three ſeveral Sundays before the Day of Sale.

Proviſo.

XVI. Provided alſo, That nothing contained in the Power hereby given to the Commiſſioners to ſell the Lands for the Nonpayment of the Tax impoſed by the ſaid former and this preſent Act ſhall extend, or be conſtrued to extend, to exonerate or diſcharge any Tax or Taxes that are or may be impoſed by virtue of an Act, made in the Fifteenth Year of the Reign of King Charles the Second, intituled, An Act for ſettling the draining of the Great Level of the Fens, called *Bedford Level*; but that all Purchaſers thereof ſhall have and enjoy the ſame ſubject thereto.

Taxes to be levied on Goods of Perſons driving their Cattle off their Lands chargeable with the Taxes.

XVII. And whereas ſome Proprietors of Lands within the ſaid Diſtrict have fraudulently driven off their Stock, and removed their Property out of the ſaid Diſtrict, or to Lands not chargeable with the ſaid Tax, in order to evade the Payment of the Taxes in arrear upon ſuch Lands; be it enacted by the Authority aforeſaid, That in every ſuch Caſe, the Collector or Collectors of the Taxes, appointed, or to be appointed, in purſuance of the ſaid former Act, ſhall, and they are hereby impowered to levy the ſame upon any Goods and Chattels of any Perſon or Perſons ſo driving off or removing their Cattle, or other Property, from any Lands chargeable with ſuch Taxes, whenſoever and whereſoever ſuch Goods and Chattels ſhall be found, together with all the Charges of levying the ſame.

Lands to be rated to the Poor's Rates, according to reduced Rent.

XVIII. And whereas, before the general Undertaking for draining of the ſaid Diſtrict the Lands therein were of ſmall Value, yielding little or no Profit to the Proprietors, or to the Publick; and their preſent improved Value intirely depends upon the large Sums of Money continually expended in the Preſervation thereof, which Sums could not be raiſed without the Aid of Parliament, ſubjecting the Owners and Occupiers of all Lands within the ſaid Diſtrict to an heavy annual Acre-tax, whereby it happens that the Owners of the ſaid Lands do not receive a Profit from the ſame according to their extended Rents, but according to a reduced Rent, after the above Deductions: And whereas it is apprehended, that Advantage may be taken of ſuch extended nominal Rents, by the Churchwardens and Overſeers of the Poor of the ſeveral Pariſhes wherein ſuch Lands lie, to aſſeſs the ſame at an higher Rate than thoſe Lands ought in Juſtice to bear; for Prevention whereof, and to encourage publick Works of Draining, be it enacted by the Authority aforeſaid, That in all ſuch Aſſeſſments Regard ſhall be had to all ſuch neceſſary annual Outgoings and Deductions, and alſo to the precarious State of theſe Lands; ſo that no greater Sum ſhall be aſſeſſed and rated upon the ſame but according to their Value reduced, as aforeſaid.

The South Bank of *Brandon* River, and the Weſt Bank of *Lakenheath Load*, how to be repaired.

XIX. And whereas the Croſs Bank of the ſaid Diſtrict, from *Redmoor* Tunnel to the Hard Lands of *Undley*, is much annoyed by the Waters of *Brandon* River overflowing into *Redmoor* Fen, and other Lands adjoining to the ſaid Diſtrict, from the South Bank of *Brandon* River, from *Redmoor* Tunnel to *Lakenheath Load*, and the Weſt Bank of *Lakenheath Load*, from *Brandon* River to a Part thereof lately made by the Commiſſioners of the ſaid Diſtrict, being neglected and ſuffered to fall into Decay for Want of a proper Fund to repair the ſame, to the Damage of the Owners of *Redmoor* Fen, and ſuch other adjoining Lands, as well as the manifeſt Hazard of the ſaid Diſtrict; be it therefore enacted by the Authority aforeſaid, That in caſe the Owners of ſuch adjoining Lands ſhall, at any future Time, be deſirous of concurring with the Commiſſioners of the ſaid Diſtrict, in repairing the ſaid South Bank of Brandon River, and Weſt Bank of Lakenheath Load, it ſhall and may be lawful to and for the Commiſſioners of the ſaid Diſtrict for the Time being, or any Seven or more of them, at any of their publick Meetings, to be held in purſuance of this or the ſaid former Act, to compound and agree with the ſaid Owners of Redmoor Fen, and other adjacent Lands, for the new-making, repairing, and ſupporting, of the ſaid Bank, in ſuch Manner and Sort as they ſhall think proper: Provided always, That no Obſtruction be thereby occaſioned to the ſaid Commiſſioners, or their Succeſſors, Officers, or Servants, employed in boating any Materials from Brandon River, through Redmoor Tunnel aforeſaid, for the Repairs of their Croſs Bank between the ſaid Tunnel and the Hard Lands of Undley; but that a Pair of Sluice-doors ſhall be ſet down at or near the ſaid Tunnel, of a ſufficient Width and Strength, for the free Paſſage of Boats through the ſame, for the Purpoſe aforeſaid.

Commiſſioners impowered to erect Turnpikes, and take Tolls to repair the Banks.

XX. And whereas the North Bank of *Mildenhall*, and the South Bank of *Brandon* Rivers, againſt the ſaid Diſtrict, and the Eaſt Bank of the River *Ouſe*, from *Prickwillow* to *Scottings Ferry*, were, before the paſſing of the ſaid former Act, in ſo ruinous a Condition as to be, for the moſt Part, utterly impaſſable for Horſes, or other Beaſts: And whereas the Commiſſioners for putting the ſaid Act in Execution have, at a very large Expence, repaired the ſaid Banks, ſo that there is now a good Paſſage thereupon at all Seaſons of the Year, to the very great Benefit of Perſons navigating upon the ſaid Rivers, who avail themſelves of thoſe Banks for haling Boats and Lighters, without contributing any Thing towards the firſt Repairs, or future Maintenance, of the ſaid Banks: And whereas the Damage done thereunto by ſuch haling is ſo great, that the Land-owners in the ſaid Diſtrict are not alone able to ſupport the ſaid Banks without a reaſonable Contribution from the Navigators and others uſing the ſame: Therefore, be it enacted, That the Commiſſioners for putting this Act in Execution, or any Seven or more of them, ſhall be, and they are hereby authoriſed and impowered to erect a Turnpike or Turnpikes, and to build a Toll-houſe, or Toll-houſes, at ſuch Place or Places on each of the ſaid Banks, as to them ſhall ſeem moſt convenient, (ſo that no Horſe, or other Beaſt, be thereby liable to a Double Charge for paſſing Once directly up or down either of the ſaid Banks upon the ſame Day), and thereat to demand and take as a Toll, before any Beaſt ſhall be permitted to paſs through ſuch Turnpikes:

For every Horſe or other Beaſt haling a Boat or Boats on the North Bank of Mildenhall, and the South Bank of Brandon Rivers, Three-pence; and on the Eaſt Bank of the River Ouſe, between Prickwillow and Scottings Ferry, as aforeſaid, Sixpence; and for every other Horſe, Mare, Gelding, Mule, or Aſs, not haling or drawing any Boat or Boats, the Sum of Three Halfpence:

For every Drove of Oxen, or other Neat Cattle, the Sum of One Shilling and Sixpence per Score; and ſo in proportion for any greater or leſſer Number; but if under Five, then One Penny per Head:

And for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Tenpence per Score; and ſo in proportion for any greater or leſſer Number:

Which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of and as a Toll, and ſhall be paid to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Seven or more of them, ſhall appoint to collect the ſame: And all the ſaid Tolls ſhall be, and they are hereby veſted in the ſaid Commiſſioners and their Succeſſors, and ſhall be applied in the ſame Manner as the Tax of One Shilling and Sixpence an Acre, charged on the Lands in the ſaid Diſtrict by the ſaid former Act, is to be applied; namely, for the better and more effectual Support of the Banks, Engines, and other Works of draining, within the ſaid Diſtrict: And if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand made thereof, neglect or refuſe to pay the ſame, it ſhall and may be lawful to and for the Perſon or Perſons appointed as aforeſaid to collect ſuch Tolls to ſeize and detain any Horſe or other Cattle upon which ſuch Tolls are by this Act impoſed, or any of the Goods and Chattels of ſuch Perſon and Perſons ſo refuſing or neglecting to pay the ſame; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of detaining and keeping the ſame, ſhall not be paid within the Space of Four Days after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Cattle and Goods ſo ſeized and diſtrained, returning the Overplus, if any be, upon Demand, to the Owner or Owners thereof, after ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of detaining and keeping the ſame, and alſo of ſuch Sale, ſhall be deducted.

Tolls veſted in the Commiſſioners.

Penalty on Perſons refuſing to pay Tolls.

XXI. And be it further enacted by the Authority aforeſaid, That if any Waterman or other Perſon haling any Boat or Boats with One or more Horſe or Horſes, or other Beaſts, ſhall take off, or cauſe to be taken off, from the ſaid Boat or Boats, any ſuch Horſe or other Beaſt, with Intent to avoid the ſaid Tolls, or any Part thereof; or after having paſſed by any Turnpike to be erected by virtue of this Act, ſhall put on, to, or uſe, any more Horſes or other Beaſts, for haling ſuch Boat or Boats, than he ſhall have paid the Toll for; or ſhall forcibly paſs through or over ſuch Turnpike with any Horſe or Beaſt, without paying the Tolls hereby directed to be paid; every Perſon ſo offending ſhall, for every ſuch Horſe or other Beaſt, forfeit and pay to the ſaid Commiſſioners the Sum of Twenty Shillings for every Offence; to be levied and recovered as Penalties for evading Turnpikes uſually are, and ſhall be applied for the ſame Purpoſes as the Tolls hereby granted are before directed to be applied.

Penalty on taking off Horſes to avoid the Tolls.

XXII. And whereas the ſaid Commiſſioners have been obliged, for the better Preſervation and Security of the ſaid Diſtrict, at a very great Expence, to erect and ſupport a croſs Bank from *Brandon* River to the Hard Lands of *Undley*, and alſo another croſs Bank from the Hard Lands of *Undley*, along the North-eaſt Side of *Baldwin's Load*, to *Mildenhall* River, which ſaid Banks, though intended only for the Preſervation and Security of the ſaid Diſtrict, are nevertheleſs made of publick Utility to Travellers and others, who frequently paſs and repaſs thereupon, without making any Compenſation for the Damage they do to the ſaid Banks; be it therefore enacted by the Authority aforeſaid, That in order to provide a proper Fund effectually to raiſe, ſtrengthen, and maintain, the ſaid Banks, (which the ſaid Commiſſioners and their Succeſſors are hereby authoriſed and impowered from Time to Time to do), the Commiſſioners for putting this Act in Execution, or any Seven or more of them, ſhall be, and are hereby authoriſed to erect a Turnpike or Toll-houſe at ſuch Place or Places on each of the ſaid croſs Banks as they ſhall judge moſt convenient, and thereat to demand and take, as a Toll, the ſame Sums, and under the ſame Directions, Powers, and Limitations, as are before appointed for Perſons paſſing along the Banks of the Ouſe, Mildenhall, and Brandon Rivers.

Commiſſioners to erect a Toll-houſe for maintaining certain Banks.

XXIII. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to authoriſe any Perſon or Perſons whatſoever, to travel, paſs, or repaſs, with any Horſe or other Beaſt, over the Lands late the Eſtate of Thomas Evans Eſquire, deceaſed, called Undley Farm, or any Part thereof, except the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of Fens, called Bedford Level, their Officers and Servants, and alſo the Commiſſioners and their Succeſſors, appointed, or to be appointed, for draining the ſaid Diſtrict, their

Proviſo.

Officers and Servants, employed in imbanking, draining, ſurveying, and preſerving thereof.

No Toll on Horſes haling Boats with Materials for Repair of Banks, &c.

XXIV. Provided alſo, and be it further enacted, That no Toll ſhall be demanded or taken of any Perſon or Perſons, at any Turnpike erected by virtue of this Act, for any Horſe or other Beaſt haling any Boats or Lighters employed in carrying Materials for the Repairs of the Banks within the ſaid Diſtrict, or any other Banks belonging to the Corporation of Bedford Level, or in roding or drawing any Machine for deepening or cleanſing the Rivers adjoining to the ſaid Diſtrict, or any Part thereof, nor for any Horſe, Mare, or Gelding, which ſhall be rode by any Proprietor or Occupier of Lands in the ſaid Diſtrict, his, her, or their Servants, employed in the Occupation thereof, or by any Member of the Corporation of Bedford Level, their Officers and Servants, upon the actual Buſineſs of the ſaid Corporation, and ſuch Officers as are or ſhall be appointed by the Commiſſioners of the ſaid Diſtrict to ſuperintended the Works thereof; nor for any Beaſt or Beaſts, Sheep, or other Cattle, going to or returning from Paſture in the ſaid Diſtrict.

Appeal may be made to the Quarter Seſſions.

XXV. And be it further enacted, That if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any Order or Determination of any Juſtice or Juſtices of the Peace, he, ſhe, or they, may appeal to the General Quarter Seſſions of the Peace, which ſhall be held for the ſaid Iſle of Ely, or the Counties of Suffolk or Norfolk reſpectively, where the Cauſe of Complaint ſhall ariſe, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen; and the Juſtices in the ſaid General Quarter Seſſions reſpectively are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein, and award ſuch Coſts, as to them in their Diſcretion ſhall ſeem reaſonable, and, by their Order or Warrant, to levy the Coſts which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; which Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removeable by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter.

Juſtices Determination not removable by *Certiorari.*

Rights of the Conſervators of *Bedford Level* ſaved, as by 15 *Car.* II.

XXVI. Provided always, and it is hereby further enacted, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to invalidate, leſſen, diminiſh, alter, or take away, any of the Rights, Powers, and Authorities, veſted in the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, called Bedford Level, or in the ſaid Governor, Bailiffs, and Conſervators, by virtue of an Act, made in the Fifteenth Year of the Reign of King Charles the Second, intituled, An Act for ſettling the draining of the Great Level of the Fens, called *Bedford Level,* or by virtue of any other Act or Statute whatſoever; but that all Rights, Powers, and Authorities whatſoever, which, by virtue of the ſaid Act of the Fifteenth of King Charles the Second, or of any other Act or Statute whatſoever, now are veſted in the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, and Conſervators, or any of them, ſhall for ever hereafter remain, continue, and be in the ſaid Governor, Bailiffs, and Commonalty, and in the ſaid Governor, Bailiffs, and Conſervators, and every of them, as fully and amply, to all Intents and Purpoſes, as if this Act had never been made.

Limitation of Actions.

XXVII. And be it further enacted, That if any Action, Suit, or Information, ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing done, or to be done, in puſuance of this Act, every ſuch Action or Suit ſhall be commenced within Six Months next after the Fact committed, and ſhall be laid or brought in the Court of Pleas of the Iſle of Ely, or in the Counties of Suffolk or Norfolk, and not elſewhere; and the Defendant or Defendants, in ſuch Action or Suit, ſhall and may plead the General Iſſue; and if in replevin, may juſtify and avow, by virtue of this Act, as Perſons acting by Authority of Commiſſioners of Sewers are enabled to do; and may give this Act, and the Special Matter, in Evidence, without ſpecially pleading the ſame, otherwiſe than as aforeſaid, at any Trial to be had thereupon; and that the Fact alleged in ſuch Action or Suit to have been done, was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs ſhall become nonſuited, or forbear Proſecution, or diſcontinue his, her, or their Suit or Suits, or if any Verdict ſhall paſs againſt him, her, or them, upon a Demurrer, or otherwiſe; then, in any of the ſaid Caſes, the Defendant or Defendants, Avowant or Avowants, ſhall recover Treble Coſts, for which he, ſhe, or they, ſhall have like Remedy as where Coſts by Law are awarded.

General Iſſue.

Treble Coſts.

Publick Act.

XXVIII. And be it further enacted and declared, That this Act ſhall be deemed and allowed as a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP.

CAP. XXI.

An Act to extend the Proviſions of an Act, made in the Fourth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act to explain a Clauſe in an Act, made in the Seventh Year of the Reign of Her late Majeſty Queen* Anne, *for naturalizing Foreign Proteſtants, which relates to the Children of the natural-born Subjects of the Crown of* England, *or of* Great Britain, *to the Children of ſuch Children.*

Preamble.

WHEREAS divers natural-born Subjects of *Great Britain*, who profeſs and exerciſe the Proteſtant Religion, through various lawful Cauſes, eſpecially for the better carrying on of Commerce, have been, and are, obliged to reſide in ſeveral trading Cities, and other foreign Places, where they have contracted Marriages, and brought up Families: And whereas it is equally juſt and expedient that the Kingdom ſhould not be deprived of ſuch Subjects, nor loſe the Benefit of the Wealth that they have acquired; and therefore that not only the Children of ſuch natural-born Subjects, but their Children alſo, ſhould continue under the Allegiance of His Majeſty, and be intitled to come into this Kingdom, and to bring hither and realize, or otherwiſe employ their Capital; but no Proviſion hath hitherto been made to extend farther than to the Children born out of the Ligeance of His Majeſty, whoſe Fathers were natural-born Subjects of the Crown of *England*, or of *Great Britain*; may it therefore pleaſe Your moſt Excellent Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all Perſons born, or who hereafter ſhall be born, out of the Ligeance of the Crown of England, or of Great Britain, whoſe Fathers were or ſhall be, by virtue of a Statute, made in the Fourth Year of King George the Second, to explain a Clauſe in an Act, made in the Seventh Year of the Reign of Her Majeſty Queen Anne, for naturalizing foreign Proteſtants, which relates to the natural-born Subjects of the Crown of England, or of Great Britain, intitled to all the Rights and Privileges of natural-born Subjects of the Crown of England, or of Great Britain, ſhall and may be adjudged and taken to be, and are hereby declared and enacted to be, natural-born Subjects of the Crown of Great Britain, to all Intents, Conſtructions, and Purpoſes whatſoever, as if he and they had been and were born in this Kingdom; any Thing contained in an Act of the Twelfth Year of the Reign of King William the Third, intituled, An Act for the further Limitation of the Crown, and better ſecuring the Rights and Liberties of the Subject, to the Contrary in any-wiſe notwithſtanding.

Proviſoes, &c. of 4 *Geo.* II. not repealed by this Act.

II. Provided always, and be it enacted and declared by the Authority aforeſaid, That nothing in this preſent Act contained ſhall extend, or be conſtrued, adjudged, or taken to extend, to make any Perſons, born, or to be born, out of the Ligeance of the Crown of England, or of the Crown of Great Britain, to be natural-born Subjects of the Crown of Great Britain, contrary to all or any of the Proviſoes, Exceptions, Limitations, and Reſtrictions, contained in the aforeſaid Act, made in the Fourth Year of the Reign of His ſaid late Majeſty, or to repeal, abridge, or alter the ſame; but all ſuch Clauſes ſhall be and remain in the ſame State, Plight, and Condition, to all Intents, Conſtructions, and Purpoſes whatſoever, as they would have been if this preſent Act had never been made.

Not to abridge or alter the Act 5 *Geo.* I.

III. Provided alſo, and be it further enacted by the Authority aforeſaid, That nothing in this preſent Act contained ſhall extend, or be conſtrued, adjudged, or taken to repeal, abridge, or anyways alter, an Act, made in the Fifth Year of the Reign of His late Majeſty King George the Firſt, intituled, An Act to prevent the Inconveniencies ariſing from ſeducing Artificers in the Manufactures of *Great Britain* into foreign Parts; nor to repeal, abridge, or anyways alter, any Law, Statute, Cuſtom, or Uſage whatſoever, now in Force, concerning Aliens, Duties, Cuſtoms, and Impoſitions, nor to cauſe any Privilege, Exemption, or Abatement relating thereto, in favour of any Perſon naturalized by virtue of this Act, unleſs ſuch Perſon ſhall come into this Realm, and there inhabit and reſide, and ſhall take and ſubſcribe the Oaths, and make, repeat, and ſubſcribe the Declaration appointed by an Act, made in the Firſt Year of the Reign of His late Majeſty King George the Firſt, intituled, An Act for the further Security of His Majeſty's Perſon and Government, and the Succeſſion of the Crown in the Heirs of the late Princeſs *Sophia*, being Proteſtants, and for extinguiſhing the Hopes of the pretended Prince of *Wales*, and his open and ſecret Abettors, in ſuch Manner and Form, and at ſuch Place and Places, as are in and by the ſaid Act directed, and alſo receive the Sacrament of the Lord's Supper, according to the Uſage of the Church of England, or in ſome Proteſtant or reformed Congregation within this Kingdom of Great Britain, within Three Months before their taking the Oaths in the ſaid Act mentioned; and ſhall, at the Time and Place of taking and ſubſcribing the ſaid Oaths, and of the making, repeating, and ſubſcribing the ſaid Declaration, produce a Certificate, ſigned by the Perſon adminiſtering the ſaid Sacrament, and atteſted by Two credible Witneſſes, whereof an Entry ſhall be made of Record in the Court and Courts reſpectively wherein ſuch Oaths ſhall have been taken and ſubſcribed, without any Fee or Reward.

Not to defeat any Right veſted in another Perſon on the laſt Day of this Seſſion.

IV. Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be enabled hereby to defeat any Eſtate, Right, or Intereſt, which, upon the laſt Day of this Seſſion, ſhall be lawfully veſted in any other Perſon, or to claim or demand any Eſtate or Intereſt, which ſhall hereafter accrue, unleſs ſuch Claim or Demand be made within Five Years next after the ſame ſhall accrue.

CAP. XXII.

An Act to continue an Act, made in the Sixth Year of His preſent Majeſty, intituled, *An Act to regulate the Loading of Ships with Coals in the Ports of* Newcaſtle *and* Sunderland.

Preamble. Act 6 *Geo.* III.

WHEREAS an Act was made in the Sixth Year of His preſent Majeſty, intituled, *An Act to regulate the Loading of Ships with Coals in the Ports of* Newcaſtle *and* Sunderland, which was to continue in Force for Seven Years: And whereas the ſaid Act has proved uſeful to the Coal Trade; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act ſhall be, and is hereby continued, from the Expiration thereof, for the further Term of Seven Years, and from thence to the End of the then next Seſſion of Parliament.

continued for a further Term of Seven Years.

CAP. XXIII.

An Act for defraying the Charge of the Pay and Cloathing of the Militia in that Part of *Great Britain* called *England*, for One Year, beginning the Twenty-fifth Day of *March*, One thouſand ſeven hundred and ſeventy-three.

CAP. XXIV.

An Act for further continuing Two Acts, made in the Sixth and Ninth Years of His Majeſty's Reign, for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters, in His Majeſty's Dominions in *America*.

CAP. XXV.

An Act to explain Two Acts of Parliament, One of the Thirteenth Year of the Reign of His late Majeſty, for naturalizing ſuch Foreign Proteſtants, and others, as are ſettled, or ſhall ſettle, in any of His Majeſty's Colonies in *America*; and the other of the Second Year of the Reign of His preſent Majeſty, for naturalizing ſuch Foreign Proteſtants as have ſerved, or ſhall ſerve, as Officers or Soldiers in His Majeſty's Royal *American* Regiment, or as Engineers, in *America*.

Preamble. Act 13 *Geo.* II.

WHEREAS by an Act, made in the Thirteenth Year of the Reign of His late Majeſty King *George* the Second, (intituled, *An Act for naturalizing ſuch Foreign Proteſtants, and others therein mentioned, as are ſettled, or ſhall ſettle, in any of His Majeſty's Colonies in* America), all Perſons born out of the Allegiance of His Majeſty, His Heirs or Succeſſors, who ſhall have inhabited and reſided, or ſhall inhabit or reſide, for the Space of Seven Years or more, in any of His Majeſty's Colonies in *America*, or ſhall not have been abſent out of the ſaid Colonies for a longer Space than Two Months at any One Time, during the ſaid Seven Years, are, upon the Conditions preſcribed by the ſaid Act, naturalized and made Partakers of all the Benefits and Privileges which the natural-born Subjects of this Realm do enjoy, other than ſuch as are ſpecified in a Proviſo in the ſaid Act contained: And whereas by an Act, made in the Second Year of the Reign of His preſent Majeſty, (intituled, *An Act for naturalizing ſuch Foreign Proteſtants as have ſerved, or ſhall ſerve, for the Time therein mentioned, as Officers or Soldiers in His Majeſty's Royal* American *Regiment, or as Engineers in* America), it is enacted, That all ſuch Foreign Proteſtants, as well Officers as Soldiers, who have ſerved, or ſhall hereafter ſerve, in the Royal *American* Regiment, or as Engineers in *America*, for the Space of Two Years, ſhall, upon the Terms required by the ſaid recited Act, be deemed, adjudged, and taken to be His Majeſty's natural-born Subjects of this Kingdom, to all Intents, Conſtructions, and Purpoſes, as if they and every of them had been, or were, born within this Kingdom; and in both which Acts reſpectively are contained Proviſoes, That no Perſon, who ſhall become a natural-born Subject of this Kingdom by virtue of the ſaid Acts, ſhall be thereby enabled to be of the Privy Council, or a Member of either Houſe of Parliament, or to be capable of taking, having, or enjoying any Office or Place of Truſt within the Kingdom of *Great Britain* or *Ireland*, either Civil or Military, or of having, accepting, or taking any Grant from the Crown, to himſelf, or to any other in Truſt for him, of any Lands, Tenements, or Hereditaments, within the Kingdoms aforeſaid: And whereas Doubts may nevertheleſs ariſe, whether ſuch Perſons as have been, or may be naturalized under or by virtue of the ſaid recited Acts, are capable of taking, having, or enjoying any Office or Place of Truſt, either Civil or Military, or of taking any Grant of Lands, Tenements, and Hereditaments, from the Crown whatſoever; be it enacted and declared by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and every Perſon and Perſons that have become, or ſhall become His Majeſty's natural-born Subjects, by Force or Virtue of the ſaid Acts, or either of them, are and ſhall be

Act 2 *Geo.* III.

All Perſons who have, or ſhall become His Majeſty's deemed to be capable of taking and holding any Office or Place of Truſt, either Civil or Military, and of taking and holding any Grant of Lands, Tenements, and Hereditaments, from the Crown to himſelf or themſelves, or to any other or others in Truſt for him or them, as well under the Great Seal of Great Britain as otherwiſe, (other than and except Offices and Places, and Grants of Lands, Tenements, and Hereditaments, within the Kingdoms of Great Britain and Ireland); any Law or Act of Parliament to the Contrary notwithſtanding.

natural-born Subjects, by virtue of the ſaid Acts, are hereby deemed capable of taking and holding Places of Truſt, either Civil or Military, *&c.*

CAP. XXVI.

An Act for preventing Abuſes in the Sale of Shares of *Britiſh*-built Ships to Foreigners.

Preamble. Act 12 *Car.* II.

WHEREAS by an Act of Parliament, made in the Twelfth Year of the Reign of His Majeſty King *Charles* the Second, (intituled, *An Act for the encouraging and increaſing of Shipping and Navigation)*; it is, amongſt other Things, enacted, That from and after the Firſt Day of *December*, One thouſand ſix hundred and ſixty, and from thenceforward, no Goods or Commodities whatſoever ſhall be imported into, or exported out of, any Lands, Iſlands, Plantations, or Territories to His Majeſty belonging, or in His Poſſeſſion, or which may thereafter belong unto, or be in the Poſſeſſion of, His Majeſty, His Heirs or Succeſſors, in *Aſia*, *Africa*, or *America*, in any other Ship or Ships, Veſſel or Veſſels whatſoever, but ſuch Ships and Veſſels as did truly and without Fraud belong only to the People of *England* or *Ireland*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, or were of the Built of, or belonging to, any of the ſaid Lands, Iſlands, Plantations, or Territories, as the Proprietors and right Owners thereof, and whereof the Maſter and Three-fourths of the Mariners at leaſt were *Engliſh*, under the Penalty of the Forfeiture and Loſs of all the Goods and Commodities which ſhould be imported into, or exported out of, any of the aforeſaid Places, in any other Ship or Veſſel, as alſo of the Ship or Veſſel, with all its Guns, Furniture, Tackle, Ammunition, and Apparel; One-third Part thereof to His Majeſty, His Heirs and Succeſſors; One-third Part to the Governor of ſuch Land, Plantation, Iſland, or Territory, where ſuch Default ſhould be committed, in caſe the ſaid Ship and Goods be there ſeized, or otherwiſe; that Third Part alſo to His Majeſty, His Heirs and Succeſſors, and the other Third Part to him or them who ſhould ſeize, inform, or ſue for the ſame, in any Court of Record, by Bill, Information, Plaint, or other Action, wherein no Eſſoin, Protection, or Wager of Law, ſhould be allowed; and all Admirals and other Commanders at Sea, of any of the Ships of War, or other Ships having Commiſſion from His Majeſty, His Heirs or Succeſſors, were thereby authoriſed and ſtrictly required, to ſeize and bring in as Prize, all ſuch Ships or Veſſels as ſhall have offended contrary hereunto, and deliver them to the Court of Admiralty, there to be proceeded againſt; and in caſe of Condemnation, One Moiety of ſuch Forfeiture ſhall be to the Uſe of ſuch Admirals or Commanders, and their Companies, to be divided and proportioned amongſt them, according to the Rules and Orders of the Sea, in caſe of Ships taken Prize, and the other Moiety to the Uſe of His Majeſty, His Heirs and Succeſſors: And it is alſo by the ſaid Act further enacted, That no Alien or Perſon not within the Allegiance of our Sovereign Lord the King, His Heirs and Succeſſors, or naturalized or made a free Denizen, ſhall, from and after the Firſt Day of *February*, which ſhould be in the Year of our Lord One thouſand ſix hundred and ſixty-one, exerciſe the Trade or Occupation of a Merchant or Factor in any of the ſaid Places, upon the Pain of the Forfeiture and Loſs of all his Goods and Chattels, or which are in his Poſſeſſion, One-third to His Majeſty, His Heirs and Succeſſors, One-third to the Governor of the Plantation where ſuch Perſon ſhall ſo offend, and the other Third to him or them that ſhall inform or ſue for the ſame, in any of His Majeſty's Courts in the Plantation where ſuch Offence ſhall be committed: And whereas by One other Act of Parliament, made and paſſed in the Seventh and Eighth Years of the Reign of His late Majeſty King *William* the Third, (intituled, *An Act for preventing Frauds, and regulating Abuſes, in the Plantation Trade,*) it is, amongſt other Things, enacted, That after the Twenty-fifth Day of *March*, One thouſand ſix hundred and ninety-eight, no Goods or Merchandiſes whatſoever ſhall be imported into, or exported out of, any Colony or Plantation to His Majeſty in *Aſia*, *Africa*, or *America*, belonging, or in His Poſſeſſion, or which may hereafter belong unto, or be in, the Poſſeſſion of His Majeſty, His Heirs or Succeſſors, as ſhall be laden in, or carried from, any One Port or Place in the ſaid Colonies or Plantations to any other Port or Place in the ſame, the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, in any Ship or Botton, but what is or ſhall be of the Built of *England*, or of the Built of *Ireland*, or the ſaid Colonies or Plantations, and wholly owned by the People thereof, or any of them, and navigated with the Maſters and Three-fourths of the Mariners of the ſaid Places only, (except ſuch Ships only as are or ſhall be taken as Prize, and Condemnation thereof made in One of the Courts of Admiralty in *England*, *Ireland*, or the ſaid Colonies or Plantations), to be navigated by the Maſter, and Three-fourths of the Mariners *Engliſh*, or of the ſaid Plantations, as aforeſaid, and whereof the Property did belong to *Engliſhmen*; and alſo, except for the Space of Three Years, ſuch foreign-built Ships as ſhould be employed by the Commiſſioners of His Majeſty's Navy for the Time being or upon Contract with them, in bringing only Maſts, Timber, and other Naval Stores,

and Act 7 & 8 *Gul.* III. recited.

Stores, for the King's Service, from His Majeſty's Colonies or Plantations to this Kingdom, to be navigated as aforeſaid, and whereof the Property doth belong to *Engliſhmen*, under Pain of Forfeiture of Ship and Goods, One-third whereof to be to the Uſe of His Majeſty, His Heirs and Succeſſors, One-third Part to the Governor of the ſaid Colonies or Plantations, and the other Third Part to the Perſon who ſhall inform or ſue for the ſame, by Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, or in any Court in His Majeſty's Plantations where ſuch Offence ſhall be committed; and it is by the ſaid laſt-recited Act further enacted, That from and after the Twenty-fifth Day of *March*, One thouſand ſix hundred and ninety-eight, no Ship or Veſſel whatſoever ſhall be deemed or paſs as a Ship of the Built of *England*, *Ireland*, *Wales*, *Berwick*, *Guernſey*, *Jerſey*, or any of His Majeſty's Plantations in *America*, ſo as to be qualified to trade to, from, or in, any of the Plantations, until the Perſon or Perſons claiming Property in ſuch Ship or Veſſel ſhall regiſter the ſame as followeth; that is to ſay, If the Ship at the Time of ſuch Regiſter doth belong to any Port in *England*, *Ireland*, *Wales*, or to the Town of *Berwick upon Tweed*, then Proof ſhall be made, upon Oath, of One or more of the Owners of ſuch Ship or Veſſel before the Collector and Comptroller of His Majeſty's Cuſtoms in ſuch Port; or if at the Time of ſuch Regiſter the Ship belong to any of His Majeſty's Plantations in *America*, or to the Iſlands of *Guernſey* or *Jerſey*, then the like Proof to be made before the Governor, together with the principal Officer of His Majeſty's Revenue reſiding on ſuch Plantation or Iſland; which Oath the ſaid Governor and Officers of the Cuſtoms reſpectively are thereby authoriſed to adminiſter in the Tenor following; *videlicet*,

JURAT A. B. *That the Ship* [Name] *of*
[Port] *whereof* [Maſter's Name] *is at preſent Maſter,*
being a [kind of built] *of* [Burthen] *Tons, was*
built at [Place where] *in the Year* [Time
when] *and that* [Owners Name] *of* *and*
of et cetera, *are at preſent Owners thereof; and that no Foreigner, directly or indirectly, hath any Share or Part or Intereſt therein.*

Which Oath being atteſted by the Governor or Cuſtomhouſe Officer reſpectively who adminiſtered the ſame, under their Hands and Seals, ſhall, after having been regiſtered by them, be delivered to the Maſter of the Ship for the Security of her Navigation, a Duplicate of which Regiſter ſhall be immediately tranſmitted to the Commiſſioners of His Majeſty's Cuſtoms in the Port of *London*, in order to be entered in a general Regiſter to be there kept for this Purpoſe; with Penalty upon any Ship or Veſſel trading to, from, or in any of His Majeſty's Plantations in *America*, after the ſaid Twenty-fifth Day of *March*, and not having made Proof of her Built and Property, as is here directed, that ſhe ſhall be liable, and ſhe is thereby made liable to ſuch Proſecution and Forfeiture as any Foreign Ship (except Prizes condemned in the High Court of Admiralty), would for trading with theſe Plantations by ſuch Law be liable to: And it is alſo further enacted, That no Ship's Name regiſtered ſhall be afterwards changed without regiſtering ſuch Ship *de novo*, which is thereby required to be done, upon any Transfer of Property to another Port, and delivering up the former Certificate to be cancelled, under the ſame Penalties, and in the like Manner, as is therein-before directed; and that in caſe there be any Alteration of Property in the ſame Port, by the Sale of One or more Shares of any Ship after regiſtering thereof, ſuch Sale ſhall always be acknowledged by Indorſement on the Certificate of the Regiſter, before Two Witneſſes, in order to prove that the entire Property in ſuch Ship remains in ſome of the Subjects of *England*, if any Diſpute ariſes concerning the ſame: And whereas, notwithſtanding the ſaid good and wholeſome Laws, many Inconveniencies have ariſen, and may hereafter ariſe, by Foreigners, or other Perſons not natural-born Subjects of His Majeſty, becoming poſſeſſed of, and intitled unto, any Part or Share of any *Britiſh* Ship or Veſſel whatſoever, belonging only to natural-born Subjects of His Majeſty, whereby the other Part Owners of ſuch Ship or Veſſel cannot obtain the Regiſter required by the ſaid Act of the Seventh and Eighth Years of His ſaid late Majeſty King *William* the Third, for the Security of the Navigation of ſuch Ship or Veſſel, whereby the Trade and Commerce of this Kingdom hath been and may be greatly hindered and obſtructed: For Remedy whereof, may it pleaſe Your Majeſty that it may be enacted; and **be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That no Foreigner or other Perſon or Perſons whatſoever, not being a natural-born Subject of His Majeſty, His Heirs or Succeſſors, ſhall be intitled to or ſhall purchaſe or contract for any Part or Parts, Share or Shares, of any** British **Ship or Veſſel whatſoever, belonging only to natural-born Subjects of His Majeſty, His Heirs or Succeſſors, without the Conſent in Writing of the Owner or Owners of Three-fourth Parts in Value at leaſt of ſuch Ship or Veſſel for that Purpoſe firſt had and obtained, and indorſed on the Certificate of the Regiſter of ſuch Ship before Two Witneſſes; and all Agreements, Contracts, Purchaſes, and Sales, of any Part or Share of any** Britiſh **Ship or Veſſel, belonging only to natural-born Subjects of His Majeſty, His Heirs or Succeſſors, made, entered into,**

No Foreigner to contract for any Share of a *Britiſh* Ship without the Conſent of the Owners of Three-fourths of the Value.

contracted for, or concluded by any ſuch Foreigner, or other Perſon or Perſons not being a natural-born Subject or Subjects of His Majeſty, His Heirs or Succeſſors, without ſuch Conſent firſt had and obtained, and indorſed as aforeſaid, ſhall be, and are hereby declared to be, abſolutely null and void to all Intents and Purpoſes whatſoever,

CAP. XXVII.

An Act for the more eaſy and ſpeedy Recovery of Small Debts, within the City and County of the City of *Exeter*.

Preamble.

WHEREAS in the City and County of the City of *Exeter* there is carried on a large and extenſive Manufactory, which employs ſeveral thouſand People, many of whom contract ſmall Debts, which in the Whole amount yearly to a great Sum of Money; and although ſuch Debtors are well able to pay their reſpective Debts, yet they often refuſe ſo to do, preſuming on the Diſcouragements their Creditors lie under from the great Expence they are unavoidably put unto, and the Delays they meet with in ſuing for the ſame: And as an eaſy and ſpeedy Method of recovering ſmall Debts within the ſaid City and County of the City of *Exeter* will greatly contribute to promote Induſtry, and ſupport and encourage Trade and Credit therein; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Worſhipful the Mayor, Recorder, Aldermen, and Common Council of the City of Exeter for the Time being, and Forty other Perſons, to be choſen out of the honeſteſt and diſcreeteſt Inhabitants of the ſaid City and County, by the Four Wards or Quarters of the ſaid City; that is to ſay, Ten out of each Ward or Quarter, being reſident within the City and County of the ſaid City, ſhall be and are hereby declared, conſtituted, and appointed, Commiſſioners, to hear and determine all ſuch Cauſes and Matters of Debt to be brought before them as are herein-after mentioned; and ſuch Commiſſioners, and their Succeſſors, ſhall be, and are hereby conſtituted a Court of Juſtice, by the Name and Stile of The Court of Requeſts for the City and County of the City of *Exeter*; and they the ſaid Commiſſioners, or any Three or more of them, ſhall have Power and Authority, and are hereby authoriſed, impowered, and required, to meet and aſſemble Once in every Fortnight; (that is to ſay), On Thurſday, or oftener, if there ſhall be Occaſion, and hold the ſaid Court in the Guildhall of the ſaid City: But if the ſaid Commiſſioners, or any Three or more of them, by reaſon of any Corporate Meeting, or otherwiſe, ſhall by any Accident be prevented from aſſembling in the ſaid Guildhall; then, and in ſuch Caſe, the ſaid Commiſſioners, or any Three or more of them, ſhall meet and aſſemble in ſome other convenient Place, to be approved of and fixed on by the major Part of the ſaid Commiſſioners, who ſhall be aſſembled at ſome General Meeting to be held for that Purpoſe, the Firſt of which ſaid Meetings ſhall be on the Thurſday Month next after the paſſing of this Act; and the ſaid Forty Perſons ſhall be elected at a Court for that Purpoſe, to be held with all convenient Expedition after the paſſing of this Act, within each Ward or Quarter, by the Alderman or Aldermen of the ſame, his or their Deputy or Deputies, by the Votes of the Inhabitants of each Ward or Quarter, paying Two-pence per Week, or more, in his own Right, for and towards the Relief of the Poor of the ſaid City, and County of the ſaid City, or of the major Part of them then preſent: Provided that no Perſon paying leſs than Three-pence per Week, in his own Right, for and towards the Relief of the Poor of the City, and County of the ſaid City, ſhall be qualified to be elected a Commiſſioner by virtue of this Act.

Who are to be Commiſſioners.

Commiſſioners conſtituted a Court of Requeſts.

Qualification of Commiſſioners.

II. And be it further enacted, That when any of the Perſons, elected in Manner aforeſaid, after their reſpective Elections, ſhall die, or ſhall not, within Six Calendar Months next after his Election, take upon himſelf the Office of and act as a Commiſſioner, or having ſo acted as a Commiſſioner, ſhall thereafter refuſe or neglect to act as a Commiſſioner for the Space of One whole Year, or ſhall become Bankrupt or Inſolvent, or ſhall be convicted of any Offence for which an infamous Puniſhment may by Law be inflicted; upon due Proof made, upon Oath, in open Court, that any of the ſaid Commiſſioners are dead, or have incurred any of the Diſabilities aforeſaid, the ſaid Commiſſioners then ſitting are hereby directed and required to cauſe the whole Number of Commiſſioners to be ſummoned, by a Notice in Writing to be affixed at the Guildhall of the ſaid City for that Purpoſe, to meet at ſome convenient Time, and to cauſe Notice, in Writing, to be left with the Perſon or Perſons incurring ſuch Diſabilities as aforeſaid, or to be left or ſtuck up at their laſt Place of Abode in the City and County of the ſaid City of Exeter; and the Commiſſioners then preſent, not being leſs than Nine in Number, ſhall and may amove any Perſon or Perſons from the Office of a Commiſſioner for any of the Cauſes before mentioned, on due Proof thereof; and the Clerk of the ſaid Court herein-after mentioned is hereby required to certify to the ſaid Alderman or Aldermen of the ſaid Ward or Quarter, for which ſuch Perſon or Perſons ſo dying or amoved was elected, ſuch Death or Amotion as aforeſaid; and then it ſhall and may be lawful to and for the Alderman or Aldermen of the ſaid Ward or Quarter for which ſuch Perſon ſo dying, or neglecting or refuſing to act, or

diſabled

Commiſſioners dying or refuſing to act,

others to be choſen.

diſabled as aforeſaid, was elected, his or their Deputy or Deputies, at a Court to be held within the ſaid Ward or Quarter for that Purpoſe, within the Space of Fourteen Days next after the Death of ſuch Perſon, or Vacancy occaſioned as aforeſaid, to elect others in their Place, in Manner aforeſaid; which Court and Elections ſuch Alderman or Aldermen, his or their Deputy or Deputies, are hereby authoriſed and required to hold and make.

For want of a ſufficient Number to act, Court to be adjourned.

III. Provided always, That in caſe Three or more of the ſaid Commiſſioners appointed, or to be appointed, by virtue of this Act, ſhall neglect or refuſe to aſſemble on any of the Days appointed for holding the ſaid Court, that then it ſhall and may be lawful to and for the Clerk of the ſaid Court herein-after named, for the Time being, or his Deputy, to adjourn the ſaid Court to ſome other convenient Day, within One Week from the Day on which the ſaid Court ought to have been held, or to the next General Court Day to be held by virtue of this Act.

Commiſſioners in Rotation to be ſummoned to attend the Court every Two Months.

IV. And, for the more orderly and regular Proceeding in the ſaid Court, and to make the Buſineſs thereof as eaſy as may be to the ſaid Commiſſioners, be it further enacted by the Authority aforeſaid, That the Clerk of the ſaid Court for the Time being ſhall, and he is hereby authoriſed and required, to cauſe the Mayor and Two ſenior Aldermen and Common Council, and alſo Eight of the ſaid Forty Perſons ſo to be elected as aforeſaid, according to the Order in which the initial Letter of their reſpective Surnames ſhall be in the Alphabet, to be ſummoned by the Beadle of the ſaid Court to attend, and do the Buſineſs of the ſaid Court for Two Calendar Months then next enſuing; and after the Expiration thereof, ſhall cauſe the like Number of Commiſſioners, reſiding within the City and County of the ſaid City, in like Seniority, Order, and Rotation, and reſpectively, to do the like Duty for the Two then next ſucceeding Calendar Months, till the whole Number of Commiſſioners, reſident as aforeſaid, ſhall have been ſummoned; and ſhall then begin again, and continue to ſummon Thirteen Commiſſioners every Two Calendar Months, in like Rotation, in all ſucceeding Times, ſo as the ſaid Commiſſioners may take upon themſelves, in Rotation, the Execution of this Act.

Commiſſioners, although not in Rotation or ſummoned, may act in Court;

but not to exceed Thirteen in Number.

V. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to exclude or debar any of the ſaid Commiſſioners from ſitting in the ſaid Court, although they be not in Rotation, or ſummoned as aforeſaid; but that all ſuch Commiſſioners, not exceeding Thirteen in Number, ſhall and may, as often as they reſpectively ſhall think fit, ſit and give Judgement therein in Manner following; (that is to ſay), That if any Number of Commiſſioners leſs than Thirteen ſhall be preſent at the Sitting of the ſaid Court, then, and in ſuch Caſe, ſuch other of the ſaid Commiſſioners as ſhall from Time to Time come into the ſaid Court and take their Seats, until the Number of Thirteen ſhall be compleat, and ſhall give Judgement in the ſaid Court; and if at the Sitting of the ſaid Court the Commiſſioners then preſent ſhall be more in Number than Thirteen, then the Clerk ſhall put the Names of all the Commiſſioners preſent, ſave and except the Names of the Commiſſioners ſummoned as aforeſaid, written on diſtinct Pieces of Paper, being all as near as may be of equal Size, and rolled up in the ſame Manner, into a Glaſs or Ballotting Box, to be provided for that Purpoſe, and ſhall there ſhake them together, and the Beadle of the ſaid Court, or ſome other indifferent Perſon, ſhall publickly draw out of the ſaid Glaſs or Box a Piece, or ſo many Pieces of Paper as there ſhall be wanting Commiſſioner or Commiſſioners, together with the Commiſſioners then preſent and ſummoned as aforeſaid, to compleat the Number of Thirteen; and the Commiſſioner or Commiſſioners, whoſe Name or Names ſhall be found written on the Piece or Pieces of Paper drawn out as aforeſaid, ſhall ſit and give Judgement in the ſaid Court, together with the other Commiſſioners ſummoned and preſent as aforeſaid; and it is hereby declared to be the true Intent and Meaning of this Act, that after the Number of Thirteen Commiſſioners ſhall be compleated, in the Manner before mentioned, no Commiſſioner, ſummoned as aforeſaid, ſhall take his Seat and give Judgement in the ſaid Court.

Their Powers.

VI. And be it further enacted by the Authority aforeſaid, That the Commiſſioners ſo named and appointed, and their Succeſſors, to be choſen in Manner herein-before mentioned, or any Three or more of them, not exceeding Thirteen in Number, from Time to Time aſſembled as aforeſaid, ſhall have Power and Authority, by virtue of this Act, to hear and determine all ſuch Cauſes and Matters of Debt as ſhall be brought before them in Manner as hereafter mentioned; and to give ſuch Judgements, and make ſuch interlocutory and final Orders and Decrees therein, and to award ſuch Execution thereupon, with Coſts, both againſt the Bodies and the Goods and Chattels of all and every the Perſon and Perſons againſt whom they ſhall give or make any ſuch Judgement, Order, or Decree, as to them ſhall ſeem juſt, and moſt agreeable to Equity and good Conſcience.

Clerk and Beadle how to be appointed.

VII. And be it further enacted by the Authority aforeſaid, That the ſaid Mayor, Recorder, Aldermen, and Common Council, or the major Part of them, in Chamber aſſembled, ſhall, and are hereby impowered and required, to nominate and appoint One able and ſufficient Officer to be called a Clerk, and another able and ſufficient Officer called a Beadle; which ſaid Officers of Clerk and Beadle ſhall execute their reſpective

tive Offices by themſelves reſpectively, or by their lawful Deputy or Deputies, ſo long as they ſhall behave themſelves well in their reſpective Offices.

Commiſſioners and Victuallers not to hold any Place of Profit.

VIII. Provided always, That no Commiſſioner, nor any Perſon or Perſons who ſhall keep any Victualling-houſe, Alehouſe, or other publick Place of Entertainment, or who ſhall ſell any Wine, Cyder, Beer, Spirituous or other Strong Liquors, by Retail, ſhall be capable of holding any Place of Profit belonging to the ſaid Court.

Appointment of Clerk and Beadle upon Vacancies.

IX. And be it enacted by the Authority aforeſaid, That whenever it ſhall happen that the Office of Clerk or Beadle ſhall become vacant, either by Death, Reſignation, or Miſbehaviour, the ſaid reſpective Offices ſhall be executed by ſuch Perſon or Perſons as ſhall be in that Behalf nominated and appointed by the ſaid Mayor, Recorder, Aldermen, and Common Council, in Chamber aſſembled, as aforeſaid, who are hereby authoriſed, impowered, and required, to nominate and appoint ſuch Clerk or Beadle, in Conſideration of, and as a Compenſation for, the Prejudice or Damage to, or Diminution of, the Buſineſs of the ſeveral Courts of Record held for Plea of Debt within the Juriſdiction of the ſaid City; and until ſuch Nomination and Appointment ſhall be made, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, aſſembled as aforeſaid, to appoint ſuch Officers reſpectively.

Clerk to fix up Liſts of Commiſſioners in the Court-houſe,

and to iſſue Summonſes, and regiſter Orders, &c.

Beadle to ſerve Precepts.

X. And be it further enacted by the Authority aforeſaid, That the Clerk herein-before named and choſen, and his Succeſſors, from Time to Time to be appointed, as aforeſaid, or his or their lawful Deputy, ſhall make, and cauſe to be fixed up in ſome convenient Part of the Court-houſe, fair and compleat Liſts in Writing of the Commiſſioners herein named and directed to be choſen and appointed, or to be elected, choſen, and appointed, as aforeſaid; and ſhall alſo iſſue, or cauſe to be iſſued out, all Summonſes, Attachments, Warrants, Subpoenas, and Precepts, and regiſter and enter, or cauſe to be regiſtered and entered, all Cauſes, Orders, Decrees, and Judgements, and other Acts and Proceedings of the ſaid Court, in proper Books, to be from Time to Time provided by him, and kept for that Purpoſe; and that the Beadle herein-before named, or from Time to Time to be appointed, as aforeſaid, or his Deputy, ſhall, and he is hereby impowered and required to ſerve and execute, or to cauſe to be ſerved and executed, all ſuch Summonſes, Orders, Attachments, Warrants, Subpoenas, Executions, and Precepts, and to do and perform all ſuch Acts, Matters, and Things, as are herein directed and appointed to be done by him.

Debts under 40s. may be ſued for by all Perſons.

XI. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, it ſhall and may be lawful to and for all and every Perſon and Perſons whatſoever, who now hath or have, or hereafter ſhall or may have, any Debt or Debts ariſing or accruing within the ſaid City and County of the City of Exeter, not amounting to the Sum of Forty Shillings, and due or owing to him, her, or them, by or from any Perſon or Perſons whatſoever inhabiting or reſiding within the City and County of the ſaid City of Exeter, to apply to the Clerk of the ſaid Court, or his Deputy for the Time being, who ſhall immediately make an Entry in his Book of the Cauſe, expreſſing the Names of the Parties, and the Sum demanded, and ſhall thereupon make out and deliver a Summons in Writing under his Hand, directed to ſuch Debtor or Debtors, expreſſing the Sum demanded of him, her, or them, and the Name or Names of ſuch Party or Parties demanding the ſame, thereby requiring and commanding ſuch Debtor or Debtors to appear at the next Court to be held before the Commiſſioners of the ſaid Court, to anſwer ſuch Demand; and the Beadle of the ſaid Court ſhall forthwith ſerve, or cauſe to be ſerved, ſuch Summons or Summonſes on ſuch Debtor or Debtors. either perſonally, or by leaving the ſame at the Dwelling-houſe or Place of Abode, Lodging, Shop, Shed, Stall, Stand, or other Place of Dealing or Working of ſuch Debtor or Debtors within the City and County of the ſaid City of Exeter; and the ſaid Commiſſioners, or any Three or more of them, ſhall, upon Proof made of the Service of ſuch Summons, have full Power and Authority, by virtue of this Act, to make due Enquiry upon Oath of any legal Witneſs or Witneſſes, or by Confeſſion of the Party ſummoned, concerning ſuch Demand, and to pronounce and give final Sentence or Judgement, and to make ſuch interlocutory or final Orders and Decrees therein, as to them ſhall ſeem moſt juſt and equitable.

Acting Commiſſioners may make Orders for regulating the Practice of the Court;

XII. And, for the better regulating the Proceedings of the ſaid Court, and rendering this Act effectual for the Purpoſe thereof, be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners for the Time being, or any Nine or more of them, ſhall have full Power and Authority, by virtue of this Act, from Time to Time, and as often as they ſhall ſee Occaſion, at any of the ſaid Courts, to make ſuch Rules or Orders for the better regulating the Practice of the ſaid Court as to them ſhall ſeem neceſſary and conducive to the Purpoſes of this Act, ſo as they ſhall be conſiſtent with Equity, and not tend to alter the Fees herein-after allowed by this Act to be taken by the Clerk and Beadle of the ſaid Court for the Time being, or to the Exerciſe of any Juriſdiction inconſiſtent with the true Intent and Meaning of this Act, and do relate to the Proceſs, Practice, and Method of Proceeding, of and in the ſaid Court only; according to which Rules or Orders ſo from Time to Time to be made, the ſaid Commiſſioners, or any Three or more of them, ſhall have Power and Authority, by virtue of this Act, to proceed upon, and to hear and determine all Matters of Debt ariſing within the ſaid City and County of the ſaid City of Exeter, not amounting to the ſaid Sum of Forty Shillings, which ſhall be brought before them by virtue of this Act, and to make and pronounce ſuch Judgements and Decrees concerning the ſame, together with ſuch Coſts of Suit, as to them ſhall ſeem agreeable to Equity and good Conſcience.

and adminiſter Oaths.

XIII. And, for the better Diſcovery of the Truth, and for the more ſolemn Determination of all the Cauſes and Matters which ſhall be depending in the ſaid Court, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, aſſembled in Court, and they are hereby impowered to adminiſter an Oath to ſuch Witneſs or Witneſſes as ſhall be produced by either Party; and alſo to the Officers of the Court, and to any Perſon or Perſons whatſoever, whoſe Evidence ſhall to the ſaid Commiſſioners, or the major Part of them, aſſembled at the ſaid Court, appear neceſſary to aſcertain the Truth of the Matter in Litigation between the Parties; and for that Purpoſe to iſſue out a Summons or Summonſes, at the Inſtance of either of the Parties, to all and every ſuch Witneſs or Witneſſes, to be and appear at ſuch Court Day whereon the ſaid Matter is appointed to be heard.

On Non appearance of Defendants, Commiſſioners may proceed *ex parte*.

XIV. And be it further enacted by the Authority aforeſaid, That if any Debtor or Debtors, who ſhall have been duly ſummoned as aforeſaid, ſhall, without ſome good Cauſe, to be allowed by the ſaid Court, refuſe or neglect to appear in the ſaid Court at the Time appointed in the ſaid Summons; then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, upon Proof being made upon Oath of the Service of the ſaid Summons in Manner before directed, to proceed to hear the Cauſe on the Part of the Plaintiff or Plaintiffs only, and to make ſuch Order, Decree, or Judgement therein, and to award ſuch Coſts of Suit, as to them ſhall ſeem meet.

On Non-appearance, or Nonſuit of Plaintiff, may award Coſts.

XV. And be it further enacted by the Authority aforeſaid, That if upon the Day of the Return of the Summons, or at any Continuation or Adjournment of the ſaid Court, the Plaintiff or Plaintiffs ſhall not appear, or appearing, ſhall not make Proof of his, her, or their Debt or Demand to the Satiſfaction of the ſaid Court, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, upon due Proof upon Oath having been firſt made before them of the Service of ſuch Summons, or in caſe the Plaintiff ſhall fail in making due Proof of ſuch his Debt, (as the Caſe may be), to award to the Defendant or Defendants reaſonable Coſts, and to order and compel the Plaintiff or Plaintiffs to pay the ſame, by ſuch Ways and Means as are herein provided for enforcing the Payment of Debts and Coſts ordered and decreed to be paid by the ſaid Court.

Commiſſioners may award Execution.

XVI. And be it further enacted by the Authority aforeſaid, That in any Caſe where the ſaid Commiſſioners, or any Three or more of them, ſhall have made any Order or Decree for the Payment of Money, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, to award Execution, either againſt the Body or Goods of the ſaid Party or Parties againſt whom ſuch Order or Decree ſhall be made; and thereupon it ſhall and may be lawful to and for the Clerk of the ſaid Court, or his Deputy, and he is hereby authoriſed and required, at the Requeſt and Election of the Party or Parties proſecuting ſuch Order or Decree, to iſſue a Precept or Precepts in Execution, under his Hand and Seal, and from Time to Time to renew the ſame, againſt the Body or Bodies of ſuch Party or Parties againſt whom ſuch Order or Decree ſhall be made, directed to the Beadle of the ſaid Court, or his Deputy, who, by virtue thereof, ſhall and may, and he is hereby impowered and required to take and apprehend, or cauſe to be taken and apprehended, ſuch Party or Parties, being within the City and County of the ſaid City of Exeter, and convey him, her, or them, to ſuch Goal within the ſaid County of the ſaid City as ſhall be appointed by the ſaid Commiſſioners, or any Nine or more of them, for that Purpoſe, there to remain until he, ſhe, or they, ſhall perform and obey ſuch Order, Decree, and Judgement, ſo as no Perſon ſhall remain in Confinement for any longer Space of Time than Forty Days, or for leſs than Ten Days; and that it ſhall, in like Manner, be lawful to and for the Clerk of the ſaid Court, or his Deputy, and he is hereby authoriſed and required, at the like Requeſt and Election of the Party or Parties proſecuting ſuch Order or Decree, to iſſue a Precept or Precepts in Execution, under his Hand and Seal, and from Time to Time to renew the ſame, againſt the Goods of ſuch Party or Parties againſt whom ſuch Order or Decree ſhall be made, directed to the ſaid Beadle, or his Deputy, who, by virtue thereof, ſhall and may, and is hereby impowered and required to levy, by Diſtreſs and Sale of the Goods and Chattels of ſuch Party or Parties, being within the ſaid City and County of the ſaid City of Exeter, ſuch Sum and Sums of Money, and Coſts, as ſhall be ſo ordered and decreed.

Court may order Debts to be paid at ſeveral Times.

XVII. And be it further enacted by the Authority aforeſaid, That in caſe the ſaid Commiſſioners, or any Three or more of them, ſhall, at any Time, upon the Requeſt and for the Eaſe and Convenience of the Defendant or Defendants, order and decree the Debt due to the Plaintiff or Plaintiffs to be paid at ſeveral Payments, or by Inſtalments, which they are hereby authoriſed and impowered to order and decree, at their Diſcretion; then, upon the Firſt Default or Failure of any of the ſaid Payments or Inſtalments ſo ordered and decreed, the ſaid Commiſſioners, or any Three or more of them, aſſembled in Court, ſhall and may, at the Inſtance of the Plaintiff or Plaintiffs, and upon due Proof of the ſaid Default or Failure, award Execution for the whole Debt, or ſuch Part thereof as ſhall then remain unpaid, together with ſuch further Coſts as to them ſhall ſeem reaſonable; to be recovered by the ſame Proceſs or Precept, and in like Manner as is herein-before provided for Recovery of the Debt and Coſts firſt decreed, the former Order or Decree to the Contrary notwithſtanding.

XVIII. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to impower the Clerk of the ſaid Court to iſſue any Proceſs againſt the Goods and Chattels of any Perſon or Perſons where the Party intitled to the Benefit of any ſuch Order, Judgement, or Decree, as aforeſaid, ſhall have obtained any Warrant or Proceſs as aforeſaid againſt the Body or Bodies of the ſame Perſon or Perſons, unleſs ſuch Perſon or Perſons ſhall eſcape out of Cuſtody, or ſhall abſcond or depart out of the ſaid City and County of the ſaid City of Exeter, to avoid being apprehended and taken by virtue of ſuch laſt-mentioned Warrant or Proceſs.

Proceſs not iſſuable againſt Goods and Chattels, where Warrant is iſſued againſt the Body of the Perſon, unleſs he ſhall abſcond.

XIX. And be it further enacted by the Authority aforeſaid, That in every Precept to be iſſued upon any Execution awarded againſt the Body or Goods of any Perſon or Perſons whatſoever, the Clerk who iſſues the ſame ſhall expreſs and ſet down in Writing the Sum or Sums of Money, and Coſts, ſo ordered and decreed to be paid; and if the Party or Parties againſt whom ſuch Execution ſhall be awarded ſhall, before any actual Sale of his, her, or their Goods, or before he, ſhe, or they, is, are, or ſhall be taken and apprehended, or before the Expiration of the Term of his, her, or their Impriſonment, pay, or cauſe to be paid, or tendered, unto the Clerk of the Court who ſhall iſſue ſuch Precept, ſuch Sum or Sums of Money, and Coſts, together with One Shilling, as a Reward for his Trouble in receiving and paying over ſuch Debt and Coſts to the Plaintiff or Plaintiffs, and entering Acknowledgement or Satiſfaction in the Book or Regiſter of the ſaid Court for ſuch Debt and Coſts, and alſo the Sum of Two Shillings to the Beadle for Fees, in caſe ſuch Party or Parties ſhall have been committed to Priſon, or his Goods ſhall be diſtrained upon, and not ſold; then, and in ſuch Caſe or Caſes, the Execution ſhall be ſuperſeded, and the Body or Bodies, and Goods, of ſuch Party or Parties ſhall be diſcharged and ſet at Liberty.

On Execution Clerk to indorſe Debt and Coſts.

In what Caſes Execution may be ſuperſeded.

XX. And be it further enacted by the Authority aforeſaid, That if the Beadle of the ſaid Court, or his Deputy, who ſhall be employed to ſerve or levy any Execution, ſhall, by wilful or notorious Neglect or Connivance, cauſe or ſuffer the Party againſt whom ſuch Execution ſhall be awarded to eſcape, or the Goods of ſuch Party or Parties ſo diſtrained upon to be carried away, embezzled, or ſecreted, ſo that ſuch Execution ſhall not have its due Effect, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, aſſembled in Court, upon Complaint, and due Proof made upon the Oath or Oaths of One or more credible Witneſs or Witneſſes, to order ſuch Beadle to pay ſuch Sum or Sums of Money, for which the ſaid Execution was awarded, to the Party complaining, and to enforce the Payment thereof by the ſame Method and Means as are herein-before provided for the Payment of other Debts.

Beadle ſuffering an Eſcape, or Goods to be removed, or cauſing Defendant to abſcond, to pay Debt and Coſts.

XXI. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall be capable of acting as a Commiſſioner in the Execution of this Act, until he ſhall have taken an Oath to the following Effect:

I *A. B.* do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Judgement, hear and determine all ſuch Matters and Cauſes as ſhall be brought before me, by virtue of an Act of Parliament for the more eaſy and ſpeedy Recovery of Small Debts within the City and County of the City of *Exeter*, without Favour or Affection, Prejudice or Malice, to either Party.

Commiſſioners Oath.

So help me GOD.

Which Oath the ſaid Clerk of the Court, to be appointed as aforeſaid, is hereby, at the Firſt Court or Meeting to be held by the ſaid Commiſſioners, or any Three of them, in purſuance of this Act, impowered and required to adminiſter to all and every Commiſſioner and Commiſſioners, in open Court, in the Preſence of Three or more of ſuch Commiſſioners; and, in like Manner, at any ſubſequent Court, the Clerk of the ſaid Court, or any of the Commiſſioners who ſhall have taken ſuch Oath, is and are hereby impowered and required to adminiſter the ſaid Oath in open Court to all and every ſuch other Commiſſioner and Commiſſioners, not having qualified himſelf as aforeſaid, at ſuch Firſt Court or Meeting; of all which Oath and Oaths, ſo taken as aforementioned, the ſaid Clerk of the ſaid Court ſhall cauſe a Memorial to be entered in the Regiſter of the ſaid Court amongſt the Proceedings of ſuch Days reſpectively.

Memorial thereof to be regiſtered.

XXII. And be it further enacted by the Authority aforeſaid, That the ſeveral Fees herein-after limited and expreſſed, and no other, ſhall be taken by the ſaid Clerk and Beadle, or their Succeſſors, for their ſeveral and reſpective Services in the Execution of this Act; that is to ſay, The Fees.

To the Clerk.

	d.
For entering every Cauſe	3
For iſſuing every Summons	3
For every Subpœna	3
For calling every Plaintiff or Defendant	3
For every Hearing or Trial	6
For ſwearing every Witneſs	3
For every Order, Judgement, or Decree	6
For a Nonſuit	3
For every Search in the Books	2
For paying Money into Court	4
For taking Money out of Court, and acknowledging of Satisfaction in the Clerk's Books	4
For every Attachment	6
For every Execution	6
For every Warrant of Commitment	3

To the Beadle.

	s.	d.
For the Service of every Summons, Order, or Subpœna		3
For calling every Plaintiff or Defendant before the Court		2
For executing every Attachment, Execution, or Warrant, againſt the Body or Goods	1	0

A Table of Fees to be hung up in the Court-houſe.

A Table of which Fees ſhall, from Time to Time, be hung up, by the Clerk of the ſaid Court, in ſome conſpicuous Part of the ſaid Court-houſe or Place where the ſaid Commiſſioners ſhall meet, ſo that all Perſons concerned may ſee and examine the ſame.

Penalty on taking greater Fees.

XXIII. And be it further enacted by the Authority aforeſaid, That if the Clerk or Beadle of the ſaid Court for the Time being ſhall take any greater or other Fees or Rewards than what are herein-before mentioned, for his or their Service in the Execution of this Act, he or they ſhall, for every ſuch Offence, forfeit and pay ſuch Fine, not exceeding Five Pounds, nor leſs than Forty Shillings, as the ſaid Commiſſioners, or any Three or more of them, upon due Proof upon Oath firſt made before them of the Truth of ſuch Complaint, ſhall order, aſſeſs, and impoſe; to be applied to the Relief of ſuch Debtor or Debtors who ſhall be then, or at any Time after, in the Priſon or Gaol of the ſaid Court of Requeſts, in ſuch Manner as the ſaid Commiſſioners, or any Three or more of them, ſhall order and direct; or otherwiſe, to be paid to the Uſe of the Poor of the ſaid City and County of the City of Exeter, at the Diſcretion of the ſaid Commiſſioners impoſing ſuch Fine or Fines as aforeſaid; the ſame to be levied (if not paid on Demand) by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hands and Seals of ſuch Commiſſioners, or any Three or more of them, by whom ſuch Complaint ſhall be heard, rendering to the Owner the Overplus, after the Charges of ſuch Diſtreſs and Sale are deducted.

Clerk or Beadle may be diſplaced for Miſbehaviour.

XXIV. And be it further enacted by the Authority aforeſaid, That if the ſaid Clerk or Beadle ſhall be guilty of any Miſbehaviour, either by Neglect or Breach of Duty, or in taking any greater Fees than before mentioned, or otherwiſe, in the Execution of their reſpective Offices; that then, upon Complaint and due Proof thereof made upon Oath, in open Court, the ſaid Commiſſioners then ſitting are hereby directed and required to cauſe the whole Number of Commiſſioners to be ſummoned, by a Notice in Writing to be affixed at the Guildhall, to meet at ſome convenient Time; and the Commiſſioners then preſent, not being leſs than Nine in Number, ſhall and may examine and conſider the Merits of ſuch Complaint; and if it ſhall appear to ſuch Commiſſioners, ſo aſſembled or met, or to the major Part of them, that the Clerk or Beadle hath been guilty of any ſuch Miſbehaviour or Breach of Duty, as aforeſaid, in his Office, it ſhall and may be lawful to and for the ſaid Commiſſioners, or the major Part of them, then aſſembled, to ſuſpend or remove ſuch Clerk or Beadle from his ſaid Office, and another Perſon or Perſons ſhall be thereupon appointed in his Room, in ſuch Manner as is by this Act directed for ſuch Appointment.

Commiſſioners, Clerk, or Beadle, not to act when intereſted.

XXV. And be it further enacted by the Authority aforeſaid, That if any Commiſſioner of the ſaid Court for the Time being ſhall be Party to, or intereſted in, any Cauſe, Matter, or Thing, depending in the ſaid Court, ſuch Perſon ſhall not be capable of acting as a Commiſſioner in the hearing and determining the ſame, or making any Order, Decree, or Judgement therein, but after being heard in the ſaid Cauſe, ſhall withdraw from the ſaid Court until the ſame is finally determined; and if the Clerk or Beadle of the ſaid Court for the Time being ſhall be a Party to, or intereſted in, any Cauſe depending in the ſaid Court, ſuch Clerk or Beadle ſhall not exerciſe his ſaid Office in the ſaid Cauſe, or in any Thing relating thereto; but the ſaid Commiſſioners, or any Three or more of them, aſſembled at ſuch Court, ſhall and may, and are hereby authoriſed to depute and appoint another Perſon to exerciſe the ſaid Office of Clerk or Beadle reſpectively, in all Things relating to ſuch Cauſe.

Penalty on inſulting the Court.

XXVI. And, for the better enforcing the Orders and Decrees from Time to Time to be made by the ſaid Commiſſioners, and that the Commiſſioners of the ſaid Court may be inveſted with proper Power and Authority, and be free and exempt from Inſult and Abuſe; be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall affront, inſult, or abuſe, all or any of the Commiſſioners, during their ſitting in the ſaid Court, or ſhall interrupt the Proceedings of the ſaid Court, or ſhall obſtruct the Proceſs thereof, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, to cauſe a Warrant to be iſſued by the Clerk of the ſaid Court, or his Deputy, directing ſuch Beadle to apprehend and take, or cauſe to be apprehended and taken, ſuch Perſon or Perſons ſo offending, as aforeſaid, before One of His Majeſty's Juſtices of the Peace for the ſaid City and County of Exeter; and, upon the Fact alleged being proved by the Oath of One credible Witneſs, the ſaid Juſtice is hereby impowered and directed to puniſh ſuch Perſon or Perſons, ſo offending as aforeſaid, by Fine, not exceeding Five Pounds, nor leſs than Ten Shillings, which ſhall be immediately paid into the Hands of the ſaid Juſtice before whom the ſaid Offender or Offenders ſhall be convicted, and be paid and applied by ſuch Juſtice in like Manner as the Fines herein-before mentioned are directed to be applied; and if the ſaid Offender or Offenders ſhall not pay the ſaid Fine in Manner aforeſaid, it ſhall and may be lawful to and for the ſaid Juſtice, by Warrant under his Hand and Seal, to cauſe the ſame to be levied by Diſtreſs and Sale of the Offender's Goods, or, in Default thereof, to commit ſuch Perſon or Perſons, ſo offending as aforeſaid, to the common Gaol, or Houſe of Correction, for the City and County of the ſaid City of Exeter, there to remain for any Space of Time not exceeding Three Months, or until he, ſhe, or they, ſhall pay the ſaid Fine.

Copy of preceding Clauſe to be hung up in the Court-houſe.

XXVII. Provided always, and be it further enacted by the Authority aforeſaid, That the Clerk of the ſaid Court ſhall fix, or cauſe to be fixed up, in ſome publick Part of the ſaid Court-houſe or Place where the ſaid Commiſſioners ſhall meet, a true Copy of the laſt preceding Clauſe of this Act, to the Intent that no Perſon ſhall or may plead Ignorance thereof.

Defendant may plead generally in Bar of Actions of Debt.

XXVIII. And be it further enacted by the Authority aforeſaid, That if any Action of Debt, or Action upon the Caſe, upon an Aſſumpſit for Recovery of any Debt, to be ſued or proſecuted againſt any Perſon or Perſons aforeſaid, in any of the King's Courts at Weſtminſter, or elſewhere, out of the ſaid Court of Requeſts, the Plaintiff ſhall declare for any Sum of Money not amounting to the Sum of Forty Shillings, the Defendant may plead generally in Bar of ſuch Action, that at the Time of commencing ſuch Action the Defendant was inhabiting and reſient within the Juriſdiction of the ſaid Court of Requeſts, and was liable to be warned or ſummoned before the ſaid Court of Requeſts, without pleading any other Matter ſpecially; and in caſe the Plaintiff, in any ſuch Action, ſhall declare for Forty Shillings, or any Sum of Money exceeding Forty Shillings, the Defendant may plead generally, over and above ſuch Matters as aforeſaid, that the Defendant was not, at the Time of commencing ſuch Action, indebted unto the Plaintiff in any Sum or Sums of Money amounting to the Sum of Forty Shillings, without pleading any other Matter ſpecially; whereto the Plaintiff ſhall or may reply generally, and deny the Matters pleaded as aforeſaid; and if the Plaintiff be nonſuited, or diſcontinue his Action, or Verdict paſs againſt him, or Judgement be given, on Demurrer, the Defendant or Defendants ſhall have full Coſts.

Proviſo.

XXIX. Provided always, That it ſhall and may be lawful to and for the Plaintiff or Plaintiffs, in ſuch Action, afterwards to proſecute the ſaid Defendant or Defendants for the Recovery of the ſaid Debt or Debts in the ſaid Court of Requeſts; any Thing herein-before contained to the Contrary thereof in any-wiſe notwithſtanding.

No Attorney to have Privilege in this Court.

XXX. And be it further enacted by the Authority aforeſaid, That no Attorney at Law, or Solicitor, being ſerved with the Proceſs of the ſaid Court of Requeſts, or appearing in the ſame Court, ſhall be allowed to plead or maintain any Privilege againſt the Proceſs, Authority, Juriſdiction, or Judgement thereof.

To what Debts this Act ſhall not extend.

XXXI. And be it further enacted by the Authority aforeſaid, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to any Debt for Rent upon any Leaſe or Contract, where the Title of any Lands, Tenements, or Hereditaments, can or may come in Queſtion, or in or upon any real Contract; nor to any Debt that ſhall ariſe upon or by reaſon of any Cauſe concerning any laſt Will and Teſtament, or matrimonial Contract, or the Breach thereof; or any Thing properly belonging to the Eccleſiaſtical Court; nor for Money won at or by Means of any Horſe-race or Cock-match, Wager, or any Kind of Gaming or Play; nor for any Forfeiture of any Penal Statute or Bye-law; nor to any Debt contracted for Ale, Beer, or Cyder, ſold by Retail, whereof a leſs Quantity than a Gallon was at any One Time delivered; nor for Spirituous Liquors ſold by Retail, whereof any leſs Quantity than One Quart was at any One Time delivered; nor to any Debt whereof there hath not been a Contract, Acknowledgement, Undertaking, or Promiſe, to pay, within Six Years before the taking out of the Summons for the ſame, although ſuch Debt ſhall not amount to Forty Shillings.

Penalty on wilful Perjury.

XXXII. And be it further enacted by the Authority aforeſaid, That in caſe any Perſon or Perſons making Oath, or giving Evidence, in any Cauſe or Matter whatſoever depending in the ſaid Court of Requeſts, ſhall commit wilful and corrupt Perjury, and be thereof duly convicted according to Law, ſuch Perſon and Perſons ſhall incur and ſuffer the like Pains and Penalties as any other Perſon or Perſons convicted of wilful and corrupt Perjury is or are liable to, or ſhall be ſubject to by the Laws and Statutes of this Realm.

Penalty on not obeying a Subpœna.

XXXIII. And be it further enacted by the Authority aforeſaid, That in caſe any Perſon reſiding within the Juriſdiction of the ſaid Court of Requeſts, who ſhall be duly ſerved with a Subpoena or Summons to be iſſued out of the ſaid Court to give Evidence on Behalf of any Plaintiff or Defendant, ſhall neglect or refuſe to appear purſuant to ſuch Subpoena or Summons, at the Time and Place therein mentioned, and due Proof ſhall be made of the Service of ſuch Subpoena or Summons, and no Cauſe of Abſence be ſhewn or aſſigned to the Satiſfaction of the Commiſſioners preſent at the ſaid Court to which ſuch Perſon ſhall be by ſuch Subpoena or Summons required to appear, and Oath ſhall be made before the ſaid Commiſſioners that the Perſon ſerved therewith was a material Witneſs for the Party at whoſe Inſtance ſuch Subpoena or Summons iſſued, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, aſſembled in open Court, and weighing the Cauſe ſo ſhewn, and adjudging the ſame to be inſufficient, to impoſe and lay a Fine, not exceeding Forty Shillings, nor leſs than Five Shillings; to be levied (if not immediately paid on Demand) by Diſtreſs and Sale of the Offender's Goods, by Warrant under the Hands and Seals of the ſaid Commiſſioners, or any Three or more of them; which Fine, when paid or levied, ſhall be paid over to the Party at whoſe Inſtance ſuch Subpoena or Summons iſſued.

Limitation of Actions.

General Iſſue.

Treble Coſts.

XXXIV. And be it further enacted by the Authority aforeſaid, That no Action at Law ſhall be brought againſt any Perſon or Perſons, for any Thing done by virtue of this Act, till after Twenty Days Notice thereof, in Writing, ſhall be given to, or left at, the uſual Place of Abode of the Perſon or Perſons againſt whom ſuch Action ſhall be intended to be ſo brought, thereby ſetting forth the Cauſe of ſuch Action, and in Default only of any Tender of ſufficient Amends being made within that Time by ſuch Perſon or Perſons to the Party ſo aggrieved, and cauſing ſuch Notice to be given; and that every Action brought for any Thing done as aforeſaid ſhall be commenced within the Space of Three Months next after the Cauſe thereof ſhall ariſe, and ſhall be laid in the City and County of the City of Exeter, and not elſewhere; and the Defendant or Defendants therein ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, and that the ſame was done by virtue thereof: And if, on the Trial of ſuch Action, it ſhall appear that the ſame was brought before the Expiration of Twenty Days after ſuch Notice ſhall have been ſo given or left as aforeſaid, or after the End of Three Months next after the Cauſe thereof ſhall ariſe, or if ſuch Action ſhall be brought or laid in any other County than as aforeſaid, or after ſufficient Tender of Amends ſhall have been made to the Party or Parties aggrieved; then, and in every the Caſes aforeſaid, the Jury, on the Trial of ſuch Action, ſhall find for the Defendant or Defendants therein; and in all Caſes where any Verdict ſhall be found for any Defendant or Defendants in ſuch Action, or the Plaintiff or Plaintiffs therein ſhall diſcontinue the ſame after the Defendant or Defendants ſhall have appeared thereto, or ſhall be nonſuited; or if upon Demurrer Judgement ſhall be given againſt ſuch Plaintiff or Plaintiffs, the Defendant or Defendants in ſuch Action ſhall have and recover Treble Coſts, and ſhall have the like Remedies for recovering the ſame as any Defendant or Defendants can or may have in other Caſes where Coſts are given by Law.

Publick Act.

XXXV. And be it further enacted by the Authority aforeſaid, That this Act ſhall be adjudged, deemed, and taken to be, a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

C A P. XXVIII.

An Act for deepening, cleanſing, and making more commodious, the Harbours of the Town of *Greenock*; for ſupplying the Inhabitants with freſh and wholeſome Water; and for paving, cleanſing, lighting, and watching the Streets, and other publick Places, within the ſaid Town.

Preamble.

WHEREAS the Harbours of *Greenock*, in the County of *Renfrew*, have of late Years, by the Flux and Reflux of the Tide, and various other Cauſes, been greatly choaked and filled up with Mud and Dirt, which hinder Veſſels of Burthen from getting into the Piers and Quays, and expoſe the Shipping lying in the ſaid Harbours to many Dangers and Inconveniencies: And whereas the Trade of the Town of *Greenock* has of late Years greatly increaſed, and the Ships and Veſſels now belonging, and trading to and from the ſaid Port, are more numerous, and of larger Dimenſions than heretofore: And whereas the Quays and Piers already made and conſtructed by and at the Expence of the Town of *Greenock*, within the ſaid Port or Harbours, are not ſufficient for the Reception and convenient Lying of the Ships and Veſſels reſorting thereto, and for the requiſite and convenient Diſpatch in loading and unloading the ſame, which render the deepening, cleanſing, and ſcouring, of the ſaid Harbours, and the building and erecting new and additional Piers and Quays, highly neceſſary, and the ſame will be of great publick Utility, as well as of Advantage to the Trade of the ſaid Town: And whereas the Inhabitants of the Town of *Greenock*, and Shipping there, have, in certain Seaſons of the Year, much Difficulty in getting freſh and wholeſome Water; and the Streets of the ſaid Town are ill paved, cleanſed, and not lighted, nor a Watch kept for preventing Diſorders in the Night-time: And as the deepening, cleanſing, and ſcouring, of the ſaid Harbours, and the building and erecting the ſaid new and additional Piers and Quays, and the bringing in Water into the Town; and the paving, cleanſing, and lighting the Streets, and keeping Watchmen in the ſaid Town, will be attended with conſiderable Expence, which the ordinary Revenue of the ſaid Town cannot defray; and as the ſame cannot be effected without the Aid and Authority of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the Magiſtrates or Bailies, and Town Council of the Burgh of Barony of Greenock, and their Succeſſors in Office, or ſuch Perſon or Perſons as they ſhall appoint, from Time to Time, and at all Times hereafter, as they ſhall ſee Occaſion, to deepen, clean, ſcour, and preſerve, the ſaid Harbours of Greenock, and the Improvements and Additions which ſhall be made thereto by virtue of this preſent Act, from Dirt and Mud, and other Obſtructions whatſoever; and alſo to build and erect, or cauſe to be built and erected therein, (except as herein-after is excepted), Piers and Quays of proper Dimenſions; particularly a Quay or Pier Eaſtward from the preſent Harbours, to a Point of Land called MacGlip's Tenement, and to carry out the ſame from the ſaid Point into the River; and likewiſe ſuch and ſo many other Quays, Piers, Jettees, and Breaſts, to the Eaſt of the aforeſaid Point, or to the Weſtward of the preſent Harbours, and other neceſſary Works within the ſaid Harbours and Bay of Greenock, for the Reception of all Ships and Veſſels reſorting to the ſaid Port and Harbours, and for the more convenient loading and unloading of ſuch Ships and Veſſels, and to be executed in ſuch Manner, as the Commiſſioners herein-after named, or any Thirteen or more of them, at a General Meeting aſſembled, in Manner as herein-after directed, ſhall judge to be neceſſary and expedient.

Magiſtrates of *Greenock* may deepen and ſcour the Harbours, and build Piers, *&c.*

II. Provided always, That no Quay, Peer, Jettee, Breaſt, or any other Work, hereby authoriſed to be built and erected, ſhall be built and erected to the Eaſtward of the ſaid Point of Land called MacGilp's Tenement, or to the Weſtward of the preſent Harbours of Greenock, without the Conſent in Writing of Charles Schaw Lord Cathcart, his Heirs or Aſſigns, under his or their Hands and Seals firſt had and obtained for that Purpoſe; any Thing herein-before contained to the Contrary in anywiſe notwithſtanding.

Piers, *&c.* not to be built Eaſt of *MacGilp's Tenement*, or Weſt, without Lord *Cathcart's* Conſent.

III. And be it further enacted by the Authority aforeſaid, That the Two Bailies named by the Feuars and Subfeuars and Town Council of Greenock, and their Succeſſors in Office, ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution: And, for the better effecting the Ends and Purpoſes of the ſame, and that the Fee and Property of the Quays, Piers, Breaſts, and other Works to be made, built, and erected, by virtue of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Truſtees, to and for the Ends and Purpoſes aforeſaid; and that the ſaid Truſtees are and ſhall be bound to apply the Rates and Duties herein-after mentioned in making and repairing, and keeping and maintaining the ſame in good Order and Repair, and in preſerving the ſaid Port and Harbours clean and free from Mud, Dirt, and other Obſtructions.

Truſtees.

IV. And be it enacted by the Authority aforeſaid, That from and after the Firſt Day of June, One thouſand ſeven hundred and ſeventy-three, it ſhall and may be lawful to and for the ſaid Truſtees, and ſuch Perſon and Perſons as they ſhall appoint, to demand, collect, receive, and, take, (over and above all other Rates and Duties which at preſent ſubſiſt, and are levied from Ships, Veſſels, Barks, Lighters, and Boats, coming into, or going out of the ſaid Port or Harbours of Greenock), of and from all and every the Maſters and Owners of any Ships, Veſſels, Barks, and Lighters, bound outward from the ſaid Port and Harbours of Greenock, on any foreign Voyage, or to any foreign Country or Place, or Britiſh Plantation, One Penny Halfpenny Sterling for each and every Ton which ſuch Ships, Veſſels, Barks, and Lighters, ſhall meaſure; and alſo One Penny Halfpenny Sterling for each and every Ton of ſuch Ships, Veſſels, Barks, and Lighters, coming into the Port and Harbours aforeſaid, from any foreign Voyage, Country, or Place, or Britiſh Plantation; and from the Maſters and Owners of all Veſſels of Thirty Tons or upwards, trading and coming into and out of the ſaid Port, from or to any Part of Great Britain or Ireland, without proceeding to, or coming from, any other Place or Country, Three Farthings Sterling for each Ton Burthen ſuch Veſſel ſhall meaſure, every Time they ſhall arrive in, or ſail from, the Port or Harbours aforeſaid; and from the Maſters and Owners of all ſmall Veſſels above the Burthen of Fifteen Tons, and under the Burthen of Thirty Tons, trading to or from any Port of Great Britain or Ireland, without proceeding to or coming from any other Place or Country, Three-pence Sterling for each Ton of Burthen every Year they ſhall ſail to, or come from, the Port and Harbours aforeſaid, the Commencement of which Year to be reckoned from the Time of their coming into or going out of the ſaid Harbours after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-three; and the Payment of the ſaid Duty

Harbour Duties.

for the then current Year to be paid before clearing out of the Port and Harbours aforeſaid.

Veſſels loaded with Proviſions, &c. exempted from Duties.

V. Provided always, That only ſuch Ships, Veſſels, Lighters, and Boats, as ſhall enter into the ſaid Harbours of Greenock, between the Kirkburn on the Weſtward, and the Delingburn on the Eaſtward, or which ſhall load or unload within the Port of Greenock, ſhall be liable for, and pay the aforeſaid Rates and Duties: And that all Ships and Veſſels, Lighters and Boats, coming into the Port and Harbours of Greenock aforeſaid, ſolely and only loaded with Fiſh, freſh or ſalted, or with Proviſions of any Kind, or ſolely and only loaded with Corn, Grain, and Meal, or with Stones, Slates, and Coals, which ſhall be diſcharged within the Port and Harbours aforeſaid, or that may proceed from thence with the ſaid Loading to any Part within the River Clyde; and all Lighters, Boats, and Veſſels, loaded with Salt and Caſk only, going to or coming from the Herring Fiſhing; and all Ships or Veſſels arriving in the Port and Harbours aforeſaid in Ballaſt, and without any Kind of Goods or Merchandiſe on Board, ſhall be free and exempted from the Rates and Duties granted by this Act.

Ships, &c. to be meaſured.

VI. And be it alſo further enacted, That the Maſters and Owners of all Ships, Veſſels, Barks, and Lighters, trading to and from the ſaid Port and Harbours, and liable to the Payment of the Rates and Duties by this Act impoſed, ſhall permit and ſuffer the ſaid Ships, Veſſels, Barks, and Lighters, to be meaſured by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall, from Time to Time, appoint for that Purpoſe, and ſhall pay the Rates and Duties aforeſaid according to ſuch Meaſurement; and that every Owner or Maſter aforeſaid who ſhall refuſe to have his or their Ship, Veſſel, Bark, or Lighter, meaſured as aforeſaid, ſhall, for every ſuch Offence reſpectively, forfeit and pay to the ſaid Truſtees the Sum of Five Pounds Sterling.

Collectors and other Officers to be appointed,

VII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees to nominate and appoint a Collector or Collectors, Receiver or Receivers, for levying the Rates and Duties by this Act granted, and ſuch other Officers and Servants as they ſhall judge neceſſary to be employed under them, for carrying the ſame into Execution, and from Time to Time to remove ſuch Officers and Servants, or any of them, and to appoint others in their Stead; and to ſettle ſuch reaſonable Fees or Salary for them as to the ſaid Truſtees ſhall appear to be juſt and proper; and that all and every the Collectors and Receivers of the ſaid Rates and Duties ſhall keep fair and regular Books and Accounts of all Money received under the Authority of this Act, (which Books and Accounts ſhall be open and patent to the ſaid Truſtees, and to the Commiſſioners herein-after named, or any Two of them, at all Times when they ſhall demand Inſpection of the ſame), and ſhall pay and diſpoſe thereof in ſuch Manner as by the ſaid Truſtees ſhall be directed: And that the Collector and Collectors, Perſon or Perſons, ſo to be appointed to receive the ſaid Rates and Duties, and all and every of them, ſhall give good and ſufficient Security to the ſaid Truſtees for anſwering and paying the Monies ariſing from the ſame, and which ſhall be by him or them reſpectively collected or received, and ſhall make Oath to the Truth of his or their Accounts, ſo often as he or they ſhall be thereunto required; and that it ſhall be in the Power of the ſaid Truſtees to let in Leaſe to the beſt Bidder or Bidders, at a publick Roup or Sale for that Purpoſe appointed, (and advertiſed in all the Glaſgow News-papers Two ſeveral Times, Fourteen Days at leaſt before ſuch Roup or Sale), the Rates or Duties aforeſaid, for any Time or Space not exceeding Three Years.

and Fees ſettled by the Truſtees.

Collectors to give Security.

To prevent evading the Payment of the Duties.

VIII. And, to prevent any Delay or Evaſion in the Payment of the Rates and Duties aforeſaid, be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of June, One thouſand ſeven hundred and ſeventy-three, there ſhall be produced to the Collector, or other Officers, of His Majeſty's Cuſtoms of Greenock, by the Maſters or Owners of every Ship, Veſſel, Bark, or Lighter, coming into or ſailing out of the ſaid Port or Harbours of Greenock, or liable in the Rates and Duties in this Act granted, a Receipt, or other ſufficient Voucher, of the Payment of the ſaid Rates and Duties; and that until ſuch Production be made, and the Collector or other Officers aforeſaid ſhall be ſatisfied with the ſame, the ſaid Collector and other Officers ſhall not take or receive any Entry or Cocquet, or other Diſcharge or Clearance, or take any Report outward of any Ship, Veſſel, Bark, or Lighter, Foreign or Britiſh, liable or ſubject to the Payment of the ſaid Rates and Duties, under the Penalty of Five Pounds Sterling.

Duties to be levied by Diſtreſs in caſe of Refuſal.

IX. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, and to ſuch Perſon and Perſons as ſhall be for that Purpoſe authoriſed by them, to go on Board any Ship, Bark, Lighter, or Veſſel, and to take the Dimenſions thereof, and to demand, collect, and receive, from any Owner, Maſter, or other Perſon, having the Charge of any Ship, Bark, Lighter, or Veſſel, the Rates and Duties by this Act impoſed and made due and payable; and in caſe of Delay or Refuſal of Payment, to take, ſeize, and detain, preferable to, and notwithſtanding of, any Attachment, Arreſtment, or other Right whatſoever, claimable by, or due to, any other Perſon or Perſons, any of the Goods, Merchandiſe, Tackle, Furniture, and Apparel, of or belonging to any ſuch Ship, Bark, Lighter, or other Veſſel, and the ſame to detain until the ſaid Duty and Duties be ſatisfied and paid; and that in caſe of any Neglect or Delay in the Payment of the ſaid Rates and Duties, or any of them, for the Space of Three Days after ſuch taking, ſeizing, and detaining aforeſaid, it ſhall and may be then lawful to and for the ſaid Truſtees, and to and for ſuch Perſon and Perſons authoriſed by them as aforeſaid, to cauſe the ſame to be appraiſed by Two or more ſufficient Perſons, and afterwards to ſell and diſpoſe of the Goods and other Effects ſo taken and appraiſed, and therewith to ſatiſfy the Duty or Duties ſo neglected or delayed to be paid, together with the Charge of ſuch ſeizing, taking, ſelling, and detaining, (as the ſame ſhall be aſcertained by the Sellers upon Oath), rendering to the Maſter or Owners of ſuch Ship, Bark, Lighter, or other Veſſel, or Owners of ſuch Goods, the Overplus (if any be) on Demand.

Penalty on Shipmaſters evading the Payment of the Duties.

X. And be it further enacted by the Authority aforeſaid, That if any Maſter, Commander, or other Perſon taking upon himſelf the Command, or appearing to be Maſter or Commander, or any Owner, Factor, or Conſignee, of any Ship, Bark, or other Veſſel, ſhall, at any Time from the Commencement of this Act, elude or avoid the Payment of any Rates and Duties hereby granted, by any Method whatſoever, every ſuch Maſter, Commander, or other Perſon aforeſaid, ſhall, for every ſuch Offence, forfeit unto the ſaid Truſtees the Sum of Five Pounds Sterling, and ſhall, notwithſtanding, ſtand charged with, and be liable to, the Payment of the ſaid Rates and Duties.

Truſtees impowered to borrow Money.

XI. And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall and may, and they are hereby authoriſed and impowered, from Time to Time, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding at any One Time the Sum of Five thouſand Pounds Sterling, and to grant, aſſign, and ſet over the ſeveral Rates, Duties, and Tonage, given and granted by this Act, to any Perſon or Perſons whatſoever, who ſhall be willing to advance and lend Money thereon, for ſecuring the Payment of the ſame, with Intereſt reſpectively; and that the Money ſo to be borrowed and advanced ſhall be employed for the Ends and Purpoſes of this Act, and not otherwiſe.

Rates, &c. to be applied to the Repair of the Works of the Harbours.

XII. And be it further enacted by the Authority aforeſaid, That all and every Sum and Sums of Money which ſhall be levied and received from the Rates and Duties aforeſaid, and which ſhall be recovered for Forfeitures incurred under and by virtue of this Act, ſhall, by the ſaid Truſtees, after paying Two-thirds of the Expence of this Act, be applied for and towards the deepening, clearing, ſcouring, enlarging, and improving, maintaining and cleanſing, the Harbours of Greenock, from all Dirt and Mud, and other Obſtructions whatſoever, and for keeping and preſerving the ſame clean, and for and towards making, erecting, building, and finiſhing, ſuch Piers, Quays, and Jettees, and other Works, in the Manner directed, appointed, and provided, by this Act, and for the executing and performing of all neceſſary Works, and paying the Officers and Servants to be employed in and about or concerning the ſame, and to no other Uſe or Purpoſe whatſoever.

Ships laid by, as unfit for Service, not to lie in the Harbours.

XIII. And be it further enacted by the Authority aforeſaid, That no Ship, Bark, Lighter, Boat, or Veſſel, which ſhall be laid by as unfit for further Sea Service, or neglected by the Owner, ſhall be permitted to be and remain in the preſent Harbours of Greenock, or in any of the Piers and Quays to be erected, ſo as to incumber the ſame; but that in every ſuch Caſe, it ſhall and may be lawful to and for the Shoremaſter, nominated yearly by the ſaid Bailies and Town Council of Greenock, and their Succeſſors in Office for the ſaid Port, immediately to cauſe ſuch Ship, Bark, Lighter, Boat, or Veſſel, ſo unſerviceable or neglected, to be, at the Expence of the Owner or Owners of the ſame, removed from the ſaid Quays and Piers, or any of them, and to lay the ſaid Ship or other Veſſel on any Part of the Strand or Sea Shore within the High-water Mark, or any other Place of Safety, without the ſaid Harbours, and there to moor ſuch Ship or other Veſſel; and that on or before Demand of Payment is made by ſuch Shoremaſter from the Owner or Owners, Maſters or Agents, of ſuch Ship, Bark, or other Veſſel, of the Charge of removing and mooring ſuch Ship, Bark, or other Veſſel, as aforeſaid, ſuch Charges and Expences ſhall be firſt ſeen and allowed by One of the Bailies of Greenock for the Time being: And that in caſe of Refuſal or Neglect of Payment of ſuch Charges and Expences allowed as aforeſaid for the Space of Five Days after Demand ſhall be made; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Shoremaſter to levy ſuch Expences by Diſtreſs and Sale of ſuch Ship, Bark, Lighter, Boat, or other Veſſel, or any of her Tackle, Apparel, or Furniture, or any Part thereof, rendering the Overplus (after deducting the Charge of taking, keeping, and Sale, of ſuch Diſtreſs) to the Owner or Owners, Maſter, Factor, or Agent, of ſuch Ship, Bark, Lighter, Boat, or Veſſel, whenever the ſame ſhall be demanded.

Goods to be removed from the Quays.

XIV. And be it alſo enacted by the Authority aforeſaid, That it ſhall not be lawful to, or in the Power of, any Perſon or Perſons, who ſhall have landed, and cauſed to be landed and laid any Goods or Merchandiſe, Timber, Wood of any Kind, Maſts, Yards, Pumps, Boats, Anchors, Cables, Caſks, Guns, Ballaſt, Paving-ſtones, Lime-ſtones, Slates, Soapers Waſte, Dung, or Manure, or any other Thing (other than Materials for the neceſſary Repairs of the Piers and Quays, or for immediate

Uſe in Shipping) upon any of the Piers and Quays, or Landing-places, within the ſaid Harbours, or in any of the adjacent Streets and Avenues leading to the ſaid Quays and Piers, or any of them, to continue or permit the ſame, or any Part thereof, to remain and lie thereon for any longer Time than Forty-eight Hours; and in all Caſes where the ſaid Goods, and others aforeſaid, ſhall have ſo continued beyond the Space of Forty-eight Hours, it ſhall and may be lawful to and for the ſaid Shoremaſter for the Time being to remove, or cauſe to be removed, all ſuch Goods and other Things as he ſhall ſo find lying, continuing, and being, on the ſaid Quays and Piers, and other Places, above the ſaid limited Time, to ſome Place or Places of Safety, and therein to detain and keep the ſame till Payment of the Charges of ſuch Removal and Detention, and of ſuch Conſideration beſides to the ſaid Officers for their Trouble in and about the ſame, as any One of the ſaid Bailies of Greenock ſhall think reaſonable: And if ſuch Charges and Expences ſhall not be paid within the Space of Five Days after Demand made thereof by the ſaid Shoremaſter; then, and in every ſuch Caſe, he and they reſpectively are hereby authoriſed and required to levy the ſame by Diſtreſs and Sale of the ſaid Goods and Chattles ſo reſpectively ſecured, and render the Overplus (if any be) to the Owner or Owners thereof, the Charges of taking, keeping, and making Sale of ſuch Diſtreſs, being deducted and allowed whenever the ſame ſhall be demanded.

Warehouſes, &c. may be hired.

XV. And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or their Shoremaſter aforeſaid, ſhall and may, and they are hereby authoriſed and impowered, out of any of the Rates and Duties aforeſaid, to rent or hire, by the Year, or otherwiſe, any convenient Warehouſe, Yard, or other Place, for the receiving, ſafe keeping, or lodging, of ſuch Goods and other Things, ſo to be removed from off the Quays and other Places as aforeſaid; or to incloſe, erect, or build, any ſuch Yard, Warehouſe, or other Buildings, on their own Ground, or on Ground to be purchaſed by them, as to them ſhall ſeem moſt meet and fitting.

Gunpowder, and other combuſtible Matter, to be removed after a certain Time.

XVI. And be it further enacted by the Authority aforeſaid, That no Gunpowder, Tar, Pitch, Roſin, Hemp, Flax, Faggots, Furze, Brandy, or other ſpirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Greaſe, Shavings of Wood, or other ſuch combuſtible Things, ſhall be ſuffered to be and remain on the Piers and Quays aforeſaid, already conſtructed, or hereafter to be conſtructed, within the ſaid Port or Harbours of Greenock, or in any Part thereof, or upon the Deck of any Ship or Veſſel in the ſaid Piers or Quays lying in the Harbours aforeſaid, for above the Space of Twenty-four Hours after paſſing the Cuſtom-houſe Officers: And that in caſe ſuch Goods and Things cannot be conveniently removed or got off from ſuch Quays, Place or Places, by Day-light; that then, and in every ſuch Caſe, the Owners of ſuch Goods and Things ſhall be obliged, and are hereby required to ſet and maintain, at their own Expence, a ſufficient Number of careful, diſcreet, and ſober Perſons, to guard and watch over the ſame, for ſuch and ſo many Hours, according to the Seaſon of the Year, as the ſaid Shoremaſter ſhall ſignify and appoint; and in caſe the Owner or Owners of ſuch Goods and other Things, or the Maſter and Maſters of Ships, Barks, and other Veſſels, ſhall make Default herein, every ſuch Owner or Owners, Maſter or Mate, ſhall forfeit and pay, for every ſuch Offence, the Sum of Five Pounds Sterling.

Ships may be removed from one Birth to another.

XVII. And be it alſo enacted by the Authority aforeſaid, That the ſaid Truſtees, or Shoremaſter for the Time being, or ſuch other Perſon or Perſons as they ſhall authoriſe and appoint, ſhall and may, and he or they are hereby authoriſed and impowered, when and ſo often as he or they ſhall judge neceſſary, to remove, or cauſe to be removed, any Ship, Veſſel, Bark, Lighter, or Boat, lying in any of the Entrances or Paſſages of the ſaid Harbours of Greenock, or at any Pier, Quay, and Breaſt, already built, or hereafter to be built, by virtue of this Act, or in any other Part of the ſaid Harbours, from the Birth or Lying-place at which they ſhall reſpectively happen to be ſtationed or moored at the Time, to any other Birth or Lying-place, as he or they ſhall think proper: And in caſe the Maſter, Mate, or any other Perſon, having and taking the Command and Charge of the ſaid Ship, Veſſel, Bark, Lighter, or Boat, ſhall, after Notice given him in Writing, or left in Writing on Board the Ship or Veſſel intended to be removed, Twelve Hours before the Time of Removal, by the ſaid Shoremaſter, or ſuch other Perſon or Perſons as he ſhall appoint, neglect or refuſe to remove, or cauſe to be removed, during the firſt Highwater or Tide after ſuch Notice, ſuch Ship, Veſſel, Bark, Lighter, or Boat, from her ſaid Birth, to ſuch other Birth or Mooring-places as are or ſhall be appointed unto them by the ſaid Shoremaſter, or any other Perſon authoriſed by him; that then the ſaid Truſtees, or Shoremaſter for the Time being, or any other Perſon or Perſons he or they ſhall order or appoint, ſhall have Power, and are hereby directed and impowered, immediately after ſuch Notice, Neglect, or Refuſal, to remove, or cauſe to be removed, ſuch Ship, Veſſel, Bark, Lighter, or Boat, lying as aforeſaid, from their preſent Birth and Mooring-place to ſuch other Birth and Mooring-places as the ſaid Shoremaſters ſhall judge proper; and that the Maſters, Commanders, Owners, and Conſignees of ſuch Ship, Veſſel, Bark, Lighter, or Boat, ſo to be removed as aforeſaid, ſhall reſpectively pay to the ſaid Truſtees all ſuch Coſts and Charges as ſhall be reaſonably expended in removing ſuch Ship, Veſſel, Bark, Lighter, or Boat, to be recovered, levied, and applied, in the ſame Manner as the Forfeitures and Penalties impoſed by this Act are herein ordered to be recovered, levied, and applied; and that every Maſter, Commander, Mate, or other Perſon, taking upon himſelf the Command of any Ship, Veſſel, Bark, Lighter, or Boat, or the Owner, Factor, Conſignee, or Agent, or other Perſon or Perſons whatſoever, who ſhall obſtruct or hinder the Removal of any ſuch Ship, Veſſel, Bark, Lighter, or Boat, ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds Sterling.

Veſſels in Diſtreſs to have the Preference of other Ships.

XVIII. And be it further enacted by the Authority aforeſaid, That in caſe any Ship or Veſſel ſhall arrive or come into the ſaid Road or Harbours of Greenock in Diſtreſs, or meet with any Miſfortune in the Road or Harbours aforeſaid, it ſhall and may be lawful to and for any of the Bailies of Greenock, upon Requeſt made to them in Writing, by the Maſter, Commander, or Owner, of ſuch Ship or Veſſel, or Owner of any Goods on Board of ſuch Ship or Veſſel, and upon Proof being made before him of ſuch Diſtreſs, to give a Preference to ſuch Ship or Veſſel being in Diſtreſs as aforeſaid, both as to Birth at the Piers and Quays, and as to the Courſe of diſcharging, to any other Ship or Veſſel arrived before her in the Port aforeſaid; and that every Maſter or Commander of any Ship or Veſſel lying within the Harbours of Greenock, who ſhall refuſe or delay to comply with the Order of the ſaid Bailie, in favour of the ſaid Ship or Veſſel in Diſtreſs, ſhall forfeit the Sum of Ten Pounds Sterling; to be levied and applied in the Manner herein-after directed.

Ballaſt, &c. not to be thrown into the Harbour;

XIX. And be it enacted by the Authority aforeſaid, That from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-three, it ſhall not be lawful to any Perſon or Perſons to throw or empty any Ballaſt, Duſt, Aſhes, or Rubbiſh, Shingle, Stones, or other Things, into the ſaid Harbours, or to bring Rafts of Wood into the ſame, or to dig and take away any Ballaſt, Shingle, Stones, or other Things, from within the ſame, to the Hurt and Prejudice of the ſaid Harbours, or of the Works erected, or to be erected, for the Security and Accommodation of the ſame, or to do any other Act or Deed to prejudice or annoy the ſame, or any Part thereof, under the Penalty of Forty Shillings Sterling for every ſuch Offence.

nor to lie on any Quay, Pier, *etc.* on Pain of 40 *s.*

XX. And be it further enacted by the Authority aforeſaid, That ſuch Perſon or Perſons who ſhall or may hereafter have Occaſion to throw or caſt out any Ballaſt from out of any Ship or other Veſſel upon any Quay, Pier, or Breaſt, or other Place in or about the ſaid Quays, Piers, Breaſts, or other Works, made or to be made, as before mentioned, belonging to the ſaid Port and Harbours, ſhall not ſuffer the ſame to be and remain on the ſaid Quays, Piers, Breaſts, or other Places, but ſhall immediately thereafter cart and carry away, or cauſe the ſame to be carted and carried away, to ſuch Place or Places as any of the Bailies of Greenock, or the Shoremaſter aforeſaid, ſhall, for ſuch Purpoſes, provide and appoint, on Pain of forfeiting, for every ſuch Offence, Forty Shillings Sterling.

Owners of Veſſels anſwerable for Damages done by their Crews.

XXI. And be it enacted by the Authority aforeſaid, That the Maſter or Owner of every Ship, Bark, Lighter, Boat, or other Veſſel, lying or trading in the Harbours of Greenock, ſhall be, and is hereby made anſwerable to the ſaid Truſtees for the Amount or Value of any Damage or Miſchief that ſhall be done by any of the Servants, Boatmen, Bargemen, or Watermen, on Board the ſame, to any of the Piers, Quays, Breaſts, or other Works, already conſtructed, or that ſhall be conſtructed, by virtue of this Act, with full Coſts of Suit; and that ſuch Damages and Coſts ſhall be ſued for, and recovered in Manner herein-after directed.

Herrings, and other Fiſh, not to lie on the Piers, *etc.* above a certain Time.

XXII. And be it enacted by the Authority aforeſaid, That it ſhall not be lawful for any Perſon or Perſons whatſoever to pack, or cauſe to be packed, upon any of the Quays, Piers, or Breaſts, built or to be built, as aforeſaid, any Herrings, or other Fiſh, or to ſuffer Herrings, and other Fiſh, which are packed, to lie upon the ſaid Piers, Quays, and Breaſts, longer than Forty-eight Hours; and that after they have laid the ſaid Space, it ſhall and may be lawful to and for the ſaid Shoremaſter aforeſaid to carry away the ſaid Herrings, or other Fiſh, and lay them up in a Cellar or Warehouſe, at the Expence of the Owner or Proprietor; and that the ſaid Shoremaſter ſhall detain the ſaid Herrings, and other Fiſh, till the Charges of carrying them from the Piers, Quays, and Breaſts, ſhall be ſatisfied, and the Cellar Rent paid.

Shoremaſter to inſpect the State of the Piers.

XXIII. And be it enacted by the Authority aforeſaid, That the Shoremaſter nominated and appointed by the ſaid Truſtees for the ſaid Ports and Harbours of Greenock ſhall be, and is hereby authoriſed and required, from Time to Time, and at all Times after the paſſing of this Act, carefully to inſpect into the State of the ſaid Piers, Quays, Breaſts, and other Places, within the Port and Harbours of Greenock, and to prevent, as far as his Power ſhall extend, any Offences made puniſhable by this Act from being committed; and that in any Caſe of any wilful Neglect or Default therein, the ſaid Shoremaſter ſhall forfeit and pay Twenty Shillings Sterling for each and every ſuch Offence.

Fines and Forfeitures, *etc.* of 5 *l.* or upwards how to be ſued for and recovered.

XXIV. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to the ſaid Truſtees, or any Collector to be appointed by them, for receiving any Part of the Rates and Duties granted by this Act, to proſecute and recover the ſeveral Fines, Penalties, Forfeitures, Damages, and Coſts of Suit, by this preſent Act impoſed, in all ſuch Caſes where the Sum to be recovered ſhall amount to Five Pounds Sterling or upwards, by Action, Bill, Complaint, or Information, within Six Months after ſuch Offence is committed, before the Bailies of Greenock, or any Two or more Juſtices of the Peace, or any other Judge competent for civil Actions, within whoſe Juriſdiction the Offender or Offenders ſhall reſide, and be apprehended; and that the ſaid Bailies, or Juſtices of the Peace, ſhall, and they are hereby impowered and required to proceed to the Trial of ſuch Offences in a ſummary Way; and, upon Conviction of the Offender or Offenders, by their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, to award and give ſuch Orders, Judgements, and Decrees, as to them ſhall ſeem moſt agreeable to the true Intent and Meaning of this Act; and that in Default of Payment of the ſeveral Fines, Penalties, Forfeitures, Damages, and Coſts of Suit, herein-before enacted, which ſhall be awarded and ordered by the Bailies, Juſtices of Peace, or Judge aforeſaid, the Perſon or Perſons which ſhall be convicted of any of the Offences before deſcribed ſhall and may be ſent by the Bailies, Juſtices of Peace, or Judges aforeſaid, to the Priſon, or Houſe of Correction, next to the Place where the Offender or Offenders ſhall be apprehended, and there to be kept at hard Labour for ſuch Time, not exceeding Six Months, as ſuch Bailies, Juſtices, or Judges, ſhall direct; and that the whole Fines, Penalties, and Forfeitures aforeſaid, which ſhall be recovered by the ſaid Truſtees, or their Collectors, as aforeſaid, after Deduction of the neceſſary Charges of recovering the ſame, ſhall be applied for and towards the building, making, erecting, maintaining, and repairing, the Work or Works aforeſaid, and to no other Uſe or Purpoſe whatſoever.

Fines and Forfeitures, &c. under 5 *l.* how to be recovered.

XXV. And be it further enacted by the Authority aforeſaid, That every other Penalty, Fine, and Forfeiture, impoſed, and which ſhall be incurred by virtue of this Act, and not amounting to the Sum of Five Pounds Sterling, ſhall and may be ſued for and recovered by the ſaid Truſtees, or any Collector appointed by them, before any One of the Bailies of Greenock, or any One Juſtice of the Peace, within whoſe Juriſdiction the Offender or Offenders before mentioned ſhall be apprehended or reſide for the Time, by Action, Bill, and Complaint, or Information made in that Behalf, within Six Months after ſuch Offence ſhall have been committed; and that the ſaid Bailie, or Juſtice of Peace aforeſaid, ſhall have Power, and he and they is and are hereby impowered and required to proceed to the Trial of ſuch Offences ſummarily; and, upon Conviction of the Offender or Offenders in any of the Ways before mentioned, to give ſuch Orders, Judgements, and Decrees, as to him or them ſhall ſeem moſt agreeable to the true Intent and Meaning of this Act; and in Default of Payment of the ſeveral Fines, Forfeitures, and others laſt mentioned, ſo to be awarded by the ſaid Magiſtrate, or Juſtice of the Peace, the Perſon which ſhall be convicted, as aforeſaid, ſhall and may be ſent by the ſaid Bailie, or Juſtice of the Peace, to the neareſt Priſon, or Houſe of Correction, for ſuch Time as the ſaid Judges ſhall direct, not exceeding Three Months; and that the ſaid pecuniary Penalties, not amounting to Five Pounds Sterling, ſhall, after Deduction of the neceſſary Charge of recovering the ſame, be applied, One Half thereof to the Uſe of the Informer, and the other Half to the Miniſters and Kirk Seſſions of Greenock, for the Uſe of the Poor of theſe Pariſhes.

Juſtices may mitigate Penalties.

XXVI. Provided always, That it ſhall and may be lawful to and for the ſaid Juſtices of the Peace, Bailie, and other Judges aforeſaid, or any of them, by whom ſuch Judgement, Sentence, or Determination, ſhall be given, pronounced, or made, from Time to Time, where they ſee Cauſe, to mitigate, compound, or leſſen, any of the Penalties or Forfeitures aforeſaid, as he or they in his or their Diſcretion ſhall think fit, ſo as ſuch Mitigation or Compoſition do not extend to remit above One Moiety of the Penalty inflicted and directed to be levied by this Act; and that every ſuch Mitigation or Compoſition ſhall be a ſufficient Diſcharge for the Perſons offending reſpectively for ſo much of the ſaid Penalties and Forfeitures as ſhall be ſo mitigated, leſſened, or remitted.

Truſtees, &c. may take Materials from any Grounds within Six Miles,

XXVII. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or their Deputies, Agents, Officers, and Servants, to open Stone Quarries, Sand, Clay, and Gravel Pits, and to dig, gather, take, and carry away, from ſuch Quarries and Pits, any Stone, Sand, Gravel, Clay, and other Materials, in and out of any Grounds lying within Six Miles of the Town of Greenock, (not being Ground on which ſtands any Houſes, Garden, Orchard, planted Walk or Walks, or Avenue to a Houſe), where ſuch Materials are or may be found, and from Time to Time to cauſe the ſame to be carried off, or ſo much thereof, as the ſaid Truſtees, and their Deputies, Agents, Officers, or Servants, ſhall judge neceſſary for carrying on, executing, and repairing, the ſeveral Piers, Quays, and Breaſts, and other Works already built in the ſaid Harbours of Greenock, or authorized to be built by virtue of this Act, and for keeping the ſaid Works in good Order and Repair, the ſaid Truſtees paying the Value (to be eſtimated according to the Prices of ſuch Materials at the Time in that Part of the Country) of the Stones, Sand, Gravel, Clay, and other Materials, ſo to be carried in and out of the aforeſaid Ground, to the Proprietors, Liferenters, Tackſmen, and other Parties intereſted in ſuch Grounds, out of which ſuch Materials ſhall be carried away in Manner aforeſaid.

paying the Value to the Proprietors.

Roads may be made to the Harbour thro' private Property.

XXVIII. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, and their Deputies, Agents, Officers, and Servants, to make, uſe, and maintain Roads from the ſaid Grounds opened for quarrying and digging Stones, Sand, Gravel, Clay, and other Materials, to any Part of the River and Firth of Clyde, or from the ſaid Pits and Quarries, ſo to be opened as aforeſaid, directly to the Harbours of Greenock, and to make the ſame through any Ground belonging to any Perſon or Perſons whatſoever, (not being the Ground on which ſtands any Houſe, or any Garden, Orchard, and Walk or Walks planted, or Avenue to any Houſe), the ſaid Truſtees making reaſonable Satisfaction for the Damage done to the Ground through which the ſaid Road or Roads paſs to the Proprietor, Liferenter, Tackſman, and other Parties concerned and intereſted in ſuch Grounds, to which ſuch Damage ſhall be done or occaſioned, as aforeſaid.

Exception as to the Sand-Banks belonging to *Dumbarton*.

XX X. Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That it ſhall not be in the Power of the ſaid Bailies and Council of Greenock, or of their Servants or Agents, or of any other Perſon or Perſons employed by them, to dig or carry away any Sand or other Materials for the making of the ſaid Piers, Quays, and other Works, as aforeſaid, from or out of any of the Sand Banks and Fiſhing Places belonging to the Burgh of Dumbarton, in the River Clyde, or in the River Leven, without the Conſent of the Magiſtrates and Town Council of the ſaid Burgh of Dumbarton firſt had and obtained.

Penalty on any Perſon deſtroying the Works.

XXX. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever ſhall, after paſſing of this Act, maliciouſly, wilfully, or wantonly demoliſh, break down, deſtroy, or ſet on fire, any of the Jettees, Piers, Quays, Breaſts, or other Works, conſtructed, or to be conſtructed, in or belonging to the ſaid Harbours of Greenock, or any Ship, Boat, or other Veſſel, lying or being therein, every ſuch Perſon or Perſons ſo offending ſhall be adjudged guilty of Felony, and the Court and Courts, by and before whom ſuch Perſon or Perſons ſhall be indicted and tried, ſhall and hereby have Power and Authority to tranſport ſuch Felon or Felons for the Space of Seven Years, in like Manner as other Felons are directed to be tranſported by the Laws and Statutes of this Realm.

Bye-laws, &c. may be made.

XXXI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Bailies and Council of Greenock, and their Succeſſors in Office, in Common Council aſſembled, at any Time or Times hereafter, to make, ordain, and eſtabliſh, ſuch Orders, Rules, and Bye-laws, for the better deepening, clearing, cleanſing, and keeping in Repair, the Harbours of Greenock aforeſaid; and for the better regulating, governing, and managing the Jettees, Piers, Quays, and every other the Works erected, or to be erected, made, or ſet up, in the Harbours aforeſaid, and for the better executing the other Purpoſes of this Act; and alſo from Time to Time, as Occaſion may require, to repeal, add to, amend, or alter ſuch Rules, Orders, and Bye-laws, as to them ſhall ſeem meet, fitting, and requiſite, and to fix and appoint reaſonable pecuniary Penalties, not exceeding Forty Shillings Sterling, for the Nonobſervance or other Breach of all or any ſuch Rules or Bye-laws, or any Part of them; to be recovered and applied in ſuch Manner, and according as the Penalties under Five Pounds Sterling are ordained to be recovered, levied, and applied; and the ſaid Bailies and Council, and their Succeſſors in Office, ſhall cauſe the ſaid Rules, Orders, and Bye-laws, to be printed and diſtributed, and hung up in the moſt conſpicuous Place of the Cuſtomhouſe of Greenock, and to pay the Expence and Charge thereof out of the Rates and Duties aforeſaid.

Who are to be Commiſſioners.

XXXII. And be it enacted by the Authority aforeſaid, That the following Perſons ſhall be Commiſſioners for allowing, authoriſing, and confirming, all the additional Piers, Quays, Breaſts, and other Works which ſhall be made in purſuance of this Act, and for directing what Part of the ſaid Work ſhall be firſt begun; and for inſpecting, auditing, and adjuſting the Accounts, and all the Collectors Receipts and Diſburſements under and by virtue of the ſame, for the Ends and Purpoſes before mentioned; that is to ſay, The Two Bailies and Town Council of Greenock for the Time being, Charles Schaw Lord Cathcart, and his Heirs; Sir Michael Stewart of Blackhall, Baronet, and his Heirs in the Eſtate of Ardgowan; John Schaw Stewart Eſquire of Greenock, and his Heirs in the Eſtate of Greenock; the Repreſentative in Parliament of the County of Renfrew for the Time being; Nine Merchants, Inhabitants of the Town of Greenock, to be nominated as herein-after mentioned; and the Provoſt and Dean of Guild for the Time being; and Eight Merchants, Inhabitants of the City of Glaſgow, to be alſo nominated in Manner as herein-after mentioned, ſhall be Commiſſioners for the Ends and Purpoſes laſt mentioned.

Who may not be Commiſſioners.

XXXIII. Provided always, and be it enacted by the Authority aforeſaid, That no Perſon ſhall be capable of being elected of the Number of the ſaid Nine Commiſſioners, who for himſelf (as Owner or Part Owner of Ships or Veſſels belonging to the ſaid Town of Greenock) ſhall not contribute and pay yearly, and within each Year, the Sum of Two Pounds Ten Shillings Sterling at leaſt to the laſt-mentioned Uſes and Purpoſes of this preſent Act; and that no Owner, or Part Owner, of any Ships or Veſſels belonging to the ſaid Town of Greenock, and being Inhabitants of the ſame, who ſhall not contribute and pay, as aforeſaid, yearly, and within the Year, Ten

Shillings at leaſt, ſhall be received or admitted to vote in the Election of the Nine Commiſſioners before mentioned.

Time of firſt Meeting for the Choice of Commiſſioners.

XXXIV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Bailies of Greenock, and they are hereby authoriſed and required to call and convene the Owners, or Part Owners, of Ships or Veſſels belonging to the ſaid Town of Greenock, being Inhabitants of the ſame, by publick Advertiſements, Fourteen Days preceding the Meeting; and they are hereby required to meet together in the Town-houſe of Greenock, at Eleven of the Clock in the Forenoon, on the Firſt Tueſday of November, One thouſand ſeven hundred and ſeventy-three, and ſo yearly thereafter on the Firſt Tueſday of November, and then and there elect, nominate, and appoint, by Plurality of Voices of ſuch as are preſent, Nine Perſons to be Commiſſioners on their Part, for the Purpoſes before mentioned; and that the Nine Perſons ſo elected and choſen ſhall be and continue Commiſſioners under this preſent Act for One Year afterwards, and until the Firſt Tueſday of November immediately following.

Proviſo.

XXXV. Provided always, That none of the ſaid Commiſſioners, to be nominated as aforeſaid, ſhall be Members of the Town Council of Greenock at the Time of ſuch Nomination.

Dean of Guild of *Glaſgow* to call yearly Meetings for chuſing Commiſſioners.

XXXVI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Dean of Guild of Glaſgow for the Time being, and he is hereby authoriſed and required to call and convene the Merchants of Glaſgow, Owners or Part Owners of Ships or Veſſels trading in or belonging to the Port of Greenock, by publick Advertiſements in the Glaſgow Newſpapers, Fourteen Days preceding the Meeting; and they are hereby required to meet together at and in the Merchants Hall of the City of Glaſgow, at Eleven of the Clock in the Forenoon, upon the Firſt Tueſday of November, One thouſand ſeven hundred and ſeventy-three, and ſo yearly on every following Firſt Tueſday of November, and then and there, by Plurality of Voices of ſuch as are preſent, to nominate and appoint Eight Perſons to be Commiſſioners for the Purpoſes before mentioned; and that the ſaid Eight Perſons ſo choſen ſhall continue Commiſſioners for One Year, and until the Firſt Tueſday of November immediately following.

Annual Meetings appointed.

XXXVII. And be it further enacted by the Authority aforeſaid, That an annual General Meeting of the ſaid Commiſſioners ſhall be held at the Town-houſe of Greenock upon the Firſt Tueſday of February in every following Year; and that the ſaid Bailies and Council, and their Succeſſors, ſhall, at every ſuch General Meeting, cauſe to be laid before the ſaid Commiſſioners, or any Seven or more of them, a true and fair Account of all the Monies which ſhall have been collected and levied the Year preceding from the Rates, Duties, Fines, and Forfeitures before mentioned, and of every Sum or Sums of Money which ſhall have been borrowed during the Year preceding, for the Uſes and Purpoſes before mentioned; and alſo of all the Monies which ſhall have been uſed, paid, and applied out of the ſame, for the deepening, cleanſing, ſcouring, preſerving, and maintaining, of the ſaid Harbours of Greenock, and for making, building, and erecting the Piers, Quays, Jettees, Breaſts, and other Works before mentioned; and that all the ſaid Accounts ſhall be examined and certified by the Commiſſioners preſent at ſuch annual Meeting, or by the Majority of them; and that the ſaid Commiſſioners ſhall, at every ſuch Meeting, bear their own Charges.

Meetings may be adjourned.

XXXVIII. And be it enacted by the Authority aforeſaid, That it ſhall be in the Power of the ſaid Commiſſioners, or the Majority of them, ſo aſſembled at ſuch annual General Meeting, to adjourn themſelves from Time to Time as they ſhall ſee Cauſe; and alſo that it ſhall be in the Power of the ſaid Truſtees, at all Times, to call Meetings of the ſaid Commiſſioners, by Advertiſements for that Purpoſe, publiſhed at leaſt Fourteen Days before the Day of ſuch Meeting, in all the Glaſgow Newſpapers for the Time being; and that no Buſineſs ſhall be proceeded on at any of the ſaid Meetings unleſs there be Seven Commiſſioners at leaſt preſent,

Duties may be leſſened.

XXXIX. And be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Thirteen or more of them, at General Meetings as aforeſaid aſſembled, may, and they are hereby impowered, by and with the Conſent of the Lenders of Money, to leſſen and reduce the aforeſaid Rates and Duties granted by this Act, as they ſhall judge reaſonable and expedient, and the State of the Rates and Duties aforeſaid will permit.

After Repayment of the Money borrowed, the Rates to ceaſe.

XL. Provided always, and it is hereby further enacted, That from and after the Repayment, out of the Rates, Duties, and Forfeitures aforeſaid, of all and every Sum and Sums of Money which ſhall be borrowed or advanced by the ſaid Truſtees by virtue of this Act, and applied in Terms thereof, with the legal Intereſt, from the reſpective Terms of borrowing and advancing the ſame; and after levying and raiſing the Sum of One thouſand two hundred Pounds Sterling for thereafter upholding and keeping in Repair the ſaid Works, the Rates and Duties hereby granted and impoſed ſhall ceaſe and determine.

Proviſo.

XLI. Provided always, and be it enacted by the Authority aforeſaid, That the Truſtees by this Act appointed ſhall pay to all Perſon and Perſons, Bodies Politick and Corporate, claiming and intitled unto any Right or Intereſt in the ſaid Harbours of Greenock, or in the Grounds within the ſaid Harbours, or on which the Piers, Quays, and other Works already built, or to be built, are or ſhall be erected, the full Value of every ſuch Right and Intereſt, after the ſame ſhall be eſtabliſhed in due Courſe of Law, (in caſe ſuch Right and Intereſt ſhall be conteſted by the ſaid Truſtees); and that the ſaid Perſon and Perſons ſo claiming and intitled as aforeſaid ſhall, and he, ſhe, and they, are hereby required to accept of the ſame from the ſaid Truſtees, in full Satisfaction for ſuch Right and Intereſt as aforeſaid: And in caſe of any Difference between them, reſpecting ſuch Value, that it ſhall and may be lawful to and for the Sheriff-depute of the County of Renfrew, and he is hereby impowered and required to ſummon and impanel a competent Number of diſcreet, ſubſtantial, and diſintereſted Perſons, not leſs than Fifteen; and, out of ſuch Perſons ſo ſummoned and returned, to name and appoint a Jury of Ten Perſons, to come and appear before him, at ſuch Time or Place as by his Warrant or Precept ſhall be directed, and to receive ſuch Evidence as ſhall, by either Party, be brought before him: And the ſaid Sheriff-depute ſhall examine ſuch Witneſſes as ſhall be brought by either Party in the Courſe of the ſaid Evidence, upon Oath, (which Oath he is hereby authoriſed and impowered to adminiſter), touching the Value to be paid to the Perſon and Perſons intereſted and intitled as aforeſaid, for his, her, or their Right and Intereſt in the Premiſes; and that the Verdict of the ſaid Jury ſhall be final and concluſive, in ſo far as ſhall reſpect the Conſideration or Purchaſe Money to be paid to the ſaid Perſon and Perſons reſpectively as aforeſaid: And that in the mean Time, and until ſuch Value ſhall be aſcertained in Manner as herein-before mentioned, it ſhall be in the Power of the ſaid Truſtees, and they are hereby authoriſed and impowered, to take, poſſeſs, and uſe, to the laſt-mentioned Uſes and Purpoſes of this preſent Act, the Ground, and others aforeſaid; any Thing in this preſent Act to the Contrary notwithſtanding.

Rights of the Town of *Greenock* reſerved.

XLII. Provided always, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to take away, alter, abridge, leſſen, change, or intrude upon any Juriſdiction or Power of the Bailies and Council of the Town of Greenock, and Corporation thereof, in, about, or concerning the Harbours, Docks, Piers, and Quays, built or to be built, as aforeſaid: And alſo ſaving and reſerving to the Magiſtrates, Council, and Community of the City of Glaſgow, all Rights and Privileges they have, and are in Poſſeſſion of, in, and upon the River Clyde, and to them, and to the ſaid Bailies and Town Council of Greenock, and to the ſaid Charles Schaw Lord Cathcart, his Heirs and Aſſigns, and to the ſaid John Schaw Stewart, and his Heirs in the Eſtate of Greenock, and unto all other Lords of Baronies, and to all other Bodies Politick or Corporate, all their legal Right, Eſtates, and Intereſts, in the Premiſes aforeſaid; declaring always, that nothing herein contained ſhall hurt or prejudice the Charter granted to the Town of Greenock, in the Year One thouſand ſeven hundred and fifty-one, by the deceaſed Sir John Schaw of Greenock.

Truſtees may contract with Owners of Springs for bringing Water to the Town.

XLIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Bailies and Town Council of Greenock, and to Nine Feuars, Subfeuars, or Burgeſſes, of the ſaid Town, (to be choſen by the Feuars, Subfeuars, Corporations, Burgeſſes, and Houſeholders, in the Town of Greenock, in Manner as herein-after mentioned), and their Succeſſors in Office for the Time being, and they are hereby authoriſed and impowered to contract and agree with the Owners or Proprietors of any Springs or Fountains within Three Statute meaſured Miles of the Town of Greenock, and with ſuch other Perſon and Perſons as they ſhall judge proper, for the Liberty of collecting, receiving, and conveying the ſaid Springs and Fountains for the ſupplying the Inhabitants of the ſaid Town of Greenock with freſh Water, and for the laying down Pipes and other Conductors for conveying the ſaid Water, and building Ciſterns and Reſervoirs for collecting and receiving the ſame; and that the ſaid Bailies, Town Council, and Nine Feuars, Subfeuars, or Burgeſſes aforeſaid, ſhall pay ſuch Rates or Conſideration for the ſame as ſhall be agreed on between them and the Owners and Proprietors of ſuch Springs and Fountains as aforeſaid, (either by abſolue Purchaſe, or by Payment of a certain annual Sum for the Uſe of the ſame), and as ſhall be agreed upon with the aforeſaid other Perſon and Perſons, for undertaking, doing, and performing, the ſeveral Works before mentioned; and that the ſaid Bailies and Town Council, and Nine Feuars, Subfeuars, or Burgeſſes, and their Succeſſors, ſhall be, and they are hereby appointed Truſtees for putting ſo much of this Act into Execution as relates to the bringing Water into, and lighting, cleaning, paving, and watching, the Streets of the ſaid Town of Greenock, with Power to the ſaid Truſtees, and they are hereby authoriſed and impowered, to convey ſuch Water into the ſaid Town of Greenock, by Pipes to be laid in and through the Grounds lying between ſuch Springs and Fountains as aforeſaid and the ſaid Town of Greenock, and the Ciſterns and Reſervoirs built or to be built therein.

Who are excluded from being Truſtees.

XLIV. Provided always, and be it enacted by the Authority aforeſaid, That no Perſon ſhall be capable of being elected of the Number of the ſaid Nine Truſtees laſt mentioned, who, for himſelf, (or for Dwelling-houſes, Cellars, Vaults, or other Tenements, in his actual Poſſeſſion), is not aſſeſſed and rated, ſo as to contribute and pay yearly, and within each Year, the Sum of Seven Shillings and Sixpence Sterling at leaſt to the laſt-mentioned Uſes and Purpoſes of this preſent Act; And that no Feuar, Subfeuar, Burgeſs, or Houſeholder, and who does not contribute and pay as aforeſaid yearly, and within the Year, Two Shillings and Sixpence Sterling at leaſt, ſhall be received or admitted to vote in the Election of the Nine Truſtees before mentioned.

Where Proprietors of Springs are unwilling to contract, or under any Diſability, Sheriffs to determine Differences.

XLV. And whereas it may happen that ſome of the Owners, Proprietors, or Occupiers, of ſuch Springs and Fountains as aforeſaid, and of the Lands through which it may be neceſſary to convey the Water from the ſaid Springs and Fountains, and to lay down Pipes and other Conductors for that Purpoſe, may not agree with the ſaid Truſtees for the Purchaſe of the ſaid Water, and for the Privilege of laying ſuch Pipes, or erecting other Works on their reſpective Lands or Grounds, or may, through Infancy, Minority, Defect of the Title Deeds, Incumbrances, Debts, or other Diſabilities or Cauſes, be diſabled to grant valid and effectual Conveyances of the Premiſes in favour of the ſaid Truſtees; be it therefore enacted by the Authority aforeſaid, That in all and every of the Caſes herein immediately before mentioned, it ſhall and may be lawful to and for the Truſtees aforeſaid, and they are hereby authoriſed and impowered to apply to the Sheriff-depute of the County where ſuch Springs or Grounds ſhall reſpectively lie, who, upon ſuch Application, ſhall, and he is hereby impowered and required, to order a Viſitation and Inſpection to be made of ſuch Springs, Fountains, and Grounds, and to call before him the reſpective Owners and Occupiers thereof, or the Truſtees, Tutors, or Curators, or others having the Charge and Adminiſtration of the Affairs of ſuch Owners and Occupiers, and requiring them, within a limited Time, to ſhew Cauſe why ſuch Springs or Fountains ſhould not be aliened or granted, or why the ſaid Pipes ſhould not be laid through their Grounds, and Ciſterns built thereon, for the Purpoſes aforeſaid; and that thereupon the ſaid Sheriff ſhall proceed to hear the ſaid Parties, and to pronounce Sentence upon the ſaid Matter, in ſuch Manner as ſhall appear to him reaſonable and juſt.

Perſons aggrieved may apply to the Lords of Council and Seſſion.

XLVI. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think him or themſelves aggrieved by the Sentence of the ſaid Sheriff, that it ſhall and may be lawful to and for ſuch Perſon or Perſons to apply, by Petition, to the Lords of Council and Seſſion, to have ſuch Sentence reviewed, altered, or amended; and that the ſaid Lords of Seſſion are hereby impowered and required to proceed and determine therein ſummarily, without abiding the Courſe of any Roll.

Proviſo.

XLVII. Provided always, That ſuch Application ſhall be made to the Lords of Seſſion within Fifteen Days, to commence and be computed from the Day on which the ſaid Court ſhall ſit, after the ſaid Sheriff ſhall have pronounced his Sentence as aforeſaid.

Purchaſe money to be ſettled by a Jury.

XLVIII. And be it enacted, That if, upon Trial, it ſhall appear to the ſaid Sheriff-depute, that the Springs, Fountains, and Grounds aforeſaid, may be ſo aliened and granted without eſſential Hurt or Prejudice to the Owners and Occupiers of the ſame, and ſhall be ſo found and declared; that then, and in ſuch Caſe, for aſcertaining the Value or Conſideration to be paid for the ſame, it ſhall and may be lawful to and for the ſaid Sheriff-depute, and he is hereby impowered and required, after the elapſing of the ſaid Space in which the Perſons who think themſelves aggrieved are allowed to apply to the Court of Seſſion for Redreſs as aforeſaid, or in Caſe of any ſuch Application, after a Decree of the ſaid Lords ſhall be extracted thereupon, to ſummon and impanel a competent Number of diſcreet, ſubſtantial, and diſintereſted Perſons, not leſs than Fifteen; and, out of ſuch Perſons ſo ſummoned and returned, to name and appoint a Jury of Nine Perſons, each of them poſſeſſed of an Eſtate of Four hundred Pounds Scots of valued Rent in the County of Renfrew, to come and appear before him, at ſuch Time and Place as by his Warrant or Precept ſhall be directed, and to receive ſuch Evidence as ſhall by either Party be brought before him; and the ſaid Sheriff-depute ſhall examine ſuch Witneſſes as ſhall be brought by either Party in the Courſe of the ſaid Evidence, upon Oath, (which Oath he is hereby authoriſed and impowered to adminiſter), touching the Value to be paid to the reſpective Proprietors and Occupiers, for the Liberty of collecting and uſing the ſaid Springs or Fountains, and for laying Pipes and Conductors through the ſaid Grounds, and building Ciſterns thereon, and for altering, amending, and repairing, the Ciſterns and Pipes in all Times thereafter reſpectively, as the ſaid Caſe ſhall be; and that the Verdict of the ſaid Jury ſhall be final and concluſive, in ſo far as ſhall reſpect the Conſideration or Purchaſe Money to be paid to the Owners and Occupiers of ſuch Springs, Fountains, or Grounds reſpectively as aforeſaid: Provided always, That all Parties concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen.

Sheriff-depute to pronounce Judgement for Payment of the Purchaſe-money.

XLIX. And be it further enacted by the Authority aforeſaid, That the Sheriff-depute aforeſaid ſhall, and he is hereby authoriſed and required, upon ſuch Verdict being given as before mentioned, to pronounce Judgement for the Payment of ſuch Sum or Sums ſo to be awarded by the ſaid Jury, and to ordain the Owners or Proprietors and Occupiers of ſuch Springs, Fountains, and Grounds, or their Truſtees, Tutors, Curators, or Adminiſtrators, upon Payment or lawful Tender thereof, quietly to permit and ſuffer the ſaid Springs and Fountains to be collected or received into Ciſterns or proper Reſervoirs, to be erected by the Truſtees named and appointed by this Act, or by ſuch Perſon or Perſons as they ſhall appoint; and alſo to permit proper Pipes, and other Conductors, to be laid for the Conveyance of the ſaid Water through their reſpective Lands or Grounds, and Ciſterns to be built thereon; and the Truſtees named and appointed by this Act, and their Officers and Servants, to have Acceſs and Liberty to make, alter, amend, and repair the ſame for ever hereafter, in ſuch Manner as the ſaid Truſtees ſhall order and direct; and that the Judgement, Decree, or Determination, pronounced by the ſaid Sheriff, upon the ſaid Verdict or Verdicts, conformable to the Method above preſcribed, ſhall be binding and concluſive, to all Intents and Purpoſes whatſoever, againſt the ſeveral Proprietors and Occupiers of ſuch Springs, Fountains, and Grounds, and the ſaid Truſtees reſpectively; and that the ſame, or Extracts thereof, from the Sheriff Court Books, ſhall be deemed and taken as good and effectual Evidence and Proof in any Court of Law or Equity whatſoever.

Truſtees may make Bye-laws.

L. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to the ſaid Truſtees, in General Meetings aſſembled, at any Time or Times hereafter, to make, ordain, and eſtabliſh, ſuch Orders, Rules, and Bye-laws, for the better carrying the Purpoſes of this preſent Act into Execution, with reſpect to the ſupplying the Inhabitants of the ſaid Town of Greenock with freſh Water, and paving, cleanſing, lighting, and watching, the Streets, and other Places within the ſaid Town; and alſo, from Time to Time, as Occaſion may require, to repeal, add to, or amend or alter, ſuch Orders, Rules, and Bye-laws, as to them ſhall ſeem meet, fitting, and requiſite; and to fix and appoint reaſonable pecuniary Penalties, not exceeding Forty Shillings Sterling, for the Nonobſervance, or other Breach, of all or any ſuch Rules or Bye-laws, or any Part of them; to be recovered and applied in ſuch Manner, and according as the Penalties under Five Pounds Sterling are ordered to be recovered, levied, and applied, by this Act: And the ſaid Truſtees ſhall cauſe the ſaid Rules, Orders, and Bye-laws, to be printed and diſtributed, and hung up in the moſt conſpicuous Place of the Town-houſe of Greenock, and to pay the Expence and Charge thereof out of the Aſſeſſments aforeſaid.

Continuance of the Act with reſpect to purchaſing Springs, *etc.*

LI. And be it further enacted by the Authority aforeſaid, That this Act ſhall continue and be in Force, ſo far as relates to the purchaſing of Springs, Fountains, and Grounds, for the Purpoſes aforeſaid, for the Space of Fifteen Years, to be computed from the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-three, and from thence to the End of the then next Seſſion of Parliament, and no longer.

Truſtees to appoint Perſons to watch and cleanſe the Streets, *etc.*

LII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, and their Succeſſors in Office, to appoint proper Perſons for watching and cleanſing the ſeveral Streets, Squares, Lanes, Alleys, Avenues, and Paſſages, in and about the ſaid Town of Greenock, and to appoint the Streets which are already paved to be properly repaired; and alſo to appoint Lamps to be erected at the moſt convenient Places within the ſame; and to lay a Tax on the Inhabitants in the ſaid Town of Greenock, for bringing in Water, cleanſing and paving, lighting and watching the ſame, as aforeſaid, the ſaid Tax always never exceeding Sixpence Sterling in the Pound, of the real Rent of the Houſes and other Subjects poſſeſſed by them; and that all Veſſels taking Water from the Pipes to be laid by virtue of this Act ſhall pay at the Rate of Eight-pence Sterling for every Ton of Two hundred and fifty-two Gallons.

and at what Time the Lamps are to be lighted.

LIII. And it is hereby further enacted, That all and each of the Lamps which now are, or hereafter ſhall be, erected by or in purſuance of this Act, ſhall be lighted in the Afternoon of every Day, at ſuch Hour or Hours as the ſaid Truſtees ſhall direct and appoint, from and after the Firſt Day of October in each Year, to the Firſt Day of April immediately following.

Time of lighting may be altered.

LIV. And it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to order and direct the Lamps to be lighted ſooner than the Firſt Day of October in each Year, or to continue the lighting of ſuch Lamps longer than the Firſt Day of April, or both, as they ſhall ſee Cauſe.

Penalty on Perſons taking away, &c. Lamps is 40*s.*

LV. And it is alſo further enacted, That if any Perſon or Perſons ſhall ſteal, take away, break, or throw down, or damage any Lamp or Lamps that now is, or hereafter ſhall be, ſet up for enlightening any of the ſaid Streets, Squares, Courts, Lanes, Alleys, Avenues, or Paſſages, or ſhall wilfully extinguiſh the Light or Lights within the ſame, or damage the Iron, or other Furniture thereof, it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, who ſhall ſee ſuch Offence committed, to ſeize, as alſo to and for any other Perſon or Perſons to aſſiſt in ſeizing, the Offender or Offenders, and by Authority of this Act, without any other Warrant, to convey him, her, or them, into the Cuſtody of a Peace Officer, or any of the Baron Officers of Greenock, in order to be ſecured and conveyed before any One of the Bailies of the ſaid Town of Greenock; and that ſuch Bailie ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear or be produced to give Information touching ſuch Offence, (which Oath the ſaid Bailie is hereby authoriſed and required to adminiſter); and that if the Party or Parties accuſed ſhall be convicted of ſuch Offence, either by his, her, or their own Confeſſion, or upon ſuch Information as aforeſaid, he, ſhe, or they, ſo convicted, ſhall forfeit and pay the Sum of Two Pounds Sterling for each Lamp ſo broke, thrown down, or damaged, or for every Light ſo extinguiſhed as aforeſaid; and, moreover, ſhall make full Satiſfaction to the ſaid Truſtees, or to ſuch Perſon as they ſhall appoint to receive the ſame, for the Damages ſo by him, her, or them, done as aforeſaid; and that in caſe ſuch Offender or Offenders ſhall not, on Conviction, pay ſuch Forfeiture, and make ſuch Satiſfaction, as aforeſaid, ſuch Bailie is hereby required to commit him, her, or them, to the common Gaol of the ſaid Town of Greenock for the Space of Two Months; and that ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he, ſhe, or they, ſhall be ſo committed, unleſs ſuch Forfeiture and Satiſfaction ſhall be ſooner paid and given.

Perſons breaking Lamps accidentally, *etc.* to pay as the Bailie ſhall judge reaſonable.

LVI. And it is hereby further enacted, That in caſe any Perſon or Perſons ſhall careleſly or accidentally break, throw down, or damage, any of the Lamps ſo ſet up, or hereafter to be ſet up, as aforeſaid, or the Irons or other Furniture thereof, and ſhall not immediately, upon Demand, make Satiſfaction for the Damage done thereto; then, and in every ſuch Caſe, it ſhall and may be lawful to and for any One of the ſaid Bailies of the Town of Greenock for the Time being, upon Complaint to him made by any One or more credible Witneſs or Witneſſes, to ſummon before him the Party or Parties who ſhall be complained of for doing ſuch Damage as aforeſaid; and upon hearing the Allegations and Proofs on both Sides, or upon the Nonappearance of the Party or Parties ſo complained of and ſummoned, to award ſuch Sum or Sums of Money, by way of Satiſfaction for ſuch Damage, as ſuch Bailie ſhall think reaſonable; and (in caſe of Neglect or Refuſal of the ſaid Party or Parties to pay ſuch Sum or Sums of Money ſo awarded within Ten Days next after Demand thereof) to cauſe the ſame to be levied by Diſtreſs and Sale of his, her, or their Goods or Chattels, the Surplus, (if any be), ariſing by ſuch Sale, to be paid to him, her, or them, when demanded.

Truſtees may appoint Collectors and Watchmen.

LVII. And be it further enacted, That the ſaid Truſtees ſhall have Power, and they are hereby impowered to nominate and appoint a Collector or Collectors, and other proper Officers, with ſuitable Salaries; and to change and remove ſuch Collector and Collectors, and other Officers, at the Pleaſure of the ſaid Truſtees; and that the ſaid Truſtees may, yearly and every Year, order and appoint ſuch Number of Watchmen as they ſhall judge proper to be kept within the ſaid Town of Greenock, and ſhall elect ſuch honeſt and able-bodied Men to be employed in that Service, as they ſhall think beſt qualified for the ſame; and ſhall alſo direct where the ſeveral Watchmen ſhall be ſtationed, and in what Manner they ſhall be armed, and how often they ſhall go their Rounds, how long they ſhall continue upon Duty, and what Wages ſhall be allowed to ſuch Watchmen for their Attendance; and alſo ſhall or may hire, erect, or maintain, any proper Place or Places, within the ſaid Town, for the Reception of the ſaid Watchmen; and ſhall make all ſuch Regulations and Orders in Writing, as the Nature of each particular Service ſhall appear to them to require.

When Aſſeſſments are to be levied.

LVIII. And it is hereby further enacted and declared, That the Aſſeſſments by this Act impoſed for defraying the Expences of bringing Water into, and paving, cleanſing, lighting, and watching, the Streets of the ſaid Town of Greenock, ſhall be leviable and levied at the Term of Lammas yearly: And that if any Perſon or Perſons who ſhall be rated and aſſeſſed by virtue and in purſuance of this Act ſhall refuſe or neglect to pay the Rate or Aſſeſſment charged upon him, her, or them, in purſuance of this Act, for the Space of Ten Days next after his, her, or their reſpective Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be due, and demanded by the Collector or Collectors authoriſed and impowered to collect and receive the ſame, (ſuch Demand being either perſonally made to the reſpective Perſon or Perſons ſo charged, or left in Writing at his, her, or their reſpective Houſe or Houſes, or Place or Places of Abode); that then, and in every ſuch Caſe, it ſhall and may be lawful to and for ſuch Collector or Collectors, every or any of them, having a Warrant or Warrants under the Hand of any One of the Bailies of the Town of Greenock for the Time being, (which Warrant or Warrants the ſaid Collector or Collectors is and are hereby required to apply for, and the ſaid Bailie is hereby authoriſed and required to grant), and with the Aſſiſtance of a Peace Officer, or any Officer of the ſaid Burgh of Barony, to enter his, her, or their Houſe or Houſes, Apartment or Apartments, and then and there to ſeize and keep Poſſeſſion of his, her, or their Goods and Chattels; and if the ſaid Rate or Aſſeſſment ſhall not be paid within Three Days next after ſuch Seizure ſhall be made, (together with the Coſts and Charges thereof), to ſell by publick Auction, at the Market-croſs of Greenock, ſo much and ſuch Part of the ſaid Goods and Chattels as ſhall be ſufficient to pay the ſaid Rate or Aſſeſſment, with the Coſts and Charges attending ſuch Seizure and Sale, returning the Overplus (if any be) to the Owner or Owners of ſuch Goods and Chattels, (the ſaid Coſts and Charges to be ſettled and allowed by the ſaid Bailie who ſhall have granted ſuch Warrant reſpectively).

Aſſeſſments to be laid on occupied Premiſes only.

LIX. And be it enacted by the Authority aforeſaid, That the Aſſeſſments ſhall be laid upon Dwelling-houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements, actually poſſeſſed, occupied, and tenanted, at the Time of laying on the ſame only; and that the Poſſeſſors, whether Proprietors or Tenants, ſhall be liable for the Payment thereof; and that if any Dwelling-houſes, Cellars, Vaults, or other Tenements, which are not poſſeſſed at the Time of laying on the general Aſſeſſment, ſhall afterwards, during the Currency of that Year, become poſſeſſed, it ſhall be lawful to, and in the Power of, the ſaid Truſtees, to meet and aſſeſs the ſame in Manner above preſcribed; and that it ſhall be in the Power of the ſaid Truſtees, if they ſee Cauſe for ſo doing, totally to exempt Houſes of the yearly Rent of Twenty-five Shillings Sterling or under from Payment of any Aſſeſſments by virtue of this Act.

Proviſo.

LX. Provided always, and be it enacted, That no Aſſeſſment ſhall be made, nor Tax levied, by virtue of this preſent Act, for Buildings ſtanding detached from Dwelling-houſes, which are and ſhall be uſed only as Cellars and Warehouſes, for the ſole Purpoſe of keeping Merchandiſe therein, ſo long as the ſame ſhall continue to be ſo ſolely uſed as aforeſaid; any Thing herein to the Contrary notwithſtanding.

Tenants obliged to declare the Extent of their Rents.

LXI. And, for determining the real Rent of each Dwelling-houſe, Shop, Warehouſe, or other Tenement, liable to the Payment of any Aſſeſſment to be impoſed by virtue of this Act, it is hereby further enacted, That the Tenant or Poſſeſſor ſhall be obliged to declare upon Oath the Extent thereof, if required, (which Oath any of the ſaid Bailies are hereby impowered to adminiſter); and that in caſe the Poſſeſſor or Poſſeſſors ſhall happen to be alſo Proprietor or Proprietors, he, ſhe, or they, ſhall be obliged, in like Manner, to declare the Price he, ſhe, or they, paid for his, her, or their Poſſeſſion, or what it coſt him, her, or them; and he, ſhe, or they, ſhall be aſſeſſed at the Rate aforeſaid, according to the Rent, equal to Six Pounds Sterling per Centum of ſuch Price or Coſt.

Obſtructions to be removed.

LXII. And it is further enacted, That the ſaid Bailies and Town Council of Greenock ſhall have Power to make Regulations from Time to Time, for removing Obſtructions, and preventing Nuiſances of every Kind, within the Bounds compriſed in this Act; and to enforce the ſame by ſuch ſmall Penalties as they ſhall appoint, not exceeding, in any Caſe, Ten Shillings Sterling for each Tranſgreſſion; to be levied in Manner herein-after mentioned.

For borrowing Money.

LXIII. And be it likewiſe enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall and may, and they are hereby authoriſed and impowered, from Time to Time, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding, at any One Time, the Sum of One thouſand five hundred Pounds Sterling, and to grant, aſſign, and ſet over the ſeveral Rates and Duties given and granted by this Act for bringing in Water, and lighting, paving, and watching, the Streets, to any Perſon or Perſons whatſoever, who ſhall be willing to advance and lend Money thereon, for ſecuring the Payment of the ſame, with Intereſt reſpectively; and that the Monies ſo to be borrowed and advanced ſhall be employed for bringing in Water, lighting, paving, cleanſing, and watching the Streets, and not otherwiſe.

Application of the Monies.

LXIV. And be it further enacted by the Authority aforeſaid, That all and every Sum and Sums of Money, which ſhall be levied and received from the Rates and Duties upon Houſes and Water for Shipping, ſhall, after paying One-third of the Expence of the paſſing of this Act, by the ſaid Truſtees, be applied for and towards bringing in Water into the Town of Greenock, and for lighting, paving, cleanſing, and watching, the Streets; and for keeping and preſerving the ſame, and paying the Officers and Servants to be employed in and about or concerning the ſame, and to no other Uſe or Purpoſe whatſoever.

How Meetings are to be appointed for chuſing Truſtees.

LXV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Two Bailies of Greenock, and they are hereby authoriſed and required, to call and convene the Feuars, Subfeuars, Corporations, Burgeſſes, and Houſeholders, in the Town of Greenock, by publick Advertiſement from the Readers Deſks in the Churches of Greenock, upon the Sunday immediately before ſuch Meeting; and they are hereby required to meet together at and in the Town-houſe of Greenock, at Eleven of the Clock in the Forenoon, on the Firſt Tueſday of July, One thouſand ſeven hundred and ſeventy-three, and ſo yearly on every following Firſt Tueſday of July, and then and there, by Plurality of Voices of ſuch as are preſent, by giving in Liſts ſigned by them, to nominate and appoint Nine Feuars, Subfeuars, or Burgeſſes, to be Truſtees on their Part for the Purpoſes before mentioned; and that the Nine Perſons ſo elected and choſen, ſhall be and continue Truſtees under this preſent Act for One Year afterwards, and until the Firſt Tueſday of July immediately following.

Time of the Four General Quarterly Meetings.

LXVI. And be it further enacted, That in every Year there ſhall be held Four Quarterly General Meetings of the ſaid Truſtees, upon the Second Tueſday of July, Second Tueſday of October, Second Tueſday of January, and Second Tueſday of April, during the Continuance of this Act; and that the Firſt General Quarterly Meeting ſhall be held on the Second Tueſday of July, in the Year One thouſand ſeven hundred and ſeventy-three, within the Town-houſe of Greenock, in the Forenoon; and that the ſaid Truſtees, or the major Part of them, in ſuch General Meeting aſſembled, may adjourn themſelves to ſuch Time and Place as they ſhall think proper, for the better carrying the Purpoſes of this Act into Execution.

Queſtions to be determined at Meetings by a Plurality of Voices.

LXVII. And be it enacted by the Authority aforeſaid, That all Queſtions which ſhall ariſe before the ſaid Truſtees in the Execution of this Act, and aſſembled in General Meetings as aforeſaid, ſhall be determined by Plurality of Voices; and that the ſenior Magiſtrate of Greenock, preſent at the Time, ſhall preſide at all Meetings of the ſaid Truſtees; and beſides his ſingle Voice in common with the other Truſtees, ſhall, in all Caſes of Equality of Voices, have a caſting and deciſive Vote.

Penalties and Forfeitures how to be recovered and applied.

LXVIII. And it is hereby further enacted, That all Penalties and Forfeitures by this Act impoſed, (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed), ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand of any One of the Bailies of the Town of Greenock, or any One of the Juſtices of the Peace for the County or Place where the Offender ſhall dwell; which Warrant ſuch Bailie or Juſtice is hereby authoriſed and required to grant, upon the Confeſſion of the Party or Parties, or upon the Information of any One or more credible Witneſs or Witneſſes upon Oath; and that the Penalties and Forfeitures, when recovered, (after rendering the Overplus, if any be, upon Demand, to the Party or Parties whoſe Goods ſhall be ſo diſtrained and ſold, the Charges of ſuch Diſtreſs being firſt deducted), ſhall be paid to the Treaſurer of the Town of Greenock for the Time being, and be applied towards the Purpoſes of this Act; and that in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Bailie or Juſtice as aforeſaid, and he is hereby authoriſed and required, by Warrant under his Hand, to cauſe ſuch Offender or Offenders to be committed to the Gaol of the County, therein to continue for a Time, not exceeding Two Months, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner fully paid and ſatisfied.

Oaths may be adminiſtered by Bailies or Juſtices of the Peace.

LXIX. And it is hereby further enacted, That in all Caſes where Cognizance is given to any of the ſaid Bailies, or any Juſtice or Juſtices of the Peace, by this Act, it ſhall be lawful for the Bailie or Bailies, Juſtice or Juſtices of the Peace, to adminiſter an Oath to any Perſon or Perſons, for his or their more certain Information in the Matters then depending.

Act may be produced in Actions brought in purſuance thereof.

LXX. And be it further enacted by the Authority aforeſaid, That in caſe any Suit or Action ſhall be commenced againſt the ſaid Bailies and Council, or their Succeſſors, or the ſaid Truſtees, or any other Perſon or Perſons, for any Thing done in purſuance of this Act, the Defendant or Defendants in ſuch Suit or Action may produce this Act, and plead that the ſaid Things were done by Authority and in purſuance of this Act; and if it ſhall appear ſo to be done, that then the Defendants ſhall be abſolved from every ſuch Suit, Action or Actions, and ſhall have Coſts and Expences in the Defence thereof awarded to them from and againſt the Proſecutor or Proſecutors of the ſame.

Sheriff, *etc.* to aſſiſt in putting the Act in Execution.

LXXI. And be it further enacted by the Authority aforeſaid, That all Sheriffs, Juſtices of the Peace, Judges, and Magiſtrates, with their Officers, Meſſengers at Arms, and all other Officers and Executioners of the Law whatſoever, and every of them, are hereby required to be aiding and aſſiſting in putting this Act into due and effectual Execution: And that this Act ſhall be deemed, taken, and allowed in all Courts of Law and Equity as a Publick Act; and all Judges and Juſtices are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

Publick Act.

CAP. XXIX.

An Act for deepening, cleanſing, and making more commodious, the Harbour of *Aberdeen*; for erecting new Piers and Quays therein; and for regulating Ships and Veſſels trading into, and going out of, the ſaid Harbour.

Preamble.

WHEREAS the Entrance to the Harbour of *Aberdeen*, in the County of *Aberdeen*, is greatly obſtructed by a Bar or large Bank of Sand, which runs acroſs the ſame, hinders Veſſels of Burthen from getting into the Piers and Quays, and expoſes the Shipping lying in the Bay of *Aberdeen* to many Dangers and Inconveniencies; and the Piers, Quays, and other Works within the ſaid Harbour, are, in their preſent State, inſufficient for the Accommodation of the Trade of the ſaid City of *Aberdeen*, which, of late Years, hath greatly increaſed: And whereas the Navigation of the ſaid Harbour, and the Harbour itſelf, may be greatly improved by running out a Pier into the Sea on the North Side of the ſaid Harbour, and by cleanſing, deepening, and widening the ſame, and the Entrance thereto, by erecting proper Piers, Quays, and other Works, for the Accommodation of Trade and Shipping within the ſaid Harbour; and by making and eſtabliſhing proper Rules and Regulations for all Ships and Veſſels trading into, and going out of, the ſaid Harbour: But as theſe ſalutary Purpoſes (for want of proper Powers, and of a ſufficient Fund to defray the Expence thereof) cannot be accompliſhed without the Aid and Authority of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the Magiſtrates and City Council of Aberdeen, and their Succeſſors in Office, and to and for ſuch other Perſon or Perſons as they ſhall, from Time to Time, for the Purpoſes herein-after mentioned, nominate and appoint, to deepen, cleanſe, ſcour, and preſerve, the ſaid Harbour of Aberdeen, and the Improvements and Additions which ſhall be made thereto by virtue of this preſent Act, from Sand, Shingle, Dirt, Mud, and other Obſtructions whatſoever;

Magiſtrates of *Aberdeen* may deepen and ſcour the Harbour, and build Piers, *&c.*

whatſoever; and alſo to raiſe, repair, and make, or cauſe to be raiſed, repaired, and made, ſufficient the Dykes, Piers, Quays, and other Works, at preſent belonging to the ſaid Harbour of Aberdeen; and to alter and extend the ſame, or any Part thereof, as the ſaid Magiſtrates and City Council, or any Five or more of them, to be named and appointed by themſelves, (whereof the Provoſt or ſenior Magiſtrate of the ſaid City for the Time being ſhall always be One), ſhall judge to be neceſſary for the more effectual Improvement of the ſaid Harbour, and for ſcouring and cleanſing the Bed and Channel of the River of Dee, from the ſaid Harbour to the Bay of Aberdeen; and likewiſe to build and erect, or cauſe to be built and erected, in the ſaid Harbour, Piers, Quays, Jettees, Breaſts, Docks, Locks, and other neceſſary Works, for the Improvement of the ſaid Harbour, particularly a Quay or Pier upon the North Side of the Entry of the ſaid Harbour, extending from the Point of Sandneſs into the Sea, ſo far, and of ſuch Dimenſions, as ſhall be found neceſſary; and to fix and maintain ſuch Buoys, Moorings, Lamps, Lighthouſes, and other Landmarks, as ſhall be judged neceſſary by the ſaid Truſtees, or any Five or more of them, to be named as aforeſaid; and to do, or cauſe to be done, ſuch other and further Works as ſhall be deemed by them proper and neceſſary for the Improvement of the ſaid Harbour, and for the more ſafe and eaſy Reception of Ships and Veſſels reſorting thereto, and for the more convenient lading and unlading of ſuch Ships and Veſſels.

Truſtees. II. And be it further enacted by the Authority aforeſaid, That the ſaid Magiſtrates and City Council of Aberdeen, and their Succeſſors in Office, or any Five or more of them, to be named as aforeſaid, ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution: And, for the better effecting the Ends and Purpoſes of the ſame, and that the Fee and Property of the Quays, Piers, Breaſts, and other Works to be made, built, and erected, by virtue of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Truſtees, to and for the Ends and Purpoſes aforeſaid; and that the ſaid Truſtees are and ſhall be bound to apply the Rates and Duties hereinafter mentioned (after paying the Expences of this preſent Act) in improving and repairing the ſaid Harbour, and in keeping and maintaining the ſame in good Order and Repair, and in preſerving the ſaid Harbour clean and free from Sand, Shingle, Mud, Dirt, and other Obſtructions whatſoever.

Harbour Duties. III. And be it further enacted by the Authority aforeſaid, That from and after the firſt Day of June, in the Year of our Lord One thouſand ſeven hundred and ſeventy-three, it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to be named as aforeſaid, and to and for ſuch Perſon or Perſons as they ſhall appoint, to demand, collect, receive, and take, (over and above the preſent Harbour Dues of One Penny Sterling for every Barrel Bulk, and all other Rates, Dues, and Duties, which at preſent ſubſiſt, and are levied within the ſaid Harbour), of and from all and every the Owners and Proprietors, being Burgeſſes of Guild of the ſaid City of Aberdeen, of all Goods, Merchandiſe, Wares, and Commodities whatſoever, which ſhall be imported or exported in any Ship, Veſſel, Bark, or Lighter, or that ſhall be loaded into, or unloaded out of, any Ship, Veſſel, Bark, Boat, or Lighter, coming into, or going out of, the ſaid Harbour of Aberdeen; or from their Agents, Factors, or Managers, the additional Sum of One Penny Sterling for each and every Barrel Bulk of ſuch Goods, Wares, and Commodities aforeſaid, which ſhall be ſo imported and exported by Burgeſſes of Guild as aforeſaid; and of and from all and every other Perſon or Perſons, (not being Burgeſſes of Guild of the ſaid City), Owners and Proprietors of Goods, Merchandiſe, Wares, and Commodities, as aforeſaid, which ſhall be imported or exported in any Ship, Veſſel, Boat, or Lighter, coming into, or going out of, the ſaid Harbour of Aberdeen, or from their Agents, Factors, or Managers, the additional Sum of Two-pence Sterling for each and every Barrel Bulk of ſuch Goods, Merchandiſe, Wares, and Commodities, that ſhall be ſo imported and exported as aforeſaid, by Unfreemen, or Perſons not being Burgeſſes of Guild of the ſaid City of Aberdeen; and, in like Manner, (over and above the Rates and Duties which at preſent ſubſiſt and are levied within the ſaid Harbour), to demand, receive, collect, and take, of and from all and every the Maſters and Owners of ſuch Ships, Veſſels, Barks, and Lighters, coming into, or going of, the ſaid Harbour of Aberdeen, and of and from the Owners and Proprietors of all Goods, Merchandiſe, Wares, and Commodities whatſoever, which ſhall be loaded or unloaded within the ſaid Harbour of Aberdeen, and which, by the preſent Uſage and Cuſtom of the ſaid Harbour, are not chargeable for Shore or Harbour Dues by the Barrel Bulk, or from their Agents and Managers, a further additional Sum, which ſhall be, and is hereby declared to be the ſame with the Sum which, by the preſent Cuſtom and Uſage of the ſaid Harbour and Port of Aberdeen, is and ſhall be chargeable upon and paid by the ſaid Maſters, Owners, or other Perſons concerned, for Anchorage, Laſtage, Ballaſt Money, and other Shore and Harbour Dues, of the Ships and other Veſſels, Goods, Merchandiſe, Wares, and Commodities aforeſaid, which ſhall be ſo loaded and unloaded within the ſaid Harbour of Aberdeen; and alſo to demand, collect, and receive, of and from the Maſters and Owners of all Ships, Barks, and Lighters, arriving in the ſaid Harbour of Aberdeen, or which ſhall put into the ſame by Streſs of Weather, or otherwiſe, the Sum of Two-pence Sterling for each and every Ton which ſuch Ship, Veſſel, Bark, and Lighter, ſhall reſpectively meaſure: Provided always, that every ſuch Ship, Veſſel, Bark, or Lighter, which ſhall have Once paid the ſaid Tonage Duty of Two-pence Sterling, ſhall not be liable or obliged to pay the ſame again, notwithſtanding that ſhe may be put back, and return into the ſaid Harbour, upon and during the ſame Voyage for which ſhe had before paid the Tonage Duty aforeſaid.

Ships coming into or going out of the Harbour to pay Double Tonage Duty.

IV. Provided alſo, and be it further enacted by the Authority aforeſaid, That every Ship, Veſſel, Boat, or Lighter, coming into or going out of the ſaid Harbour, and all Goods, Merchandiſe, Wares, and Commodities, which ſhall be loaded or unloaded within the ſaid Harbour, ſhall in all Caſes pay a Tonage Duty, for the Uſes and Purpoſes of this preſent Act, at leaſt equal to Double the Sum which ſuch Ship, Veſſel, Boat, or Lighter, and Goods, Merchandiſe, Wares, and Commodities aforeſaid, are liable for, and do and ſhall actually pay, on account of Shore and Harbours Dues, according to the preſent Cuſtom and Uſage of the ſaid Harbour and Port of Aberdeen; and that the ſaid Magiſtrates and City Council, as Truſtees aforeſaid, and ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, ſhall have full Power and Authority, and are hereby impowered and authoriſed, (in all Caſes where-ever any Doubt or Difficulty ſhall ariſe reſpecting the Amount of the Tonage, and other Duties, by this Act intended to be impoſed), to demand, collect, and receive, of and from all and every Perſon or Perſons concerned in the ſhipping Goods, Merchandiſe, Wares, and Commodities aforeſaid, Double the Sum and Sums of Money which, by the preſent Cuſtom and Uſage of the Harbour and Port of Aberdeen, is and are now exigible by, and in uſe to be paid, as Shore and Harbour Dues for ſuch Ships and other Veſſels, Goods, Wares, and Commodities, to the ſaid Magiſtrates and City Council, and their Collectors, or Tackſmen of the Shore Dues of the ſaid City.

Ships, &c. formerly free, now to pay certain Dues.

The Duties.

V. Provided nevertheleſs, and be it alſo further enacted, That all ſuch Ships, Veſſels, Barks, and Lighters, as are not at preſent chargeable with, or liable in the Payment of any Dues within the ſaid Harbour, ſhall only be, and they are hereby chargeable (to the Uſes and Purpoſes of this preſent Act) with the reſpective Rates and Duties following, which the Maſters and Owners of all ſuch Ships and Veſſels ſhall be obliged, and are hereby required, to pay to the ſaid Truſtees, or the Collector or Collectors to be appointed by them for that Purpoſe; videlicet, For each and every ſuch Ship or Veſſel, under the Burthen of Fifty Tons, the Sum of Two Shillings and Sixpence Sterling; for every Ship or Veſſel from Fifty to One hundred Tons Burthen, the Sum of Five Shillings Sterling; and for each and every Ship above One hundred Tons Burthen, the Sum of Seven Shillings and Sixpence Sterling.

Exemption.

VI. Provided alſo, That all open Boats under the Burthen of Twenty Tons, coming into the ſaid Harbour, (except ſuch Boats as ſhall be employed in unloading of Ships and Veſſels in the Bay of Aberdeen), ſhall be, and are hereby declared to be exempted from the Rates and Duties by this Act impoſed.

Ships, &c. to be meaſured.

VII. And be it alſo further enacted, That the Maſters and Owners of all Ships, Veſſels, Barks, and Lighters, trading to and from the ſaid Harbour, and liable to the Payment of the Rates and Duties by this Act impoſed, ſhall permit and ſuffer the ſaid Ships, Veſſels, Barks, and Lighters, to be meaſured by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall from Time to Time appoint for that Purpoſe, and ſhall pay the Rates and Duties aforeſaid according to ſuch Meaſurement; and that every Owner or Maſter aforeſaid who ſhall refuſe to have his or their Ship, Veſſel, Bark, or Lighter, meaſured as aforeſaid, ſhall, for every ſuch Offence reſpectively, forfeit and pay to the ſaid Truſtees the Sum of Five Pounds Sterling.

Collectors and other Officers to be appointed by Truſtees.

VIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees to nominate and appoint a Collector or Collectors, Receiver or Receivers, for levying the Rates and Duties by this Act granted, and ſuch other Officers and Servants as they ſhall judge neceſſary to be employed under them for carrying the ſame into Execution; and from Time to Time to remove ſuch Officers and Servants, or any of them, and to appoint others in their Stead, and to ſettle ſuch reaſonable Fees or Salaries for them as to the ſaid Truſtees ſhall appear to be juſt and proper; and that all and every the Collectors and Receivers of the ſaid Rates and Duties ſhall keep fair and regular Books and Accounts of all Monies received under the Authority of this Act, (which Books and Accounts ſhall be open and patent to the ſaid Truſtees, at all Times when they ſhall demand Inſpection of the ſame), and ſhall pay and diſpoſe thereof in ſuch Manner as by the ſaid Truſtees ſhall be directed: And that the Collector and Collectors, Perſon or Perſons, ſo to be appointed to receive the ſaid Rates and Duties, and all and every of them, ſhall give good and ſufficient Security to the ſaid Truſtees for anſwering and paying the Monies ariſing from the ſame, and which ſhall be by him or them reſpectively collected or received, and ſhall make Oath to the Truth of his or their Accounts, ſo often as required; and that it ſhall be in the Power of the ſaid Truſtees to let in Leaſe to the beſt Bidder or Bidders, at publick Roup or Sale for that Purpoſe appointed, and advertiſed in the Aberdeen Journal,

Journal Two ſeveral Times, Fourteen Days at leaſt before ſuch Roup or Sale, the Rates and Duties aforeſaid, for any Time or Space not exceeding Three Years.

To prevent evading the Payment of the Duties.

IX. And to prevent any Delay or Evaſion in the Payment of the Rates and Duties aforeſaid, be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of June, One thouſand ſeven hundred and ſeventy-three, there ſhall be produced to the Collector, or other Officers of His Majeſty's Cuſtoms at Aberdeen, by the Maſter or Owner of every Ship, Veſſel, Bark, or Lighter, coming into or ſailing out of the ſaid Harbour of Aberdeen, or liable in the Rates and Duties by this Act granted, a Receipt, or other ſufficient Voucher, of the Payment of the ſaid Rates and Duties; and that until ſuch Production be made, and the Collector or other Officers aforeſaid ſhall be ſatiſfied with the ſame, the ſaid Collector and other Officers ſhall not take or receive any Entry or Cocket, or other Diſcharge or Clearance, or take any Report outward, of any Ship, Veſſel, Bark or Lighter, Foreign or Britiſh, liable or ſubject to the Payment of the ſaid Rates and Duties, under the Penalty of Twenty Pounds Sterling.

Duties to be levied in caſe of Refuſal.

X. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, and to ſuch Perſon or Perſons as ſhall be for that Purpoſe authoriſed by them, to go on Board any Ship, Bark, Boat, Lighter, or Veſſel, and to take the Dimenſions thereof, and to demand, collect, and receive from any Owner, Maſter, or other Perſon, having the Charge of any Ship, Bark, Lighter, or Veſſel, the Rates and Duties by this Act impoſed, and made due and payable; and in caſe of Delay or Refuſal of Payment, to ſeize, take, and detain, preferable to, and notwithſtanding of an Attachment, Arreſtment, or other Right whatſoever, claimable by, or due to any other Perſon or Perſons, any of the Goods, Merchandiſe, Tackle, Furniture, and Apparel, of or belonging to any ſuch Ship, Bark, Lighter, or other Veſſel, and the ſame to detain and keep until the ſaid Duty and Duties be ſatiſfied and paid; and that in caſe of any Neglect or Delay in the Payment of the ſaid Rates and Duties, or any of them, for the Space of Three Days after ſuch taking, ſeizing, or detaining, as aforeſaid, it ſhall and may be then lawful to and for the ſaid Truſtees, and to and for ſuch Perſon and Perſons authoriſed by them, as aforeſaid, to cauſe the ſame to be appraiſed by Two or more ſufficient Perſons, and afterwards to ſell and diſpoſe of the Goods and other Effects taken and appraiſed, and therewith to ſatiſfy the Duty and Duties ſo neglected or delayed to be paid, together with the Charge of ſuch ſeizing, taking, detaining, and ſelling, (as the ſame ſhall be aſcertained by the Sellers upon Oath), rendering the Maſter or Owner of ſuch Ship, Bark, Boat, Lighter, or other Veſſel, or to the Owners of ſuch Goods, the Overplus (if any be) on Demand.

Penalty on Shipmaſters, &c. evading the Payment of the Duties.

XI. And be it further enacted by the Authority aforeſaid, That if any Maſter, Commander, or other Perſon taking upon himſelf the Command, or appearing to be Maſter or Commander, or any Owner, Factor, or Conſignee, of any Ship, Bark, or other Veſſel, or any Owner or Proprietor of any Goods, Wares, or Merchandiſe, liable in the Rates and Duties by this Act impoſed, ſhall, at any Time, from the Commencement of this Act, elude or avoid the Payment of any Rates and Duties hereby granted, by any Method whatſoever, every ſuch Maſter, Commander, or other Perſon aforeſaid, ſhall, for every ſuch Offence, forfeit unto the ſaid Truſtees the Sum of Five Pounds Sterling, and ſhall, notwithſtanding, ſtand charged with and be liable to the Payment of the ſaid Rates and Duties.

Rates, &c. to be applied to the Repair of the Works of the Harbour.

XII. And be it further enacted by the Authority aforeſaid, That all and every Sum and Sums of Money which ſhall be levied and received from the Rates and Duties aforeſaid, and which ſhall be recovered for Forfeitures incurred under and by virtue of this Act, ſhall, by the ſaid Truſtees, (after paying the Expences of this Act), be applied for and towards the deepening, ſcouring, enlarging, and improving, maintaining and cleanſing, the ſaid Harbour of Aberdeen, from all Sand, Shingle, Dirt, and Mud, and other Obſtructions whatſoever, and for keeping and preſerving the ſame clean; and for and towards making, erecting, building, and finiſhing, ſuch Docks, Piers, Quays, and Jettees, and other Works, in Manner directed, appointed, and provided, by this Act; and for the executing and performing of all neceſſary Works, and paying the Officers and Servants to be employed in and about or concerning the ſame; and towards the Payment and Diſcharge of ſuch Sum and Sums of Money as ſhall be borrowed by the ſaid Truſtees upon the Credit of the ſaid Rates and Duties, in Manner as herein-before mentioned; and to no other Uſe or Purpoſe whatſoever.

Truſtees impowered to borrow Money.

XIII. And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall and may, and they are hereby authoriſed and impowered, from Time to Time, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding at any One Time the Sum of Twenty thouſand Pounds Sterling, and to grant, aſſign, and ſet over the ſeveral Rates, Duties, and Tonage, given and granted by this Act, to any Perſon or Perſons whatſoever, who ſhall be willing to advance and lend Money thereon, for ſecuring the Payment of the ſame, with Intereſt reſpectively; and that the Money ſo to be borrowed and advanced ſhall be employed for the Ends and Purpoſes of this Act, and not otherwiſe.

Proper Pilots to be appointed by Truſtees.

XIV. And whereas the ſaid Magiſtrates and City Council of *Aberdeen* have already a Juriſdiction within and over the whole Limits of the ſaid Harbour of *Aberdeen*, and alſo have the Nomination and Appointment of, and do yearly name and appoint a Shoremaſter, and other proper Perſons, for ſuperintending and taking Care of the ſaid Harbour of *Aberdeen*, and of the Quays, Piers, and other Works belonging to the ſame; and that it will tend greatly to the Improvement of the ſaid Harbour, and to the Accommodation of the Publick, as well as to the more effectual executing the Purpoſes of this Act, that the ſaid Magiſtrates and City Council had Power and Authority to appoint Pilots for the ſaid Harbour; and by themſelves, their Deputies, and other Officers and Servants, to remove (after reaſonable Notice to the Perſon or Perſons immediately intereſted) all unneceſſary Obſtructions within the ſaid Harbour of *Aberdeen*, and upon the Docks, Quays, and Piers, belonging to the ſame; and to order and regulate, with reſpect to the Stations and Places of Mooring of the Ships and other Veſſels within the ſaid Harbour and Docks, and with reſpect to the Time of Continuance upon the ſaid Docks, Piers, Quays, and others aforeſaid, of Goods and Merchandiſe, or other Things whatſoever; and to make ſuch other Bye-laws, Orders, and Regulations, for the better Government and Management of the ſaid Harbour, as to them the ſaid Magiſtrates and Council ſhall ſeem meet and expedient; **be it therefore further enacted by the Authority aforeſaid, That it ſhall be in Power of the ſaid Magiſtrates and City Council of** Aberdeen, **and they and their Succeſſors in Office are hereby authoriſed and impowered to licenſe, limit, regulate, and appoint proper Perſons, for piloting all Ships and Veſſels coming into and going out of the ſaid Harbour of** Aberdeen; **and that all Ships, Barks, Lighters, Boats, or Veſſels, which ſhall be laid by as unfit for Sea Service, or neglected by the Owners, ſhall not be permitted to be and remain in any of the Docks, Piers, or Quays, erected, or to be erected, within the ſaid Harbour of** Aberdeen, **ſo as to incumber the ſame; but that in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Magiſtrates and Town Council, and their Succeſſors in Office, or any Perſon or Perſons whom they ſhall authoriſe for that Purpoſe, immediately to cauſe ſuch Ship, Bark, Lighter, Boat, or Veſſel, ſo unſerviceable or neglected, to be, at the Expence of the Owner or Owners of the ſame, removed from the ſaid Docks, Quays, and Piers, or any of them, and to lay the ſaid Ship or other Veſſel on any Part of the Strand or Sea-ſhore within the High-water Mark, or any other Place of Safety without the ſaid Harbour, and there to moor ſuch Ship or other Veſſel; and that, on or before Demand of Payment is made by the ſaid Truſtees, or the Perſon authoriſed by them, as aforeſaid, from the Owner or Owners, Maſter or Agents, of ſuch Ship, Bark, or other Veſſel, as aforeſaid, ſuch Charges and Expences ſhall be firſt ſeen and allowed by One of the Magiſtrates of** Aberdeen **for the Time being: And that in caſe of Refuſal or Neglect of Payment of ſuch Charges and Expences allowed as aforeſaid for the Space of Five Days after Demand ſhall be made; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Truſtees, or the Perſon ſo authoriſed as aforeſaid, to levy ſuch Expences by Diſtreſs and Sale of ſuch Ship, Bark, Lighter, Boat, or other Veſſel, or any of her Tackle, Apparel, or Furniture, or any Part thereof, rendering the Overplus, (if any be) after deducting the Charge of taking, keeping, and Sale, of ſuch Diſtreſs, to the Owner or Owners, Maſter, Factor, or Agent, of ſuch Ship, Bark, Lighter, Boat, or Veſſel, whenever the ſame ſhall be demanded.**

Goods to be removed from the Quays.

XV. **And be it alſo enacted by the Authority aforeſaid, That it ſhall not be lawful to, and in the Power of, any Perſon or Perſons who ſhall have landed, or cauſed to be landed, and laid, any Goods or Merchandiſe, Timber, Wood of any Kind, Maſts, Yards, Pumps, Boats, Anchors, Cables, Caſks, Guns, Ballaſt, Paving or other Stones, Limeſtones, Lime, Chalk, Slates, Dung, or Manure, or any other Thing, (other than Materials for the neceſſary Repair of the Docks, Piers, and Quays, before mentioned, or for immediate Uſe in Shipping), upon any of the Docks, Piers, and Quays, or Landing-places, within the ſaid Harbour, or on any of the adjacent Streets and Avenues leading to the ſaid Docks, Piers, and Quays, or any of them, to continue or permit the ſame, or any Part thereof, to remain and lie thereon, for any longer Time than Forty-eight Hours: And that in all Caſes where the ſaid Goods, or others aforeſaid, ſhall have ſo continued beyond the Space of Forty-eight Hours, it ſhall and may be lawful to and for the ſaid Truſtees, or any Perſon or Perſons authoriſed and appointed by them, as aforeſaid, to remove, or cauſe to be removed, all ſuch Goods and other Things as ſhall be ſo found lying, continuing, and being on the ſaid Docks, Quays, and Piers, and other Places, above the ſaid limited Time, to ſome Place or Places of Safety, and therein to detain and keep the ſame till Payment of the Charges of ſuch Removal and Detention, and of ſuch Conſideration beſides to the ſaid Perſon or Perſons authoriſed as aforeſaid, for their Trouble in and about the ſame, as the Provoſt, or any One of the Bailies, of the ſaid City of** Aberdeen **ſhall think reaſonable: And if ſuch Charges and Expences ſhall not be paid within the Space of Five Days after Demand made thereof by the ſaid Perſon or Perſons, authoriſed as aforeſaid by the ſaid Truſtees; then, and in that Caſe, they are hereby authoriſed and required to levy**

levy the ſame by Diſtreſs and Sale of the ſaid Goods and Chattels ſo reſpectively ſecured, and to render the Overplus (if any be) to the Owner or Owners of ſuch Goods, Merchandiſe, and others aforeſaid, (the Charges of taking, keeping, and making the Sale being deducted and allowed) whenever the ſame ſhall be demanded.

Warehouſes, &c. may be hired.

XVI. And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall and may, and they are hereby authoriſed and impowered, out of any of the Rates and Duties aforeſaid, to rent or hire by the Year, or otherwiſe, any convenient Warehouſe, Yard, or other Place, for the receiving and ſafe keeping or lodging of ſuch Goods and other Things ſo to be removed from off the Quays and other Places as aforeſaid, or to incloſe, erect, or build, any ſuch Yard, Warehouſe, or other Building, on their own Ground, or on Ground to be purchaſed by them, as to them ſhall ſeem moſt meet and fitting.

Gunpowder and other Combuſtibles to be removed after a certain Space.

XVII. And be it further enacted by the Authority aforeſaid, That no Gunpowder, Tar, Pitch, Roſin, Hemp, Flax, Faggots, Furze, Brandy, or other Spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Greaſe, Shavings of Wood, or other ſuch combuſtible Things, ſhall be ſuffered to be and remain on the Docks, Quays, and Piers aforeſaid, already conſtructed, or hereafter to be conſtructed, within the ſaid Harbour of Aberdeen, or in any Part thereof, or upon the Deck of any Ship or Veſſel in the ſaid Docks, Piers, and Quays, lying in the Harbour aforeſaid, for above the Space of Twenty-four Hours after paſſing the Cuſtomhouſe Officers; and that in caſe ſuch Goods and Things cannot be conveniently removed, or got off from ſuch Docks, Quays, Place or Places, by Day-light, that then, and in every ſuch Caſe, the Owner of ſuch Goods and Things ſhall be obliged, and are hereby required, to ſet and maintain, at their own Expence, a ſufficient Number of careful, diſcreet, and ſober Perſons to guard and watch over the ſame, for ſuch and ſo many Hours, according to the Seaſon of the Year, as the ſaid Truſtees, or the Perſon or Perſons authoriſed as aforeſaid, ſhall ſignify and appoint; and in caſe the Owner or Owners of ſuch Goods and other Things, or the Maſter or Maſters of Ships, Barks, or other Veſſels, ſhall make Default herein, every ſuch Owner or Owners, Maſter or Mate, ſhall forfeit and pay, for every ſuch Offence, the Sum of Ten Pounds Sterling.

Ships may be removed from one Birth to another.

XVIII. And be it alſo enacted by the Authority aforeſaid, That the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall authoriſe and appoint, ſhall and may, and he or they are hereby authoriſed and impowered, when and ſo often as he or they ſhall judge neceſſary, to remove, or cauſe to be removed, any Ship, Veſſel, Bark, Lighter, or Boat, lying in any of the Entrances or Paſſages of the ſaid Harbour of Aberdeen, or at any Dock, Quay, Pier, and Breaſt, already built, or hereafter to be built, by virtue of this Act, or in any other Part of the ſaid Harbour, from the Birth or Lying-place at which they ſhall reſpectively happen to be ſtationed or moored at the Time to any other Birth or Lying-place, as he or they ſhall think proper: And in caſe the Maſter, Mate, or any other Perſon having and taking the Command and Charge of the ſaid Ship, Veſſel, Bark, Lighter, or Boat, ſhall, after Notice given him in Writing, or left in Writing aboard the Ship or Veſſel intended to be moved, Twelve Hours before the Time of Removal, by the ſaid Truſtees, or ſuch Perſon or Perſons as the ſaid Truſtees ſhall appoint, neglect, or refuſe to move, or cauſe to be removed, during the firſt High Water or Tide after ſuch Notice, ſuch Ship, Veſſel, Bark, Lighter, or Boat, from her ſaid Birth, to ſuch other Birth or Mooring-places as are or ſhall be appointed unto them by the ſaid Truſtees, or any Perſon authoriſed as aforeſaid, that then the ſaid Truſtees, or any Perſon or Perſons they ſhall order or appoint, ſhall have Power, and are hereby directed and impowered, immediately after ſuch Notice, Neglect, or Refuſal, to remove, or cauſe to be removed, ſuch Ship, Veſſel, Bark, Lighter, or Boat, lying as aforeſaid, from their preſent Birth and Mooring-place to ſuch other Birth or Mooring-place, as the ſaid Truſtees, or any Perſon or Perſons authoriſed as aforeſaid ſhall judge proper; and that the Maſters, Commanders, Owners, and Conſignees, of ſuch Ship, Veſſel, Bark, Lighter, and Boat, ſo to be removed, ſhall reſpectively pay to the ſaid Truſtees all ſuch Coſts and Charges as ſhall be reaſonably expended in removing ſuch Ship, Veſſel, Bark, Lighter, or Boat; to be recovered, levied, and applied, in like Manner as the Forfeitures and Penalties impoſed by this Act are herein-after ordered to be recovered, levied, and applied; and that every Maſter, Commander, Mate, or other Perſon taking upon himſelf the Command of any Ship, Veſſel, Bark, Lighter, or Boat, or the Owner, Factor, Conſignee, or Agent, or other Perſon or Perſons whatſoever, who ſhall obſtruct or hinder the Removal of any ſuch Ship, Veſſel, Bark, Lighter, or Boat, ſhall, for every ſuch Offence, forfeit the Sum of Twenty Pounds Sterling.

Veſſels in Diſtreſs to be preferred.

XIX. And be it further enacted by the Authority aforeſaid, That in caſe any Ship or Veſſel ſhall arrive or come into the ſaid Harbour of Aberdeen in Diſtreſs, or meet with any Misfortune in the Bay of Aberdeen, or in the Harbour aforeſaid, it ſhall and may be lawful to and for the Provoſt, or any One of the Bailies of the ſaid City of Aberdeen, upon Requeſt made to him in Writing by the Maſter, Commander, or Owner of any ſuch Ship or Veſſel, or Owner of any Goods aboard ſuch Ship or Veſſel, and upon Proof being made before him of ſuch Diſtreſs, to give a Preference to ſuch Ship or Veſſel being in Diſtreſs as aforeſaid, both as to the Births at the Docks, Piers, and

Quays, and as to the Courſe of diſcharging, to any other Ship or Veſſel arrived before her in the Harbour aforeſaid; and that every Maſter or Commander of any Ship or Veſſel lying within the Harbour of Aberdeen, who ſhall refuſe or delay to comply with the Order of the ſaid Provoſt or Bailie, in favour of the Ship or Veſſel in Diſtreſs as aforeſaid, ſhall forfeit the Sum of Twenty Pounds Sterling; to be levied and applied in Manner herein-after directed.

Ballaſt, &c. not to be thrown into the Harbour,

XX. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of June, One thouſand ſeven hundred and ſeventy-three, it ſhall not be lawful to any Perſon or Perſons to throw or empty any Ballaſt, Dirt, Aſhes, or Rubbiſh, Shingle, Stones, or other Things, into the ſaid Harbour, or to dig and take away any Ballaſt, Shingle, Stones, or other Things, from within the ſame, to the Hurt and Prejudice of the ſaid Harbour, or of the Works erected, or to be erected, for the Security and Accommodation of the ſame, or to any other Act or Deed to prejudice or annoy the ſame, or any Part thereof, under the Penalty of Forty Shillings Sterling for every ſuch Offence.

nor allowed to remain on the Quays, &c. on Penalty of 40*s.*

XXI. And be it further enacted by the Authority aforeſaid, That ſuch Perſon or Perſons who ſhall or may hereafter have Occaſion to throw or caſt out any Ballaſt from out of any Ship or other Veſſel upon any Dock, Quay, Pier, or Breaſt, or other Place, in or about the ſaid Docks, Quays, Piers, Breaſts, or other Works, made or to be made, as before mentioned, belonging to the ſaid Harbour, ſhall not ſuffer the ſame to be and remain on the ſaid Docks, Quays, Piers, Breaſts, or other Places, but ſhall immediately after cart and carry away, or cauſe the ſame to be carted and carried away, to ſuch Place or Places as the ſaid Truſtees ſhall, for ſuch Purpoſe, provide and appoint, on Pain of forfeiting, for every ſuch Offence, Forty Shillings Sterling.

Shipmaſters, &c. anſwerable for Damages done by their Crews.

XXII. And be it enacted by the Authority aforeſaid, That the Maſter or Owner of every Ship, Bark, Lighter, Boat, or other Veſſel, lying or trading in the Harbour of Aberdeen, ſhall be, and is hereby made anſwerable to the ſaid Truſtees for the Amount or Value of any Damage or Miſchief that ſhall be done by any of the Servants, Boatmen, Bargemen, or Watermen, on Board the ſame, to any of the Docks, Quays, Piers, Breaſts, or other Works, already conſtructed, or that ſhall be conſtructed, by virtue of this Act, with full Coſts of Suit; and that ſuch Damages and Coſts ſhall be ſued for and recovered in Manner herein-after directed.

Fines and Forfeitures, &c. how to be ſued for and recovered.

XXIII. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Collector to be appointed by them, for receiving any Part of the Rates and Duties granted by this Act, to proſecute and recover the ſeveral Fines, Penalties, Forfeitures, Damages, and Coſts of Suit, by this preſent Act impoſed, by Action, Bill, Complaint, or Information, within Six Months after ſuch Offence is committed, before the Provoſt or any One of the Bailies of Aberdeen, or any other Judge competent for civil Actions, within whoſe Juriſdiction the Offender or Offenders ſhall reſide, or be apprehended; and that the ſaid Magiſtrates, or other Judges aforeſaid, ſhall, and they are hereby impowered and required to proceed to the Trial of ſuch Offences in a ſummary Way; and, upon Conviction of the Offender or Offenders, by their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, to award and give ſuch Orders, Judgements, and Decrees, as to them ſhall ſeem moſt agreeable to the true Intent and Meaning of this Act; and that in Default of Payment of the ſeveral Fines, Penalties, Forfeitures, Damages, and Coſts of Suit, herein-before enacted, which ſhall be awarded and ordered by the ſaid Magiſtrates, or other Judges, the Perſon or Perſons which ſhall be convicted of any of the Offences before deſcribed ſhall and may be ſent by them to the Priſon, or Houſe of Correction, neareſt to the Place where the Offender or Offenders ſhall be apprehended, and there to be kept to hard Labour for ſuch Time, not exceeding Six Months, as ſuch Magiſtrate or Magiſtrates ſhall direct; and that the whole Fines, Penalties, and Forfeitures aforeſaid, which ſhall be recovered by the ſaid Truſtees, or their Collectors, as aforeſaid, after Deduction of the neceſſary Charges of recovering the ſame, ſhall be applied for and towards the building, making, erecting, maintaining, and repairing the Work or Works aforeſaid, and to no other Uſe or Purpoſe whatſoever.

Penalties may be mitigated.

XXIV. Provided always, That it ſhall and may be lawful to and for the ſaid Magiſtrates, and other Judges aforeſaid, or any of them, by whom ſuch Judgement, Sentence, or Determination, ſhall be given, pronounced, or made, from Time to Time, where they ſee Cauſe, to mitigate, compound, or leſſen any of the Penalties or Forfeitures aforeſaid, as he or they, in his or their Diſcretion, ſhall think fit, ſo as ſuch Mitigation or Compoſition do not extend to remit above One Moiety of the Penalty inflicted and directed to be levied by this Act; and that every ſuch Mitigation or Compoſition ſhall be a ſufficient Diſcharge for the Perſons offending reſpectively for ſo much of the ſaid Penalties and Forfeitures as ſhall be ſo mitigated, leſſened, or remitted.

Truſtees, &c. may dig Gravel, &c. out of waſte or common Grounds.

XXV. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or their Deputies, Agents, Officers, and Servants, to open Stone Quarries, Sand, Clay, and Gravel Pits, and to dig, take, gather, and carry away, from ſuch Quarries and Pits, any Stone, Sand, Gravel, Clay, and other Materials, in and out of any waſte or Common Grounds lying within Two

Miles of the ſaid Harbour of Aberdeen, for carrying on, executing, and repairing, the ſeveral Docks, Piers, Quays, and Breaſts, and other Works already built in the ſaid Harbour, or authoriſed to be built by virtue of this Act: And that in caſe the ſaid Truſtees ſhall judge it improper and inconvenient to open, dig, and carry away, Stones and Gravel, Clay, and other Materials, from the ſaid waſte or common Ground, and that ſufficient Materials for the Purpoſes aforeſaid cannot be eaſily got from the ſame; that then it ſhall and may be lawful to, and in the Option of, the ſaid Truſtees, their Deputies, Agents, Officers, or Servants, to open, quarry, and dig ſuch Stones, Sand, Gravel, Clay, and other Materials aforeſaid, and to carry the ſame in and out of the Grounds of any Perſon or Perſons within Two Miles of the ſaid Harbour of Aberdeen, (not being Ground on which ſtands any Houſes, Garden, Orchard, planted Walk or Walks, or Avenue to a Houſe), where ſuch Materials are or may be found, and from Time to Time to cauſe the ſame to be carried off, or ſo much thereof, as the ſaid Truſtees, and their Deputies, Agents, Officers, and Servants, ſhall judge neceſſary for the Purpoſes aforeſaid, and for keeping the ſaid Works in good Order and Repair; the ſaid Truſtees making a reaſonable Satisfaction for the Damage done to the Surface of the ſaid Grounds, and for the Value of the ſaid Stones, Sand, Gravel, Clay, and other Materials, which ſhall be ſo carried out of the ſaid waſte and common or other Grounds, to the Proprietors, Liferenters, Tacksmen, Poſſeſſors, and other Parties, intereſted in ſuch Grounds, to which ſuch Damage ſhall be done or occaſioned, or Materials taken away, in Manner aforeſaid; which Damage or Damages ſhall be aſcertained, in caſe of Difference of Opinion between the Parties, by Reference to the Sheriff-depute of the County of Aberdeen, and Sheriff-depute of the County of Kincardine, jointly, with Power to them, in caſe of any Difference of Opinion between them, to name and appoint an Umpire or Overſman, and with Power to the ſaid Sheriffs-deputes, or Umpire or Overſman, ſo to be choſen by them, to take and receive ſuch Evidence as ſhall be offered to them or him for either of the ſaid Parties, and thereupon to ſettle and determine the Amount of ſuch Damage or Satisfaction to be paid or made; and that the Award of ſuch Sheriffs or Umpire ſhall, in reſpect of the Amount and Value aforeſaid, be final and concluſive; and ſuch Sheriffs or Umpire ſhall, and they are hereby required to aſcertain and award by whom the Coſts of ſuch Reference ſhall be paid.

Rails to be ſet about Quarries, &c. while uſed, and afterwards to be levelled.

XXVI. And it is hereby further enacted, That the ſaid Truſtees, their Agents and Servants, ſhall, and they are hereby required, at their own Coſts and Charges, within Ten Days next and immediately after the firſt breaking of the Ground for the opening of ſuch Quarries or Pits, or the working of any ſuch Quarries or Pits as are already opened for getting Materials as aforeſaid, either in common and waſte or in any other Grounds whatever, rail in or fence off the ſame in a ſufficient Manner, and afterwards keep in Repair and maintain ſuch Rails and Fences, ſo long as they the ſaid Truſtees, their Agents or Servants, ſhall work and uſe ſuch Quarries or Pits for the Purpoſes aforeſaid; and that within Six Months after the ſaid Truſtees, their Agents or Servants, ſhall deſert, abandon, or give up the working of ſuch Quarries or Pits for ſuch Materials, as aforeſaid, they ſhall, and are hereby required, at their own Coſts and Charges, to fill up and level ſuch Quarries or Pits in a ſufficient and laſting Manner.

Roads may be made to the Harbour from the ſaid waſte and common Grounds.

XXVII. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, and their Deputies, Agents, Officers, and Servants, to make, uſe, and maintain, Roads from the ſaid waſte and common Ground, or other Grounds aforeſaid, opened for quarrying and digging Stones, Sand, Gravel, Clay, and other Materials, from the ſaid Pits and Quarries, ſo to be opened as aforeſaid, directly to the Harbour of Aberdeen, and to make the ſame through any Grounds belonging to any Perſon or Perſons whatſoever, (not being the Grounds on which ſtands any Houſe, or any Garden, Orchard, Walk or Walks planted, or Avenue to any Houſe), the ſaid Truſtees making reaſonable Satisfaction for the Damage done to the Ground through which the ſaid Road or Roads paſs to the Proprietor, Liferenter, Tacksman, and other Parties concerned and intereſted in ſuch Grounds, to which ſuch Damage ſhall be done or occaſioned, to be aſcertained and awarded in Manner above directed.

Penalty on Perſons deſtroying the Works.

XXVIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever ſhall, after the paſſing of this Act, maliciouſly, wilfully, or wantonly demoliſh, break down, deſtroy, or ſet on fire, any of the Docks, Jettees, Piers, Quays, Breaſts, Landmarks, or Buoys, or any Lights or Lighthouſes, or other Works, conſtructed, or to be conſtructed, in or belonging to the ſaid Harbour of Aberdeen, or ſhall maliciouſly, wilfully, or wantonly extinguiſh or put out any of the Fires or Lights uſed in the ſaid Lighthouſes, and others aforeſaid; every ſuch Perſon or Perſons ſo offending ſhall be adjudged guilty of Felony; and the Court and Courts by and before whom ſuch Perſon or Perſons ſhall be indicted and tried ſhall, and have hereby Power and Authority to tranſport ſuch Felon or Felons for the Space of Seven Years, in like Manner as other Felons are directed to be tranſported by the Laws and Statutes of this Realm.

XXIX. And

Bye-laws.

XXIX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, at any Time or Times hereafter, in General Meetings aſſembled, to make, ordain, and eſtabliſh, ſuch Orders, Rules, and Bye-laws, for the better deepening, cleanſing, and keeping in Repair, the ſaid Harbour of Aberdeen, and piloting of the Ships, and other Veſſels, going in and coming out of the ſaid Harbour, and for the better regulating, governing, and managing, the Docks, Piers, Quays, and Jettees, and every other the Works erected, and to be erected, made, or ſet up, in the Harbour aforeſaid, and for the better executing the other Purpoſes of this Act; and alſo, from Time to Time, as Occaſion may require, to repeal, add to, amend, or alter, ſuch Rules, Orders, and Bye-laws, as to them ſhall ſeem moſt fitting and requiſite, and to fix and appoint reaſonable pecuniary Penalties, not exceeding Forty Shillings Sterling, for the Nonobſervance, or other Breach, of all or any ſuch Rules or Bye-laws, or any Part of them; to be recovered and applied in ſuch Manner as the Fines and Penalties impoſed by this Act are ordered to be recovered, levied, and applied; and the ſaid Truſtees ſhall cauſe the ſaid Rules, Orders, and Bye-laws, to be printed and diſtributed, and hung up at the moſt conſpicuous Places within the Harbour of Aberdeen, and to pay the Expence and Charge thereof out of the Rates and Duties aforeſaid.

Time and Place of General Meetings.

XXX. And be it alſo enacted by the Authority aforeſaid, That there ſhall be held Four General Meetings of the ſaid Truſtees within the Townhouſe of the ſaid City of Aberdeen, upon every Firſt Tueſday of January, Firſt Tueſday of April, Firſt Tueſday of July, and Firſt Tueſday of October, during the Continuance of this preſent Act; and that the Firſt of the ſaid General Meetings ſhall be held upon the Firſt Tueſday of July, One thouſand ſeven hundred and ſeventy-three; and that the ſaid Truſtees ſhall have Power, and are hereby impowered, to adjourn to ſuch other Times and Places as to them, or to the Majority of them, at ſuch Quarterly Meetings aſſembled, ſhall ſeem meet and expedient; and in all ſuch Meetings the Provoſt, or ſenior Magiſtrate, of the City of Aberdeen, preſent for the Time being, ſhall preſide; and beſides his Vote in common with the other Truſtees, ſhall, in Caſes of Equality, have a caſting or deciſive Voice.

Duties may be leſſened.

XXXI. And be it enacted by the Authority aforeſaid, That the ſaid Magiſtrates and City Council, as Truſtees aforeſaid, in General Meetings aforeſaid, may, and they are hereby impowered, to leſſen and reduce the aforeſaid Rates and Duties granted by this Act, as they ſhall judge reaſonable and expedient, and the State of the ſaid Rates and Duties will permit.

Commencement and Expiry of the Act.

XXXII. And be it further enacted by the Authority aforeſaid, That this Act, and all the Powers and Authorities of the ſame, and the Rates and Duties thereby granted, ſhall commence and take Place from and after the Firſt Tueſday of June, One thouſand ſeven hundred and ſeventy-three, and ſhall continue for the Space of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

Juriſdiction of the City of *Aberdeen*, &c. ſaved.

XXXIII. Provided always, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to take away, alter, abridge, leſſen, change, or intrude upon any Juriſdiction, Power, or Authority, of the Magiſtrates and Council of the City of Aberdeen, and Community thereof, in and about or concerning the ſaid Harbour of Aberdeen, or the Piers, Quays, and other Works, built or to be built, as aforeſaid; nor to take away, abridge, leſſen, or intrude upon, the private Rights, Privileges, and Property, of any Perſon or Perſons whatſoever, but that the ſame ſhall remain as entire and effectual, to all Intents and Purpoſes, as if this preſent Act had not been made; and alſo ſaving and reſerving to the ſaid Magiſtrates and City Council, and other Perſon or Perſons, all their legal Rights and Intereſts in the Premiſes aforeſaid.

Act may be pleaded, *&c.*

XXXIV. And be it further enacted by the Authority aforeſaid, That in caſe any Suit or Action ſhall be commenced againſt the ſaid Magiſtrates and Council, or their Succeſſors, or any other Perſon or Perſons, for any Thing done in purſuance of this Act, the Defendant or Defendants, in ſuch Suit or Action, may produce this Act, and plead, that the ſaid Things were done in purſuance and by the Authority of this Act; and if it ſhall appear ſo to be done, that then the Defendant or Defendants ſhall be abſolved from every ſuch Suit, Action or Actions, and ſhall have Treble Coſts and Expences in the Defence thereof awarded to them from and againſt the Proſecutor or Proſecutors of the ſame.

Sheriffs, *&c.* to aſſiſt.

XXXV. And be it further enacted by the Authority aforeſaid, That all Sheriffs, Juſtices of the Peace, Judges, and Magiſtrates, with their Officers, Meſſengers at Arms, and all other Officers and Executioners of the Law whatſoever, and every of them, are hereby required to be aiding and aſſiſting in putting this Act into due and effectual Execution: And that this Act ſhall be deemed, taken, and allowed, in all the Courts of Law and Equity as a Publick Act; and all Judges and Juſtices are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

Publick Act.

CAP. XXX.

An Act for the better Regulation and Government of the Pilots conducting Ships and Veſſels to and out of the Port of *King's Lynn*, and of the Bridgemen conducting Gangs of Lighters or Barges to and from the ſame; and for laying down Moorings in the Harbour of the ſaid Port, and for preventing Miſchiefs by Fire therein.

Preamble.

WHEREAS the Borough of *Lenne Regis*, commonly called *King's Lynn*, in the County of *Norfolk*, is a very ancient Borough, within the Liberties whereof there are a Port and Harbour of the Sea, for importing and exporting Merchandiſe; and the Mayor and Burgeſſes of the ſaid Borough have, by Royal Charter, been a Corporation for Two hundred Years laſt paſt and upwards, and by certain Letters Patent, granted them by King *James* the Firſt, dated the Nineteenth Day of *November*, in the Second Year of His Reign, were conſtituted (and now are) Admirals within the ſaid Borough, and the Port, Limits, and Bounds thereof; and, by virtue of the ſame Letters Patent, and others ſince granted to them by the Crown, and by long Uſage, have erected and put down proper Buoys and Beacons in the Channel of the ſaid Port, and appointed Pilots for conducting Ships and Veſſels into and out of the ſaid Borough and Port, from and to a certain Place called *Saint Edmund's Neſs* otherwiſe *Gore End*, and from thence North and by Weſt to another Place or Sand called *Longſand*, being the utmoſt Bounds Northwards of the ſaid Admiralty Juriſdiction, and have alſo appointed other Perſons, commonly called *Bridgemen*, to conduct Gangs of Lighters or Barges into and out of the ſaid Borough and Port, from and to a certain Place called *Staple Weere*, being the utmoſt Bounds Southwards of the ſaid Admiralty Juriſdiction: And whereas the Channel from *Gore End* and the *Longſand* aforeſaid to the ſaid Port or Harbour of *King's Lynn*, and from thence to *Staple Weere* aforeſaid, is become a more difficult and dangerous Navigation than heretofore for Ships, Veſſels, and Lighters, reſpectively uſing the ſame, and many Ships have been wrecked, and Lighters and Barges ſunk, by Means of the large Bodies of Sand which often ſhift from Place to Place, and by Means of the double-fluked Anchors now uſed in the ſaid Harbour; and divers unſkilful Perſons, without the Licence or Authority of the ſaid Mayor and Burgeſſes, have often taken upon themſelves to act as Pilots and Bridgemen for the conducting and Guidance of Ships, Veſſels, and Lighters, to and from the ſaid Port, to the great Hazard of ſuch Ships, Veſſels, and Lighters, and their Cargoes, and the Lives of the Perſons on Board the ſame, and to the Obſtruction of Navigation: And whereas the Flood and Ebb Tides in the ſaid Harbour run very rapid and ſtrong, and the Harbour oppoſite the Town of late Years is become much wider towards the South-weſt, ſo that when the Ebb runs ſtrong, and the Wind blows hard at the ſame Time, Ships and Veſſels lying there are often driven from their Moorings, and ſunk, in the ſaid Harbour: And whereas Loſſes by Fire have happened to Merchants and Owners of Ships and trading Veſſels, lying in the ſaid Harbour, occaſioned by the heating of Pitch, Tar, Roſin, Oil, or other cumbuſtible Matters, on Board ſuch Ships and Veſſels: And whereas the Powers and Authorities veſted in the ſaid Mayor and Burgeſſes are found not ſufficient or effectual to regulate and govern the ſaid Pilots and Bridgemen, and to remedy and prevent the Ill Practices and Miſchiefs before mentioned: And whereas the Damages ſuſtained in the Harbour might in a great Meaſure be prevented by laying down ſubſtantial Anchors for publick Uſe, furniſhed with proper Rings, Chains, and Floats, commonly called *Harbour Moorings*, for the more effectual ſecuring the Ships and Veſſels riding in the ſaid Harbour from driving on Shore by violent Storms of Wind, by raging Tides, by great Land Floods, or otherwiſe; but as the laying down ſuch Moorings will be attended with great Expence, the ſame cannot be carried into Execution without the Aid of Parliament; therefore, and for the Benefit and Improvement of Trade and Navigation, and promoting the Safety of His Majeſty's Subjects, may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-three, if any Perſon or Perſons ſhall take upon him or themſelves to conduct or pilot any Ship or Veſſel, or any Gang of Lighters or Barges, into or out of the ſaid Port of King's Lynn, or between Saint Edmund's Neſs, otherwiſe Gore End, and Staple Weere aforeſaid, without being licenſed ſo to do by the ſaid Mayor and Burgeſſes for the Time being, which Licences the ſaid Mayor and Burgeſſes are hereby impowered to grant under their Common Seal; every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Three Pounds, nor leſs than Twenty Shillings.

No Perſons to pilot Ships or Lighters without Licence.

Penalty.

No Pilot to be licenſed, unleſs approved by 12 Ship-maſters;

II. Provided nevertheleſs, That the ſaid Mayor and Burgeſſes ſhall not licenſe or authoriſe any Perſon or Perſons to be Pilots of the ſaid Borough and Port, as aforeſaid, unleſs ſuch Perſon or Perſons ſhall have firſt obtained the Recommendation in Writing of Twelve Maſters or Commanders of Ships of the Burthen of One hundred Tons and upwards, trading to and from the ſaid Port, (not more than Two of ſuch Maſters or Commanders being Maſters or Commanders of Ships belonging to One Merchant or Owner), certifying the Ability and Skill of ſuch Perſon or Perſons to

pilot

nor Bridgemen, unleſs approved by Six Maſters of Gangs of Lighters.

pilot or conduct Ships and Veſſels to and from the ſaid Port; nor ſhall they licenſe or authoriſe any Perſon or Perſons to be Bridgemen of the ſaid Borough and Port, as aforeſaid, unleſs ſuch Perſon or Perſons ſhall in like Manner have firſt obtained the Recommendation in Writing of Six Maſters of Gangs of Lighters, certifying the Ability and Skill of ſuch Perſon or Perſons to conduct and pilot Gangs of Lighters and Barges to and from the ſame Port.

Maſter of a Ship of not more than 30 Chaldrons Burthen, or of a Gang of Lighters unladen, may conduct the Ship and Lighters, and any Perſon may aſſiſt Ships and Lighters in Diſtreſs.

III. Provided alſo, That this Act ſhall not extend to hinder or to ſubject to the ſaid Penalty the Maſter or Commander for the Time being of any Ship or Veſſel, not exceeding the Burthen of Thirty Chaldrons of Coals, Lynn Meaſure, or Thirty Tons, Builders Admeaſurement, from piloting or conducting ſuch Ship or Veſſel to and from the ſaid Port; nor the Maſter or Commander for the Time being of any Gang of Lighters or Barges coming unladen to or going unladen from the ſaid Port, from piloting or conducting ſuch Gang of Lighters or Barges to or from the ſaid Port, nor any Perſon or Perſons from aſſiſting any Ship or Veſſel, or Gang of Lighters or Barges, in Diſtreſs; any Thing herein contained to the Contrary thereof in any-wiſe notwithſtanding.

Rates of Pilots aſcertained,

IV. And, for the preventing any exorbitant Demands being made by any Pilot or Pilots, licenſed or authoriſed as aforeſaid, for the conducting or piloting any Ship or Veſſel into or out of the ſaid Port and Limits aforeſaid, be it enacted by the Authority aforeſaid, That the following and no greater or other Rates or Prices ſhall be demanded or taken by ſuch Pilot or Pilots than what are herein-after mentioned; (that is to ſay), For piloting or conducting into or out of the ſaid Port any Ship or Veſſel belonging to His Majeſty's Subjects, drawing when loaded not more than Ten Feet of Water, the Sum of One Shilling and Sixpence a Foot for every Foot of Water ſuch Ship or Veſſel ſhall then draw; and for piloting or conducting into or out of the ſaid Port, any Ship or Veſſel belonging to His Majeſty's Subjects, drawing when loaded more than Ten Feet, but not more than Twelve Feet of Water, the Sum of One Shilling and Ninepence a Foot for every Foot of Water ſuch Ship or Veſſel ſhall then draw; and for piloting or conducting into or out of the ſaid Port any Ship or Veſſel belonging to His Majeſty's Subjects, drawing when loaded more than Twelve Feet, but not more than Fourteen Feet and an Half of Water, the Sum of Two Shillings a Foot for every Foot of Water ſuch Ship or Veſſel ſhall then draw; and for piloting or conducting into or out of the ſaid Port any Ship or Veſſel belonging to His Majeſty's Subjects, drawing when loaded more than Fourteen Feet and an Half of Water, the Sum of Two Shillings and Sixpence a Foot, for every Foot of Water ſuch Ship or Veſſel ſhall then draw, and ſo in proportion for Half a Foot of Water in all and every of the Caſes aforeſaid; but no Allowance ſhall be made for any Number of Inches not amounting to Half a Foot; and for piloting or conducting into or out of the ſaid Port, any Ship or Veſſel belonging to the Subjects of any foreign Nation, Double the Rate or Price above limited for piloting or conducting the like Ship or Veſſel belonging to His Majeſty's Subjects.

for *Britiſh* Ships,

and for Foreign Ships.

If the Ship cannot be got to her Delivery the ſame Tide ſhe arrives at the *Dolphins*, the Pilot is to conduct her there, and be paid 2*s.* 6*d.* *per* Tide.

V. And be it further enacted by the Authority aforeſaid, That in caſe any Ship or Veſſel, which ſhall be piloted or conducted by any of the ſaid Pilots, ſhall not be got to the Place of her Delivery the ſame Tide ſhe arrives at the Dolphins, then ſuch Pilot ſhall, and he is hereby required to conduct or pilot, or procure to be conducted or piloted, by ſome other ſuch licenſed Pilot, ſuch Ship or Veſſel to the Place of her Delivery, and ſhall receive Two Shillings and Sixpence for every Tide he ſhall be ſo employed, if belonging to His Majeſty's Subjects, and Double that Sum if belonging to the Subjects of foreign Nations, over and above the ſaid Rates or Prices of Pilotage.

Commiſſioners to aſcertain what Part of the Pilotage ſhall be paid for the Hire of Sloops, *&c.* and appoint a Receiver of it.

VI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Commiſſioners herein-after nominated, conſtituted, and appointed, or any Seven or more of them, (whereof the Mayor or Deputy Mayor of the ſaid Borough of King's Lynn for the Time being ſhall be One), from Time to Time, to aſcertain, rate, and appoint, what Part of the ſaid Rates or Prices of Pilotage ſhall be allowed and paid by the ſaid Pilots to ſuch Perſon or Perſons as they the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being to be One), ſhall, from Time to Time, appoint or authoriſe to receive the ſame, for the Hire and Uſe of Two or more Sloops for the carrying and conveying ſuch Pilots up and down the Channel of the ſaid Port, and for the Maintenance of Boys to aſſiſt on Board and go in the ſaid Sloops, and for and towards the Maintenance of the ſuperannuated Pilots heretofore licenſed by the ſaid Mayor and Burgeſſes, or to be hereafter licenſed in purſuance of this Act.

Bridgemen's Pilotage to be aſcertained by the Commiſſioners.

VII. And, for the preventing any exorbitant Demands by any Bridgeman or Bridgemen, licenſed or authoriſed as aforeſaid, for the conducting any Gangs of Lighters or Barges down to or from the ſaid Port, be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor, or Deputy Mayor for the Time being to be One), ſhall, and they are hereby authoriſed and required, from Time to Time, to aſcertain and appoint what Rates or Prices ſhall be demanded and taken by ſuch Bridgeman or Bridgemen, for the conducting of ſuch Gangs of Lighters or Barges down to or from the ſaid Port; and that no greater or other Rates or Prices ſhall be demanded or taken by ſuch Bridgeman or Bridgemen for the conducting of ſuch Gangs of Lighters or Barges down to or from the ſaid Port, than what ſhall from Time to Time be ſo aſcertained and appointed as aforeſaid.

Commiſſioners.

VIII. And be it further enacted by the Authority aforeſaid, That the Mayor, Recorder, Aldermen, and Common Council, of the Borough of King's Lynn aforeſaid, for the Time being, together with Joſeph Peckover, Bartholomew Nelſon, Thomas Goddard, Thomas Audley, George Collins, James Hamilton, Gibert Denton, James Taverner Read, Thomas Steward, Iſaac Lambly, Joſeph Lambly, and Robert Foſter, Merchants; Hugh Crawforth, William Wilkinſon, George Johnſon, Robert Farthing, Lionel Selfe, Thomas Scott Henzell, Thomas Huggins, John Town, James Stratton, Bland Winniffe, Edward Hubbard, William Ayre, John Middleton, John Headly, William Holmes, William Robinſon, William Clarke, William Standcliffe, Richard Barrett, and John Hubbard, Owners or Commanders of Veſſels trading to and from the ſaid Port, ſhall be, and they are hereby nominated, conſtituted, and appointed, Commiſſioners for carrying this preſent Act into Execution, and for the Purpoſes herein-before and herein-after mentioned and expreſſed: And they, or any Seven or more of them, (whereof the Mayor or Deputy Mayor of the ſaid Borough of King's Lynn for the Time being to be One), ſhall and may, and they are hereby authoriſed and required, as ſoon as conveniently may be after the paſſing of this Act, to meet in the Guildhall within the ſaid Borough, upon publick Notice to be given by Seven or more of the ſaid Commiſſioners, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), of the Day and Hour of ſuch Meeting, by Writing affixed on the Cuſtomhouſe, Guildhall, and Market-croſs, within the ſaid Borough of King's Lynn, Seven Days excluſive before ſuch Meeting; and then, and from Time to Time, when and as often as any Meeting ſhall be held in purſuance of this Act, to adjourn themſelves, if they ſhall ſee Occaſion, to any Time and Place within the ſaid Borough; or otherwiſe, in caſe no Adjournment ſhall be then, or from Time to Time made or ſubſiſting, or there ſhall be Occaſion to meet previous to the Day of ſuch Adjournment, to meet from Time to Time, at ſuch Day, Hour, and Place, within the ſaid Borough, as ſhall be appointed by like publick Notice to be given as aforeſaid, by Seven or more of the ſaid Commiſſioners, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One): And a General Meeting of the ſaid Commiſſioners ſhall be held on the Third Friday in the Month of January in every Year, at the Guildhall in the ſaid Borough, for the paſſing and ſettling all Accounts of their Treaſurer, Collector, or other Officers; and if at any Meeting the Commiſſioners preſent ſhall be equally divided upon any Queſtion which may come before them, then the Mayor of the ſaid Borough for the Time being, if preſent, or in his Abſence the Deputy Mayor, ſhall have the caſting Vote: And all Orders, Determinations, and Proceedings, of the ſaid Commiſſioners, in the Execution of this Act, ſhall be at Meetings held in purſuance of this Act, and not otherwiſe; and the ſaid Commiſſioners, at all ſuch their Meetings, ſhall defray their own Expences.

Firſt Meeting.

Commiſſioners may adjourn and call new Meetings.

Annual Meetings.

All Proceedings to be at Meetings.

Commiſſioners to defray their Expences.

Proviſion for Meetings without the Mayor.

IX. Provided always, That in caſe the Mayor of the ſaid Borough, or his Deputy for the Time being, ſhall at any Time or Times refuſe to join in giving Notice of a Meeting as herein-before mentioned, being thereunto required by any Twenty-five of the ſaid Commiſſioners, by Writing under their Hands, it ſhall and may be lawful for any Seven or more of the ſaid Commiſſioners to give Notice of ſuch Meeting, and to meet without the ſaid Mayor or his Deputy for the Time being; and in caſe at any Meeting to be held in purſuance of this Act the Mayor of the ſaid Borough, or his Deputy, ſhall decline or refuſe to attend; then, and in every ſuch Caſe, the Commiſſioner who at ſuch Meeting ſhall, by the Majority of the Commiſſioners then preſent, be elected Chairman at ſuch Meeting, ſhall in all Things have ſuch Power and Authority at the ſame Meeting as the Mayor of the ſaid Borough, or his Deputy, would have had if preſent; and all Orders and Proceedings at ſuch Meeting ſhall be as valid and effectual as if the ſaid Mayor or Deputy had been preſent.

New Commiſſioners to be elected in the Room of thoſe dying, &c.

X. And for the conſtant ſupplying the Number of Commiſſioners, be it further enacted by the Authority aforeſaid, That as often as any of the ſaid Commiſſioners for the Time being, not being the Mayor or Recorder, or an Alderman or Common Councilman of the ſaid Borough, ſhall die or refuſe to act, (ſuch Refuſal to be certified in Writing), being choſen a Member of the ſaid Corporation, ſhall accept of any Office of Profit under this Act, or reſide out of the ſaid Borough for the Space of Six Calendar Months; then, and in any of the ſaid Caſes, and not otherwiſe, it ſhall and may be lawful to and for the ſurviving or remaining Commiſſioners for the Time being, by this Act appointed, or to be appointed, in purſuance thereof, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), from Time to Time, at any of their Meetings, to elect (by Appointment or Order entered in the Minute Book wherein they enter their Orders and Proceedings) ſuch other Perſon, being a Merchant, Owner, or Commander, of a Ship or Veſſel trading to and from the ſaid Port, and an Inhabitant of the ſaid Borough, to be a Commiſſioner in the Place of each Commiſſioner ſo dying or refuſing to act, being choſen a Member of the ſaid Corporation, accepting of any Office of Profit under this Act, or reſiding out of the ſaid Borough as aforeſaid, as they ſhall think fit; and each and every ſuch Commiſſioner, ſo from Time to Time elected and appointed, ſhall, from and after ſuch Election and Appointment, have the ſame Powers and Authorities in all Things as if he had been particularly named and appointed by this preſent Act.

Commiſſioners to make Bye-laws for the Regulation of the Maſters of Ships and Lighters, and of the Pilots and Bridgemen;

and to fix Penalties not exceeding 5 l.

and the Pilots and Bridgemen may be ſuſpended for Breach of ſuch Laws;

and acting during ſuch Suſpenſion are ſubject to the Penalty.

XI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), at any Time or Times hereafter, to make, ordain, and eſtabliſh ſuch Orders, Rules, and Bye-laws, for the better Regulation and Government of the Maſters and Commanders of Ships and Veſſels, and of Gangs of Lighters and Barges trading to and from the ſaid Port, and of the Pilots and Bridgemen to be licenſed by the ſaid Mayor and Burgeſſes as aforeſaid, and alſo from Time to Time, as Occaſion may be, to repeal, add to, amend, or alter ſuch Orders, Rules, and Bye-laws, as to them the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), ſhall ſeem meet and convenient; and to fix and appoint reaſonable pecuniary Penalties, not exceeding Five Pounds, for the Nonobſervance, Nonperformance, or other Breach of ſuch Orders, Rules, or Bye-laws, or any of them; to be recovered by ſuch Ways and Means as are herein-after directed for the Recovery of the Penalties by this Act inflicted: And that it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), to ſuſpend any of the Pilots and Bridgemen who ſhall be licenſed as aforeſaid, who ſhall break ſuch Orders, Rules, or Bye-laws, or act in any-wiſe contrary thereto; and if any Pilot or Bridgeman ſo ſuſpended ſhall (during the Time of ſuch Suſpenſion) take upon himſelf to pilot or conduct any Ship or Veſſel, or any Gang of Lighters or Barges, into or out of the ſaid Port within the Limits aforeſaid, ſuch Pilot or Bridgeman ſhall be liable to the Penalty which is provided by this Act againſt unlicenſed Perſons acting as Pilots or Bridgemen.

The Bye-laws to be printed, with a Liſt of the Pilots and Bridgemen, and their Fees;

XII. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe the ſaid Orders, Rules, and Bye-laws, and alſo a Liſt of the Pilots and Bridgemen ſo to be licenſed as aforeſaid, with the Rates or Prices of Pilotage, to be from Time to Time printed and diſtributed, and likewiſe hung up in ſome conſpicuous Place at the Cuſtomhouſe, Town Dues Office, and Meters Office, in King's Lynn aforeſaid.

But not to be repugnant to the Statutes.

XIII. Provided always, That the ſaid Orders, Rules, and Bye-laws, or any of them, be not contrary or repugnant to the Laws or Statutes of the Realm of Great Britain.

Pilots and Bridgemen to have their Licences vacated for Miſbehaviour, and if they act afterwards, to be ſubject to the Penalty.

XIV. And be it further enacted by the Authority aforeſaid, That in caſe any Pilot or Pilots ſhall refuſe to take the Charge of any of His Majeſty's Ships, or of any Ship or Veſſel in the Merchants Service; and in caſe any Bridgeman or Bridgemen ſhall refuſe to take the Charge of any Gang of Lighters or Barges; or in caſe it ſhall appear to the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), that any Pilot or Pilots, Bridgeman or Bridgemen, ſhall have miſbehaved him or themſelves in the conducting of any Ship or Veſſel, or Gang of Lighters or Barges, or in the Execution of any other Part of his or their Duty as Pilots or Bridgemen; or if any Pilot or Pilots, Bridgeman or Bridgemen, ſhall refuſe to obey the Summons of the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), requiring his or their Appearance; or ſhall break, or act contrary to, ſuch Orders, Rules, and Bye-laws, as the ſaid Commiſſioners for the Time being ſhall from Time to Time make in the Premiſes, or in any-wiſe offend againſt this Act; then the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), upon Examination thereof, are hereby authoriſed to annul the Licence or Licences granted to ſuch Pilot or Pilots, Bridgeman or Bridgemen, and to declare the ſame to be from thenceforth utterly void; and if any ſuch Perſon or Perſons ſo offending ſhall (after ſuch Declaration and Notice thereof given to him or them in Perſon, or left at his or their uſual Place of Abode) act as a Pilot or Bridgeman within the ſaid Port, or the Limits aforementioned, he or they ſhall be ſubject to the Penalty inflicted by this Act on unlicenſed Perſons acting as Pilots or Bridgemen.

Pilots offering to conduct Veſſels inward or outward bound, and refuſed, are notwithſtanding to be paid.

XV. And be it further enacted by the Authority aforeſaid, That in caſe the Maſter or Commander of any Ship or Veſſel, either inward or outward bound, ſhall refuſe to take on Board and employ a Pilot, to be licenſed as aforeſaid, who ſhall offer his Service, ſuch Maſter or Commander ſhall pay, or cauſe to be paid, to the Pilot who firſt, or who only ſhall offer his Service, as aforeſaid, and ſhall be ſo refuſed, the full Pilotage, according to the ſeveral Rates and Prices herein-before directed to be paid, as if the ſaid Pilot had been received and employed in conducting or piloting ſuch Ship or Veſſel into or out of the ſaid Port of King's Lynn.

Maſter to give the Pilot the true Draught of the Ship;

[illegible]

XVI. And be it further enacted by the Authority aforeſaid, That the Maſter or Commander of every Ship or Veſſel, ſo to be piloted or conducted into the Port of King's Lynn aforeſaid, ſhall, and is hereby required to declared and give a true Account to the Pilot employed in conducting or piloting, or offering to conduct or pilot ſuch Ship or Veſſel, of the Draught of Water ſuch Ship or Veſſel ſhall then draw: And in caſe ſuch Maſter or Commander ſhall refuſe ſo to do, or ſhall give an untrue Account of the Draught of Water of ſuch Ship or Veſſel, then he ſhall forfeit, for every ſuch Refuſal,

fuſal, or untrue Account ſo by him given, the Sum of Forty Shillings; and further, in caſe of ſuch Refuſal, or if the Pilot ſo employed, or offering to be employed, ſhall ſuſpect the Truth of the Declaration or Account given, then ſuch Pilot ſhall be, and he is hereby authoriſed to mark ſuch Ship or Veſſel on her Arrival, and when unloaded to lay her on Shore in ſome proper and convenient Place within the ſaid Port, and there to admeaſure, or cauſe to be admeaſured, the ſaid Ship or Veſſel, in order to find the true Draught of Water ſhe drew on her ſaid Arrival; the Expence whereof, in caſe of ſuch Refuſal, or if upon ſuch Admeaſurement it ſhall appear that the ſaid Declaration or Account ſhall be untrue, ſhall be paid by ſuch Maſter or Commander; but in caſe the ſaid Declaration or Account ſhall upon ſuch Admeaſurement appear to be true, then the ſaid Expences ſhall be paid by the ſaid Pilot: And if any Diſpute ſhall ariſe between the ſaid Maſter or Commander and Pilot, concerning the Expence of laying the ſaid Ship or Veſſel on Shore, and admeaſuring her, as aforeſaid, then the ſame ſhall be ſettled and aſcertained by the Mayor of the ſaid Borough or his Deputy, for the Time being, or any Juſtice or Juſtices of the Peace for the ſaid Borough; and the ſaid Expences, if refuſed to be paid by ſuch Maſter or Commander when he is liable to pay the ſame, ſhall be levied and recovered, with all Charges attending ſuch Levying and Recovery, in the ſame Manner, and by the ſame Means, as are herein-after given and directed for the Levying and Recovery of the Pilotage by this Act directed to be paid.

Pilot may admeaſure the Ship.

Expences how to be paid.

XVII. And be it further enacted by the Authority aforeſaid, That if any of the Pilots, ſo to be licenſed as aforeſaid, ſhall be requeſted by the Maſter, Commander, Owner, Agent, or Conſignee, of any Ship or Veſſel outward bound, to take the Charge or Conduct of ſuch Ship or Veſſel, it ſhall and may be lawful to and for ſuch Pilot, previous to his taking ſuch Charge or Conduct, to demand a ſufficient Security from ſuch Maſter, Commander, Owner, Agent, or Conſignee, for the Payment of ſuch Pilotage outward, according to the Rates or Prices herein-before directed to be paid; and if ſuch Maſter, Commander, Owner, Agent, or Conſignee, ſhall refuſe to give ſuch Security, then, and in ſuch Caſe, ſuch Pilot may refuſe to conduct or pilot ſuch Ship or Veſſel, and ſhall not be ſubject to any of the Penalties inflicted by or in purſuance of this Act on Pilots refuſing to take the Charge or Conduct of a Ship or Veſſel.

Pilotage of Ships outward bound to be ſecured, or the Pilot may refuſe to take the Charge

XVIII. And be it further enacted by the Authority aforeſaid, That in caſe any Owner or Maſter, or any other Perſon having or taking upon himſelf, or appearing to have or take, the Command, Charge, Agency, or Conſignment, of any Ship or Ships, Veſſel or Veſſels, Gang or Gangs of Lighters or Barges, charged or chargeable with the ſaid reſpective Rates or Prices of Pilotage hereby directed to be paid, ſhall refuſe to pay the ſame; then, and in ſuch Caſe, it ſhall and may be lawful to and for the Mayor of the ſaid Borough, or his Deputy for the Time being, or any Juſtice or Juſtices of the Peace for the ſaid Borough, and preferable to, and notwithſtanding any Right of Hypothecation, Attachment, Arreſtment, or other Right whatſoever, claimable by, or due to, any Perſon or Perſons whomſoever, to ſeize, take, and diſtrain any of the Goods, Guns, Ropes, Tackle, Furniture, and Apparel, of or belonging to any ſuch Ship or Veſſel, or Gang of Lighters or Barges, and the ſame to detain and keep until the Sum or Sums of Money due for piloting or conducting ſuch Ships or Veſſels, or Gangs of Lighters or Barges, into or out of the ſaid Port of King's Lynn, according to the ſaid Rates or Prices, and reaſonable Charges for taking ſuch Diſtreſs, ſhall be paid and ſatisfied; and in caſe of any Neglect or Delay in Payment of ſuch Sum or Sums of Money, and Charges, for the Space of Three Days next after ſuch ſeizing, taking, or deſtraining, then it ſhall and may be lawful to and for the ſaid Mayor, or his Deputy, Juſtice or Juſtices, to cauſe the ſame to be appraiſed by any Two ſufficient Perſons or Appraiſers of the ſaid Borough of King's Lynn, and afterwards to ſell and diſpoſe of the ſaid Goods ſo taken and appraiſed, and thereout to ſatiſfy the ſaid Rates or Prices of Pilotage ſo due and unpaid, with all reaſonable Charges of ſuch taking, ſeizing, diſtraining, appraiſing, and ſelling, rendering the ſaid Rates or Prices ſo due and unpaid to the Pilot or Pilots, Bridgeman or Bridgemen, intitled thereto; and the Overplus (if any there be, after the ſaid Charges deducted) to the Maſters or Owners, Agents or Conſignees, upon Demand.

On Nonpayment of Pilots or Bridgemen's Rates, the Mayor, &c. may diſtrain.

XIX. And for preventing the Loſſes and Miſchiefs herein-before mentioned, be it enacted by the Authority aforeſaid, That if any Maſter or Commander, or other Officer of any Ship or Veſſel, ſhall, during the Time ſuch Ship or Veſſel ſhall lie in the Borough and Port of King's Lynn aforeſaid, heat, boil, or melt, or cauſe or permit to be heated, boiled, or melted, on Board any ſuch Ship or Veſſel, any Pitch, Tar, Roſin, Greaſe, Tallow, Oil, or any other combuſtible Matter; every Perſon ſo offending, and being thereof convicted on the Oath of One or more Witneſs or Witneſſes, ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings.

Penalty for heating, *&c.* Pitch, *&c.* on Board any Ship in the Port is 40 *s.*

XX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Mayor of the ſaid Borough, or his Deputy for the Time being, or any Juſtice or Juſtices of the Peace for the ſaid Borough of King's Lynn, to hear and determine any of the Offences which are by this Act made ſubject to and puniſhable

Mayor, *&c.* to determine Offences.

able by any pecuniary Penalties, and ſuch Mayor, Deputy Mayor, Juſtice or Juſtices of the Peace, ſhall, and they are hereby authoriſed and required, upon any Information exhibited or Complaint made in that Behalf, within Two Calendar Months after ſuch Offence committed, to ſummon the Party or Parties accuſed, and the Witneſſes on either Side; or if ſuch Information or Complaint ſhall be verified upon Oath, (which Oath the ſaid Mayor, Deputy Mayor, and Juſtice or Juſtices, is and are hereby authoriſed to adminiſter), by One or more credible Witneſs or Witneſſes, to iſſue a Warrant or Warrants for apprehending the Party or Parties ſo offending; and upon the Appearance or Contempt of the Party accuſed in not appearing, and Proof of Notice given, to proceed to the Examination of the Witneſs or Witneſſes upon Oath, (which Oath the ſaid Mayor, Deputy Mayor, Juſtice or Juſtices, is and are hereby authoriſed to adminiſter), and to give ſuch Sentence, Judgement, or Determination, as ſhall be juſt and conformable to the Tenor and true Meaning of this Act; and where the Party accuſed ſhall be convicted of ſuch Offence upon ſuch Information as aforeſaid, or ſhall confeſs the ſame, it ſhall and may be lawful to and for ſuch Mayor, or his Deputy, Juſtice or Juſtices, and he is and they are hereby required to iſſue out his or their Warrant or Warrants for levying the pecuniary Penalties and Forfeitures ſo adjudged to be incurred by Diſtreſs or Diſtreſſes on the Goods and Chattels of the Offender, and to cauſe Sale to be made thereof, in caſe they ſhall not be redeemed in Three Days, rendering to the Party offending, (after Payment of the ſaid Penalties, and all the Coſts of the Conviction, Diſtreſs, and Sale), the Overplus (if any there be): And in caſe any Perſon or Perſons ſhall be convicted in purſuance of this Act of any Offence puniſhable by pecuniary Penalties, as aforeſaid, and if no Goods and Chattels of ſuch Perſon or Perſons ſo offending can be found; then, and in ſuch Caſe, it ſhall and may be lawful to and for ſuch Mayor, or his Deputy, or ſuch Juſtice or Juſtices of the Peace, before whom ſuch Perſon or Perſons ſhall be convicted, as aforeſaid, to commit every ſuch Offender and Offenders to the Houſe of Correction, or common Gaol of the ſaid Borough of King's Lynn, there to be kept to hard Labour for any Time not exceeding the Space of Three Months, or until ſuch pecuniary Penalties ſhall be paid; which ſaid pecuniary Penalties, ſo adjudged, and paid, or levied in the Manner herein directed, ſhall go and be paid, One Moiety thereof to the Uſe of the Informer, and the other Moiety thereof to the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), to be by them applied and diſtributed for the Relief of ſuch poor Pilots or Bridgemen, heretofore licenſed by the ſaid Mayor and Burgeſſes, or to be hereafter licenſed in purſuance of this Act, in ſuch Manner as the ſame Commiſſioners ſhall from Time to Time think meet and neceſſary.

Perſons aggrieved may appeal to the next Seſſion.

XXI. And be it further enacted, That in caſe any Perſon or Perſons ſhall think himſelf or themſelves aggrieved by any Penalty or Penalties, Conviction or Convictions, in purſuance of this Act, it ſhall and may be lawful to and for him and them to appeal to the Juſtices of the Peace, at the next General Quarter Seſſions of the Peace to be holden for the ſaid Borough, or any Adjournment thereof, who are hereby authoriſed and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of the Perſon or Perſons ſo thinking him, her, or themſelves aggrieved; and the ſaid Juſtices may, by Order of ſuch Seſſions, mitigate or annul, at their Diſcretion, all or any of the Penalties laid on and incurred by the Party or Parties complaining, or alter or vacate the ſaid Conviction or Convictions, and ſet the Party or Parties at Liberty, or otherwiſe may ratify and confirm the ſame, and give ſuch Coſts to the Appellants or Reſpondents as they ſhall think fit; but the Perſon or Perſons ſo appealing as aforeſaid ſhall enter into a Recognizance before ſuch Juſtice, with Two ſufficient Sureties, to proſecute ſuch Appeal at the next General Quarter Seſſions of the Peace for the ſaid Borough, or any Adjournment thereof; and every ſuch Appeal ſhall, at ſuch General Quarter Seſſions, be heard and finally determined.

Proceedings not to be quaſhed for want of Form.

XXII. Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That no Order or other Proceedings to be had or made by or before any Mayor, Deputy Mayor, Juſtice or Juſtices of the Peace, of the ſaid Borough, in relation to the Premiſes, ſhall be quaſhed or vacated for want of Form only; and that it ſhall and may be ſufficient for ſuch Mayor, Deputy Mayor, Juſtice or Juſtices, to draw up the Conviction of any Offender againſt this preſent Act in the following Form, or Words to that Effect:

Form of Conviction.

Borough of King's Lynn.

BE it remembered, That on the Day of
in the Year of our Lord is
(or *are*) convicted before of His Majeſty's Juſtices of
the Peace for the ſaid Borough, for *(ſpecifying the Offence, Time and Place, when and where the ſame was committed, as the Caſe ſhall be)*. Given under
Hand and Seal, *(or Hands and Seals)* the Day and Year aforeſaid.

Commiſſioners to fix down in the Harbour not leſs than 18 Moorings,

XXIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), to fix and lay down, or cauſe to be fixed and laid down, in the Harbour of the ſaid Borough and Port, not leſs than Eighteen ſufficient Moorings, with proper Chains, Rings, and Floats, to each Mooring, uſually called Harbour Moorings, for the ſafe Riding of the Ships and Veſſels in the ſaid Harbour; the Property and Right whereof, and of all Materials of which the ſame ſhall conſiſt, are hereby veſted in the ſaid Commiſſioners, for ever; and they, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), are hereby impowered, from Time to Time, to bring, or cauſe to be brought, any Action or Actions, in the Name of their Treaſurer or Clerk, againſt any Perſon or Perſons who ſhall wilfully injure or damage the ſame.

After *June* 24, 1773, the Commiſſioners are to receive the following Duties.

XXIV. And be it further enacted by the Authority aforeſaid, That from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-three, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), or for ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, to demand, collect, receive, and take, as a Tonage or Duty, (over and above the ſeveral Rates and Dues paid and payable before the paſſing of this Act), of and from all and every the Maſters or Commanders of every Ship or Veſſel belonging to His Majeſty's Subjects, arriving at, or coming to the ſaid Port of King's Lynn, and laden with Coals, any Sum of Money not exceeding One Penny per Chaldron, Lynn Meaſure, for each and every Chaldron of Coals on Board ſuch Ship or Veſſel; and alſo of and from all and every the Maſters or Commanders of every Ship or Veſſel belonging to His ſaid Majeſty's Subjects, as well thoſe bound inward as outward, and laden with any other Kind of Goods, Wares, and Merchandiſes, any Sum of Money not exceeding One Penny per Ton, for each and every Ton of Goods, Wares, and Merchandiſes, on Board ſuch Ship or Veſſel; and alſo of and from all and every the Maſters or Commanders of every foreign Ship or Veſſel, any Sum of Money not exceeding Double the Duty or Tonage in the reſpective Caſes before mentioned, payable by Maſters or Veſſels belonging to His Majeſty's Subjects.

Power to borrow Money on the Credit of ſuch Duties.

XXV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), from Time to Time, upon the Credit of the ſaid Tonage or Duties payable by this Act, to borrow and take up at Intereſt, not exceeding the Rate of Five Pounds per Centum per Annum, any Sum or Sums of Money which they ſhall think needful, not exceeding the Sum of Five thouſand Pounds; and they are hereby authoriſed and impowered, by any Writing or Writings without Stamp, under their Hands and Seals, to aſſign over the ſaid Tonage or Duties, or any Part or Parts thereof, to any Perſon or Perſons, for any Term or Number of Years, as a Security or Securities for the Sums of Money that ſhall be borrowed, and the Intereſt thereof, as aforeſaid; and Copies of all ſuch Aſſignments ſhall be entered in a Book or Books, to be kept for that Purpoſe by the Clerk to the ſaid Commiſſioners; and no Preference ſhall be given to any Perſon or Perſons advancing any Part or Parts of the ſaid groſs Sum of Five thouſand Pounds, in reſpect of Priority of advancing his, her, or their Part or Parts thereof; but that all ſuch Lenders and Perſons, to whom ſuch Aſſignments ſhall be made as aforeſaid, ſhall, ſo far as the groſs Sum ſhall extend, be, and are hereby declared to be Creditors on the ſaid Tonage or Duties, in equal Degree One with another.

Aſſignments to be entered in a Book.

Securities may be transferred,

XXVI. And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons to whom any Aſſignment or Aſſignments of the ſaid Tonage or Duties ſhall be made by virtue of this Act, his, her, or their Executors or Adminiſtrators, ſhall and may, and he, ſhe, and they, is and are hereby authoriſed, from Time to Time, by any Inſtrument in Writing, or by ſigning any Indorſement on his, her, or their Security or Securities, in the following Words, or in Words to the ſame or the like Effect:

I *A. B.* do hereby aſſign and transfer all my Title and Intereſt in the principal Sum and Intereſt ſecured by the within Aſſignment to *C. D.* his Executors, Adminiſtrators, and Aſſigns:

To aſſign and transfer his, her, and their Right, Title, Intereſt, or Benefit, to the Principal and Intereſt Money thereby ſecured, or any Part thereof, to any Perſon or Perſons whomſoever; which Inſtrument or Indorſement ſhall be without Stamp; and the ſame ſo made, and ſigned, and entered with the Clerk to the ſaid Commiſſioners, (for which he ſhall be paid the Sum of Two Shillings and Sixpence, and no more), ſhall intitle the Perſon or Perſons to whom the ſame ſhall be made, his, her, or their Executors, Adminiſtrators, or Aſſigns, to the Benefit thereof; and ſuch Perſon and Perſons, Executors, and Adminiſtrators, may, in like Manner, indorſe and

and entered with the Clerk.

tranſfer the ſame again, and ſo toties quoties; and it ſhall not be in the Power of the Perſon or Perſons who ſhall have made ſuch Inſtrument or Indorſement to make void, releaſe, or diſcharge, the ſame.

Commiſſioners may appoint Officers,

allow them Salaries,

and remove them.

Commiſſioners may take Security of the Treaſurer and Collector.

Officers to ſettle Accounts when required by the Commiſſioners.

On Refuſal to account,

or upon Conviction of any Offence, to be committed till they compound, or make Satiſfaction.

XXVII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), to chuſe and appoint a Clerk, Treaſurer, Collector, and ſuch other Officers or Perſons as they ſhall judge neceſſary for carrying this Act into Execution; and to ſettle ſuch Fees and Salaries to be taken by ſuch Officers as the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being to be One), ſhall, from Time to Time, judge reaſonable; and, from Time to Time, to remove ſuch Officers, or any of them, and to appoint others in their Stead: And that the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being to be One), ſhall take of ſuch Treaſurer and Collector, ſo to be choſen and appointed as aforeſaid, ſuch good and ſufficient Security for the due Execution of their reſpective Offices as to them the ſaid Commiſſioners ſhall ſeem meet; and that all ſuch Officers and Perſons ſhall, from Time to Time, when thereunto required by the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), deliver to the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), or to ſuch other Perſon or Perſons as they, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), ſhall for that Purpoſe appoint, true and perfect Accounts in Writing under their reſpective Hands, upon Oath, (which Oath any One of the ſaid Commiſſioners is hereby impowered to adminiſter), of all Monies which he, they, and every of them reſpectively ſhall to that Time have received by virtue of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall then appear to be in their Hands to the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), or to ſuch Perſon or Perſons as they, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being to be One), ſhall appoint to receive the ſame: And if any ſuch Officer or other Perſon ſhall refuſe or neglect to give ſuch Account as aforeſaid, or ſhall refuſe or neglect to deliver up all the Vouchers relating to the ſame, or to verify the Articles thereof upon Oath, or ſhall neglect or refuſe to pay the Money due on ſuch Account, in Manner aforeſaid; or if any ſuch Officer or other Perſon ſhall refuſe or neglect to deliver up to the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), or to ſuch Perſon or Perſons as they ſhall appoint, within Ten Days next after his or their being required ſo to do by the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), all the Books, Papers, and other Writings, in his or their Cuſtody or Power, relating to the Execution of this Act; then, and in all or any of the ſaid Caſes, it ſhall and may be lawful for any One or more Juſtice or Juſtices of the Peace for the ſaid Borough, and he or they is and are hereby required, upon Complaint made thereof, to make Inquiry concerning ſuch Default in a ſummary Way, as well by Confeſſion of the Party as by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter); and if any ſuch Officer or other Perſon ſhall be convicted of any of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall commit the Offender or Offenders to the common Gaol of the ſaid Borough, there to remain without Bail or Mainprize until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall have compounded for the ſame with the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint; which Compoſition the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), are hereby impowered to make; and until he ſhall have delivered up ſuch Books, Papers, and Writings, as aforeſaid, or given Satiſfaction in reſpect thereof to the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One).

Commiſſioners accepting an Office of Profit under this Act, if a Member of the Corporation, not to act while he holds it.

XXVIII. Provided always, and be it further enacted by the Authority aforeſaid, That if any Commiſſioner appointed by or to be elected in purſuance of this Act ſhall at any Time accept of any Office of Profit under this Act, ſuch Commiſſioner, if a Member of the ſaid Corporation, ſhall not, during his Continuance in ſuch Office, act as a Commiſſioner in the Execution of this Act; and ſuch Commiſſioner, if not a Member of the ſaid Corporation, ſhall ceaſe to be a Commiſſioner, and another Perſon ſhall be elected a Commiſſioner in his Place, as herein-before directed.

In caſe a Ship departs out of the Port before the Duties are paid,

XXIX. And, to the Intent the ſaid Tonage or Duties may be truly anſwered and paid, be it further enacted by the Authority aforeſaid, That in caſe any Ship or Veſſel ſhall depart out of the ſaid Port without the ſaid Tonage or Duties being paid, then the Cuſtom-houſe Officers ſhall not give her a Clearance.

Collector of the ſaid Tonage or Duties ſhall give Notice thereof to the Collector of His Majeſty's Cuſtoms, Comptroller, Receiver of Entries, or their reſpective Deputies, at the Port of King's Lynn aforeſaid; and ſuch Collector, Comptroller, Receiver of Entries, or their Deputies, ſhall not, after ſuch Notice, take or receive any Entry or Cocquet, or Diſcharge or Clearance, or take any Report outwards, for ſuch Ship or Veſſel, British or Foreign, liable or ſubject to the Payment of the ſaid Tonage or Duties, until Double the Tonage or Duties ſo left unpaid ſhall be paid to the Collector of the ſaid Tonage or Duties.

The King's Ships and Revenue Veſſels exempted from Duties.

XXX. Provided nevertheleſs, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to charge any of the Ships or Veſſels of War belonging to His Majeſty, His Heirs or Succeſſors, or any Veſſel or Wherry, employed in the Service of His Majeſty's Revenue, with any of the Duties hereby granted.

The Harbour Moorings to be kept in Repair.

Application of the Duties ariſing by this Act, *etc.*

XXXI. And be it further enacted and declared by the Authority aforeſaid, That the ſaid Harbour Moorings ſhall, from Time to Time, be maintained and kept in good and ſufficient Repair, ſo as the Shipping and Trade of the ſaid Borough and Port may be effectually benefited thereby, according to the true Intent and Meaning of this Act; and that it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), out of the ſaid Tonage and Duties granted by this Act, or out of the Monies to be borrowed on the Credit thereof, to pay all juſt and reaſonable Sums of Money and Charges that ſhall or may be expended and accrue in obtaining this Act, and in buying and laying down, maintaining and repairing, the ſaid Harbour Moorings, together with all Salaries and other Charges which ſhall be proper and neceſſary for the ſeveral Purpoſes directed by this Act.

For ſaving of the Corporation Rights.

XXXII. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to invalidate, alter, leſſen, take away, impeach, or defeat, any of the Rights, Grants, Liberties, Powers, Franchiſes, Privileges, Dues, Payments, and Revenues, heretofore granted, or which by any Charter, ancient Uſage, Preſcription, or Cuſtom, have, from Time to Time, been had, enjoyed, received, taken, and uſed, by the Mayor and Burgeſſes of the ſaid Borough, (ſave and except as to ſuch Powers and Authorities as were heretofore veſted in the ſaid Mayor and Burgeſſes, which have been found to be inſufficient and ineffectual to regulate and govern the ſaid Pilots and Bridgemen), nor to affect any landed Property adjoining to the ſaid Harbour, but that the ſame ſhall ſtand, remain, and be in their full Force and Effect, in the ſame Manner as if this Act had not been made; any Thing in this Act contained to the Contrary thereof in any-wiſe notwithſtanding.

Diſtreſs not to be deemed unlawful for want of Form;

nor the Party diſtraining a Treſpaſſer *ab initio.*

Tender of Amends may be made.

XXXIII. And be it further enacted by the Authority aforeſaid, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by Virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, or the Party or Parties making the ſame deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in the Summons, Conviction, or Warrant of Diſtreſs, or other Proceeding relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satiſfaction for the ſpecial Damage in an Action upon the Caſe: Provided that no Plaintiff or Plaintiffs ſhall recover in any Action or Actions for ſuch Irregularity, if ſufficient Tender of Amends ſhall have been made to him, her, or them, by or on Behalf of the Defendant or Defendants before ſuch Action brought.

Limitation of Actions.

General Iſſue.

Treble Coſts.

XXXIV. And be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Matter or Thing done in purſuance of this Act, until Twenty Days Notice ſhall be thereof given to the Perſon or Perſons againſt whom the ſame is to be brought; and every ſuch Action or Suit ſhall be commenced within Six Calendar Months next after the Cauſe of Action ſhall ariſe, and ſhall be laid and brought in the County of Norfolk, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the Matter in Queſtion was done in purſuance and by the Authority of this Act: And if it ſhall appear to have been ſo done, or if any Action or Suit ſhall be brought after the Time herein-before limited in that Behalf, or ſhall be brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their, Action or Suit, after the Defendant ſhall have appeared; or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts of Suit, upon Affidavit made or Certificate of the Judge or Judges before whom ſuch Cauſe ſhall be tried, of all or any of the Circumſtances before mentioned, as the Caſe may happen, and ſhall have the like Remedy for recovering the ſame, as any Defendant or Defendants hath or have in other Caſes of Law.

Publick Act.

XXXV. And be it further enacted by the Authority aforeſaid, That this Act ſhall be taken and allowed, in all Courts of Judicature within this Kingdom, as a Publick

Act; and all Judges and Juſtices are hereby required to take Notice thereof judicially as ſuch, without ſpecially pleading the ſame.

CAP. XXXI.

An Act for the more effectual Execution of the Criminal Laws in the Two Parts of the United Kingdom.

Preamble.

WHEREAS it frequently happens that Felons, and other Malefactors, in that Part of *Great Britain* called *England*, make their Eſcape into that Part of *Great Britain* called *Scotland*; and alſo that Felons, and other Malefactors, in that Part of *Great Britain* called *Scotland*, make their Eſcape into that Part of *Great Britain* called *England*; whereby their Offences often remain unpuniſhed, there being no ſufficient Proviſion, by the Laws of either of the Two Parts of the United Kingdom for apprehending ſuch Offenders, and tranſmitting them into that Part of the United Kingdom in which their Offences were committed: For Remedy thereof, may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, if any Perſon or Perſons, againſt whom a Warrant ſhall be iſſued by any Juſtice or Juſtices of Peace of any County, Riding, Diviſion, City, Liberty, Town, or Place, within that Part of Great Britain called England, for any Crime or Offence againſt the Laws of that Part of the United Kingdom, ſhall eſcape, go into, reſide, or be in any Place of that Part of Great Britain called Scotland, it ſhall and may be lawful for the Sheriff, or Steward-depute, or Subſtitute, or any Juſtice of Peace of the County or Place where ſuch Perſon or Perſons ſhall eſcape, go into, reſide, or be, to indorſe his Name on the ſaid Warrant; which Warrant, ſo indorſed, ſhall be a ſufficient Authority to the Perſon or Perſons bringing ſuch Warrant, and to all Perſons to whom ſuch Warrant was originally directed; and alſo to all Sheriffs Officers, Stewards Officers, Conſtables, and other Peace Officers of the County or Place where ſuch Warrant ſhall be ſo indorſed, to execute the ſaid Warrant in the County or Place where it is ſo indorſed, by apprehending the Perſon or Perſons againſt whom ſuch Warrant is granted, and to convey him, her, or them, into the County, Riding, Diviſion, City, Liberty, Town, or Place, of that Part of Great Britain called England, being adjacent to that Part of Great Britain called Scotland, in which the Crime was committed, and before One of the Juſtices of Peace of ſuch County, Riding, Diviſion, City, Liberty, Town, or Place, to be there dealt with according to Law: Or, in caſe the Crime was committed in a County not next adjacent to that Part of Great Britain called Scotland; then, and in every ſuch Caſe, to convey him, her, or them, into any County of that Part of Great Britain called England, next adjacent to that Part of Great Britain called Scotland, and before One of the Juſtices of Peace of ſuch County, which Juſtice of Peace is hereby authoriſed and required to proceed with regard to ſuch Perſon or Perſons, in the Manner directed by an Act, made in the Twenty-fourth Year of the Reign of His Majeſty King George the Second, intituled, An Act for amending and making more effectual a Clauſe in an Act, paſſed in the laſt Seſſion of Parliament, for the apprehending of Perſons in any County or Place, upon Warrants granted by Juſtices of the Peace of any other County or Place, as if the ſaid Perſon or Perſons had been apprehended in the ſaid County.

Perſons againſt whom Warrants are iſſued by Juſtices in *England* for Offences, who ſhall eſcape into *Scotland*, may be conveyed into that County where the Offence was committed by the Juſtices, *etc.* in *Scotland*, who are to indorſe their Names on ſuch Warrants.

Perſons guilty of like Crimes in *Scotland*. may be apprehended and returned.

II. And, for Remedy of the like Inconveniency, by the Eſcape of Perſons guilty of Crimes in that Part of *Great Britain* called *Scotland*, be it further enacted by the Authority aforeſaid, That, from and after the paſſing of this Act, if any Perſon or Perſons, againſt whom a Warrant ſhall be iſſued by the Lord Juſtice General, Lord Juſtice Clerk, or any of the Lords Commiſſioners of Juſticiary, or by any Sheriff, or Steward-depute, or Subſtitute, or Juſtice of the Peace, of that Part of Great Britain called Scotland, for any Crime or Offence againſt the Laws of that Part of the United Kingdom, ſhall eſcape, go into, reſide, or be, in any Place of that Part of Great Britain called England, it ſhall and may be lawful for any Juſtice of Peace of the County, Riding, Diviſion, City, Liberty, Town, or Place, where ſuch Perſon or Perſons ſhall eſcape, go into, reſide, or be, to indorſe his Name on the ſaid Warrant; which Warrant, ſo indorſed, ſhall be a ſufficient Authority to the Perſon or Perſons bringing ſuch Warrant, and to all Perſons to whom ſuch Warrant was originally directed; and alſo to all Conſtables, or other Peace Officers of the County, Riding, Diviſion, City, Liberty, Town, or Place, where ſuch Warrant ſhall be ſo indorſed, to execute the ſaid Warrant in the County, Riding, Diviſion, City, Liberty, Town, or Place, where it is ſo indorſed, by apprehending the Perſon or Perſons againſt whom ſuch Warrant is granted, and to convey him, her, or them, into the County or Place of that Part of Great Britain called Scotland, being adjacent to that Part of Great Britain called England, where the Crime was committed; and before the Sheriff, or Steward-depute, or Subſtitute, or One of the Juſtices of the Peace of ſuch County or Place, to be there dealt with according to Law: Or, in caſe the Crime was committed in a County not next adjacent to that Part of Great Britain called

England; then, and in ſuch Caſe, to convey him, her, or them, into any County of that Part of Great Britain called Scotland, next adjacent to that Part of Great Britain called England, and before the Sheriff, or Steward-depute, or Subſtitute, or One of the Juſtices of the Peace of ſuch County; which Sheriff, Steward, or Juſtice of the Peace, is hereby required to proceed with regard to ſuch Perſon or Perſons according to the Rules and Practice of the Law of Scotland, as if the ſaid Perſon or Perſons had been apprehended in the ſaid County.

Expence of removing Priſoners to be defrayed by Treaſurer of the County in *England*, or by the Sheriff-depute in *Scotland*.

III. And be it further enacted by the Authority aforeſaid, That the Expence of removing Priſoners, as aforeſaid, ſhall be repaid to the Perſon defraying the ſame by the Treaſurer of the County of that Part of Great Britain called England, or by the Sheriff, or Steward-depute, or Subſtitute, of the County of that Part of Great Britain called Scotland, in which the Crime was committed, the Amount of that Expence being previouſly aſcertained by an Account thereof, verified upon Oath before Two of the Juſtices of the Peace of ſuch County, and allowed and ſigned by them.

Perſons who ſhall have ſtolen Money, *etc.* in either Part of the United Kingdom, may be indicted for Theft.

IV. And whereas it frequently happens in both Parts of the United Kingdom, that Perſons having ſtolen or otherwiſe feloniouſly taken away Money, Cattle, Goods, or other Effects, carry the ſame into the other Part of the United Kingdom, and there have the ſaid Money, Cattle, Goods, or other Effects, in their Poſſeſſion or Cuſtody; and Doubts have been entertained, whether they could be indicted and tried in that Part of the United Kingdom, as the original Offence was not there committed; be it therefore enacted by the Authority aforeſaid, That, from and after the paſſing of this Act, if any Perſon or Perſons having ſtolen, or otherwiſe feloniouſly taken Money, Cattle, Goods, or other Effects, in either Part of the United Kingdom, ſhall afterwards have the ſame Money, Cattle, Goods, or other Effects, or any Part thereof, in his, her, or their Poſſeſſion or Cuſtody, in the other Part of the United Kingdom, it ſhall and may be lawful to indict, try, and puniſh, ſuch Perſon or Perſons for Theft or Larceny in that Part of the United Kingdom where he, ſhe, or they, ſhall ſo have ſuch Money, Cattle, Goods, or other Effects, in his, her, or their Poſſeſſion or Cuſtody, as if the ſaid Money, Cattle, Goods, or other Effects, had been ſtolen in that Part of the United Kingdom.

Receivers of Money, *etc.* in either Part of the Kingdom, knowing the ſame to be ſtolen, alſo liable to be puniſhed.

V. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, in either Part of the United Kingdom, ſhall hereafter receive or have any Money, Cattle, Goods, or other Effects, ſtolen or otherwiſe feloniouſly taken, in the other Part of the United Kingdom, knowing the ſame to be ſtolen, or otherwiſe feloniouſly taken, every ſuch Perſon or Perſons ſhall be liable to be indicted, tried, and puniſhed, for ſuch Offence in that Part of the United Kingdom where he, ſhe, or they, ſhall ſo receive or have the ſaid Money, Cattle, Goods, or other Effects, in the ſame Manner, to all Intents and Purpoſes, as if the ſaid Money, Cattle, Goods, or other Effects, had been originally ſtolen, or otherwiſe feloniouſly taken, in that Part of the United Kingdom.

CAP. XXXII.

An Act for repealing ſo much of an Act, made in the Twenty-third Year of His late Majeſty King *George* the Second, as relates to the preventing the ſtealing or deſtroying of Turnips; and for the more effectually preventing the ſtealing or deſtroying of Turnips, Potatoes, Cabbages, Parſnips, Peaſe, and Carrots.

Preamble.

WHEREAS the Cultivation of Turnips, Potatoes, Cabbages, Parſnips, Peaſe, and Carrots, is of great Conſequence to this Kingdom, and the Laws in being are ineffectual for preventing the ſtealing and deſtroying the ſame; be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of June, One thouſand ſeven hundred and ſeventy-three, if any Perſon ſhall ſteal and take away, or maliciouſly pull up or deſtroy, any Turnips, Potatoes, Cabbages, Parſnips, Peaſe, or Carrots, growing or being in any Garden, Lands, or Grounds, open or incloſed, and ſhall be thereof convicted before any Juſtice or Juſtices of the Peace for the County or Place where the Offence ſhall be committed, either by the Confeſſion of the Party offending, or by the Oath of One or more credible Witneſs or Witneſſes, (which Oath ſuch Juſtice or Juſtices is and are hereby impowered to adminiſter), every Perſon ſo offending, and being convicted as aforeſaid, ſhall forfeit and pay, upon ſuch Conviction, ſuch Sum of Money, not exceeding the Sum of Ten Shillings, over and above the Value of the Goods ſtolen, as to ſuch Juſtice or Juſtices ſhall ſeem meet; which Sum of Money ſhall be diſtributed between the Owner of ſuch Turnips, Potatoes, Cabbages, Parſnips, Peas, or Carrots, and the Overſeers of the Poor, or other Perſons having the Charge and Diſpoſal of the Funds of the Poor of ſuch Pariſh or Place where the Offence ſhall be committed, for the Uſe of the Poor of ſuch Pariſh or Place, in ſuch Proportion as ſuch Juſtice or Juſtices ſhall think fit; or the whole of ſuch Sums ſhall be given to the Owner of ſuch Turnips, Potatoes,

After *June* 1, 1773, Perſons ſtealing Turnips, Potatoes, Cabbages, *etc.* from any Garden, Land, *etc.* to forfeit 10s. on Conviction, beſide the Value of the Goods ſtolen;

Cabbages, Parſnips, Peaſe, or Carrots, or to the Overſeers of the Poor, or other Perſons having the Charge and Diſpoſal of the Funds for the Uſe of the Poor of ſuch Pariſh or Place, according to the Diſcretion of ſuch Juſtice or Juſtices: And in Default of Payment of ſuch Penalty, of which the Offender hath been convicted as aforeſaid, ſuch Juſtice or Juſtices ſhall and may commit ſuch Offender to the Houſe of Correction, there to be kept to hard Labour for any Time not exceeding One Calendar Month, unleſs ſuch Penalty ſhall be ſooner paid or ſatisfied: And if the Offence is committed in that Part of Great Britain called Scotland, ſuch Juſtice or Juſtices ſhall and may commit ſuch Offender to Priſon, there to remain for any Time, not exceeding One Calendar Month, unleſs ſuch Penalty ſhall be ſooner paid or ſatisfied: And the bringing the Offender or Offenders before ſuch Juſtice or Juſtices of the Peace may be done, and the Proceedings againſt Offenders, under the Authority of this Act, may be carried on; in the moſt ſummary Manner.

Informations of Owners to be taken and allowed.

II. And, for the more eaſy Conviction of Perſons offending againſt this Act, be it enacted by the Authority aforeſaid, That in all Informations, and other Proceedings, for any of the Offences aforeſaid, the Evidence of the Owner or Owners of ſuch Turnips, Potatoes, Cabbages, Parſnips, Peaſe, or Carrots, and of the Inhabitants of the Pariſh or Place where the Offence ſhall be committed, ſhall be taken and allowed; any Law, Cuſtom, Rule, Order, or Uſage, to the Contrary, notwithſtanding.

Where Conviction ſhall be on Oath of the Owners, the Forfeiture to be paid to the Overſeers of the Poor.

III. Provided always, That where any ſuch Conviction ſhall be upon the Oath of the Owner or Owners, the whole of the Penalty or Forfeiture ſhall be paid to the Overſeer or Overſeers of the Poor for the Pariſh or Place where the Offence ſhall be committed, for the Uſe of the Poor of ſuch Pariſh or Place.

Conviction to be drawn in the following Form.

IV. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice or Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any Form of Words to the ſame Effect, as the Caſe ſhall happen, videlicet:

BE it remembered, That on the Day of in the Year of our Lord *A. B.* having been brought before me, or having been duly ſummoned, and not having appeared, or having appeared, (*as the Caſe may happen*), and having confeſſed, or being convicted, (*as the Caſe may happen*), of the Charge exhibited againſt him, is duly convicted before me *C. D.* One of His Majeſty's Juſtices of the Peace for the County of [*ſpecifying the Offence, and the Time and Place when and where the ſame was committed, as the Caſe ſhall be*]. Given under my Hand and Seal, the Day and Year aforeſaid.

Proviſo.

V. Provided always, That no Perſon ſhall be proſecuted for any ſuch Offence, unleſs ſuch Proſecution be begun within Thirty Days after the Offence committed.

Act 23 *Geo.* II. ſo far as the ſame relates to the ſtealing Turnips,

ſhall, after the Commencement of this Act, to be repealed.

VI. And be it further enacted, That ſo much of an Act, made in the Twenty-third Year of the Reign of His late Majeſty King George the Second, intituled, An Act to continue ſeveral Laws for the better regulating of Pilots for the conducting of Ships and Veſſels from *Dover*, *Deal*, and *Iſle of Thanet*, up the River of *Thames* and *Medway*; and for permitting Rum or Spirits of the *Britiſh* Sugar Plantations to be landed before the Duties of Exciſe are paid thereon; and to continue and amend an Act for preventing Frauds in the Admeaſurement of Coals within the City and Liberty of *Weſtminſter*, and ſeveral Pariſhes near thereunto; and to continue ſeveral Laws for preventing Exactions of Occupiers of Locks and Weirs upon the River *Thames*, Weſtward, and for aſcertaining the Rates of Water Carriage upon the ſaid River; and for the better Regulation and Government of Seamen in the Merchants Service; and alſo to amend ſo much of an Act, made in the Firſt Year of the Reign of King *George* the Firſt, as relates to the better Preſervation of Salmon in the River *Ribble*; and to regulate Fees in Trials at Aſſizes, and *Niſi Prius*, upon Records iſſuing out of the Office of Pleas of the Court of Exchequer; and for the apprehending of Perſons in any County or Place, upon Warrants granted by Juſtices of the Peace in any other County or Place; and to repeal ſo much of an Act, made in the Twelfth Year of the Reign of King *Charles* the Second, as relates to the Time during which the Office of Exciſe is to be kept open each Day, and to appoint for how long Time the ſame ſhall be kept open upon each Day for the future; and to prevent the ſtealing or deſtroying Turnips; and to amend an Act, made in the Second Year of His preſent Majeſty, for better Regulation of Attorneys and Solicitors; ſo far as the ſame relates to the ſtealing of Turnips; ſhall, from and after the Commencement of this preſent Act, be repealed.

CAP. XXXIII.

An Act to extend the Proviſions of an Act, made in the Sixth Year of His preſent Majeſty's Reign, (intituled, *An Act for the better Preſervation of Timber Trees, and of Woods and Underwoods; and for the further Preſervation of Roots, Shrubs, and Plants*), to Poplar, Alder, Maple, Larch, and Hornbeam.

Preamble. Act 6 *Geo.* III. recited.

WHEREAS by an Act, paſſed in the Sixth Year of His preſent Majeſty's Reign, (intituled, *An Act for the better Preſervation of Timber Trees, and of Woods and Underwoods; and for the further Preſervation of Roots, Shrubs, and Plants*), it was enacted, That every Perſon who ſhould wilfully cut or break down, bark, burn, pluck up, lop, top, crop, or otherwiſe deface, damage, ſpoil, or deſtroy, or carry away, any Timber Tree, or Trees likely to become Timber, or any Part thereof, or the Lops or Tops thereof, without the Conſent of the Owner or Owners thereof firſt had and obtained, or in any of His Majeſty's Foreſts or Chaſes, without the Conſent of the Surveyor or Surveyors, or his or their Deputy or Deputies, or Perſon or Perſons intruſted with the Care of the ſame, and ſhould be thereof convicted, upon the Oath of One or more credible Witneſs or Witneſſes, before any One or more of His Majeſty's Juſtices for the County, City, Riding, Diviſion, Diſtrict, or Place, wherein ſuch Offence ſhould be committed, ſhould, for the Firſt Offence, forfeit and pay ſuch Sum of Money, not exceeding Twenty Pounds, as to ſuch Juſtice or Juſtices ſhould ſeem meet, together with the Charges previous to and attending ſuch Conviction, to be aſcertained by ſuch Juſtice or Juſtices who ſhould convict the Offender; and, upon Nonpayment thereof, ſuch Juſtice or Juſtices ſhould commit the Offender to the common Gaol of the County or Place where the Offence ſhould be committed, there to remain without Bail or Mainprize for any Time not exceeding Twelve Months, nor leſs than Six Months, or until the Penalty and Charges ſhould be paid; and if any Perſon ſo convicted ſhould be guilty of the like Offence a Second Time, and ſhould be thereof convicted in like Manner, ſuch Perſon ſhould forfeit and pay ſuch Sum of Money, not exceeding Thirty Pounds, as to ſuch Juſtice or Juſtices ſhould ſeem meet, together with the Charges previous to and attending ſuch Conviction, to be aſcertained by ſuch Juſtice or Juſtices who ſhould convict the Offender; and, upon Nonpayment thereof, ſuch Juſtice or Juſtices ſhould commit the Offender to the common Gaol of the County or Place where the Offence ſhould be committed, there to remain without Bail or Mainprize for any Time not exceeding Eighteen Months, nor leſs than Twelve Months, or until the Penalty and Charges ſhould be paid; and if any Perſon ſo convicted ſhould be guilty of the like Offence a Third Time, and ſhould be thereof convicted in like Manner, ſuch Perſon ſhould be deemed guilty of Felony, and the Court, by and before whom ſuch Perſon ſhould be tried, ſhould and thereby had Authority to tranſport ſuch Perſon or Perſons for the Space of Seven Years, to any of His Majeſty's Plantations in *America*, in like Manner as other Felons are directed to be tranſported by the Laws and Statutes of this Realm: And by the ſaid Act it was enacted, That all Oak, Beech, Cheſnut, Walnut, Aſh, Elm, Cedar, Fir, Aſp, Lime, Sycamore, and Birch Trees, ſhould be deemed and taken to be Timber Trees, within the true Meaning and Proviſion of the ſaid Act: And whereas Doubts have ariſen ſince the paſſing the ſaid Act, whether any Trees ſhall be deemed and taken to be Timber Trees, other than ſuch as are declared ſo to be in the ſaid Act: Now, for the better Preſervation of the ſeveral uſeful and valuable Timber Trees, hereafter mentioned, caſually omitted to be mentioned in the ſaid Act, **be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Trees called** Poplar, Alder, Larch, Maple, **and** Hornbeam, **ſhall alſo be deemed and taken to be Timber Trees, immediately after the Firſt Day of** May, **One thouſand ſeven hundred and ſeventy-three: And all and every Perſon or Perſons who ſhall, after the ſaid Firſt Day of** May, **One thouſand ſeven hundred and ſeventy-three next, wilfully cut or break down, bark, burn, pluck up, lop, top, crop, or otherwiſe deface, damage, ſpoil, or deſtroy, or carry away, any Poplar, Alder, Larch, Maple, and Hornbeam, or any Part thereof, or the Lops or Tops thereof, without the Conſent of the Owner or Owners thereof firſt had and obtained, or of ſome Perſon intruſted with the Care of ſuch Tree or Trees, ſuch Perſon or Perſons ſhall, if found guilty of any Offence or Offences, be convicted in like Manner as Perſons are directed ſo to be, for Offences of the like Kind, concerning Trees deemed Timber Trees, in the above in-part recited Act; and upon ſuch Conviction or Convictions, ſhall be liable to all and every the Penalties, Forfeitures, and Puniſhments, therein inflicted for any ſuch like Offence or Offences; and all and every Juſtice and Juſtices of the Peace is and are hereby authoriſed, on Complaint made to him or them of any Offence or Offences, to adminiſter Oaths, and to proceed in like Manner to Conviction and Puniſhment of every Offender againſt this Act, as fully and effectually as if the ſaid Trees, hereby declared, deemed, and taken to be Timber Trees, had been expreſsly ſo deemed and declared to be in the ſaid Act, paſſed in the Sixth Year of His preſent Majeſty's Reign; and ſuch Conviction and Convictions ſhall be certified by the Juſtice or Juſtices before whom the ſame ſhall be made to the next Quarter Seſſions of the Peace to be holden for the County wherein ſuch Offence or Offences**

After *May* 1. 1773, Poplar, Alder, Larch, Maple, and Hornbeam, to be deemed Timber Trees.

Penalties on deſtroying any of theſe Trees the ſame as for other Timber Trees.

were committed, in the Form of Words, or to that Effect, directed by the ſaid Act; and all and every the Forfeitures for Offences againſt this Act ſhall be paid and applied in the Manner Forfeitures are directed to be paid in the ſaid recited Act.

CAP. XXXIV.

An Act for paving, lighting, and cleanſing, the Streets, Lanes, and Places, within the Town of *Brighthelmſtone*, in the County of *Suſſex*; for removing Nuiſances and Annoyances, and preventing the like for the future; for holding and regulating a Market within the ſaid Town; for building and repairing Groyns, in order to render the Coaſt ſafe and commodious for Ships or Veſſels to unload and land Sea Coal, Culm, and other Coal, for the Uſe of the Inhabitants of the ſaid Town; and for laying a Duty thereon, and for other Purpoſes.

Preamble.

Commiſſioners Names.

For chuſing new Commiſſioners.

WHEREAS the Streets, Lanes, Ways, and Paſſages, within the Town of *Brighthelmſtone*, in the County of *Suſſex*, are greatly obſtructed, and ſubject to Annoyances: And whereas it would be a great Advantage to the Town if the ſame was properly cleanſed and repaired, and the Streets, Lanes, Ways, and Paſſages, were properly lighted and paved, and all Incroachments, Obſtructions, and Annoyances therein, were removed and prevented for the future; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable Sir John Shelley, Henry Thrale, Doctor Peppys, Doctor Relhan, Doctor Poole, Anthony Dickens, William Smith, John Harriſon, John Paine, Philip Mighell, Beach Roberts, Henry Kipping, William Baker, William Holmes, Robert Killick, Iſaac Grover, Thomas Kent, John Whittle, Stephen Poune, Richard Tidy, Thomas Hill, Thomas Scutt, George Lowdell, Robert Davis, William Lucas, Richard Wichelo, Richard Willet, James Buckoll, Henry Burch, John Lintot, Francis Carter, Richard Harman, Edward Davis, James Ridge, John Ayres, Stephen Rickwood, Hugh Saunders, Thomas Pain, John Brapple, John Pankhurſt, William Chapman, Joſeph Flemming, James Nuttlebury, Charles Scraſe, John Kemp, Thomas Kemp, Thomas Coby, Edward Mercer, Henry Stiles, Edward Stiles, Thomas Filcox, John Buſh, Thomas Tilſton, William Bradford, Henry Michell Clerk, Richard Marchant, John Hicks, Samuel Paine, John Sicklemore, Samuel Shergold, Henry Stuckey, William Attree, James Gregory, and Francis Warden, and their Succeſſors, to be elected in Manner herein after mentioned, ſhall be, and are hereby conſtituted and appointed Commiſſioners for putting this Act into Execution; and when any of the Commiſſioners herein named, or at any Time to be elected in purſuance of this Act, ſhall die, refuſe or neglect to act, or remove out of the ſaid Town, or be rendered incapable of acting as a Commiſſioner, it ſhall and may be lawful for the remaining Commiſſioners, at any Meeting in purſuance of this Act, or any Nine or more of them, to elect another Commiſſioner, being a Proprietor or Owner of Houſes, or an Inhabitant within the ſaid Town, and qualified as is herein-after mentioned, in the Room of each Commiſſioner ſo dying, removing, refuſing, or neglecting to act, or rendered incapable of acting, as herein-after is mentioned; and every Perſon ſo elected is hereby veſted with the ſame Powers for putting this Act in Execution, and ſhall and may, and is hereby authoriſed and impowered to act, to all Intents and Purpoſes, in as full, large, and ample Manner, as the Perſon in whoſe Stead he ſhall be ſo elected.

Qualification of Commiſſioners.

II. Provided always, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, within the Limits of the ſaid Town and Pariſh of Brighthelmſtone aforeſaid, of the clear yearly Value of Ten Pounds above Reprizes; or being an Inhabitant or Reſident within the ſaid Town, (not having ſuch Eſtate as aforeſaid), unleſs he ſhall be a Tenant or Occupier of Lands, Tenements, or Hereditaments, of the yearly Value of Twenty Pounds; or poſſeſſed of or intitled unto a Perſonal Eſtate alone of the Value of Four hundred Pounds: And if any Perſon, not being ſo qualified, ſhall nevertheleſs preſume to act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall, for ſuch Offence, forfeit and pay the Sum of Twenty Pounds to any Perſon or Perſons who ſhall inform and ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoin, Protection, Wager, of Law, or more than One Imparlance, ſhall be allowed; One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to and for the Purpoſes of this Act,

Penalty on acting if not qualified.

Firſt Meeting of Commiſſioners.

Power to adjourn,

III. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall meet at the Houſe of Henry Stuckey, called and known by the Name of the Caſtle Inn, within the ſaid Town, upon the Twenty-fourth Day of May next, and proceed to the Execution of this Act; and adjourn themſelves from Time to Time, and afterwards meet there, or at any other Place within the ſaid Town, as the ſaid Commiſſioners, or any Five or more of them, ſhall think moſt convenient, as often as it ſhall be neceſſary to meet to put this Act in Execution; and that Five Commiſſioners ſhall be ſufficient for the Purpoſe of Adjournment only: And if it ſhall happen that there ſhall not appear at any Meeting a ſufficient Number of Commiſſioners to adjourn to any other Day; then, and as often as ſuch Caſe ſhall happen, the Clerk to the ſaid Commiſſioners, or any Five or more of them, though not aſſembled at a Meeting to be held in purſuance of this Act, ſhall, by Notice to be given in the Pariſh Church Ten Days at leaſt before ſuch Meeting, appoint the Commiſſioners to meet on the Day three Weeks from the Day ſuch laſt Meeting was to have been held; and all Matters and Things which ſhall be done and tranſacted at any Meeting which ſhall be held in purſuance of ſuch Notice ſhall be as valid and effectual as if the ſame had been done at any other Meeting held by virtue of this Act.

Ten Days Notice to be given.

No Act to be valid, unleſs at a Meeting.

IV. Provided always, That no Commiſſioner ſhall be capable of acting in any Caſe in the Execution of this Act, unleſs at ſome publick Meeting to be held by virtue of this Act, except only in the Caſe before mentioned of calling Meetings where Adjournments ſhall not have been made as aforeſaid: And that no Perſon, during the Time he ſhall have any Share or Intereſt in any Contract or beneficial Employment under this Act, or while any Appeal ſhall be depending wherein he ſhall be intereſted, ſhall be capable of acting as a Commiſſioner in the Execution of this Act; and that at all Meetings to be held in purſuance of this Act the Commiſſioners ſhall defray their own Expences.

Commiſſioners not to act where intereſted; and ſhall defray their own Expences.

Appointment of Officers.

V. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, ſhall and may, at their Firſt or any ſubſequent Meeting, appoint ſuch Clerk or Clerks, and Treaſurer or Treaſurers, and Collector or Collectors of the Rates, Surveyor or Surveyors, and ſuch other Officer or Officers, in the Execution of this Act, as they the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper; and, from Time to Time, remove him or them, and appoint others in the Room of ſuch of them as ſhall be ſo removed, or ſhall die, or ſhall otherwiſe relinquiſh or diſcontinue ſuch Office; and out of the Monies to be raiſed by virtue of this Act make ſuch Allowances to the ſaid Officers, and to all other Perſons by them the ſaid Commiſſioners employed in the Execution of this Act, as they, or any Seven or more of them, ſhall think reaſonable; and the ſaid Commiſſioners, or any Seven or more of them, ſhall and may take ſuch Security from their Treaſurer and other Officers, for the due Execution of their reſpective Offices, as the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper.

Salaries to Officers.

Treaſurers and Clerks to give Security.

Lamps, &c. veſted in Commiſſioners.

VI. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, the Property of all the preſent and future Pavements in the Streets and Lanes within the ſaid Town, as well in the Foot-ways as Carriage-ways, and all Lamps, Lamp-irons, Poſts, and other Things thereto belonging, which ſhall be erected or fixed by virtue of this Act, and all other Materials and Utenſils whatſoever, which ſhall be purchaſed for the Purpoſes of this Act, ſhall be, and are hereby veſted in the Commiſſioners.

Contracts to be binding.

VII. And be it further enacted by the Authority aforeſaid, That all Contracts entered into by the ſaid Commiſſioners with any Workmen, or any other Perſon or Perſons, for any of the Purpoſes of this Act, ſhall be binding upon ſuch Workmen, or other Perſon or Perſons making the ſame; and that Actions and Suits, in the Name or Names of any One or more of the ſaid Commiſſioners, or of their Clerk or Clerks, Treaſurer or Treaſurers, for the Time being, ſhall and may be maintained thereon, and Damages and Coſts recovered againſt the Parties failing in the Execution thereof; and that the Sum of Money requiſite for fulfilling the ſaid Contracts, according to the true Intent and Meaning thereof, ſhall be the Meaſure of the Damages to be recovered in any Action againſt ſuch Contractor or Contractors as aforeſaid making Default in fulfilling the ſaid Contract, any Law or Uſage to the Contrary thereof notwithſtanding; and all ſuch Damages and Coſts as ſhall be ſo recovered ſhall be applied to the Uſes and Purpoſes of this Act.

Actions may be maintained in the Name of One Commiſſioner, or of Clerk or Treaſurer.

Commiſſioners to direct where Lamps ſhall be ſet up, &c.

VIII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, are hereby authoriſed and impowered, from Time to Time, to direct and appoint in what Parts of the ſaid Town and Pariſh the ſaid Lamps ſhall be ſet up or continued, and to what Houſes, Buildings, and other Places, in the ſaid Town, they ſhall be affixed; and alſo direct and appoint the Number and Sort of Lamps, and for how long Time the ſame ſhall continue lighted, and out of the Monies to be raiſed by virtue of this Act to cauſe the ſame to be ſet up, replaced, lighted, ſupported, repaired, and provided with all Requiſites; and alſo ſhall and may, from Time to Time, make ſuch other Orders, Rules, and Regulations, as ſhall be agreeable to the Directions of this Act, and, from Time to Time, vary, alter, revoke, or make void, any of their Orders, Rules, and Regulations, at their Diſcretion, and do ſuch other Things as to them ſhall appear neceſſary and expedient for putting this Act in Execution.

Perſons damaging Lamps ſhall forfeit,

IX. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, is and are hereby authoriſed and impowered, in his or their Name or Names, to bring Actions, and proſecute Indictments, againſt any for the Firſt Offence. 40 s. for the Second 5 l. and for other Offences, 10 l.

Penalty on Perſons careleſsly breaking or damaging Lamps, &c.

any Perſon or Perſons, for ſtealing, taking, or carrying away, breaking, extinguiſhing, ſpoiling, or damaging, any Lamp or Lamps, or the Furniture or Materials thereto belonging, which now are, or hereafter ſhall be, by virtue of this Act, ſet up or affixed in the ſaid Town or Pariſh; and all and every Perſon or Perſons who ſhall wilfully or maliciouſly break, throw down, take, carry away, extinguiſh, damage, or ſpoil, any Lamp or Lamps put up or continued by virtue of this Act, or wilfully damage the Poſts, Irons, or other Furniture thereof, or willingly hinder or obſtruct any of the Commiſſioners or Officers employed in any Manner in the Execution of this Act in their Duty; every Perſon or Perſons offending in any of the Caſes aforeſaid, ſhall, upon being convicted thereof, upon the Oath of One or more credible Witneſs or Witneſſes, or his, her, or their own Confeſſion, before any Juſtice of the Peace for the ſaid County of Suſſex, (which Oath ſuch Juſtice is hereby impowered and required to adminiſter without Fee or Reward), ſhall forfeit, for the Firſt Offence, the Sum of Forty Shillings, for the Second Offence the Sum of Five Pounds, and for the Third and every other Offence the Sum of Ten Pounds; One Moiety whereof ſhall go to the Informer, and the other Moiety to the ſaid Commiſſioners, to be diſpoſed of as the other Forfeitures are hereby directed to be applied: And in caſe any Perſon or Perſons ſhall careleſsly, negligently, or accidentally break, or otherwiſe damage any of the Lamps ſo put up as aforeſaid, or the Lamp-irons, Poſts, or other Furniture thereof, or extinguiſh the Lights thereof, and ſhall not immediately (upon Demand) make Satisfaction for the Damage done thereto; then, and in ſuch Caſe, it ſhall and may be lawful to and for any One or more Juſtice or Juſtices of the City, County, or Place, where ſuch Perſon or Perſons ſhall be or reſide, upon Proof thereof by Oath as aforeſaid (which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter without Fee or Reward) of One or more Witneſs or Witneſſes, or by the Confeſſion of the Party, to award ſuch Sum or Sums of Money, by way of Satisfaction for ſuch Damage, as ſuch Juſtice or Juſtices ſhall think reaſonable; and in caſe of Refuſal or Neglect to pay any of the Sums of Money ſo awarded within Ten Days after demanded, to cauſe the ſame, by Warrant under the Hand and Seal, or Hands and Seals, of ſuch Juſtice or Juſtices, to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall ſo have done ſuch Damage, rendering to him, her, or them, the Overplus, (if any there ſhall be), after deducting the Coſts and Charges of ſuch Warrant, and of ſuch Diſtreſs and Sale, when demanded.

Commiſſioners may make Contracts.

X. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, may, and are hereby impowered, from Time to Time, at any of their ſaid Meetings, as Occaſion ſhall require, to contract with any Perſon or Perſons for paving and keeping in Repair the publick Streets hereby directed to be paved and repaired, as well thoſe Parts uſed by Carriages as thoſe uſed by Foot Paſſengers, and the ſame to be raiſed or lowered, the Courſe of the Gutters or Channels running in or through the ſame to be turned or altered, and proper Drains to be made for conveying the Water under Ground, which Contract and Contracts ſhall ſpecify the Work to be done, and the Price to be paid for the ſame, and the Time or Times when the ſaid Work ſhall be completed, and the Penalties to be ſuffered in caſe of Nonperformance thereof, and ſhall be ſigned by the ſaid Commiſſioners, or any Seven or more of them, and by the Perſon or Perſons contracting to perform ſuch Work; but previous to the making of any ſuch Contract, Fourteen Days Notice ſhall be given in ſome of the London Evening Papers, and in the Country Papers, expreſſing the Intention of ſuch Contract, in order that any Perſons willing to undertake the ſame may make Propoſals for that Purpoſe, to be offered and preſented to the ſaid Commiſſioners at a certain Time and Place in ſuch Notice to be mentioned.

Power to dig Gravel, and get Materials.

XI. And be it further enacted, That the ſaid Commiſſioners, or their Surveyor, or ſuch other Perſon or Perſons as they or he ſhall employ and appoint, having an Order in Writing under the Hands of the ſaid Commiſſioners, or any Five or more of them, for that Purpoſe, may, and is and are hereby impowered to cut, dig, take, and carry away, any Stones, Gravel, Chalk, Sand, or other Materials, proper for the raiſing and repairing the ſaid Streets, out of and from any waſte Ground or Common within the Pariſh of Brighthelmſtone aforeſaid, without paying any Thing for the ſame, ſuch Surveyor or other Perſons filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and alſo the ſaid Surveyor, or other Perſons as aforeſaid, may, by Order of the ſaid Commiſſioners, or any Five or more of them, ſearch for, dig, take, and carry away, any ſuch Materials as aforeſaid, in, upon, or out of, from, and over the Lands of any Perſon or Perſons, (not being a Yard, Garden, Paddock, planted Walk, or Avenue to any Houſe, or any incloſed Ground, planted and ſet apart as a Nurſery for Trees), paying or tendering to the Owners and Occupiers of ſuch Lands for the ſame, and for the Damage done to ſuch private Lands, over which any Materials gotten in any waſte Ground, Common, River, or Brook, or private Ground, ſhall be conveyed, ſuch Equivalent in Money, as the ſaid Commiſſioners, or any Seven or more of them, ſhall adjudge reaſonable; and in caſe of any Difference between the ſaid Commiſſioners, Surveyor or Surveyors, or other Perſon or Perſons appointed and employed as aforeſaid, and the ſaid Owners or Occupiers, or any of them, concerning ſuch Payments and Damages as aforeſaid, the Juſtices of the Peace, at their General Quarter Seſſion, or at the Second General Quarter Seſſion at the fartheſt, to be holden in and for the County wherein ſuch Difference ſhall ariſe, on Fourteen Days Notice thereof being given in Writing by either Party to the other, ſhall hear, ſettle, and determine the Matter of ſuch Payments and Damages; and the Judgement or Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties.

Surveyors to inſpect the Works.

XII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby directed, to cauſe all and every the Works done in purſuance of this Act to be inſpected by their Surveyor or Surveyors, or by ſuch other Perſon or Perſons as they ſhall, from Time to Time, appoint; and in caſe the ſame ſhall not be well and ſufficiently performed, according to the true Senſe and Meaning of ſuch Contract or Contracts, or ſhall not be finiſhed and completed at or within the Time or Times that the ſame are agreed to be completed by the ſaid Contract or Contracts, the ſaid Commiſſioners ſhall and may, in their own Names, or in the Names of any Seven or more of them, bring an Action in any of His Majeſty's Courts of Law at Weſtminſter, againſt any Perſon or Perſons ſo contracting and neglecting to perform ſuch Contract or Contracts, and for any Penalty or Penalties, Damage or Damages, which ſhall be contained in ſuch Contract or Contracts; and upon proving the ſigning of the ſaid Contract or Contracts, and Nonperformance thereof at the Time or Times for the Purpoſes therein mentioned, the ſaid Commiſſioners ſhall be intitled to and ſhall recover ſuch Penalty or Penalties, Damage or Damages, which, when recovered, ſhall be applied for the Purpoſes of this Act.

Charges of paving, &c. the Streets, how to be defrayed.

XIII. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of May, after the paſſing of this Act, the ſaid Commiſſioners, or any Seven or more of them, ſhall have full Power and Authority, from Time to Time, to cauſe, order, and direct the Streets, Lanes, Ways, Paſſages, and Places, within the ſaid Town, to be cleanſed and lighted in ſuch Manner as they ſhall think neceſſary, and that the Charges and Expences attending the paving and repairing, ſweeping, cleanſing, and lighting thereof, ſhall at all Times be borne and defrayed by the Tenants or Occupiers of any Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Garden, Ground, Tenement, or Hereditament, within the ſaid Town; and for defraying ſuch Charges and Expences ſo to be borne and defrayed by the ſaid Tenants or Occupiers, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, in every Year after the paſſing of this Act, or oftener, if they, or any Seven or more of them, ſhall think it neceſſary, (the firſt Year to be computed from the Twenty-fifth Day of December laſt, next before the paſſing this Act, and every ſucceeding Year, from the ſaid Day in every Year reſpectively), to make One or more Rate or Rates, Aſſeſſment or Aſſeſſments, to be ſigned by any Seven or more of the ſaid Commiſſioners, upon the Tenants or Occupiers of all Houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Gardens, Grounds, Tenements, or Hereditaments, in the ſaid Town, ſo as ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, do not exceed, in the Whole, in any One Year, to be computed as aforeſaid, the Sum of Three Shillings in the Pound, according to the Rate made for the Relief of the Poor of the ſaid Town; and the Money or Monies ſo rated or aſſeſſed on the ſaid Tenants or Occupiers, and to be borne and defrayed by them, ſhall be paid by them reſpectively to the ſaid Collector, or other Perſon or Perſons appointed by the ſaid Commiſſioners to receive the ſame; and if any Tenant or Occupier of any Houſe, Shop, Warehouſe, Coach-houſe, Stables, Cellars, Vaults, Buildings, Ground, Tenement, or Hereditament, in the ſaid Town, ſhall neglect or refuſe to pay his or her Proportion or Proportions of any of the ſaid Rates or Aſſeſſments to the ſaid Collector for the Space of Ten Days next after Demand made thereof, by Notice in Writing, under the Hand of the ſaid Collector, to be delivered to, or left at the Dwelling-houſe or uſual Place of Abode of, ſuch Tenant or Occupier, the ſame ſhall and may be levied on all and every ſuch Tenant or Tenants, Occupier or Occupiers, ſo neglecting or refuſing, by Diſtreſs and Sale of his, her, or their Goods and Chattels, (by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Juſtice of Juſtices of the Peace for the County of Suſſex), and the Overplus, if any, of the Monies to be raiſed by ſuch Diſtreſs and Sale ſhall be returned on Demand to the Owner or Owners of the Goods or Chattels ſo diſtrained, after deducting all Charges attending ſuch Diſtreſs and Sale; and where any Perſon or Perſons, who ſhall be rated or aſſeſſed to the ſaid Rates or Aſſeſſments, ſhall quit his, her, or their Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Ground, Tenement, or Hereditament, before he, ſhe, or they, ſhall have paid the ſame, and ſhall afterwards neglect or refuſe to pay the ſame to the ſaid Collector for the Space of Ten Days next after Demand thereof, in Manner aforeſaid, every ſuch Perſon ſhall, for every ſuch Neglect or Refuſal, forfeit and pay the Sum of Five Shillings; and the Money ſo due for the ſaid Rates, and the ſaid Sum of Five Shillings, as well as the Money due by the Rates, ſhall and may be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Juſtice or Juſtices of the Peace for the ſaid County of Suſſex, or for any County, City, Borough, Town, Diviſion, or Place, where ſuch Perſon or Perſons ſhall remove to, or reſide in, as the Caſe ſhall happen, (which Warrant any ſuch Juſtice or Juſtices is and are hereby authoriſed and required to grant, in any Place where ſuch Perſon or Perſons ſhall remove to or reſide in), and the Overplus, if any, of the Monies ariſing from ſuch Diſtreſs and Sale, after deducting the reaſonable Coſts, Charges, and Expences of obtaining ſuch Warrant, and making, keeping, and ſelling, the ſaid Diſtreſs, ſhall be returned to the Owner or Owners of ſuch Goods and Chattels on Demand; and where any Perſon or Perſons ſhall come into or occupy any Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Ground, Tenement, or Hereditament, out of or for which any other Perſon therefore aſſeſſed, toward Payment of any Rate made in purſuance of this Act, ſhall be removed, and ſuch Rate ſhall not be paid and diſcharged, that then every Perſon ſo coming into or occupying the ſame Premiſes ſhall be liable to pay ſuch Rate, in Proportion to the Time that ſuch Perſons ſhall occupy the ſame, in the ſame Manner as if ſuch Perſon, ſo coming in, or occupying, had been originally rated or aſſeſſed in ſuch Rate or Aſſeſſment; and which ſaid Proportion, in caſe of Diſpute, ſhall be aſcertained by any Nine or more of the ſaid Commiſſioners, at their then next Meeting, after Demand made thereof.

Poor's Rate may be inſpected.

XIV. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for any Perſon or Perſons, having an Order under the Hands of the Commiſſioners, or any Five or more of them, for that Purpoſe, to inſpect and take Copies or Extracts of any Books or Rates made for raiſing Money for Relief and Maintenance of the Poor of the ſaid Town and Pariſh; which Inſpection, Copies, and Extracts, the Perſon or Perſons having the Cuſtody of ſuch Books or Rates reſpectively is and are hereby required to permit and ſuffer to be made, without Fee or Reward, by ſuch Perſon or Perſons, appointed as aforeſaid, upon his, her, or their producing an Order under the Hands of the Commiſſioners, or any Five of them, as aforeſaid; and in caſe any Perſon or Perſons, having the Cuſtody of any Book or Rate, ſhall neglect or refuſe ſo to do, within Three Days after ſuch Order ſhall be ſo produced and ſhewn to him or them, or a Copy thereof left at his or their laſt or moſt uſual Place of Abode, he or they ſhall, for the Firſt Offence, forfeit the Sum of Ten Shillings, for the Second Offence the Sum of Twenty Shillings, and for the Third and every other Offence the Sum of Forty Shillings.

Foot-ways to be ſwept every Day, except *Sundays*.

Penalty for Neglect.

XV. And be it further enacted by the Authority aforeſaid, That all and every Perſon or Perſons inhabiting within the ſaid Town and Pariſh, ſhall, from and after the Twenty-fourth Day of May next after the paſſing of this Act, ſweep and clean, or cauſe to be ſwept and cleanſed, the Foot-paths, extending at leaſt Seven Feet before their reſpective Houſes, Buildings, and Walls, between the Hours of Eight and Ten of the Clock in the Forenoon, (Sundays excepted), upon Pain of forfeiting Five Shillings for every Neglect therein.

Streets to be ſwept twice a Week.

XVI. And be it further enacted by the Authority aforeſaid, That the Perſon or Perſons contracted with for cleanſing the ſaid Streets, Lanes, Paſſages, and all other publick Places, ſhall ſweep, clean, and carry away, or cauſe to be ſwept, cleanſed, and carried away, the Dirt and Soil in and out of all the Streets, Lanes, and Paſſages, and all other publick Places, within the ſaid Town and Pariſh Twice in every Week, on ſuch Days as ſhall be appointed by the Commiſſioners, or any Seven or more of them, upon Pain of forfeiting Forty Shillings for every Neglect therein.

No Perſon to carry away Soil except the Contractors.

XVII. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall take or carry away, or cauſe to be taken or carried away, any Aſhes, Duſt, Dirt, Muck, Dung, or Manure, which ſhall be made in any or either of the ſaid Streets, Lanes, Paſſages, or other publick Places, in the ſaid Town, out of the ſame, beſides the Perſons ſo to be contracted with, or appointed as aforeſaid, for ſuch Purpoſe, by the ſaid Commiſſioners, upon Pain of forfeiting and paying the Sum of Forty Shillings for every ſuch Offence.

Perſons at Liberty to keep or diſpoſe of Dung made or kept within their Houſes or Yards.

XVIII. Provided always, and be it enacted by the Authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to any Aſhes, Duſt, Dirt, Filth, Dung, or Rubbiſh, which any of the Inhabitants of the ſaid Town ſhall have Occaſion and think fit to preſerve and keep within their own reſpective Houſes, Yards, or Gardens, but the ſame ſhall reſpectively belong to the Perſon or Perſons ſo reſerving the ſame, ſo as ſuch Aſhes, Duſt, Dirt, Filth, Soil, Dung, or Rubbiſh, be not laid down or placed in any or either of the ſaid Streets, Lanes, or publick Paſſages and Places in the ſaid Town, for any longer Time than ſhall be neceſſary for the loading and carrying away the ſame, nor ſuffered to annoy the Neighbour or Neighbours of ſuch Perſon or Perſons; but in caſe the Perſon or Perſons ſo reſerving ſuch Aſhes, Duſt, Dirt, Filth, Soil, Dung, or Rubbiſh, ſhall thereby annoy his or their Neighbour or Neighbours, and ſhall continue to keep and preſerve the ſame for the Space of Three Days after Notice in Writing given him, her, or them, under the Hands of the ſaid Commiſſioners, or any Five or more of them, or left at ſuch Perſon's Dwelling-houſe, to remove the ſame, ſuch Perſon or Perſons ſhall forfeit and pay the Sum of Twenty Shillings a Day for every Day ſuch Annoyances ſhall be permitted to remain, next after ſuch Notice given as aforeſaid.

Penalty not to extend to Rubbiſh occaſioned by Building.

XIX. Provided always, That no Perſon ſhall be ſubject to the laſt-mentioned Penalty of Twenty Shillings for any Rubbiſh or Dirt in the ſaid Streets, Lanes, Paſſages, or publick Places, or any of them, before the Houſe or Tenement of ſuch Perſon, occaſioned by the Building, pulling down any Building, rebuilding or repairing, any ſuch Houſe or Tenement, ſo as there be convenient Room left in the ſame Street, Lane, Paſſage, or Place, where ſuch Rubbiſh or Dirt ſhall lie, for Carriages to paſs and repaſs, and a ſufficient Way kept clean for Foot Paſſengers, by the Perſons laying, or occaſioning ſuch Dirt or Rubbiſh to be laid; nor for the making up any Lime into Mortar in any of the ſaid Streets, Lanes, Paſſages, or Places, ſo as ſuch Room be left for Foot Paſſengers and Carriages, and ſo as ſuch Lime be incloſed before ſuch Houſe or Building about which the ſame is to be uſed, and ſo as the Owner or Owners of ſuch Houſe or Tenement, before which ſuch Lime or Rubbiſh ſhall lie, ſhall cauſe the ſame to be removed out of the ſaid Street, Lane, Paſſage, or Place, at his, her, or their own Coſts and Charges, within a reaſonable Time, or upon Notice to be given to him, her, or them, or left at his, her, or their ſaid Houſe, where ſuch Rubbiſh or Lime ſhall lie, for that Purpoſe, in Writing, to be ſigned by the ſaid Commiſſioners, or any Five or more of them, and ſo as that whilſt the ſame ſhall be lying in the ſaid Street, Lane, Paſſage, or Place, ſuch Owner or Owners ſhall ſet up and maintain a ſufficient Light upon or againſt the ſame, every Night, during the whole Night, from the Time it becomes dark, to prevent any Miſchief happening to Paſſengers, which might otherwiſe be occaſioned thereby.

Scavengers may lodge Dirt in the Streets, &c. by Conſent of the Commiſſioners.

XX. Provided always, and be it further enacted by the Authority aforeſaid, That the Perſon or Perſons contracted with for cleanſing the ſaid Streets, Lanes, publick Paſſages, and Places, or any Part or Parts thereof, ſhall have Liberty, by the Approbation and Order of Five or more of the Commiſſioners, to lodge their Dirt, Duſt, Aſhes, or other Filth, in ſuch vacant and publick Places in or near the ſaid Streets, Lanes, Paſſages, and other Places, as ſhall not appear to be intended to be built upon, and as ſhall be thought convenient by the ſaid Commiſſioners, they the ſaid Perſons ſo contracted with giving ſuch Satisfaction to the Owners and Occupiers of ſuch vacant Places, as the ſaid Commiſſioners, or any Five or more of them, ſhall direct.

Certain Nuiſances in the Streets, how to be prevented.

XXI. And be it further enacted, That if any Perſon or Perſons ſhall ſhoe, bleed, cleanſe, or dreſs, or turn, or drive looſe, any Horſe; or throw at any Cock or Fowl, in the Manner called Cock-throwing, or ſet up any Cock or Fowl to be thrown at in ſuch Manner; or ſhall make, or aſſiſt in the making, any Fire or Fires, commonly called Bonfires; or ſhall ſet Fire to, or let off, or throw, any Squib, Serpent, Rocket, or Fireworks whatſoever, in any of the Highways, Streets, or Lanes, or publick Ways, within the ſaid Town; or obſtruct or incommode the Paſſage of the Foot or Carriage Way of any Street, Lane, or publick Way, in the ſaid Town; every Perſon ſo offending in either of the Caſes ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Shillings, over and above ſuch Penalties as are inflicted on any or either of the ſaid Offences by any Law or Statute now in being.

No Cattle to be killed in the Streets.

XXII. And be it further enacted, That if any Perſon or Perſons ſhall kill, ſlaughter, ſinge, ſcald, dreſs, or cut up, any Beaſt, Swine, Calf, Sheep, or other Cattle, or cauſe the ſame to be done, in any open or publick Street, Lane, or Way, within the ſaid Town, or hang up, or cauſe to be hung up, any Beaſt, Swine, Calf, Sheep, or other Cattle, or any Part or Parts thereof, in any of the ſaid Streets or publick Paſſages, (from and after the Market herein-after mentioned ſhall be completed), every Perſon or Perſons ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings; and if any Swine, Beaſt, or Cattle, ſhall be found wandering about the ſaid Streets, Lanes, or Ways, or any or either of them, it ſhall and may be lawful to and for any Officer or Officers of the ſaid Commiſſioners, or any other Perſon or Perſons whomſoever, to impound ſuch Swine, Beaſt, or Cattle, in the common Pound or Pounds in the ſaid Town, or ſuch other Place as ſhall be appointed for that Purpoſe by the ſaid Commiſſioners, or any Five or more of them, and the ſame to detain in the ſaid Pound or Place until the Sum of Ten Shillings, and the Expence of impounding ſuch Swine, Beaſt, or Cattle, ſhall be fully paid and ſatisfied: And in caſe ſuch Penalty and Expences ſhall not be paid within Five Days after ſuch Swine, Beaſt, or Cattle, ſhall be impounded, it ſhall and may be lawful for ſuch Perſon or Perſons as ſhall be appointed by the ſaid Commiſſioners, or any Five or more of them, for that Purpoſe, to ſell, or cauſe ſuch Swine, Beaſt, or Cattle, to be ſold, and the Money ariſing from the Sale thereof ſhall be applied to ſuch and the ſame Purpoſes as the Money ariſing from the Rates or Aſſeſſments is hereby directed to be applied.

Commiſſioners to give Notice to regulate Signs, &c.

XXIII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, ſhall and may, at any Time after the paſſing of this Act, cauſe Notice to be given to the reſpective Owners or Occupiers of the ſeveral Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, in the ſaid Town, to take down, fill up, remove, alter, or regulate, all Signs or other Emblems uſed to denote the Trade, Occupation, or Calling, of any Perſon or Perſons, Sign-poſts, Sign-irons, Spouts, Gutters, Stalls, Bulks, Sheds, Wells, Pumps, Cellar-windows, Pits, Saw-pits, and Poſts, projecting into, or ſtanding or being in any of the ſaid Streets, Lanes, or publick Ways, or in or upon the Waſte or other Ground lying between the Houſes.

How new Foundations to be ſituate.

XXIV. And be it further enacted, That no Head Builder, Maſter Carpenter, Maſon, or Workman, ſhall, in rebuilding or new-fronting any old Building, ſituate in or near any Street, Lane, or publick Way, bring the Foundation thereof forward beyond the old Foundations, or the ancient Story Poſts ſupporting the Fronts thereof, ſo as to obſtruct or narrow the Paſſage through the ſame, upon Pain of forfeiting, for every ſuch Offence, the Sum of Twenty Pounds; and the Owner of ſuch Building ſhall forfeit and pay the Sum of Forty Shillings for every Month ſuch Obſtruction or Incroachment ſhall remain, by the Foundation of ſuch Building being brought forward as aforeſaid, unleſs allowed by the Commiſſioners, or any Seven or more of them; and it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to order the ſame to be taken down, altered, or regulated, in ſuch Manner as they, or any Seven or more of them, ſhall think proper.

Penalty on leaving Carts, Waggons, &c. in any Street, Lane, &c.

XXV. And it is hereby further enacted, That if, after the paſſing of this Act, any Cart, Waggon, Dray, or other Carriage, ſhall be left to ſtand or continue in any Street, Lane, or publick Way, in the ſaid Town, or in any Part or Parts thereof, with or without Horſes, or other Cattle, other than for the neceſſary loading or unloading thereof; or if any common Stage Waggon or Cart ſhall be left to ſtand or continue in either or any of the Streets, Lanes, or Paſſages, for the Purpoſe of loading or unloading, more than the Space of Three Hours at any One Time; or if any Timber, Brick, Stones, Slates, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Goods, Wares, Merchandiſes, Materials, or other Things whatſoever, ſhall be laid or placed, and left in any ſuch Street or publick Way, longer than ſhall be neceſſary for the houſing or removing the ſame, (except in ſuch Caſes as are hereinbefore provided for); then, and in every ſuch Caſe, the Owner or Owners of every ſuch Cart, Waggon, Dray, or other Carriage, or of any ſuch Timber, Bricks, Goods, Wares, Merchandiſes, Materials, or other Things, ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings, and the ſame ſhall moreover be deemed Nuiſances; and any Five of the ſaid Commiſſioners, or any One of their Officers, or any other Perſon, without any Peace Officer, or other Perſon preſent, ſhall and may, either in the Day or by Night, ſeize, or cauſe to be ſeized, any Cart, Waggon, Dray, or other Carriage, ſo placed, or ſuffered to ſtand or continue, contrary to the Meaning of this Act, together with the Horſe or Horſes thereunto belonging or affixed, (if any), or the Timber, Bricks, Stones, Slates, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Goods, Wares, Merchandiſes, Materials, or Things, ſo laid or placed as aforeſaid, and remove the ſame, or cauſe the ſame to be removed, to any Pound, within the ſaid Town or Pariſh, or to ſuch other Place as ſhall be appointed for that Purpoſe by the ſaid Commiſſioners, or any Seven or more of them, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants, ſhall claim the ſame, and pay to the Perſon or Perſons in whoſe Cuſtody the ſame ſhall then be the Sum of Ten Shillings, together with the Charges of removing and keeping the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Sum of Ten Shillings and Charges paid, within the Space of Five Days next after ſuch Seizure, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to cauſe the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied to the ſame Uſes and Purpoſes as the Monies ariſing from the Rates or Aſſeſſments are hereby directed to be applied.

Commiſſioners Powers for recovering Penalties.

Penalty of 5s. for offending, though the Goods be not ſeized.

XXVI. Provided, That if any Cart, Waggon, Dray, or other Carriage, ſhall be ſo placed, or ſuffered to ſtand or continue as aforeſaid; or any Timber, Bricks, Goods, Wares, Merchandiſes, Materials, or Things, ſhall be ſo laid and placed as aforeſaid, and the ſame ſhall not be ſeized as aforeſaid, the Owner or Owners, of ſuch Cart, Waggon, Dray, or other Carriage, or of Timber, Bricks, Goods, Wares, Merchandiſes, Materials, or Things, ſhall nevertheleſs forfeit and pay the Sum of Five Shillings for every Offence by ſuch Cart, Waggon, Dray, or other Carriage, being ſo placed, or ſuffered to ſtand or continue, or ſuch Timber, Bricks, Goods, Wares, Merchandiſes, Materials, or Things, being ſo laid or placed, or left as aforeſaid.

Annoyances to be removed.

XXVII. And be it further enacted, That in caſe any Hogſtye, Neceſſary-houſe, Fleſh, Dung, Carrion, Blood, Offal, Soil, or Filth, Aſhes, Cinders, or Rubbiſh, or any other noiſome Matter whatſoever, in or near any of the ſaid Streets, Lanes, or Paſſages, within the ſaid Town, ſhall be offenſive to any of the Inhabitants, or other Perſon or Perſons, the ſame ſhall be deemed a Nuiſance, and an Offence againſt this Act: And it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven or more of them, upon Complaint thereof made to them by any ſuch Inhabitant, or other Perſon or Perſons, by Notice in Writing under the Hands of the ſaid Commiſſioners, or any Seven or more of them, or under the Hand of the Clerk to the ſaid Commiſſioners for the Time being, to order any ſuch Nuiſance or Offence to be removed; and in caſe the ſame ſhall not be removed within Five Days after ſuch Notice given to the Perſon or Perſons who ought to remove the ſame, ſuch Perſon or Perſons ſhall forfeit and pay the Sum of Five Shillings daily, for every Day that the ſame ſhall continue unremoved after the Expiration of the ſaid Term.

XXVIII. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time after the paſſing of this Act, run, drive, or cauſe to be run, driven, or drawn, on any Foot-pavements within the ſaid Town, any Wheel or Wheels, Sledge, Wheelbarrow, or Carriage whatſoever; or ſhall roll any Cask, or wilfully, ride, drive, or lead, or cauſe to be rode, driven, or led, any Horſe or other Cattle, on any of the ſaid Foot-pavements, other than in Caſes of abſolute Neceſſity; ſuch Perſon or Perſons ſhall forfeit and pay, for the Firſt Offence, the Sum of Five Spillings, for the Second Offence the Sum of Ten Shillings, and for the Third and every other Offence the Sum of Fifteen Shillings.

No Wheels, &c. to be driven on Foot-pavements.

XXIX. Provided, That no Perſon or Perſons ſhall be liable to ſuch Penalties for rolling any Cask on the ſaid Foot-pavements, unleſs the ſame ſhall have been rolled thereon for the Space of Ten Yards, or upwards.

Proviſo.

XXX. And be it further enacted, That if any Cellar Window or Windows ſhall be left open in the Evening, or in the Night, without the ſame being ſufficiently lighted, to prevent Accidents happening therefrom, the Occupier or Occupiers of ſuch Houſe or Cellar ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Shillings.

Cellar Windows at Night to be ſufficiently lighted.

XXXI. And be it further enacted by the Authority aforeſaid, That all the Acts, Orders, and Proceedings, of the ſaid Commiſſioners, ſhall, from Time to Time, be fairly written and entered in proper Books, to be kept for thoſe Purpoſes; and that all ſuch Books ſhall, at any Meetings of the ſaid Commiſſioners, be open to the Inſpection of any Perſon rated, and paying to the ſaid Rates or Aſſeſſments; and all ſuch Orders and Proceedings ſo entered ſhall be ſigned by Seven or more of the ſaid Commiſſioners, and ſhall be deemed Originals; and the ſame, or Extracts thereof, ſhall be admitted to be read in Evidence in all Courts whatſoever, in all Cauſes, Suits, and Actions, touching any Thing to be done in purſuance and under the Authority of this Act.

Proceedings to be entered in a Book.

XXXII. And be it further enacted by the Authority aforeſaid, That all and every Collector and Collectors, to be appointed in purſuance of this Act, ſhall, and is, and are hereby authoriſed and required to pay all ſuch Monies as he or they ſhall reſpectively collect, by virtue of the Rates to be made in purſuance of this Act, into the Hands of the Treaſurer, to be appointed by the ſaid Commiſſioners, who is hereby authoriſed and required, out of the Monies collected and paid into his Hands, to pay all Sums of Money which the ſaid Commiſſioners ſhall, from Time to Time, draw upon him for, or order him to pay; and the ſaid Treaſurer for the Time being ſhall, and he is hereby required to keep regular and clear Entries in a Book or Books, to be for that Purpoſe by him provided and kept, of all and ſingular his Receipts and Payments on account or in purſuance of this Act; to which Book or Books, and all others kept for the Purpoſes of this Act, every Perſon liable to the Payment of the ſaid Rates ſhall and may have free Acceſs, at all convenient Times, with full Liberty to inſpect the ſame, without Fee or Reward; and alſo, that the ſaid Treaſurer for the Time being ſhall, Once in every Year, have the ſaid Accounts audited and paſſed, and allowed by the ſaid Commiſſioners, or any Seven or more of them.

Collector to pay Money to the Treaſurer.

Treaſurer to pay all Sums of Money by Order of the Commiſſioners, and make Entries.

XXXIII. Provided always, That the Monies raiſed or collected by virtue of this Act ſhall be, and is hereby veſted in the Commiſſioners, and the ſame ſhall be applied for the reſpective Purpoſes of this Act, and to or for no other Uſe, Intent, or Purpoſe whatſoever.

Application of the Money.

XXXIV. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven or more of them, at their Firſt Meeting, or any ſubſequent Meeting, to be held in purſuance of this Act, to borrow and take up at Intereſt, upon the Credit of the Rates ariſing by virtue of this Act, ſuch Sum or Sums of Money as they, or any Seven or more of them, ſhall think fit; and may, and are hereby impowered, to demiſe or mortgage the ſaid Rates, or any Part or Parts thereof, (the Coſts and Charges of ſuch Mortgages to be paid out of ſuch Rates), as a Security to any Perſon or Perſons, or their Truſtees, who ſhall advance ſuch Sum or Sums of Money, by the following Words, under their Hands, or by any other Words to the ſame or like Effect, videlicet:

Commiſſioners may borrow Money.

BY virtue of an Act, made in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, *For paving, lighting, and cleanſing, the Streets, Lanes, and Places, within the Town of* Brighthelmſtone, *in the County of* Suſſex; *for removing Nuiſances and Annoyances, and preventing the like for the future; for holding and regulating a Market within the ſaid Town; for building and repairing Groyns, in order to render the Coaſt ſafe and commodious for Ships or Veſſels to unload and land Sea Coal, Culm, and other Coal, for the Uſe of the Inhabitants of the ſaid Town; and for laying a Duty thereon, and for other Purpoſes:* We of the Commiſſioners, in conſideration of the Sum of to the Treaſurer of the ſaid Rates in Hand paid, do grant, bargain, ſell, and demiſe, unto *A. B.* his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Rates ariſing by virtue of the ſaid Act, as the ſaid Sum of doth or ſhall bear to the whole Sum advanced, or to be advanced, on the Credit thereof, to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the ſaid Act; unleſs the ſaid Sum of with Intereſt, at the Rate of *per Centum per Annum*, ſhall be ſooner repaid and ſatisfied.

Copies of all Mortgages to be entered with the Clerk.

And Copies of all ſuch Mortgages ſhall be entered in the Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Commiſſioners; but no Money ſhall be borrowed upon the Credit of the ſaid Rates after ſuch Firſt Meeting, unleſs Notice be given for that Purpoſe in Writing, and ſtuck up at the Church Door of the ſaid Pariſh, Twenty Days before the borrowing thereof.

Manner of Transfer.

XXXV. And be it further enacted, That all Perſons to whom any ſuch Mortgage ſhall be made as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, may, from Time to Time, aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit, to the ſaid Mortgages, and the ſaid Principal and Intereſt thereby ſecured to any Perſon or Perſons whatſoever, indorſing on the Back of ſuch Security, with or without a Witneſs, the following Words, or Words to the like Effect:

I Do transfer this Mortgage, with all my Right and Title to the Principal hereby ſecured, and to all the Intereſt now due upon the ſame, unto his Executors, Adminiſtrators, and Aſſigns. Dated this Day of

G. H.

And ſuch Transfer and Aſſignment ſhall intitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon; and ſuch Aſſignee may, in like Manner, aſſign or transfer the ſame again, and ſo toties quoties; and it ſhall not be in the Power of ſuch Perſon or Perſons, who ſhall have made ſuch Aſſignment reſpectively, to make void, releaſe, or diſcharge, the original Security, or any Monies thereby due, or any Part thereof; and all Perſons, to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, ſhall be, in Proportion to the Sum or Sums therein mentioned, Creditors on ſuch Rates, on the Credit whereof ſuch Sum or Sums are advanced, in equal Degree One with another, and ſhall have no Preference in reſpect of the prior Advancement of any ſuch Money, or prior Date of any ſuch Mortgage.

Perſons aggrieved by Rates to appeal to the Commiſſioners.

XXXVI. Provided always, and be it enacted by the Authority aforeſaid, That if any Perſon or Perſons, Bodies Politick or Corporate, ſhall think himſelf, herſelf, or themſelves, aggrieved by any Rate or Rates, Aſſeſſment or Aſſeſſments, or any other Matter or Thing done, or directed to be done, in purſuance of this Act, ſuch Perſon or Perſons, Bodies Politick or Corporate, ſhall apply for Relief to the ſaid Commiſſioners, at any Meeting to be held within One Month next after Demand made of ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, or next after any ſuch Matter or Thing done and committed, by or by Order of the ſaid Commiſſioners, or any Seven or more of them, and ſuch Commiſſioners are hereby authoriſed and impowered (if they ſhall think ſuch Perſon or Perſons aggrieved) to give ſuch Relief in the Premiſes as to them ſhall ſeem neceſſary; and if ſuch Perſon or Perſons, Bodies Politick or Corporate, ſhall not be ſatisfied with the Determination of ſuch Commiſſioners, he, ſhe, or they, ſhall be obliged to pay ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, and to comply with ſuch Order of the ſaid Commiſſioners, and then ſhall and may appeal to the Quarter Seſſions of the Peace to be holden for the County of Suſſex, within Three Months next after ſuch Determination of the ſaid Commiſſioners; ſuch Appellant firſt giving, or cauſing to be given, Ten Days Notice at the leaſt, in Writing, of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk of the ſaid Commiſſioners, and within Six Days next after ſuch Notice, entering, or cauſing a Recognizance to be entered into, before ſome Juſtice of the Peace for ſuch County, by Two ſufficient Perſons or Sureties conditioned to try ſuch Appeal, and to abide the Order thereof, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices, at ſuch Quarter Seſſion, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Juſtices, at their Quarter Seſſions, ſhall be final, binding, and concluſive.

Power to ſet out the Market.

XXXVII. And whereas it is neceſſary, for the Benefit and Accommodation of the Inhabitants of the ſaid Town of *Brighthelmſtone*, and of all Perſons reſorting thereto, that there ſhould be a Market for the Sale of all Kinds of Meat, Fiſh, Poultry, Butter, and Garden Stuff; be it therefore enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, ſhall have full Power and Authority to view, ſet out, and deſcribe, ſuch Plot or Piece of Ground, within the ſaid Town of Brighthelmſtone, as they ſhall adjudge moſt convenient and proper for holding the ſaid Market.

ket, and to and for making proper Avenues thereto; and ſhall have Power and Authority, and they are by this Act authoriſed and impowered, to eſtabliſh and hold, or cauſe to be eſtabliſhed and held, a Market, within the Limits of the ſaid Plot or Piece of Ground ſo to be ſet out and deſcribed by the ſaid Commiſſioners as aforeſaid, for the Scite of the ſaid Market: And that it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to cauſe ſuch Market to be held within the Limits aforeſaid, daily, and every Day, or leſs frequently, according as the ſame ſhall to them appear neceſſary, for the Convenience and Accommodation of the Inhabitants of ſaid Town, and of Perſons reſorting thereto.

For preventing Incroachments.

XXXVIII. And, for preventing any Incroachments which may hereafter be made on the ſaid Market, be it further enacted by the Authority aforeſaid, That from and after the ſame ſhall be completed and uſed as a Market, it ſhall not be lawful for any Perſon or Perſons to erect or hold any other Market within the ſaid Town, (except the preſent Market for Corn), or to vend or expoſe to Sale any Manner of Fleſh, or other raw Victuals, Fiſh, Poultry, Butter, Herbs, Roots, or Garden Stuff, which are uſually ſold in publick Markets, in any other Place whatſoever within the ſaid Town; and every Perſon, who ſhall ſo vend or expoſe to Sale any Manner of Fleſh, or other raw Victuals, Fiſh, Poultry, Butter, Herbs, Roots, or Garden Stuff, out of the ſaid Market, within the ſaid Town, and ſhall be convicted thereof before any Two or more of His Majeſty's Juſtices of the Peace for the County of Suſſex, ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds; to be recovered by Diſtreſs and Sale of the Goods and Chattels of the Offenders, rendering the Overplus, (if any), after deducting the Expence of ſuch Diſtreſs and Sale, to the Owners thereof; One Moiety whereof ſhall go to the Informer, and the other Moiety to the Poor of the Pariſh of Brighthelmſtone.

Proviſo.

XXXIX. Provided always, That nothing herein contained ſhall be conſtrued to extend to prevent the Fiſhermen belonging to the aforeſaid Town from ſelling Fiſh on the Beach, or any of the Inhabitants of the ſaid Town from ſelling Poultry, Butchers Meat, and Butter, in their Houſes.

Juſtices may mitigate Penalties.

XL. Provided always nevertheleſs, That it ſhall and may be lawful to and for the ſaid Juſtices, where they ſhall ſee Cauſe, to mitigate or leſſen any ſuch Penalties or Forfeitures according to their Diſcretion.

Commiſſioners to treat with Perſons intereſted in Houſes, &c. for the Market.

XLI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to treat and agree with the Owners and Occupiers, and all other Perſons intereſted in the Houſes and Buildings ſtanding on the ſaid Plot or Piece of Ground ſo to be ſet out as aforeſaid for the ſaid Market, and to and for all Perſons whatſoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, who are or ſhall be ſeiſed or intitled in their own Right, Truſtees, and Feoffees in Truſt, Guardians and Committees for Lunaticks and Idiots, Executors, Adminiſtrators, and Guardians whatſoever, not only in Behalf of themſelves, their Heirs and Succeſſors, but alſo for and in Behalf of their ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes-covert, or other Perſons whatſoever, who are or ſhall be ſeiſed or poſſeſſed of, or intereſted in, any Meſſuages, Lands, Tenements, or Hereditaments, which ſhall be neceſſary to be purchaſed for the holding the ſaid Market, to contract for, ſell, convey, or ſurrender, to the ſaid Commiſſioners, or any Seven or more of them, all or any ſuch Meſſuages, Lands, Tenements, or Hereditaments, or any Part thereof, or any Term for Years, or any Eſtate or Intereſt therein; and that all ſuch Contracts, Agreements, Bargains, Sales, Aſſignments, Surrenders, and other Conveyances, which ſhall be ſo made as aforeſaid, ſhall be good and valid in Law, to all Intents and Purpoſes whatſoever, not only to convey the Eſtate of the Perſon or Perſons conveying, but alſo all Right, Eſtate, Intereſt, Uſe, Property, Claim, and Demand whatſoever, of their ſeveral and reſpective ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes-covert, or other Perſons whatſoever, and all claiming, or to claim by, from, or under them; any Law, Statute, or Uſage, to the Contrary thereof in any-wiſe notwithſtanding: And if it ſhall happen that any Perſon or Perſons, Bodies Politick, Corporate or Collegiate, or other Perſon or Perſons whatſoever, who are hereby enabled to convey as aforeſaid, ſhall refuſe to treat and agree with the ſaid Commiſſioners, or any Seven or more of them; then, and in ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, before any General Quarter Seſſions of the Peace to be holden for the ſaid County of Suſſex, or any Adjournment thereof, to give, or cauſe to be given, to ſuch Owner or Owners, or the principal Officer or Officers of ſuch Bodies Politick, Corporate, Eccleſiaſtical, or Civil, or to leave, or cauſe to be left, at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments intended to be ſo purchaſed, Ten Days Notice in Writing, denoting and particularly deſcribing the ſame, and purporting, that the Value of ſuch Lands or Hereditaments will be adjuſted and ſettled by a Jury at the ſaid Seſſion, or the Adjournment thereof; and the Juſtices, at their ſaid Seſſions, or any Adjournment thereof, upon Proof to them made of ſuch Notice having been ſo given or left, are hereby authoriſed and required to charge a Jury to be impanelled and returned by the Sheriff of the ſaid County, without Fee or Reward,

Ten Days Notice to be given to Perſons refuſing to treat, that the Recompence will be ſettled by a Jury.

ward, conſiſting of Twelve honeſt, ſubſtantial, and diſintereſted Perſons, duly qualified to ſerve on Juries upon the Trial of Iſſues at Law, and cauſe them to be ſworn, well and truly, upon their Oaths, to aſſeſs the Value of the Lands or Hereditaments compriſed in the ſaid Notice, and the Damages and Recompence to be given for the ſame, to the reſpective Owner or Owners thereof, according to their reſpective Intereſt therein, (which Oath the ſaid Juſtices are hereby required to adminiſter to ſuch Jury), and to which ſaid Jury the ſaid Commiſſioners, or any Seven of them, and all Parties intereſted in the ſaid Lands or Hereditaments, ſhall have their lawful Challenges; and the ſaid Jury, being ſo ſworn and charged as aforeſaid, and after proper Evidence on Oath to them given, concerning the Nature, Quantity, or Value, of the ſaid Lands or Hereditaments, ſhall, by their Verdict, aſſeſs the Damages and Recompence to be given for the ſaid Lands or Hereditaments to the reſpective Owner or Owners thereof, according to their reſpective Intereſts therein; which Verdict of the ſaid Jury, and the Judgement of the ſaid Juſtices upon the ſame, ſhall be finally binding and concluſive to the ſaid Commiſſioners, or any Seven of them, and to all Perſons and Parties intereſted in the ſaid Lands or Hereditaments; and ſuch Verdicts, and the Judgement of the Juſtices thereupon, ſhall be fairly entered, and kept among the Records of the Quarter Seſſions for the County of Suſſex; and the ſame, or true Copies thereof, ſhall be taken to be good and effectual Evidence and Proof in any Court of Law or Equity whatſoever; and all Perſons may have Recourſe to the ſame *gratis*, and take Copies thereof, paying Sixpence for every One hundred Words, and ſo in proportion for any greater or leſs Number of Words.

Upon Payment or Tender of the Money, Premiſes to be veſted in the Commiſſioners.

XLII. And it is hereby further enacted and declared, That, upon Payment of ſuch Sum or Sums of Money ſo to be adjudged for the Purchaſe of the ſaid Premiſes, or any Part thereof, the Perſon or Perſons intitled thereto ſhall make and execute, or procure to be made and executed, good, valid, and legal Conveyances, Aſſignments, and Aſſurances in the Law, to the ſaid Commiſſioners, or any Seven or more of them, of the ſaid Premiſes, for which ſuch Sum or Sums of Money were ſo awarded, and ſhall do all Acts, Matters, and Things, neceſſary or requiſite to make a good, clear, and perfect Title thereunto; and ſuch Conveyances, Aſſignments, and Aſſurances, ſhall contain all ſuch reaſonable and uſual Covenants, as ſhall, on Behalf of the ſaid Commiſſioners, be required: And in caſe any Perſon or Perſons, to whom ſuch Money ſhall be awarded as aforeſaid, ſhall not evince a Title to the ſaid Premiſes to the ſaid Commiſſioners, and make, or procure to be made, good and legal Conveyances thereof, or ſhall ſo refuſe to do, being thereunto required, ſuch Sum and Sums of Money, ſo awarded as aforeſaid, being ready to be paid to him, her, or them, on making ſuch Title, and tendered for that Purpoſe; or in caſe the Perſon or Perſons intitled to the Premiſes, for which ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid ſhall not be known; or in caſe that by reaſon of Diſputes depending in any Court of Law or Equity, or for Defect of Evidence, it ſhall not appear to the ſaid Commiſſioners what Perſon or Perſons is or are intitled to the Premiſes in queſtion; that then, and in all and every or any ſuch Caſe or Caſes, as aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven of them, to order ſuch Sum or Sums of Money, ſo awarded as aforeſaid, as the Value of, and Purchaſe-money for, the ſaid Premiſes, to be paid into the Bank of England for the Uſe of the Parties intereſted in the ſaid Premiſes, to be paid to them, and each and every of them, according to their reſpective Eſtates and Intereſts in the ſaid Premiſes, at ſuch Times as the ſaid Commiſſioners, or any Seven or more of them, ſhall, by Warrant or Warrants, under their Hands, order and direct; and the Caſhier and Caſhiers of the Bank of England, who ſhall receive ſuch Sum and Sums, is and are hereby required to give a Receipt or Receipts for ſuch Sum and Sums, mentioning and ſpecifying for what Premiſes, and for whoſe Uſe, the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay ſuch Sum or Sums into the Bank of England, as aforeſaid, which Receipt or Receipts ſhall be entered on Record, and regiſtered among the Records of the Quarter Seſſions of the Peace for the County of Suſſex; and immediately on ſuch Payment and Regiſtry, all the Eſtate, Right, Title, Uſe, Truſt, Property, Equity of Redemption, Claim and Demand, in Law and Equity, of all and every Perſon and Perſons for whoſe Uſe ſuch Monies was paid, of, in, to, from, and out of the ſaid Premiſes, or any Part thereof, ſhall veſt in the ſaid Commiſſioners; and they the ſaid Commiſſioners ſhall be deemed in Law to be in the actual Poſſeſſion thereof, and to be ſeiſed thereof in Fee-ſimple, freed and diſcharged from all Claims, Demands, and Equity of Redemption, either at Law or in Equity, to all Intents and Purpoſes, as fully and effectually as if all and every Perſon and Perſons, having any Eſtate, Right, Title, Truſt, Intereſt, or Equity of Redemption, of, in, to, from, or out of the ſaid Premiſes, had actually conveyed the ſame by Leaſe and Releaſe, Bargain and Sale inrolled, Feoffment with Livery of Seiſin, Fine, and Recovery, or any other Conveyance whatſoever; and ſuch Payment ſhall not only bar all Right, Title, Intereſt, Equity of Redemption, Claim, and Demand, of the Perſon or Perſons to whoſe Uſe ſuch Payment was made, but alſo ſhall extend to, and be deemed and conſtrued to bar the Dower and Dowers of the Wife or Wives of ſuch Perſon or Perſons, and all Eſtates Tail, and Remainders, as fully and effectually as a Fine or Recovery would do, or would have done, if levied or ſuffered by proper Parties in due Form of Law.

Purchaſe money of Truſt Eſtates to be laid out in the Purchaſe of other Lands.

XLIII. And it is hereby further enacted and declared, That all and every Sum and Sums of Money to be paid to any Body Corporate or Collegiate, Corporation Aggregate or Sole, Feoffee or Feoffees in Truſt, Guardian, Committee, or other Truſtee or Truſtees, in purſuance of this Act, ſhall be by them reſpectively laid out in the Purchaſe of Lands, Tenements, and Hereditaments, and ſettled to and upon, and ſubject to ſuch Titles, Uſes, Truſts, Limitations, Remainders, and Contingencies, as the ſaid Lands and Premiſes, ſo to be purchaſed by the ſaid Commiſſioners as aforeſaid, were ſettled, limited, and aſſured, at the Time of ſuch Sale ſo made reſpectively, and ſhall and may be held and enjoyed accordingly.

After Payment the Lands, &c. may be converted into a Market.

XLIV. And be it further enacted, That from and immediately after Payment made for the Lands and Hereditaments, ſo to be purchaſed as aforeſaid, it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven of them, to enter upon the Premiſes ſo to be purchaſed, and every Part thereof, and to convert the ſame to be uſed as a Market, as aforeſaid.

Proviſo concerning the Purchaſe of Lands.

XLV. Provided always, and be it enacted by the Authority aforeſaid, That if any Perſon or Perſons, Body or Bodies Politick, Corporate or Collegiate, ſhall be applied to, by or on the Behalf of the ſaid Commiſſioners, to treat for, ſell, diſpoſe of, or convey, for any of the Purpoſes aforeſaid, any Part or Parts of any Houſe, Warehouſe, Yard, or Ground, in the actual Occupation of One Tenant, or of ſeveral Tenants, and the Perſon or Perſons, Body or Bodies Politick, Corporate or Collegiate, ſo applied to, ſhall, by Notice in Writing, to be left at the Office of the reſpective Clerks, within Six Days next after ſuch Application, ſignify his, her, or their Inclination or Deſire to treat for, ſell, diſpoſe of, and convey, the Whole of ſuch Houſe, Warehouſe, Yard, or Ground; then, and in every ſuch Caſe, the Whole of every ſuch Houſe, Warehouſe, Yard, or Ground, ſhall be deemed, taken, and held, to be neceſſary to be purchaſed for effecting the Purpoſes of this Act: And if it ſhall happen that the ſaid Commiſſioners ſhall not think proper or be willing to purchaſe the Whole of ſuch Houſe, Warehouſe, Yard, or Ground; then, and in every ſuch Caſe, nothing in this Act contained ſhall extend, or be conſtrued to extend, to compel the Owner or Owners, Occupier or Occupiers thereof, to treat for, ſell, diſpoſe of, or convey, any Part of ſuch Houſe, Warehouſe, Yard, or Ground; any Thing herein-before contained to the Contrary thereof in anywiſe notwithſtanding.

Commiſſioners may ſell Overplus Lands.

XLVI. Provided alſo, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, at any Meeting, or any Perſon or Perſons in whom any Houſe or Ground ſhall be veſted by virtue of this Act, to let, ſell, or diſpoſe of ſo much, or ſuch Parts thereof, as ſhall not be neceſſary for the opening or widening of any of the ſaid Streets, Lanes, Ways, Paſſages, or Places; or for and towards the erecting, eſtabliſhing, and holding, ſuch new Market, as aforeſaid, to any Perſon or Perſons, to and for ſuch Uſe or Uſes as they ſhall think proper, giving Preference to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, and to his, her, or their Heirs, Executors, and Adminiſtrators.

Power of raiſing Money.

XLVII. And, for raiſing a Sum of Money ſufficient for the Payment of the Purchaſe of ſuch Lands and Hereditaments, and other the Purpoſes of this Act, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby authoriſed and impowered to raiſe, borrow, take, and receive, of and from any Perſon or Perſons whomſoever, or any Body or Bodies Corporate or Politick whatſoever, who are willing to advance and lend the ſame, any Sum or Sums of Money, not exceeding in the Whole the Sum of Three thouſand Pounds, for the Payment of ſuch Purchaſe-money, and for ſuch other Purpoſes as are herein-before mentioned, and to ſet up and build all ſuch Sheds, Stands, Stalls, and ſuch other Erections, as ſhall be found neceſſary for conſtituting the ſaid Market; or if it ſhall be found to be more convenient and beneficial to let out ſuch Grounds upon a Building Leaſe or Leaſes, for the Purpoſes aforeſaid, it ſhall and may be lawful for the ſaid Commiſſioners, and they, or any Seven or more of them, are hereby authoriſed and impowered to ſet and let out ſuch Ground for the beſt Rent that can be gotten for the ſame, payable quarterly, at or upon the Four moſt uſual Feaſts or Days of Payment in the Year, upon a Leaſe or Leaſes, for any Term or Terms not exceeding Fifty Years, to any Perſon or Perſons who ſhall be willing to contract for and take the ſame, with proper Covenants, binding him or them to build and ſet up all neceſſary Erections thereupon, for converting the ſame into a Market, as aforeſaid; or it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay, into the Hands of the ſaid Commiſſioners, or any Seven or more of them, or ſuch Perſon or Perſons as they ſhall appoint, for the Uſes before mentioned, any Sum or Sums of Money, not exceeding in the Whole the Sum of One thouſand five hundred Pounds, for the abſolute Purchaſe of One or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of ſuch Contributors reſpectively, or the natural Life of ſuch other Perſons as ſhall be nominated by and on Behalf of ſuch reſpective Contributors,

by borrowing a Sum not exceeding 3 00l.

or by granting Building Leaſes,

or by granting Annuities.

at the Time of Payment of their reſpective Contribution-monies; which Annuity or Annuities ſhall not exceed the Rate of Eight Pounds per Centum per Annum for every One hundred Pounds, and ſo in proportion for any greater or leſs Sum, to be advanced and paid as aforeſaid; which Annuities ſhall be payable and paid in ſuch Place in the ſaid Town as the ſaid Commiſſioners, or any Seven or more of them, ſhall for that Purpoſe appoint, by Four equal quarterly Payments, the Firſt Payment to begin and be made to the reſpective Purchaſers, and their Aſſigns, at the Expiration of the Firſt Quarter of a Year after Payment of their reſpective Purchaſe-monies; which Annuities ſhall be publickly ſold by the ſaid Commiſſioners, or any Seven or more of them.

Books to be provided, and Names of Annuitants entered.

XLVIII. And it is hereby further enacted, That there ſhall be provided by the ſaid Commiſſioners a Book or Books, in which ſhall be fairly written, in Words at Length, the Names and Surnames, with the proper Additions, and Places of Abode, of all ſuch Perſons who ſhall be Proprietors of any of the Annuities aforeſaid; and of all Perſons by whoſe Hands the ſaid Purchaſers ſhall pay in any Sum or Sums of Money upon the Credit of this Act, and alſo the Sum ſo paid for the Purchaſe of ſuch Annuities, and the reſpective Days of Payment thereof; to which Book and Books it ſhall be lawful for the ſaid reſpective Purchaſers, and their Aſſigns, and to and for any Perſon or Perſons, liable to the Payment of Rates and Aſſeſſments in the ſaid Pariſh, at all ſeaſonable Times to have Recourſe, and inſpect the ſame, without Fee or Reward.

Annuities to be for the Lives of Contributors, or ſuch Perſons as they ſhall nominate.

XLIX. And it is hereby further enacted, That all and every the Contributor and Contributors upon the Credit of this Act, duly paying the Conſideration or Purchaſe Money at the Rate aforeſaid for any ſuch Annuity or Annuities, as aforeſaid, or ſuch Perſon or Perſons as he, ſhe, or they, ſhall appoint his, her, or their reſpective Aſſigns, ſhall have, receive, and enjoy, the reſpective Annuity or Annuities ſo to be purchaſed, during the Term of the natural Life of the Perſon to be nominated by each Purchaſer or Contributor, as above mentioned; and that all and every ſuch Purchaſer and Purchaſers, and their Aſſigns reſpectively, ſhall have good, ſure, abſolute, and indefeaſible Eſtates and Intereſt in the Annuities ſo by them reſpectively to be purchaſed, according to the Tenor and true Meaning of this Act; and that none of the ſaid Annuities ſhall be ſubject or liable to any Tax aſſeſſed upon Land by Authority of Parliament; and that every Contributor upon this Act, for the Purchaſe of any ſuch Annuity or Annuities as aforeſaid, his, her, or their Aſſigns, upon Payment of the Conſideration or Purchaſe Money for the ſame, at the Rate aforeſaid, or any Part or Proportion thereof, into the Hands of the Commiſſioners, or ſuch Perſon or Perſons as they ſhall appoint, ſhall have One or more Receipt or Receipts, importing the Receipt of ſo much Purchaſe-money as ſhall be paid; and upon Payment of all the Purchaſe-money for any ſuch Annuity or Annuities, every ſuch Contributor, his, her, or their Aſſigns reſpectively, ſhall have an Order on Parchment or Vellum for Payment of the ſaid Annuity or Annuities, for and during the natural Life of ſuch Perſon as ſhall be nominated by ſuch Contributor or Purchaſer, as aforeſaid; which Order ſhall be ſigned by the ſaid Commiſſioners, or any Seven or more of them; and after ſigning thereof, the ſame ſhall be firm, good, valid, and effectual in Law, according to the Purport and Meaning thereof, and of this Act.

Annuities may be aſſigned.

L. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Purchaſer or Purchaſers of any ſuch Annuity or Annuities as aforeſaid, and his, her, and their Executors, Adminiſtrators, and Aſſigns, at any Time or Times, by Writing under his, her, or their Hands and Seals, (without any Stamp thereupon), to aſſign ſuch Annuity or Annuities, or any Part thereof, or any Intereſt therein, to any Perſon or Perſons whomſoever, and ſo toties quoties; and a Memorandum or Entry of all ſuch Aſſignments ſhall be made in a Book, which is hereby required to be kept for that Purpoſe, by or under the Inſpection of the Commiſſioners; which Entry or Memorandum ſhall be made gratis.

Annuities payable out of the Rents of the Market.

LI. And be it further enacted by the Authority aforeſaid, That all and every the Annuities ſo to be purchaſed under and by virtue of this Act, ſhall be, and are hereby charged upon, and ſhall be paid and payable, from Time to Time, upon all Monies ariſing by the Rents and Profits of the Sheds, Stalls, Stands, and all other Buildings and Erections to be ſet up in and upon the ſaid Plot or Piece of Ground to be ſet out and appointed for the Scite of the ſaid Market.

Market veſted in the Commiſſioners in Truſt, to pay all Debts incurred on Account thereof.

LII. And be it further enacted by the Authority aforeſaid, That the Houſes, Buildings, and Ground, to be purchaſed by virtue and under the Authority of this Act, for the Scite of the ſaid Market, as aforeſaid, and all Sheds, Stalls, Standings, and other Erections, to be built and ſet thereupon, and all the Rents and Profits ariſing from the ſame, ſhall be, and are hereby veſted in the ſaid Commiſſioners, and their Succeſſors, for ever; and that they ſhall ſtand ſeized thereof in Truſt, for the ſeveral Uſes, Intents, and Purpoſes, herein-after mentioned and declared, of and concerning the ſame; (that is to ſay,) The ſaid Commiſſioners, or any Seven or more of them, ſhall, out of the firſt Monies to be borrowed, or ariſing by granting of Leaſes, or the Sale of Annuities, as aforeſaid, or by any other Ways and Means, under the Authority of this Act, pay off and diſcharge all Debts that ſhall be incurred by the Purchaſe of the ſaid Plot or Piece of Ground, and the Houſes and Buildings thereon, for the Erection of the ſaid Market, and all ſuch Charges and Expences as ſhall neceſſarily attend the erecting and conſtituting the ſame; and the Rents and Profits ariſing thereby ſhall be applied in paying the Annuity or Annuities to be granted to ſuch Purchaſer or Purchaſers as aforeſaid, for ſo long as any of them ſhall live; and all ſuch Savings as ſhall, from Time to Time, be made by the Death of any ſuch Annuitants, ſhall, after the Diſcharge of all Debts accrued on account of the ſaid Market, be veſted in the ſaid Commiſſioners, and the Savings, together with the Rents and Profits of the Market, after the Death of all ſuch Annuitants, ſhall be paid and applied, from Time to Time, for and towards the paving, repairing, lighting, and cleanſing, the ſaid Streets and Lanes of the ſaid Town of Brighthelmſtone, as herein-before is mentioned, and in repairing the Groyns hereafter mentioned, in ſuch Manner, and in ſuch Proportion, as the ſaid Commiſſioners, or any Seven or more of them, ſhall, from Time to Time, think moſt neceſſary.

Groyns, how to be maintained.

LIII. And whereas the ſaid Town of *Brighthelmſtone* is ſituate by the Sea Side, and within Six Miles of the Port or Harbour of *Shoreham*, and belongs to the ſaid Port, and great Part of the ſaid Town having been deſtroyed by the breaking in of the Sea, ſeveral Groyns were ſome Years ſince erected, which have preſerved the ſaid Town, and the Coaſt is now ſafe and commodious, at ſeveral Times of the Year, for Ships and Veſſels to unload and land Sea Coal, Culm, and other Coal, on the Beach of the ſaid Town, for the Uſe of the Inhabitants thereof: And whereas the ſaid Groyns are become greatly out of Repair, and the Inhabitants of the ſaid Town are not able to raiſe Money ſufficient to repair the ſame without the Aid and Authority of Parliament; be it therefore further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, ſhall be, and they are hereby conſtituted and appointed Truſtees for repairing, improving, maintaining, and preſerving the ſaid Groyns, and erecting and building any new Groyns, or ſuch other Works, at ſuch Times, and in ſuch Manner, as to them, or any Seven or more of them, at any General Meeting aſſembled for putting in Execution all or any of the Powers in and by this Act given and granted, ſhall ſeem moſt proper; and that it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, to order and direct all Matters and Things, and to cauſe the ſame to be done, from Time to Time, which ſhall be neceſſary for the repairing, improving, maintaining, and preſerving, the ſaid Groyns, and other Works, according to the true Intent and Meaning of this Act.

Duty on Sea Coal landed on the Beach.

LIV. And be it further enacted, That for the better effecting and Support of the ſaid Premiſes, there ſhall, from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-three, be paid to the ſaid Truſtees, and their Succeſſors or to ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall, from Time to Time, appoint as their Deputy or Deputies, Receiver or Receivers, to collect and receive the ſame, the Sum of Sixpence for every Chaldron of Sea Coal, Culm, and other Coal, that ſhall or may be landed on the Beach of the Coaſt at the Town of Brighthelmſtone; and they the ſaid Truſtees, and their Succeſſors, and ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall from Time to Time appoint as aforeſaid, are hereby authoriſed and impowered to demand, collect, receive, and take, of and from the Maſters and Owners, Maſter and Owner, or other Perſon or Perſons having the Rule or Command of every Ship, Bark, or other Veſſel, for every Chaldron of Sea Coal, Culm, or other Coal, landed or diſcharged out of any Ship or Veſſel on the ſaid Beach or Coaſt of Brighthelmſtone, or otherwiſe brought into the ſaid Town, within the Pariſh of Brighthelmſtone aforeſaid, the ſaid Sum of Sixpence.

No Ship to go out of the Port till the Maſter produces a Certificate that the Duty is paid.

LV. And to the Intent the ſaid Rate and Duty may be truly anſwered and paid, be it further enacted by the Authority aforeſaid, That no Collector, Cuſtomer, Collector of His Majeſty's Cuſtoms, Comptroller, Receiver of Entries, or Ships Surveyor or Searcher, or other Officer of the Cuſtoms whatſoever, belonging to the Port or Harbour of Shoreham, in the ſaid County of Suſſex, (to which ſaid Port the ſaid Town of Brighthelmſtone doth belong, and is ſubject), ſhall, at any Time after the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-three, give, or make out, any Cocquet, or other Diſcharge, or take any Report outwards, for any Ship, Bark, or other Veſſel, or permit any Ship, Bark, or other Veſſel, to go out of the ſaid Port, until the Maſter or Owner, or other Perſon or Perſons having the Rule or Command of any ſuch Ship, Bark, or other Veſſel, ſhall produce a Certificate from the Collector or Collectors to be appointed in purſuance of this Act, that the Rate or Duty by this Act granted is paid, or ſecured to be paid; which ſaid Certificate the ſaid Collector or Collectors is and are hereby required to give without Fee or Reward: And that any Collector, Cuſtomer, Collector of His Majeſty's Cuſtoms, Comptroller, Surveyor, or other Officer of the Cuſtoms whatſoever, making Default in any of the Premiſes enjoined by this Act, ſhall forfeit and pay the Sum of Twenty Pounds; to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, wherein no Eſſoin, Protection, or Wager of Law, ſhall be allowed, nor more than One Imparlance; One Moiety of ſuch Forfeiture to be to the Uſe of the Perſon or Perſons who ſhall proſecute, ſue for, and recover the ſame, and the other Moiety thereof to be paid into the Hands of the ſaid Truſtees, or to ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall direct, to be applied for the Purpoſes of this Act.

Truſtees may enter Ships, Barks, &c. of any Maſter refuſing to pay the Rate, and diſtrain for Payment.

LVI. And, to the Intent the ſaid Rate or Duty impoſed by this Act may be more effectually collected and levied, be it further enacted by the Authority aforeſaid, That in caſe any Owner or Maſter, or other Perſon having the Rule or Command of any Ship, Bark, or other Veſſel, and laden with Coals, charged and chargeable with the aforeſaid Rate or Duty, ſhall refuſe to pay the ſame; then, and in ſuch caſe, it ſhall and may be lawful to and for the ſaid Truſtees, and their Succeſſors, or ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall appoint to be their Collector or Collectors, as aforeſaid, or any or either of them, from Time to Time, to go on Board ſuch Ship, Bark, or other Veſſel, to demand, collect, and receive the ſame; and for Nonpayment thereof, to take and detain every ſuch Ship, Bark, or other Veſſel, and all her Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, or all or any Part of the ſaid Coals or Culm, chargeable with the ſaid Rate or Duty, either on Board ſuch Ship, Bark, or other Veſſel, or on Land, and the ſame to detain until he or they be ſatisfied and paid the ſaid Rate or Duty; and in caſe of any Neglect or Delay in Payment of the ſaid Rate and Duty for the Space of Three Days after any Diſtreſs or Diſtreſſes ſo taken as aforeſaid, that then it ſhall and may be lawful to and for the ſaid Truſtees, and their Succeſſors, and ſuch Perſon or Perſons as they ſhall appoint, as aforeſaid, their Collector or Collectors, Receiver or Receivers, to cauſe the ſame to be appraiſed, and afterwards to ſell the ſaid Diſtreſs or Diſtreſſes, and therewith to ſatiſfy him or themſelves, as well for and concerning the ſaid Rate or Duty ſo neglected or delayed to be paid, and for which ſuch Diſtreſs or Diſtreſſes ſhall be taken as aforeſaid, as alſo for his or their reaſonable Charges in taking, keeping, appraiſing, and ſelling ſuch Diſtreſs, rendering to the Maſter, or other Perſon having the Rule and Command of the Ship or Veſſel, in, to, or from which ſuch Diſtreſs ſhall be ſo taken or belong, the Overplus, if any there ſhall be.

Truſtees may aſſign the Rates as a Security for Money borrowed

LVII. And, to the End a ſufficient Sum of Money may ſpeedily be raiſed for the Purpoſes aforeſaid, and for the better ſecuring the Repayment of the ſame, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, and they are hereby impowered, by Indenture or Writing, under their Hands and Seals, to convey, aſſign, and aſſure the ſaid Rate and Duty granted by this Act, or any Part thereof, as a Security for any Sum or Sums of Money by them to be borrowed, not exceeding the Sum of One thouſand five hundred Pounds, for the Ends and Purpoſes aforeſaid, to any Perſon or Perſons that ſhall or will lend or advance the ſame, for ſecuring the Payment thereof, with Intereſt; which ſaid Money ſhall be paid into the Hands of the Truſtees, or of the Treaſurer or Treaſurers by them appointed.

Writings to be without Stamps.

LVIII. And be it further enacted by the Authority aforeſaid, That no Nomination, Appointment, Information, Depoſition, Order, Judgement, Conviction, Warrant, Leaſe, Mortgage, Aſſignment, Transfer, or other Security for the borrowing of Money, or any other Writing whatſoever, under the Hand and Seal, or Hands and Seals of, or only ſigned by, any Commiſſioner or Commiſſioners for putting this Act in Execution, or any Leſſee or Leſſees of the ſaid Rates or Duties, or any Owner of any of the Securities aforeſaid, or any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any Power or Authority hereby veſted in them, or any of them reſpectively, ſhall be charged or chargeable with any Stamp or Duty whatſoever.

Penalties and Forfeitures how to be recovered and applied.

LIX. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed, the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed, ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any One Juſtice of the Peace for the ſaid County of Suſſex, (which Warrant ſuch Juſtice is hereby impowered to grant, upon Confeſſion of the Party or Parties, or upon the Information of any One or more credible Witneſs or Witneſſes upon Oath, which Oath ſuch Juſtice is hereby impowered to adminiſter), and the Penalties or Forfeitures, when recovered, ſhall be paid to the Treaſurer, or ſuch other Perſon as the ſaid Commiſſioners at any Meeting ſhall appoint for that Purpoſe, and be applied towards the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authoriſed and required, by Warrant under his Hand and Seal, to cauſe the Offender or Offenders to be committed to the common Gaol, or Houſe of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, nor leſs than Ten Days, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner fully paid and ſatiſfied.

Diſtreſs not to be deemed unlawful for want of Form;

LX. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs ſhall not be deemed to be unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall afterwards be done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satiſfaction for the ſpecial Damage in an Action upon the Caſe: Provided that no Plaintiff or Plaintiffs ſhall recover in any Action or Actions, for ſuch Irregularity, unleſs Notice in Writing ſhall be given Ten Days before ſuch Action ſhall be commenced of ſuch intended Action, ſigned by the Attorney for the Plaintiffs, ſpecifying the Cauſe of ſuch Action; nor ſhall the Plaintiffs recover in ſuch Action, if ſufficient Tender of Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants before ſuch Action brought.

Proceedings may not be quaſhed for the want of Form,

nor removeable by Certiorari.

LXI. And be it further enacted, That no Order, Verdict, Aſſeſſment, Judgement, or other Proceeding made, touching or concerning any of the Matters aforeſaid, or touching or concerning the Conviction or Convictions of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; any Law or Statute to the Contrary thereof in anywiſe notwithſtanding.

Limitation of Actions.

LXII. Provided always, and be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act by Order of the ſaid Commiſſioners, or any Seven or more of them, until Ten Days Notice ſhall be thereof given to the Clerk or Clerks to the ſaid Commiſſioners, or after ſufficient Satiſfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months after the Fact committed; and every ſuch Action or Suit ſhall be laid or brought in the County or Place where the Matter ſhall ariſe, and not elſewhere; and the Defendant and Defendants, in every ſuch Action or or Suit, ſhall or may, at his or their Election, plead ſpecially, or plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to be ſo done, or if ſuch Action or Suit ſhall be brought before Ten Days Notice ſhall be thereof given as aforeſaid, or after a ſufficient Satiſfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for the ſame, as any Defendant or Defendants have or hath in other Caſes of Law.

General Iſſue.

Treble Coſts.

Expences of this Act how to be borne.

LXIII. And it is hereby further enacted and declared, That the Monies which ſhall be collected, received, levied, and borrowed, by virtue of this Act, ſhall be applied, in the Firſt Place, in defraying the Expences incident to, and incurred in, the obtaining this Act, in Manner following; that is to ſay, One-third Part thereof out of the Money to be raiſed for paving, cleanſing, and lighting, the ſaid Streets, One other Third Part thereof out of the Money to be raiſed for conſtituting the Market, and the remaining Third Part thereof out of the Money to be raiſed for repairing the ſaid Groyns.

Saving Clauſe.

LXIV. Provided alſo, and it is hereby further enacted, That nothing in this Act ſhall extend, or be deemed or conſtrued to extend, to take away, diminiſh, or impede, the Exerciſe of any Privilege or Right whatſoever of the ſaid Town, or of any of the Magiſtrates, Officers, or Servants, thereunto belonging.

Publick Act.

LXV. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be, a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whatſoever, without being ſpecially pleaded.

C A P. XXXV.

An Act for raiſing a further Sum of Money for the Purpoſe of rebuilding the Common Gaol of the County of *Eſſex*.

Preamble.

Act 10 Geo. III. recited, by which the Juſtices may borrow Money not exceeding 10,000 *l.*

WHEREAS by an Act, paſſed in the Tenth Year of the Reign of His preſent Majeſty, (intituled, *An Act for rebuilding the Common Goal of the County of* Eſſex,) it is (amongſt other Things) enacted, That it ſhall and may be lawful for the Juſtices of the Peace for the ſaid County, at their next or any ſubſequent General or Quarter Seſſions to be held for the ſaid County after the paſſing of the ſaid Act, to conclude and agree upon, and to aſſeſs ſuch Sum and Sums of Money, as they ſhall from Time to Time find neceſſary for the Purpoſes of the ſaid Act, ſo as the whole of ſuch Aſſeſſments ſhall not exceed the Sum of Ten thouſand Pounds: And whereas the ſaid Sum of Ten thouſand Pounds will not be ſufficient to anſwer and defray the Expences of purchaſing the adjoining Houſes, Tenements, and Ground, proper and ſufficient for the Purpoſes of the aforeſaid Act, and for the erecting and finiſhing ſuch new Gaol and Buildings as by the ſaid Act are directed, and other the Purpoſes of the ſame Act, after deducting the Value of the Materials of the preſent Gaol; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of

Power to the Juſtices to aſſeſs a further Sum,

not exceeding 8000 l. with like Power of raiſing and recovering as in the former Act.

the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the Juſtices of the Peace for the ſaid County of Eſſex, at their next General or Quarter Seſſions of the Peace to be holden for the ſaid County after the paſſing of this Act, or at any other ſubſequent General or Quarter Seſſions, to conclude and agree upon, and to aſſeſs ſuch further Sum and Sums of Money (over and above the aforeſaid Sum of Ten thouſand Pounds, provided to be raiſed by the ſaid former Act) as they ſhall, from Time to Time, find neceſſary for the Purpoſes of the ſaid former and this preſent Act, ſo as the whole of ſuch Aſſeſſments under or by virtue of this Act ſhall not exceed the Sum of Eight thouſand Pounds; and the ſame ſhall be rated and aſſeſſed in ſuch and the ſame Manner, and according to ſuch and the ſame Proportions, upon every Town, Pariſh, Hamlet, or Place, within the Limits of the ſaid County, and upon the Boroughs, Towns Corporate, and all other Precincts and Liberties within the ſaid County, and be collected, received, levied, and paid, and be accounted for by the Perſons making ſuch Collections, in ſuch Manner, and by ſuch Means, with ſuch Power of levying, and for enforcing the Collection and Payment thereof, and for puniſhing all Perſons whoſe Duty it ſhall be to collect or account for the ſame, and ſhall make Default therein, as the County Rates have been uſually, or may, by an Act, made in the Twelfth Year of the Reign of His late Majeſty, (intituled, An Act for the more eaſy aſſeſſing, collecting, and levying, of County Rates), or by any other Act or Acts of Parliament, be aſſeſſed, collected, received, levied, paid, and accounted for, within the ſaid County; and ſuch Aſſeſſments, when received, ſhall be, from Time to Time, paid by the Treaſurer or Treaſurers of the ſaid County to the ſaid Juſtices, ſo aſſembled as aforeſaid, or to ſuch Perſon or Perſons as they ſhall, by Order or Orders of Court, from Time to Time, appoint to receive the ſame; and the Receipt of ſuch Juſtices, or of ſuch Perſon or Perſons as ſhall be ſo appointed, ſhall be a full and ſufficient Diſcharge to ſuch Treaſurer or Treaſurers for the Payment of ſuch Monies.

Parochial Officers, &c. may make the Rates diſtinct upon the ſeveral Pariſhes, *etc.*

II. And be it further enacted by the Authority aforeſaid, That the ſeveral parochial Officers, or other Perſons, who ſhall pay, or be liable to pay, the Rates or Aſſeſſments which ſhall be made and rated by virtue or in purſuance of this Act, upon any Pariſh, Town, Borough, Liberty, or Place, and alſo all ſuch parochial Officers and Perſons, upon whom any ſuch Rate or Aſſeſſment ſhall be levied, ſhall and may, from Time to Time, after Notice ſhall be given of the Amount of the Rate or Aſſeſſment upon ſuch Town, Pariſh, or Place, either before the Payment thereof by ſuch parochial Officers or Perſons, or after the ſame ſhall have been actually paid by or levied upon ſuch Officers or Perſons, rate and levy ſuch Monies, by a ſeparate and diſtinct Rate and Aſſeſſment upon every ſuch reſpective Town, Pariſh, Town Corporate, or Place, in ſuch Manner and Proportion, and with ſuch Powers for recovering thereof, as any other County Rate may be aſſeſſed or levied.

In Places where the Juſtices for the County have no Power, they may nevertheleſs aſcertain the Proportions of this Rate thereon;

III. And whereas there are ſeveral Boroughs, Towns Corporate, Liberties, and other diſtinct Juriſdictions, within the County of *Eſſex* aforeſaid, in which the Juſtices acting in the Commiſſion of the Peace for the ſaid County have no Power or Authority; be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Juſtices of the Peace for the ſaid County, at their ſaid next General or Quarter Seſſions to be holden for the ſaid County, after the paſſing of this Act, or at any ſubſequent General or Quarter Seſſions, to conclude and agree upon, order, direct, and aſcertain, the Shares and Proportions, which the Boroughs, Towns Corporate, Liberties, and other diſtinct Juriſdictions aforeſaid, ſhall reſpectively raiſe and pay of ſuch Sum and Sums of Money, as the Juſtices of the County ſhall, from Time to Time, find neceſſary for the Purpoſes of the ſaid former and this preſent Act, in the ſame Proportion, as near as may be, to the whole Sum which ſhall be raiſed under or by virtue of the ſaid former and this preſent Act, as the yearly Value of the Lands, Tenements, and Hereditaments, lying and being within ſuch Boroughs, Towns Corporate, Liberties, and other diſtinct Juriſdictions aforeſaid, bears to the yearly Value of the Lands, Tenements, and Hereditaments, lying and being within the reſt of the ſaid County at large.

and the Magiſtrates of ſuch Places ſhall aſſeſs and raiſe the Money ſo aſſeſſed.

IV. And be it alſo enacted by the Authority aforeſaid, That the Juſtices or other Magiſtrates acting in and for the Boroughs, Towns Corporate, Liberties, and other diſtinct Juriſdictions aforeſaid, ſhall, and they are hereby authoriſed and required to aſſeſs and raiſe the Sum or Sums of Money which ſhall be ſo ordered and directed by the Juſtices of the ſaid County to be raiſed and paid by ſuch Boroughs, Towns Corporate, Liberties, and other diſtinct Juriſdictions reſpectively, as aforeſaid, in the ſame Manner, and with the ſame Powers, Authorities, and Methods, as in and by the ſaid former and this Act are given or preſcribed to the Juſtices of the Peace for the ſaid County at large, for aſſeſſing and raiſing Monies for the Purpoſes of the ſaid former and this Act; and, in like Manner, when collected and received, ſhall pay the ſame to the Treaſurer or Treaſurers of the County aforeſaid, who ſhall account for it to the Juſtices of the County, in the ſame Manner as for the Money received in the County at large; and that nothing in this Act ſhall give the Juſtices of the ſaid County any Power or Authority in the Boroughs, Towns Corporate, Liberties, or other diſtinct Juriſdictions, which they had not before.

Application of the Money.

V. And be it further enacted by the Authority aforeſaid, That all ſuch Charges and Expences as have been or ſhall be ſuſtained or expended in or about procuring this preſent Act of Parliament, ſhall (in the Firſt Place) be ſatisfied and paid out of the Monies to be raiſed by virtue or in purſuance of the ſaid former or this preſent Act; and that after ſuch Charges and Expences, and the Charges of erecting, completing, and finiſhing, the ſaid Gaol and Buildings, and all Debts incurred thereby, and all other Monies to be paid in purſuance of the ſaid former and this preſent Act, ſhall be fully paid and ſatisfied, the Surplus of the Monies to be raiſed and levied by virtue of the ſaid former and this preſent Act, ſhall, by Order of the ſaid Juſtices, aſſembled in their General or Quarter Seſſions as aforeſaid, be paid into the publick Stock of the ſaid County, and be deemed and taken, and ſhall and may be applied and paid, as Part of the Common Stock, to and for ſuch Uſes as the ſaid County Stock can or may be applied.

Accounts of Receipts and Expenditures to be made up.

VI. And be it enacted by the Authority aforeſaid, That ſome Time between the Firſt Day of October and the laſt Day of the ſaid Month, in every Year, a fair and juſt Account ſhall be made and wrote out of all Monies received and paid by virtue and in purſuance of the ſaid former and this preſent Act, and how, and to whom, and when, and for what Purpoſes, the ſame have been laid out, paid, and expended; a Copy or Duplicate of which Account, ſigned by the Juſtices, or the major Part of them, ſo aſſembled as aforeſaid, ſhall be depoſited with the Clerk of the Peace of the ſaid County for the Time being, to be kept among the Records of the Seſſions of the Peace, who ſhall permit any Perſon ſo taxed as aforeſaid to inſpect the ſame at all ſeaſonable Times, paying One Shilling for ſuch Inſpection; and ſhall, upon Demand, forthwith give Copies of the ſame, or any Part thereof, to ſuch Perſon, paying at the Rate of Two-pence for Seventy-two Words, and ſo in proportion for any greater or leſſer Number.

Perſons aggrieved may apply to the next Seſſion

VII. Provided always, and be it enacted, That all Perſons who ſhall apprehend themſelves overcharged, or otherwiſe aggrieved, by any Aſſeſſment, or other Act, to be made or done by virtue of this preſent Act, may appeal to the Juſtices of the Peace, aſſembled at their next Quarter Seſſions held for the ſaid County, after Demand of the Monies aſſeſſed, or after ſuch other Act done, who ſhall and may make ſuch Order therein as to them, or the major Part of them, then and there preſent, ſhall ſeem meet.

Limitation of Actions.

General Iſſue.

Treble Coſts.

VIII. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, ſuch Action or Suit ſhall be brought and commenced within Six Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid and brought in the County of Eſſex, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and if the Plaintiff or Plaintiffs ſhall become nonſuit, or diſcontinue ſuch Action or Suit, or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for ſuch Coſts as any other Defendant or Defendants hath or have for Coſts in any other Caſes by Law.

Publick Act.

IX. And be it enacted by the Authority aforeſaid, That this Act ſhall be deemed and taken to be a Publick Act; and all Judges, Juſtices, and other Perſons, ſhall take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP. XXXVI.

An Act to amend an Act, paſſed in the Ninth Year of His preſent Majeſty, intituled, *An Act for laying open and widening certain Ways and Paſſages within the Town of* Birmingham; *and for cleanſing and lighting the Streets, Lanes, Ways, and Paſſages there; and for removing and preventing Nuiſances and Obſtructions therein*; and for widening certain other Streets and Places; for eſtabliſhing a Nightly Watch; and for regulating Carts and Carmen employed in the ſaid Town.

Preamble.

Act 9 Geo. III.

WHEREAS an Act was made in the Ninth Year of His preſent Majeſty's Reign, *for laying open and widening certain Ways and Paſſages within the Town of* Birmingham; *and for cleanſing and lighting the Streets, Lanes, Ways, and Paſſages there; and for removing and preventing Nuiſances and Obſtructions therein:* And whereas a conſiderable Progreſs has been made in the Execution of the ſaid Act; but the Powers thereby given are found inſufficient, in ſeveral Particulars, for anſwering the Purpoſes for which the ſaid Act was made; and, from the ſmall Number of Commiſſioners thereby appointed, it is ſometimes very difficult to procure a Meeting for executing the Act: And whereas, by reaſon a Navigation has lately been made up to the ſaid Town of *Birmingham*, a much greater Number of Carts and Carriages are now uſed there than formerly, in conveying Goods and Merchandiſe, and it is therefore very neceſſary that ſome other of the Streets, Roads, and Paſſages, ſhould be widened and made commodious for carrying on the extenſive

Trade and Commerce of the ſaid Town, without Danger and Inconvenience to the Inhabitants, and others reſorting thereto; and it is alſo neceſſary that the Carts and Carriages uſed in the ſaid Town for carrying Goods, Wares, and Merchandiſe, ſhould be put under proper Regulations, the Fares to be taken for the Uſe thereof limited and aſcertained, and the Behaviour of the Owners and Drivers thereof reſtricted: And whereas it would tend greatly to the Safety and Convenience of the Inhabitants of the ſaid Town, if a regular Nightly Watch was eſtabliſhed therein: To the End therefore that the beneficial Purpoſes of the ſaid former Act may be accompliſhed, and the other Regulations and Matters herein-before mentioned eſtabliſhed and properly aſcertained; may it pleaſe Your Majeſty that it may be enacted; and **be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame,**

Powers, *&c.* of the former Act extended to this Act.

That upon the Firſt Day of June, **One thouſand ſeven hundred and ſeventy-three, all and every the Powers, Authorities, Directions, Proviſions, Penalties, Forfeitures, Regulations, Clauſes, Matters, and Things whatſoever, contained in the ſaid recited Act, except ſuch or ſo much thereof as ſhall be repealed, varied, altered, or rendered unneceſſary by this Act, ſhall be extended to this Act, and be deemed as Part thereof, and ſhall operate and be in full Force in reſpect to this Act, and all the Purpoſes thereof, as fully and effectually, to all Intents and Purpoſes, as if the ſame were herein repeated and ſpecially enacted; and this Act, and all the Powers, Authorities, Regulations, and Proviſions, herein contained, ſhall commence and take Effect upon the ſaid Firſt Day of** June, **One thouſand ſeven hundred and ſeventy-three, and be thenceforth executed, together with the ſaid former Act, for the ſeveral Purpoſes therein and herein reſpectively contained.**

Commencement of this Act.

Additional Commiſſioners.

II. **And be it enacted by the Authority aforeſaid, That** Richard Anderton, Samuel Aris, Matthew Barker, William Capper, John Francis, Sampſon Freeth, William Hutton, William Hodgkins, Joſeph Jukes, Edmund Wace Patteſon, Edward Palmer, Samuel Pemberton **junior,** Samuel Ray, William Ryland, Joſiah Rogers, Samuel Steward, Timothy Smith, John Taylor **junior,** John Ward, **and** Thomas Wight **Grocer,** Daniel Bond, Thomas Colemore **of** Edgbaſton Street, William Dutton, William Holden **of** New Street, John Harris **of** Cannon Street, Luke Bell, Walter Oakeley, Thomas Gisbourne, Joſeph Thomaſon, **ſhall be, and are hereby added to, and joined with, the Commiſſioners appointed by or in purſuance of the ſaid former Act; and that the Commiſſioners hereby appointed, together with the ſurviving or remaining Commiſſioners appointed by, or elected in, purſuance of the ſaid former Act, ſhall be, and they and their Succeſſors, to be hereafter elected, are hereby declared to be Commiſſioners for putting the ſaid former Act, and this Act, in Execution, during ſuch Time as they ſhall be qualified, or ſhall not be rendered incapable of acting in Manner preſcribed by, and purſuant to, the Terms of the ſaid former Act, for Qualification or Diſqualification of Commiſſioners.**

For widening Streets deſcribed in the Schedule.

III. **And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Fifteen or more of them, ſhall have, and they are hereby veſted with full Power and Authority, to treat and agree with the Owners and Occupiers of, and all other Perſons intereſted in the Houſes, Buildings, Grounds, and Eſtates, mentioned and deſcribed in the Schedule to the ſaid recited Act, and to this Act, reſpectively annexed, and to purchaſe and become ſeiſed or poſſeſſed of the ſame; and upon Payment of ſuch Sum or Sums of Money as ſhall be agreed upon for ſuch Purchaſes, or adjudged or determined in Manner preſcribed for the like Purpoſes by the ſaid former Act, to cauſe ſuch Houſes and Buildings, or ſo much thereof as ſhall be neceſſary, to be pulled down; and ſuch Grounds, and the Grounds whereon ſuch Houſes and Buildings now ſtand, or ſo much thereof as ſhall be neceſſary, to be laid open for or towards the widening, enlarging, and improving, the Streets, Roads, Paſſages, and Places, deſcribed in the ſaid Schedules reſpectively.**

Commiſſioners Reſolution to purchaſe to be entered in their Book of Proceedings Fourteen Days before any Proceedings had thereon.

IV. **And be it further enacted by the Authority aforeſaid, That when the ſaid Commiſſioners ſhall reſolve to proceed to the Purchaſe of all or any Part of the Houſes, Buildings, Grounds, and Eſtates, mentioned and deſcribed in the Schedule to the ſaid recited Act, and to this Act reſpectively annexed, ſuch Reſolution ſhall be reduced into Writing, and entered in the Book of Proceedings of the ſaid Commiſſioners, and ſigned by Fifteen at leaſt of the ſaid Commiſſioners, at ſome Meeting to be held in purſuance of this Act; and Notice, in Writing, of ſuch Intention, ſhall be publiſhed in ſome or One of the publick News-papers generally printed and publiſhed in the ſaid Town of** Birmingham, **at leaſt Fourteen Days before any Proceedings ſhall be had, in order to the contracting or agreeing for the Purchaſe of the ſame, or the Part or Parts ſo propoſed to be purchaſed, or for ſetting a Value thereupon; any Thing in the ſaid recited Act, or in this Act, contained to the Contrary notwithſtanding.**

Commiſſioners may hire a Building, *etc.* for Offices and Storehouſe.

V. **And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, to hire any ſuch Building or Buildings as they ſhall think fit, in any convenient Part or Parts of the ſaid Town, for the Purpoſe of making uſe thereof as and for an Office or Offices for keeping their Accounts, and doing the Buſineſs relating to the ſaid recited Act, and this Act, and as a Storehouſe or Storehouſes for keeping their Implements and**

and Materials, and for other convenient Purpoſes of the ſaid recited Act, and this preſent Act; and to pay out of the Rates made, or to be made, in purſuance of this Act, ſuch yearly Rent or Rents as they the ſaid Commiſſioners, or any Seven or more of them, ſhall from Time to Time agree upon; and alſo to accept and take a Leaſe of ſuch Building or Buildings to themſelves, or any of them, or any Perſon or Perſons in Truſt for them, for any Term or Number of Years, at and under ſuch yearly Rent or Rents as they ſhall from Time to Time think fit.

Carmen not to ride on their Carts, but to lead the Horſe.

VI. And be it further enacted by the Authority aforeſaid, That when any Cart, Water Cart, Sledge, or Dray, ſhall be drawn by One or more Horſe or Horſes, in any Street, Lane, Way, or Place, within the ſaid Town, the Perſon driving or having the Care of each ſuch Cart, Water Cart, Sledge, or Dray, ſhall not ride within or upon the ſame, or on the Shafts thereof, but walk on Foot by the Side of the Shaft or Thill Horſe, and guide ſuch Shaft or Thill Horſe, by holding in his Hand a Cord, Rein, or Halter, not exceeding One Yard and an Half in Length, faſtened to the Head of ſuch Shaft or Thill Horſe, on Pain of forfeiting, for every Offence or Omiſſion, the Sum of Two Shillings and Sixpence; and if the Driver of any ſuch Cart, Water Cart, Sledge, or Dray, ſhall drive, or permit the ſame to be drawn, upon any Footway within the ſaid Town, other than in caſe of abſolute Neceſſity, ſuch Driver ſhall, for each Offence, forfeit and pay the Sum of Two Shillings and Sixpence.

Penalty on driving Carts on Foot pavements.

Carts uſed in the Town, carrying Coals or Water, to have Six Inch Wheels.

VII. And be it further enacted by the Authority aforeſaid, That the Wheels of every Cart carrying Coals or Water within the ſaid Town, whether for Hire or not, ſhall be made with Fellies Six Inches broad at the leaſt, and of a flat even Surface in every Part of ſuch Fellies, on Pain that the Owner or Driver of every ſuch Cart, not having ſuch Fellies, ſhall, for every Offence, forfeit and pay the Sum of Ten Shillings.

Commiſſioners to aſcertain the Rates of Cartage,

VIII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Fifteen or more of them, ſhall, and have hereby full Power, from Time to Time, to ſet down and aſcertain the Rates and Prices of Cartage which ſhall from Time to Time be paid and payable to Carters and Carmen plying and being within the ſaid Town, for the carrying and conveying of any Coals, Iron, Stone, Goods, Wares, and other Merchandiſe, from the ſeveral Wharfs of the Navigation now made, or hereafter to be made, and lying or being near or adjoining to the ſaid Town called The Birmingham Canal Navigation, to any Part or Parts of the ſaid Town, and from any Parts of the ſaid Town to any other Parts thereof, in or upon any Cart, Sledge, or Dray, according to the Diſtances which the ſame ſhall be carried, as they the ſaid Commiſſioners, or any Fifteen or more of them, ſhall think proper; which ſaid Rates and Prices of Cartage, and none other, ſhall from Time to Time be paid or payable to any of ſuch Carters or Carmen; and alſo the ſaid Commiſſioners, or any Fifteen or more of them, ſhall and may, and have hereby full Power to make and ordain ſuch Orders, Rules, and Bye-laws, for the better governing and regulating of all ſuch Carters and Carmen within the ſaid Town for the Time being, in all Reſpects whatſoever, as ſhall appear fit and proper in the Judgement of ſuch Commiſſioners; and to fix and appoint ſuch Penalties for the Non-obſervance or Non-performance, or other Breach of all or any of ſuch Rules, Orders, or Bye-laws, or any Part thereof, as they ſhall think proper; ſuch Penalties to be levied and recovered by ſuch Ways and Means as are herein-after mentioned; and all which Orders, Rules, and Bye-laws, when put into Writing, and ſigned by the ſaid Commiſſioners, or any Fifteen or more of them, ſhall from Time to Time be final and binding to all Intents and Purpoſes whatſoever, and every Proceeding in conſequence thereof ſhall be good and effectual.

and make Rules for governing Carts and Carmen.

Commiſſioners to mark the ſeveral Diſtances from the Wharfs.

IX. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, ſhall cauſe, by Letters or Figures, to be painted or deſcribed upon Boards or Stones, and placed on or againſt the Front Walls of the Houſes or other Buildings of or in the ſaid Town, or otherwiſe, as they ſhall think proper, the Diſtances from the ſaid ſeveral Wharfs near or adjoining to the ſaid Town, ſignifying the particular Diſtances from ſuch reſpective Wharfs, and the Rate or Fare for Carriage from ſuch reſpective Wharf going to or beyond ſuch reſpective Diſtances, and to keep up and renew ſuch Marks from Time to Time, the Charges of making and keeping up ſuch Marks to be defrayed out of the Money to be raiſed and collected by virtue of this Act; and all Perſons who ſhall wilfully or maliciouſly deſtroy, injure, obliterate, or deface, any ſuch Letters or Figures, or injure the Boards, Poſts, or other Things, whereon the ſame ſhall be painted or deſcribed, or cauſe or procure the ſame to be done, ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

Commiſſioners may eſtabliſh a Watch.

X. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners, or any Fifteen or more of them, from Time to Time, if they ſhall think neceſſary, to order and appoint ſuch Number of Watchmen and Night Conſtables as they ſhall judge proper within the ſaid Town, and to nominate ſuch able-bodied Men to be employed in ſuch Services as they the ſaid Commiſſioners ſhall think beſt qualified; and ſhall order and direct how and where the ſeveral Watchmen ſhall be ſtationed, and in what Manner they ſhall be armed, and how often they ſhall go their how long they ſhall continue upon Duty, and what Wages ſhall be allowed to ſuch Watchmen and Night Conſtables for their Attendance; and ſhall alſo order and direct what Number of Night Conſtables ſhall attend every Night in the ſaid Town, and in what Parts, and may erect or hire Watch-houſes, and ſet up Watch-boxes, and make all ſuch other Orders and Regulations relating to ſuch Watchmen and Night Conſtables as they ſhall think proper, and as the Nature of each particular Service ſhall require; and the ſaid Commiſſioners, or any Fifteen or more of them, may, from Time to Time, remove any of the ſaid Night Conſtables and Watchmen, and appoint others in their Rooms, or in the Room of ſuch as may die or refuſe to ſerve in ſuch reſpective Capacities.

Copies of Regulations to be delivered to Night Conſtables.

XI. And be it further enacted by the Authority aforeſaid, That true Copies or Tranſcripts of all ſuch Orders, Regulations, Nominations, and Appointments, as ſhall be made from Time to Time, for the better Direction and Government of the ſaid Night Conſtables and Watchmen, ſhall be fairly written and ſigned by the ſaid Commiſſioners, or any Fifteen or more of them, and ſhall be delivered to the ſeveral Night Conſtables within the ſaid Town; and the ſaid Conſtables and Watchmen ſhall, in their ſeveral Turns or Courſes of Watching, uſe their beſt Endeavours to prevent Fires, Murders, Burglaries, Robberies, and other Outrages and Diſorders; and to that End ſhall, and they are hereby jointly and ſeverally impowered and required to arreſt and apprehend all Rogues, Vagabonds, and all diſorderly Perſons, whom they ſhall find Diſturbers of the publick Peace, and to carry them to the common Priſon in the ſaid Town, there to be kept in ſafe Cuſtody till the Night Conſtable or Watchmen can convey ſuch Perſon or Perſons before ſome Juſtice of the Peace of the ſaid County of Warwick, which is to be done within Forty-eight Hours from the Time of the Offender's being apprehended, to be examined and dealt with according to Law; and the Night Conſtables ſhall, ſo often in every Night as ſhall be ordered by the ſaid Commiſſioners, or any Seven or more of them, go about the ſaid Town, and take Notice whether all the Watchmen perform their Duties in their ſeveral Stations, according to ſuch Orders and Regulations as ſhall have been made for that Purpoſe by the ſaid Commiſſioners as aforeſaid; and that each ſuch Conſtable, and every ſuch Watchman, ſhall and may, and is hereby required, during the Times of his or their Watching, to aſſiſt and defend any Perſons who ſhall be unlawfully aſſaulted, attacked, or abuſed, within the ſaid Town; and in caſe any of ſuch Watchmen ſhall misbehave himſelf, or neglect his Duty, the ſaid Night Conſtables, or One of them, as ſoon as conveniently may be, ſhall give Notice thereof to the Clerk of the Commiſſioners, who is hereby authoriſed to ſuſpend ſuch Watchman from the Execution of his Office, and appoint another Perſon to officiate therein until the next Meeting of the ſaid Commiſſioners, when the ſaid Clerk ſhall acquaint the Commiſſioners aſſembled at ſuch Meeting with the Complaint againſt ſuch Watchman, in order for the ſaid Commiſſioners, or any Seven or more of them, to proceed to the Examination of the Offence; and ſuch Watchman ſhall, for every ſuch Misbehaviour or Neglect, forfeit and pay the Sum of Five Shillings, or be diſcharged from his ſaid Office of Watchman, and be incapable of ever after being employed as a Watchman by virtue of this Act.

Penalty on Watchmen neglecting their Duty.

Penalty on Night Conſtables neglecting their Duty.

XII. And be it further enacted by the Authority aforeſaid, That if any of the ſaid Night Conſtables ſhall wilfully neglect to attend in his or their Turn, to keep Watch and Ward within the ſaid Town, or ſhall not come to keep Watch and Ward within the ſaid Town, or ſhall depart from or leave keeping Watch or Ward, during the reſpective Hours to be appointed by the Commiſſioners, as aforeſaid, or ſhall otherwiſe neglect his or their Duty, or misbehave himſelf or themſelves againſt the Duty preſcribed to them by this Act, or the ſaid Commiſſioners, as aforeſaid; in each and every the ſaid Caſes, the Perſon or Perſons ſo offending ſhall reſpectively forfeit the Sum of Twenty Shillings for every ſuch Offence.

Expences of Watch how to be paid.

XIII. And be it further enacted by the Authority aforeſaid, That from and after ſuch Time as a Watch ſhall be ſet up and eſtabliſhed in the ſaid Town, purſuant to the Powers and Authorities aforeſaid, the Wages of all the Night Conſtables and Watchmen, and the Expences of their Accoutrements, Watch-houſes, Watch-boxes, and every other Charge and Expence whatſoever relating to ſuch Watch, ſhall and lawfully may, from Time to Time, and at all Times, be paid and diſcharged out of the Rates or Aſſeſſments to be raiſed and levied under and by virtue of this Act.

How broken Glaſs or other Rubbiſh ſhall be diſpoſed of.

XIV. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall at any Time throw, caſt, or lay, any broken Glaſs, Earthen Ware, Caſting-pots, Brick-ends, Brick-batts, Cinders, Sleck Caſting, Shop Dirt, Braſs Dirt, or Aſhes, or other Rubbiſh whatſoever, in any of the Streets, Lanes, Ways, or Paſſages, within the ſaid Town, upon any Pretence or Account whatſoever; but that all Perſons having any ſuch Rubbiſh or Things above mentioned to be removed from their reſpective Houſes, Shops, Yards, Warehouſes, or other Places, ſhall, from Time to Time, cauſe the ſame, at their own Expence, to be carried away and laid at ſome convenient and proper Place out of the ſaid Town; and every Perſon who ſhall throw, caſt, or lay, or cauſe or permit to be thrown, caſt, or laid, any ſuch Rubbiſh, or other Things, in any of the Streets, Lanes, Ways, or Paſſages, of the ſaid Town, ſhall, for every Offence, forfeit and pay the Sum of Five Shillings, and ſhall, moreover, pay to the Scavenger of the ſaid Town, for taking away the ſame, ſo much as the ſaid Commiſſioners, or any Seven or more of them, ſhall from Time to Time direct, by any Writing under their Hands, not exceeding One Shilling for every Time it ſhall be neceſſary for a common Cart loaded in the ordinary Way to go therewith; which Payment to the Scavenger ſhall and may be recovered in the ſame Manner as the Penalties are hereby directed to be recovered.

Penalty on waſhing Braſs Dirt in the Streets.

XV. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall at any Time waſh any Braſs Dirt, or Aſhes, or any Kind of Metal, in any of the Streets, Lanes, Ways, or Paſſages, in any Parts of the ſaid Town; but that all Perſons having Occaſion to waſh ſuch Braſs Dirt, or Aſhes, or any Kind of Metal, ſhall cauſe the ſame to be done in their Shops or Yards, or elſe in ſome convenient Place out of the ſaid Town, in order to prevent the foul Water, Dirt, or Aſhes, neceſſarily ariſing therefrom, intermixing with the Dirt or Soil in ſuch Streets, Lanes, Ways, or Paſſages, of the ſaid Town, upon Pain of forfeiting, for every Neglect or Offence, the Sum of Ten Shillings.

Annoyances by Waggons, or other Things, continuing in the Streets, how to be prevented.

XVI. And be it further enacted, That if any Cart, tilted Waggon, or other Waggon, Sledge, Dray, or other Carriage, ſhall be left to remain or continue in any Street, Lane, Way, or Paſſage, in the ſaid Town, with or without Horſes or other Cattle, either in the Day-time or by Night, for more than Three Hours at any One Time; or if any Timber, Bricks, Stones, Slates, Hay, Straw, Wood, Coals, Boards, Caſks, Goods, Wares, Merchandiſe, Materials, or Things whatſoever, ſhall be laid or placed, and left in any ſuch Street, Lane, Way, or Paſſage, longer than ſhall be neceſſary for the houſing or removing the ſame; then, and in every ſuch Caſe, the Owner or Owners of every ſuch Cart, tilted Waggon, or other Waggon, Sledge, Dray, or other Carriage; or of any ſuch Timber, Bricks, Goods, Wares, Merchandiſe, Materials, or Things, ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings, and the ſame ſhall, moreover, be deemed Nuiſances; and any One of the Officers belonging to the ſaid Commiſſioners, without any Peace Officer, or other Perſon preſent, ſhall, either in the Day or by Night, ſeize, or cauſe to be ſeized, the Cart, Waggon, Sledge, Dray, or other Carriage, ſo left to remain or continue contrary to the true Meaning of this Act, together with the Horſe or Horſes thereunto belonging or affixed, (if any), or the Timber, Bricks, Stones, Slates, Hay, Straw, Wood, Coals, Boards, Caſks, Goods, Wares, Merchandiſe, Materials, or Things, ſo laid or placed as aforeſaid, and remove the ſame, or cauſe the ſame to be removed, to any Place within the ſaid Town, as ſhall be appointed for that Purpoſe by the ſaid Commiſſioners, or any Seven or more of them, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants, ſhall claim the ſame, and pay to the Perſon or Perſons in whoſe Cuſtody the ſame ſhall then be the Sum of Ten Shillings, together with the Charges of removing and keeping the ſame: And in caſe the ſame ſhall not be claimed, and the ſaid Sum of Ten Shillings and Charges paid, within the Space of Six Days next after ſuch Seizure, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to cauſe the ſame to be ſold, returning the Overplus, if any be, upon Demand to the Owner or Owners thereof, after deducting the ſaid Penalty, and the Charges of ſuch Removal, Keeping, and Sale; which ſaid Penalty ſhall be applied to the Purpoſes of this Act.

If Waggons, or other Obſtructions, be not ſeized as aforeſaid, the Owner neverthleſs to forfeit.

XVII. Provided always, and be it further enacted, That if any Cart, tilted Waggon, or other Waggon, Sledge, Dray, or other Carriage, ſhall be ſo left to remain or continue as aforeſaid; or any Timber, Bricks, Goods, Wares, Merchandiſe, Materials, or Things, ſhall be ſo laid or placed as aforeſaid, and the ſame ſhall not be ſeized as aforeſaid; the Owner or Owners of ſuch Cart, tilted Waggon, or other Waggon, Sledge, Dray, or other Carriage; or of ſuch Timber, Bricks, Goods, Wares, Merchandiſe, Materials, or Things, ſhall, nevertheleſs, forfeit and pay the Sum of Ten Shillings for every Offence by ſuch Cart, Waggon, Sledge, Dray, or other Carriage, being ſo placed, or ſuffered to ſtand or continue; or ſuch Timber, Bricks, Goods, Wares, Merchandiſe, Materials, or Things, being ſo laid or placed, or left as aforeſaid.

Commiſſioners to regulate Signs, Penthouſes, Shewboards, &c.

XVIII. And be it further enacted by the Authority aforeſaid, That all Signs, or other Emblems, uſed to denote the Trade, Occupation, or Calling, of any Perſon or Perſons, Sign-poſts, and Sign-irons, Pent-houſes, Shew-boards, Stalls, Window-ſhutters and Flaps, Porches, Sheds, Butchers Stalls, Bulks, and Gallowſes, Shambles, Blocks, or Pieces of Timber, Chopping-blocks, Watering Tubs or Troughs, Poſts, Rails, and Stumps, projecting into, or ſtanding or being in any of the ſaid Streets, Lanes, Ways or Paſſages, and all other Incroachments, Nuiſances, or Annoyances whatſoever, within the ſaid Town, projecting into, or ſtanding or being in the ſaid Streets, Lanes, Ways, or Paſſages, ſhall be taken down and removed within Three Calendar Months after the paſſing of this Act; and that all Signs, or other Emblems, as aforeſaid, ſhall be affixed and placed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto the ſame reſpectively belong or were before affixed, and not otherwiſe: And in caſe the Owners or Occupiers ſhall neglect ſo to do before the Expiration of the ſaid Three Calendar Months, it ſhall be lawful for the ſaid Commiſſioners, or any Fifteen or more of them, to cauſe ſuch Signs, Emblems, Sign-poſts, Sign-irons, Pent-houſes, Shew-boards, Stalls, Window-ſhutters and Flaps, Porches, Sheds, Butchers Stalls, Bulks, and Gallowſes, Shambles, Blocks, or Pieces of Timber, Chopping-blocks, Watering Tubs or Troughs, Poſts, Rails, and Stumps, and all other Incroachments, Nuiſances, or Annoyances whatſoever, to be taken down and removed, and ſhall cauſe all ſuch Signs, or other Emblems as aforeſaid, to be affixed and placed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong, or were before affixed, and not otherwiſe; and the Charges and Expences attending the ſame ſhall and may be recovered of the Owners or Occupiers thereof reſpectively, in the ſame Manner as the Charges and Expences of cleanſing and lighting the ſaid Streets are directed to be recovered under the ſaid recited Act, or this Act: And if any Perſon or Perſons ſhall at any Time or Times thereafter hang, place, or erect, any Sign or Sign-poſt, or other Poſt, Sign-iron, Pent-houſe, Shew-board, Stall, Window-ſhutter or Flap, Porch, Shed, Butchers Stall, Bulk, or Gallows, Shamble, Block, or Piece of Timber, Chopping-block, Watering Tub or Trough, Poſt, Rail, Stump, or other Incroachment, Nuiſance, or Annoyance whatſoever, or cauſe the ſame to be done, contrary to the Directions aforeſaid, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings, and the further Sum of One Shilling for every Day ſuch Offence ſhall continue; and the Maſter Workman employed to erect, build, do, or perform the ſame, ſhall forfeit and pay the Sum of Forty Shillings; and it ſhall be lawful for the ſaid Commiſſioners, or any Fifteen or more of them, to cauſe the ſame to be taken down and removed, without any Notice or Warning to be given to the Owner or Owners, Tenant, or Occupiers, to take down or remove the ſame.

and to regulate Bulks and Bulk Saſhes.

XIX. And be it further enacted by the Authority aforeſaid, That all Bulks and Bulk Saſhes, which have been erected, built, or made, to any Houſe, Work-ſhop, or other Building, in the ſaid Town, ſince the paſſing of the ſaid recited Act, which ſhall be deemed or adjudged Annoyances by the ſaid Commiſſioners, or any Fifteen or more of them, by Writing under their Hands, ſhall be altered or regulated in ſuch Manner as not to project more than Twelve Inches from the perpendicular Wall of the ſaid Houſe, Work-ſhop, or other Buildings, into any Street, Lane, Way, or Paſſage, in the ſaid Town, upwards of Ten Yards in Breadth; and all Bulks and Bulk Saſhes which have been erected, built, or made, to any Houſe, Work-ſhop, or other Buildings, in any Street, Lane, Way, or Paſſage, ſince the paſſing of the ſaid recited Act, not more than Ten Yards in Breadth, ſhall be removed and wholly taken away by the Owners or Proprietors thereof reſpectively, within Six Calendar Months after Notice given for that Purpoſe, by Writing under the Hand of the Clerk of the ſaid Commiſſioners for the Time being, to be left at the Houſes or other Buildings before which the ſame ſhall reſpectively ſtand in caſe of the ſame being then inhabited; and if ſuch Houſe or other Building ſhall not be inhabited, then ſuch Notice to be placed on the Door, or ſome other conſpicuous Part of ſuch Houſe or other Building: And in caſe of ſuch Owners or Proprietors refuſing or neglecting to alter, regulate, or remove, and wholly take down ſuch Bulk or Bulk Saſhes within ſuch Time; then, and in either of the Caſes aforeſaid, it ſhall be lawful for the ſaid Commiſſioners, or any Fifteen or more of them, to cauſe all ſuch Bulks or Bulk Saſhes to be altered, regulated, removed, or wholly taken down, as the Caſe ſhall require, and to ſell ſuch Bulks or Bulk Saſhes, or ſuch Parts thereof as ſhall be taken down as aforeſaid, returning to the Owners the Overplus of the Produce thereof, after defraying all Charges and Expences of altering, regulating, or taking down, and ſelling the ſame, (if any ſuch Surplus ſhall be); and every ſuch Owner ſhall likewiſe forfeit and pay the Sum of Twenty Shillings.

How Bulks, &c. ſhall be built.

XX. And be it further enacted, That no Bulk or Bulk Saſh ſhall at any Time hereafter be erected, built, or made, to any Houſe, Work-ſhop, or other Building, in any Street, Lane, Way, and Paſſage, which now is or hereafter ſhall be upwards of Ten Yards in Breadth, to project more than Twelve Inches from the perpendicular Wall of the ſaid Houſe, Work-ſhop, or other Building, in or from which the ſame ſhall be made; nor ſhall any Bulk or Bulk Saſh whatever be erected, built, or made, to any Houſe, Work-ſhop, or other Building, in any Street, Lane, Way, or Paſſage, in the ſaid Town, which is or ſhall be not more than Ten Yards in Breadth, on Pain of forfeiting for each reſpective Offence the Sum of Twenty Shillings, and the further Sum of One Shilling for every Day ſuch Offence ſhall continue; and the Maſter Workman employed to erect, build, or make the ſame, ſhall forfeit and pay the Sum of Forty Shillings: And it ſhall be lawful for the ſaid Commiſſioners, or any Fifteen or more of them, to cauſe the ſame to be taken down, removed, and carried away, without any Notice or Warning to be given to the Owner or Owners, Tenant or Occupier, to take down, remove, or carry away the ſame.

Penalty on Perſons baiting Bulls, &c.

XXI. And be it further enacted, That if any Perſon ſhall bait, or cauſe to be baited, any Bull, in the Manner called Bull-baiting, in any Part of the ſaid Town, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds; and if any Perſon or Perſons ſhall make, or aſſiſt in making, any Fire or

Fires, commonly called Bonfires, or ſhall ſet Fire to, or let off or throw, any Squib, Serpent, Rocket, or other Fireworks whatſoever, in any of the Streets, Lanes, Ways, Paſſages, or other publick Places, within the ſaid Town, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Shillings.

Penalty of rolling Caſks, Wheels, &c. on Foot pavements.

XXII. And be it further enacted, That if any Perſon or Perſons ſhall roll any Caſk or Wheel, or drive any Wheelbarrow, or wilfully ride, drive, or lead, or cauſe to be rode, driven, or led, any Horſe, or other Cattle, on any of the Footways within the ſaid Town, other than in Caſes of abſolute Neceſſity, ſuch Perſon or Perſons ſhall forfeit and pay, for every ſuch Offence, the Sum of Two Shillings and Sixpence.

Penalty on erecting Stalls, &c. except the Lord of the Manor.

XXIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall erect, place, or ſet up, or cauſe or procure to be erected, placed, or ſet up, any Stands, Stalls, Crates, or Pens, or other Conveniencies, upon the Market Day, or other Days in the Week, in the Street or Place called The Market Place, or in any other Street, Lane, Way, or Paſſage, within the ſaid Town, without the Conſent of the ſaid Commiſſioners, or any Seven or more of them, firſt had or obtained in Writing under their Hands, (except ſuch Stands or Stalls as ſhall, from Time to Time, be ſet up and belong to the Lord of the Manor of Birmingham aforeſaid, for the Time being), it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, either at any Meeting in purſuance of this Act, or without any ſuch Meeting, upon Complaint of any ſuch Obſtruction, Nuiſance, or Incroachment, to cauſe the ſame to be taken down, carried away, and depoſited in ſuch Place or Places as the ſaid Commiſſioners, or any Seven or more of them, ſhall direct or appoint, there to remain until the Offender or Offenders ſhall have paid and diſcharged all Coſts, Charges, and Expences, attending the carrying away and depoſiting the ſame, as aforeſaid; as alſo the Sum or Fine of Ten Shillings for every ſuch Offence: And in caſe ſuch Fine, and the Charges of carrying away and depoſiting the ſame, ſhall not be paid within the Space of Six Days next after ſuch carrying away and depoſiting the ſame as aforeſaid, the ſaid Commiſſioners, or any Seven or more of them, ſhall cauſe the ſame to be ſold, and the Monies ariſing therefrom ſhall be applied to the ſame Uſes and Purpoſes as the Monies ariſing from the Rates or Aſſeſſments are hereby directed to be applied.

Swine or Cattle not to be ſuffered to wander in the Streets.

XXIV. And be it further enacted, That if any Swine, Beaſt, or Cattle, ſhall be found wandering about any of the Streets, Lanes, Ways, or Paſſages, within the ſaid Town, it ſhall be lawful for any Officer or Officers of the ſaid Commiſſioners to impound ſuch Swine, Beaſt, or Cattle, in the common Pound of the ſaid Town, or ſuch other Place as ſhall be appointed for that Purpoſe by the ſaid Commiſſioners, or any Seven or more of them, and the ſame to detain in the ſaid Pound or Place until the Sum of Two Shillings and Sixpence, and the Expence of impounding ſuch Swine, Beaſt, or Cattle, ſhall be fully paid and ſatisfied: And in caſe ſuch Penalty and Expences ſhall not be paid within Three Days after ſuch Swine, Beaſt, or Cattle, ſhall be impounded, it ſhall be lawful for ſuch Perſon or Perſons as ſhall be appointed by the ſaid Commiſſioners, or any Seven or more of them, for that Purpoſe, to ſell, or cauſe ſuch Swine, Beaſt, or Cattle, to be ſold, returning the Overplus (if any be) upon Demand to the Owner or Owners thereof, after deducting the ſaid Penalty, and the Charges of impounding, keeping, and Sale, which ſaid Penalty ſhall be applied towards the Purpoſes of this Act.

Perſons wilfully injuring Lamps to be committed.

XXV. And be it further enacted by the Authority aforeſaid, That whenever any Perſon ſhall wilfully and maliciouſly, or wantonly, break, throw down, ſpoil, or damage, any Lamp, or any Materials or Furniture thereto belonging, or fixed thereto, every ſuch Perſon, unleſs he ſhall immediately pay a Penalty after the Rate of Twenty Shillings per Lamp for the Lamps ſo broken, or the Materials or Furniture ſo ſpoiled or damaged, ſhall and may be ſeized by a proper Officer, or by any Perſon ſeeing the Offence committed, and carried to the common Priſon of the ſaid Town, and be there detained and kept until ſuch Time as he can be conveniently carried before ſome Juſtice of the Peace in and for the ſaid County of Warwick, which ſhall be done within Forty-eight Hours from the Time of the Offender being apprehended; and every ſuch Juſtice is hereby authoriſed and required to order ſuch Perſon immediately to pay ſuch Penalty, and on Failure therein, to remand ſuch Perſon back to the ſaid Priſon for the Space of One Month, if his Offence ſhall be wilfully, maliciouſly, or wantonly, breaking, pulling down, ſpoiling, or damaging, only One Lamp, or the Materials or Furniture belonging or affixed to only One Lamp; but if the Offence of ſuch Perſon ſhall be wilfully, maliciouſly, or wantonly, breaking, pulling down, ſpoiling, or damaging more than One Lamp, or the Materials or Furniture belonging to more than One Lamp, then for ſuch Time as ſuch Juſtice ſhall think proper, and order, not exceeding Three Calendar Months, and ſuch Perſon ſhall be there accordingly confined and kept for ſuch Time.

Rates inſtead of thoſe granted by the former Act.

XXVI. And be it further enacted by the Authority aforeſaid, That inſtead of the Rates mentioned in and provided to be raiſed by the ſaid recited Act, for the Purpoſes thereof, which are hereby declared to be repealed, there ſhall and lawfully may, from Time to Time, be levied and raiſed in the ſaid Town, for the Purpoſes of the ſaid recited Act, and of this preſent Act, ſuch Rates as are herein-after mentioned; (that is to ſay,) All and every Perſon and Perſons who ſhall rent or occupy within the ſaid Town of Birmingham any Houſe, Tenement, or Building, or any Houſes, Tenements, or

Buildings, or other Hereditaments, of the yearly Rent or Value of One Pound, and under Ten Pounds, ſhall be rated and aſſeſſed at any Sum not exceeding Three-pence in the Pound in any One Year; and all and every Perſon and Perſons who ſhall, as aforeſaid, rent or occupy within the ſaid Town any Hereditaments and Premiſes of the yearly Rent or Value of Ten Pounds, and under Twenty Pounds, ſhall be rated and aſſeſſed at any Sum not exceeding Sixpence in the Pound in any One Year; and all and every Perſon and Perſons who ſhall, as aforeſaid, rent or occupy within the ſaid Town, any Hereditaments and Premiſes of the yearly Rent or Value of Twenty Pounds or upwards, ſhall be rated and aſſeſſed at any Sum not exceeding Nine-pence in the Pound in any One Year, according to ſuch Rents or Values reſpectively: Which reſpective Rates ſhall be ſubject to Appeal, and ſhall be aſſeſſed, in like Manner as is directed by the ſaid recited Act, with reſpect to the Rates therein mentioned; and that all and every the Rates and Aſſeſſments to be made in purſuance of this Act ſhall be payable and collected Twice a Year, or oftener, in every Year; and that all Rates and Aſſeſſments, which ſhall be made as aforeſaid, ſhall be allowed and ſigned by the ſaid Commiſſioners, or any Seven or more of them, who have hereby Power to amend any ſuch Rate or Aſſeſſment, by inſerting, or cauſing to be inſerted, the Name or Names of any Perſon or Perſons who ſhall have been omitted to have been inſerted in any ſuch Rate or Aſſeſſment, and who ought to have been rated; or by taking out the Name or Names of any Perſon or Perſons whoſe Name or Names ſhall have been inſerted in any ſuch Rate or Aſſeſſment, and who ought not to be rated, or by varying, altering, or raiſing, or lowering, the ſeveral and reſpective Sum and Sums of Money, which ſhall be charged, rated, or aſſeſſed, in ſuch Rate or Aſſeſſment, upon any Perſon or Perſons whomſoever.

Perſons left out of Poor's Rate on Account of Poverty not to be rated.

XXVII. Provided always, and be it further enacted, That no Rate or Aſſeſſment ſhall be charged upon any Perſon or Perſons, who, by reaſon of his, her, or their Poverty or Inability only, is, are, or ſhall be excuſed and left out of the Rates made for the Relief of the Poor within the ſaid Town.

How Perſons ſhall be rated who occupy different Houſes, &c.

XXVIII. And be it further enacted by the Authority aforeſaid, That where any Perſon or Perſons ſhall, from Time to Time, hold or occupy any different Houſes, Buildings, or other Hereditaments, either adjoining together or ſituated diſperſedly in various Parts of the ſaid Town, at different yearly Rents, or ſhall hold or occupy any diſtinct Parts or Shares of the ſame Houſe or Houſes, Building or Buildings, or other Hereditaments, of different Perſons, and no One of ſuch Rents, or no One of them which ſhall be paid to the ſame Perſon, ſhall amount unto Ten Pounds, but the yearly Rent thereof payable to different Perſons, or the Rents ſo payable in the Whole for the Premiſes ſo diſtinctly held or occupied, ſhall amount to Ten Pounds, or upwards; and where any Perſon or Perſons ſhall hold or occupy any different Houſes, Buildings, or other Hereditaments, or any Parts or Shares thereof, as aforeſaid, and no One of ſuch Rents, or no One of them which ſhall be paid to the ſame Perſon, ſhall amount to Twenty Pounds, but the yearly Rent thereof, payable to different Perſons, or the Rents ſo payable in the Whole for the Premiſes ſo diſtinctly held or occupied, ſhall amount to Twenty Pounds, or upwards; in all and every ſuch Caſes, ſuch Inhabitant or Occupier ſhall be conſidered, for all the Purpoſes of this Act, and of the ſaid recited Act, as being an Inhabitant or Occupier of a Houſe or Houſes, Building or Buildings, or other Hereditaments, at the yearly Rent of Ten or Twenty Pounds, or upwards, as the Caſe ſhall be, and ſhall be aſſeſſed accordingly for the Tax to be raiſed and levied for the Purpoſes of this and the ſaid recited Act; any Thing in the ſaid recited Act, or this preſent Act, contained to the Contrary notwithſtanding.

Manner of recovering Rates.

XXIX. And be it further enacted, That in caſe any Perſon or Perſons ſo rated and aſſeſſed, or charged as aforeſaid, ſhall refuſe or neglect to pay any ſuch Rates or Aſſeſſments to the Collector or Collectors for the Space of Three Days after perſonal Demand thereof made, or Demand in Writing left at the laſt Place of Abode of ſuch Perſon or Perſons, it ſhall be lawful for any Juſtice of the Peace for the ſaid County of Warwick, upon Oath, which Oath he is hereby impowered and required to adminiſter, by Warrant under his Hand and Seal, which Warrant he is hereby required to grant, to authoriſe and direct the ſaid Collector or Collectors to levy ſuch Rate, or Monies ſo refuſed or neglected to be paid, and in arrear, together with the Coſts and Charges attending the ſame, to be aſcertainted by the ſaid Juſtice, by Diſtreſs and Sale of the Goods and Chattels of every ſuch Perſon and Perſons ſo refuſing or neglecting to pay, or in arrear, rendering the Overplus (if any be) to the Party or Parties to diſtrained upon, or leaving the ſame for his, her, or their Uſe, at the Place where ſuch Diſtreſs ſhall be made.

How Houſes let in different Apartments ſhall be rated.

XXX. And be it further enacted by the Authority aforeſaid, That where any Perſon or Perſons ſhall rent or occupy any Houſe or Houſes, Building or Buildings, or other Hereditaments, and ſhall let any Part or Parts thereof to any under Tenant or under Tenants, the firſt Taker or Takers of ſuch Houſe or Houſes, Building or Buildings, or other Hereditaments, ſhall be liable to pay the Whole of the Money which ſhall be aſſeſſed on ſuch Houſe, Building, or other Hereditament, for the Purpoſes of this or the ſaid recited Act, in reſpect thereof, or the firſt Taker or Takers, and his, her, or their under Tenant or under Tenants, ſhall be ſeparately liable to pay ſuch Parts thereof as ſhall be proportioned to the Parts really and bona fide payable by them reſpectively of the Rent of the Whole of ſuch Houſes, Buildings, or other Hereditaments, at the Option or Election of the ſaid Commiſſioners, or any Seven or more of them, ſuch Option or Election to be ſignified by Writing under the Hands of any Seven or more of ſuch Commiſſioners; and where Perſons ſhall hold or occupy jointly and in Partnerſhip, any Houſe or Houſes, Warehouſe or Warehouſes, Building or Buildings, or other Hereditaments, within the ſaid Town, the Rate or Aſſeſſment made in reſpect thereof ſhall be paid by the Perſon firſt named in the ſaid Partnerſhip, or firſt Partner, and ſuch Rate or Aſſeſſment ſhall be added to the Rate or Aſſeſſment payable by him in reſpect of any other Premiſes he may happen to hold or occupy within the ſaid Town, and the ſame ſhall be paid for together, as if the ſame were only One entire Holding or Occupation.

Collectors, &c. to be appointed;

and to be allowed Salaries.

XXXI. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, by Writing under their Hands, to nominate and appoint ſuch Number of Perſons as they ſhall from Time to Time think fit, for the Purpoſes of collecting the Rates or Aſſeſſments by this Act directed to be raiſed, and for tranſacting any other Buſineſs, Matters, or Things, in, for, or about, the putting of this or the ſaid recited Act in Execution, taking ſuch Security for the faithful Execution of their reſpective Offices, as the ſaid Commiſſioners, or any Seven or more of them, ſhall think fit; and out of the Money raiſed by ſuch Rates and Aſſeſſments to pay or allow unto ſuch Perſons ſuch Salaries or Recompence, yearly, or otherwiſe, for his or their Trouble, as to them the ſaid Commiſſioners, or any Seven or more of them, ſhall ſeem meet and reaſonable, and to revoke and countermand, alter and vary, ſuch Nominations and Appointments, and Salaries or Recompence, and make others in their Stead, or not, as to them ſhall ſeem meet and proper.

Collectors to account.

XXXII. Provided always, and be it further enacted by the Authority aforeſaid, That all and every Perſon or Perſons who ſhall be appointed to collect ſuch Rates or Aſſeſſments, or any of them, ſhall, from Time to Time, yearly, or oftener, if required, by the ſaid Commiſſioners, or any Seven or more of them, account before ſuch Commiſſioners, or any Seven or more of them, for all Money received in reſpect of ſuch reſpective Rates or Aſſeſſments, and ſhall make Oath of the Truth of all Accounts before the ſaid Commiſſioners, or any Seven or more of them, (any One of whom is hereby authoriſed and impowered to adminiſter ſuch Oath): And in caſe of any ſuch Perſon refuſing to render ſuch Account within Seven Days after the ſame ſhall be demanded, or within ſuch Time to make Oath of the Truth of ſuch Accounts, or to make Payment, as aforeſaid; then, and in any of the Caſes aforeſaid, ſuch Commiſſioners, or any Seven or more of them, may, and are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Names of ſuch Commiſſioners, or in the Names of any Two or more of them, againſt the Perſon or Perſons ſo neglecting or refuſing as aforeſaid, in order for the Recovery of the Monies that ſhall be in the Hands of ſuch Perſon or Perſons reſpectively; or if Complaint ſhall be made by the ſaid Commiſſioners, or any Seven or more of them, of any ſuch Refuſal or Neglect, to any Juſtice or Juſtices of the Peace for the ſaid County of Warwick, ſuch Juſtice or Juſtices may, and is and are hereby authoriſed and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Perſon or Perſons ſo refuſing or neglecting to be brought before him or them, and, upon his or their appearing, or not being to be found, to hear and determine the Matter in a ſummary Way: And if, upon the Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, it ſhall appear to ſuch Juſtice or Juſtices that any of the Monies that ſhall have been collected or raiſed by virtue of this Act ſhall be in the Hands of ſuch Perſon or Perſons, ſuch Juſtice or Juſtices may, and is and are hereby authoriſed and required, upon Nonpayment thereof, by Warrant or Warrants under his Hand and Seal, or their Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons reſpectively; and if no Goods or Chattels of ſuch Perſon or Perſons can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of levying the ſame; then ſuch Juſtice or Juſtices ſhall commit every ſuch Offender to the common Gaol or Priſon for the ſaid County, there to remain without Bail or Mainprize, until he ſhall give and make a true and perfect Account, and Payment, as aforeſaid, or until he ſhall compound with the ſaid Commiſſioners, or any Seven or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint; which Compoſition the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered to make: But the Commitment of ſuch Collector to Gaol or Priſon ſhall not acquit or diſcharge any Surety or Sureties, Security or Securities, that ſhall or may have been taken by, or given to, the ſaid Commiſſioners, or any Seven or more of them, for the due and faithful Execution of the Office of Collector, or any Action, Suit, or Proceſs, commenced, or to be commenced, for Recovery of any Monies ſo received.

A Part of the Rates to be applied in making the Openings.

XXXIII. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners, or any Fifteen or more of them, from Time to Time, to apply and diſpoſe of a Tenth Part or Share, and no more, of the Money which ſhall from Time to Time ariſe from the Rates and Aſſeſſments to be collected in purſuance of this Act, for or towards the Purpoſe of purchaſing and pulling down, and laying open the Houſes, Buildings, Grounds, and Eſtates, mentioned and ſpecified in the

Schedules to the ſaid recited Act, and this Act, reſpectively annexed; any Thing in the ſaid recited Act contained to the Contrary thereof in any-wiſe notwithſtanding.

Commiſſioners may borrow 1000l. by mortgaging a Tenth Part of the Rates,

XXXIV. And whereas it will be neceſſary to borrow Money upon the Credit of this Act, for the more ſpeedy and effectual carrying the ſame into Execution; be it therefore enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners, or any Fifteen or more of them, and they are hereby authoriſed and impowered to raiſe, borrow, and take up and receive, of and from any Perſon or Perſons whomſoever who ſhall be willing to lend and advance the ſame, any Sum or Sums of Money whatſoever, ſo as the whole Money which ſhall be owing or undiſcharged in reſpect thereof, at any One Time, do not exceed the Sum of One thouſand Pounds; and the ſaid Commiſſioners, or any Fifteen or more of them, from Time to Time, are hereby impowered, by any Deed or Deeds, Writing or Writings, under their Hands and Seals, but without any Stamp, to aſſign over or mortgage, for any certain Term or Number of Years, a Tenth Part or Share of the yearly Revenue or Income to ariſe from the reſpective Rates or Aſſeſſments hereby granted, or any Part or Parts thereof, to ſuch Perſon or Perſons, or their Truſtees, who ſhall advance or lend the ſame, for ſecuring the Payment thereof, with Intereſt; or may ſell and ſecure Annuities, payable quarterly, for the natural Life or Lives of ſuch Perſon or Perſons who ſhall contribute, advance, and pay, any Sum or Sums of Money, on the natural Life or Lives of ſuch Perſon or Perſons as ſhall be nominated by and on the Behalf of ſuch reſpective Contributors at the Time of Payment of their reſpective Contribution-monies, to be paid out of the Tenth Part or Share of the yearly Rates or Aſſeſſments, in lieu of any Sum or Sums of Money to be by them borrowed or raiſed for the Ends and Purpoſes aforeſaid; and ſo as the Money to be raiſed, both by Mortgage of the ſaid Tenth Part or Share of the Rates, and by Annuities payable thereout, ſhall at no One Time exceed the Sum of One thouſand Pounds; and that the Coſts and Charges occaſioned by the borrowing and ſecuring ſuch Money, and granting ſuch Annuities, ſhall be paid out of the Rates to be raiſed by virtue of this Act.

or by granting Annuities.

How Intereſt and Annuities may be recovered.

XXXV. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons who ſhall lend or advance any Money on the Credit of the ſaid Tenth Part or Share of the ſaid yearly Rates or Aſſeſſments, in Default of Payment of the principal Money they ſhall ſo lend, or the Intereſt thereof, or in Default of due Payment of any Annuities that ſhall be ſecured to them thereupon, (after Demand thereof made at any Meeting of the ſaid Commiſſioners, or any Seven or more of them), to collect, gather, and receive, a Tenth Part or Share of the ſaid yearly Rates or Aſſeſſments by this Act granted, until ſuch Perſons ſhall have received all Principal and Intereſt, or all ſuch Sums of Money which ſhall be due to them reſpectively, by way of Annuity or Annuities, or otherwiſe, as the Caſe ſhall be; and all Coſts and Expences attending the Collection and Receipt thereof, with the ſame Powers in every Reſpect for the collecting, gathering, and recovering, the ſaid Tenth Part or Share of the ſaid yearly Rates or Aſſeſſments for paying the ſaid principal Money, Intereſt, and Annuities, by ſuch Ways and Means, and in ſuch Manner, as the ſaid Commiſſioners, or any Seven or more of them, could or might have collected the ſame; and the Perſons liable to pay ſuch Rates or Aſſeſſments ſhall, in that Caſe, be juſtified in making ſuch Payments to ſuch Mortgagees or Annuitants.

Books to be provided, and Names of Annuitants entered.

XXXVI. And be it further enacted, That there ſhall be provided by the ſaid Commiſſioners, or any Seven or more of them, a Book or Books, in which ſhall be fairly written, in Words at Length, the Names and Surnames, with the proper Additions and Places of Abode, of all Perſons who ſhall be Proprietors of any of the Annuities aforeſaid, and alſo the Sum paid for the Purchaſe of ſuch Annuities, and the reſpective Days of Payment thereof, to which Book and Books it ſhall be lawful for the ſaid reſpective Purchaſers, and their Aſſigns, and to and for any Perſon or Perſons liable to the Payment of Rates and Aſſeſſments, at all reaſonable Times, to have Recourſe, and inſpect the ſame without Fee or Reward.

Annuities may be aſſigned.

XXXVII. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for any Perſon or Perſons intitled to any ſuch Mortgage or Mortgages of the Rates, or any ſuch Annuity or Annuities, and his, her, or their Executors, Adminiſtrators, or Aſſigns, from Time to Time, by Writing, under his, her, or their Hand and Seal, or Hands and Seals, to be indorſed on the Back of his, her, or their Aſſignment or Security, or by any other Writing or Writings, under his, her, or their Hand and Seal, or Hands and Seals, to be duly executed in the Preſence of Two or more credible Witneſſes, without any Stamp, to aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit, to the Principal and Intereſt Money, and Annuities, thereby ſecured, or any Part thereof, to any Perſon or Perſons whomſoever; and ſuch Aſſignee may, and is hereby impowered, to aſſign the ſame again in like Manner, and ſo toties quoties; all which Aſſignments or Transfers ſhall be produced to the Clerk of the ſaid Commiſſioners, within Twenty Days next after the Date thereof, who ſhall cauſe an Entry thereof to be made in a Book or Books to be kept for that Purpoſe; for which Entry the ſaid Clerk ſhall be paid the Sum of Two Shillings and Sixpence, and no more; and no ſuch Transfer ſhall be valid until ſuch Entry ſhall be made.

Application of the Money

XXXVIII. And be it further enacted, That all Money which ſhall be borrowed, and all Monies to be raiſed by the Rates or Aſſeſſments made in purſuance of this Act, ſhall, as the ſame ſhall come in and be received, be iſſued and applied, from Time to Time, for defraying the Expences, firſt of obtaining this Act, and afterwards of carrying the ſame, and the ſaid recited Act, into Execution, and to or for no other Uſe or Purpoſe whatſoever.

XXXIX. And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed, (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed), ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of ſome Juſtice of the Peace for the ſaid County of Warwick, which Warrant ſuch Juſtice is hereby impowered and required to grant upon the Confeſſion of the Party or Parties, or upon the Information of any One or more credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice is hereby required to adminiſter); and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any) upon Demand to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained, (the Charges of ſuch Diſtreſs and Sale being firſt deducted), ſhall be paid to the Treaſurer to the ſaid Commiſſioners for the Time being, and be applied towards the Purpoſes of this Act.

Penalties and Forfeitures how to be recovered and applied.

XL. And whereas by the ſaid recited Act it is enacted and declared, That in Caſes where any Appeal ſhall be made to the Juſtices of the Peace, at any General or Quarter Seſſion of the Peace, the ſaid Juſtices, in ſuch Seſſion, ſhall hear and finally determine the ſame; which may be attended with Inconveniencies and Hardſhips; be it therefore further enacted by the Authority aforeſaid, That a Writ of Certiorari to remove any Rates, or any Orders or other Proceedings made or taken by any Juſtices, at any General or Quarter Seſſion, or Adjournment thereof, may be ſued out and granted, any Thing in the ſaid Act contained to the Contrary thereof in any-wiſe notwithſtanding.

Allowing a Writ of *Certiorari* againſt Orders of Seſſions.

XLI. And be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Thirty Days Notice ſhall be thereof given, in Writing, to the Clerk or Treaſurer to the ſaid Commiſſioners, nor at any Time whatſoever after ſufficient Satiſfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed, for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought; and all ſuch Actions and Suits ſhall be laid and tried in the County or Place where ſuch Matters and Things reſpectively ſhall be committed or done, and not in any other County or Place; and that the Defendant or Defendants, in ſuch Actions and Suits, and every of them, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which ſhall be had thereupon, and that the Matter or Thing for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by the Authority of this Act: And if the ſaid Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Suit was brought before Thirty Days Notice thereof given as aforeſaid, or that ſufficient Satiſfaction was made or tendered as aforeſaid, or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid, then the Jury or Juries ſhall find for the Defendant or Defendants therein; and if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, or if Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants may have for his or their Coſts in any other Caſes by Law.

Limitation of Actions.

General Iſſue.

Treble Coſts.

XLII. And be it further enacted, That this Act, and every Thing herein contained, ſhall be deemed, adjudged, and taken to be, a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

Publick Act.

SCHEDULE referred to in the Act.

To widen *Moor Street*.

To take down Six Tenements and a Blackſmith's Shed, One of them now or late in the Occupation of *William Butler*, together with the ſaid Shed, One of them unoccupied; and the Four others now or late in the reſpective Occupations of *Thomas Allen*, *Ann Marſon*, *Eliſabeth Brockhurſt*, and *Charles Butler*.

To widen *New Street*.

To take down Six Tenements, Two of them now or late in the Occupation of *John Reddell*, and the other Four now or late in the reſpective Occupations of *John Jackſon*, *Robert Farmer*, *Thomas Farmer*, and *William Newey*; and to take in ſo much Land, Part of a Cloſe, belonging to *John Meredith*, and alſo Three Perch of Land in the Poſſeſſion of *James Dalton*, lying next the Road at the End of *New Street*, as ſhall be ſufficient to make the ſaid Road Sixty Feet wide.

To widen *Bull Lane*.

To take down Four Tenements, now or late in the reſpective Occupations of *William Rogers*, *Joſeph Mills*, *William Hodgel*, and *William Greening*.

To widen the Road by the Side of *Saint Philip's Church Yard*.

To take down a Tenement in the Occupation of *George Williamſon*; and to take in ſo much Land, Part of the Land of Meſſrs. *Duncomb* and Company, adjoining to the ſaid Road, as ſhall be neceſſary to make the ſame Thirty Feet wide.

To widen *Smallbrook Street*.

To take down a ſmall Tenement in the Occupation of *James Onions*.

To widen the Street or Road called *Mount Pleaſant*.

To take in ſo much Land, Part of the Land of Meſſrs. *Duncomb* and Company, adjoining thereto, as ſhall be ſufficient to make the ſaid Street or Road Forty-eight Feet wide.

CAP. XXXVII.

An Act for making and extending the Navigation of the River *Bure*, (commonly called the *North River*), by and from *Coltiſhall* to *Aylſham Bridge*, in the County of *Norfolk*.

Preamble.

WHEREAS the River *Bure*, (commonly called the *North River*), in the County of *Norfolk*, is navigable for Boats and other Veſſels, from the Town of *Great Yarmouth* to the Town of *Coltiſhall*: And whereas the ſaid River is capable of being made navigable up to a Bridge near the Town of *Aylſham*, called *Aylſham Bridge*: And whereas the extending the Navigation of the ſaid River, by and from the ſaid Town of *Coltiſhall* to *Aylſham Bridge* aforeſaid, will be a great Advantage to the ſaid County of *Norfolk*, and the Publick in general: May it therefore pleaſe Your Majeſty that it may be enacted; and be enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all Perſons having, or who ſhall hereafter have, Freehold or Copyhold Eſtates in the Hundreds of North and South Erpingham, Taverham, Eynsford, and Tunſtead, in the County of Norfolk, of the annual Value of One hundred Pounds, or ſhall be poſſeſſed of a perſonal Eſtate to the Amount of Three thouſand Pounds, and whoſe uſual Place of Reſidence ſhall be in ſome or One of the ſaid Hundreds, ſhall be, and they, and their Succeſſors, to be elected in Manner herein-after mentioned, are hereby appointed Commiſſioners for making the ſaid River Bure navigable for Boats, Barges, and other Veſſels, by and from the ſaid Town of Coltiſhall up to the ſaid Bridge called Aylſham Bridge, and for putting this Act, and all the Powers and Authorities herein contained, in Execution.

Who may be elected Commiſſioners.

Commiſſioners impowered to employ or contract with any Perſons for performing the Works.

II. And be it further enacted, That they the ſaid Commiſſioners, or any Seven or more of them, aſſembled as herein-after is directed, (and not otherwiſe), ſhall have full Power and Authority, by any Writing under their Hands, to employ or contract with any Perſon or Perſons for making the ſaid River navigable up to Aylſham aforeſaid, or for the Performance of any Works which they the ſaid Commiſſioners, or any Seven or more of them, ſhall think neceſſary to be done in purſuance of this Act; ſuch Contract or Contracts to be for ſuch Time or Times, and under ſuch Covenants and Conditions, as the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper; and ſuch Perſon or Perſons employed or contracted with as aforeſaid, his or their Agents, Workmen, Servants, and Labourers, with the Approbation and Allowance of the ſaid Commiſſioners, or any Seven or more of them, are hereby authoriſed and impowered, from Time to Time, to open, cleanſe, ſcour, depthen, enlarge, or ſtraiten, the ſaid River, and to make Paſſages for Water from any Brooks, Streams, or Watercourſes, into the ſaid River, and to dig, cut, heighten, or ſtrengthen, the Banks of the ſaid River for the Purpoſes aforeſaid, and to make ſuch new Cuts, Canals, Trenches, or Paſſages for Water, in, upon, or through the Lands or Grounds adjoining or near to the ſaid River, and to widen and depthen any Cuts or Trenches already made, as they ſhall think proper, as well for the Navigation of Boats, Barges, and other Veſſels, as for the more convenient, eaſy, and better Execution of this Act; and to make ſuch Gutters or Drains as may be proper or neceſſary to prevent any Damage to any Lands by the ouzing or flowing of Water out of the ſaid River, Cuts, Canals, Trenches, or Paſſages, and to make ſuch Gutters, Drains, Arches, or Tunnels, parallel with or under the ſaid River navigable Cuts, Canals, Trenches, or Paſſages, as ſhall be ſufficient at all Times to convey, the Water from off the Lands adjoining or lying near to the ſaid River, navigable Cuts, Canals, Trenches, or Paſſages; and alſo to build, erect, make, ſupport, and maintain, over, or in the ſaid River, Cuts, Canals, Trenches, or Paſſages, or upon the Lands adjoining or near to the ſame, or any of them, ſuch and ſo many Bridges, Sluices, Locks, Staunches, Flood-gates, Weirs, Dams, Pens for Water, Wharfs. Warehouſes, Houſes for Lock-keepers, Quays, Landing-places, Winches, Weigh-beams, Cranes, Engines, and all ſuch other Works, at ſuch Places, and in ſuch Manner, as the ſaid Commiſſioners, or any Seven or more of them, ſhall think neceſſary and convenient, and from

Time to Time to alter and repair the ſame; and to make, widen, or enlarge any Ways, Paſſages, or other Conveniencies, for the conveying of Goods, Commodities, and all other Things, to and from the ſaid River, and the navigable Cuts, Canals, Trenches, or Paſſages thereof, and for the conveying of all Manner of Materials for erecting and making the ſaid Works, and for altering and repairing the ſame, from Time to Time, and to place, lay, work, and manufacture, the ſaid Materials on the Grounds near to the Place or Places where any ſuch Works ſhall be making or erecting, altering or repairing, or are intended to be made, erected, altered, or repaired; and alſo to amend, heighten, or alter, any Bridges upon ſuch River, Cuts, Canals, Trenches, or Paſſages, which may hinder the Paſſage of Boats, Barges, or other Veſſels thereon; and alſo to dig, get, take, and carry away, Soil, Clay, Gravel, Stone, or any other Materials, proper and convenient for carrying on, perfecting, altering, or repairing, the ſaid Works, in, from, through, and over the Lands of any Perſon or Perſons adjoining or lying near to the ſaid River, Cuts, Canals, Trenches, or Paſſages, (but no ſuch Materials ſhall be got in the Ground whereon any Houſe ſtands, or in any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe), which were ſo before the Firſt Day of January, One thouſand ſeven hundred and ſeventy three; and alſo to make, ſet out, and appoint, Towing-paths, Banks, and Ways, convenient for the towing, haling, or drawing, (with Men), Boats, Barges, and other Veſſels, paſſing through or upon the ſaid River, or the Cuts. Canals, Trenches, or Paſſages thereof, and alſo ſuch Gates, Fences, and Stiles in or acroſs ſuch Banks, Paths, or Ways, or any Part or Parts thereof; and to dig, cut, remove, and take away, all Trees, Roots of Trees, Stone, Banks of Sand, Gravel, or Soil, and all other Obſtructions to the making, uſing, or repairing, the ſaid Navigation, or the towing of Veſſels; and alſo to do and perform all ſuch other Works, Matters, and Things, as they the ſaid Commiſſioners, or any Seven or more of them, ſhall from Time to Time judge neceſſary and convenient, for the making, carrying on, completing, or maintaining, the Navigation of the ſaid River, and executing the Purpoſes of this Act: And for the Execution of all or any of the Powers aforeſaid, it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, or the Perſon or Perſons employed or contracted with, as aforeſaid, his or their Agents, Workmen, Servants, and Labourers, being thereunto authoriſed by the ſaid Commiſſioners, or any Seven or more of them, to dig, cut, remove, and make uſe of any Lands, Tenements, or Hereditaments whatſoever, belonging to the King's moſt Excellent Majeſty, His Heirs or Succeſſors, or any other Perſon or Perſons, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, they the ſaid Commiſſioners, or any Seven or more of them, firſt making Satisfaction to the reſpective Owners of, and Perſons intereſted in, ſuch Lands, Tenements, or Hereditaments, for the Damage they may thereby ſuſtain.

First Meeting of Commiſſioners.

III. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, ſhall meet at the Houſe known by the Sign of the Black Boys in Aylſham, on the Fourth Day of Auguſt, One thouſand ſeven hundred and twenty-three, or within Twenty Days after, and proceed to the Execution of this Act; and the ſaid Commiſſioners, or any Seven or more of them, ſhall hold a General Meeting on the Firſt Wedneſday in Auguſt in every ſucceeding Year, at the ſame or ſome other convenient Place in the ſaid Town of Aylſham; and the ſaid Commiſſioners, or any Seven or more of them, preſent at any Meeting, ſhall, from Time to Time, adjourn and hold their Meetings at ſuch Place or Places, as they ſhall think moſt convenient for the Execution of this Act: And if at the Time appointed for holding any Meeting a ſufficient Number of Commiſſioners ſhall not attend to act, or to adjourn, the Meeting ſhall, from Time to Time, as often as the Caſe ſhall ſo happen, be deemed adjourned until that Day Three Weeks; and the Treaſurer, Clerk, or Surveyor, to the ſaid Commiſſioners ſhall cauſe Notice in Writing, or in Print, under his Hand, of the Time and Place of holding every Meeting, to be affixed on ſome publick Place in the Town of Aylſham, at leaſt Ten Days before every ſuch Meeting, and alſo cauſe Notice of ſuch Meeting to be inſerted Twice in the Norwich News-papers, in caſe any Papers ſhall then be publiſhed, before the Time of every ſuch Meeting, unleſs the Buſineſs to be tranſacted at any Meeting, of which ſuch Notice has been given, as aforeſaid, ſhall not be concluded on the Day mentioned in ſuch Notice, in which Caſe the Commiſſioners, or any Seven or more of them, may, from Time to Time, adjourn to the ſucceeding Day, unleſs ſuch Day ſhall be Sunday, and in that Caſe to the next Day after, and in like Manner from Day to Day, and may meet again at the ſame or any other convenient Place, and proceed in ſuch Buſineſs until the ſame is finiſhed, without any Notice to be given of the Meetings held by ſuch Adjournment; but no Meeting ſhall be held by virtue of this Act at any Place which is above Three Miles diſtant from the ſaid River; and the ſaid Commiſſioners, at all their Meetings, ſhall defray their own Expences; and no Commiſſioners ſhall be impowered to do any Matter or Thing in the Execution of this Act otherwiſe than at a Meeting to be held in purſuance of this Act; and that no Order or Determination of the ſaid Commiſſioners, or any Seven or more of them, ſhall be revoked or altered unleſs Nine Commiſſioners ſhall be preſent and concur therein;

In Default of a ſufficient Number of Commiſſioners to act, Notice to be given of another Meeting.

Commiſſioners at all Meetings to defray their own Expences.

No Perſon to act as a Juryman while he holds any Place of Profit.

therein; nor ſhall any Perſon act as a Juryman in the Execution of this Act, during the Time he ſhall hold any Place of Profit under this Act, or ſhall have lent any Money upon the Credit of the Tolls hereby granted.

Commiſſioners may act as Juſtices.

IV. Provided always, That all ſuch Commiſſioners as are Juſtices of the Peace may act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Commiſſioners.

Qualification of Commiſſioners.

Penalty on acting not being qualified.

V. And be it further enacted, That no Perſon ſhall act as a Commiſſioner in the Execution of any of the Powers hereby granted, unleſs he ſhall be qualified as aforeſaid: And if any Perſon not being ſo qualified, ſhall nevertheleſs preſume to act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds, to any Perſon who ſhall ſue for the ſame; to be recovered, with full Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, in which no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Sum of Fifty Pounds, without any other Proof on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Commiſſioner in the Execution of this Act.

Commiſſioners to take an Oath.

VI. Provided always, and be it further enacted, That every Commiſſioner, before he takes upon himſelf to act in the Execution of any of the Powers or Authorities hereby given to him, (other than the adminiſtering the Oath following to One another, which Oath any One of the ſaid Commiſſioners is impowered to adminiſter to any other of the ſaid Commiſſioners), ſhall take the following Oath; videlicet,

I *A. B.* do ſwear, That I will truly and impartially, according to the beſt of my Judgement, adjudge and faithfully execute the Powers and Authorities veſted in me as a Commiſſioner appointed in purſuance of an Act "For making and extending the Navigation of the River *Bure*, (commonly called the *North River*), by and from *Coltiſhall* to "*Aylſham Bridge*, in the County *Norfolk*."

For purchaſing Lands.

VII. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall have full Power and Authority to agree with the Owners or Proprietors of and Perſons intereſted in any Lands, Tenements, or Hereditaments, which the ſaid Commiſſioners, or any Seven or more of them, ſhall judge neceſſary to be cut, digged, pulled down, removed, or otherwiſe made uſe of for the Purpoſes of this Act, for the Purchaſe of ſuch Lands, Tenements, and Hereditaments, or for the Recompence to be made to ſuch Owners, Proprietors, and Perſons intereſted, for the Damage they may ſuſtain; and alſo to ſettle and aſcertain in what Proportion the Sum or Sums ſo agreed for ſhall be paid to the ſeveral Perſons intereſted in the Premiſes; and it ſhall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, and Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes-covert, or other Perſon or Perſons, and to and for all Femes-covert who are or ſhall be ſeiſed or intereſted in their own Right, and to and for all and every other Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands, Tenements, or Hereditaments, to contract for, ſell, and convey, unto the ſaid Commiſſioners, or any Seven or more of them, or to ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall appoint, any Lands, Tenements, or Hereditaments, for the Purpoſes aforeſaid, to be paid for in Groſs, or by an annual Rent or Payment, or to agree with the ſaid Commiſſioners, or any Seven or more of them, for any Recompence to be made for the Damage which may be done to any ſuch Lands, Tenements, or Hereditaments, by the Execution of any of the Powers of this Act; and all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances whatſoever, ſhall be valid and effectual in Law, to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or Cuſtom to the Contrary notwithſtanding: And all Bodies Politick, Corporate or Collegiate, and all Perſons whomſoever, are hereby indemnified for what they or any of them ſhall do in purſuance of this Act: But if it ſhall happen that any ſuch Body Politick, Corporate or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons intereſted or concerned, as aforeſaid, ſhall, for the Space of Forty Days after Notice in Writing given to the principal Officer or Officers of ſuch Body Politick, Corporate or Collegiate, or to ſuch Truſtee or Truſtees, Perſon or Perſons reſpectively, or left at his, her, or their reſpective Place or Places of Abode, or at the Houſe of the Tenant or Tenants, Occupier or Occupiers, of ſuch Lands, Tenements, or Hereditaments, neglect or refuſe to treat, or ſhall not agree with the ſaid Commiſſioners, or any Seven or more of them, or by reaſon of Abſence ſhall be prevented from treating; then, and in every ſuch Caſe, the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered from Time to Time to iſſue their Warrant or Warrants, under their Hands and Seals to the Sheriff of the County of Norfolk, and if ſuch Sheriff ſhall be intereſted in ſuch Matter, then to One of the Coroners of the ſaid County, requiring ſuch Sheriff or Coroner reſpectively to impanel, ſummon, and return

If Perſons refuſe to treat with Commiſſioners for the Sale of Lands,

a Jury to be impanelled

turn a Jury; and the ſaid Sheriff or Coroner reſpectively is hereby required accordingly to impanel, ſummon, and return, Twenty-four ſufficient Men, qualified according to the Laws of the Realm, to be returned for the Trials of Iſſues joined in His Majeſty's Courts at Weſtminſter, to appear before the ſaid Commiſſioners, or any Seven or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, in order that out of them a Jury of Twelve may be ſworn, to inquire touching the Matters in Queſtion; and in caſe a ſufficient Number of Jurymen ſhall not appear at ſuch Time and Place, the ſaid Sheriff or Coroner ſhall return other honeſt and indifferent Men that can ſpeedily be procured to attend that Service, qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve; and all Parties concerned ſhall have their lawful Challenges againſt any One of the ſaid Jurymen when they come to be ſworn; and the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered, by Warrant or Warrants under their Hands and Seals, from Time to Time, as Occaſion ſhall require, to ſummon and call before them all ſuch Perſons as ſhall be thought neceſſary to be examined as Witneſſes touching the Matters in Queſtion; and the ſaid Commiſſioners, or any Seven or more of them, may order and authoriſe the ſaid Jury to view the Place or Places, or Matters, in Controverſy, which Jury, upon their Oaths, (which Oaths, as alſo the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners, or any One or more of them, is and are hereby impowered to adminiſter), ſhall inquire of, aſſeſs, and aſcertain, the Sum or Sums of Money to be paid for the Purchaſe of ſuch Lands, Tenements, or Hereditaments, or the Recompence to be made for Damages that may or ſhall be ſuſtained as aforeſaid, and to ſettle and aſcertain in what Proportion the Sum or Sums ſo aſſeſſed ſhall be paid to the ſeveral Perſons intereſted in the Premiſes; and the ſaid Commiſſioners, or any Seven or more of them, ſhall give Judgement for ſuch Purchaſe-monies or Recompence ſo to be aſſeſſed by ſuch Juries; which ſaid Verdict, and the Judgement thereupon pronounced by the ſaid Commiſſioners, or any Seven or more of them, ſhall be binding and concluſive to all Intents and Purpoſes, againſt all Parties, Bodies Politick, Corporate and Collegiate, and all Perſons whomſoever: And if any ſuch Sheriff or Coroner, or his Deputy or Agent, ſhall make ſuch Default in the Premiſes, every ſuch Perſon ſhall, for every Offence, forfeit and pay the Sum of Twenty Pounds; and if any Perſon ſo ſummoned and returned as aforeſaid on ſuch Jury ſhall not appear, or appearing ſhall refuſe to be ſworn, or being ſworn, refuſe to give his Verdict, or in any other Manner wilfully neglecting his Duty, contrary to the true Intent of this Act; or if any Perſon ſo ſummoned to give Evidence ſhall not appear, or appearing, refuſe to be ſworn, or examined, or to give Evidence, every Perſon ſo offending reſpectively, having no reaſonable Excuſe, to be allowed by the Commiſſioners, or any Seven or more of them, ſhall, for every ſuch Offence, forfeit and pay ſuch Sum as the ſaid Commiſſioners acting in the Premiſes, or any Seven or more of them, ſhall appoint, not exceeding the Sum of Five Pounds for every Offence.

Jury may be challenged.

Verdict of the Jury to be final.

Penalty on Sheriffs, *&c.* neglecting their Duty;

and on Jurymen neglecting to appear, or refuſing to be ſworn.

VIII. And be it further enacted, That all Agreements, Contracts, Sales, and Conveyances, and alſo all Verdicts and Judgements which ſhall be made and given in relation to any ſuch Lands, Tenements, and Hereditaments, as aforeſaid, (ſuch Verdicts and Judgements being ſigned and ſealed by Seven or more of the Commiſſioners who ſhall be preſent at the taking ſuch Inqueſt), ſhall be delivered to the Clerk of the Peace for the County of Norfolk, and ſhall be filed with the Rolls of the ſaid County, and the ſame, or a true Copy thereof, ſhall be admitted as Evidence in all Courts whatſoever; and all Perſons ſhall have Liberty to inſpect the ſame, and take Copies thereof, upon paying for every ſuch Inſpection the Sum of One Shilling; and for every ſuch Copy, not exceeding Two hundred Words, the Sum of Nine-pence, and ſo in proportion for any greater Number of Words.

Agreements, *&c.* to be filed with the Clerk of the Peace.

IX. Provided always, That ſuch Sheriff or Coroner is hereby directed to give Notice in Writing, Four Days at leaſt before the Meeting of ſuch Jury, to every Perſon that ſhall be ſummoned to attend on ſuch Jury.

Proviſo.

X. And be it further enacted, That upon Payment of ſuch Sum or Sums of Money, or annual Rent, as ſhall be agreed on between the ſaid Commiſſioners, or any Seven or more of them, and the Party or Parties intereſted, or of ſuch Sum or Sums of Money as ſhall be aſſeſſed by any Jury to ſuch Party or Parties, or legal Tender thereof made to him, her, or them, or to the principal Officer or Officers of any ſuch Body Politick, Corporate, or Collegiate; or if he, ſhe, or they, cannot be found, or ſhall refuſe to accept ſuch Money, upon Payment thereof into the Bank of England, or into the Hands of the Treaſurer to the ſaid Commiſſioners, for the Uſe of, and to be paid upon Demand to ſuch Party or Parties reſpectively, the ſaid Commiſſioners, and all Perſons employed or authoriſed by them, or any Seven or more of them, ſhall have full Power and Authority to enter upon the Lands, Tenements, and Hereditaments, in reſpect whereof ſuch Monies were ſo agreed for or aſſeſſed, and to make uſe of ſuch Lands, Tenements, and Hereditaments, for the Purpoſes of this Act; and all ſuch Perſons ſhall be and are hereby indemnified for ſo doing; and all and every Perſon and Perſons, Bodies Politick, Corporate and Collegiate whatſoever, ſhall from

Upon Satiſfaction made, Commiſſioners may proceed in the Works.

thenceforth be, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, and Property, to or in the ſame.

Expences of the Jury how to be borne.

XI. And be it further enacted, That in all Caſes where any Verdict ſhall be given for a greater Sum or Recompence than ſhall have been offered by or on the Behalf of the ſaid Commiſſioners, or any Seven or more of them, before the ſummoning of any ſuch Jury, for or in reſpect of any ſuch Lands, Tenements, Hereditaments, or Damages, as aforeſaid, that then all the Expences of ſummoning ſuch Jury, and of taking ſuch Inqueſt, ſhall be defrayed by the ſaid Commiſſioners, or any Seven or more of them, out of the Monies to ariſe by virtue of this Act; but if any Verdict ſhall be given for no more or a leſs Sum than ſhall have been ſo previouſly offered by or on the Behalf of the ſaid Commiſſioners, or any Seven or more of them, then, and in every ſuch Caſe, ſuch Expences, to be ſettled by the ſaid Commiſſioners, or any Seven or more of them, ſhall be defrayed by the Owners of or Perſons intereſted in the Lands, Tenements, or Hereditaments, in queſtion; and the Expences ſo aſcertained ſhall be deducted and taken out of the Monies ſo aſſeſſed and adjudged, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed, within the Inteut and Meaning of this Act, to be a full Satisfaction for ſuch Lands, Tenements, Hereditaments, or Damages reſpectively.

For preſerving Copyhold Rights.

XII. Provided always, and be it enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges of any Lands which are of the Nature of Copyhold, ſhall be executed and completed by Surrender thereof in the reſpective Courts of the Manors whereof ſuch Lands are held, according to the Cuſtom of the ſaid Manors reſpectively, and ſhall remain and continue ſubject to ſuch and the ſame Fines, Rents, and Services, as are due, payable, or of Right accuſtomed, in ſuch and the ſame Manner as if this Act had not been made; any Thing herein contained to the Contrary notwithſtanding,

Purchaſe-money due to Corporations and Truſtees to be laid out to the ſame Uſes.

XIII. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Husbands, Guardians, Committees, or other Truſtees whatſoever, for and on Behalf of any Infants, Lunaticks, Idiots, Femes-covert, or other ceſtuique Truſts, or to any Perſon or Perſons whoſe Lands are limited in ſtrict Settlement, for the Purchaſe or Exchange of any Lands or Grounds aforeſaid, ſhall, (in caſe the ſame exceeds the Sum of Twenty Pounds), by ſuch Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Husbands, Guardians, Committees, or other Truſtees, Perſon or Perſons, ſeiſed of Lands or Grounds, ſo limited in ſtrict Settlement, be laid out as ſoon as conveniently may be in the Purchaſe of Lands, Tenements, or Hereditaments, in Fee-ſimple, and conveyed to or to the Uſe of ſuch Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffers in Truſt, Executors, Adminiſtrators, Husbands, Guardians, Committees, or other Truſtees, to and for ſuch other Perſon or Perſons, and for ſuch Eſtates, and to, for, upon, and ſubject to ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Lands or Grounds for or in reſpect whereof ſuch Purchaſe Money or Monies received in Exchange ſhall be ſo paid as aforeſaid were limited, ſettled, and aſſured, at the Times ſuch Purchaſe-monies were ſo agreed for, aſcertained, or aſſeſſed reſpectively, as aforeſaid, or ſo many of ſuch Uſes as ſhall be then exiſting and capable of taking Effect; the Charges of ſuch Conveyances and Settlements as aforeſaid to be paid or by the ſaid Commiſſioners, or their Succeſſors, out of the Monies to ariſe by virtue of this Act; and, in the mean Time, and until ſuch Purchaſe or Purchaſes ſhall be made, the ſaid Monies ſhall be placed out by ſuch Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Husbands, Guardians, Committees, or other Truſtees, Perſon or Perſons, in ſome of the publick Funds, or on Government or real Securities, in the Names of Two or more Perſons to be nominated by the Party or Parties intereſted therein, and to be approved by the ſaid Commiſſioners, or any Seven or more of them; and the Intereſt ariſing, or to be produced from ſuch Funds or ſuch Securities, and alſo the annual Rent for ſuch Lands, Grounds, Tenements, or Hereditaments, where a Rent ſhall be fixed upon, as aforeſaid, ſhall be paid to ſuch Perſon or Perſons reſpectively as would for the Time being be intitled to the Rents and Profits of ſuch Lands, Tenements, and Hereditaments, ſo to be purchaſed and ſettled, purſuant to the Tenor and Meaning of this Act; and ſuch annual Rent ſhall be a Rent-charge upon the Tolls herein-after authoriſed to be taken by the ſaid Commiſſioners, or any Seven or more of them.

Commiſſioners to ſettle the Proportion of Money to be paid to Perſons intereſted.

XIV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, may, and are hereby impowered to ſettle what Shares and Proportions of the Purchaſe-monies, or Recompence for Damages, which ſhall be ſo agreed for between the ſaid Commiſſioners, or any Seven or more of them, or determined and adjuſted by the ſaid Commiſſioners, or any Seven or more of them, or aſſeſſed by the ſaid Juries, in Manner reſpectively as aforeſaid, ſhall be allowed to any Tenant or other Perſon having a particular Eſtate, Term, or Intereſt, in the Premiſes, for his, her, or their reſpective Intereſts therein, except in ſuch Caſes where the ſame are herein directed to be laid out and inveſted in the Purchaſe of Lands, Tenements, or Hereditaments.

XV. And, for defraying the neceſſary Expences of putting this Act in Execution, be it further enacted, That at ſuch Place or Places upon or adjoining to the ſaid River, navigable Cuts, Canals, Trenches, or Paſſages, as the ſaid Commiſſioners, or any Seven or more of them, ſhall, by any Inſtrument in Writing, under their Hands and Seals, appoint, there ſhall be paid to the Collector or Collectors, to be nominated as herein-after is directed, by all and every Perſon and Perſons who ſhall carry or convey any Goods, Wares, Merchandiſes, or Commodities whatſoever, (except as herein-after excepted), up or down the ſaid River, or any of the ſaid navigable Cuts, Canals, Trenches, or Paſſages, ſuch Sum and Sums of Money, as and for a Toll, as the ſaid Commiſſioners, or any Seven or more of them, ſhall, upon due Conſideration of the ſaid Expences, from Time to Time, think proper to appoint, not exceeding the Sums following; that is to ſay,

Perſons to pay Toll on the Canal as appointed by the Commiſſioners.

For every Ton Weight of Coals, Cinders, Bricks, Pavements, Tiles, Lime, and Terras, the Sum of One Shilling:

And for every Ton Weight of Corn, Grain, Meal, Flour, Timber, Goods, Wares, Merchandiſes, or Commodities whatſoever, not before enumerated, the Sum of One Shilling and Sixpence; and ſo in proportion for any greater or leſſer Weight than a Ton.

The Tolls.

XVI. Provided always, That no more than Two-thirds of the Tolls herein-before granted ſhall be taken for any Coals, Cinders, Bricks, Pavements, Tiles, Lime, Terras, Corn, Grain, Meal, Flour, Timber, Goods, Wares, Merchandiſes, or Commodities, navigated or carried from or to Skeyton Brook or Beck, and which ſhall paſs through the Two lower Locks erected or to be erected at Buxton and Horſtead only; which reſpective Sum and Sums of Money, ſo appointed to be paid as aforeſaid, ſhall and may be demanded and taken in the Name of or as a Toll, and the Money ſo to be raiſed is hereby veſted in the ſaid Commiſſioners, and ſhall be applied and diſpoſed of in ſuch Manner as the ſaid Commiſſioners, or any Seven or more of them, ſhall from Time to Time direct, for the ſeveral Purpoſes of this Act; and in caſe of Neglect or Denial of Payment on Demand of ſuch Tolls, or any Part or Parts thereof, ſuch Collector or Collectors is and are hereby authoriſed and required to ſeize and detain any of the Goods, Wares, Merchandiſes, and Commodities, or the Boats, Barges, or Veſſels, carrying or conveying the ſame; and in caſe ſuch Tolls ſhall not be paid within the Space of Three Days next after ſuch Seizure made, it ſhall be lawful for the ſaid Collector or Collectors to ſell ſuch Goods, Wares, Merchandiſes, Commodities, Boats, or Veſſels, rendering the Overplus of the Money ariſing by ſuch Sale (if any) to the Owner or Owners thereof, after the ſaid Tolls, together with the reaſonable Charges of ſuch Seizure, Detention, and Sale, ſhall be deducted and paid.

Certain Goods only to pay Two-thirds of Toll from *Skeyton Brook, &c.*

Tolls may be levied by Diſtreſs and Sale.

XVII. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken at any Lock or Locks to be erected by virtue of this Act for any Boat, Barge, or other Veſſel, which ſhall be loaded with any Straw, Muck, Marle, Clay, or other Materials, to be uſed in the improving or manuring of Lands only, nor for any ſuch Boat, Barge, or other Veſſel, laden with any Materials for the Repair of any Mill or Mills upon the ſaid River, any Thing in this Act contained to the Contrary notwithſtanding.

Manure, *&c.* exempted from Tolls.

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Nine or more of them, from Time to Time, to borrow and take up at Intereſt any ſuch Sum or Sums of Money as they ſhall think neceſſary for the Purpoſes of this Act, not exceeding the Sum of Five thouſand Pounds, and to aſſign over the ſaid Tolls, or any Part or Parts thereof, (the Coſts and Charges of aſſigning the ſame to be paid out of ſuch Tolls), as a Security for any ſuch Sum or Sums of Money, not exceeding the ſaid Sum of Five thouſand Pounds to be borrowed, with Intereſt for the ſame, not exceeding the Rate of Five Pounds per Centum per Annum, to ſuch Perſon or Perſons, or their Truſtees, as ſhall advance the ſame; and the Money ſo borrowed ſhall be applied in ſuch Manner as the ſaid Tolls are directed to be applied, and to no other Uſe or Purpoſe; and Entries or Memorials of every ſuch Aſſignment or Aſſignments, containing the Dates, Names of the Parties, and Sums of Money borrowed, ſhall be made in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks, Treaſurer or Treaſures, to the ſaid Commiſſioners; which ſaid Book or Books ſhall and may be peruſed at all ſeaſonable Times by all Perſons whomſoever, without Fee or Reward; and all and every Perſon or Perſons to whom any ſuch Aſſignment or Aſſignments ſhall be made, as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, may, from Time to Time, aſſign or tranſfer his, her, or their Right, Title, Intereſt, or Benefit, to the Principal and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever; which ſaid Tranſfer or Aſſignment ſhall be produced and notified to the ſaid Clerk or Clerks, Treaſurer or Treaſurers, who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or Tranſfer, containing the Dates, Names of the Parties, and Sums of Money therein tranſferred in the ſaid Book or Books,

5000 *l.* may be borrowed, and the Tolls may be aſſigned for Security of Payment.

Aſſignments may be transferred.

Books, to be kept for entering the ſaid original Aſſignments, for which the ſaid Clerk or Clerks, Treaſurer or Treaſurers, ſhall be paid ſuch Sum as the ſaid Commiſſioners, or any Nine or more of them, ſhall appoint, not exceeding the Sum of Two Shillings, and Sixpence; and after ſuch Entry made, every ſuch Aſſignment ſhall intitle ſuch Aſſignee, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon, and ſuch Aſſignee or Aſſignees may, in like Manner, aſſign again, and ſo toties quoties; and it ſhall not be in the Power of ſuch Perſon or Perſons who ſhall have made ſuch Aſſignment to make void, releaſe, or diſcharge the ſame, or any Monies thereby due, or any Part thereof.

No Work to be done till 5000 *l.* be ſubſcribed.

XIX. And be it further enacted, That nothing in this Act contained ſhall extend to impower the ſaid Commiſſioners to begin any Works, or erect any Lock, or make any Cuts, for the Purpoſe of the ſaid Navigation, until the Sum of Five thouſand Pounds ſhall have been agreed to be advanced and lent by ſome Perſon or Perſons upon the Credit of the Tolls to be collected by virtue of this Act.

Commiſſioners to appoint Officers.

XX. And be it further enacted, That the ſaid Commiſſioners, or any Nine or more of them, ſhall be, and are hereby impowered, from Time to Time, by Writing, under their Hands and Seals, to appoint a Collector or Collectors of the ſaid Tolls, and alſo a Treaſurer or Treaſurers, Clerk or Clerks, Surveyor or Surveyors, and ſuch other Officers, as the ſaid Commiſſioners, or any Seven or more of them, ſhall think fit, ſuch Collector or Collectors, and Treaſurer or Treaſurers, giving Security to the Satiſfaction of the ſaid Commiſſioners, or any Nine or more of them; and ſhall alſo adminiſter an Oath to every ſuch Collector for the faithful Execution of his Office, (which Oath any One or more of ſuch Commiſſioners is and are hereby impowered to adminiſter); and ſuch Collector or Collectors ſhall, at all ſuch Times as he or they ſhall be required by the ſaid Commiſſioners, or any Seven or more of them, by Writing, under their Hands, pay, or cauſe to be paid, into the Hands of the Treaſurer or Treaſurers, all and every the Sum and Sums of Money ſuch Collector or Collectors ſhall have received by virtue of this Act; and the ſaid Commiſſioners, or any Nine or more of them, ſhall alſo, by Writing, under their Hands and Seals, appoint a Clerk or Clerks, Surveyor or Surveyors, and ſuch other Officers, as they ſhall think neceſſary to employ in the Execution of this Act; and all the Officers ſo to be appointed ſhall be paid, out of the Monies to be raiſed by virtue of this Act, ſuch Salaries or Allowances as the ſaid Commiſſioners, or any Nine or more of them, ſhall think reaſonable, and ſhall be, from Time to Time, removeable at the Will and Pleaſure of the ſaid Commiſſioners, or any Nine or more of them.

Diſburſements to be entered in a Book.

XXI. And be it further enacted, That the ſaid Treaſurer or Treaſurers ſhall fairly enter into One or more Book or Books, to be kept for that Purpoſe, an Account of all Monies by him or them received and diſburſed, ſpecifying the Times when, and the Perſons from and to whom, ſuch Monies were reſpectively received and diſburſed, and for what Purpoſes; which Book or Books, or a true Copy thereof, ſigned by the ſaid Treaſurer or Treaſurers, together with the Vouchers for ſuch Diſburſements, and alſo all Books and Papers in his or their Cuſtody relating to the Execution of this Act, ſhall be delivered to the ſaid Commiſſioners, or any Seven or more of them, Once at leaſt in every Year, and, from Time to Time, as often as the ſaid Commiſſioners, or any Seven or more of them, ſhall require the ſame; and the ſaid Treaſurer or Treaſurers ſhall alſo verify the ſaid Account or Accounts upon Oath, if thereunto required by the ſaid Commiſſioners, or any Seven or more of them, and the ſaid Commiſſioners, or any Seven or more of them, are hereby authoriſed to diſcharge ſuch Treaſurer or Treaſurers of all ſuch Monies as he or they ſhall have truly accounted for; and the ſaid Commiſſioners, or any Seven or more of them, ſhall alſo, at ſuch Time or Times as they ſhall think proper, ſummon before them, and, if they think fit, examine upon Oath, (which Oath, as alſo the Oath or Oaths to the ſaid Treaſurer or Treaſurers, the ſaid Commiſſioners, or any One or more of them, is and are hereby impowered to adminiſter), all or any ſuch Collectors, Clerks, Surveyors, and Perſons employed in or intruſted with the Receipt or Expenditure of any of the Monies to be raiſed by virtue of this Act; and the ſaid Collectors, Clerks, Surveyors, and Perſons employed in, or intruſted, as aforeſaid, ſhall render to the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, as often as they ſhall be thereunto required by the ſaid Commiſſioners, or any Seven or more of them, a true and perfect Account in Writing of all Monies ſo by them reſpectively received and paid, with the Vouchers for ſuch Payments, and alſo all Books and Papers in their Cuſtody relating to the Execution of this Act: And in caſe any ſuch Treaſurer, Collector, Clerk, or other Officer or Perſon, ſhall be found in arrear, or refuſe to account, or to pay the Money remaining in his Hands, according to the Directions of the ſaid Commiſſioners, or any Seven or more of them; or if any ſuch Officer or Perſon ſhall not deliver ſuch Books or Papers in his Cuſtody as aforeſaid; in every ſuch Caſe it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven or more of them, by Warrant or Warrants under their Hands and Seals, to commit every ſuch Officer and Perſon to the common Gaol of the County of Norfolk, there to remain, without Bail or Mainprize, until he ſhall have made a true Account and Payment, and delivered ſuch Books and Papers as aforeſaid, or compounded with the ſaid Commiſſioners, or any Seven or more of them; which

Penalty on Treaſurer, *etc.* refuſing to account.

Compoſition the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered to make and receive.

Owners of Veſſels to give Account of Lading.

XXII. And for the more eaſy collecting the ſaid Tolls, herein-before granted, be it further enacted, That every Perſon having the Charge of any Boat, Barge, or Veſſel, paſſing on the ſaid River, navigable Cuts, Canals, Trenches, or Paſſages, ſhall give a true Report, or an Account in Writing, ſigned by himſelf, unto ſuch Perſon or Perſons as ſhall, from Time to Time, be appointed by the ſaid Commiſſioners, or any Nine or more of them, to receive the ſame, and at ſuch Place or Places as ſhall be appointed by the ſaid Commiſſioners, or any Seven or more of them, of the Quantity, Quality, and Weight, of the Goods, Wares, Merchandiſes, and Commodities, which ſhall be in or belonging to ſuch Boat, Barge, or Veſſel, and alſo of the Quantity, Quality, and Weight, of ſuch Goods, Wares, Merchandiſes, and Commodities, as ſhall have been diſcharged or taken out of ſuch Boat, Barge, or Veſſel, before the Arrival thereof at the Place where ſuch Report or Account is to be given: And in Failure of giving ſuch Account or Report, or in caſe a falſe Account or Report ſhall be given; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds over and above the Payment of the ſaid Tolls: And if any Difference ſhall ariſe between any Collector of the ſaid Tolls and the Perſon having Charge of any Boat, Barge, or Veſſel, or the Owner of any Goods, Wares, Merchandiſes, or Commodities, concerning the Weight, Quantity, or Number of the ſame, it ſhall be lawful for any ſuch Collector to ſtop and detain any ſuch Boat, Barge, or Veſſel, and to weigh, meaſure, gauge, or number, or cauſe to be weighed, meaſured, gauged, or numbered, all ſuch Goods, Wares, Merchandiſes, and Commodities; and in caſe the ſame ſhall appear to be of a greater Weight, Quantity, or Number, than ſuch Perſon declared the ſame to be, in every ſuch Caſe, ſuch Perſons ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, gauging, and numbering: All which ſaid Coſts and Charges, upon Refuſal of Payment thereof on Demand, ſhall and may be recovered as the Tolls hereby granted are appointed to be recovered; but if ſuch Goods, Wares, Merchandiſes, or Commodities, ſhall appear to be of no greater Weight, Quantity, or Number, than ſuch Perſon declared the ſame to be, then ſuch Collector ſhall pay ſuch Coſts and Charges, and ſhall alſo pay to ſuch Perſon, or to the Owner or Owners of ſuch Goods, Wares, Merchandiſes, and Commodities, One Shilling for every Hour that ſuch Boat, Barge, or Veſſel, ſhall be ſo detained; and, in Default of immediate Payment thereof, the ſame ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Collector, by Warrant or Warrants under the Hand and Seal of any Juſtice of the Peace for the County of Norfolk, rendering the Overplus (if any be) to the Owner or Owners of ſuch Goods and Chattels; and in caſe the ſaid Collector ſhall not have ſufficient Goods and Chattels whereon the ſaid Penalty may be levied, that then it ſhall and may be lawful to and for the ſaid Juſtice to commit ſuch Collector to the common Gaol of the County of Norfolk, for any Time not exceeding Two Calendar Months, or until Payment of the ſaid Penalty, without Bail or Mainprize; and the ſaid Commiſſioners, or any Seven or more of them, may, if they think fit, out of the Money to be raiſed by virtue of this Act, reimburſe the ſaid Collectors the Money ſo paid by or levied upon them for the Detention of any ſuch Boat, Barge, or Veſſel.

Penalty on Neglect, or giving a falſe Account.

How Differences are to be determined, and Perſons offending puniſhed.

Commiſſioners to ſet up and maintain Gates, Bridges, &c. in and over Ditches and Fences in Towing-paths, and alſo Bridges, &c. over the new Cuts, &c. and over Fords rendered impaſſible;

XXIII. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall cauſe to be made, ſet up, and from Time to Time maintained and kept in Repair, convenient and ſubſtantial Gates, Bridges, Paſſages, and Stiles, in and over all the Ditches and Fences in the Towing-paths to be uſed for the Purpoſes of this Act, where the ſame ſhall reſpectively be neceſſary, and alſo ſuch Bridges of Brick, Stone, or Timber, over the new Cuts, Canals, Trenches, or Paſſages, as ſhall be proper for the Uſe of the Occupiers of the Lands, Tenements, and Hereditaments thereunto adjoining; and alſo, that if the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper, to cauſe the ſaid River to be deepened in any Part or Parts, ſo as to render any uſual and common Fords and Highways impaſſable or dangerous; in every ſuch Caſe, the ſaid Commiſſioners, or any Seven or more of them, ſhall firſt cauſe a ſufficient Bridge or Bridges of Brick, Stone, or Timber, to be erected and built, or ſuch other Conveniencies to be made, as the ſaid Commiſſioners, or any Seven or more of them, ſhall judge proper, where ſuch Fords or Highways now are, or as near thereto as conveniently may be, and ſhall from Time to Time maintain and keep the ſaid Bridges or Conveniencies in Repair, for the Accommodation of all Perſons having Occaſion to paſs over the ſame: And in caſe the ſaid Commiſſioners, or any Seven or more of them, ſhall find it neceſſary to raiſe any Bank upon the Sides of the ſaid River for Towing-paths, or otherwiſe, whereby the Waters may be prevented from going off, or from overflowing the adjacent Lands, the ſaid Commiſſioners, or any Seven or more of them, ſhall firſt cauſe ſufficient Tunnels to be laid through ſuch Banks ſo to be raiſed, at proper Places, for draining or overflowing the ſame, and ſhall from Time to Time keep ſuch Banks and Tunnels in Repair.

and to raiſe Banks to prevent overflowing of adjacent Lands.

Commiſſioners indemnified for making Works.

XXIV. And be it further enacted, That this Act ſhall be ſufficient to indemnify the ſaid Commiſſioners, and all Perſons acting under their Orders, in making, erecting, or paſſing through any Cuts, Canals, Trenches, Paſſages, or other Works, as aforeſaid, or in towing or haling with Men on the Lands on the Sides of the ſaid River, Cuts, Canals, Trenches, or Paſſages, Satisfaction having been firſt made or given to the Owner or Owners of ſuch Lands.

Future Damages how to be aſcertained.

XXV. And be it further enacted, That if at any Time or Times after any of the Works for effecting or maintaining the ſaid Navigation ſhall be begun, or be completed, any Perſon or Perſons ſhall ſuſtain any Damage in his, her, or their Lands, Mills, Bridges, Hereditaments, or Property, within the Limits of the ſaid Navigation, either by raiſing the Water to be uſed in ſuch Navigation, or by turning, diverting, or lowering the Stream thereof, or by not ſufficiently making up the Banks of the ſaid River, or the Cuts, Canals, Trenches, or Paſſages, or by not cleanſing the ſame, or by turning or diverting any Streams or Brooks that ſhall be brought into the ſame, or by any Bridge or Bridges to be built, or by any Works to be made for carrying on the ſaid Navigation, or by any Act, Neglect, or Default, of the Workmen employed therein, or by any other Ways or Means not hereby otherwiſe provided for; in every ſuch Caſe, the ſaid Commiſſioners, or any Seven or more of them, ſhall have full Power, from Time to Time, and at all Times, to ſettle and agree upon ſuch a Recompence and Satisfaction to be made for the ſame to the Perſon or Perſons injured or aggrieved, as they ſhall judge fit and reaſonable, in ſuch Manner as the other Damages herein-before mentioned are provided for; but if it ſhall happen that the Perſon or Perſons making Complaint of ſuch Loſſes or Damages ſhall diſlike or be diſſatisfied with ſuch Recompence and Satisfaction, in every ſuch Caſe, it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby required, upon Requeſt in Writing, to be made or given to them, or any Seven or more of them, by ſuch Perſon or Perſons injured or aggrieved as aforeſaid, within Fourteen Days after ſuch Requeſt made, to cauſe a Jury to be ſummoned, impanelled, and ſworn, in Manner before directed; and the Jury ſo returned ſhall inquire how far the ſaid Commiſſioners, or their Agents or Servants, have any-ways occaſioned ſuch Damage; and if any Damage ſhall appear, they ſhall aſſeſs the Value thereof, and the ſaid Commiſſioners, or any Seven or more of them, ſhall pay to the Party or Parties injured or aggrieved the Monies ſo aſſeſſed; and in caſe the ſaid Commiſſioners, or any Seven or more of them, ſhall not (being thereunto required) make ſuch Payment within Twenty Days after ſuch Requeſt made, the Perſon or Perſons aggrieved may appoint One or more Perſon or Perſons to receive the Tolls which ſhall then, or within the Space of Six Calendar Months preceding, have been appointed to be collected on the ſaid River, Cuts, Canals, Trenches, or Paſſages, and thereout to pay the Damages which ſhall have been ſettled and aſſeſſed as aforeſaid; and the Money ſo received by ſuch Perſon or Perſons, Receiver or Receivers, ſhall, and is hereby declared to be as ſo much Money received to the Uſe of the Perſons who have ſuffered ſuch Damage, in Order and Courſe ſucceſſively as ſuch Determination ſhall be in Priority of Time; and after ſuch Damages ſo ſettled and aſſeſſed ſhall be paid and ſatisfied, the Power and Authority of ſuch Receiver or Receivers for the Purpoſes laſt-mentioned ſhall ceaſe and determine, any Thing herein contained to the Contrary notwithſtanding: And in caſe a Verdict ſhall be given for a greater Sum or Recompence for ſuch Damages than ſhall have been offered by or on the Behalf of the ſaid Commiſſioners, or any Seven or more of them, before the ſummoning of ſuch Jury, that then all the Expences of ſummoning ſuch Jury, and of taking ſuch Inqueſt, ſhall be defrayed by the ſaid Commiſſioners, or any Seven or more of them, out of the Monies to ariſe by virtue of this Act; but if any Verdict ſhall be given for no more or a leſs Sum than ſhall have been ſo previouſly offered by or on the Behalf of the ſaid Commiſſioners, or any Seven or more of them; then, and in every ſuch Caſe, ſuch Expences, to be ſettled by the ſaid Commiſſioners, or any Seven or more of them, ſhall be defrayed by the Party or Parties making ſuch Complaint as aforeſaid: Provided always, That no Perſon or Perſons whomſoever ſhall be intitled to Satisfaction for any Damages, nor ſhall the ſaid Commiſſioners, or any of them, be obliged to take Notice of any Application in relation thereto, unleſs the Complaint of ſuch Damages ſhall be made within the Space of Twelve Calendar Months next after ſuch Damages ſhall have been ſuſtained.

Owners of Boats, &c. to be anſwerable for Damages.

XXVI. And be it further enacted, That the Owner or Owners of every Boat, Barge, or Veſſel, which ſhall paſs upon the ſaid River, navigable Cuts, Canals, Trenches, or Paſſages, ſhall be anſwerable for any Damage, Spoil, or Miſchief, that ſhall be done by his, her, or their Boat, Barge, or Veſſel, or by any Perſon or Perſons belonging to or employed in or about the ſame reſpectively, or by his, her, or their Servants, unto any of the Bridges, Locks, Staunches, Dams, Sluices, Cuts, Canals, Banks, or other Works, that are or ſhall be erected or maintained in, upon, or near the ſaid River, navigable Cuts, Canals, Trenches, or Paſſages, or by loading or unloading any Boat, Barge, or Veſſel; and alſo for any Treſpaſs or Damage that ſhall or may be done with reſpect to any Mills, Lands, Tenements, or Hereditaments, or any Crop on the Ground adjoining or lying near to the ſaid River, navigable Cuts, Canals, Trenches, or Paſſages: And if any ſuch Damage, Spoil, or Miſchief, ſhall be done, the ſame ſhall be inquired into and determined by any Juſtice of the Peace for the County of Norfolk, who is hereby authoriſed and required, upon Complaint or Information made before him, to ſummon the Owner or Owners of ſuch Boat, Barge, or Veſſel, to appear before him, and, upon his, her, or their Appearance, or making Default to appear, (Proof being made upon Oath before ſuch Juſtice that the Party neglecting to appear was perſonally ſerved with ſuch Summons, or that the ſame was left for him, her, or them, at his, her, or their uſual Place of Abode), ſuch Juſtice ſhall proceed to examine into the Truth of the ſaid Complaint or Information, and, upon Conviction of the Party complained of, by Proof upon the Oath of One or more credible Witneſs or Witneſſes, ſhall award and order ſuch Sum of Money to be paid by ſuch Owner or Owners, as a Recompence for ſuch Damage, Spoil, or Miſchief, as he the ſaid Juſtice ſhall think proper, not exceeding Treble the Amount or Value thereof; and in caſe of Nonpayment of ſuch Sum of Money ſo awarded and ordered for the Space of Fourteen Days, the ſaid Juſtice is hereby authoriſed and required to cauſe the ſame to be levied by Diſtreſs and Sale of the Boats, Barges, Veſſels, or other Goods and Chattels of ſuch Owner or Owners, by Warrant under the Hand and Seal of ſuch Juſtice, rendering to the Owner the Overplus, (if any be), after ſuch Sum, together with the reaſonable Charges of ſuch Information and Conviction, Diſtreſs and Sale, have been firſt ſatisfied and paid.

Penalty not exceeding 5 *l.* on Owners of Boats, *&c.* obſtructing the Navigation.

XXVII. And be it further enacted, That if any Perſon having the Care or Management of any Boat, Barge, or Veſſel, or navigating or working the ſame, ſhall lay ſuch Boat, Barge, or Veſſel, ſo as to obſtruct the Paſſage of other Boats, Barges, or Veſſels, or ſo as to hinder the opening or ſhutting any of the ſaid Locks or Sluices, and ſhall not upon Requeſt immediately remove the ſame, every Perſon ſo offending as aforeſaid ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

Boats, *etc.* ſunk in the River to be weighed up.

XXVIII. And be it further enacted, That if any Boat, Barge, or Veſſel, ſhall happen to be ſunk in the ſaid River, navigable Cuts, Canals, Trenches, or Paſſages, and the Owner or Perſon having the Care of ſuch Boat, Barge, or Veſſel, ſhall not, without Loſs of Time, weigh or draw up, and hale the ſame out of the Way of other Veſſels paſſing upon the ſaid Navigation, it ſhall be lawful for any Agent or Servant of the ſaid Commiſſioners to cauſe ſuch Boat, Barge, or Veſſel, to be weighed or drawn up, and to ſeize and detain the ſame until Payment ſhall be made of all Expences occaſioned thereby; and if Payment be not made in Twenty Days, ſuch Agent or Servant ſhall cauſe Sale to be made thereof for reimburſing the ſaid Expences, or other incident Charges, returning the Overplus (if any be) to ſuch Owner or Perſon.

Owners to place their Names and Abodes on their Boats, *etc.*

and to permit them to be meaſured, *etc.*

XXIX. And be it further enacted, That the Owner or Owners of any Boat, Barge, or Veſſel, paſſing upon the ſaid River, navigable Cuts, Canals, Trenches, or Paſſages, ſhall cauſe his, her, or their Name or Names, Place and Places of Abode, at full Length, to be placed and ſet in large Capital Letters, Four Inches long, and broad in proportion, on the upper Part of the Boat, on both Sides of every ſuch Boat, Barge, or Veſſel, and painted White, ſo that the ſame ſhall, from Time to Time, and at all Times, be plain and legible; and ſhall alſo permit and ſuffer every ſuch Boat, Barge, or Veſſel, to be meaſured, whenever it ſhall be required by the ſaid Commiſſioners, or any Seven or more of them, or ſuch Perſon or Perſons as ſhall be appointed by them for that Purpoſe; provided that no ſuch Boat, Barge, or Veſſel, ſhall be meaſured more than Four Times in a Year; and every ſuch Owner or Owners ſhall alſo cauſe Figures to be placed on the Head and Stern of every ſuch Boat, Barge, or Veſſel, in ſuch Manner as ſhall be directed by the ſaid Commiſſioners, or any Seven or more of them, to denote the Draught of Water, and how deep ſuch Boat, Barge, or Veſſel, is laden: And in caſe any ſuch Owner or Owners of any ſuch Boat, Barge, or Veſſel, ſhall not at all Times have his, her, or their Name or Names, and ſuch Figures, denoting the Draught of Water, ſo ſet or placed, as aforeſaid; or if any Perſon or Perſons having the Care or Charge of any Boat, Barge, or Veſſel, paſſing the ſaid River, navigable Cuts, Canals, Trenches, or Paſſages, into or through any of the Sluices or Locks, in or upon ſuch River, navigable Cuts, Canals, Trenches, or Paſſages, ſhall wilfully or negligently ſet or leave open any of the Gates, Doors, or Staunches, Locks, Flood-gates, or other Works, belonging to any ſuch Sluice or Lock, whereby the Water ſhall run waſte, to the Hinderance or Detriment of any of the Mills upon the ſaid River, or of the ſaid Navigation; then, and in every ſuch Caſe, every ſuch Owner or Perſon ſo neglecting or offending ſhall forfeit and pay the Sum of Five Pounds; and the Owner or Owners of every Veſſel navigating the ſaid River ſhall be anſwerable for all Damages to be done by their ſaid Agents or Servants employed in the navigating ſuch Boat, Barge, or Veſſel.

5 *l.* Penalty on Perſons leaving open Flood-gates, *&c.*

XXX. And be it further enacted, That if any Perſon ſhall maliciouſly or wantonly open, or cauſe to be opened, any Lock, Sluice, Staunch, or Flood-gate, belonging to the ſaid Navigation, or ſhall leave the ſame running after any Boat, Barge, or Veſſel, ſhall have paſſed any Lock belonging to the ſaid Navigation, or ſhall draw, or cauſe to be drawn, any Sluice, Staunch, or Flood-gate, in the Lock-gates on ſuch Navigation, or in any other Manner maliciouſly or wantonly waſte the Water, to the Prejudice of the ſaid Navigation, Mills, or Lands, every ſuch Perſon, for every ſuch Offence, ſhall forfeit and pay any Sum not exceeding Five Pounds.

Owners of Mills refuſing to open or ſhut any Lock, &c. on 8 Hours Notice, to forfeit 20 l.

XXXI. And be it further enacted, That if any Owner or Owners of any Mill or Mills do, or ſhall, upon reaſonable Requeſt made, and Forty-eight Hours Notice given, and upon Payment or Tender of ſuch Recompence or Satiſfaction, as is herein-after mentioned, to him or them made by the ſaid Commiſſioners, or any Seven or more of them, or any other Perſon or Perſons employed as their Surveyor or Agent, neglect or refuſe either to draw up or open, or to ſhut or put down any Lock, Staunch, or Flood-gate, of any Sluice or Sluices which ſhall be neceſſary to be opened or ſhut reſpectively for making and effecting the ſaid Navigation, and the Works requiſite for that Purpoſe, and for altering and repairing the ſame, every Perſon ſo offending, and being thereof lawfully convicted, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Pounds.

Jury to detemine the Recompence to be given to the Owners of Mills, for ſhutting and opening Locks, &c.

XXXII. And be it further enacted, That the Recompence to be paid by the ſaid Commiſſioners, or any Seven or more of them, for the Loſs or Damage the Owners or Occupiers of any Mill or Mills upon the ſaid intended Navigation may reſpectively ſuſtain by the drawing up, or the opening or ſhutting, or putting down ſuch Lock, Staunch, or Flood-gate, ſhall be ſettled and determined by a Jury, in the ſame Manner as is herein-before preſcribed for the determining the Value of the Lands cut through or uſed for the Purpoſes of the ſaid Navigation; which Verdict ſhall be final and concluſive to all Parties, and ſhall, from Time to Time thereafter, be obſerved as the Quota for the Recompence to be paid by the Hour for ſuch drawing up or opening, or ſhutting or putting down, any ſuch Lock, Staunch, or Flood-gate, at ſuch Mills reſpectively.

No Allowance to be given after the River is navigable.

XXXIII. Provided always, That no Allowance ſhall be made to the Owner or Occupier of any Mill, for the Loſs of Water ſuſtained by reaſon of the repairing any of the Works aforeſaid, after the ſaid River ſhall be made navigable.

Owners of Mills wilfully obſtructing the Navigation to forfeit not exceeding 40 s.

XXXIV. And be it further enacted, That if any Owner or Occupier of any Mill or Mills, within the Limits of the ſaid Navigation, or other Perſon employed by him, her, or them, ſhall, upon Examination of One or more Witneſs or Witneſſes upon Oath, in the Judgement and Opinion of any Nine or more of the ſaid Commiſſioners, (which Oath any One of the ſaid Commiſſioners is hereby impowered to adminiſter) wittingly or wilfully do, cauſe, or permit to be done, any Act, Matter, or Thing whatſoever, whereby, or by Means whereof, the ſaid Navigation ſhall be interrupted or obſtructed, impeded or prevented, and not ſhew ſufficient Cauſe, to be allowed by the ſaid Commiſſioners, or any Nine or more of them, for ſo doing, every ſuch Owner or Occupier, or other Perſon whomſoever, ſhall, for every ſuch Act, Matter, or Thing, forfeit and pay ſuch Sum and Sums of Money, as the ſaid Commiſſioners, or any Nine or more of them, ſhall order, decree, or award, not exceeding the Sum of Forty Shillings for every ſuch Offence.

Perſons navigating Boats, on Tender of Money aſcertained, to have immediate Paſſage through the Locks, &c.

XXXV. Provided always, and be it further enacted, That as often as any Boatmaſter, or other Perſon navigating any Boat, Barge, or other Veſſel, upon the ſaid River, navigable Cuts, Canals, Trenches, or Paſſages, ſhall come to any of the ſaid Locks with his Boat, Barge, or Veſſel, the Perſon or Perſons having the Care or Management of any Lock or Locks reſpectively ſhall, upon Payment, or Tender, of ſuch Sum of Money as ſhall be aſcertained as aforeſaid, immediately draw the Sluices or Flood-gates, and open the Locks, and freely permit ſcuh Boat, Barge, or Veſſel, to paſs through their reſpective Locks, upwards or downwards; and every Perſon or Perſons neglecting or refuſing ſo to do, on ſuch Payment or Tender made, ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Commiſſioners to repair all the Works,

and on Neglect, the Juſtices may repair, and the Expence be paid out of the Tolls.

XXXVI. And be it further enacted, That in caſe any ſuch Lock, Pen, or other Work, to be erected by virtue of this Act on or upon the ſaid River, navigable Cuts, Canals, Trenches, or Paſſages, ſhall at any Time want any Repair, the ſaid Commiſſioners, or any Seven or more of them, are required to give Directions for the immediate Repair of ſuch Lock, Pen, or other Work; and in caſe the ſaid Commiſſioners ſhall refuſe or neglect to repair the ſame, after Fourteen Days Notice to be given to them, or their Treaſurer, or left at the Dwelling-houſe of ſuch Treaſurer for the Time being, that then it ſhall and may be lawful for any Juſtice of the Peace in and for the ſaid County to forthwith order the Repair thereof in a proper and ſufficient Manner; and the ſaid Commiſſioners, or their Treaſurer, are hereby required to defray the Charges thereof immediately out of the Tolls granted by this Act, or the Money to be borrowed on the Credit thereof.

Commiſſioners to make Gutters, Drains, &c. to carry off Water from adjoining Lands;

XXXVII. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall, and they are hereby required, by and out of the Money ariſing by this Act, to make, or cauſe to be made, ſuch Gutters, Drains, Arches, or Tunnels, parallel with, under, or into the ſaid River, navigable Cuts, Canals, Trenches, or Paſſages, authoriſed to be made by this Act, as ſhall be ſufficient where neceſſary to convey the Water from off the Lands adjoining or lying near to the ſaid River, navigable Cuts, Canals, Trenches, or Paſſages, without obſtructing or impounding the ſame; and that all ſuch Gutters, Drains, Arches, or Tunnels, ſhall, from Time to Time, be ſupported, maintained, and kept in good and ſufficient Repair, by the ſaid Commiſſioners; and if at any Time or Times after One Calendar Month's Notice ſhall be given in Writing by or on Behalf of any Owner or Occupier, Owners or

Occupiers, of the ſaid adjacent Lands, who ſhall find him or themſelves aggrieved by the Obſtruction of the ſaid Gutters, Drains, Arches, or Tunnels, to the ſaid Commiſſioners, or any Seven or more of them, or to their Clerk or Treaſurer for the Time being, or left at the Dwelling-houſe of ſuch Clerk or Treaſurer; and in caſe the ſaid Commiſſioners ſhall refuſe or neglect to cleanſe and repair the ſaid Gutters, Drains, Arches, or Tunnels, after One Month's Notice as aforeſaid to be given to them, or to their Clerk or Treaſurer, that then it ſhall and may be lawful for any Juſtice of the Peace in and for the ſaid County of Norfolk, to forthwith order the Repair thereof in a proper and ſufficient Manner; and the ſaid Commiſſioners, or their Treaſurer, are hereby required to defray the Charges thereof immediately out of the Tolls granted by this Act, or the Money to be borrowed on the Credit thereof.

and on Neglect after Notice, Juſtices are to perform the Works, and the Expence to be paid as aforeſaid.

XXXVIII. And to prevent Diſputes between the ſaid Commiſſioners and the Owners or Occupiers of Mills, be it further enacted, That Stones or Poſts ſhall be ſet up, whereon ſhall be marked, in viſible Letters or Figures, the Height to which ſuch Water ſhall and may be allowed to be raiſed, and that when ſuch Water ſhall be raiſed to the Height marked on ſuch Stone or Poſt, the ſame may flow waſte over ſuch Pen or Staunch; and that every Owner or Occupier of any Mill or Mills upon the ſaid Rivers or Streams to be made navigable by this Act ſhall and may draw off or let down the Water through his own Pen or Staunch to ſuch Mark, and no lower, when and as often as he or they ſhall have Occaſion.

Stones or Poſts to be ſet up to aſcertain what Height the Water may be raiſed.

XXXIX. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall, from Time to Time, have full Power to make Bye-laws, Orders, and Conſtitutions, for the good and orderly uſing of the ſaid Navigation, and for the well-governing of the Keelmen, Watermen, and Boatmen, who ſhall convey or carry any Goods, Wares, Merchandiſes, or Commodities, on any Part thereof, and from Time to Time to alter or repeal the ſame, and to impoſe ſuch reaſonable Fines, Forfeitures, or Puniſhments, upon all Perſons offending againſt ſuch Bye-laws, Orders, or Conſtitutions, as they the ſaid Commiſſioners, or any Seven or more of them, ſhall think fit; ſuch Fines, Forfeitures, or Puniſhments, to be levied or inflicted by ſuch Ways and Means as the ſaid Commiſſioners, or any Seven or more of them, ſhall direct; which ſaid Bye-laws, Orders, and Conſtitutions, being put into Writing, under the Hands and Seals of the ſaid Commiſſioners, or any Seven or more of them, ſhall be binding to, and be obſerved by, all Perſons whomſoever, and ſhall be ſufficient in any Court of Law or Equity to juſtify all Perſons who ſhall act under the ſame, either in puniſhing ſuch Perſons as ſhall diſobey the ſame, or in levying any Penalty or Forfeiture thereby incurred; but any Perſon or Perſons thinking himſelf, herſelf, or themſelves, aggrieved by any Order or Judgement made or given in purſuance of any ſuch Bye-law, Order, or Conſtitution, may, within Three Months after ſuch Order or Judgement ſhall be made or given, complain to the Juſtices of the Peace, at their General or Quarter Seſſions to be holden for the ſaid County of Norfolk, who ſhall, in a ſummary Way, either hear and determine the ſaid Complaint at ſuch General or Quarter Seſſion, or, if they ſhall think proper, may adjourn the hearing thereof to the next General or Quarter Seſſion of the Peace to be held for the ſaid County; and, if they ſee Cauſe, may mitigate or alter ſuch Forfeiture or Puniſhment, and may order any Money to be returned which ſhall have been levied in purſuance of ſuch Bye-law, Order, or Conſtitution; and may alſo order ſuch further Satiſfaction to be made, and give ſuch Coſts to the Party injured, as they ſhall judge reaſonable; and, the Orders and Determinations of the Juſtices of the Peace, at their General or Quarter Seſſions, as aforeſaid, ſhall be final and concluſive to all Parties and Perſons whomſoever; but no Juſtice of the Peace ſhall act or vote in the hearing or determining of any ſuch Complaint, whoſe Hand and Seal as a Commiſſioner ſhall appear to have been ſet to the ſaid Bye-law, Order, or Conſtitution, which occaſioned ſuch Complaint.

Commiſſioners may make Bye-laws for the regulating of Keelmen, *&c.*

XL. And be it further enacted, That the Navigation-works and Towing-paths, hereby authoriſed to be made and ſet out for the Purpoſes of the ſaid Navigation, ſhall be free for the Uſe of all Perſons, and their Boats, Barges, Veſſels, and Servants, upon Payment of ſuch Tolls as are appointed to be taken by virtue of this Act.

Navigation-works *&c.* free for all Perſons.

XLI. And whereas it is neceſſary, for the Purpoſe of making the ſaid Navigation, that a Wooden Pipe, or Trunk, lying acroſs the ſaid River, between *Oxnead* and *Buxton Mills*, which ſerves as a Drain to certain Meadows betlonging to *Thomas Anſon* Eſquire, ſhould be placed lower, be it therefore further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to cauſe the ſaid Pipe or Trunk to be taken up in the Place where the ſaid intended Navigation ſhall croſs the ſame, and to place ſuch Pipe or Trunk deeper in the Ground; but the ſaid Commiſſioners are hereby directed to make complete, and unite the ſame with the other Parts of the ſaid Pipe or Trunk, in a ſubſtantial Manner, and from Time to Time, and at all Times hereafter, to maintain, ſupport, and cleanſe, ſuch Part of the ſaid Pipe or Trunk which they ſhall ſo take up and alter, and defray the Expences thereof out of the Money ariſing by virtue of this Act; the ſaid Thomas Anſon and his Heirs allowing, from Time to Time, ſo much towards the ſaid Expences as would, in the Opinion of the ſaid Commiſſioners, or any Seven or more of them, have been neceſſary to have repaired and maintained the ſame, in caſe ſuch Navigation had not been made.

Mr. *Anſon's* Pipe or Drain not to be damaged.

Proviſo.

XLII. Provided always, That nothing ſhall be done to the ſaid Pipe or Trunk to defeat or prejudice the draining of the ſaid Meadows.

Expences of the Act to be defrayed out of the Monies firſt ariſing.

XLIII. And be it further enacted, That all the Expences incident to and attending the obtaining of this Act, ſhall be, in the Firſt Place, defrayed out of the Monies which ſhall ariſe by virtue hereof.

Fines and Forfeitures to be recovered by Diſtreſs.

XLIV. And be it further enacted, That all the pecuniary Fines, Penalties, and Forfeitures, hereby inflicted, or authoriſed to be impoſed, the Recovery whereof is not herein-before directed, ſhall be recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by a Warrant or Warrants under the Hand and Seal, or Hands and Seals, of any Juſtice or Juſtices of the Peace for the County of Norfolk; and in caſe ſufficient Diſtreſs ſhall not be found, it ſhall be lawful for any ſuch Juſtice or Juſtices to commit ſuch Offender or Offenders to the common Gaol, there to remain, without Bail or Mainprize, for any Time not exceeding Three Months, or until the ſaid Fines, Penalties, or Forfeitures ſhall be paid; and that all ſuch Fines, Penalties, and Forfeitures, or any Part or Parts thereof, which are not herein-before applied, ſhall be paid into the Hands of the Treaſurer or Treaſurers to the ſaid Commiſſioners, and applied for the Purpoſes of this Act.

Perſons aggrieved may appeal to the Quarter Seſſions.

XLV. Provided always, and be it further enacted, That all Perſons who ſhall think themſelves aggrieved by the Order or Judgement of any Juſtice or Juſtices of the Peace, upon account of any Offence committed, or ſuppoſed to be committed, againſt this Act, may appeal to the Juſtices of the Peace for the County of Norfolk, at any General or Quarter Seſſions of the Peace to be held within the Space of Six Calendar Months after the Cauſe of ſuch Appeal ſhall happen, the Perſon or Perſons ſo appealing firſt giving Security, to the Satisfaction of the ſaid Juſtice or Juſtices to proſecute ſuch Appeal with Effect, and to pay the Coſts which ſhall be aſcertained by the ſaid General Quarter Seſſions, in caſe ſuch Orders or Judgement ſhall be affirmed; and the Juſtices, at ſuch General or Quarter Seſſions, are hereby authoriſed and required to hear and determine ſuch Appeal, and to make ſuch Order therein, and to award Coſts, as to them ſhall appear juſt; which Order ſhall be final and concluſive to all Parties, and ſhall not be removed or removeable by Certiorari, or otherwiſe, into any of His Majeſty's Courts of Record at Weſtminſter, or elſewhere; and that no Order or Proceedings to be had or made by or before any Juſtice of the Peace, relating to the Execution of this Act, ſhall be quaſhed or vacated for want of Form only.

Perſons giving falſe Evidence to be puniſhed as the Law directs for wilful Perjury.

XLVI. And be it further enacted, That all and every Perſon or Perſons who, in any Examination to be taken by virtue of this Act, ſhall give falſe Evidence before the ſaid Commiſſioners, or any of them, or before any Juſtice or Juſtices of the Peace, ſhall and may be proſecuted for the ſame, and, upon Conviction thereof, ſhall be ſubject to all the Pains and Penalties which Perſons are or may be ſubject to by the Laws of this Realm for wilful and corrupt Perjury.

Perſons damaging Banks to be adjudged guilty of Felony.

XLVII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully and maliciouſly cut, break down, damage, or deſtroy, any Banks or other Works to be erected or made for the Purpoſes of the ſaid Navigation, ſuch Perſon or Perſons ſhall be adjudged guilty of Felony, and ſhall be ſubject and liable to the like Pains and Penalties as in other Caſes of Felony; and the Court, by and before whom ſuch Perſon or Perſons ſhall be tried, ſhall have full Power and Authority to cauſe ſuch Felon or Felons to be tranſported for Seven Years, to ſuch Place, and in ſuch Manner, as other Felons are directed to be tranſported by the Laws and Statutes of this Realm.

None of the Works ſubject to a Survey of the Commiſſioners of Sewers.

XLVIII. Provided always, and be it further enacted, That no Works whatſoever to be made by virtue of this Act ſhall be ſubject to the Controul, Direction, Survey, or Order, of any Commiſſion of Sewers, or to any Law or Statute relating to Sewers; any Thing in any former Law or Statute contained to the Contrary notwithſtanding.

Tolls exempt from Taxes.

XLIX. And be it further enacted, That the ſaid Tolls ſhall, at all Times hereafter, be exempt from the Payment of any Taxes, Rates, Aſſeſſments, or Impoſitions whatſoever; any Law or Statute to the Contrary notwithſtanding.

Orders to be entered in Books.

L. And be it further enacted, That all Orders and Proceedings of the ſaid Commiſſioners ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Orders and Proceedings, when entered, ſhall be ſigned by the ſaid Commiſſioners, or any Seven or more of them, and the Clerk or Clerks attending the ſaid Commiſſioners is and are hereby required to ſet his or their Name or Names, as a Witneſs or Witneſſes, thereto; and the ſaid Orders and Proceedings, ſo ſigned and atteſted, ſhall be deemed and taken to be the Originals, and ſhall be admitted as Evidence in all Courts whatſoever; and ſuch Book or Books ſhall be ſeen and peruſed at all ſeaſonable Times, and Copies thereof, or of any Part thereof, may be taken by any Perſon or Perſons whomſoever, paying to the ſaid Clerk or Clerks Sixpence for every One hundred Words.

No Writing ſubject to Stamp-duty.

LI. Provided always, That no Warrant, Mortgage, Aſſignment, Transfer, or any other Writing whatſoever, in purſuance of, or relating to, the Execution of any of the Powers of this Act, ſhall be ſubject to any Stamp-duty whatſoever.

LII. Provided

Lands not uſed for the Navigation to be reconveyed.

LII. Provided alſo, That if any Lands purchaſed by the ſaid Commiſſioners ſhall not be made uſe of for the Purpoſes of the ſaid Navigation, then the ſaid Commiſſioners, or any Nine or more of them, are hereby impowered, by proper Deeds of Conveyance, to reconvey ſuch Lands to the Proprietor or Proprietors of whom the ſame were purchaſed, their Heirs or Aſſigns, the ſaid Proprietor or Proprietors, their Heirs or Aſſigns, returning ſuch Sum or Sums of Money as was or were paid by the ſaid Commiſſioners for the Purchaſe thereof, firſt deducting thereout all ſuch Charges and Expences as thy ſhall have incurred upon account thereof; and ſuch Lands ſhall and may be accordingly reconveyed to the former Proprietor or Proprietors.

Owners and Occupiers of Lands adjoining may uſe Pleaſure Boats.

LIII. Provided alſo, and be it further enacted, That it ſhall and may be lawful for the Owners and Occupiers of any Lands or Tenements adjoining to the ſaid River, Cuts, Canals, Trenches, or Paſſages, or any of them, to uſe any Pleaſure Boat or Boats upon the ſame, without the Hinderance or Interruption of the ſaid Commiſſioners, or any of them, and without paying any of the Tolls aforeſaid, ſo as ſuch Pleaſure Boat ſhall not be uſed in carrying any Goods, Wares, or Merchandiſes, charged or chargeable with any of the Tolls by this Act granted and made payable; and that the Lord or Lords of the reſpective Manors, or any other Perſon whomſoever, ſhall have full Liberty to fiſh, fowl, and exerciſe all other Royalties on the ſaid River, Cuts, Canals, Trenches, or Paſſages, to which they are now legally intitled; any Thing herein contained to the Contrary notwithſtanding: Provided the Exerciſe of ſuch Rights and Royalties do not interfere with or interrupt the Execution of this Act, or the free Uſe of the ſaid Navigation.

Lords of Manors may erect Warehouſes, &c.

LIV. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall be conſtrued to obſtruct or hinder the Lord or Lords of the Manor or Manors, or the Owner or Owners of the Lands or Grounds, lying upon or near the Banks of the ſaid River, or any of the Lands or Grounds through which the ſaid River, Cuts, Canals, Trenches, or Paſſages, ſhall be made, from making or erecting any Warehouſes, Weigh-beams, Cranes, Quays, Landing-places, or Wharfs, upon the Banks of the ſaid River, Cuts, Canals, Trenches, or Paſſages, in or upon their own Lands, Waſtes, or Grounds, or erecting any Bridge or Bridges over the ſaid River, Cuts, Canals, Trenches, or Paſſages, or ſinking or laying any Pipe, Arch, or Conduit, under the ſaid River, Cuts, Canals, Trenches, or Paſſages, ſo that the erecting or uſing ſuch Warehouſes, Cranes, or Wharfs, Bridge or Bridges, Pipe, Arch, or Conduit, do not obſtruct or prejudice the ſaid Navigation, or interfere with any of the Powers given by this Act; and all Rates, Dues, and Duties, that ſhall be paid for the Uſe and Benefit of the ſame Warehouſes, Weigh-beams, Cranes, Quays, Landing-places, and Wharfs reſpectively, ſhall be, and the ſame are hereby veſted in ſuch Lord or Lords of ſuch Manor or Manors, or the Owner or Owners of ſuch Lands, Waſtes, and Grounds reſpectively, who ſhall make or erect any ſuch Warehouſes, Weigh-beams, Cranes, Quays, Landing-places, or Wharfs, upon his, her, or their Lands, Waſtes, or Grounds, lying upon the ſaid River, Cuts, Canals, Trenches, or Paſſages.

Warrants to be directed to the Conſtable, &c.

LV. And be it further enacted, That all and every Warrant and Warrants that ſhall and may be granted by any Perſon or Perſons enabled or impowered to grant the ſame under or by virtue of this Act, ſhall and may be directed to the Conſtable, Headborough, or other proper Officer of the Townſhip, Pariſh, or Place, where the Offender or Offenders ſhall live, reſide, or inhabit, who is hereby authoriſed and required to execute the ſame.

Diſtreſs not unlawful for want of Form.

LVI. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceeding relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satiſfaction for the ſpecial Damage in an Action upon the Caſe.

Plaintiff not to recover for Irregularity, if Tender of Amends hath been made.

LVII. Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity as aforeſaid, if Tender of Amends hath been made by or in Behalf of the Party diſtraining before ſuch Action brought.

Limitation of Actions.

LVIII. And be it further enacted, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done in purſuance or Execution of this Act, or in relation to the Matters herein contained, every ſuch Action or Suit ſhall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and ſhall be brought, laid, and tried, in the County of Norfolk, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the ſame was done in Purſuance and by Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if ſuch Action or Suit ſhall not be commenced within the Time before limited, or be laid or brought in any other County or Place, the Jury ſhall find for the Defendant or Defendants;

General Iſſue.

Defendants; and if a Verdict ſhall be found for the Defendant or Defendants, or if the Plaintiff or Plaintiffs ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Suit, or if, upon Demurrer, Judgement ſhall be given for the Defendant or Defendants; in each or either of the ſaid Caſes, the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for recovering the ſame as any Defendant or Defendants hath or have for Coſts of Suit in any other Caſes by Law.

Treble Coſts.

Publick Act.

LIX. And be it further enacted, That this Act ſhall be deemed adjudged, and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons, whatſoever, without ſpecially pleading the ſame.

CAP. XXXVIII.

An Act to incorporate certain Perſons therein named, and their Succeſſors, with proper Powers for the Purpoſe of eſtabliſhing One or more Glaſs Manufactories within the Kingdom of *Great Britain*; and for the more effectually ſupporting and conducting the ſame upon an improved Plan, in a peculiar Manner, calculated for the caſting of large Plate Glaſs.

Preamble.

WHEREAS the Eſtabliſhment of a Glaſs Manufactory in *Great Britain*, upon an improved Plan, in a peculiar Manner, calculated for the caſting of Plate Glaſs, would be of great Benefit and Utility to this Kingdom, and may tend, as well to increaſe the publick Revenue ariſing from the Duties laid thereon, as to improve the preſent Method of making Plate Glaſs, which is not brought to a State of Perfection equal to that in foreign Countries: And whereas ſuch Manufactory cannot be eſtabliſhed without great Riſk in the Undertaking, and without a very large Expence, nor can be conveniently carried on unleſs a conſiderable Joint Stock is raiſed for that Purpoſe: And whereas ſeveral Perſons have already formed themſelves into a Society, and ſubſcribed conſiderable Sums, and purchaſed Materials, and engaged proper Perſons, for the Purpoſe of eſtabliſhing and carrying on the ſaid Manufactory; but ſuch Perſons are apprehenſive that Difficulties may ariſe, as well in recovering Debts which may grow due to the Proprietors of the ſaid Manufactory, as alſo in defending Suits or Actions which may be commenced or brought againſt the ſaid Proprietors for any Matter or Thing relative to the ſaid Manufactory, as by Law all the ſeveral Proprietors and Subſcribers to the ſaid Manufactory muſt in ſuch Caſes both ſue and be ſued, implead and be impleaded, by their ſeveral and diſtinct Names and Deſcriptions; and therefore, for the more eaſily carrying on the Manufacture, and avoiding the Difficulties aforeſaid, are deſirous of being incorporated, and having a Common Seal and Name, by which they may ſue and be ſued: And whereas many Perſons who are not now liable to become Bankrupts, within the Intent and Meaning of any of the Laws now in Force concerning Bankrupts, are likewiſe fearful of ſubſcribing Money to carry on the ſaid Manufacture, as by becoming Subſcribers to, and Part Owners thereof, they may be liable to have Commiſſions of Bankrupt iſſued againſt them as Traders; may it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable John Stuart, commonly called Lord Mountſtuart, the Honourable Major General Charles Fitzroy, Herbert Mackworth, Peregrine Cuſt, Thomas Dundas, Robert Palk, John Mackay, Philip Affleck, James Mowbray, Robert Digby, Angus Mackay, Henry Dagge, Albany Wallis, Henry Haſtings, Ranald MacDonald, Thomas Davenport, Aſheton Curzen, John Dolben, Thomas Potter, Thomas Durell, Stephen Cæſar Lemaiſtre, and Henry Errington, Eſquires; and every other Perſon or Perſons who ſhall hereafter, either in their own Right, or as Executors, Adminiſtrators, Succeſſors, or Aſſigns, in Right of any other Perſon or Perſons, become Proprietors of, or intereſted in, any Part or Share of the Joint Capital Stock or Fund herein-after mentioned, ſhall be One diſtinct and ſeparate Body Politick and Corporate, in Deed and in Name, by the Name and Stile of The Governor and Company of *Britiſh*-caſt Plate Glaſs Manufacturers, and that by the ſame Name they ſhall have Succeſſion and a Common Seal; and that they and their Succeſſors may, from Time to Time, break, alter, make new, or change, ſuch Common Seal, as ſhall be found moſt expedient; and that ſuch Corporation ſhall be able and capable in Law, and ſhall have perfect and full Power and Ability in Law, to have, purchaſe, receive, take, and enjoy, to them and their Succeſſors, Lands, Tenements, and Hereditaments of what Kind, Nature, or Quality ſoever, for the Uſe of the ſaid Manufactory, notwithſtanding the Statutes of Mortmain, ſo as the ſame do not exceed the yearly Value of Five hundred Pounds; and any Perſon or Perſons, Bodies Politick or Corporate, may give, grant, bargain, ſell, or convey, to the ſaid Company of Proprietors, any Lands, Tenements, or Hereditaments, for the Uſe and Benefit of the ſaid Manufactory, ſo as the ſame do not exceed the annual Value aforeſaid, without Licence of Alienation in Mortmain; and that ſuch Corporation ſhall have Power and Ability in Law to grant, ſell, demiſe, alien, or diſpoſe of ſuch Lands, Tenements, or Hereditaments, or any Part thereof, at their free Will and Pleaſure; and, in their Corporate Name ſhall and may be able and capable in Law to ſue and implead, be ſued and impleaded, anſwer and be anſwered, in any Court of Record, or elſewhere, in all Cauſes and Actions whatſoever, for, touching, or concerning, the ſaid Corporation, or the Manufactory by them carried on, as aforeſaid.

Company may raiſe a joint Stock.

II. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for ſuch Corporation to raiſe a Capital Joint Stock, to be applied for the carrying on the ſaid Manufacture, not exceeding the Sum of Forty thouſand Pounds, at ſuch Times, and in ſuch Proportion, as at any General Court or Courts of ſuch Corporation, to be holden in purſuance of this Act, ſhall be directed; and that the ſame be divided into ſuch Number of Shares as herein-after mentioned, each Share not exceeding the Sum of Five hundred Pounds; and that no Perſon ſubſcribing thereto, or becoming a Proprietor of ſuch Manufactory, do become a Proprietor of leſs than One Share, or more than Twelve Shares, either in his or her own Name, or in the Name of any other Perſon or Perſons in Truſt for him or her, (except the ſame ſhall come to him or her by Deviſe, Bequeſt, Marriage, or Act of Law), upon Pain of forfeiting to the ſaid Company of Proprietors all ſuch Shares exceeding Twelve Shares, as aforeſaid; and the Money ſo to be raiſed is hereby directed and appointed to be applied, in the firſt Place, for and towards the Payment, Diſcharge, and Satisfaction, of the Expences hitherto incurred on accont of the eſtabliſhing the ſaid Manufactory, and preparatory to the paſſing of this Act, and alſo the Expences to be incurred in the paſſing thereof, and the Reſidue of ſuch Monies ſhall be applied in and about the Buſineſs of the ſaid Manufacture.

Joint Stock to be divided into Shares.

III. And be it further enacted by the Authority aforeſaid, That the ſaid Sum of Forty thouſand Pounds, or ſuch Part thereof as ſhall be raiſed by the ſeveral Perſons herein-before named, or by ſuch other Perſon or Perſons who ſhall or may hereafter become Proprietor or Proprietors of the ſaid Manufacture, ſhall be divided into Eighty Shares; at a Price not exceeding the Sum of Five hundred Pounds for every ſuch Share, and that the ſaid Eighty Shares ſhall be, and are hereby veſted in the ſeveral Perſons herein-before deſcribed, and their ſeveral and reſpective Executors, Adminiſtrators, Succeſſors, and Aſſigns, to their and every of their proper Uſe and Benefit, proportionably to the Sum they and each of them ſhall ſeverally ſubſcribe and pay thereunto; and all and every the ſaid Shares ſhall be deemed to be perſonal Eſtate, and tranſmiſſible as ſuch, and not of the Nature of real Property; and all and every Perſon and Perſons, their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally ſubſcribe and pay in the Sum of Five hundred Pounds, or ſuch Sum or Sums as ſhall be demanded in Part thereof, towards the eſtabliſhing and carrying on the ſaid Undertaking, ſhall be intitled to, and receive the entire and neat Diſtribution of, One-eightieth Part of the Profits and Advantages that ſhall and may ariſe and accrue by virtue of the Sum and Sums of Money to be raiſed, recovered, or received, by the Authority of this Act, and ſo in proportion for any greater Number of Shares, not exceeding Twelve Shares, as aforeſaid; and every Perſon or Perſons, having ſuch Property of One-eightieth Part or Share in the ſaid Undertaking, and ſo in proportion as aforeſaid, ſhall bear and pay a proportionable Sum of Money towards carrying on the ſaid Undertaking, in Manner herein-after enacted, directed, and appointed.

Intereſt to be paid till the Profits can be divided.

IV. And it is hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, their Succeſſors or Aſſigns, and they are hereby required, out of the Money to be raiſed as aforeſaid, until the ſaid Manufactory ſhall be ſo eſtabliſhed, that the Profits ariſing therefrom are ſufficient to make a Dividend equal to an Intereſt of Five Pounds per Centum on the Capital advanced, to pay unto all and every the ſaid Proprietors, their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, or Aſſigns, who ſhall ſeverally pay in or ſubſcribe any Sum or Sums of Money, for and towards the carrying on and eſtabliſhing the ſaid Manufactory, an Intereſt for ſuch Sum or Sums as they ſhall reſpectively pay in, after the Rate of Five Pounds for every One hundred Pounds for One Year, from the Time that each of ſuch Sum or Sums ſhall be reſpectively advanced as aforeſaid, and be paid and payable at ſuch Place or Places as ſhall be agreed on and appointed for that Purpoſe, at the Firſt General Meeting of the ſaid Company of Proprietors, to be held as herein-after is mentioned.

Perſons ſubſcribing may vote at Meetings.

V. And, to the End that all Matters or Things, touching or relating to the eſtabliſhing and carrying on the ſaid Manufactory, may be managed and conducted in the moſt beneficial Manner, be it further enacted by the Authority aforeſaid, That every Perſon or Perſons, who ſhall have ſubſcribed for One or more Share or Shares of the ſaid Manufactory, his and their reſpective Executors, Adminiſtrators, or Aſſigns, in every or any publick Meeting or Aſſembly, to be held as herein-after appointed for carrying on the Buſineſs of the ſaid Manufactory, ſhall have Liberty, by him, her, or themſelves, to give One Vote, and no more, without any Regard being had to the Number of Shares he, ſhe, or they, ſhall reſpectively be poſſeſſed of, and intereſted in, as aforeſaid; and whatever Queſtion, Election of Officers, or other Matter or Thing ſhall be propoſed, diſcuſſed, or conſidered, in any publick Aſſembly or Meeting, to be held under and by virtue of this Act, ſhall be finally determined by the Majority of Votes then preſent, computing One Vote for every Member then preſent, and no more.

Books to be provided for Subſcriptions.

VI. And be it further enacted by the Authority aforeſaid, That a Book for Subſcriptions ſhall be provided within One Month after the paſſing of this Act, in which ſaid Book the ſaid joint Stock, which ſhall not be leſs than the Sum of Forty thouſand Pounds, ſhall be ſubſcribed by the Proprietors of the ſaid Manufactory; and that each of the ſaid Proprietors ſhall not ſubſcribe leſs than the Sum of Five hundred Pounds, nor more than the Sum of Six thouſand Pounds; and that all and every the ſaid Proprietors ſhall pay his, her, or their Shares and Proportions of the Monies ſubſcribed, at ſuch Time and Place as ſhall be appointed for the Receipt of ſuch Sums of Money, as ſhall, from Time to Time, be ordered to be paid, in purſuance of any Call or Calls to be made by the Order of any General Meeting, in Manner and Form as is herein-after directed; of which ſeveral Calls, Three Calendar Months Notice at the leaſt ſhall be given, by publiſhing the ſame in the London Gazette, and One or more of the publick News-papers, at the Diſcretion of the General Meeting of the ſaid Proprietors: And if any Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their rateable or proportionable Part or Share, Parts or Shares, of ſuch Monies, to be called for as aforeſaid, within One Calendar Month after the Time appointed for Payment thereof, and after perſonal Notice given to him or her, or Notice in Writing left at his or her uſual or laſt Place of Abode, then he, ſhe, or they, ſo neglecting or refuſing, ſhall forfeit the Sum of Twenty Shillings for every One hundred Pounds of his, her, or their reſpective Share or Shares in the ſaid Manufacture.

Proprietors not making their Payments to forfeit their Property in the Manufactory.

VII. And be it further enacted by the Authority aforeſaid, That whenever any Proprietor ſhall have incurred the Penalty aforeſaid of Twenty Shillings for every One hundred Pounds of ſuch Share or Shares as he or ſhe may be poſſeſſed of in the ſaid Manufactory, for Nonpayment in due Time as aforeſaid of his or her rateable Proportion of Money called for, and ſuch Forfeiture ſhall have been declared at ſome General Meeting of the Proprietors, it ſhall and may be lawful at the ſame, or at any ſubſequent General Meeting, for any Five or more of the Proprietors then preſent, to order and direct a further Notice to be given to ſuch Proprietor; and in caſe he or ſhe ſhall not, within Six Months after ſuch Notice ſerved perſonally, or left at his or her moſt uſual or laſt Place of Abode, pay, or cauſe to be paid, all ſuch Sum or Sums of Money as ſhall be then due and owing upon any Call or Calls as aforeſaid, and for Nonpayment of which ſuch former Forfeiture ſhall have been incurred, and ſhall alſo pay, or cauſe to be paid, an additional Sum of Five Pounds for every One hundred Pounds which ſuch Proprietor ſhall have ſubſcribed towards the ſaid Manufactory, then ſuch Proprietor, in caſe the Nonpayment of ſuch Sum or Sums of Money ſhall have been declared at ſome General Meeting of the ſaid Proprietors, ſhall forfeit all his Intereſt, Share, and Property, in the ſaid Manufactory, together with all ſuch Sums as ſhall have been paid in, or ſhall be then due and owing from any Call or Calls as aforeſaid; which laſt-mentioned Sum or Sums, due and owing from any Call or Calls as aforeſaid, and the reſpective Penalties of Twenty Shillings, and Five Pounds, herein-before mentioned, ſhall and may be recovered by Action of Debt, in any of His Majeſty's Courts of Record at Weſtminſter: Provided always, That it ſhall and may be lawful for the ſaid Proprietors, at any General Meeting, to be held after ſuch Forfeiture ſhall have been incurred, to poſtpone, mitigate, or remit the ſame.

Governor, Deputy-governor, and Committee, to be choſen.

VIII. And be it further enacted by the Authority aforeſaid, That within the Space of Twenty Days after paſſing this Act, any Five or more of them, the ſaid Perſons herein-before named, ſhall ſummon and call together a General Meeting of all the Proprietors in the ſaid Joint Stock, who ſhall and may quietly and freely aſſemble themſelves, and meet together at the Time and Place ſo appointed; and then and there, at their Will and Pleaſure, name, chuſe, and elect, One of the ſaid Proprietors to be Governor of the ſaid Company, and One other Proprietor to be Deputy-governor of the ſaid Company, and alſo Five or more other fit Perſons to be Committee-men of the ſaid Company; the ſaid Governor, Deputy-governor, and Committee-men, to continue in their reſpective Offices and Places, until a new Election ſhall be had and made of a Governor, Deputy-governor, and Committee-men, in purſuance and according to the Directions of this Act.

Governor and Deputy-governor to take an Oath.

IX. And be it further enacted by the Authority aforeſaid, That every Governor and Deputy-governor of the ſaid Company, ſo to be elected as aforeſaid, before they be admitted to the Execution of their reſpective Offices or Places of Governor and Deputy-governor, ſhall take the following Oath before any Two or more of the ſaid Proprietors, who are hereby impowered to adminiſter the ſame:

The Oath.

YOU ſwear, that you will aſſiſt, and with all your Power ſupport and maintain, the Company of *Britiſh*-caſt Plate Glaſs Manufacturers, and the Privileges of the ſame, having no Reſpect to yourſelf in Derogation, Hinderance, or Prejudice, of the good Government, Order, and Commonweal thereof; the Bye-laws and Ordinances which ſhall be made by Authority of this Company, and which are not repugnant to the Laws of this Kingdom, you ſhall uprightly and duly execute according to your Knowledge, and to the utmoſt of your Power endeavour to favour and maintain the true Intereſt and Welfare of the ſaid Company.

So help you G O D.

X. And be it enacted by the Authority aforeſaid, That every One of the ſaid Committee-men of the ſaid Company for the Time being, before they be admitted to the Execution of their ſaid reſpective Offices or Places of Committee-men, ſhall take the following Oath before any Two or more of the ſaid Proprietors, who are hereby impowered to adminiſter the ſame:

Committee-men to take an Oath.

YOU ſwear to be faithful and true during the Time of your Place of Truſt, as One of the Committee-men of the Company of *Britiſh*-caſt Plate Glaſs Manufacturers, and their Succeſſors; the good Eſtate of the Adventurers in this preſent Joint Stock you ſhall, as far as you are able, favour and preſerve, and the Privileges granted to them to the utmoſt of your Power endeavour to maintain.

The Oath.

So help you G O D.

XI. And, to the End that all Matters and Things, to be done and carried on by virtue and Authority of this Act, may be the more regularly carried into Execution, be it enacted by the Authority aforeſaid, That there ſhall be One annual General Meeting of all the ſaid Proprietors on the Second Wedneſday in March in every Year for the future, at ſome convenient Place for that Purpoſe to be appointed, at or after the Hour of Eleven in the Forenoon, at which ſaid annual General Meeting the Proprietors aſſembled ſhall chuſe a Governor and Deputy-governor of the ſaid Company, and alſo Five or more Perſons, each of whom ſhall be for the Time being a Proprietor of One or more Shares in the ſaid Manufactory, to be a Committee or Committees, to aſſiſt in managing the Affairs of the ſaid Company of Proprietors, in ſuch Manner as is herein directed, and as ſhall, from Time to Time, be ordered by any ſuch annual General Meeting, or by any Special General Meeting, to be held as herein-after mentioned, the ſaid Governor and Deputy-governor always to be Members of ſuch Committee or Committees; and the ſaid Governor and Deputy, and Committee-men, ſhall ſerve and continue in their reſpective Offices and Places for One whole Year next enſuing their reſpective Elections, or until others ſhall be elected and appointed in their Room.

General Meeting to be held annually.

XII. And be it further enacted by the Authority aforeſaid, That if at any Time it ſhall appear to any Five or more Proprietors, that, for the more effectually putting this Act in Execution, an occaſional General Meeting of Proprietors ſhall be neceſſary to be held, the Governor, Deputy-governor, or any Three or more of the ſaid Committee, on Requeſt made in Writing by the ſaid Five Proprietors to the ſaid Governor, Deputy-governor, or Committee-men, ſhall cauſe Notice to be given thereof in the London Gazette,, or in ſuch other Manner as the ſaid Proprietors, their Succeſſors or Aſſigns, ſhall at any General Meeting direct or appoint, declaring in ſuch Notice the Place where, and the Time when, ſuch Meeting is to be held, the ſame to be held within One Month from and after ſuch Notice given; and likewiſe ſpecifying in every ſuch Notice the Reaſon for and Intention of ſuch Meetings reſpectively; and the Proprietors are hereby authoriſed to meet purſuant to ſuch Notice, and proceed to the Execution of the Powers by this Act given them; and every Act of the Proprietors, or the major Part of them, at ſuch Meetings aſſembled, ſhall be as valid, to all Intents and Purpoſes, as if the ſame had been done at an annual General Meeting, held in Manner herein-before appointed.

If any occaſional General Meeting be neceſſary, Notice to be given in the *London Gazette*.

XIII. And it is hereby further enacted by the Authority aforeſaid, That the Committee ſo to be choſen as aforeſaid, ſhall, from Time to Time, be ſubject to the Examination and Controul of the ſaid annual or occaſional General Meetings of the ſaid Proprietors as aforeſaid, and ſhall pay due Obedience to all ſuch Orders and Directions, in and about the Premiſes, as they ſhall from Time to Time receive from the ſaid Proprietors, at any ſuch General Meetings; ſuch Orders and Directions not being contrary to any expreſs Directions or Proviſions in this Act contained.

Committee to be under the Controul of annual and occaſional General Meetings.

XIV. And it is hereby further enacted, That in caſe the Governor, Deputy-governor, or any of the Committee-men for the Time being, ſhall happen to die, or reſign his Office or Offices, before the Expiration of the ſaid Year for which he or they ſhall be ſo elected; that then, and from thenceforth, it ſhall and may be lawful to and for the ſaid Governor or Deputy-governor, or any Three of the Committee, to ſummon and call together a General Meeting of the Proprietors aforeſaid, and then and there to chuſe into the Place or Places of him or them ſo dying or reſigning One or more other fit Perſon or Perſons, as the Caſe may happen, to continue in their reſpective Offices or Places during the Remainder of ſuch Year.

Governors, *etc.* dying, others to be choſen.

XV. And be it further enacted by the Authority aforeſaid, That from and after the firſt General Meeting hereby appointed as aforeſaid, all and every the General Meetings

Meetings to be called by Governor, *etc.*

Meetings of the ſaid Company, hereby eſtabliſhed, ſhall be, from Time to Time, called and ſummoned by the Order of the ſaid Governor or Deputy-governor, or any Three or more of the Committee for the Time being; at all which General Meetings before mentioned the Governor for the Time being ſhall be preſent, or, in his Abſence, the Deputy-governor for the Time being, and in caſe of Equality of Votes or Voices ſhall have a caſting Voice.

No Choice of Governor, *etc.* or Committee, but by Members poſſeſſed of 20 Shares.

XVI. Provided always, That if at any General Meeting the Number of Perſons preſent ſhall be leſs than Nine, and the Members preſent ſhall not be poſſeſſed of Twenty Shares in the ſaid Manufactory at the leaſt, no Choice of a Governor, Deputy-governor, or Committee, ſhall be made at that Time; but in ſuch Caſe there ſhall be an adjourned Meeting of the ſaid Company, at the ſame Place, within One Month, of which Notice ſhall be given in the London Gazette, and ſuch other publick News-papers as ſhall be then agreed upon, or in ſuch other Manner as at any General Meeting ſhall be directed for that Purpoſe, and ſo from Time to Time as Occaſion ſhall require, until ſuch Choice ſhall be made of the Governor, Deputy-governor, and Committee, as ought to have been made at the Firſt Day herein-before appointed, had there been a ſufficient Number of Votes preſent, and the Perſons ſo choſen ſhall have the ſame Power which they would have had, and continue in ſuch Office until ſuch Time as they would have done, had they been choſen on the ſaid Day herein-before firſt appointed.

Company may make Bye-laws, *etc.*

XVII. And be it further enacted, That the ſaid Company of Proprietors, their Succeſſors and Aſſigns for the Time being, ſhall have Power and Authority at any General Meeting, to be held as aforeſaid, in caſe Nine or more Proprietors are preſent at ſuch General Meeting poſſeſſed of Twenty Shares at leaſt, but not otherwiſe, to make ſuch Rules, Bye-laws, and Conſtitutions, for the ſaid Government of the ſaid Company, and for the good and orderly carrying on the Buſineſs of the ſaid Manufacture; and alſo for the well-governing of the Officers, Servants, Workmen, and others, who ſhall be employed in and about the Buſineſs and carrying on of the ſaid Manufacture, or any Part thereof; and to impoſe and inflict ſuch reaſonable Fines or Forfeitures upon all Perſons offending againſt the ſame, as to the major Part of ſuch General Meeting ſhall ſeem meet, not exceeding the Sum of Five Pounds for any One Offence; ſuch Fines and Forfeitures to be levied and recovered by ſuch Ways and Means as are herein-after mentioned.

Bye-laws may be altered.

XVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, their Succeſſors and Aſſigns, at any General Meeting to be held as aforeſaid, in caſe Thirteen or more Proprietors are preſent at ſuch General Meeting, poſſeſſed of Forty Shares at leaſt, but not otherwiſe, to alter or repeal any Rules, Bye-laws, or Conſtitutions, made by the ſaid Company, at any former General Meeting or General Meetings: And all ſuch Rules, Bye-laws, and Conſtitutions, ſo to be made by the ſaid Company at any General Meeting or Meetings, being fairly wrote and entered in the Books of the ſaid Company of Proprietors, ſhall be binding to, and obſerved by, all the Parties, and ſhall be ſufficient in any Court of Law or Equity to juſtify all Perſons who ſhall act under the ſame.

Books to be under the Care of ſuch Perſons as the Company ſhall appoint.

XIX. And be it further enacted by the Authority aforeſaid, That the Book and Books in which the Accounts relating to the ſaid Undertaking ſhall be ſtated and ſettled, and all other Matters and Things relating thereunto, ſhall be depoſited under the Care and Cuſtody of ſuch Perſon or Perſons as the ſaid Company of Proprietors, their Succeſſors and Aſſigns, ſhall, from Time to Time, direct and appoint, and every Proprietor or Proprietors, at reaſonable Times, ſhall have free Acceſs to ſuch Book and Books, for his, her, or their Inſpection.

Proprietors at General Meetings may ſettle Accounts.

XX. And be it further enacted, That at every ſuch annual General Meeting as aforeſaid, the Proprietors ſhall call for, audit, and ſettle, all Accounts of Money which ſhall hereafter be received or paid, in, for, about, or concerning the ſaid Manufactory, and ſhall ſettle and declare what Dividend or Dividends ſhall be made to the Proprietors thereof: Provided always, That no Dividend ſhall at any Time be made amongſt the ſaid Proprietors, out of the Profits ariſing from the ſaid Manufactory, over and above Five Pounds per Centum, upon the Capital Stock actually advanced, during ſuch Time as there ſhall be due and owing from the ſaid Company any Sum or Sums of Money borrowed upon the Credit of their Capital Stock, or upon the Profits and Produce ariſing from the ſaid Manufactory.

Proprietors at General Meetings to have Power to make Calls of Money.

XXI. And be it further enacted, That at any ſuch General Meeting as aforeſaid, the Proprietors ſhall have Power to make ſuch Call or Calls of Money, for the Purpoſes of this Act, as they ſhall find wanting and neceſſary, not exceeding Ten Pounds per Centum on each Share at any One Call, under ſuch Conditions, Penalties, and Forfeitures, as herein-before mentioned, ſuch Notice or Notices of ſuch Call or Calls having firſt been duly given as aforeſaid; which Money, ſo called for, ſhall be paid to ſuch Perſon or Perſons, and in ſuch Manner, as the ſaid General Meetings ſhall from Time to Time appoint and direct, for the Uſe of the ſaid Manufactory.

General Meetings may be adjourned.

XXII. And be it further enacted, That for all or any of the Purpoſes aforeſaid, every ſuch General Meeting ſhall have Power to adjourn themſelves, from Time to Time, and from Place to Place, as ſhall be thought convenient, and be agreed upon by the

Majority of Votes then preſent: And in caſe there ſhall not be a ſufficient Number of Perſons preſent to form ſuch General Meeting before Two of the Clock in the Afternoon, on the Day on which ſuch General Meeting ſhall have been called, then any One of the ſaid Proprietors preſent, or their Clerk for the Time being, ſhall adjourn the ſaid Meeting to the ſame Day Fortnight, and ſhall give Notice of ſuch Adjournment in Manner before mentioned.

Owners of Shares dying before Calls made for the full Sum to be advanced on each Share,

Truſtees, &c. indemnified for making Payment.

Truſtees neglecting Payment after Six Months, ſuch Shares of Owners to be liable to the Forfeitures as before directed.

XXIII. And be it further enacted, That if any Owner or Owners of any Share or Shares in the ſaid Manufactory ſhall die before ſuch Call or Calls ſhall be made for the full Sum to be advanced on each Share, which he, ſhe, or they, ſhall have been poſſeſſed of, or intitled unto, without having made Proviſion by Will, or otherwiſe, how ſuch Share or Shares ſhall be diſpoſed of, and the Money paid in upon Calls for the future; then, and in ſuch Caſe, the Executors or Adminiſtrators of any ſuch Owner ſo dying, and the Truſtee or Truſtees, Guardian or Guardians, of any Infant, or other Perſon or Perſons whatſoever, intitled to the Eſtate and Effects of ſuch Owner deceaſed, ſhall be indemnified againſt all ſuch Infant or Infants, or other Perſons whatſoever, for paying any Sum or Sums of Money, when called for, as aforeſaid, to complete every ſuch Subſcription: And if ſuch Owner deceaſed ſhall not have left Aſſets ſufficient, or in caſe the Executors or Adminiſtrators, Truſtee or Guardian, Truſtees or Guardians, ſhall refuſe or neglect to anſwer ſuch Calls and Payments within the Space of Six Calendar Months next after perſonal Notice ſerved on, or Notice left at the uſual or laſt Place of Abode of ſuch Executors or Adminiſtrators, or ſome or One of them, or ſuch Truſtee or Guardian, Truſtees or Guardians, then ſuch Share or Shares of ſuch deceaſed Owner or Owners, as alſo his, her, or their perſonal Eſtate, (in caſe they ſhall die, leaving Aſſets), ſhall be ſubject and liable to the ſame Penalties and Forfeitures as are herein-before directed, in reſpect of the Share or Shares of ſuch Perſon or Perſons as ſhall neglect or refuſe to pay in his, her, or their rateable or proportionable Part or Share of ſuch Monies as ſhall be called for, in Manner herein-before mentioned.

Proprietors may ſell and diſpoſe of their Shares.

XXIV. And be it further enacted, That it ſhall and may be lawful to and for the ſeveral Proprietors of the ſaid Manufactory to ſell and diſpoſe of any Share or Shares he, ſhe, or they, ſhall or may be intitled to therein, ſubject to the Rules and Conditions herein mentioned; and any Purchaſer or Purchaſers ſhall, for his, her, or their Security, as well as that of ſuch Proprietor or Proprietors, have a Duplicate of the Deed of Aſſignment or Conveyance made unto him, her, or them, and executed by ſuch Perſon or Perſons, of whom he, ſhe, or they, ſhall purchaſe the ſame, and alſo by the Purchaſer or Purchaſers thereof, One Part whereof, duly executed, both by the Seller and Purchaſer, ſhall be delivered to the Company's Clerk for the Time being, to be filed and kept for the Uſe of the ſaid Company; and an Entry thereof ſhall be made in a Book or Books to be kept by the ſaid Clerk for that Purpoſe, for which no more than One Shilling ſhall be paid; and the ſaid Clerk is hereby required to make ſuch Entry accordingly; and until ſuch Duplicate of ſuch Deed ſhall be ſo delivered in to the ſaid Clerk, and filed and entered, as above directed, ſuch Purchaſer or Purchaſers ſhall have no Part or Share of the Profits of the ſaid Manufactory, nor any Intereſt for his ſaid Share paid to him, her, or them, or any Vote as a Proprietor or Proprietors.

Notice to be given of Sales.

XXV. Provided always, and be it further enacted by the Authority aforeſaid, That no ſuch Sale or Sales, except to a Proprietor or Proprietors of the ſaid Company, ſhall be made of any ſuch Share or Shares, by any Proprietor or Proprietors, unleſs Three Months Notice in Writing ſhall be given to the Governor, Deputy-governor, or any Three of the Committee, of ſuch his, her, or their Intentions to ſell the ſame; and unleſs Conſent ſhall be given by a Majority of the whole Number of Proprietors, ſignified by Ballot at ſome General Meeting, which ſhall be held within Four Months after ſuch Notice given.

Proprietors reduced to Fifteen, a Majority may exerciſe the Powers where more than Five are to be preſent.

XXVI. And be it further enacted, That in caſe the Number of Proprietors of the ſaid Manufactory ſhall at any future Time be reduced to the Number of Fifteen or under, then all the Powers of this Act ſhall be fully exerciſed and enforced, in like Manner as is herein-before directed, by a Majority of ſuch Number, in all Caſes where more than Five Proprietors are herein-before required to be preſent at any Meeting.

A further Sum may be raiſed by the Company if original Sum not ſufficient.

XXVII. And be it enacted by the Authority aforeſaid, That in caſe the ſaid Sum of Forty thouſand Pounds, herein-before authoriſed to be raiſed, ſhall be found inſufficient for the Eſtabliſhment and carrying on of the ſaid Manufacture; then, and in ſuch Caſe, it ſhall and may be lawful to and for the ſaid Company of Proprietors, by and with the Conſent, Aſſent, and Approbation, of not leſs than Three-fourths in Number of the ſaid Proprietors, and not otherwiſe, to raiſe and contribute amongſt themſelves, in Manner and Form aforeſaid, or by the Admiſſion of new Subſcribers, upon ſuch Terms as they ſhall think proper, any further or other Sum or Sums of Money, for eſtabliſhing and carrying on the ſaid Manufactory, not exceeding the Sum of Twenty thouſand Pounds; and every Contributor or Subſcriber, towards raiſing ſuch further or other Sum or Sums of Money, ſhall have a like Vote in reſpect of every ſuch Share in the ſaid additional Sum ſo to be raiſed, and ſhall alſo be liable to ſuch Forfeitures, and ſtand intereſted in the Profits and Produce of the ſaid Manufactory, for ſuch Share or Shares as he, ſhe, or they, may ſubſcribe thereto, as generally and extenſively, to all Intents and Purpoſes, as if ſuch further Share or Shares ſo ſubſcribed had originally been Part of the ſaid Stock of the ſaid Company; any Thing herein-before contained to the Contrary in any-wiſe notwithſtanding.

Forging the Seal of the Company made Felony.

XXVIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall forge or counterfeit the Seal of the Corporation, or any Deed or Writing under the common Seal, or ſhall demand any Money in purſuance of any ſuch forged or counterfeited Deed or Writing, either from the Corporation, or any Members or Servants thereof, knowing ſuch Writing to be forged, with Intent to defraud the ſame Corporation, or their Succeſſors, or any other Perſon or Perſons whomſoever, every Perſon ſo offending, and being convicted thereof in due Form of Law, ſhall be judged guilty of Felony, and ſhall be tranſported to One of His Majeſty's Colonies or Plantations in America for a Term not exceeding Seven Years.

Stealing or deſtroying the Works, Felony.

XXIX. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, by Day or Night, break into any Houſe, Shop, Cellar, Vault, or other Place or Building, or by Force enter into any Houſe, Shop, Cellar, Vault, or other Place or Building belonging to the ſaid Manufactory, or wherein the ſame ſhall be then carrying on, with Intent to ſteal, cut, break, or otherwiſe deſtroy, any Glaſs or Plate Glaſs, wrought or unwrought, or any Materials, Tools, or Implements, uſed in, for, or about, the making thereof, or any Goods and Wares belonging to the ſaid Manufactory, or ſhall ſteal, or wilfully or maliciouſly cut, break, or otherwiſe deſtroy, any ſuch Glaſs Materials, Tools, or Implements, every ſuch Offender, being thereof lawfully convicted, ſhall be judged guilty of Felony, and ſhall be tranſported to One of His Majeſty's Colonies or Plantations in America for a Term not exceeding Seven Years.

Writings to be without Stamps.

XXX. And be it further enacted by the Authority aforeſaid, That no Contract, Agreement, Tranſfer, or Aſſignment, of any Share or Shares, or other Writing whatſoever, made in purſuance of the Powers given in and by this preſent Act, ſhall be charged or chargeable with any Stamp-duty whatſoever; and that no Proceedings to be had or taken in purſuance of this Act ſhall be quaſhed or vacated for want of Form only.

Fines and Forfeitures how to be recovered.

XXXI. And be it further enacted by the Authority aforeſaid, That all Fines, Penalties, and Forfeitures, inflicted by this Act, or by any Rules, Bye-laws, or Conſtitutions, made by the ſaid Company of Proprietors, their Succeſſors or Aſſigns, by the Authority thereof, the levying and recovering of which ſaid Fines, Penalties, and Forfeitures, are not herein-before particularly directed, ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Juſtice or Juſtices of the Peace for the County wherein the ſaid Manufacture ſhall be carried on, as aforeſaid; which ſaid Juſtice or Juſtices is and are hereby authoriſed to hear and examine a Witneſs or Witneſſes upon Oath, and determine the ſame, and may, according to his or their Diſcretion, mitigate any Fine, Penalty, or Forfeiture, to be inflicted on any Offender or Offenders by virtue of the Powers in this Act contained; ſave and except ſuch Forfeitures and Penalties as are herein-before directed for Nonpayment of ſuch Sum or Sums of Money as ſhall be called for from the ſaid Proprietors, as aforeſaid; and all ſuch reſpective Fines, Forfeitures, and Penalties, by this Act impoſed and inflicted, the Application whereof is not herein-before particularly directed, ſhall be paid, and ſhall be applied and diſpoſed of, to and for the Uſe of the ſaid Manufacture, and to and for no other Uſe or Purpoſe whatſoever.

Limitation of Actions.

XXXII. And be it further enacted by the Authority aforeſaid, That if any Action, Suit, or Information, ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, or in the Execution of the Powers and Authorities, or the Orders and Directions herein-before given or granted, every ſuch Action, Suit, or Information, ſhall be brought and commenced within Six Calendar Months next after the Fact committed for which ſuch Action or Suit ſhall be commenced, and not afterwards, and ſhall be brought, laid, and tried, in the County where the ſaid Manufacture ſhall be carried on, as aforeſaid, and not elſewhere; and the Defendant or Defendants in all ſuch Actions or Suits may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if it ſhall appear to have been ſo done, or if any Action, Suit, or Information, ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought or laid in any other County or Place than as aforeſaid, that then, and in every ſuch Caſe, the Jury ſhall find for the Defendant or Defendants; and if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff ſhall become nonſuited, or diſcontinue his, her, or their Action, Suit, or Information, after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, or otherwiſe, Judgement ſhall be given againſt the Plaintiff or Plaintiffs; the Defendant or Defendants, in every ſuch Caſe, ſhall have Treble Coſts, and ſhall have ſuch Remedy for Recovery of the ſame as any Defendant or Defendants hath or have for Coſts of Suit in other Caſes by Law.

General Iſſue.

Treble Coſts.

Commencement and Continuance of this Act.

XXXIII. And be it further enacted by the Authority aforeſaid, That this Act ſhall take Place, and have Continuance, from and after the paſſing thereof, for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

Publick Act.

XXXIV. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed, adjudged, and taken to be, a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

CAP. XXXIX.

An Act for draining and preſerving certain Fen Lands and Low Grounds, called *King's Delph and Eight Roods*, and alſo other Fen Lands and Low Grounds in a certain Place called *Farcett Fen*, adjoining thereto, lying near to the Hamlet and Village of *Farcett* and *Standground*, in the County of *Huntingdon*.

Preamble.

WHEREAS ſeveral Fen Lands and Low Grounds, called *King's Delph and Eight Roods*, and alſo other Fen Lands and Low Grounds in a certain Place called *Farcett Fen*, adjoining thereto, lying near to the Hamlet and Village of *Farcett* and *Standground*, in the County of *Huntingdon*, are ſubject to be overflowed, or otherwiſe annoyed with Water, for want of a proper Drainage, and are by that Means rendered in a conſiderable Degree unprofitable to the Proprietors of the ſaid Fen Lands and Low Grounds: And whereas the ſeveral Fen Lands and Low Grounds contain in the Whole about Two thouſand Acres, and are abutted and abounded as follows; (that is to ſay,) Beginning at a Place called *Farcett Bridge*, over the River *Nen*, and from thence along the ſaid River, Weſtward, to a certain Part of the ſaid River oppoſite to the North-weſt End of *Conqueſt Drove*; and from thence along the Middle of the ſaid Drove, South-eaſtward, to the North-weſt End of *Froghall Drove*, and along *Froghall Drove* aforeſaid, (including the ſame), to the South-eaſt End thereof; and from thence Eaſtward, along *Twelve Foot Dike*, (including the ſame), between Sir *Sampſon Gideon's Adventurer's Lands* on the South and Weſt Parts, and the Lands of Maſter *William Chapman*, Lord *Caryſfort*, and Maſter *Thomas Wright*, and certain other Lands called *Stibbington* and *Water Newton*, Parts on the North and Weſt, to *Bevil's Leam* or *River*; from thence by and along the North Bank of the ſaid *Leam* or *River* to *Oakley Dike*, at the Place where the ſame adjoins *Whittleſea* Second Diſtrict, near *Pond's Bridge*; and from thence Northward, along the ſaid Dike, (excluding the ſame), by the Side of the Lands called *Eight Roods and King's Delph*, to the North End of the ſaid Lands called *King's Delph*; and from thence along the ſaid Dike, to the South-eaſt Corner of *Horſey Grounds*, (excluding the ſaid Dike and Grounds); and from thence, Northwards, by a Ditch dividing *Horſey Grounds*, and Lands of the Earl *Fitzwilliam*, *John Currell*, *Edward Bellamy*, and *William Chapman*, called *Paradiſe and Oaky Parts*, to a certain Place called *Oaky Gate*; and from thence acroſs the Road called *Oaky Lane* to the South Bank of the River *Nen* aforeſaid, (excluding the ſaid River), and along the ſaid Bank of the ſaid River, Weſtward, to *Farcett Bridge* aforeſaid: And whereas the ſaid Fen Lands and Low Grounds are capable of great Improvement by the Means of a proper Drainage; but ſuch Drainage cannot be effected without the Aid and Authority of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid ſeveral Fen Lands and Low Grounds herein-before abutted, bounded, and deſcribed, ſhall be and are hereby made One entire Diſtrict, and ſhall be embanked and drained in the Manner herein-after directed.

Who are to be Commiſſioners.

II. And be it further enacted, That the Lords and Ladies of the Manors of Standground and Farcett for the Time being, the Vicar of Standground for the Time being, and alſo every Owner or Proprietor of Fifteen Acres of Land ſubject to be taxed by virtue of this Act, ſhall be, and are hereby appointed Commiſſioners for putting this Act, and all the Powers and Authorities herein-after contained, into Execution; and in caſe of the Abſence of ſuch Commiſſioner or Commiſſioners, it ſhall and may be lawful for him, her, or them, from Time to Time, by Writing, under his, her, or their Hand and Seal, to nominate and appoint a Deputy to act in his or her Place and Stead, and ſuch Deputy ſo nominated and appointed ſhall be a Commiſſioner to all Intents and Purpoſes, for carrying this Act into Execution.

Every Owner of Thirty Acres may appoint a Commiſſioner.

III Provided always, and be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon who is the real Owner of Thirty Acres or more of Lands ſubject to be taxed by virtue of this Act, and every ſuch reſpective Owner is hereby authoriſed and impowered to appoint, by Writing under his or her Hand and Seal, from Time to Time, and for ſuch Time or Times as he or ſhe ſhall think proper, One Commiſſioner for every Thirty Acres of ſuch taxable Lands over and above his or her Qualification, to act as a Commiſſioner for Fifteen Acres of ſuch Lands, in Perſon, or by Deputy, as aforeſaid, and alſo over and above the Commiſſioners herein-before appointed; and ſuch Commiſſioner ſo appointed by ſuch

Owner of ſuch Thirty Acres, as aforeſaid, ſhall be a Commiſſioner to all Intents and Purpoſes for carrying this Act into Execution.

If an Owner of 30 Acres be a Minor, *&c.* the Guardian or Committee to act or appoint a Commiſſioner.

IV. Provided alſo, and be it enacted, That if any Perſon who, by virtue of this Act, is impowered to act as a Commiſſioner, in Perſon, or by Deputy, ſhall, at the Time of paſſing this Act, or at any Time or Times afterwards, be a Minor under the Age of Twenty-one Years, Idiot, Lunatick, or of unſound Mind, that it ſhall and may be lawful for the Guardian of ſuch Minor, and for the Committee or Truſtee of ſuch Idiot, Lunatick, or Perſon of unſound Mind, to act in Perſon as Commiſſioner for putting this Act into Execution, or, in his or her Abſence, by Writing under his or her Hand and Seal, to appoint a Deputy for that Purpoſe; and alſo ſhall and may, by Writing under his or her Hand and Seal, nominate and appoint a Commiſſioner for every Thirty Acres of Land belonging to ſuch Minor, or other Perſon under ſuch legal Diſability, as aforeſaid; and that ſuch Commiſſioners, ſo nominated and appointed, ſhall be Commiſſioners to all Intents and Purpoſes, for carrying this Act into Execution.

Joint Owners, *&c.* taxed by virtue of this Act, may act as Commiſſioners, or by their Deputies, provided their Shares are not leſs than 15 Acres.

V. Provided alſo, That all Perſons who ſhall be Joint Tenants, Tenants in Common, or Parceners, of any Lands lying within the Limits aforeſaid, and taxed by virtue of this Act, ſhall, for their ſeveral and reſpective Shares, be intitled to act, by virtue of ſuch reſpective Shares, as Commiſſioners, by themſelves, or their reſpective Deputies, and ſhall have the ſame Powers as if ſuch Lands, ſo held by them as Joint Tenants, Tenants in Common, or Parceners, were actually ſevered and divided; provided that ſuch reſpective Shares ſhall amount to Fifteen Acres or Thirty Acres reſpectively.

Appointment of Commiſſioners to be entered in a Book, *&c.*

VI. And be it further enacted, That every Nomination or Appointment of a Commiſſioner or Commiſſioners, in purſuance of this Act, ſhall be entered *gratis* by the Clerk to the ſaid Commiſſioners in a Book to be kept for that Purpoſe; and that ſuch Commiſſioner or Commiſſioners ſhall and may, and is and are hereby impowered to act in the Execution of this Act, till ſuperſeded by a freſh Nomination, to be entered in ſuch Book as aforeſaid.

Firſt Meeting of Commiſſioners.

VII. And be it further enacted, That the Firſt Meeting of the ſaid Commiſſioners ſhall be held at the Talbot Inn at Peterborough, in the County of Northampton, on the Tueſday Three Weeks after the paſſing of this Act; and that the ſaid Commiſſioners, or their Succeſſors, or any Five or more of them, ſhall meet Twice in every Year; and that One of the ſaid Half-yearly Meetings ſhall be held on the Second Tueſday in June, One Year at Standground, and the other Year at Farcett, alternately; and that the other of the ſaid Half-yearly Meetings ſhall be held on the Second Tueſday in October, at the Talbot Inn in Peterborough aforeſaid, or at ſuch other publick Houſe in Peterborough aforeſaid, as the ſaid Commiſſioners, or any Five or more of them, at any Meeting to be held in purſuance of this Act, ſhall appoint; Notice of which ſaid Half-yearly Meetings ſhall be given in The Cambridge Chronicle and Journal, or in ſome other Paper circulated in the County of Huntingdon, at leaſt Ten Days before any of ſuch Meetings; and ſhall and may meet at ſuch other Times and Places, near the Limits aforeſaid, as the ſaid Commiſſioners, or any Five or more of them ſhall ſee Cauſe, or think convenient, purſuant to Notice in Writing for that Purpoſe ſigned by any Three or more of them, and inſerted in The Cambridge Chronicle and Journal, or in any other Paper circulated in the ſaid County of Huntingdon, and alſo affixed on the Outſide of the Church Doors of Standground and Farcett aforeſaid, Ten Days at leaſt before any ſuch Meeting; and that the ſaid Commiſſioners may, from Time to Time, adjourn themſelves, and meet again purſuant to ſuch Adjournment, as often as they ſhall think proper.

Meetings may be adjourned.

Nothing to be done but at publick Meetings.

VIII. And be it further enacted, That nothing ſhall be done by the ſaid Commiſſioners, in the Execution of this Act, but at a Meeting to be held in purſuance or in conſequence of ſome Order or Orders made at ſuch Meeting or Meetings.

Draining of Lands and other Works to be under the Direction of Commiſſioners.

IX. And be it further enacted, That all the Lands and Grounds whatſoever within the ſaid Boundaries before mentioned, and all Works whatſoever already made, or to be made or erected, by virtue of this Act, and alſo all Sewers, Drains, Watercourſes, and all other Matters and Things whatſoever, within the ſaid Boundaries, ſhall, from and after the Firſt Meeting of the Commiſſioners hereby appointed, be ſubject to the Controul, Direction, Survey, Order, and Juriſdiction, of the ſaid Commiſſioners, and their Succeſſors, and not to the Controul, Direction, Survey, Order, or Juriſdiction, of any Commiſſion of Sewers, or any Law or Statute relating to Sewers; any former Law or Statute to the Contrary notwithſtanding.

Commiſſioners to make Drains, *&c.*

X. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power and Authority, from Time to Time, and at all Times hereafter, at their Will and Pleaſure, to make, erect, ſupport, alter, and maintain, ſuch Cuts, Drains, Dams, Banks, Tunnels, Headings, Traps, Slamps, Outlets, Works, and Engines, in, through, and upon, the ſaid Lands and Grounds, or any Part thereof, and to make, erect, remove, alter, repair, and maintain, all ſuch Works and Engines therein; and if any Works or Engines are already made or erected in or upon ſuch Lands or Grounds, the ſame to remove, alter, repair, or continue, as the ſaid Commiſſioners, or any Five or more of them, ſhall, at any Meeting or Meetings to be held in purſuance of this Act, order, direct, or appoint; making ſuch reaſonable Satisfaction to the Perſon or Perſons who hath or have a Right to the Soil through or upon which any ſuch Cut, Drain, Dam, Bank, Tunnel, Heading, Trap, Slamp, Outlet, Work, or Engine, ſhall be made or erected, for the Damage he, ſhe, or they, ſhall thereby ſuſtain, as ſhall be agreed upon between ſuch Commiſſioners, or any Five or more of them, and ſuch Perſon or Perſons who ſhall have ſuſtained ſuch Damages as aforeſaid.

making Satiſfaction to Perſons having a Right to the Soil.

XI. Provided always, That Two Engines or Mills for draining the ſaid Lands ſhall, on or before the Twenty-firſt Day of December next after the paſſing of this Act, be erected and placed upon the ſaid Lands, the One at or near the North-weſt End of Conqueſt Drove, for the Purpoſe of draining ſo much of the higher Part of the ſaid Lands as are herein-after particularly mentioned and deſcribed by a Communication with the River Nen, and the other Engine or Mill to be placed at or near the Head of the ſaid Dike or Drain, called Twelve Foot Dike, within the ſaid Diſtrict, for the Purpoſe of throwing the Waters of the lower Parts of the ſaid Lands into Bevil's River aforeſaid; and that ſuch Mills or Engines ſhall be of ſuch Dimenſions as the ſaid Commiſſioners, or any Five or more of them, ſhall, at any Meeting to be held in purſuance of this Act, order and direct.

Two Engines to be erected.

XII. And whereas it is intended that the Waters of the higher Parts of the ſaid Fen Lands and Low Grounds, to be drained by the Engine at or near the North-weſt End of *Conqueſt Drove*, ſhall not have any Communication with the lower Part of the ſaid Fen Lands and Low Grounds, except at ſuch Times when the ſaid Engine is diſabled from working, by being broke, or out of Repair; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, and they are hereby impowered and required, within Six Calendar Months after the paſſing of this Act, to fix and place ſufficient Dams, Banks, and Headings, upon the ſaid higher Parts of the ſaid Lands, in ſuch Places, and in ſuch Manner, as Thomas Hogard of Spalding, in the County of Lincoln, Thomas Moore of Whittleſea, in the Iſle of Ely, and John Wing of Thorney Abbey, in the ſaid Iſle, Gentlemen, or any Two of them, ſhall direct and appoint, as will not only prevent the Waters running to the lower Parts of the ſaid Lands intended to be drained by the Engine to be placed at or near the Head of the Twelve Foot Dike aforeſaid, but to cauſe ſuch Water to run to the ſaid Engine to be placed at or near the ſaid North-weſt End of Conqueſt Drove aforeſaid, from all the Lands on the Weſt and North of the ſeveral Pieces and Parcels of Lands and Droves herein-after mentioned; (that is to ſay), The Lands of Robert Pigott Eſquire, Mary Cooke Spinſter, Maſter Robert Bellamy, and Maſter Nicholas Fryes, on the South-eaſt of Collin's Drove, the Lands of Maſter Edward Bellamy adjoining to the ſaid Drove, the South-eaſt Part of certain Lands of Sir Brownlow Cuſt Baronet, called Little Lords Parts and Great Lords Parts, and the Drove leading from King's Delph Drove to Oakey Gate, (excluding the ſeveral Lands and Droves herein-before particularly mentioned); and that when ſuch Dams, Banks, and Headings, are made and placed as aforeſaid, the ſame ſhall remain and continue for ever.

Power to the Commiſſioners to prevent the Water of the higher Lands deſcending on the low Lands.

XIII. Provided always, and be it enacted by the Authority aforeſaid, That in caſe the ſaid Commiſſioners ſhall refuſe or neglect to fix and place ſuch Dams, Banks, and Headings, upon the ſaid higher Parts of the ſaid Lands, within the Limits aforeſaid, ſo as effectually to prevent the Waters of the ſaid Lands running or deſcending into and upon the lower Parts of the Lands intended to be drained by the ſaid Engine to be placed at or near the Head of Twelve Foot Dike aforeſaid, for the Space of Six Calendar Months after the paſſing of this Act; that then it ſhall and may be lawful to and for the Owners of the ſaid ſeveral Lands intended to be drained by the Mill or Engine to be placed at or near the Head of Twelve Foot Dike aforeſaid, or for any One or more of them, to order and direct ſuch Dams, Banks, and Headings, to be placed and fixed in ſuch Places as the ſaid Thomas Hogard, Thomas Moore, and John Wing, or any Two of them, ſhall direct and appoint, as aforeſaid, ſo as effectually to anſwer the Purpoſes intended by this Act; and the Treaſurer to the ſaid Commiſſioners is hereby directed and required to pay the Charges and Expences of making and fixing ſuch Dams, Banks, and Headings, as aforeſaid, out of any of the Monies to be raiſed by virtue of this Act; and in caſe ſuch Treaſurer ſhall neglect or refuſe to pay ſuch Charges and Expences, the ſame ſhall and may be recovered by the Perſon or Perſons ſo ordering ſuch Works to be done as aforeſaid, by Action of Debt, to be brought by him or them againſt ſuch Treaſurer in any of His Majeſty's Courts of Record at Weſtminſter.

Commiſſioners neglecting to make Dams, the Owners may make the ſame, and the Expences to be paid by the Treaſurer.

XIV. Provided alſo, and be it enacted by the Authority aforeſaid, That in caſe any Owners or Occupiers of the ſaid Lands, ſo intended to be drained by the ſaid Engine, to be placed near the North-weſt End of Conqueſt Drove aforeſaid, ſhall make any new Cut or Dike upon the ſaid Lands which ſhall convey the Water into and upon the lower Lands intended to be drained by the Engine to be placed at or near the Head of Twelve Foot Dike aforeſaid, that the ſaid Commiſſioners, or any Five or more of them, ſhall and may, and they are hereby impowered, to cauſe ſufficient Dams and Headings to be made and placed in ſuch new Cuts or Dikes, effectually to prevent the Water deſcending upon the ſaid lower Lands, and that the Coſts and Expences attending the

Owners making new Cuts, &c. the Commiſſioners to cauſe proper Dams and Headings to be made, to prevent Waters deſcending upon the lower Lands.

Owners refuſing to pay the Expence may be proſecuted.

making and placing ſuch Dams and Headings ſhall be paid and borne by the Owners of the ſeveral Lands in which ſuch Cuts or Dikes ſhall be made; and in caſe ſuch Owners ſhall refuſe to pay ſuch Coſts and Expences, the ſame ſhall and may be recovered by the ſaid Commiſſioners ſo ordering the ſaid Dams and Headings to be made, by Action of Debt, to be brought in the Name of the ſaid Commiſſioners, or any One of them, againſt ſuch reſpective Owners, in any of His Majeſty's Courts of Record at Weſtminſter, together with full Coſts of Suit.

Tunnels may be made when the Engine is out of Repair.

XV. Provided always, and be it enacted, That in caſe the ſaid Engine, to be placed near the North-weſt End of Conqueſt Drove aforeſaid, ſhall, by Means of any Accident, be deſtroyed or damaged, ſo as to prevent the ſame from working, it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, (at a Meeting to be held for that Purpoſe), to make ſuch Tunnels as to them ſhall ſeem neceſſary for conveying the Water off the ſaid higher Parts of the ſaid Lands into any Dikes or Drains leading to the ſaid Engine, to be placed near the Head of Twelve Foot Dike aforeſaid, and to permit the Water to run through the ſaid Tunnels, till ſuch Engine, to be placed at the North-weſt End of Conqueſt Drove aforeſaid, ſhall be rebuilt or repaired, and no longer.

The Water not to paſs through the Tunnels when the Engine at the Head of the *Twelve Foot Dike* is ſtopped.

XVI. Provided nevertheleſs, and be it enacted by the Authority aforeſaid, That the Water ſhall not be permitted to run or paſs through the ſaid Tunnels, at any Time or Times, when the ſaid Engine, to be placed at the Head of Twelve Foot Dike aforeſaid, is prevented from working; but that it ſhall and may be lawful for the Surveyor, or other Officer to be appointed by the ſaid Commiſſioners for taking Care of the Works of the ſaid Drainage, from Time to Time, to ſtop the Water from running or paſſing through ſuch Tunnels, when and ſo often as the ſaid Engine, to be placed at the Head of Twelve Foot Dike aforeſaid, ſhall be prevented from working, and to continue ſuch Tunnels ſtopped till the laſt-mentioned Engine ſhall begin to work again.

Overfalls to be placed in any Parts of the Drains, *&c.*

XVII. And whereas the lower Parts of the ſaid Lands, intended to be drained by the ſaid Mill or Engine ſo directed to be placed at or near the Head of *Twelve Foot Dike* aforeſaid, are in great Danger of being annoyed and damaged by the Water which will deſcend from the higher Parts of the Lands intended to be drained by the ſaid laſt-mentioned Mill or Engine, and particularly at ſuch Times as the ſaid Mill or Engine ſhall be prevented from working, unleſs proper Overfalls ſhall be placed in different Parts of the Dikes and Drains within the ſaid high Lands; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Thomas Hogard, Thomas Moore, and John Wing, or any Two of them, and they are hereby authoriſed, impowered, and required, within Six Calendar Months next after the paſſing of this Act, to order and direct ſuch and ſo many Overfalls to be placed in any Parts of the ſaid Dikes and Drains, and in ſuch Manner, as to them the ſaid Thomas Hogard, Thomas Moore, and John Wing, or any Two of them, ſhall appear to be neceſſary to ſtop the Waters in ſuch Dikes and Drains from running and deſcending upon the ſeveral Lands below the reſpective Places where ſuch Overfalls ſhall be made and fixed; and that the Expences of making and fixing ſuch Overfalls, and of repairing and ſupporting the ſame, ſhall, from Time to Time, be paid out of the Monies to be raiſed by virtue of this Act; and that the ſame ſhall be deemed and taken as Part of the Works of the ſaid Diſtrict, and ſhall not be removed by the ſaid Commiſſioners, or any Perſon acting under them, on any Pretence or Account whatſoever.

If the Perſons appointed for making Overfalls, *&c.* ſhall neglect, others to be appointed.

XVIII. Provided always, and be it enacted by the Authority aforeſaid, That in caſe the ſaid Thomas Hogard, Thomas Moore, and John Wing, or any Two of them, ſhall neglect or refuſe, or ſhall, by any Means whatſoever, be prevented from making and fixing ſuch Overfalls within the Time herein-before limited for that Purpoſe, that then it ſhall and may be lawful to and for the ſeveral Owners of the ſaid Lands, called Water Newton Parts and Stibbington Parts, and of any other of the ſaid Low Lands which may ſuſtain any Damage for want of ſuch Overfalls, with the Conſent and Approbation of the ſaid Commiſſioners, or any Five or more of them, at a Meeting to be held for that Purpoſe, to nominate and appoint, by Writing under the Hands and Seals of ſuch Owners, and of the ſaid Commiſſioners, or any Five or more of them, preſent at ſuch Meeting, One or more diſintereſted Perſon or Perſons for the fixing and placing ſuch Overfalls, as aforeſaid; and in caſe the ſaid Commiſſioners ſhall neglect or refuſe to call a Meeting for that Purpoſe, or to join in ſuch Appointment, for the Space of One Calendar Month after Requeſt ſhall be made in Writing, and ſigned by or on the Behalf of ſuch Owners, and delivered to the Clerk of the ſaid Commiſſioners, that then it ſhall and may be lawful to and for the ſaid ſeveral Owners of ſuch Low Lands to nominate and appoint, by Writing under their Hands and Seals, One or more diſintereſted Perſon or Perſons for the fixing and placing ſuch Overfalls, as aforeſaid; and ſuch Perſon and Perſons, ſo nominated and appointed, ſhall have ſuch and the ſame Powers as are herein-before for that Purpoſe given to the ſaid Thomas Hogard, Thomas Moore, and John Wing, or any Two of them; and the ſaid Overfalls ſhall be made and fixed, and from Time to Time ſupported and repaired, at the Expence of the ſaid Commiſſioners, in the ſame Manner as if the ſame had been made and fixed by the ſaid Thomas Hogard, Thomas Moore, and John Wing, or any Two of them, as aforeſaid.

Commiſſioners may make Contracts.

XIX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to make Contracts with any Perſon or Perſons for performing any of the Works, Matters, and Things, that ſhall be thought neceſſary to be done in the Execution of this Act.

Commiſſioners to contract for the purchaſe of Lands.

XX. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power and Authority, and are hereby impowered, to agree with the Proprietors of, and Perſons intereſted in, any Lands, Tenements, or Hereditaments, or for any Mill or Engine already erected upon any of the Lands intended to be drained by virtue of this Act, which they the ſaid Commiſſioners, or any Five or more of them, ſhall judge neceſſary to be made uſe of in any Manner, in Whole or in Part, for the Purpoſes of this Act, either for the Purchaſe of ſuch Mill or Engine, Lands, Tenements, and Hereditaments, or for the Recompence to be made to ſuch Proprietors or Perſons intereſted therein, for the Damage they may reſpectively ſuſtain, and alſo to ſettle and aſcertain in what Proportion the Sum or Sums ſo agreed for ſhall be paid to the ſeveral Perſons intereſted in the Premiſes; and it ſhall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate and Sole, Huſbands, Guardians, Truſtees, or Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes-covert, or Perſons under any other legal or natural Diſability, and to and for ll and every other Perſon or Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed f, or intereſted in, any ſuch Mill or Engine, Lands, Tenements, or Hereditaments, o contract for, ſell, and convey, unto the ſaid Commiſſioners, or any Five or more f them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall ppoint, the Fee-ſimple and Inheritance, or the whole Eſtate and Intereſt of ſuch erſon or Perſons, or Bodies Politick, Corporate or Collegiate, Aggregate or Sole, r other Perſons whomſoever, of and in ſuch Mill or Engine, Lands, Tenements, d Hereditaments, for the Purpoſe aforeſaid, or to agree with the ſaid Comiſſioners, or any Five or more of them, for any Recompence to be made for any amages occaſioned by the Execution of any of the Powers of this Act; and all ſuch ntracts, Sales, Conveyances, and Agreements, ſhall be valid and effectual in the aw to all Intents and Purpoſes, not only ſo as to alienate, convey, and transfer e Eſtate and Intereſt of the Perſon or Perſons actually entering into, making, d executing the ſame, but alſo all Right, Eſtate, Intereſt, Uſe, Property, Claim, d Demand whatſoever, both in Law and Equity, of their ſeveral and reſpective eſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes-covert, r other Perſon or Perſons whomſoever, and all claiming or to claim by, from, r under them; any Law, Statute, Uſage, or Cuſtom, to the Contrary notwithſtanding; and all Bodies Politick, Corporate or Collegiate, and all Perſons whomſoever, ſo conveying as aforeſaid, are hereby indemnified for what they or any of them ſhall do, in purſuance, and according to the true Intent and Meaning of this Act.

Where Perſons ſhall refuſe or neglect to treat,

Jury to be ſummoned to aſcertain the Value of Damages.

XXI. And be it further enacted, That if any ſuch Bodies Politick, Corporate or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons intereſted or concerned as aforeſaid, for the Space of Twenty-one Days after Notice in Writing given to the principal Officer or Officers of ſuch Body Politick, Corporate or Collegiate, or to ſuch Truſtee or Truſtees, Perſon or Perſons reſpectively, or left at his, her, or their reſpective Place or Places of Abode, or at the Houſe of the Tenant or Tenants, Occupier or Occupiers, of ſuch Mill or Engine, Lands, Tenements, or Hereditaments, intended to be cut, altered, dug, or uſed, for any of the Purpoſes in this Act, as aforeſaid, ſhall neglect or refuſe to treat, or ſhall not agree with the ſaid Commiſſioners, or any Five or more of them, or by reaſon of Abſence ſhall be prevented from treating, touching the Matters aforeſaid; then, and in every ſuch Caſe, the ſaid Commiſſioners, or any Five or more of them, are hereby impowered, from Time to Time, to iſſue out their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the County of Huntingdon for the Time being, or in caſe ſuch Sheriff ſhall be immediately intereſted in ſuch Matter in Queſtion, then to One of the Coroners of the ſaid County, commanding ſuch Sheriff or Coroner to impanel, ſummon, and return a Jury; and the ſaid Sheriff or Coroner reſpectively, to whom the ſaid Warrant or Warrants ſhall be directed, is hereby required accordingly to impanel, ſummon, and return a Jury of Twenty-four Men, qualified according to the Laws of this Realm, to be returned for Trials of Iſſues joined in His Majeſty's Courts at Weſtminſter, to appear before the ſaid Commiſſioners, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, not being leſs than Fourteen Days after ſuch Warrant ſhall be ſerved upon the ſaid Sheriff or Coroner reſpectively, upon Pain to forfeit for every Default in not making ſuch Return Ten Pounds, to be ſued for and recovered in the Manner herein-after directed; and alſo to return in Iſſues upon every Perſon ſo impanelled and returned not appearing, contrary to the true Intent and Meaning of this Act, the Sum of Five Pounds, which ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon not appearing as aforeſaid, by Warrant or Warrants under the Hands

and

Jury may be challenged.

Witneſſes may be called and examined upon Oath.

Verdict to be final.

and Seals of the ſaid Commiſſioners, or any Five or more of them; and in caſe a ſufficient Number of Jurymen ſhall not appear at ſuch Time and Place, the ſaid Sheriff or Coroner ſhall return other honeſt aud indifferent Men that can ſpeedily be procured to attend that Service, being qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve; and all Parties concerned ſhall and may have their lawful Challenges againſt any of the ſaid Jurymen; and the ſaid Commiſſioners, or any Five or more of them, are hereby impowered, by Warrant or Warrants under their Hands and Seals, from Time to Time, as Occaſion ſhall require, to ſummon and call before them all and every ſuch Perſon or Perſons as ſhall be thought neceſſary to be examined as Witneſſes touching the Matters in Queſtion; and the ſaid Commiſſioners, or any Five or more of them, may order and authoriſe the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matter, in Queſtion; which Jury, upon their Oaths, to be adminiſtered by the ſaid Commiſſioners, or any One or more of them, (which Oaths, as alſo the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners, or any One or more of them, are and is hereby impowered to adminiſter), ſhall inquire of, aſſeſs, and aſcertain, the Sum or Sums of Money to be paid for the Purchaſe of ſuch Mill or Engine, Lands, Tenements, or Hereditaments, or the Recompence to be made for ſuch Damages as may or ſhall be ſuſtained, as aforeſaid, and to ſettle and aſcertain in what Proportion the Sum or Sums ſo aſſeſſed ſhall be paid to the ſeveral Perſons intereſted in the Premiſes; and the ſaid Commiſſioners, or any Five or more of them, ſhall give Judgement for ſuch Purchaſe monies or Recompence ſo to be aſſeſſed by ſuch Juries; which ſaid Verdict, and the Judgement thereupon pronounced by the ſaid Commiſſioners, or any Five or more of them, ſhall be binding and concluſive to all Intents and Purpoſes, againſt all Parties, Bodies Politick, Corporate and Collegiate, and all Perſons whomſoever.

Witneſſes not appearing, or refuſing to be ſworn,

or any Juryman refuſing to be ſworn, or not giving a Verdict,

ſhall forfeit 40 s.

XXII. Provided alſo, and be it enacted, That if any Perſon or Perſons, ſummoned as aforeſaid to give Evidence, ſhall neglect or refuſe to appear at ſuch Time or Times, Place or Places, as ſhall be appointed in the Warrant or Warrants granted by the ſaid Commiſſioners, or any Five or more of them, or appearing ſhall refuſe to be ſworn or examined by or give Evidence before the ſaid Commiſſioners, or any Five or more of them; or if any Perſon ſummoned as a Juryman as aforeſaid, ſhall, after his Appearance, refuſe to be ſworn, or, being ſo ſworn, refuſe to give or not give his Verdict, or in any other Manner wilfully neglect his Duty in the Premiſes, contrary to the true Intent and Meaning of this Act, every Perſon ſo offending, having no reaſonable Excuſe, to be allowed by the ſaid Commiſſioners, or any Five or more of them, ſhall, for every ſuch Offence, forfeit and pay a Sum not exceeding the Sum of Forty Shillings; to be levied on the Goods and Chattles of the Perſon or Perſons ſo offending, by Warrant or Warrants under the Hands and Seals of the ſaid acting Commiſſioners, or any Five or more of them, by Diſtreſs and Sale of the Offender's Goods, rendering the Overplus, if any, to the Owner thereof, after ſuch Penalty, and the Charges of ſuch Diſtreſs and Sale, are deducted.

Expences of Jury how to be paid.

XXIII. And be it further enacted, That in caſe any Jury, to be ſummoned and ſworn, as aforeſaid, ſhall give a Verdict for more Monies as a Recompence or Satisfaction for any Mill or Engine, Lands, Tenements, or Hereditaments, or for any Damage done or to be done thereto, than what ſhall have been offered by or on Behalf of the ſaid Commiſſioners, or any Five or more of them, before the ſummoning of any ſuch Jury, for ſuch Recompence or Satisfaction, that then all the reaſonable and neceſſary Expences of ſummoning and returning ſuch Jury, and the Charges of ſuch Witneſſes, and of taking ſuch Inqueſt, ſhall be paid and defrayed by the ſaid Commiſſioners, or any Five or more of them, out of the Monies to ariſe by virtue of this Act; but if any ſuch Verdict ſhall be given for no greater Sum, or a leſs Sum, than ſhall have been ſo previouſly offered by or on Behalf of the ſaid Commiſſioners, or any Five or more of them, for ſuch Recompence or Satisfaction, that then the Expences of ſummoning ſuch Jury, and the Charges of ſuch Witneſſes, to be ſettled by the ſaid Commiſſioners, or any Five or more of them, ſhall be borne and defrayed by the Owners of or Perſons intereſted in the ſaid Mill or Engine, Lands, Tenements, or Hereditaments, ſo in Queſtion, and the Expences ſo aſcertained ſhall be deducted and taken out of the Monies ſo aſſeſſed and adjudged, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed, within the Intent and Meaning of this Act, to be a full Satisfaction for ſuch Mill or Engine, Lands, Tenements, Hereditaments, or Damages reſpectively.

Commiſſioners may proceed on Works after Satisfaction.

XXIV. And be it further enacted, That upon Payment or legal Tender of ſuch Sum or Sums of Money as ſhall be agreed upon between the ſaid Commiſſioners, or any Five or more of them, and the Party or Parties intereſted, or of ſuch Sum or Sums of Money as ſhall be aſſeſſed by any ſuch Jury to ſuch Party or Parties, or to the principal Officer or Officers, Treaſurer or Receiver of any ſuch Bodies Politick, Corporate or Collegiate; or if he, ſhe, or they, cannot be found, or refuſe to accept ſuch Money, upon Payment thereof to the Clerk or Treaſurer of the ſaid Commiſſioners, for the Uſe of, and to be paid upon Demand, without Fee or Reward, to ſuch Party or Parties, principal Officer or Officers, Treaſurer, or Receiver reſpectively, the ſaid Commiſſioners, and all Perſons employed or authoriſed by them, or any Five or more of them, ſhall have full Power and Authority to enter into and upon the Mill or Engine, Lands, Tenements, or Hereditaments, in reſpect whereof ſuch Monies were ſo agreed for or aſſeſſed, and to make uſe of ſuch Mill or Engine, Lands, Tenements, and Hereditaments, for the Purpoſes of this Act; and they ſhall be, and are hereby, indemnified for ſo doing; and all and every Perſon and Perſons, Bodies Politick, Corporate and Collegiate whatſoever, ſhall from thenceforth be, to all Intents and Purpoſes, diveſted of all Right, Title, and Claim, Intereſt and Property, to and in the ſame.

XXV. Provided always, and be it enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, without any previous Payment or Tender of Recompence, to enter upon and take a Survey, and Level of, and to mark out any Lands, Tenements, or Hereditaments, which they the ſaid Commiſſioners, or any Five or more of them, ſhall think neceſſary to be uſed for any of the Purpoſes of this Act, doing thereby as little Damage as may be, and making Satiſfaction as ſoon as conveniently may be, for all Damages which ſhall be thereby occaſioned, in caſe ſuch Damages exceed the Sum of One Shilling and Sixpence; and in caſe ſuch Damages ſhall not amount to the Sum or One Shilling and Sixpence, then no Satiſfaction ſhall be paid or recovered, or ſued for, on account thereof, in any Court whatſoever.

Tender of Recompence made to Commiſſioners, &c. for ſurveying and levelling Lands, &c.

XXVI. And be it further enacted, That if any Perſon or Perſons, Bodies Politick or Corporate, at any Time after the ſaid Commiſſioners, or any Perſon or Perſons employed by or authoriſed by them, ſhall have begun to carry this Act into Execution, for making the ſaid Drainage, or ſhall have completed the ſame, ſhall happen to ſuſtain any Damage or Injury in his, her, or their Lands, Grounds, or Hereditaments, for which they ſhall have had no Recompence or Satiſfaction, through any Neglect or Default of the ſaid Commiſſioners, or their Agents, Workmen or Servants, or by reaſon of any Alteration which ſhall be made by them, or any or either of them, on account of the Works to be made by virtue of this Act, or from any other Cauſe; then, and in every ſuch Caſe, if the ſaid Commiſſioners, or any Five or more of them, and the Parties by whom ſuch Damages ſhall have been ſuſtained, ſhall not agree touching ſuch Damages, the ſaid Commiſſioners, or any Five or more of them, ſhall inquire of and aſcertain ſuch Damages by a Jury, to be impanelled and returned as aforeſaid, and give Judgement for the Party or Parties aggrieved, who ſhall recover the ſame accordingly, in the ſame Manner and Form as the Damages and Recompence are hereby appointed to be aſſeſſed and adjudged for any Lands, Tenements, or Hereditaments, which ſhall be in any-wiſe made uſe of, cut, or damnified, in the Execution of any of the Works by this Act directed to be made.

Bodies Politick, &c. to have Satiſfaction for Damages.

XXVII. And be it further enacted, That all Verdicts and Judgements which ſhall be made and given in relation to any ſuch Lands, Tenements, and Hereditaments, ſo to be uſed for the Purpoſes of this Act, as aforeſaid, ſuch Verdicts and Judgements being ſigned by the major Part of the ſaid Commiſſioners who ſhall be preſent at the taking of ſuch Inqueſts, ſhall be delivered to and filed by the Clerk of the Peace for the County of Huntingdon, and the ſame, or a true Copy thereof, ſhall be admitted as Evidence in all Courts whatſoever; and all Perſons ſhall have Liberty to inſpect the ſame, and to take Copies thereof, upon paying for every ſuch Inſpection the Sum of One Shilling, and for every ſuch Copy, not exceeding Seventy-two Words, the Sum of Two-pence, and ſo in proportion for any greater Number of Words.

All Verdicts, &c. to be inrolled with the Clerk of the Peace.

XXVIII. And whereas ſome Doubts and Difficulties have ariſen as to what Part of the Lands within the Limits aforeſaid ſhould be entirely exempt from Tax, and whether the Whole of the taxable Lands within the ſaid Limits ſhould pay and bear an equal Rate or Tax; therefore, and in order to obviate ſuch Doubts and Difficulties, and that a ſufficient Sum of Money may be raiſed by a Rate or Tax upon the ſaid Lands for the carrying the ſeveral Purpoſes of this Act into Execution, be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Thomas Hogard, Thomas Moore, and John Wing, and they, or any Two of them, are hereby authoriſed and impowered, after a View taken of the ſaid ſeveral Lands within the Limits aforeſaid, and a Survey thereof taken in Manner herein-after directed, and delivered to them, or any Two of them, to aſcertain, judge, and determine, what Part of the ſaid Lands ſhall be entirely exempt and diſcharged from Payment of any Rate or Tax for the Purpoſe of carrying the Works directed by this Act into Execution, and to fix and aſcertain an annual Rate or Tax, to be charged on the remaining Part of the ſaid Lands within the Limits aforeſaid, either equally, or in Proportion to the Benefit which the Lands may be ſuppoſed to receive by the Drainage thereof, ſo as ſuch Rate or Tax does not exceed the Sum of Three Shillings an Acre by the Year on any of the ſaid Lands.

Lands taxed to be aſcertained, and may be taxed not exceeding 3*s. per* Acre *per Annum.*

XXIX. Provided always, That if they the ſaid Thomas Hogard, Thomas Moore, and John Wing, or Two of them, ſhall and do make their Award in Writing, touching the Premiſes, under their Hands and Seals, and deliver the ſame within Six Calendar

Meſſ. *Hogard, Moore,* and *Wing*'s Award to be binding and concluſive.

Months next after the paſſing of this Act to the ſaid Commiſſioners, or any Five or more of them, at a Meeting to be held for that Purpoſe, purſuant to a Notice in Writing to be ſigned by Three or more of the ſaid Commiſſioners, and inſerted in the Cambridge Chronicle and Journal, or in ſome other weekly Paper circulated in the ſaid County of Huntingdon, and alſo affixed on the Outſide of the Doors of the Churches of Standground and Farcett aforeſaid, at leaſt Fourteen Days before ſuch Meeting, and if they the ſaid Thomas Hogard, Thomas Moore, and John Wing, or any Two of them, do and ſhall verify ſuch Award upon Oath before the ſaid Commiſſioners, or any Five or more of them, at ſuch Meeting, (which Oath the ſaid Commiſſioners, or any One or more of them, is and are hereby impowered and required to adminiſter), that that then the ſaid Commiſſioners, or any Five or more of them, ſhall, as ſoon as conveniently may be after ſuch Meeting, cauſe the ſaid Award to be entered and inrolled with the Clerk of the Peace for the County of Huntingdon, (for which Entry or Inrolment the Sum of Two-pence for every Seventy-two Words is to be paid, and no more); and that, from and immediately after ſuch Entry and Inrolment, the ſaid Award ſhall be binding and concluſive to all Parties concerned therein, and the ſaid ſeveral Lands within the Limits aforeſaid ſhall be, and are hereby made ſubject and chargeable with ſuch Rates and Taxes, as ſhall by the ſaid Award be impoſed and charged thereon; and the ſaid Commiſſioners, or any Five or more of them, ſhall and may, and are hereby impowered to levy and collect the ſaid Rates and Taxes, purſuant to the ſaid Award.

In caſe of the Death of any ſuch Perſons, *etc.* Commiſſioners to appoint others.

XXX. Provided always, and be it enacted, That in caſe of the Death of the ſaid Thomas Hogard, Thomas Moore, and John Wing, or One any of them, or Refuſal to act before their completing the ſaid Award, it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven or more of them, at a Meeting to be held for that Purpoſe, purſuant to Notice in Writing, to be ſigned by Three or more of the ſaid Commiſſioners, and inſerted in the Cambridge Chronicle and Journal, or in any other weekly Paper circulated in the ſaid County of Huntingdon, and alſo affixed on the Outſide of the Doors of the Churches of Standground and Farcett aforeſaid, at leaſt Fourteen Days before ſuch Meeting, to nominate and appoint One or more Perſon or Perſons in the Place of ſuch of them the ſaid Thomas Hogard, Thomas Moore, and John Wing, as ſhall happen to die, or refuſe to act, as aforeſaid; and ſuch other Perſon or Perſons ſo nominated and appointed ſhall have ſuch and the ſame Power and Authority as is by this Act given to the Perſon or Perſons who ſhall happen to die, or refuſe to act, as aforeſaid.

In caſe Perſons appointed do not make their Award in Six Months, others to be choſen.

XXXI. Provided alſo, and be it enacted by the Authority aforeſaid, That in caſe the ſaid Thomas Hogard, Thomas Moore, and John Wing, or ſuch other Perſon or Perſons who may be appointed in their Steads, as aforeſaid, or any Two of them, ſhall not make their ſaid Award at or before the Time herein-before limited and appointed; that then, and in ſuch Caſe, it ſhall and may be lawful for the Commiſſioners, appointed by this Act, or any Seven or more of them, at a Meeting to be held for that Purpoſe, purſuant to a Notice in Writing, to be ſigned by any Three or more of the ſaid Commiſſioners, and inſerted in the Cambridge Chronicle and Journal, or in any other weekly Paper circulated in the ſaid County of Huntingdon, and alſo affixed on the Outſide of the Doors of the Churches of Standground and Farcett aforeſaid, Twenty-one Days at leaſt before ſuch Meeting, and they the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered, by Writing under their Hands and Seals, to nominate and appoint Three or more diſintereſted Perſons for the ſettling and aſcertaining ſuch Matters and Things, as the ſaid Thomas Hogard, Thomas Moore, and John Wing, are hereby impowered to ſettle and aſcertain, within ſuch Time or Times as the ſaid Commiſſioners, or any Seven or more of them, ſhall ſee convenient, and ſhall ſpecify in ſuch Appointment; and that from and immediately after the ſigning and ſealing of ſuch Nomination and Appointment, the ſaid ſeveral Perſons ſo thereby nominated and appointed ſhall be inveſted with the ſame Powers as are hereby delegated and given to the ſaid Thomas Hogard, Thomas Moore, and John Wing, and the Award and Determination of ſuch Perſons, or any Two of them, ſo to be appointed as aforeſaid, touching the ſeveral Matters and Things to them referred, after the ſame ſhall be authenticated, in the ſame Manner as is herein-before directed reſpecting the Award of the ſaid Thomas Hogard, Thomas Moore, and John Wing, and alſo entered with the Clerk of the Peace for the ſaid County of Huntingdon, ſhall be binding and concluſive to the ſeveral Parties concerned therein.

Oath to be taken.

XXXII. And be it further enacted, That the Oath to be taken by the ſaid Thomas Hogard, Thomas Moore, and John Wing, or by ſuch other Perſon or Perſons as ſhall or may be nominated as aforeſaid, ſhall be adminiſtered in the Words, or to the Effect, following:

The Oath.

I *A. B.* do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgement, execute the Truſt repoſed in me by virtue of an Act, "For draining and preſerving certain Fen Lands and Low Grounds, called *King's Delph* "*and Eight Roods*, and alſo other Fen Lands and Low Grounds in a certain Place called

“ *Farcett Fen*, adjoining thereto, lying near to the Hamlet and Village of *Farcett* and “ *Stanground*, in the County of *Huntingdon*,” without Favour or Affection to any Perſon whomſoever.

So help me GOD.

Which Oath it ſhall and may be lawful to and for any One of the ſaid Commiſſioners to adminiſter.

Power to make a Survey.

XXXIII. And, to the End that the exact Quantity of Land, within the Limits deſcribed as aforeſaid, may be known and aſcertained, be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, at their Firſt Meeting to be held after the paſſing of this Act, to order a Survey to be made of the ſaid Lands by ſuch Perſon or Perſons as they ſhall think proper to appoint, and ſuch Perſon or Perſons ſo appointed ſhall and may, and he and they is and are hereby authoriſed and impowered to enter into and upon any of the Lands within the Limits aforeſaid, for the Purpoſe of taking ſuch Survey; and ſuch Survey, when ſo made, ſhall be delivered to the ſaid Commiſſioners, or any Five or more of them, at ſome One of their Meetings to be held as aforeſaid, and ſhall be verified upon Oath by the Perſon or Perſons ſo making the ſame, (which Oath any One of the ſaid Commiſſioners is hereby impowered to adminiſter); and ſuch Survey, ſo to be given in as aforeſaid, and made by the Order of the ſaid Commiſſioners, together with the ſaid Award ſo to be made, as aforeſaid, ſhall be a ſufficient Authority for the ſaid Commiſſioners to collect the ſaid Rates and Taxes by, and ſhall be binding upon the ſeveral Perſons charged with the Payment thereof, for their ſeveral Lands ſo charged with ſuch Payment; and ſuch Survey being ſigned by the Perſon or Perſons ſo making the ſame, and alſo by any Five or more of the ſaid Commiſſioners preſent at any Meeting, together with the ſaid Award, ſhall be allowed as Evidence in all Courts whatſoever.

Reſurvey allowed.

XXXIV. Provided always, and be it enacted, That in caſe any Owner or Owners of the ſaid Lands or Grounds ſhall think himſelf, herſelf, or themſelves, aggrieved by ſuch Survey, that it ſhall and may be lawful for ſuch Owner or Owners, at any Time within Three Calendar Months after ſuch Survey ſhall have been delivered to the ſaid Commiſſioners as aforeſaid, to have his, her, or their ſaid Lands and Grounds reſurveyed by ſuch Perſon as he, ſhe, or they, together with the ſaid Commiſſioners, or any Five or more of them, at any Meeting to be held in purſuance of this Act, ſhall chuſe and fix upon; and in caſe by ſuch new Survey it ſhall appear, that ſuch Owner or Owners ſhall be overcharged by ſuch former Survey, or pay for a greater or leſs Quantity than the real Quantity of his, her, or their ſaid Lands, that ſuch Owner or Owners ſhall, upon ſuch Reſurvey being made and delivered in to the ſaid Commiſſioners, at a Meeting to be held in purſuance of this Act, on the Oath of ſuch Surveyor, (which Oath the ſaid Commiſſioners, or any One of them, are or is hereby impowered to adminiſter), be charged according to ſuch new Survey; but if it ſhall appear on ſuch Reſurvey, that ſuch Owner or Owners ſhall not be overcharged to ſuch Rates or Aſſeſſments, then the Owner or Owners ſo applying ſhall be at the Charge of making ſuch Reſurvey; but in caſe by ſuch Reſurvey ſuch Owner or Owners ſhall be overcharged, then the Expences of ſuch Reſurvey ſhall be paid and borne by the ſaid Commiſſioners out of the Monies ariſing by virtue of this Act.

Rates or Taxes to be paid Half yearly.

XXXV. And be it further enacted, That the ſaid Rates or Taxes ſhall be paid Half-yearly, on the Twenty-fourth Day of June, and the Twenty-fifth Day of December, in every Year, and that the Firſt Payment thereof ſhall be made on the Twenty-fourth Day of June next after the paſſing of this Act.

Power to diſtrain.

XXXVI. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, whoſe Lands ſhall be rated or taxed by virtue of this Act, ſhall refuſe or neglect to pay ſuch Rate or Tax as ſhall be charged thereon reſpectively, upon a Day, and at a Place, to be appointed for the Payment thereof by the ſaid Commiſſioners, or any Five or more of them, at a Meeting to be held in purſuance of this Act, publick Notice of ſuch Day and Place of Payment being given at leaſt Twenty-one Days previous thereto, in the Cambridge Chronicle and Journal, for that Purpoſe, and when that Paper ſhall be no longer publiſhed, in any other weekly Paper circulated in the ſaid County of Huntingdon, and alſo affixed upon the Outſide of the Church Doors of Standground and Farcett aforeſaid; which Notice ſo to be given in ſuch Paper, and affixed on ſuch Church Doors, as aforeſaid, ſhall be deemed and taken as publick Notice as if Demand thereof had actually been made by the Receiver or Collector of the ſaid Rates or Taxes, to be appointed by the Commiſſioners of the Perſon or Perſons by whom ſuch Rate or Tax is to be paid, as aforeſaid; and it ſhall and may be lawful for the ſaid Collector or Receiver of ſuch Rates or Taxes, or for any other Perſon or Perſons, by virtue of any Warrant or Precept, to be ſigned and ſealed by the ſaid Commiſſioners, or any Five or more of them, at a Meeting to be held in purſuance of this Act, (which Warrant or Precept ſuch Commiſſioners, or any Five or more of them, are hereby impowered and required from Time to Time to make, as Occaſion ſhall require), to enter into and upon the ſaid Lands ſo rated and taxed, as aforeſaid, in Poſſeſſion of ſuch Perſon or Perſons as ſhall ſo make Default in Payment, as aforeſaid, and all Meſſuages, Tenements, or Buildings thereupon, ſtanding or belonging thereunto, with their and every of their Appurtenances, and to levy the Sum or Sums of Money by him, her, or them, payable for ſuch Rate or Tax, and the Arrears thereof, by Diſtreſs and Sale of the Goods and Chattels which ſhall be found on the Premiſes ſo charged with any ſuch Rate or Tax, or the Arrears thereof, as aforeſaid; and in caſe no ſufficient Diſtreſs can be found on the Premiſes, then it ſhall and may be lawful for ſuch Collector or Collectors, Receiver and Receivers, or other Perſon or Perſons, by virtue of ſuch Warrant or Precept as aforeſaid, to levy the ſaid Tax, and all Arrears for the ſame, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo making Default in Payment, as aforeſaid, which ſhall be found in any other Place within the Kingdom of Great Britain; and the Goods and Chattels ſo diſtrained to impound on the Premiſes, or to take, lead, drive, carry away, impound, and keep in any other Place, for the Space of Five Days, at the Coſts and Charges of the Owner or Owners thereof, leaving at ſuch Meſſuages, Tenements, Grounds, and Premiſes, Notice in Writing of the Cauſe of ſuch Diſtreſs, and the Place where ſuch Goods and Chattels ſhall be ſo impounded; and if the Owner or Owners of the Goods and Chattels ſo diſtrained ſhall not pay the Sum or Sums of Money ſo taxed and rated, and the Arrears thereof, as aforeſaid, together with all Coſts and Charges attending ſuch Diſtreſs, or replevy the ſaid Goods and Chattels ſo diſtrained, with ſufficient Security to be given to the Sheriff of the County where ſuch Diſtreſs ſhall be taken, or other Officer or Officers uſually taking ſuch Securities, according to the Laws now in being for Diſtreſſes in Caſes of Nonpayment of Rent, within Five Days next after ſuch Diſtreſs made, and Notice thereof given, as aforeſaid, the Perſon or Perſons ſo diſtraining may, with the Sheriff or Under Sheriff of the County, Conſtable, or Headborough, of the Pariſh or Place where ſuch Diſtreſs ſhall be made, (who is and are hereby required to aſſiſt therein), cauſe the Goods and Chattels ſo diſtrained to be appraiſed by Two or more indifferent Perſons, to be ſworn by ſuch Sheriff, Under Sheriff, Conſtable, or Headborough, (who is and are hereby impowered to adminiſter ſuch Oath), to appraiſe the ſame according to the beſt of their Judgements; and after ſuch Appraiſement it ſhall and may be lawful for ſuch Collector or Collectors, Receiver or Receivers, or other Perſon or Perſons, ſo making ſuch Diſtreſs, to ſell the Goods and Chattels ſo diſtrained, for the beſt Price that can be got for the ſame, for and towards Satiſfaction of the Monies for which ſuch Diſtreſs ſhall be ſo taken, and the Charges of taking, keeping, appraiſing, and ſelling, the Goods and Chattels ſo diſtrained, leaving the Overplus (if any be) in the Hands of ſuch Sheriff, Under Sheriff, Conſtable, or Headborough, for the Owner's Uſe; and the Tenant and Tenants of all and ſingular the ſaid Lands and Grounds, rated and taxed by virtue of this Act, is and are hereby required and authoriſed to pay ſuch Tax and Rate, and deduct the ſame out of his, her, and their Rent; and every Tenant paying ſuch Tax or Rate ſhall be acquitted and diſcharged for ſo much Money as ſuch Rate ſhall amount unto, as if the ſame had been actually paid to the Perſon or Perſons intitled to the Rent of ſuch Lands, (except where there is a Leaſe for Three or more Years to come, from the Commencement of this preſent Act, in which Caſe the ſaid Tax or Aſſeſſment ſhall be borne and paid by the Tenant or Tenants of the ſaid Lands and Grounds ſo under Leaſe, as aforeſaid.)

Commiſſioners may borrow Money, not exceeding 2000 *l.*

XXXVII. And be it further enacted, That the ſaid Commiſſioners, or any Nine or more of them, Five of whom to be Commiſſioners in their own Right, ſhall and may, and are hereby impowered, from Time to Time, to borrow any Sum or Sums of Money, not exceeding Two thouſand Pounds in the Whole, which they ſhall think neceſſary for the Purpoſes of this Act, and, by Writing under their Hands and Seals, without any Stamp or Stamps, to aſſign over the yearly Rates and Taxes to be charged on the ſaid Lands, or any Part thereof, by virtue of this Act, as a Security or Securities for any Sum or Sums of Money to ſuch Perſon or Perſons, or their Truſtees, as ſhall advance and lend the ſame, to ſecure the Repayment thereof, with Intereſt; which Money ſo borrowed, together with the Rates or Taxes charged, or to be charged, by virtue of this Act, ſhall be applied, in the Firſt Place, to pay and diſcharge the Expences of obtaining this Act, and of ſettling and aſcertaining the Tax to be charged on the ſaid Lands, and alſo of making ſuch Survey of the ſaid Fen Lands and Low Grounds; and, in the next Place, in the erecting ſuch Engines, and making ſuch Drains and Works, for the draining, imbanking, and preſerving, the ſaid Lands, as ſhall be thought expedient by the ſaid Commiſſioners, or any Five or more of them.

No more than 100 *l.* to be borrowed on One Security.

XXXVIII. And be it further enacted, That all Aſſignments of the ſaid Tax to be made by the ſaid Commiſſioners, as aforeſaid, ſhall be numbered, beginning with Number One, and ſo proceeding in an Arithmetical Progreſſion; and that no Aſſignment ſhall be made for any greater or leſſer Sum than One hundred Pounds.

Securities to be aſſignable, and to be entered in a Book.

XXXIX. And be it further enacted by the Authority aforeſaid, That the ſaid Mortgages and Securities ſo to be made by the ſaid Commiſſioners of the ſaid Tax and Rate, ſhall and may be tranſferrable by Indorſement, witneſſed by Two credible Witneſſes on the original Grant or Securities thereof, to any Perſon or Perſons whomſoever, and the Perſon or Perſons to whom ſuch Aſſignment or Transfer ſhall be made, ſhall and may, from and after the Time that the ſame is entered in a Book, to be kept for that Purpoſe by the Clerk or Treaſurer to the Commiſſioners, be well and ſufficiently intitled to ſuch Mortgage Monies and Intereſt, and all the Monies then due, and thereafter to grow due thereon; which Entries are hereby required to be made on Requeſt, and producing ſuch Aſſignment, and paying Two Shillings and Sixpence to the Clerk or Treaſurer to the ſaid Commiſſioners for every ſuch Entry; and ſuch Aſſignee or Aſſignees, and every other Aſſignee or Aſſignees, ſhall and may, in like Manner, by Indorſement, or otherwiſe, aſſign and make over ſuch Mortgage or Mortgages, and Securities, ſo aſſigned as aforeſaid, and ſo toties quoties, as Occaſion ſhall require, every ſuch Aſſignment or Tranſfer being entered in ſuch Book, as aforeſaid.

Tax chargeable with Payment of the principal Money may be veſted in Creditors.

XL. Provided always, and be it enacted, That the Rate or Tax to be raiſed by virtue of this Act on the Lands and Grounds herein-before mentioned, ſhall be chargeable with the Payment of the principal Money ſo to be borrowed by the ſaid Commiſſioners, as aforeſaid, and with the Intereſt of ſuch Money, from Time to Time, and ſhall veſt in the Creditors upon Default of Payment of ſuch principal Money and Intereſt, until the ſame, and every Part thereof, ſhall be fully ſatisfied and paid, together with the Coſts and Charges occaſioned by the Nonpayment thereof; and the ſaid Creditors, their Executors, Adminiſtrators, and Aſſigns reſpectively, ſhall have the ſame Powers, Rights, and Privileges, of receiving and recovering the ſaid Tax and Rate, for or in reſpect of ſuch principal Money and Intereſt, in caſe of Default in Payment thereof, as the ſaid Commiſſioners, and their Collectors and Receivers, could have had, in caſe ſuch principal Money and Intereſt had been regularly and fully paid and ſatisfied; and that the ſaid Rate or Tax ſhall not be leſſened by the ſaid Commiſſioners, or their Succeſſors, ſo long as any Money ſhall continue on the Credit of the ſaid Tax.

Taxes may be raiſed, and lowered again, if neceſſary.

XLI. Provided always, and be it enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, and they are hereby impowered, at any Meeting to be held in purſuance of this Act, (after the Whole of the Money to be borrowed upon the Credit thereof, as aforeſaid, ſhall be paid off and diſcharged), to lower and reduce the Rates and Taxes by this Act directed to be charged upon the ſaid Lands, within the Limits aforeſaid, in ſuch Proportions, and according to the Rate to be made and charged on the ſaid Lands, by the ſaid Thomas Hogard, Thomas Moore, and John Wing, or any Two of them, as aforeſaid; and, from Time to Time, to advance and lower the ſaid Rates and Taxes again, in the ſame Proportions, ſo as the ſame ſhall not exceed the Rate to be made and charged by the ſaid Thomas Hogard, Thomas Moore, and John Wing, or any Two of them, as aforeſaid.

Commiſſioners may appoint Officers,

XLII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power and Authority to appoint One or more Clerk or Clerks, and One or more Treaſurer or Treaſurers, Receiver or Receivers, or ſuch other proper Officer or Officers, as they the ſaid Commiſſioners, or any Five or more of them, ſhall think fit, for the taking Care of the ſeveral Works to be made in purſuance of this Act, and collecting the Rates and Aſſeſſments ſo charged on the ſaid Lands, as aforeſaid; and to allow and appoint to be paid thereout to ſuch Officers ſuch yearly or other Wages or Salaries, for their Trouble and Pains, as they the ſaid Commiſſioners, or any Five or more of them, ſhall think reaſonable; which ſaid Clerk or Clerks, Collector or Collectors, Receiver or Receivers, Surveyor or Surveyors, and other Officer or Officers, ſo to be appointed, may be removed at the Will and Pleaſure of the ſaid Commiſſioners, or any Five or more of them, at a Meeting to be held for that Purpoſe, purſuant to a Notice in Writing, to be ſigned by Three or more of the ſaid Commiſſioners, and inſerted in The Cambridge Chronicle and Journal, or in any other weekly Paper circulated in the ſaid County of Huntingdon, and alſo affixed on the Outſide of the Church Doors of Standground and Farcett aforeſaid, at leaſt Twenty-eight Days before ſuch Meeting, and any other or others to appoint in his or their Stead, as Occaſion ſhall require; and ſuch Treaſurer or Treaſurers, Collector or Receivers, ſhall, before they act in the Execution of their reſpective Offices, give ſuch Security for the Execution thereof, and for performing the Truſts to them committed, as the ſaid Commiſſioners, or any Five or more of them, aſſembled at any ſuch Meeting for that Purpoſe, ſhall think fit.

and remove them, and appoint others;

Treaſurers to give Security.

Officers to account yearly.

XLIII. And be it further enacted by the Authority aforeſaid, That Once in every Year, (that is to ſay), at either of the ſaid Half-yearly Meetings, or on any ſubſequent Meeting Day, to which the ſaid Commiſſioners, or any Five or more of them, ſhall adjourn, Inſpection ſhall be had by the ſaid Commiſſioners, or any Five or more of them, of the Receipts and Diſburſements of ſuch Monies as ſhall have been raiſed and received by virtue of this Act for the Year then laſt paſt; and all Accounts relating thereto ſhall, at ſuch Meeting, be made up and ſettled by the ſaid Commiſſioners, or any Five or more of them, then aſſembled, at which Time the Clerk, Treaſurers, Collectors, and Receivers, of the ſaid Tax or Rates, and other Officers, are hereby required to attend, with proper Books of Account of their Receipts and Diſburſements, and all Vouchers for the ſame; and, on conſidering and examining the ſaid Accounts, and all other Vouchers of the Receipts and Diſburſements of the Money raiſed and received by virtue of this Act, the ſaid Commiſſioners, or any Five or more of them, Accounts to be entered.

are hereby impowered to allow and paſs, under their Hands, the ſaid Account or Accounts, or ſuch Part or Parts thereof, as they ſhall think juſt and reaſonable; and ſuch Account or Accounts, or ſuch Part or Parts thereof as ſhall be ſo paſſed and allowed, as aforeſaid, ſhall be fairly entered in Books, to be kept for that Purpoſe; which ſaid Books, as well as all other Books for the entering of any Orders or Proceedings of the ſaid Commiſſioners, ſhall be kept by the Treaſurer or Treaſurers, or ſuch other Perſon or Perſons, as the ſaid Commiſſioners, or any Five or more of them, ſhall appoint, for the Inſpection of the ſeveral Owners of Lands to be rated and taxed in purſuance of this Act, or their Agents.

Power to compel Officers to account.

Penalty on Officers refuſing to account.

XLIV. And be it further enacted by the Authority aforeſaid, That all and every ſuch Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors, Receiver or Receivers, or other Officer or Officers, ſo appointed as aforeſaid, ſhall, upon Oath, when thereunto required by the ſaid Commiſſioners, or any Three or more of them, (which Oath the ſaid Commiſſioners, or any One or more of them, is and are hereby impowered to adminiſter), give in to the ſaid Commiſſioners, or any Five or more of them, a true, exact, and perfect Account, in Writing, under their reſpective Hands, with proper Vouchers, of all Monies which he or they, or every or any of them, ſhall to ſuch Time have received, paid, and diſburſed, by virtue of this Act, or by reaſon of their reſpective Office or Offices; and in caſe the Monies ſo received ſhall remain in his or their, or any of their Hands, the ſame ſhall be paid to the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall, by any Writing or Writings under their Hands, authoriſe and impower to receive the ſame: And in caſe any ſuch Clerk, Collector, Receiver, Treaſurer, or other Officer, ſhall not give in or make ſuch Account and Payment as aforeſaid, or ſhall refuſe to deliver up all Books, Papers, and Writings, in his Cuſtody, relating to the Execution of this Act; that then, any One or more Juſtice or Juſtices of the Peace for the County of Huntingdon ſhall and may make Inquiry of and concerning ſuch Default, as aforeſaid, in a ſummary Way, as well by the Confeſſion of the Party as by the Teſtimony of One or more credible Witneſs or Witneſſes, upon Oath, (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter without Fee or Reward); and if any ſuch Clerk, Treaſurer, Collector, Receiver, or other Officer, ſhall be convicted of all or any of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall, upon ſuch Conviction, commit the Party to the common Gaol of the ſaid County of Huntingdon, until he ſhall have made a perfect Account and Payment as aforeſaid, and delivered up all ſuch Books, Papers, and Writings, in his Cuſtody, or until he ſhall have compounded and agreed with the ſaid Commiſſioners, or any Five or more of them, at any Meeting to be held in purſuance of this Act, and have paid ſuch Compoſition-money; which Compoſition the ſaid Commiſſioners, or any Five or more of them, are hereby authoriſed and impowered to make.

Proceedings to be entered in Books.

XLV. Provided always, and be it enacted, That all Orders and Proceedings of the ſaid Commiſſioners, or any of them, at any of their Meetings to be held in purſuance of this Act, ſhall be entered in Books, to be kept for that Purpoſe; and ſuch Orders and Proceedings, ſo entered, ſhall be ſigned by any Five or more of the ſaid Commiſſioners ſo aſſembled at ſuch Meetings; and being ſo ſigned, ſhall be deemed and taken to be Originals.

Orders not to be reverſed, unleſs Nine or more Commiſſioners be preſent.

XLVI. Provided nevertheleſs, and be it enacted, That no Order which ſhall be made by the ſaid Commiſſioners at any of their Meetings by virtue of this Act ſhall be altered, reverſed, annulled, or made void, at any ſubſequent Meeting, unleſs Nine or more Commiſſioners be preſent, and Seven or more of ſuch Commiſſioners conſenting thereto, nor unleſs Notice in Writing of ſuch Meeting be publiſhed in The Cambridge Chronicle and Journal, ſo long as the ſame ſhall be publiſhed, or in ſome other weekly Paper which ſhall be circulated in the ſaid County of Huntingdon, and affixed on the Outſide of the Doors of the Churches of Standground and Farcett aforeſaid, at leaſt Twenty-eight Days before ſuch Meeting; in which Notice the Intent and Deſign of ſuch Meeting ſhall be declared; and that every Order for the executing the Powers of this Act ſhall be made at a Meeting of the ſaid Commiſſioners, to be held in ſuch Manner as is herein-before appointed, and not otherwiſe, except only as to the granting Precepts or Warrants for levying Taxes, which ſhall and may be granted and ſigned by ſuch Commiſſioners in Manner herein-before directed.

Perſons burning or otherwiſe deſtroying the Works, guilty of Felony.

XLVII. And be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall wilfully and maliciouſly burn, cut, break down, or deſtroy, or adviſe, counſel, or hire, any Perſon or Perſons to burn, cut, break down, or otherwiſe deſtroy, any Bank, Mill, Engine, Flood-gate, or Sluice, already erected, ſupported, maintained, or uſed, or hereafter to be made or erected, ſupported, maintained, or uſed, within the Limits aforeſaid, for the Purpoſes of draining and preſerving the Fens and Low Grounds within the ſame; every Perſon or Perſons ſo offending, and being thereof convicted, ſhall be guilty of Felony, and ſubject and liable to the like Pains and Penalties as in Caſes of Felony; and the Court by and before whom ſuch Perſon or Perſons ſhall be tried and convicted ſhall, and hereby have Power and Authority to tranſport ſuh Felon for Seven Years, in ſuch Manner as other Felons are directed to be tranſported by the Laws of this Realm.

Penalty of 50l. on damaging, *&c.* the Works.

XLVIII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully and maliciouſly ſtop, dam up, break down, demoliſh, damage, or deſtroy, or cauſe, procure, or hire, any Perſon or Perſons to dam up, break down, demoliſh, damage, or deſtroy, any River Drain or Watercourſe, Door, Tunnel, Dam, Bridge, Heading, or other Work or Works, already made, cut, or erected, or which ſhall at any Time or Times hereafter be making, cutting, or erecting, or made, cut, erected, ſupported, maintained, or uſed, for anſwering the Purpoſes of draining and preſerving the Lands and Grounds within the Limits aforeſaid; every Perſon ſo offending, and being thereof convicted on the Oath of One or more credible Witneſs or Witneſſes before Two or more Juſtices of the Peace for the County of Huntingdon, not intereſted therein, every ſuch Perſon or Perſons ſo convicted as aforeſaid ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Fifty Pounds, nor leſs than Twenty Pounds; to be levied by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender or Offenders, by Warrant under the Hand and Seal or Hands and Seals of ſuch Juſtices, and to be applied and diſpoſed of in the Improvement of the Works to be made by virtue of this Act, and not otherwiſe; and for want of ſufficient Diſtreſs, ſuch Offender or Offenders ſhall be committed by ſuch Juſtices to the Houſe of Correction of the ſaid County of Huntingdon to hard Labour for the Space of One Calendar Month, without Bail or Mainprize, or until ſuch Penalty ſhall be paid.

Commiſſioners may take in Water from the Rivers *Nen* and *Bevill*,

XLIX. Provided always, and be it enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, at any Meeting to be held in purſuance of this Act, to direct any Tunnels or Doors to be made for the taking Water into any of the Lands within the Limits aforeſaid adjoining on the Rivers Nen and Bevill aforeſaid, from and out of the ſaid Rivers; and that ſuch Tunnels and Doors, when ſo made, ſhall be conſidered as Part of the Works of the ſaid Diſtrict, and ſhall be under the Direction of the ſaid Commiſſioners, who may give Power to their Surveyor to open and ſhut the ſame as Occaſion ſhall require.

and Owners of Lands may take in Water from the River *Nen* by Tunnels, at their own Expence.

L. Provided always, and be it enacted, That it ſhall and may be lawful to and for the Owners of any of the Lands within the Limits aforeſaid, which lie contiguous to and adjoining upon the River Nen aforeſaid, to make Tunnels for the taking in Water from out of the ſaid River Nen, at their own Expence, into and upon their ſaid Lands, ſo as the Water to be taken into their ſaid Lands by ſuch Tunnels ſhall not over-run a Gauge to be placed by the ſaid Commiſſioners Ten Inches below the Surface of the loweſt of the ſaid Lands into which the Water ſhall be taken, as aforeſaid; and that when the Water over-runs the ſaid Gauge, it ſhall and may be lawful for the Surveyor to be appointed by the ſaid Commiſſioners to ſtop the Water from paſſing through the ſaid Tunnels; and in caſe the Tenants or Occupiers of any ſuch Lands ſhall ſuffer the Water to run into and upon the ſame through the ſaid Tunnels for the Space of Twenty-four Hours after the Water ſhall run over the ſaid Gauge, to be placed as aforeſaid, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings to any Perſon or Perſons who ſhall ſue for the ſame in any or either of His Majeſty's Courts of Record at Weſtminſter, together with full Coſts of Suit.

Perſons erecting any Horſe mill, *&c.* to diſcharge Water, other than into *Bevill's* and *Nen* Rivers, to forfeit 50*l.*

LI. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall erect, ſet up, uſe, or work, any Horſe-mill, Gig, Engine, or other Device whatſoever, for draining or diſcharging Water off any of the Lands within the Limits aforeſaid, through or upon the Lands of any other Perſon or Perſons, or in any other Manner than directly and immediately from the Lands of the reſpective Owner of ſuch Mill, Gig, Engine, or other Device, into Bevill's River, or the River Nen aforeſaid, every Perſon ſo diſcharging the ſaid Water other than as aforeſaid, ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon who ſhall ſue for the ſame in any of His Majeſty's Courts of Record at Weſtminſter; One Moiety thereof to be paid to the Perſon ſuing for the ſame, and the other Moiety to be paid to the Receiver or Collector for the Time being within the Limits aforeſaid, and to be applied for the Purpoſes of draining and improving the ſaid Lands, taxed by virtue of this Act; and the Owner of ſuch Mill, Gig, Engine, and other Device, ſhall alſo make full Compenſation and Satisfaction to all and every Perſon and Perſons who ſhall be injured thereby, for the Damages ſuch Perſon or Perſons ſhall thereby ſuſtain; and ſuch Penalty, Compenſation, and Satisfaction, ſhall be recovered, together with full Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, in which no Eſſoin, Protection, Privilege, Wager of Law, or more than One Imparlance, ſhall be allowed.

No Houſes, *&c.* to be built on Banks near Mills,

LII. Provided always, and be it enacted, That, from and after the paſſing of this Act, no Houſes or other Buildings, or other Obſtructions whatſoever, ſhall be erected or made, or Trees or Holts planted, on any Lands, either within the Limits aforeſaid, or on the Outſide thereof, near or oppoſite to any Mill or Engine already built, erected, or employed, or hereafter to be built, erected, or employed, for draining the Lands and Grounds within the Limits aforeſaid, nearer than Two hundred Yards: And if any Perſon or Perſons ſhall build or erect any Houſe, Barn, or other Building; or ſhall plant any Tree or Holt; or place, lay, or put any other Obſtruction within any leſs Diſtance than Two hundred Yards; the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power and Authority, from Time to Time, at any Meeting to be held in purſuance of this Act, by Writing under their Hands and Seals, to order ſuch Houſes and Buildings, Holts and Trees, or other Obſtructions, to be taken down and removed, and to cauſe the ſame to be taken down and removed accordingly; and every ſuch Perſon ſhall forfeit and pay for every ſuch Houſe or Building the Sum of One hundred Pounds, to be recovered in like Manner as the Penalties herein-before mentioned for erecting Horſe-mills, Gigs, Engines, or other Devices for throwing off Water; and for every Tree the Sum of Twenty Shillings; and Twenty Pounds for every Holt or other Obſtruction ſo planted, laid, or placed, contrary to this Act; which ſaid Forfeitures of Twenty Shillings and Twenty Pounds ſhall, upon Conviction of the Offender or Offenders before One or more Juſtice or Juſtices of the Peace for the ſaid County of Huntingdon, not intereſted in the Premiſes, upon the Oath of One or more credible Witneſs or Witneſſes, (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter, and alſo to hear and determine the ſaid Complaints), be immediately paid into the Hands of the Treaſurer, to be applied in carrying on the Works of the ſaid Drainage; and in caſe of Nonpayment of ſuch Forfeitures, the ſame ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of the Juſtice or Juſtices of the Peace before whom ſuch Conviction ſhall be made; and for want of ſufficient Diſtreſs ſuch Offender ſhall by ſuch Juſtice or Juſtices be committed to the Houſe of Correction for the ſaid County of Huntingdon, there to be kept to hard Labour for ſuch Time as the ſaid Juſtice or Juſtices ſhall order and direct, not exceeding Three Calendar Months, or until ſuch Penalty ſhall be paid.

on Penalty of 100 l. &c.

Commiſſioners may cut down Trees or Holts already planted near Mills.

LIII. Provided always, and be it enacted, That if any Trees or Holts are now growing either in or beyond the Limits of this Act, within the Diſtance of Two hundred Yards from any Mill or Engine already built, or hereafter to be built, within the Limits aforeſaid, it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, by like Order under their Hands and Seals, to order the ſame to be cut up and pulled down as if the ſame had been planted after the paſſing of this Act, making ſuch Satisfaction to the Owners of ſuch Trees and Holts as ſhall be agreed upon between ſuch Owner and the ſaid Commiſſioners, or any Five or more of them reſpectively; and in caſe any Difference or Diſpute ſhall ariſe between the ſaid Commiſſioners and ſuch Owner touching ſuch Satisfaction, and the ſame cannot be ſettled between them, then ſuch Recompence and Satisfaction ſhall be finally determined in ſuch and the ſame Manner as is herein-before mentioned and preſcribed for aſcertaining the Recompence to be made for Damage by making and erecting any Work in purſuance of this Act.

Owners, &c. to cleanſe Dikes, &c.

LIV. And be it further enacted by the Authority aforeſaid, That if the Owner or Owners, Occupier or Occupiers, of any Land lying within the Limits aforeſaid through which any Drove-way Dike, Outring Dike, or Diviſion Dike, leading to any of the Mill Drains within the ſaid Limits doth or ſhall paſs, ſhall neglect or refuſe ſufficiently to road, ſcour, cleanſe, open, or repair, any ſuch Dike, or to make the ſame of the Depth of Four Feet and an Half, and of the Width of Nine Feet at the leaſt; and if any ſuch Owner or Owners of any ſuch Land ſhall neglect or refuſe ſufficiently to road, ſcour, cleanſe, open, or repair, the inner Dikes belonging to their reſpective Lands, or to make the ſame of the Depth of Four Feet and an Half, and of the Width of Eight Feet, after Twenty-one Days Notice in Writing to him, her, or them given, from Time to Time, by the Surveyor for the Time being for that Purpoſe, that then it ſhall be lawful, from Time to Time, for ſuch Surveyor to cauſe ſuch Dikes to be roaded, ſcoured, cleanſed, opened, repaired, and deepened, in a ſufficient Manner, and made of the Width aforeſaid, at the proper Coſts, Charges, and Expences, of ſuch Owners or Occupiers; and that where-ever a Road or Way ſhall have been made over or acroſs any ſuch Dikes without a ſufficient Tunnel lying therein, to cauſe ſuch Ways or Roads to be taken up, and Tunnels to be made in ſuch Dikes, of the Width and Depth of the ſaid Dikes, for the better conveying the Waters through the ſame to the ſeveral Mills erected, or to be erected, for draining the ſaid Lands or Grounds, and, by a Warrant or Precept under the Hands of Five or more of the ſaid Commiſſioners, to levy, by Diſtreſs and Sale, all ſuch Charges and Expences as ſhall be occaſioned by the deepening and widening the ſaid Dikes, or taking up the ſaid Roads, on the Owner or Owners, Occupier or Occupiers, of the Lands through which the ſaid Dikes ſhall paſs, or to which they ſhall be contiguous, and who ſhall make, or cauſe to be made, ſuch Road as aforeſaid, in ſuch Manner as is herein-before directed for the levying and receiving the ſaid Tax and Rate charged on the ſaid Lands.

and in caſe of Neglect, Surveyors to do it at the Owner's Expence.

Commiſſioners may appoint a Mole-catcher.

LV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, at any Meeting to be held in purſuance of this Act, to appoint a Perſon for catching of Moles on any of the taxable Lands within the Limits aforeſaid, and to allow ſuch

Perſon a Salary for that Purpoſe, to be paid by the Treaſurer out of the Money to be raiſed by virtue of this Act; and that it ſhall and may be lawful for ſuch Perſon ſo to be appointed, for and during the Time that he ſhall be ſo employed to catch Moles, to enter into and upon the ſaid Lands, or any Part thereof, and to make uſe of the neceſſary Devices for the taking and deſtroying ſuch Vermin.

LVI. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, at any Meeting to be held in purſuance of this Act, ſhall and may order and direct their Treaſurer to cauſe the Engines and Mills, which ſhall be erected and employed by virtue of this Act, to be inſured againſt Fire in ſome or One of the publick Inſurance Offices, and, from Time to Time, to pay the Expence attending ſuch Inſurances out of the Money ariſing by virtue of this Act.

Engines and Mills to be inſured.

LVII. Provided always, and be it enacted, That nothing in this Act contained ſhall be given in Evidence, or ſhall extend, or be conſtrued to extend, or made uſe of, in any Action, Bill, Plaint, or Suit, already or hereafter to be commenced or proſecuted in any Court or Courts of Law or Equity, or in any Eccleſiaſtical Court whatſoever, within the Kingdom of Great Britain, touching and concerning the local Scite only of the Lands compriſed within the Limits aforeſaid, or any Part thereof.

This Act not to be given in Evidence touching the local Scite of the Lands.

LVIII. And whereas, in order that the Drainage may be more complete, and the ſaid Diſtrict not cut into Waſte by carrying the principal Mill Drain through the Centre of the ſaid Diſtrict, Sir *Sampſon Gideon* Baronet, Owner and Proprietor of the ſaid *Adventurer's Lands*, hath conſented and agreed, that the ſaid *Twelve Foot Drain* or *Dike*, dividing his ſaid Lands from the Lands intended to be drained, by virtue of this Act, from the South-eaſt End of a certain Drove called *Froghall Drove*, (where a Dam and Heading is intended to be made, kept up, repaired, and maintained, at the Coſts and Charges of the ſaid Commiſſioners, to the North Bank of *Bevill's River* aforeſaid,) ſhall, in conſideration thereof, and that the ſaid Drain ſhall for ever after the paſſing of this Act be deemed and taken as a Work of the ſaid Commiſſioners, and be ſupported and maintained at the ſole Coſts and Charges of the ſaid Commiſſioners; and that the ſaid Commiſſioners ſhall not, by virtue of any Power given them by this preſent Act, have any Power or Authority over the Banks, Trays, Headings, or other Works of the ſaid Sir *Sampſon Gideon* lying next unto the ſaid *Twelve Foot Drain*, or any Power to cut or take away any Earth from or out of the Lands of the ſaid Sir *Sampſon Gideon*, for the repairing of any of the Works of the ſaid Commiſſioners under or by virtue of this Act; be it enacted by the Authority aforeſaid, That the ſaid Drain or Dike, called Twelve Foot Dike, ſhall, from and after the paſſing of this Act, be for ever veſted in the ſaid Commiſſioners, and their Succeſſors, freed and diſcharged from any Power, Controul, Right, Title, or Property, of the ſaid Sir Sampſon Gideon, his Heirs or Aſſigns, in, to, or upon the ſame, and ſhall from thenceforth be deemed and taken as Part of the Works of the ſaid Diſtrict.

Twelve Foot Drain belonging to Sir *Sampſon Gideon* veſted in the Commiſſioners.

LIX. Provided always, and be it enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to give any Power or Authority whatſoever to the ſaid Commiſſioners, or their Succeſſors, over any of the Banks, Drains, or Works, of the ſaid Sir Sampſon Gideon, his Heirs and Aſſigns, in reſpect to the ſaid Adventurer's Lands, or for the cutting or taking any Earth or other Materials therefrom, on any Occaſion whatſoever, except as herein-after is excepted.

Commiſſioners not to have Power over *Adventurer's Lands.*

LX. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, and their Succeſſors, ſhall, from Time to Time, and at all Times for ever after the paſſing of this Act, at their own Coſts and Charges, repair, maintain, and uphold, and keep in Repair, the ſaid Drain called The Twelve Foot Drain, and Headings thereon, in good and ſufficient Repairs, as and for a Mill Drain, for the Benefit of the ſaid Diſtrict, and ſhall for ever after the paſſing of this Act exonerate the ſaid Sir Sampſon Gideon, his Heirs and Aſſigns, Owners and Proprietors of the ſaid Adventurer's Lands, or any other future Owner or Owners thereof, his, her, or their Heirs or Aſſigns, of and from the Repairs thereof; any Thing in this Act contained to the Contrary thereof notwithſtanding.

Commiſſioners to repair *Twelve Foot Drain.*

LXI. And be it further enacted, That from and after the paſſing of this Act, the ſaid Sir Sampſon Gideon, his Heirs and Aſſigns, or any future Owner or Owners of the ſaid Adventurer's Lands, ſhall not cut or open the Banks of the ſaid Adventurer's Lands lying next the ſaid Twelve Foot Drain, or work, uſe, or employ any Mill, Gig, Engine, or other Device, for draining the ſaid Adventurer's Lands, or any Part thereof, into the ſaid Twelve Foot Drain, on any Pretence whatſoever, but ſhall for ever after the paſſing of this Act be excluded therefrom.

Owners of *Adventurer's Lands* not to cut into *Twelve Foot Drain.*

LXII. Provided always, and be it enacted, That in caſe the ſaid Sir Sampſon Gideon, his Heirs and Aſſigns, or any future Owner or Owners of the ſaid Adventurer's Lands, his, her, or their Agent or Agents, Tenant or Tenants, ſhall, at any Time after the paſſing of this Act, cut any Part of the ſaid Bank on the ſaid Adventurer's Lands, lying next the ſaid Twelve Foot Drain, ſo far as the ſame runs againſt the Lands intended to be drained by virtue of this Act, or ſuffer any Cuts or Breaches to be made therein, that it ſhall and may be lawful for the Commiſſioners under this Act, or any Five or more of them, to give Notice in Writing to the Agent or Tenants of the ſaid Sir Sampſon Gideon, his Heirs or Aſſigns for the Time being, that ſuch Cut

Sir *Sampſon Gideon,* &c. to keep up the Banks of the *Adventurer's Lands.*

or Breach is made therein; and in caſe ſuch Agent or Tenants ſhall neglect or refuſe to make up or ſtop ſuch Breach or Breaches as aforeſaid, within Two Days after ſuch Notice, it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, to direct their Officer to go upon the ſaid Adventurer's Lands, with ſuch Workmen as they ſhall think proper, and to take Earth for the ſtopping ſuch Cuts or Breaches out of the ſaid Adventurer's Lands, at the Coſts and Charges of the Tenant or Tenants of the ſaid Sir Sampſon Gideon, his Heirs or Aſſigns, Owners of the ſaid Adventurer's Lands, or the Tenant or Tenants of any future Owner or Owners thereof; any Thing to the Contrary notwithſtanding.

Writings to be without Stamps.

LXIII. And be it enacted, That no Order, Nomination, Appointment, Mortgage, Aſſignment, or other Security, for the borrowing of Money, Contract, Agreement, Information, Conviction, Judgement, Warrant, or other Writing, under the Hand or Hands, Hand and Seal, or Hands and Seals, of any Commiſſioner or Commiſſioners, Juſtice or Juſtices of the Peace, or exhibited before any of them, in purſuance of any of the Powers or Authorities by this Act veſted in ſuch Commiſſioners, Juſtice or Juſtices of the Peace, nor any Transfer of any Mortgage Security, nor any Bond taken from any Officer, or his Sureties, in purſuance of this Act, for the due Execution of his Office, nor any other Writing whatſoever, concerning the Execution of this Act, ſhall be charged or chargeable with any Stamp-duty.

Penalties and Forfeitures how to be recovered and applied.

LXIV. And it is hereby further enacted and declared, That all the pecuniary Fines, Penalties, and Forfeitures, hereby inflicted, or authoriſed to be impoſed, the Recovery whereof is not herein-before directed, ſhall be recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant and Warrants under the Hand and Seal, or Hands and Seals, of any Juſtice or Juſtices of the Peace for the ſaid County of Huntingdon, who is and are hereby impowered and authoriſed to act in the Premiſes, and alſo to hear and determine all other Complaints hereby referred to, and made cognizable by, any Juſtice or Juſtices of the Peace for the ſaid County, and to iſſue ſuch Warrant and Warrants as is and are hereby required or neceſſary to be granted or iſſued by any Juſtice or Juſtices of the Peace for any the Purpoſes in this Act contained; and in caſe ſufficient Diſtreſs ſhall not be found, it ſhall be lawful for any ſuch Juſtice to commit ſuch Offender or Offenders to the common Gaol of the ſaid County of Huntingdon, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until the Penalty ſhall be paid, or otherwiſe compounded for; which Compoſition the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to make; and that all ſuch Fines, Penalties, and Forfeitures, and Compoſition-monies, or any Part or Parts thereof, which are not herein-before directed to be applied, ſhall be paid into the Hands of the Treaſurer or Treaſurers to the ſaid Commiſſioners, and applied for the Purpoſes of this Act.

Perſons aggrieved may apply to the next Seſſion.

LXV. And be it further enacted, That all Perſons who ſhall think themſelves aggrieved by the Order or Judgement of any Juſtice or Juſtices of the Peace, upon account of any Offence committed, or ſuppoſed to be committed, againſt this Act, or any Penalties to be levied by virtue thereof, may appeal to the Juſtices of the Peace for the ſaid County of Huntingdon, at the next or Second General or Quarter Seſſions of the Peace to be held for the County, within Six Calendar Months after the Cauſe of ſuch Appeal ſhall happen, the Perſon or Perſons ſo appealing firſt entering into a Recognizance, with Two ſufficient Sureties, to the Satisfaction of the ſaid Juſtice or Juſtices, to proſecute ſuch Appeal with Effect, and pay the Coſts which ſhall be aſcertained by the ſaid Juſtices in the ſaid General or Quarter Seſſions, in caſe ſuch Order and Judgement ſhall be affirmed; and the ſaid Juſtices, in their ſaid General or Quarter Seſſions, are hereby authoriſed and required to hear and determine ſuch Appeal, and give ſuch Coſts to either Party as they ſhall think reaſonable, and to make ſuch Order therein as to them ſhall appear juſt; which Order ſhall be final and concluſive to all Parties, and ſhall not be removed or removeable by any Writ of Certiorari, or otherwiſe, into any of His Majeſty's Courts of Record at Weſtminſter, or elſewhere.

Proceedings not to be quaſhed for want of Form.

LXVI. And be it further enacted, That no Order or other Proceeding to be made or had by or before any Juſtice or Juſtices of the Peace, by virtue of the Powers by this Act granted, ſhall be quaſhed or vacated for want of Form only.

Diſtreſs not to be deemed unlawful for want of Form;

nor the Party diſtraining a Treſpaſſer *ab initio*.

LXVII. And be it further enacted, That when any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage in any Action upon the Caſe.

Conviction to be drawn in the following Form.

LXVIII. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice and Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the ſame Effect, as the Caſe ſhall happen; videlicet,

BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majeſty's Juſtices of the Peace for the by virtue of an Act, made in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For draining and " preſerving certain Fen Lands and Low Grounds called *King's Delph and Eight Roods*, " and alſo other Fen Lands and Low Grounds in a certain Place called *Farcett Fen*, " adjoining thereto, lying near to the Hamlet and Village of *Farcett* and *Standground*, " in the County of *Huntingdon*," (*ſpecifying the Offence, and Time and Place when and where the ſame was committed, as the Caſe ſhall be*).

Given under my Hand and Seal, the Day and Year aforeſaid.

Reſerving the Rights of the Corporation of *Bedford Level*.

LXIX. Provided always, and be it enacted by the Authority aforeſaid, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to impower the ſaid Commiſſioners, or any Five or more of them, to have, uſe, or exerciſe, any Power or Authority over, or to intermeddle with any of the Sewers, Drains, or Works, already made, or hereafter to be made, by the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, called Bedford Level, by virtue of an Act of Parliament, made in the Fifteenth Year of the Reign of King Charles the Second, (intituled, An Act for ſettling the Drainage of the Fens called *Bedford Level*), or by virtue of any Act or Statute whatſoever, or to invalidate, leſſen, diminiſh, alter, or take away, any of the Rights, Powers, and Authorities, veſted in the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, and Conſervators, but that all Rights, Powers, and Authorities whatſoever, which, by virtue of the ſaid Act, made in the ſaid Fifteenth Year of the ſaid King Charles the Second, or any other Act or Statute whatſoever, now are veſted in the ſaid Governor, Bailiffs, and Commonalty, or the ſaid Governor, Bailiffs, and Conſervators, or any of them, ſhall for ever hereafter remain, continue, and be, in the ſaid Governor, Bailiffs, and Commonalty, and the ſaid Governor, Bailiffs, and Conſervators, and every of them, as fully and amply to all Intents and Purpoſes as if this Act had never been made; ſave and except the repairing and keeping in Repair the ſaid Banks of Bevill's River, and the River Nen aforeſaid.

Saving the Rights of the Commiſſioners of *Salter's Load Sluice* Navigation.

LXX. Provided always, and be it enacted by the Authority aforeſaid, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to invalidate, leſſen, diminiſh, alter, or take away, any of the Rights, Powers, and Authorities, of the Commiſſioners acting under or by virtue of an Act of Parliament, paſſed in the Twenty-ſeventh Year of the Reign of His late Majeſty King George the Second, (intituled, An Act for improving and preſerving the Navigation from *Salter's Load Sluice*, in the County of *Norfolk*, to *Standground Sluice*, in the County of *Huntingdon*; and from *Flood's Ferry*, in the *Iſle of Ely*, in the County of *Cambridge*, to *Ramſey High Load*, in the ſaid County of *Huntingdon*, and alſo the Navigation from *Old Bedford Sluice*, in the ſaid County of *Norfolk*, to the River *Nen*, in the Pariſh of *Ramſey*, in the ſaid County of *Huntingdon*.)

Limitation of Actions.

LXXI. And be it further enacted by the Authority aforeſaid, That if any Action, Suit, or Information, ſhall be commenced or proſecuted againſt any Perſon or Perſons, for any Thing done, or to be done, in purſuance of this Act, every ſuch Action or Suit ſhall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid or brought in the particular County or Liberty where ſuch Offence ſhall be ſuppoſed to have been done, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and if in Replevin, may juſtify and avow by virtue of this Act, as Perſons acting by Authority of Commiſſioners of Sewers are enabled to do, and give the Special Matter in Evidence, without ſpecially pleading the ſame otherwiſe than as aforeſaid, at any Trial to be had thereupon, and that the Fact alleged to be done, was done in Purſuance and by Authority of the ſaid Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought in any other County, Liberty, or Place, than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs ſhall become nonſuit, or forbear Proſecution, or diſcontinue his, her, or their Suit or Suits; or if any Verdict ſhall paſs againſt him, her, or them, upon Demurrer, or otherwiſe; then, and in any of the ſaid Caſes, the Defendant or Defendants, Avowant or Avowants, ſhall recover Treble Coſts, for which he, ſhe, or they, ſhall have the like Remedy as where Coſts by Law are awarded.

General Iſſue.

Treble Coſts.

Publick Act.

LXXII. And be it further enacted and declared by the Authority aforeſaid, That this Act ſhall be deemed a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP. XL.

An Act for amending and rendering more effectual an Act, made in the Twenty-ſeventh Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for diſcharging the Corporation of the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, commonly called* Bedford Level, *from a Debt due to the Duke of* Bedford *and Earl of* Lincoln; *and for enabling the Proprietors of Lands in the North Level, Part of the ſaid Great Level, to raiſe Money to diſcharge the Proportion of the ſaid North Level in the Debts of the ſaid Corporation; and for aſcertaining and appropriating the Taxes to be laid on the ſaid North Level; and for the more effectual draining and preſerving the ſaid North Level, and divers Lands adjoining thereto, in the Manor of* Crowland; ſo far as the ſame relates to the ſeveral Fens Lands lying in the Second Diſtrict in the ſaid Act deſcribed.

Preamble: Act 27 Geo. II.

WHEREAS by an Act, made in the Twenty-ſeventh Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for diſcharging the Corporation of the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, commonly called* Bedford Level, *from a Debt due to the Duke of* Bedford *and Earl of* Lincoln; *and for enabling the Proprietors of Lands in the North Level, Part of the ſaid Great Level, to raiſe Money to diſcharge the Proportion of the ſaid North Level in the Debts of the ſaid Corporation; and for aſcertaining and appropriating the Taxes to be laid on the ſaid North Level; and for the more effectual draining and preſerving the ſaid North Level, and divers Lands adjoining thereto, in the Manor of* Crowland; the Commiſſioners therein named, or to be nominated and appointed, in Manner therein mentioned, or the major Part of them, were authoriſed and impowered to aſſeſs, rate, tax, and charge, all and every the Owner and Owners, Occupier and Occupiers, of all and ſingular the Lands and Grounds ſituate and being within the Second Diſtrict or Diviſion, (One of the Five Diſtricts or Diviſions into which the ſaid North Level was by the ſaid Act divided), except as in the ſaid Act is excepted, by and with an equal and proportionable yearly Rate, Tax, or Sum of One Shilling for every Acre of Land or Ground within the ſaid Second Diſtrict, to be paid by the Owners or Occupiers thereof to ſuch Perſon or Perſons, at ſuch Time or Times, as the ſaid Commiſſioners for the Time being, or the major Part of them, ſhould, from Time to Time, order, direct, or appoint, the ſame to be applied and diſpoſed of in making Works, Banks, Drains, Mills, and Engines, within the ſaid Diſtrict, neceſſary for draining the ſame, and for the other Purpoſes therein mentioned: And whereas the ſaid Rates and Taxes have accordingly been applied by the Commiſſioners acting for the ſaid Second Diſtrict, in purſuance of the Directions given by the ſaid Act, for and towards the erecting proper Water Engines, and making Banks, Drains, and other Works, neceſſary for the proper draining the ſaid Diſtrict, and in maintaining and keeping the ſame in Repair: And whereas the ſaid Rate and Tax of One Shilling an Acre, charged on the ſaid Lands and Grounds in the ſaid Second Diſtrict, by virtue of the ſaid Act, has not for many Years paſt, by reaſon of the Wetneſs of the Seaſons, and many Breaches in the North Bank of *Moreton's Leam*, being the great Barrier Bank of the ſaid North Level againſt the Waters of *Northamptonſhire* and *Huntingdonſhire*, been ſufficient to pay the yearly Expences of the ſaid Diſtrict, or to defray the Debts which the ſaid Commiſſioners have been obliged to contract, by reaſon of ſuch Inſufficiency of the ſaid Tax of One Shilling an Acre ſo charged for the Purpoſes of the ſaid Diſtrict: And whereas the ſaid Works already completed are neceſſary to be maintained; and, in order to pay the ſaid Debts ſo contracted by the ſaid Commiſſioners, and to carry on the ſaid Works with Effect, and to make other Works, a further Tax is neceſſary to be charged on all the Lands within the ſaid Diſtrict, (except as herein-after is excepted); and the ſeveral Owners and Proprietors of the ſaid Lands are willing and deſirous that their ſaid Lands ſhould be charged therewith accordingly, in order to raiſe Money to anſwer the Purpoſes aforeſaid: And whereas ſuch Rate or Tax cannot be laid, nor the ſaid Lands effectually drained and preſerved, without the further Aid and Aſſiſtance of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and **be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and ſingular the Lands and Grounds, ſituate and being in the ſaid Second Diſtrict or Diviſion, and every of them, (except ſuch Lands and Grounds as in the ſaid former Act are excepted, and except alſo all other Lands and Grounds in the Pariſh of** Eye, **within the ſaid Second Diſtrict), ſhall yearly, and every Year, from and after the paſſing of this Act, be, and the ſame are hereby rated, taxed, charged, and aſſeſſed, with an equal annual Rate, Tax, or Sum, not exceeding in any One Year the Sum of Two Shillings and Sixpence for every Acre of the ſaid Lands and Grounds, over and above the ſaid Rate or Tax of One Shilling an Acre, charged thereon by the ſaid former Act.**

Tax of 2*s.* 6*d.* *per* Acre.

Tax payable for 14 Years.

II. **And be it further enacted, That the ſaid Rate or Tax, hereby charged on the ſaid Second Diſtrict, ſhall be, and is hereby laid and made payable for the Space of Fourteen Years from the Time of the paſſing of this Act, or until the ſaid Debts ſhall be paid**

paid and diſcharged, by Two equal Half-yearly Payments; (that is to ſay), On the Twenty-fourth Day of June, and the Twenty-fourth Day of December, in every Year, after the paſſing of this Act, during the Term and Time aforeſaid; the Firſt Payment thereof to be made on the Twenty-fourth Day of June next, after the paſſing of this Act, to the Treaſurer or Receiver of the ſaid Diſtrict or Diviſion, to be applied by the ſaid Commiſſioners, in full Diſcharge and Satisfaction of the ſeveral Debts and Sums of Money, now due from the ſaid Commiſſioners to any Perſon or Perſons whomſoever, for or on account of the ſaid Diſtrict.

Perſons allowed to Purchaſe off the Tax of 2 s. 6 d. an Acre.

III. And be it enacted by the Authority aforeſaid, That in caſe any Owner or Proprietor, Owners or Proprietors, of any of the Lands and Grounds within the ſaid Diſtrict, and charged by this Act with the Payment of the ſaid Rate, Tax, or Sum of Two Shillings aud Sixpence an Acre for the ſaid Term of Fourteen Years, ſhall be deſirous to pay in any One Year the whole Rate or Tax of Two Shillings and Sixpence an Acre, ſo charged on his ſaid Lands and Grounds, it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, to accept and receive the ſame, and to pay and apply the ſeveral Sum and Sums of Money ſo received in the Payment of the Debts due and owing from the ſaid Commiſſioners, and for which the ſaid Rate or Tax of Two Shillings and Sixpence an Acre is hereby directed to be paid annually, on Receipt of the ſaid Commiſſioners, or any Five or more of them, for ſuch Rate or Tax, to the Perſon or Perſons paying the ſame, ſhall be a full Diſcharge to ſuch Perſon or Perſons; and from the Date of ſuch Receipt or Receipts for the ſame, as aforeſaid, the Lands and Tenements charged by virtue of this Act with the Payment of the ſaid Rate or Tax of Two Shillings and Sixpence an Acre, ſhall be for ever exonerated, releaſed, and diſcharged from the Payment thereof; any Thing herein contained to the Contrary notwithſtanding.

After Expiration of 14 Years, Commiſſioners to have Power to lay a further Tax of 1 s. 6 d. *per* Acre.

IV. And be it further enacted, That from and after the Expiration of the ſaid Term of Fourteen Years, or ſo ſoon as the ſaid Debts ſhall be paid and ſatisfied, and the ſaid Rate of Two Shillings and Sixpence an Acre ſhall ceaſe and determine, it ſhall and may be lawful for the Commiſſioners of the ſaid Diſtrict, and their Succeſſors, or the major Part of them, over and above the ſaid Rate or Tax of One Shilling an Acre, charged upon the Lands and Grounds lying in the ſaid Second Diſtrict or Diviſion by the ſaid former Act, Once in every Year, that is to ſay, On the Firſt Tueſday in July next after the Expiration of the ſaid Term of Fourteen Years, or after the ſaid Debts ſhall be ſo paid and ſatisfied, to aſſeſs, tax, and charge, all and every the Owner and Owners, Occupier or Occupiers, of all and every the ſaid Lands and Grounds, lying within the ſaid Second Diſtrict or Diviſion, (except as in the ſaid former Act is excepted), with a further equal annual Rate or Tax, not exceeding the Sum of One Shilling and Sixpence per Acre for every Acre of the Lands and Grounds lying within the ſaid Second Diſtrict or Diviſion; which ſaid laſt-mentioned additional Rate and Tax ſo to be laid, taxed, or aſſeſſed, by the ſaid Commiſſioners, as aforeſaid, ſhall be paid by the Owners and Occupiers of the Lands or Grounds compriſed in the ſaid Diſtrict, to ſuch Perſon or Perſons, at ſuch Time or Times, and in ſuch Manner and Proportion, as the Commiſſioners for the ſaid Second Diſtrict or Diviſion, or any Five or more of them, preſent at any ſuch annual Meeting, ſhall, from Time to Time, order and direct; and ſhall, together with the Monies to be raiſed and borrowed on the Credit thereof, be applied and diſpoſed of at the Diſcretion of the ſaid Commiſſioners, or the major Part of them, preſent at any Meeting to be held for the ſaid Diſtrict, (of which Meeting Seven Days Notice ſhall be given to the ſaid Commiſſioners), in or about the particular Works, Banks, Drains, Mills, Engines, and other Matters and Things, neceſſary for draining the ſaid Diſtrict, in ſuch and the ſame Manner as the ſaid Rate or Tax of One Shilling an Acre, charged on the ſaid Diſtrict or Diviſion by the ſaid former Act, is directed to be applied, and to and for no other Uſe or Purpoſe whatſoever.

Quantities of Lands, &c. to be taxed as in former Act.

V. And be it further enacted, That the Quantities of the Lands and Grounds hereby rated, taxed, charged, and aſſeſſed, ſhall be taken according to the reſpective Quantities thereof aſcertained in purſuance of the ſaid former Act, (except the Lands and Grounds in the ſaid Pariſh of Eye herein-before excepted); and that the reſpective Owners or Occupiers of the ſaid Lands and Grounds ſhall pay the ſaid Rates and Taxes hereby rated and aſſeſſed according to the ſame Number of Acres, Roods, and Perches, as they are now rated and taxed at under the ſaid former Act; and the ſaid Commiſſioners are hereby impowered and required to rate ſuch Lands accordingly.

Tax of 2 s. 6 d. for 14 Years, veſted in Commiſſioners, in order to pay the Debts of the Diſtrict, &c.

VI. And be it further enacted, That the ſaid Rate and Tax of Two Shillings and Sixpence an Acre, hereby charged upon the Lands and Grounds within the ſaid Diſtrict, for and during the ſaid Term of Fourteen Years, ſhall be veſted in, and applied, and diſpoſed of by the ſaid Commiſſioners for the ſaid Diſtrict, and their Succeſſors, for and towards the paying and diſcharging ſuch Debts as ſhall have been incurred and contracted by the ſaid Commiſſioners, in and for repairing the ſeveral Works of the ſaid Diſtrict or Diviſion, or for repairing or rebuilding any of the Mills, Banks, Headings, Trays, Drains, Tunnels, Sluices, Doors, or other Works, within the ſaid Diſtrict or Diviſion, or in or for the Purchaſe of any Piece or Pieces of Land, in order that proper Drains, Slamps, and Soak Banks, and Floor Works, might be made, cut, and laid out through the ſame, for conveying the Waters of the ſaid Di-

The Tax of 2s. 6*d.* *per* Acre to ceaſe if the Debts are paid before the ſaid 14 Years.

ſtrict the more eaſily and quickly to their reſpective Engines, for draining the ſame; but in caſe the ſaid Debts ſo contracted by the ſaid Commiſſioners, together with the Intereſt thereof, ſhall be fully paid and ſatisfied before the Expiration of the ſaid Term of Fourteen Years; then, from and immediately after ſuch Payment, the ſaid Rate, Tax, or Payment of Two Shillings and Sixpence an Acre, ſo charged by virtue of this Act, ſhall ceaſe, determine, and be utterly void; any Thing in this Act contained to the Contrary thereof notwithſtanding.

Commiſſioners appointed by the former and this preſent Act to have equal Power.

VII. And be it further enacted, That the Commiſſioners nominated and appointed for the ſaid Second Diſtrict by the ſaid former Act, or elected or choſen in purſuance thereof, and their Succeſſors, ſhall be, and are hereby appointed Commiſſioners for carrying into Execution this preſent Act, and all the Powers and Authorities hereby given: And that it ſhall and may be lawful for the ſaid Commiſſioners nominated and appointed, or to be nominated and appointed, for the ſaid Second Diſtrict or Diviſion, as aforeſaid, or any Five or more of them, to meet at the ſeveral Times and Places mentioned in the ſaid former Act, and in this Act, as well to put in Execution the ſeveral Powers and Authorities of this Act, as of the ſaid former Act, ſo far as the ſame relates to the ſaid Second Diſtrict or Diviſion; and, from Time to Time, to adjourn ſuch Meetings, and meet again at ſuch other Times and Places as they ſhall think proper: And in caſe of the Diſqualification or Reſignation of any of the ſaid Commiſſioners for the ſaid Second Diſtrict or Diviſion, the Vacancy or Vacancies occaſioned thereby ſhall, at all Times after the paſſing of this Act, be filled up in ſuch and the ſame Manner as by the ſaid former Act is directed, out of the Perſons qualified by the ſaid former Act, to ſit, vote, and act, as Commiſſioners for the ſaid Second Diſtrict, under the ſaid Act: And that ſuch Perſon or Perſons, ſo to be choſen and elected Commiſſioners, as aforeſaid, ſhall and may, after he or they ſhall be ſo choſen and elected a Commiſſioner or Commiſſioners, as aforeſaid, ſit, vote, and act, as a Commiſſioner or Commiſſioners for the ſaid Second Diſtrict or Diviſion, and ſhall be, and is, and hereby are declared to be a Commiſſioner or Commiſſioners for putting this Act, and the ſaid former Act, in Execution, and ſhall be, and are hereby veſted with the ſame Powers and Authorities as the Commiſſioners under the ſaid former Act are veſted with; any Thing to the Contrary notwithſtanding.

Commiſſioners to take an Oath.

VIII. Provided alſo, and be it enacted, That ſuch Commiſſioner or Commiſſioners, before he or they ſhall take upon himſelf or themſelves the Execution of any of the Powers or Authorities given by this Act, or the ſaid former Act, ſhall take the Oath (or being of the People called Quakers, the ſolemn Affirmation) required and directed to be taken by the ſaid former Act; which ſaid Oath or Affirmation any One of the ſaid Commiſſioners is hereby impowered and required to adminiſter.

On Default of Payment of Taxes,

Commiſſioners to have Power to diſtrain.

IX. And, to the End the ſaid Rates and Taxes hereby charged and aſſeſſed may be from Time to Time the more eaſily collected and received, be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall refuſe or neglect to pay the reſpective Rates, Taxes, or Sums of Money, rated, charged, or aſſeſſed, upon him, her, or them, or the Lands and Grounds in his, her, or their Poſſeſſion or Occupation, by virtue of, and under the Powers of this Act, or the ſaid former Act, within Twenty-one Days next after the ſame ſhall become due and payable, and Demand made thereof by the Collector or Collectors appointed to receive the ſame, on the Lands or Grounds charged therewith, or at the Dwelling-houſe of the Tenant or Occupier thereof, it ſhall and may be lawful to and for ſuch Collector or Collectors, or for any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of the ſaid Commiſſioners, (which ſaid Warrant or Precept ſuch Commiſſioners, or any Two or more of them, are hereby impowered and required from Time to Time to make, as Occaſion ſhall require), to enter into and upon the Lands and Grounds ſo rated and taxed as aforeſaid, in Poſſeſſion of ſuch Perſon or Perſons as ſhall ſo make Default in Payment as aforeſaid, and all Meſſuages and Tenements thereupon ſtanding, or thereunto belonging, with the Appurtenances, and to levy the Sum or Sums of Money, by him, her, or them, payable for ſuch Rate and Tax, by Diſtreſs and Sale of the Goods and Chattels of ſuch Owner or Occupier, in ſuch and the ſame Manner as is directed by virtue of the ſaid former Act.

Tenant to pay Taxes, and deduct the ſame out of his Rent.

X. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſeveral and reſpective Tenant and Tenants of all and ſingular the ſaid Fen Lands and Low Grounds within the ſaid Second Diſtrict, which ſhall be aſſeſſed, taxed, and charged, by virtue of this Act, to pay, and they are hereby required and authoriſed to pay ſuch Sum and Sums of Money as ſhall be ſo aſſeſſed, taxed, and charged, upon their ſaid Lands and Grounds reſpectively, and to deduct the ſame out of his or her Rent or Rents, in ſuch and the ſame Manner as by the ſaid former Act is directed; and the Landlord and Landlords, both mediate and immediate, according to their reſpective Intereſts therein, are hereby required to allow ſuch Deduction and Payment accordingly: But ſuch Landlord or Landlords ſhall be intitled to the ſame Powers with reſpect to ſuch Deductions and Payments as are mentioned and contained in the ſaid former Act; any Thing herein-before contained to the Contrary notwithſtanding.

In caſe Lands are untenanted,

XI. Provided always, That in caſe any of the ſaid Lands and Grounds ſhall, at any Time after the paſſing of this Act, be unoccupied, and no Diſtreſs can be found, by reaſon whereof the Sums of Money ſo aſſeſſed, taxed, and charged thereon, cannot be raiſed; then, and in ſuch Caſe, the Rate or Tax, and the Arrears thereof, ſo due, and to become due, by virtue of this Act, or the ſaid former Act, ſhall remain a Charge upon the ſaid Lands and Grounds until the ſame ſhall be occupied; and when and ſo ſoon as the ſame ſhall be ſo occupied, it ſhall and may be lawful for ſuch reſpective Collector or Collectors, Receiver or Receivers, for the Time being, or for any other Perſon or Perſons, by virtue of ſuch Warrant or Precept, as aforeſaid, to enter into and upon the ſaid Fen Lands and Low Grounds, and diſtrain for ſuch Taxes, and the Arrears thereof, when there ſhall be any Diſtreſs thereon to be found, in whoſeſoever Poſſeſſion ſuch Fen Lands or Low Grounds ſhall happen to come or be, and the Diſtreſs and Diſtreſſes there found to ſell, as in Manner herein-before and in the ſaid former Act is directed.

Tax to remain a Charge thereon,

and to be entered and diſtrained on at any future Time when tenanted.

XII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Commiſſioners of the ſaid Second Diſtrict, or any Seven or more of them, to borrow, take up, and receive, any Sum or Sums of Money that they ſhall think proper, upon the Credit of the ſaid Rate or Tax of One Shilling an Acre, charged by the ſaid former Act; and alſo from and after the Commencement of the ſaid Rate or Tax of One Shilling and Sixpence an Acre, to be charged upon the Lands and Grounds within the ſaid Second Diſtrict, by virtue of this Act, to borrow, take up, and receive, upon the Credit of the ſaid Rate or Tax of One Shilling and Sixpence an Acre, and, by Writing, without Stamp, under the Hands and Seals of any Seven or more of the ſaid Commiſſioners, to mortgage, charge, aſſign, convey, or incumber, the ſaid Rates and Taxes, or any Part or Proportion of ſuch Rates and Taxes, with and for the Repayment of the Sums ſo borrowed, with ſuch Intereſt, at ſuch Times, and with ſuch Proviſoes and Conditions of Redemption, as ſhall be agreed upon; and it ſhall be particularly ſet forth in every ſuch Aſſignment which of the ſaid Rates or Taxes ſhall be charged with the Payment of the Monies ſo reſpectively borrowed.

Clauſe for borrowing Money.

XIII. Provided always, and be it enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, in anywiſe to affect, impeach, or leſſen, any Right or Priority of Claim, which any Perſon or Perſons who have advanced any Money upon the Credit of any former Acts, in which any Rate, Tax, or Aſſeſſment, has been laid upon the Lands to be taxed by virtue of this Act, now have upon ſuch Lands in reſpect of ſuch Money ſo advanced; but that the ſaid Lands ſhall, in the Firſt Place, be liable to the Rates and Taxes charged by the ſaid former Acts, and to the Money borrowed thereon; any Thing in this Act to the Contrary notwithſtanding.

Not to affect the Creditors under the former Acts.

XIV. Provided always, and be it enacted, That no more than the Sum of One thouſand Pounds ſhall be borrowed or owing, at any One Time, on the Credit or Security of the ſaid Rate or Tax of One Shilling an Acre, charged by the ſaid former Act on the Lands and Grounds lying within the ſaid Second Diſtrict; and that no more than the Sum of One thouſand five hundred Pounds ſhall be borrowed or owing, at any One Time, on the Credit or Security of the ſaid Rate or Tax of One Shilling and Sixpence an Acre, charged by virtue of this Act upon the ſaid Second Diſtrict; and that the ſaid Rate or Tax of One Shilling an Acre, laid by the ſaid former Act, and the ſaid Rate or Tax of One Shilling and Sixpence an Acre, charged by this Act, upon the Lands and Grounds within the ſaid Diſtrict or Diviſion, ſhall not, during the Time any principal Monies or Intereſt ſhall be due on the ſeveral Securities thereof, be leſs in any One Year than the ſeveral Sums charged upon the ſaid Diſtrict by the ſaid former Act and by this Act reſpectively.

What Sums may be borrowed.

XV. And be it further enacted, That the ſaid Mortgages and Securities, ſo to be made by the ſaid Commiſſioners of the ſaid ſeveral and reſpective Rates and Taxes ariſing within the ſaid Diſtrict, ſhall and may be aſſignable or tranſferrable by Indorſement on the original Grant or Security thereof made, or otherwiſe, without Stamp, to any Perſon or Perſons whomſoever; and the Perſon or Perſons to whom ſuch Aſſignment or Transfer ſhall be made, ſhall and may, from and after the Time that the ſame is entered in a Book, to be kept for that Purpoſe, be well and ſufficiently intitled to ſuch Mortgage Monies and Intereſt, and all the Monies due and to grow due thereon; which Entries are hereby required to be made on Requeſt, and producing ſuch Aſſignment, and paying Two Shillings and Sixpence for every ſuch Entry; and ſuch Aſſignee and Aſſignees ſhall and may, in like Manner, by Indorſement, or otherwiſe, without Stamp, aſſign and make over ſuch Mortgage or Mortgages, and Securities, ſo aſſigned as aforeſaid, and ſo toties quoties, as Occaſion may require, every ſuch Aſſignment or Transfer being entered in ſuch Book as aforeſaid.

Writings may be without Stamps.

Perſons poſſeſſed of Aſſignments intitled to Mortgage Monies and Intereſt.

XVI. Provided always, and be it enacted, That the ſaid Rate or Tax of One Shilling an Acre, charged on the ſaid Diſtrict by the ſaid former Act, and the ſaid Rate of One Shilling and Sixpence an Acre, charged by virtue of this Act, ſhall be reſpectively chargeable with the Payment of the principal Money ſo to be borrowed by the ſaid Commiſſioners, and the Intereſt thereof, and ſhall veſt in the Creditors of the ſaid reſpective Rates or Taxes upon which the ſame ſhall be ſo borrowed; and, upon Default of Payment of ſuch principal Money and Intereſt, and until the ſame, and every Part thereof, ſhall be fully ſatisfied and paid, together with the Coſts and Charges occaſioned by the Nonpayment thereof, the ſaid Creditors, their Executors, Adminiſtrators, and

Former Tax of 1 *s. per* Acre, and the preſent Tax of 1 *s.* 6 *d. per* Acre, ſubject to Debts.

and Aſſigns reſpectively, ſhall have the ſame Powers, Rights, and Privileges, of aſſeſſing, raiſing, and recovering, the reſpective Rates and Taxes payable by the ſeveral Owners and Occupiers of the ſeveral Lands and Grounds within the ſaid Diſtrict, for or in reſpect of ſuch principal Money and Intereſt, in caſe of Default of Payment thereof, as the ſaid Commiſſioners, and their Collectors and Receivers, could have had, in caſe ſuch principal Money and Intereſt had been regularly and fully paid and ſatiſfied.

Application of the 1000 *l.* to be borrowed on the 1 *s. per* Acre, charged by the former Act.

XVII. And be it enacted by the Authority aforeſaid, That the ſaid principal Sum of One thouſand Pounds, ſo to be raiſed, borrowed, or received, by the ſaid Commiſſioners, upon the Credit of the ſaid Rate or Tax of One Shilling per Acre, ſo charged upon the ſaid Diſtrict by virtue of the ſaid former Act, or ſo much thereof as the ſaid Commiſſioners ſhall find requiſite, ſhall be raiſed, paid, and applied, by the ſaid Commiſſioners, for and towards paying and defraying the Charges of this preſent Act; and the Reſidue of the ſaid Sum of One thouſand Pounds, ſo to be raiſed, borrowed, or received, by the ſaid Commiſſioners, upon the Credit of the ſaid Rate or Tax of One Shilling an Acre, ſo charged by the ſaid former Act, ſhall be paid, applied, and diſpoſed of, by the ſaid Commiſſioners, and their Succeſſors, for and towards the Works of the ſaid Diſtrict, in ſuch Manner as the ſaid Commiſſioners, or any Five or more of them, ſhall direct, order, and appoint the ſame, and to and for no other Uſe, Intent, or Purpoſe whatſoever.

Proceedings to be entered in Books.

XVIII. And be it enacted by the Authority aforeſaid, That all Orders and Proceedings of the ſaid Commiſſioners, at any Meeting to be held for the ſaid Diſtrict by virtue of the ſaid former Act, or of this Act, ſhall be entered in Books, to be provided and kept for that Purpoſe, and ſhall be ſigned by Five or more of the ſaid Commiſſioners, ſo aſſembled at ſuch Meeting, and being ſo ſigned, ſhall be deemed and taken to be original Orders; and all ſuch Books, and alſo the Books hereby directed to be kept for regiſtering the Securities, Aſſignments, and Tranſfers, ſhall and may be read in Evidence on all Trials at Law of any Suits or Actions touching any Thing done in relation to, or in purſuance of, this Act, or of the ſaid former Act: And that no Order which ſhall be made by the ſaid Commiſſioners of the ſaid Second Diſtrict, or any Five or more of them, at any of their Meetings to be held by virtue of this Act, or of the ſaid former Act, ſhall be altered, reverſed, annulled, or made void, at any ſubſequent Meeting, unleſs Notice in Writing, ſigned by Three of the ſaid Commiſſioners, be delivered to all the Commiſſioners of the ſaid Second Diſtrict, ſignifying for what Purpoſe ſuch Meeting is intended to be held, Seven Days before ſuch ſubſequent Meeting, and affixed on the Market Croſs and Church Door of Saint Mary's Church in Whittleſea, in the Iſle of Ely, and the Dog in the Doublet's Sluice, on the North Bank of Moreton's Leam; at which Meeting no leſs Number than Seven of the ſaid Commiſſioners ſhall be preſent, and Five of ſuch Commiſſioners ſhall be aſſenting to the the Reverſal of ſuch former Order.

Orders not to be without Notice.

Engines and Mills to be inſured.

XIX. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners for the ſaid Diſtrict, or any Five or more of them, ſhall cauſe all and every the Engines and Mills already erected by virtue of the ſaid former Act, or which ſhall be erected and employed by virtue of this Act, to be inſured againſt Fire in ſome of the publick Inſurance Offices; and, from Time to Time, to pay the Expence attending ſuch Inſurance out of the Monies ariſing out of the ſaid former Act, or this Act.

Mole Catching.

XX. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, may, and they are hereby impowered, out of the Monies ariſing in or upon the ſaid Diſtrict by virtue of this Act, or of the ſaid former Act, to make ſuch Allowance for catching or deſtroying Moles, or other Vermin, in the Banks and Lands belonging to or in the ſaid Diſtrict, as they the ſaid Commiſſioners, or any Five or more of them, ſhall think proper.

No Houſes or Buildings to be erected within 40 Poles of the Mills or Engines

Penalty for offending.

XXI. Provided always, and be it enacted, That from and after the paſſing of this Act, no Houſes or Buildings ſhall be erected within the ſaid Diſtrict, or any other Obſtruction whatſoever laid or placed, (except Stacks of Corn or Hay in Yards already laid out for that Purpoſe), or Trees or Holts planted in the ſaid Diſtrict, within Forty Poles, being the Pole of Eighteen Feet, of any Mill or Engine already built, erected, or employed, for draining the Fen Lands and Low Grounds within the ſaid Diſtrict: And if any Perſon or Perſons ſhall build or erect any Houſe, Barn, or other Building, or ſhall plant any Tree or Holt, or place, lay, or put, any other Obſtruction in the ſaid Diſtrict, within any leſs Diſtance than Forty Poles of any ſuch Mill or Engine, or ſhall plant any Tree or Holt, upon any of the Banks of the ſaid Diſtrict, or within Ten Feet of the ſaid Banks, every ſuch Perſon ſhall forfeit and pay, for every ſuch Houſe and Building, the Sum of One hundred Pounds; One Moiety thereof to be paid to the Perſon ſo ſuing for the ſame, and the other Moiety to be paid to the Receiver or Collector for the Time being for ſuch Diſtrict, as the Caſe ſhall happen; ſuch Penalty, Compenſation, and Satiſfaction, to be recovered, together with Double Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, in which no Eſſoin, Protection, Privilege, Wager of Law, or more than One Imparlance, ſhall be allowed; and for every Tree the Sum of One Shilling, and Five Pounds for every Holt or other Obſtruction, ſo planted or laid, as aforeſaid, within the ſaid Diſtrict: Which ſaid Penalties of One

Shilling and Five Pounds, ſhall and may be recovered by Diſtreſs and Sale of the Offenders Goods and Chattels within the ſaid Diſtrict, by Warrant under the Hand and Seal of any Juſtice of the Peace of the Iſle of Ely, or Counties of Huntingdon or Northampton, (not intereſted in the Premiſes), upon Conviction of the Party ſo offending before ſuch Juſtice, which Warrant ſuch Juſtice is hereby impowered to iſſue; and the ſaid Commiſſioners, or any Five or more of them, are hereby impowered, at any of their Meetings, by an Order under the Hands and Seals of any Five or more of them, to order their Agents or Servants to take down ſuch Buildings ſo erected, and to pull up and remove ſuch Trees, Holts, and other Obſtructions, ſo placed contrary to this Act.

Owners to fill up their Soak Dikes and Soak Gripples.

XXII. And be it further enacted by the Authority aforeſaid, That in caſe the Owners or Occupiers of the ſaid Fen Lands and Low Grounds within the ſaid Second Diſtrict ſhall, for Sixty Days after the paſſing of this Act, neglect or refuſe to fill up their ſeveral Soak Dikes and Soak Gripples, already cut next the ſeveral Banks within the the ſaid Second Diſtrict at a leſs Diſtance from the ſaid Banks than Sixty Feet from the ſame, or ſhall neglect or refuſe to make proper Soak Dikes and Soak Gripples at the full Diſtance of Sixty Feet from ſuch Banks; then, and in either of the ſaid Caſes, it ſhall and may be lawful for the Commiſſioners of the ſaid former Act, or of this Act, or any Five or more of them, to order their Surveyor to give Notice to ſuch Perſon or Perſons ſo neglecting or refuſing, that unleſs the ſame are filled up, or new Soak Dikes or Soak Gripples cut, as the Caſe ſhall be, purſuant to ſuch Notice, that then the ſame will be filled up, and others cut, in Manner aforeſaid; and in caſe the Perſon or Perſons ſhall, after receiving ſuch Notice, neglect or refuſe to fill up, make, and cut the ſame, it ſhall and may be lawful for the Commiſſioners of this Act, or of the ſaid former Act, or any Five or more of them, to order the Surveyor of the ſaid Second Diſtrict to fill up, or make and cut the ſame, as the Caſe ſhall be, in ſuch Manner as they ſhall think proper; and that the Charges of filling up ſuch Soak Dikes or Soak Gripples, or of making and cutting others in lieu thereof, ſhall be borne and paid by the Perſon or Perſons ſo neglecting or refuſing, and be recovered by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing, in ſuch and the ſame Manner as the Rates and Taxes by this Act are herein-before directed to be recovered.

Commiſſioners may remove Trees or Holts making Satiſfaction to Owners.

XXIII. Provided always, and it is hereby enacted, That if any Trees or Holts are now growing in the ſaid Second Diſtrict, within the Diſtance of Forty Poles from any Mill or Engine already built, or hereafter to be built, within the ſaid Diſtrict, or upon any of the Banks within the ſaid Diſtrict, or within Ten Feet of ſuch Banks, it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, by a like Order under their Hands and Seals, to order the ſame to be taken up, or pulled down, as if the ſame had been planted ſince the paſſing of this Act, making ſuch Satiſfaction out of the Monies ariſing by virtue of this or the ſaid former Act to the Owner or Owners of ſuch Trees or Holts as ſhall be agreed upon between ſuch Owners and the ſaid Commiſſioners; and in caſe any Difference or Diſpute ſhall ariſe between the Commiſſioners and ſuch Owner, touching ſuch Satiſfaction, and the ſame cannot be ſettled between them, then ſuch Satiſfaction and Recompence ſhall be finally ſettled and determined by Two Juſtices of the Peace for the ſaid Iſle of Ely, (not intereſted in the Premiſes), whoſe Determination ſhall be final to all Parties.

Diſtreſs not unlawful for want of Form.

XXIV. And be it further enacted by the Authority aforeſaid, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or want of Form in the Summons, Conviction, Notice, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satiſfaction for the ſpecial Damage in an Action upon the Caſe.

Recital of the Manner formerly uſed in the Navigation on the River *Nen* to the Town of *Thorney*.

XXV. And whereas the Navigation from the River *Nen* to the Town of *Thorney* had uſed, Time immemorial, to be carried on through *the Dog and Doublet Sluice*, in the North Bank of *Moreton's Leam*, along a certain Cut called *The Delph* or *Slype River*, in the ſaid Second Diſtrict of the ſaid North Level, unto a certain Bridge called *The Stone*, otherwiſe *Red Lyon Bridge*, in the ſaid Lordſhip of *Thorney*, which ſaid Sluice and *Delph* or *Slype River* have been, Time immemorial, and were the ſole Property of the moſt Noble *John* Duke of *Bedford*, and his Anceſtors, Owners of *Thorney* aforeſaid; but, ſince the paſſing of the ſaid Act of the ſaid Twenty-ſeventy Year of His late Majeſty King *George* the Second, the ſaid Navigation has been obſtructed by ſome Works made by the Commiſſioners for executing the Powers of the ſaid Act within the ſaid Second Diſtrict, and the Navigation from the ſaid River *Nen* to the Town of *Thorney* aforeſaid, has, ſince that Time, been carried along *Thorney Dike*, from *Knar Lake* to the ſaid *Stone*, otherwiſe *Red Lyon Bridge*, which is attended with great Inconvenience to the ſaid Navigation, and the draining of *Thorney* Lordſhip aforeſaid, as well as of the ſaid Second Diſtrict; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Deviſees in Truſt under the Will of the ſaid John late Duke of Bedford, and the Sur-

Duke of *Bedford's* preſent Powers under this Act.

vivor and Survivors of them, and the Executors and Adminiſtrators of ſuch Survivor, during the Minority of the Duke of Bedford for the Time being, and after his attaining the Age of Twenty-one Years, for the Duke of Bedford, his Heirs and Aſſigns, and he and they is and are hereby authoriſed and impowered to make One Pen Sluice in the ſaid Delph or Slype River next the counter Drain in the ſaid Second Diſtrict, and alſo One other Pen Sluice in the ſaid Delph or Slype River next Thorney Dike, in the ſaid Diſtrict, and to remove the Dams on the ſaid Delph or Slype River againſt the counter Drain and Thorney Dike aforeſaid; and alſo to lay a Tunnel under the ſaid Delph or Slype River where the Mill Drain now croſſes the ſame, Seven Feet below the Level of the Lands adjoining thereto, and Ten Feet wide; and alſo to ſcour out and deepen the ſaid Delph or Slype River in the ſaid Second Diſtrict, from the counter Drain to Thorney Dike aforeſaid, Four Feet below the Level of the loweſt Land adjoining to the ſame.

The Method of throwing Water out of *Thorney Dike.*

XXVI. And be it further enacted by the Authority aforeſaid, That when the Water in Thorney Dike aforeſaid, Weſtward, or above the Pointing-doors, hereafter directed to be placed in the ſaid Dike, ſhall be higher than the Level of the loweſt whole Lands in the ſaid Second Diſtrict, by any or either of the Mills or Engines in the ſaid Lordſhip of Thorney throwing the Water into the ſaid Dike Weſtward, or above the ſaid Pointing-doors, the ſaid Deviſees, and the Survivors and Survivor of them, and the Executors and Adminiſtrators of ſuch Survivor, during the Minority of the Duke of Bedford for the Time being, and afterwards the Duke of Bedford, his Heirs and Aſſigns, ſhall work One Mill or Engine ſtanding near the lower End of the ſaid Thorney Dike, to drain the Water out of the ſame, for which Purpoſe a Pair of Pointing-doors or Flood-gates ſhall be placed and kept in the ſaid Thorney Dike a little above the Place where the ſaid Mill now ſtands; and in caſe at any Time the Water in the ſaid Thorney Dike ſhall be above the Level of the loweſt whole Lands in the ſaid Second Diſtrict, by any or either of the Engines or Mills in Thorney Lordſhip throwing into the ſaid Dike, Weſtward, or above the ſaid Pointing-doors, and the ſaid Mill or Engine near the lower End of the ſame ſhall not work at the Dike to throw the Water out of the ſaid Dike, that it ſhall and may be lawful for any Five or more of the Commiſſioners appointed, or to be appointed, by virtue of this Act, or by the ſaid former Act, for the ſaid Second Diſtrict, to give Notice in Writing, under their Hands, to the Steward of the ſaid Deviſees, or of the Duke of Bedford, (ſuch Notice to be left at the Manor-houſe in Thorney aforeſaid), that the Water in the ſaid Dike, called Thorney Dike, Weſtward, or above the ſaid Pointing-doors, is higher than the Lands in the ſaid Second Diſtrict, by any or either of the Engines or Mills in Thorney Lordſhip throwing into the ſaid Dike above the ſaid Pointing-doors or Flood-gates; and in caſe the ſaid Engine or Mill, at or near the lower End of the ſaid Dike, ſhall not, after Two Days, to be computed from the Time of delivering ſuch Notices as aforeſaid, work at and throw the Water out of the ſaid Dike, it ſhall and may be lawful for the ſaid Commiſſioners, or any Perſon appointed by them, or any Five of them, in Writing under their Hands, to work the ſaid Engine or Mill for the Purpoſe aforeſaid: And, in order to enable ſuch Perſon and Perſons ſo employed by the ſaid Commiſſioners, as aforeſaid, to work the ſaid Engine for the Benefit of the ſaid Diſtrict, it ſhall and may be lawful for ſuch Perſon or Perſons to enter into and upon the ſaid Lands and Mill of the ſaid Deviſees, or of the ſaid Duke of Bedford, his Heirs or Aſſigns, by Order of the ſaid Commiſſioners, as aforeſaid, for that Purpoſe, without being liable or ſubject to any Action of Treſpaſs, or other Proſecution whatſoever, by the ſaid Deviſees, or the ſaid Duke of Bedford, his Heirs or Aſſigns, or any other Perſon or Perſons whomſoever, for ſo doing.

Commiſſioners Powers with reſpect to the Water Engine at the Bottom of *Thorney Dike.*

Commiſſioners to have Power to enter on Duke of *Bedford's* Property to work the Engines.

At what Times the Mill at the lower End of *Thorney Dike* is not to work for the Benefit of the Diſtrict.

XXVII. Provided nevertheleſs, and it is hereby enacted by the Authority aforeſaid, That if at any Time the Water in the ſaid Second Diſtrict ſhall overflow the Bank of Thorney Dike in the ſaid Second Diſtrict; or if by any Means the Water in the ſaid Second Diſtrict ſhall run into Thorney Dike aforeſaid; that then the ſaid Mill or Engine, at or near the lower End of Thorney Dike aforeſaid ſhall not work for the Benefit of throwing the Water out of the ſame, until ſuch Bank ſhall be raiſed, and the Water of the ſaid Second Diſtrict ſhall be diſtrained, ſtopped, and prevented from running into Thorney Dike aforeſaid, any Thing herein contained to the Contrary in anywiſe notwithſtanding.

The Duke of *Bedford* to have the Property of the Navigation, ſo long as he ſupports the Works thereof.

XXVIII. And be it further enacted by the Authority aforeſaid, That, during ſuch Time as the ſaid Deviſees of the ſaid John late Duke of Bedford, or the Duke of Bedford, his Heirs or Aſſigns for the Time being, ſhall make, erect, uphold, maintain, repair, and ſupport, the ſaid Delph or Slype River, Sluices, Tunnel, Mill, or Engine, and Doors or Flood-gates, as aforeſaid, at his and their Expence, in Manner before mentioned, it ſhall and may be lawful for the ſaid Deviſees, and the Survivors and Survivor of them, and the Executors and Adminiſtrators of ſuch Survivor, during the Minority of the Duke of Bedford for the Time being, and afterwards for the Duke of Bedford, his Heirs and Aſſigns, to have the Uſe and Diſpoſal of the ſaid Navigation, from the River Nen, through the Dog and Doublet Sluice aforeſaid, along the ſaid Delph or Slype River, to Thorney aforeſaid; together with all ſuch Rights, Powers, and Authorities, in and over the ſaid Sluices, Delph or Slype River, and the Sides thereof, and the Navigation in, through, and along the ſame, as have at any Time heretofore been had, uſed, exerciſed, and enjoyed, by the ſaid John Duke of Bedford, deceaſed, or Wriotheſly, late Duke of Bedford, deceaſed, or by any of their Anceſtors; any Thing contained in the ſaid recited Act of the Twenty-ſeventh Year of King George the Second to the Contrary thereof in any-wiſe notwithſtanding: But in caſe the ſaid Works, or any of them, ſhall at any Time or Times hereafter be out of Repair, and the Lands in the ſaid Second Diſtrict be endangered thereby, it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, to give Notice in Writing, at the Manor-houſe in Thorney aforeſaid, to the Steward of the ſaid Deviſees, or the Survivor of them, or to the Duke of Bedford, his Heirs or Aſſigns, that ſuch Works, or any of them, are out of Repair, ſpecifying in ſuch Notice what Part of ſuch Works are out of Repair; and that if the Repairs thereof are not ſet about within Six Days after ſuch Notice, it ſhall be lawful for the Officer to the ſaid Commiſſioners for the ſaid Second Diſtrict, by an Order in Writing under the Hands of the ſaid Commiſſioners, or any Five or more of them, to lock up the Sluices in the ſaid Second Diſtrict, until ſuch Works ſhall be repaired; and in no other Caſe it ſhall be lawful for the ſaid Commiſſioners, or any other Perſon or Perſons acting under them, to intermeddle, or uſe any Authority, in or over the ſaid Navigation, or any of the Works to be made upon the ſame, or in Thorney Dike, or either of them.

Works of the Navigation how to be prevented from Damage.

XXIX. And, for preventing the damming up, ſtopping, throwing down, demoliſhing, deſtroying, or damaging, the ſaid *Delph* or *Slype River*, or the Sides thereof, and the ſaid Tunnel, Sluices, Pointing-doors, or Flood-gates, herein-before directed to be made, kept, and preſerved, for the Benefit of the ſaid Navigation, and the draining *Thorney Dike*, as aforeſaid, it is hereby enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, at any Time hereafter, wilfully or maliciouſly dam up, cut, break down, demoliſh, damage, or deſtroy, any of the Works in the ſaid Delph or Slype River, or the Sides thereof, or the ſaid Tunnel, Sluices, Pointing-doors, Flood-gates, or other Works, made, or hereafter to be made, for the Benefit of the ſaid Navigation, and draining Thorney Dike aforeſaid; every Perſon ſo offending, being thereof lawfully convicted before One or more Juſtice or Juſtices of the Peace for the Iſle of Ely aforeſaid, not intereſted in the Premiſes, who are hereby required to hear and determine the ſame on the Oath of One or more credible Witneſs or Witneſſes, or Confeſſion of the Party or Parties ſo offending, ſhall forfeit and pay, for every ſuch Offence, the Sum of Twenty Pounds to the ſaid Deviſees, their Executors and Adminiſtrators, during the Minority of the Duke of Bedford, and afterwards to the Duke of Bedford, his Heirs and Aſſigns; and in Default of ſuch Payment, the ſame ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of all and every ſuch Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of the ſaid Juſtice or Juſtices before whom ſuch Conviction ſhall be made; and in Default of ſuch Payment, or Diſtreſs, the Perſon or Perſons ſo offending ſhall be ſent by the ſaid Juſtice or Juſtices to the Houſe of Correction of the Iſle of Ely aforeſaid, there to be kept to hard Labour for ſuch Time as ſuch Juſtice or Juſtices ſhall order and direct, not exceeding Six Calendar Months, nor leſs than Three Calendar Months.

Conviction of Offenders to be drawn up in the following Form:

XXX. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, and the ſaid former Act, be it further enacted, That all and every the Juſtice and Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, or the ſaid former Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the ſame Effect, as the Caſe ſhall happen, (videlicet:)

The Form.

BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majeſty's Juſtices of the Peace for the *Iſle of Ely*, either on his own Confeſſion, or on the Oath of One or more credible Witneſs or Witneſſes, (*as the Caſe ſhall be*), by virtue of an Act, made in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For amending and rendering more effectual an Act, made in the Twenty-ſeventh Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for diſcharging the Corporation of the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, commonly called* Bedford Level, *from a Debt due to the Duke of* Bedford, *and Earl of* Lincoln; *and for enabling the Proprietors of Lands in the* North Level, *Part of the ſaid Great Level, to raiſe Money to diſcharge the Proportion of the ſaid* North Level *in the Debts of the ſaid Corporation; and for aſcertaining and appropriating the Taxes to be laid on the ſaid* North Level; *and for the more effectual draining and preſerving the ſaid* North Level, *and divers Lands adjoining thereto, in the Manor of* Crowland; ſo far as the ſame relates to the ſeveral Fen Lands lying in the Second Diſtrict in the ſaid Act deſcribed;" [*ſpecifying the Offence, and Time and Place when and where the ſame was committed, as the Caſe ſhall be.*]

Given under my Hand and Seal, the Day and Year above written.

Limitation of Actions.

XXXI. Provided always, and be it enacted, That if any Action, Suit, or Information, ſhall be commenced or proſecuted againſt any Perſon or Perſons, for any Thing done, or to be done, in purſuance of this Act, or in Execution of any of the Powers or Authorities hereby given, every ſuch Action, Suit, or Information, ſhall be commenced or proſecuted within Twelve Calendar Months next after the Fact committed, and not afterwards; and ſhall be laid or brought in the Counties of Cambridge, Huntingdon, or Northampton, or in the Iſle of Ely, or One of them, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, not Guilty; and if in Replevin, may juſtify and avow, by virtue of this Act, as Perſons acting under and by Authority of Commiſſioners of Sewers are intitled to do, and give this Act, and the Special Matter, in Evidence, without ſpecially pleading the ſame, other than as aforeſaid, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought in any other County or Juriſdiction, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs ſhall become nonſuit, or forbear Proſecution, or diſcontinue his, her, or their Suit or Suits; or if any Judgement ſhall be given againſt him, her, or them, upon Demurrer, or otherwiſe; then, or in any of the ſaid Caſes, the Defendant or Defendants, Avowant or Avowants, ſhall recover Double Coſts, for which he, ſhe, or they, ſhall have the like Remedy as where Coſts by Law are awarded.

General Iſſue.

Double Coſts.

This Act not to alter the former Act.

XXXII. Provided always, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to repeal, alter, or take away, any of the Clauſes, Powers, and Authorities, given by the ſaid former Act to the Commiſſioners acting by virtue and in purſuance thereof; but that every Clauſe, Power, and Authority, therein contained, ſhall remain, and be in the ſame Force and Effect, as if this Act had never been made; any Thing herein contained to the contrary thereof notwithſtanding; but that all the Clauſes, Powers, and Authorities, given by the ſaid former Act, ſo far as the ſame relate to the ſaid Second Diſtrict or Diviſion, ſhall extend, and be conſtrued to extend, to this Act, as fully and effectually as if the ſame were repeated and re-enacted in this preſent Act; ſave only and except ſuch Part or Parts thereof as are altered and taken away by virtue of this Act.

Rights of the Corporation of Bedford Level reſerved.

XXXIII. Provided always, and be it enacted, That all and every the Rights, Powers, Juriſdictions, and Authorities, ſhall be ſaved and reſerved unto the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, called Bedford Level, and their Succeſſors, and to all and every other Perſon and Perſons, his, her, and their Heirs, Executors, and Adminiſtrators, now veſted in and enjoyed by them.

Publick Act.

XXXIV. And be it further enacted and declared, That this Act ſhall be deemed and allowed, in all Courts within this Kingdom, and upon all Occaſions whatſoever, to be a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Courts, Judges, and other Perſons, without ſpecially pleading the ſame.

CAP. XLI.

An Act for enabling *James Cox*, Jeweller, to diſpoſe of his Muſæum, commonly called *Cox's Muſæum*, by Way of Chance, in ſuch Manner as may be moſt for the Benefit of himſelf and his Creditors.

Preamble.

WHEREAS *James Cox* of *Shoe Lane*, in the City of *London*, Jeweller, hath, in the Proſecution of his Trade, invented ſeveral Mechanical Pieces of uncommon and expenſive Workmanſhip; in the Conſtruction of which, Employment has been afforded to Numbers of ingenious and induſtrious Artiſts and Workmen; and many of the ſaid Pieces have, for ſeveral Years paſt, been diſpoſed of in Foreign Countries, much to the Honour as well as Advantage of this Kingdom: And whereas the ſaid *James Cox* hath, with great Labour, Ingenuity, and Expence, contrived and brought to Perfection other Pieces compoſing the Muſæum, commonly called *Cox's Muſæum*, which were originally intended to be diſpoſed of in the *Eaſt Indies*, as many other Pieces of the like Kind, invented by the ſaid *James Cox*, to the Amount of near Six hundred thouſand Pounds, have already been: And whereas the ſaid *James Cox* hath neceſſarily contracted large Debts in completing the ſaid Muſæum; and the ſaid Muſæum, on account of the great Value and Price thereof, and alſo on account of the preſent Diſtreſs and Scarcity of Money in the *Eaſt Indies*, as well as in *Europe*, cannot eaſily be diſpoſed of in the common Way of Sale: And whereas, unleſs ſome Encouragement, under the Sanction of Parliament, be given to the ſaid *James Cox*, to enable him to diſpoſe of the ſaid Muſæum to the beſt Advantage, and by ſuch Sale to continue with Succeſs, in the Courſe of his Trade as a Jeweller, his ingenious and uſeful Endeavours, which have, for many Years paſt, found Employment for near One thouſand Workmen and Artiſts, the Debts contracted by the ſaid *James Cox* cannot ſpeedily be diſcharged, and Numbers of Artiſts and Workmen will be deprived of Employment: In order therefore that this uſeful Branch of Trade, brought to ſo much Perfection by the ſaid *James Cox*, may ſtill be carried on with Succeſs, may it pleaſe Your Majeſty, at the humble Petition of the ſaid *James Cox*, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the ſaid James Cox, his Heirs or Aſſigns, and he and they is and are hereby authoriſed and impowered, at any Time

Mr. *Cox* impowered to diſpoſe of his Muſæum.

of

or Times before the Firſt Day of January, One thouſand ſeven hundred and eighty, to ſell and diſpoſe of the ſaid Muſaeum, and the ſeveral Pieces compoſing the ſaid Muſaeum, ſpecified in the Schedule to this Act annexed, in ſuch Manner as he the ſaid James Cox, his Heirs or Aſſigns, ſhall think proper, without being liable or ſubject to any Penalty or Forfeiture impoſed by any Act or Acts of Parliament againſt any Sale or Sales by Way of Lottery, or by Lots, Tickets, Numbers, or Figures; and that ſuch Sale or Sales ſo to be made of the ſaid Muſaeum, and of the ſeveral Pieces compoſing the ſame, by the ſaid James Cox, his Heirs or Aſſigns, before the ſaid Firſt Day of January, One thouſand ſeven hundred and eighty, ſhall be good and valid, any Law or Statute to the Contrary thereof notwithſtanding.

II. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act; and be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame. Publick Act.

A SCHEDULE of the Pieces already compoſing, and of other Pieces nearly compleated, which are intended to compoſe the Muſæum, commonly called COX's MUSÆUM.

N° 1. A Horſe, Tent, and Pedeſtal, with Chimes and Mechaniſm; Eight Feet high.
2. A muſical Chime, with Mechaniſm.
3. Ditto.
4. A Pair of Bulls, with Clocks, Chimes, Mechaniſm, and Pedeſtal; Eight Feet high.
5. A Camel, with Bridge, Chime, Timepiece, and Mechaniſm.
6. A Vaſe of Flowers in Jewellery, with Timepiece, Chime, Mechaniſm, and Pedeſtal; Seven Feet high.
7. A Stag, large as Life, with Clock, Chimes, and Mechaniſm; Six Feet high.
8. A Goat, with Chimes and Mechaniſm.
9. A Cabinet of Gold and Agate, with Clock, Chimes, and Mechaniſm.
10. A Rhinoceros, with Timepiece, Muſick, and Mechaniſm.
11. An Elephant and Silver Temple, with Muſick, Mechaniſm, Clock, and Pedeſtal.
12. A large Amber Vaſe of Flowers, with Chimes, Mechaniſm, and Pedeſtal; Nine Feet high.
13. A Gardener's Boy and Vaſe, with Pine-apple, Timepiece, Muſick, Mechaniſm, and Mirrors; Fourteen Feet high.
14. An Eaſtern Sofa of Gold, with reflecting Mirrors, convex Speculums, Crimſon and Gold Seats, and ſplendid Ornaments; Fourteen Feet high.
15. A Pair of Bulls, with Clocks, Chimes, Mechaniſm. and Pedeſtal; Eight Feet high.
16. A Goat, with Chimes and Mechaniſm.
17. A very large Pot of Flowers of Jewellery, with artificial Waterworks, Chimes, Mechaniſm, and Pedeſtal; Ten Feet high.
18. A Camel, with Bridge, Chime, Timepiece, and Mechaniſm.
19. A Rock, with muſical Chimes, Mechaniſm, and Timepiece.
20. A muſical Chime, with Mechaniſm.
21. A Ditto.
22. A Goat, with Chimes and Mechaniſm.
23. An Elephant and Temple, with Muſick, Mechaniſm, Clock, and Pedeſtal.
N° 24. A Cage of Singing-birds, with muſical Chimes, Clock, and Mechaniſm, placed in a Commode of Lapis and Gold Stone, and containing a Chime of Bells, and Fountains of artificial Water; Ten Feet high.
25. A Palm Tree in a Tub of Avanturine, hooped with Jewellery, filled with Mechaniſm and muſical Chimes, with Serpents iſſuing from the Root, twining round the Tree, aſcending amongſt the Branches, and diſappearing; Ten Feet high.
26. A muſical Chime with Mechaniſm.
27. Ditto.
28. A Vaſe of Flowers in Jewellery, with Chimes, Mechaniſm, and Pedeſtal.
29. An Onyx and Gold Cabinet, with Chimes, Timepiece, and Mechaniſm.
30. A Rhinoceros and Caſtle, with Chimes, Timepiece, and Mechaniſm.
31. A muſical Clock.
32. A Stag, large as Life, on its Back a Temple, with a Three-faced Clock, Muſick, and Mechaniſm; Six Feet high.
33. A Pair of Vaſes, with Girandoles, ſupported by Turtles.
34. A muſical Chime with Mechaniſm.
35. Ditto.
36. A large Amber Vaſe of Flowers, with Chimes, Mechaniſm, and Pedeſtal; Nine Feet high.
37. A Temple of Agate, with Caſcades of artificial Water, ſtanding on a Rock, ſurrounded by a Double Gallery, triumphal Chariots moving therein, with muſical Chimes, Mechaniſm, and a large animated Elephant below the Gallery, ſtanding between Palm Trees, placed at right Angles, on an ornamented Terras. It terminates with a Star, and is Ten Feet high.
38. A Sofa of Gold, with reflecting Mirrors, convex Speculums, Crimſon and Gold Seats, and Ornaments; Twelve Feet high.
39. A Goat, with Muſick and Mechaniſm.
40. A muſical Clock, with Mechaniſm.
41. A Gardener's Boy, with Vaſe and Pine-apple, Timepiece, Mechaniſm, and Mirrors; Ten Feet high.

N°42. A muſical Chime, with Mechaniſm.

43. Ditto.

44. An Automaton Figure of a Chineſe, that plays on the Flute, with muſical Chimes and Mechaniſm, upon a Commode of Lapis and Gold Stone, which contains an Organ, and in Front artificial Waterworks, with a Water-mill and Bridge, and terminates with a ſpiral Star; Nine Feet high.

45. A Buſt of Her Imperial Majeſty the Empreſs of *Ruſſia*, with brilliant Ornaments.

46. A Pyramid of Fountains of artificial Water, with Ornaments and Embelliſhments of Gold and Jewellery, Dolphins, Dragons, Tritons, Sea Nymphs, and Ships ſailing, and Water aſcending, deſcending, and running in near Three hundred Streams; which Pyramid is fixed on a Pedeſtal of Cryſtal Rocks, Sea Horſes, and other Imitations, with Ornaments of Jewellery, placed with a Receſs of Mirrors, terminating with an irradiating Star of near Three Feet Diameter, and Fourteen Feet high.

N°47. The Chronoſcope and Obeliſk, with Pedeſtal, muſical Chimes and Mechaniſm, ſtanding within a Pavilion of Mirrors, with a Canopy of red Morocco and Gold, terminating with a Golden Eagle; Fourteen Feet high.

48. A Swan, large as Life, formed of Silver, filled with Mechaniſm, beating Time with its Beak to muſical Chimes, ſeated on artificial Water within reflecting Mirrors; under the Swan are Waterworks, terminating at the Top with a riſing Sun, upwards of Three Feet Diameter; the whole Eighteen Feet high.

49. The perpetual Motion, being a mechanical, mathematical, and philoſophical Timepiece.

50. The Throne of Gold, Twenty Feet high, with all its Decorations, Altars, Pavilion of Velvet, and Band of mechanical Muſick.

CAP. XLII.

An Act for amending, lighting, and watching, the Highways or Roads within the Town, Village, or Chapelry, of *Peterſham*, in the County of *Surrey*.

Preamble.

WHEREAS the Highways or Roads within the Town and Village, or Chapelry, of *Peterſham*, in the County of *Surrey*, are in a ruinous Condition, and incommodious to Paſſengers, and it would be of great Benefit and Convenience to the Inhabitants of the ſaid Town, Village, or Chapelry, and to all other Perſons having Occaſion to make uſe of the ſaid Roads, if ſome more effectual Means were provided for amending and keeping the ſaid Highways or Roads in good Repair; and if proper Proviſion was made for lighting the ſame; and for eſtabliſhing a regular Nightly Watch for the Protection of the Inhabitants: And whereas the Inhabitants and Owners of Eſtates within the ſaid Town, Village, or Chapelry, are willing and deſirous that a Rate ſhould be raiſed upon themſelves, to defray the Charge of amending, lighting, and watching, the ſaid Roads; but the ſame cannot be made, and the ſeveral good Purpoſes aforeſaid effected, without the Aid of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable Stanhope, commonly called Lord Peterſham, the Right Honourable Graham, commonly called Lord Graham, Sir James Cockburn Baronet, John Crank, William Crank, Joſeph Davis, William Ducket, Robert Goſling, Thomas Hotchkin, Richard Halliday, George Long, Stephen Long, Brice Lambert, William Newark, Ord, Sir Joſhua Reynolds, Joſhua Rowley, the Honourable Charles Townſhend, the Honourable William Townſhend, all ſuch Juſtices of the Peace for the County of Surrey for the Time being as reſide within the ſaid Town and Village, or Chapelry, of Peterſham, and the Miniſter and Chapelwarden of the ſaid Town and Village, or Chapelry, of Peterſham, for the Time being; ſhall be, and they are hereby appointed Truſtees for amending and keeping the ſaid Highways and Roads in Repair, and for cauſing the ſaid Roads to be lighted and watched in the Night-time, and for putting this Act, and the ſeveral Powers and Authorities herein-after contained, into Execution:

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ion of ruſtees.

And when any of the ſaid Truſtees herein named, or hereafter to be elected, ſhall die, reſign, or refuſe to act, or ſhall remove from the ſaid Town, Village, or Chapelry, of Peterſham, or ſhall be diſqualified to act, it ſhall and may be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, at any of their Meetings, in either of the ſaid Caſes, from Time to Time, to elect and appoint One other fit Perſon reſiding in the ſaid Town, Village, or Chapelry, to be a Truſtee, in the Stead of every ſuch Truſtee ſo deceaſed, reſigning, refuſing to act, removing, or being diſqualified, as aforeſaid; and every ſuch Perſon ſo from Time to Time elected and appointed, ſhall be joined with the ſurviving or remaining Truſtees, and is hereby impowered to act to all Intents and Purpoſes, in as full and ample Manner as if ſuch Perſon had been particularly named and appointed in this Act.

II. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, are hereby authoriſed and impowered to meet at the Plough and Harrow in Peterſham, on the Second Monday next after the paſſing of this Act, and ſhall proceed to the Execution of this Act; and ſhall then, and from Time to Time afterwards, adjourn themſelves, and meet there, or at ſuch Place or Places within the ſaid Town, Village, or Chapelry, of Peterſham, as the ſaid Truſtees, or any Five or more of them, ſhall think moſt convenient, as often as it ſhall be neceſſary for putting this Act in Execution.

Qualifications of Truſtees.

III. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in any Caſe in the Execution of this Act, unleſs at the Time of his acting therein he ſhall be ſeiſed in his own Right, or in the Right of his Wife, and be in the actual Poſſeſſion or Receipt of Rents and Profits of a real Eſtate in Law or Equity, of the clear yearly Value of Five Pounds above Reprizes; or unleſs ſuch Perſon ſhall rent or occupy Lands, Tenements, and Hereditaments, within the ſaid Town, Village, or Chapelry, of the yearly Value of Sixteen Pounds: And if any Perſon or Perſons, hereby made incapable to act, ſhall preſume to act in the Truſt aforeſaid, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Twenty Pounds; to be recovered in any of His Majeſty's Courts of Record at Weſtminſter; and every Perſon ſo proſecuted, or againſt whom ſuch Action ſhall be brought, ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof given on the Part of the Plaintiff or Plaintiffs in ſuch Action than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act; and the Money to be recovered in ſuch Action ſhall, after Payment of the extra Coſts and Expences attending ſuch Action, be applied to the Purpoſes of this Act.

Penalty of acting not being qualified.

Truſtees may appoint Officers.

IV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall, from Time to Time, (if they ſhall think fit), appoint a Clerk, who ſhall enter all their Proceedings in a Book or Books to be kept for that Purpoſe, and ſhall and may alſo, from Time to Time, appoint ſuch Collector or Collectors, and ſuch other Officer or Officers, as they ſhall think proper to employ in the Execution of this Act; and ſhall and may, from Time to Time, make ſuch Allowances to all ſuch Clerks, Collectors, and other Officers, for their Trouble and Attendances in the Execution of this Act, as the ſaid Truſtees, or any Five or more of them, ſhall, at any of their General Meetings, from Time to Time, think fit; and ſhall and may alſo (if they think fit) appoint a Treaſurer for the Receipt of the Money to be raiſed and collected by the ſaid Rates or Aſſeſſments to be made by virtue of this Act; and every ſuch Treaſurer ſo to be appointed is hereby directed and required to account at the End of every Three Months, (or oftener, if required), to the ſaid Truſtees, or any Five or more of them, for all Monies by him received and diſburſed by virtue of this Act, and to pay ſuch Money as upon the ſaid Account ſhall appear to be remaining in his Hands to ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall appoint to receive the ſame, to be applied to and for the ſeveral and reſpective Uſes and Purpoſes for which the ſame was levied and raiſed.

Treaſurer to account every three Months.

Treaſurer to give Security.

V. Provided always, That the ſaid Truſtees ſhall take ſuch Security from their Treaſurer and other Officers as they, or any Five or more of them, ſhall think fit; but no Salary or Allowance whatſoever ſhall be made to any Treaſurer, upon any Account or Pretence whatſoever: And that no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, ſhall be capable of holding the Place of Clerk, or any Place or Office under this Act.

Victuallers, &c. diſqualified from holding any Place of Profit.

Truſtees may make Rates.

VI. And, in order that a ſufficient Sum of Money may, from Time to Time, be raiſed for the Purpoſes of this Act, be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall and are hereby authoriſed and required to meet in the Veſtry Room of the ſaid Town, Village, or Chapelry, or in ſome convenient Place near the ſaid Roads, upon the Third Monday after the paſſing of this Act, and ſhall alſo meet annually upon the Firſt Monday next after the Feaſt of Saint John the Baptiſt, or within Seven Days afterwards, at ſuch Time and Place near the ſaid Roads as they, or any Five or more of them, ſhall think fit, Notice of the Time and Place of every ſuch annual Meeting being firſt given in the Chapel of Peterſham on the Sunday next before every ſuch Meeting; and the ſaid Truſtees, or any Five or more of them, ſhall and are hereby authoriſed and required, at their Firſt Meeting, to be held as aforeſaid, and alſo at all ſubſequent annual Meetings which ſhall be held in purſuance of this Act, to make a Pound Rate, to be equally aſſeſſed, for the amending, watching, lighting, and keeping in Repair, the ſaid Roads, and for defraying all the Charges and Expences attending the Execution of this Act, upon all and every Perſon or Perſons who do and ſhall inhabit, hold, uſe, occupy, or enjoy, any Houſe, Shop, Warehouſe, or other Building, Land, Tenement, or Hereditament, within the ſaid Town, Village, or Chapelry, of Peterſham, or on any other Perſon or Perſons who by Law is or are chargeable and aſſeſſable for and towards the Relief of the Poor, (except as hereinafter is excepted), for ſuch Sum and Sums of Money as the ſaid Truſtees, or any Five or more of them, aſſembled at their Firſt Meeting, or at any of their annual Meetings, ſhall order direct, and appoint; and the ſaid Rates or Aſſeſſments ſhall be paid Quarterly, and ſhall be ſigned by any Five of the ſaid Truſtees.

Rates not to exceed 1*s.* 6*d.* in the Pound.

VII. Provided always, That no Rate or Aſſeſſment, directed to be made as aforeſaid, ſhall exceed in the Whole the Sum of Shilling and Sixpence in the Pound, in any One Year, of the yearly Rent of ſuch Houſes, Shops, Warehouſes, or other Buildings, Lands, Tenements, or Hereditaments, as aforeſaid.

Perſons exempted from Rates.

VIII. Provided alſo, That all Perſons who occupy Tenements under the yearly Value of Six Pounds, and who ſubſiſt only by their manual Labour, and do not keep an open Shop for the Sale of Goods, Wares, and Merchandiſes, ſhall be freed and exempted from the Payment of the ſaid Rates, or any Part thereof; any Thing contained in this Act to the Contrary notwithſtanding.

Overſeers of the Poor may be Collectors.

IX. And be it further enacted, That the Overſeers of the Poor of the ſaid Town, Village, or Chapelry, for the Time being, or ſuch other Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall, by Writing under their Hands and Seals, appoint for that Purpoſe, ſhall be, and they are hereby appointed, Collectors of the ſaid Rates or Aſſeſſments to be raiſed and levied by virtue of this Act; and the ſaid Collector or Collectors is and are hereby authoriſed, impowered, and required, to collect and levy the ſame accordingly: And, for the better enabling ſuch Collector or Collectors to collect the ſaid Rates or Aſſeſſments, it ſhall and may be lawful to and for the ſaid Collector or

Collectors enabled to levy Rates.

Collectors to execute all ſuch Warrants of Diſtreſs as ſhall be granted, from Time to Time, by any Juſtice of the Peace of the ſaid County of Surrey, againſt any Perſon or Perſons neglecting or refuſing to pay the ſaid Rates or Aſſeſſments, in the ſame Manner, and as effectually to all Intents and Purpoſes, as Overſeers of the Poor, by any Law or Laws now in being can or may execute Warrants of Diſtreſs granted by Juſtices of the Peace.

Collectors to account.

X. And be it further enacted, That the ſaid Collector or Collectors, and each of them, ſhall, and he and they is and are hereby required to make up and render to the ſaid Truſtees, or any Five or more of them, at ſome publick Meeting to be held in purſuance of this Act, as often as thereunto required by the ſaid Truſtees, or any Five or more of them, a full, true, and perfect Account, in Writing, of all Monies collected and received by him or them by virtue of this Act, and of all Monies rated or aſſeſſed, and not received; and to pay over the Monies ſo by him or them collected and received, and remaining in his or their Hands, to ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, preſent at any ſuch publick Meeting, ſhall, by Writing under their Hands, appoint to receive the ſame, to be applied for repairing, lighting, and watching, the ſaid Roads, and the ſeveral other Purpoſes of this Act, according to the true Intent and Meaning hereof: And if the ſaid Collector or Collectors ſhall refuſe or neglect to give in a juſt Account, as aforeſaid, or to pay the Monies remaining in his or their Hands, in Manner as aforeſaid, he and they ſhall be ſubject and liable to ſuch and the like Puniſhment as Overſeers of the Poor are for Offences of the like Sort ſubject and liable to.

Penalty on Collecters refuſing to account.

How Rates are to be levied.

XI. And be it further enacted, That in caſe any Perſon or Perſons ſo rated or aſſeſſed, or charged or chargeable, and made liable, as aforeſaid, ſhall refuſe or neglect to pay any ſuch Rate or Aſſeſſment to the Collector or Collectors for the Space of Three Days after perſonal Demand thereof made, or Demand in Writing left at the laſt or uſual Place of Abode of ſuch Perſon or Perſons, it ſhall and may be lawful to and for any One or more Juſtice or Juſtices of the Peace acting for the ſaid County of Surrey, upon Oath, (which Oath he and they is and are hereby impowered and required to adminiſter without Fee or Reward), on ſuch Demand and Nonpayment, by Warrant under his or their Hand and Seal, or Hands and Seals, (which he and they is and are hereby impowered and required to grant), to authoriſe and direct the ſaid Collector or Collectors to levy ſuch Rate or Money ſo in arrear, together with the Coſts and Charges attending the ſame, to be aſcertained by ſuch Juſtice or Juſtices, by Diſtreſs and Sale of the Goods and Chattels of every ſuch Perſon and Perſons ſo in arrear, and neglecting or refuſing to pay, as aforeſaid, rendering the Overplus (if any be) to the Owner or Owners of ſuch Goods and Chattels, on Demand thereof being made by ſuch Owner or Owners.

Diſtreſs may be followed.

XII. And, for the more effectual levying the Money rated and aſſeſſed for the ſeveral Purpoſes of this Act, be it further enacted by the Authority aforeſaid, That the Goods and Chattels of any Perſon rated or aſſeſſed as aforeſaid, and neglecting or refuſing to pay the ſame, ſhall and may be diſtrained in Manner aforeſaid, not only in the ſaid Town, Village, or Chapelry, where ſuch Rate or Aſſeſſment was made, but in any other Place in the County of Surrey; and if ſufficient Diſtreſs cannot be found within the ſame County, then, upon Oath thereof made before any One or more Juſtice or Juſtices of the Peace of any other County, City, Liberty, or Place, (which Oath ſhall be certified under the Hand of the ſaid Juſtice or Juſtices on the Warrant made for ſuch Diſtreſs), the Goods and Chattels of the ſaid Perſon ſo refuſing or neglecting to pay ſhall be ſubject and liable to ſuch Diſtreſs in ſuch other County, City, Liberty, or Place, where the ſame ſhall be found, and may, by virtue of ſuch Warrant and Certificate, be diſtrained and ſold in the ſame Manner as if the ſame had been found within the ſaid Town, Village, or Chapelry, of Peterſham.

Collectors embezzling any of the Rates, how to be recovered.

XIII. And be it further enacted, That in caſe any Collector of the ſaid Rates and Aſſeſſments ſhall embezzle, detain, or miſapply, any Sum or Sums of Money, which ſhall be ſo collected by him, ſo that the ſame cannot be recovered from him, or ſhall die poſſeſſed of any Sum or Sums of Money by him collected by virtue of this Act, and which ſhall not be paid or recovered from his Executors or Adminiſtrators for the Space of Forty Days after his Death; then, and in every ſuch Caſe, all ſuch Sums of Money ſhall be raiſed by a new Rate or Aſſeſſment, to be made for that Purpoſe, on the Inhabitants of the ſaid Town, Village, or Chapelry, and ſhall be collected and levied in ſuch Manner, and under ſuch Penalties, as are herein-before provided for the collecting and levying the Rates and Aſſeſſments which ſhall be made in purſuance of this Act; any Thing in this Act contained to the Contrary hereof notwithſtanding.

Truſtees may borrow Money not exceeding 1500*l.* &c.

XIV. And, in order that a ſufficient Sum of Money may be forthwith raiſed to defray the Expences of repairing, lighting, and watching, the ſaid Roads, be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time, to borrow any Sum or Sums of Money for the Purpoſes of this Act, not exceeding in the Whole the Sum of One thouſand five hundred Pounds, at Intereſt, not exceeding Five Pounds per Centum per Annum; and to aſſign over by Writing, ſigned by any Five or more of the ſaid Truſtees, all or any Part of the ſaid Rates or Aſſeſſments, as a Security for the Repayment of the Principal and Intereſt of the Money ſo to be borrowed; and all ſuch Securities may, from Time to Time, be aſſigned and transferred by Indorſement, or otherwiſe, without Stamps; and ſuch Aſſignments and Transfers ſhall intitle the Perſon to whom the ſame ſhall be made to all Principal and Intereſt Money due and to grow due upon ſuch Securities.

Form of Securities.

XV. And be it further enacted, That all Securities for any Money to be borrowed, as aforeſaid, ſhall be in the following Words, or Words to the following Effect;

BY virtue of an Act, made in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, *for amending, lighting, and watching, the Highways or Roads within the Town, Village, or Chapelry, of* Peterſham, *in the County of* Surrey, We or more of the Truſtees, do aſſign to *A. B.* his Executors, Adminiſtrators, and Aſſigns, in conſideration of the Sum of from this Day of in the Year of our Lord until the ſaid Sum of with Intereſt, at the Rate of *per Centum per Annum*, ſhall be repaid, ſuch Proportion of the Rates or Aſſeſſments, to be rated or aſſeſſed by virtue of the ſaid Act, between and as the ſaid Sum of ſhall bear to the whole Sum advanced on the Credit of the ſame.

Securities to be entered in Books.

Securities may be aſſigned.

And Copies of all ſuch Securities ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Truſtees; but no Money ſhall be borrowed after ſuch Firſt Meeting, unleſs Notice for that Purpoſe be given in Writing, to be affixed upon the Chapel Door of the ſaid Town, Village, or Chapelry, at leaſt Fourteen Days before the borrowing thereof: And all and every Perſon and Perſons to whom any ſuch Security or Securities ſhall be made, as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, may, from Time to Time, by Writing under his, her, or their Hand and Seal, or Hands and Seals, aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit, of the Principal and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever, by proper Words of Aſſignment to be indorſed on the Back of ſuch Security, in the Preſence of One credible Witneſs; which Transfer or Aſſignment ſhall be in the following Words, or Words to the like Effect:

Form of Aſſignment.

I DO transfer this Aſſignment, with all my Right and Title to the Principal and Intereſt thereby ſecured, unto his Executors, Adminiſtrators, and Aſſigns. In Witneſs whereof, I have hereunto ſet my Hand and Seal, this Day of

Witneſs *C. I.* *A. H.*

Aſſignments to be entered by the Clerk.

Creditors to be deemed equal in Degree.

Which ſaid Transfer or Aſſignment ſhall be produced and notified to the Clerk to the ſaid Truſtees, who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money, in a Book or Books to be kept for that Purpoſe, for which the ſaid Clerk ſhall be paid ſuch Sum as the ſaid Truſtees, or any Five or more of them, ſhall appoint, not exceeding the Sum of Two Shillings and Sixpence; and after ſuch Entry made, and not till then, ſuch Aſſignment ſhall intitle ſuch Aſſignee, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon; and every ſuch Aſſignee may, in like Manner, aſſign again, and ſo toties quoties; and it ſhall not be in the Power of the Perſon or Perſons making ſuch Aſſignment to make void, releaſe, or diſcharge, the ſame, or any Monies thereby due, or any Part thereof; and all and every Perſon and Perſons, to whom any ſuch Security or Securities ſhall be made as aforeſaid, ſhall be, in Proportion to the Sum or Sums therein mentioned, Creditors on ſuch Rates or Aſſeſſments, in equal Degree One with another, and ſhall have no Preference in reſpect to the Priority of advancing ſuch Monies, or the Dates of ſuch Aſſignments.

Money borrowed to be charged on the Rates.

XVI. And be it further enacted, That all and every the Sum and Sums of Money, ſo to be advanced and lent, and the Intereſt thereof, ſhall be, and they are hereby charged upon, and ſhall be paid and payable, from Time to Time, out of the Monies ariſing from the Rates and Aſſeſſments to be rated and aſſeſſed by virtue and for the Purpoſes of this Act; and all Perſons, who ſhall be ſo poſſeſſed of ſuch Securities ſhall be Creditors in equal Degree, without Preference in reſpect of the Priority of his, her, or their advancing the Money thereon.

Roads to be lighted and watched.

XVII. And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall and may, from Time to Time, cauſe the ſaid Highways and Roads to be lighted, for ſuch Time and Times, and in ſuch Manner, and by ſuch Ways and Means, as they, or any Five or more of them, ſhall judge proper and convenient; and ſhall and may alſo appoint ſuch Number of able-bodied Men, to be employed as Watchmen in the Night-time, for the Safety of Perſons travelling the ſaid Roads, to attend from Time to Time, and at ſuch Times and Places, and to perform ſuch Duty, as the ſaid Truſtees, or any Five or more of them, ſhall order, direct, and appoint; and ſhall and may remove all ſuch Watchmen, from Time to Time, as they ſhall ſee Cauſe, and appoint others in the Room of ſuch of them as ſhall be ſo removed; and ſhall and may apply ſo much of the ſaid Rates or Aſſeſſments, or of the Money to be borrowed or raiſed on the Credit thereof, as ſhall be neceſſary for the ſeveral Purpoſes aforeſaid.

How Perſons wilfully breaking Lamps, &c. may be proſecuted.

XVIII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully break, throw down, or damage, any of the Lamps that ſhall be ſet up for lighting the ſaid Highways and Roads, or ſhall wilfully extinguiſh the Light or Lights within the ſame, or damage the Irons, or other Furniture thereof, or ſhall pull up, break down, carry away, injure, or damage, any Poſts, Rails, or other Fences, already erected or ſet up, or which may hereafter be erected or ſet up, for the fencing any Pit or other Place, either within the ſaid Town, Village, or Chapelry, of Peterſham, or in any other Place or Places where by this Act the Truſtees are impowered to take Gravel, or other Materials, for repairing any of the Roads aforeſaid, or for any other Purpoſe, it ſhall and may be lawful to and for any Perſon or Perſons whomſoever, who ſhall ſee ſuch Offence committed, to ſeize, as alſo for any other Perſon or Perſons to aſſiſt in ſeizing the Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to convey him, her, or them, or to deliver him, her, or them, into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid County of Surrey; and ſuch Juſtice ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear, or be produced, to give Information touching ſuch Offence, which Oath the ſaid Juſtice is hereby authoriſed and required to adminiſter; and if the Party or Parties accuſed ſhall be convicted of all or any of the Offences aforeſaid, either by his, her, or their own Confeſſion, or upon ſuch Information as aforeſaid, he, ſhe, or they, ſo convicted, ſhall forfeit and pay for every ſuch Offence, to the Truſtees for the Time being, the Sum of Twenty Shillings, and moreover, ſhall make Satiſfaction to the ſaid Truſtees, or to ſuch Perſons as they, or any Five or more of them, ſhall appoint to receive the ſame, for the Damage ſo by him, her, or them done, as aforeſaid; and in caſe ſuch Offender or Offenders ſhall not, upon Conviction, pay ſuch Forfeiture, and make ſuch Satiſfaction, as aforeſaid, ſuch Juſtice is hereby required to commit him, her, or them, to the Bridewell for the ſaid County, ſituate in the Town of Kingſton upon Thames, in the County of Surrey, there to be kept to hard Labour for any Space of Time not exceeding One Calendar Month; and ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he, ſhe, or they ſhall have been ſo committed, unleſs ſuch Penalty or Forfeiture, and Satiſfaction, ſhall be ſooner paid and given.

Penalty on Perſons accidentaly breaking Lamps.

XIX. And be it further enacted, That in caſe any Perſon or Perſons ſhall careleſly or accidentally break, throw down, or damage, any of the ſaid Lamps ſo to be ſet up as aforeſaid, or the Irons or other Furniture thereof, and ſhall not immediately upon Demand make Satiſfaction for the Damage done thereto; then, and in every ſuch Caſe, it ſhall and may be lawful for any One Juſtice of the Peace for the ſaid County of Surrey, upon Complaint made to him by One or more credible Perſon or Perſons, to ſummon before him the Perſon or Perſons who ſhall be complained of for doing ſuch Damage as laſt-mentioned; and upon hearing the Allegations and Proofs on both Sides, or upon the Non-appearance of the Party or Parties ſo complained of and ſummoned, to award ſuch Sum or Sums of Money, by way of Satiſfaction for ſuch Damage, as ſuch Juſtice ſhall think reaſonable; and in caſe of Neglect or Refuſal of the Party or Parties to pay ſuch Sum or Sums of Money ſo awarded within Three Days next after Demand thereof, to cauſe the ſame to be levied by Diſtreſs and Sale of his, her, or their Goods and Chattels, the Surplus, (if any), ariſing by ſuch Diſtreſs and Sale to be paid to him, her, or them.

Truſtees may contract for repairing and lighting the Roads.

XX. And, for the better carrying the Purpoſes of this Act into Execution, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, and they are hereby authoriſed and impowered, from Time to Time, if they think fit, to contract with any fit Perſon or Perſons for repairing and lighting the ſaid Roads, and for keeping the ſame in Repair; all which Contracts ſhall ſpecify the Works to be done, and the Prices to be paid for the ſame, and the Time and Times when ſuch Works ſhall be completed, and the Penalties to be ſuffered in caſe of Nonperformance thereof; and the ſame ſhall be ſigned by the ſaid Truſtees, or any Five or more of them, and by the Perſon or Perſons contracting to perform ſuch Works; and the ſaid Truſtees, or any Five or more of them, are hereby authoriſed and impowered to pay ſuch Sum or Sums of Money for ſuch reſpective Works as they ſhall ſo contract and agree for out of any of the Rates or Aſſeſſments which ſhall be made, raiſed, or collected, for that Purpoſe, by virtue of this Act.

Truſtees impowered to enforce Contracts.

XXI. And be it further enacted by the Authority aforeſaid, That in caſe any Perſon or Perſons who ſhall enter into ſuch Contract with the ſaid Truſtees, or any Five or more of them, for performing any of the Works before mentioned, and who ſhall not well and ſufficiently perform the ſame, according to the true Tenor and Meaning of ſuch Contract or Contracts, or ſhall not finiſh and complete the Work within the Time or Times that the ſame are agreed to be completed by the ſaid Contract or Contracts; that then it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, in the Name or Names of any Two or more of them, to bring an Action of Debt in any of His Majeſty's Courts of Law at Weſtminſter, or in His Majeſty's Town Court of Record holden for the Town and Liberty of Kingſton upon Thames, and Hundreds of Kingſton, Elmbridge, Copthorn, and Effingham, againſt any Perſon or Perſons ſo contracting as aforeſaid, and who ſhall neglect to perform ſuch Contract or Contracts, and for any Penalty or Penalties which ſhall be contained in any ſuch Contract or Contracts; and on proving the ſigning ſuch Contract or Contracts, and Nonperformance thereof at the Time or Times for that Purpoſe therein mentioned, the ſaid Truſtees, or any Five or more of them, ſhall be intitled to, and ſhall recover ſuch Penalty or Penalties; and the ſame, when recovered, ſhall be applied towards the Purpoſes of this Act.

Penalty on Perſons laying Dirt, Soil, &c. on the Highways.

XXII. And, in order to prevent Obſtructions, Nuiſances, and Annoyances, upon the ſaid Roads, be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall throw or lay, or permit or ſuffer to be thrown or laid, any Aſhes, Dirt, Duſt, Dung, Soil, or any other Filth or Annoyances whatſoever, or ſhall ſet out or leave, or cauſe or procure to be ſet out or left, any Carriage, Stone, Timber, Logs of Wood, Chips, Shavings, or any other Matter or Thing whatſoever, which may occaſion any Obſtruction, Annoyance, or Nuiſance whatſoever, on the ſaid Highways or Roads, or the Sides thereof, ſo as to ſtop, obſtruct, incommode, or endanger, any Perſon or Perſons travelling the ſaid Roads, either on Horſeback or in Carriages, or on Foot; every Perſon offending in any of the Caſes aforeſaid, ſhall, for every Offence, forfeit any Sum not exceeding the Sum of Forty Shillings.

Materials may be taken from private Grounds;

XXIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, and for ſuch Perſon or Perſons as ſhall be appointed or employed by them, to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials, proper for the repairing of the ſaid Roads, out of and from any waſte Grounds or Commons, Rivers, or Brooks, within the ſaid Town, Village, or Chapelry, or in any neighbouring Pariſh, Town, or Place, without paying any Thing for the ſame; the ſaid Truſtees, or other Perſons, filling up the Pits, and levelling the Ground, from whence ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and alſo that it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, or ſuch Perſon or Perſons to be appointed as aforeſaid, to dig, gather, take, and carry away, any ſuch Materials as aforeſaid, in, upon, or out of, from, and over, the Lands of any Perſon or Perſons, (not being a Yard, Garden, Park, Paddock, planted Walk, or Avenue to any Houſe, or any incloſed Grounds planted and ſet apart as a Nurſery for Trees), paying or tendering Payment of ſuch Rates for ſuch Materials, and for the Damage done to the Owners or Occupiers of ſuch Lands and Grounds where and from whence the ſame ſhall be digged, drawn, gathered, taken, and carried away, or over which the ſame, or any other Materials gotten in any waſte Ground, Common, River, or Brook, or private Grounds, ſhall be conveyed, as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable.

making Satiſfaction for the ſame.

Penalty on Perſons taking Materials from Gravel Pits opened by the Truſtees.

XXIV. And be it further enacted by the Authority aforeſaid, That if the Owner or Occupier of any Ground or Soil, or any Perſon whatſoever, ſhall take away any Materials which ſhall have been digged or gathered in any Lands, Fields, Waſtes, or Grounds, River, or Brook, for the Purpoſe of repairing the ſaid Roads, or ſhall get or take away any Materials out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting ſuch Materials for repairing the ſaid Roads, before the ſaid Truſtees, or the Perſon or Perſons by them appointed for that Purpoſe, or their Workmen, ſhall have diſcontinued working therein for the Space of Twenty-one Days, except the Owner or Occupier of any private Ground, and Perſons authoriſed by ſuch Owner or Occupier to get Materials therein for his or their own private Uſe only, and not for Sale; every Perſon ſo offending ſhall forfeit, for every ſuch Offence, any Sum not exceeding Forty Shillings.

Truſtees may make Cauſeways, &c.

XXV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and ſuch Perſon or Perſons as they ſhall appoint, ſuch Perſon or Perſons having an Order for that Purpoſe from the ſaid Truſtees, or any Five or more of them, to make Cauſeways, and alſo Ditches or Drains, in and upon the ſaid Roads, and alſo through, under, or over, any Lands or Grounds lying contiguous thereto; and to erect, rebuild, and keep in Repair, Bridges and Arches upon the ſaid Roads, or croſs any ſuch Ditch or Drain, where neceſſary, and alſo to widen any narrow Parts of the ſaid Roads, by opening, clearing, and laying into the ſame, any Lands or Grounds of any Perſon or Perſons lying contiguous thereto, (ſuch Lands or Grounds reſpectively not being the Lands or Grounds whereon any Houſe ſtands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees), making ſuch Recompence to the Owners and Occupiers of the ſaid Lands and Grounds reſpectively, for the Damages they ſhall or may thereby ſuſtain, as ſhall be judged reaſonable by the ſaid Truſtees, or any Five or more of them; but no Satisfaction ſhall be made for doing or performing any of the Works aforeſaid upon or through any common or waſte Grounds.

making Satiſfaction.

Penalty on obſtructing Officers in their Duty.

XXVI. And be it further enacted, That if any Perſon or Perſons ſhall interrupt or hinder the ſaid Truſtees, or any other Perſon or Perſons employed by them, or any of them, in the cutting, digging, taking, or carrying off, any Furze, Heath, Stones, Gravel, Chalk, Lime-ſtones, Sand, Flints, or other Materials, for the altering, widening, or repairing, the ſaid Roads, or any Part or Parts thereof, or in digging, cleanſing, or ſcouring, any Ditch, Drain, or Watercourſe, or in doing any other Act in or for the repairing, widening, or altering, the ſaid Roads, or any Part thereof, or otherwiſe in or for the Execution of the Powers by this Act given, or any of them; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Property of Materials veſted in Truſtees.

XXVII. And be it further enacted, That from and after the paſſing of this Act, the Right and Property of all Lamps, Lamp-irons, Poſts, Pales, and Rails, which ſhall be erected or fixed by virtue of this Act, and of all Materials, Implements, and other Things, to be gotten or purchaſed for repairing the ſaid Roads, and for the other Purpoſes of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Truſtees; and they, or any Five or more of them, are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Name of their Treaſurer or Clerk, or to prefer any Bill or Bills of Indictment, (as the Caſe ſhall require), againſt any Perſon or Perſons who ſhall break, ſpoil, injure, deſtroy, ſteal, take, or carry away, any of the ſaid Lamps, Lamp-irons, Poſts, Pales, and Rails, or any of the ſaid Materials, Implements, or Things, herein-before veſted in the ſaid Truſtees, or any Part or Parts thereof; and the ſaid Truſtees, or any Five or more of them, have hereby full Power and Authority to ſell and diſpoſe of all the old Materials, or any Part thereof, and the Money ariſing by ſuch Sale ſhall be applied for the Purpoſes of this Act.

Truſtees not to act but at a publick Meeting.

XXVIII. And be it further enacted, That in all Caſes where the ſaid Truſtees, or any Five or more of them, are impowered to do any Act whatſoever by virtue of this Act, the ſame ſhall be done at ſome publick Meeting of the Truſtees, to be held in purſuance of this Act, and not otherwiſe; and whenever it ſhall happen at any ſuch Meeting that there ſhall be an Equality of Votes of the ſaid Truſtees then preſent, the Chairman, in every ſuch Caſe, ſhall have the caſting Vote.

Two Truſtees may adjourn.

Provided always, That Two Truſtees ſhall be ſufficient to meet for the Purpoſe of Adjournment only: And in caſe it ſhall at any Time happen that no Adjournment of the Truſtees ſhall be made according to the Directions of this Act; that then, and in every ſuch Caſe, as often as it ſhall ſo happen, it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, to meet at any Houſe or Place within the ſaid Town, Village, or Chapelry, of Peterſham, Ten Days Notice in Writing being firſt affixed upon the Chapel Door of the ſaid Town, Village, or Chapelry, appointing the Time and Place of ſuch Meetings; and the ſaid Truſtees, or any Five or more of them, ſhall, and they are hereby authoriſed and impowered to meet purſuant to ſuch Notice, and ſhall proceed to the Execution of this Act, and afterwards from Time to Time adjourn to ſuch Time and Place as they ſhall think fit.

XXX. And

Truſtees may act as Juſtices.

XXX. And be it further enacted, That it ſhall and may be lawful for any Truſtee appointed, or to be elected, to put this Act in Execution, who is or ſhall be in the Commiſſion of the Peace for the County of Surrey, to act as a Juſtice of the Peace within his Juriſdiction, for putting in Execution the ſeveral Powers and Authorities granted by this Act, notwithſtanding his being a Truſtee.

The Expences of the Act to be paid out of the firſt Monies.

XXXI. And be it further enacted, That out of the firſt Monies ariſing by virtue of this Act, the ſaid Truſtees, or any Five or more of them, ſhall, in the firſt Place, pay and diſcharge the Charges and Expences of procuring and paſſing this Act.

Commencement and Continuance of the Act.

XXXII. And be it further enacted by the Authority aforeſaid, That this Act ſhall commence and take Place upon the Second Monday next after the paſſing of the ſaid Act; and that from and after the Commencement thereof, the Office of Surveyor of the Highways for the ſaid Town and Village, or Chapelry, of Peterſham, ſhall ceaſe and determine; any Statute or Uſage to the Contrary notwithſtanding.

Writings to be without Stamps.

XXXIII. And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Aſſignment, Transfer, or other Security, for the borrowing of Money, or other Writing whatſoever, relating to the Execution of this Act, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Penalties and Forfeitures how to be recovered and applied.

XXXIV. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed or incurred, for the Recovery and Application whereof no particular Method is already directed, ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of any Two Juſtices of the Peace for the ſaid County of Surrey; which Warrants ſuch Juſtices are hereby impowered and required to iſſue upon the Information of One or more Witneſs or Witneſſes upon Oath, which Oath ſuch Juſtices are hereby impowered and required to adminiſter without Fee or Reward; and ſuch Penalties and Forfeitures, when recovered, after rendering the Overplus (if any) upon Demand to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, the Charges of ſuch Diſtreſs and Sale being firſt deducted, ſhall go and be applied to and for ſuch of the Purpoſes of this Act, as the ſaid Truſtees, or any Five or more of them, ſhall think fit.

Perſons aggrieved may appeal to the next Seſſion.

XXXV. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall think him, her, or themſelves, aggrieved by any Rate or Aſſeſſment to be made as aforeſaid, he, ſhe, or they, ſhall, notwithſtanding, be obliged to pay ſuch Rate or Aſſeſſment; and then, upon an Appeal, either to the General Quarter Seſſions of the Peace to be holden for the ſaid County of Surrey, or the General Seſſions of the Peace to be holden for the Town and Hundred of Kingſton upon Thames aforeſaid, (except Richmond), next after the Payment of ſuch Rate or Aſſeſſment, or next after making the Diſtreſs for ſuch Rate or Aſſeſſment, it ſhall and may be lawful for the Juſtices of the Peace, or the major Part of them, then aſſembled, to cauſe ſo much Money to be returned to the Appellant or Appellants as ſhall appear to the ſaid Juſtices to have been overpaid by ſuch Appellant or Appellants reſpectively, and to make ſuch other Order therein as to them ſhall ſeem meet; which Order ſhall be final and concluſive to all Parties: And alſo if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any other Thing done in purſuance of this Act, he, ſhe, or they, may appeal as aforeſaid, within Six Calendar Months next after the Cauſe of Complaint ſhall ariſe; and it ſhall and may be lawful for the ſaid Juſtices, or the major Part of them, aſſembled in ſuch Seſſions, to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein, and award ſuch Coſts, as to them in their Diſcretion ſhall ſeem reaſonable; and by their Order or Warrant to levy the Coſts which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of every ſuch Diſtreſs and Sale; all which Determinations of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned.

Expences of this Act how to be borne.

XXXVI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, are hereby authoriſed and impowered, at any publick Meeting, from Time to Time, to appoint ſuch Perſon or Perſons as they ſhall think fit, effectually to carry on Proſecutions for Offences committed againſt this Act; and that in caſe any Action or Proſecution ſhall be commenced or proſecuted for any Offence committed againſt this Act, under the Authority and by the Direction of the ſaid Truſtees, or any Five or more of them, as aforeſaid, that then the ſaid Truſtees, or any Five or more of them, at ſome publick Meeting as aforeſaid, ſhall, out of the Monies ariſing by any Rate or Aſſeſſment to be made by virtue of this Act, or out of the Money that ſhall be borrowed upon the Credit thereof, allow and pay to the Proſecutor ſo much as the Coſts allowed by Law ſhall fall ſhort of reimburſing him his juſt and reaſonable Expences: And that if any Action, Suit, or Proſecution, Rule, or Order of Court, ſhall be brought, commenced, proſecuted, or obtained, againſt any of the ſaid Truſtees, or any of their Collectors, or other Officers, for any Thing done or acted by the Direction of the ſaid Truſtees, or any Five or more of them, as aforeſaid, in purſuance of this Act; that then, and in every ſuch Caſe, the ſaid Truſtees, or any Five or more of them, as aforeſaid, ſhall, out of the Money ariſing by any of the Rates or Aſſeſſments to be made by virtue of this Act, or out of the Money that ſhall be borrowed on the Credit thereof, allow and pay to ſuch Truſtee or Truſtees, their Collectors, or other Officers, all ſuch reaſonable Coſts, Charges, and Expences, as they, or any of them, ſhall or may ſuſtain, or be put unto, by Reaſon or Means thereof.

Proceedings not to be quaſhed for want of Form; nor removeable by *Certiorari.*

XXXVII. And be it further enacted, That no Order, Conviction, Judgement, or other Proceeding, to be had or made in purſuance of this Act, ſhall be quaſhed or vacated for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; any Law or Statute to the Contrary notwithſtanding: And when any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any want of Form in or Defect of Summons, Conviction, Notice, Warrant of Diſtreſs, or other Proceeding relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satiſfaction for the ſpecial Damages in an Action upon the Caſe.

Plaintiffs not to recover, if Tender of ſufficient Amends be made.

XXXVIII. Provided always, nevertheleſs, That no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity as aforeſaid, Treſpaſs, or other wrongful Proceeding, by virtue of this Act, if Tender of Amends ſhall be made by or on Behalf of the Party or Parties who ſhall or may commit, or cauſe to be committed, any ſuch Irregularity, Treſpaſs, or other wrongful Proceeding, before ſuch Action brought.

Limitation of Actions.

General Iſſue.

XXXIX. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be brought againſt any Perſon for any Thing done in purſuance of this Act, ſuch Action ſhall be commenced within Six Calendar Months after the Fact committed, and not afterwards, and ſhall be laid and brought in the County of Surrey, and not elſewhere; and the Defendant or Defendants, in ſuch Action or Suit, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by Authority of this Act: And if it ſhall appear to be ſo done, or if any ſuch Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or be brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their Action or Actions, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall recover Treble Coſts, and have the like Remedy for the ſame, as any Defendant or Defendants hath or have for Coſts of Suit in other Caſes by Law.

Treble Coſts.

Publick Act.

XL. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame.

C A P. XLIII.

An Act to regulate the Importation and Exportation of Corn.

Preamble.

WHEREAS the ſeveral Acts of Parliament heretofore made concerning the Duties and Bounties reſpectively payable on the Importation and Exportation of Corn and Grain have greatly tended to the Advancement of Tillage and Navigation; yet nevertheleſs, it having been of late years found neceſſary, on account of the ſmall Quantities of Corn and Grain in Hand, and of the Shortneſs of the Crops, to ſuſpend the Operation of thoſe Laws by temporary Statutes, whereby the Benefits derived from the ſaid Acts of Parliament have been, during ſuch Emergencies, withheld and ſuſpended: And whereas the regulating the Importation and Exportation of Corn and Grain by a permanent Law, under ſuch general Rules and Proviſions as might render, for the Time to come, ſuch temporary Laws unneceſſary, would afford Encouragement to the Farmer, be the Means of increaſing the Growth of that neceſſary Commodity, and of affording a cheaper and more conſtant Supply to the Poor, and preventing Abuſe in that Article of Trade; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of January, One thouſand ſeven hundred and ſeventy-four, whenever the Price of middling Britiſh Wheat, at the Ports and Places where Wheat ſhall be imported into this Kingdom, ſhall appear, according to the Methods directed by the ſeveral Acts of Parliament for aſcertaining the Rates and Prices of Corn and Grain imported, or as herein-after directed by this Act, to be at or above Forty-eight Shillings *per* Quarter; or whenever the Price of middling Britiſh Rye, Peaſe, or Beans, ſhall, in like Manner, appear reſpectively to be at or above Thirty-two Shillings *per* Quarter; or whenever the Price of middling Britiſh Barley, Beer, or Bigg, ſhall, in like Manner, appear reſpectively to be at or above Twenty-four Shillings *per* Quarter; or whenever the Price of middling Britiſh Oats ſhall, in like Manner, appear to be at or above Sixteen Shillings *per* Quarter; all Cuſtoms and Duties now payable reſpectively upon Wheat, Wheat-flour, Rye, Peaſe, Beans, Barley, Beer, Bigg, and Oats, imported into this Kingdom, ſhall reſpectively ceaſe, determine, and be no longer paid or payable during the reſpective Continuance of ſuch reſpective Prices as aforeſaid; and in lieu of the former Duties, a Duty of only Sixpence *per* Quarter ſhall be laid upon all Wheat; and a Duty of Two-pence for every Hundred Weight of Wheat-flour; and a Duty of Three-pence *per* Quarter ſhall be laid reſpectively upon all Rye, Peaſe, and Beans; and a Duty of Two-pence *per* Quarter ſhall be laid reſpectively upon all Barley, Beer, and Bigg; and a Duty of Two-pence *per* Quarter ſhall be laid upon all Oats imported into ſuch Ports and Places, during the Continuance of the Prices aforeſaid; ſuch Duties to be levied, collected, paid, and applied, in the ſame Manner as ſuch former Duties were before the making of this Act: And ſuch Wheat, Wheat-flour, Rye, Peaſe, Beans, Barley, Beer, Bigg, or Oats, may be carried Coaſtwiſe, and entered or landed in any other Ports of this Kingdom at which the Prices of middling Britiſh Corn, Grain, or Flour, are at or above the reſpective Rates aforeſaid, and aſcertained in Manner aforeſaid, and in no other, under ſuch Regulations as Wheat, Wheat-flour, Rye, Peaſe, Beans, Barley, Beer, Bigg, or Oats, of the Growth of this Kingdom, are now allowed to be carried Coaſtwiſe.

In caſe Wheat, Wheat-flour, Rye, &c. be imported, when the Duties not repealed ſhall be due, the ſame may be landed without Payment of Duties;

and warehouſed under the Joint Locks of the King and the Importer.

II. And it is hereby further enacted by the Authority aforeſaid, That in caſe any Wheat or Wheat-flour, Rye, Peaſe, Beans, Barley, Beer, Bigg, or Oats, ſhall be imported into the Ports of Briſtol, Berwick, Beaumaris, Dover, Exeter, Falmouth, Harwich, Hull, London, Lynn Regis, Lancaſter, Liverpoole, Milford, Newcaſtle, Newhaven, Poole, Southampton, Stockton, Whitehaven, Yarmouth, Ayr, Leith, Port Glaſgow, Aberdeen, Kirkwall, or any or either of them, at any Time when the Duties not repealed by this Act ſhall be due and payable for ſuch Species of Corn, Grain, or Flour reſpectively, the ſame, upon due Entry thereof, may be forthwith landed from on Board the Ship or Veſſel in which ſuch Species of Corn, Grain, or Flour, ſhall be ſo imported, in the Preſence of the proper Officer or Officers of the Cuſtoms, without Payment of the ſaid Duties: Provided, that an exact Account be taken of the Quantity thereof, and entered in a Book, to be kept by the proper Officer in the Cuſtomhouſes of the ſaid Ports reſpectively; and that ſuch Corn, Grain, or Flour, ſhall, upon landing, be immediately lodged and ſecured under the Joint Locks of the King and the Importer or Proprietor of ſuch Corn, Grain, or Flour, in ſuch Warehouſes as ſhall be for that Purpoſe provided, at the ſole Expence of the Importer or Proprietor of ſuch Corn, Grain, or Flour, with the Approbation, and under the Care and Inſpection, of the Commiſſioners of the Cuſtoms, or any Three or more of them, or the Collector and Comptroller of the Cuſtoms for the Port where ſuch Corn, Grain, or Flour, ſhall be imported, with Liberty for the Proprietor, or his Servants, to ſcreen, turn, and take ſuch other Care of the ſame, as Neceſſity ſhall require, in the Preſence of ſome Officer or Officers of the Cuſtoms, to be appointed for that Purpoſe by ſuch Commiſſioners of the Cuſtoms, or the Collector and Comptroller of the Port; and ſuch Corn, Grain, or Flour, ſhall not be delivered or taken out of any ſuch Warehouſe but upon the following Conditions; that is to ſay, If ſuch Corn, Grain, or Flour, or any Part thereof, ſhall be delivered, in order to be uſed or conſumed in this Kingdom, the Perſon or Perſons ſo taking out the ſame ſhall firſt pay down, in ready Money, ſuch Duties as ſhall at the Time of taking out ſuch Corn, Grain, or Flour, be due and payable for the like Sort of Corn, Grain, or Flour, imported into the ſame Port; and ſuch Corn, Grain, or Flour, ſhall be meaſured out from the ſaid Warehouſes, and ſhall pay the Duties by the ſtriken Buſhel, and not by the heaped Buſhel, and ſhall, in all other Reſpects, be liable to the ſame Reſtrictions and Regulations as it would have been liable to if the ſame had not been warehouſed in purſuance of this Act; and if ſuch Corn, Grain, or Flour, ſo warehouſed as aforeſaid, ſhall be delivered or taken out for Exportation to foreign Parts, the Owner or Exporter thereof, together with One other ſufficient Perſon, (to be approved of by the Collector and Comptroller of the Cuſtoms at the Port of Exportation), ſhall enter into Bond to His Majeſty, His Heirs and Succeſſors, in Treble the Amount of the full Duties which would be then due and payable for ſuch Corn, Grain, or Flour, if the ſame was conſumed in this Kingdom, with Condition that no Part of ſuch Corn, Grain, or Flour, ſhall be relanded in Great Britain, Ireland, the Iſlands of Guernſey, Jerſey, Alderney, Sark, or Man, or the Iſlands of Faro or Ferro; which Bonds ſhall be diſcharged without Fee or Reward, upon Certificate returned under the Common Seal of the Chief Magiſtrate for, or under the Hands and Seals of Two known Britiſh Merchants reſiding at, the Place where ſuch Corn, Grain, or Flour, was landed, or upon Proof by credible Perſons, that ſuch Corn, Grain, or Flour, was taken by Enemies, or periſhed in the Seas, the Examination and Proof thereof being left to the Judgement of the reſpective Commiſſioners of the Cuſtoms where ſuch Bond was given, or any Three or more of them; and if the ſaid Bond ſhall not be proſecuted within Three Years, the ſame ſhall be void.

Conditions of Delivery of ſuch Corn, Grain, or Flour.

Corn tranſported from *Ireland* may be carried back.

III. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to the prohibiting ſuch Corn, Grain, or Flour, as hath been, under the Permiſſion herein allowed, tranſported from Ireland into this Kingdom, and here warehouſed, from being again carried back to Ireland, ſubject to the like Securities and Reſtrictions in all other Reſpects as is required upon the Exportation of any other foreign Corn, Grain, or Flour.

Penalty on relanding Corn, Grain, or Flour, ſo delivered.

IV. And the better to prevent the relanding of ſuch Corn, Grain, or Flour, be it further enacted by the Authority aforeſaid, That all ſuch Corn, Grain, or Flour, ſo delivered as aforeſaid for Exportation, ſhall be exported directly from the Port where the ſame was ſo delivered, and ſhall not be removed or carried, by Land or Water, or any other Port or Place in this Kingdom; and if the ſame ſhall be ſo removed or carried, or relanded, or unſhipped to be relanded in this Kingdom, over and beſides the Forfeiture of the Bond herein-before mentioned, all ſuch Corn, Grain, or Flour, together with the Boats, Lighters, or any other Veſſels, Horſes, Carts, or other Cattle or Carriages, which ſhall be employed or made uſe of in the Removal, Carriage, or Conveyance, of ſuch Corn, Grain, or Flour, as alſo the Ship or Veſſel from which the ſame ſhall be unloaded, together with her Tackle, Apparel, and Furniture, ſhall be alſo forfeited, and ſhall and may be ſeized by any Officer or Officers of the Cuſtoms; and all and every Perſon and Perſons who ſhall be aſſiſting or otherwiſe concerned in ſuch removing or carrying, or the unſhipping or relanding of ſuch Corn, Grain, or Flour, or to whoſe Hands the ſame ſhall knowingly come after the unſhipping thereof, ſhall alſo forfeit Treble the Value of ſuch Corn, Grain, or Flour; which ſaid Penalties and Forfeitures ſhall and may be proſecuted, ſued for, recovered, and divided, in ſuch Manner and Form, and by ſuch Rules and Regulations, as Penalties and Forfeitures inflicted for unſhipping prohibited or uncuſtomed Goods in this Kingdom, may be proſecuted, ſued for, recovered, and divided, by any Law now in Force.

Corn of the Species mentioned not to be tranſported, *viz. Britiſh* Wheat, when at 44*s. per* Quarter;

V. And be it further enacted by the Authority aforeſaid, That whenever the Price of, of middling Britiſh Wheat, at any Port or Place within the Kingdom of Great Britain from whence the ſame ſhall be intended to be exported, ſhall appear to be at or above the Price of Forty-four Shillings per Quarter, ſuch Price being aſcertained in Manner aforeſaid, no Perſon or Perſons whatſoever ſhall, directly or indirectly, export, tranſport, carry, or convey, or cauſe or procure to be exported, tranſported, carried, or conveyed, out of or from any ſuch Port or Place, or load or lay on board, or cauſe or procure to be laden or laid on board, in any Ship or other Veſſel, or Boat, in order to be exported or carried out of any ſuch Port or Place, any Wheat, Wheat-meal, or Flour, or Malt, Bread, Biſcuit, or Starch made of Wheat: And whenever the Price of middling British Rye, Peaſe, or Beans, at ſuch Port or Place, ſhall appear reſpectively to be at or above the Price of Twenty-eight Shillings per Quarter, ſuch Price being aſcertained in Manner aforeſaid, no Perſon or Perſons whatſoever ſhall, directly or indirectly, export, tranſport, carry, or convey, or cauſe or procure to be exported, tranſported, carried, or conveyed, out of or from any ſuch Port or Place, or load or lay on board, or cauſe or procure to be laden or laid on board, in any Ship or other Veſſel, or Boat, in order to be exported or carried out of any ſuch Port or Place, any Rye, Peaſe, or Beans reſpectively, ground or unground, or any Bread or Biſcuit made of Rye, Peaſe, or Beans reſpectively: And whenever the Price of middling British Barley, Beer, or Bigg, at ſuch Port or Place, ſhall appear reſpectively to be at or above the Price of Twenty-two Shillings per Quarter, ſuch Price being aſcertained in Manner aforeſaid, no Perſon or Perſons whatſoever ſhall, directly or indirectly, export, tranſport, carry, or convey, or cauſe or procure to be exported, tranſported, carried, or conveyed, out of or from any ſuch Port or Place, or load or lay on board, or cauſe or procure to be laden or laid on board, in any Ship or other Veſſel, or Boat, in order to be exported or carried out of any ſuch Port or Place, any Barley, Beer, or Bigg, or Malt, Bread or Biſcuit made of Barley, Beer, or Bigg reſpectively: And whenever the Price of middling British Oats ſhall appear to be at or above the Price of Fourteen Shillings per Quarter, ſuch Price being aſcertained in Manner aforeſaid, no Perſon or Perſons whatſoever ſhall, directly or indirectly, export, tranſport, carry, or convey, or cauſe or procure to be exported, tranſported, carried, or conveyed, out of or from any ſuch Port or Place, or load or lay on board, or cauſe or procure to be laden or laid on board, in any Ship or other Veſſel, or Boat, in order to be exported or carried out of any ſuch Port or Place, any Oats or Oatmeal, or Malt, Bread or Biſcuit made of Oats, under the Penalties and Forfeitures herein-after mentioned; that is to ſay, That all and every the ſaid Commodities that ſhall be ſo exported, or ſo laden or laid on board in any Ship or other Veſſel, or Boat, in order to be exported or carried out contrary to this Act, ſhall be forfeited; and that every Offender or Offenders therein ſhall forfeit the Sum of Twenty Shillings for every Buſhel of Wheat, Wheat-meal, or Flour, Rye, Peaſe, or Beans, Barley, Beer, or Bigg, Oats, or Oatmeal, or Malt, made of any of the Grains aforeſaid, ground or unground, and Twelvepence for every Pound Weight of Bread, Biſcuit, or Starch, as aforeſaid, which ſhall be ſo exported, or ſo laden or laid on board in any Ship or other Veſſel, or Boat, in order to be exported or carried out; and alſo the Ship, Veſſel, or Boat, in which any of the ſaid Articles herein-before ſpecified ſhall be exported, or upon which any of the ſaid Articles ſhall be laden or laid, in order to be exported, and all her Guns, Tackle, Apparel, or Furniture, ſhall be forfeited, and ſhall and may be ſeized by any Officer or Officers of the Cuſtoms; and One Moiety of all the ſaid Penalties and Forfeitures ſhall be to the King's Majeſty, His Heirs and Succeſſors, and the other Moiety to him or them who will ſue for the ſame: And for Offences which ſhall be committed in that Part of Great Britain called England, ſuch Penalties and Forfeitures ſhall be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or before the Judges of Aſſize, or at the Great Seſſions in Wales; or where the Value of ſuch Penalties or Forfeitures ſhall not exceed the Sum of Fifty Pounds, the ſame may be recovered by Information, at any General Quarter Seſſions of the Peace for the County, City, Riding, Diviſion, or Place, where the Offence was committed; and in ſuch Suit no Eſſoin, Protection, Privilege, or Wager of Law, ſhall be allowed: And for Offences which ſhall be committed in that Part of Great Britain called Scotland, the ſame may be recovered by Action, or ſummary Bill or Information, in the Courts of Seſſion or Exchequer in Scotland; or where the Value of ſuch Penalties or Forfeitures ſhall not exceed the Sum of Fifty Pounds, the ſame may be recovered by ſummary Bill or Information at any General Quarter Seſſions of the Peace, by Action in the Sheriffs or Stewards Court of the County or Stewartry where the Offence ſhall be committed: And that the Maſter and Mariners of any ſuch Ship, Veſſel, or Boat, wherein any ſuch Offence ſhall be committed, knowing ſuch Offence, and wittingly and willingly aiding and aſſiſting thereunto, and being thereof duly convicted in any ſuch Courts reſpectively, as aforeſaid, ſhall be impriſoned for the Space of Three Months, without Bail or Mainprize.

Britiſh Rye, Peaſe, or Beans, when at 28*s.* *per* Quarter

Britiſh Barley, Beer, or Bigg, when at 22*s.* *per* Quarter;

Britiſh Oats, when at 14*s.* *per* Quarter;

under Penalty of forfeiting the ſaid Commodities, and 20*s.* *per* Buſhel of the Grain aforeſaid;

with the Ship, Veſſel, or Boat; in which they are laden.

Penalty how recoverable.

VI. Provided always, That this Act, or any Thing herein contained, ſhall not extend to prohibit the Exportation or carrying out of ſuch or ſo much of the ſaid Articles herein-before enumerated as ſhall be neceſſary to be carried in any Ship or Ships, or other Veſſel or Veſſels, in their reſpective Voyages out and Home, for the Suſtenance, Diet, and Support, of the Commanders, Maſters, Mariners, Paſſengers, or others, in the ſame Ships or Veſſels only, and taking their Paſſage in ſuch Ships or Veſſels, or for the victualling or providing any of His Majeſty's Ships of War, or other Ships or Veſſels in His Majeſty's Service, or for His Majeſty's Forces, Forts, or Garriſons; any Thing herein contained to the Contrary notwithſtanding.

Not to extend to the Suſtenance of Ships of War, *&c.*;

VII. Provided alſo, That this Act, or any Thing herein contained, ſhall not extend to prohibit any Perſon or Perſons to ſhip or put on board any of the Articles aforeſaid, to be carried Coaſtwiſe; that is to ſay, From any Port, Creek, Member, or Part of the Kingdom of Great Britain, to any other Port, Creek, Member, or Part of the ſame reſpectively, having ſuch or the like Coaſt Cocquet or Sufferance for that Purpoſe, or ſuch or the like ſufficient Security being firſt given for the landing and diſcharging the ſame in ſome other Port, Member, Creek, or Part of the ſaid Kingdom, and returning a Certificate in Six Months, as is required by Law in Caſes where Goods which are liable to pay Duties on Exportation are carried Coaſtwiſe from One Port of Great Britain to another.

nor to Veſſels carrying the ſame Coaſtwiſe.

VIII. Provided alſo, That nothing herein-before contained ſhall extend to prohibit the ſeveral Articles herein-after expreſſed being exported out of and from the reſpective Ports

Articles which may be exported from Ports mentioned.

in this Kingdom herein-after mentioned, and from no other, to the ſeveral Places as herein-after mentioned, for the Suſtenance and Uſe of the Inhabitants thereof, ſo as the ſame do not exceed the ſeveral Quantities reſpectively limited to thoſe Places within Twelve Calendar Months; (that is to ſay),

From the Port of *London*,	To *Gibraltar*.	Any Quantity of Wheat, Meal, Flour, Rye, Barley, or Malt, not exceeding Two thouſand five hundred Quarters in the Whole.
	To *Minorca*.	Any Quantity of Wheat, Meal, Flour, Rye, Barley, or Malt, not exceeding Three thouſand five hundred Quarters in the Whole.
	To *St. Helena*.	Any Quantity of Wheat, Meal, Flour, Rye, Barley, or Malt, not exceeding Five hundred Quarters in the Whole.
From the Port of *Southampton*,	To the Iſlands of *Guernſey* and *Jerſey*.	Any Quantity of Wheat, Meal, Flour, Rye, Barley, or Malt, not exceeding Five thouſand Quarters in the Whole to both Places.
From the Ports of *Whitehaven* and *Liverpoole*,	To the *Iſle of Man*.	Any Quantity of Wheat, Barley, Oats, Meal, or Flour, not exceeding Two thouſand five hundred Quarters in the Whole; One Moiety thereof to be exported from the ſaid Port of *Whitehaven*, and the other Moiety thereof to be exported from the ſaid Port of *Liverpoole*.

Security to be taken from the Exporters without Fee or Reward.

So as the Exporters, before the ſhipping thereof, do declare the Iſland or Place for which the ſaid Articles are reſpectively deſigned, and do become bound to His Majeſty, his Heirs and Succeſſors, with One other ſufficient Security, (to be approved by the Collector and Comptroller of the Cuſtoms at the Port of Exportation), in Treble the Value thereof, with Condition that the ſaid Articles ſo permitted to be exported ſhall be landed at the reſpective Iſland or Place for which the ſame ſhall be ſo declared and entered, for the Uſe and Suſtenance of the Inhabitants there, and ſhall not be landed or ſold in any other Parts whatſoever, the Danger of the Seas and Enemies excepted; and that a Certificate, under the Hand and Seal of the Collector, Comptrollor, or other Chief Officer of the Cuſtoms, or if no ſuch, of the Naval Officer, or ſome other principal Officer of the Place where the ſame ſhall be landed, ſhall, within Twelve Calendar Months from the Date of the Bond given for landing ſuch Commodities in Gibraltar or Minorca, and within Eighteen Calendar Months from the Date of the Bond given for landing ſuch Commodities in Saint Helena, and within Six Calendar Months from the Date of the Bond given for landing ſuch Commodities in the Iſlands of Guernſey, Jerſey, or Man, (the Danger of the Seas excepted), be returned to the Officers who took the ſaid Bonds, that the ſaid Commodities have been landed at the Place for which the ſame ſhall have been ſo declared and entered; and for the taking ſuch Security, and giving ſuch Certificate, (which the reſpective Officers are hereby required on Demand to give), no Fee or Reward ſhall be demanded or received: And if any Officer ſhall make any falſe Certificate of any ſuch Commodities being ſo landed, ſuch Officer ſhall forfeit the Sum of Two hundred Pounds, and loſe his Employment, and be incapable of ſerving His Majeſty, His Heirs or Succeſſors, in any Office relating to the Cuſtoms: And if any Perſon ſhall counterfeit, eraſe, or falſify, any Certificate, directed or required by this Act, or knowingly publiſh any ſuch counterfeit, eraſed, or falſe Certificate, he ſhall forfeit the Sum of Two hundred Pounds; and ſuch Certificate ſhall be void and of no Effect: Which ſaid Penalties, for Offences committed in Great Britain, ſhall be recovered in the ſame Courts, and in the ſame Manner, as the other Penalties inflicted by this Act are recoverable; and for Offences committed in any other the Dominions belonging to the Crown of Great Britain in Europe, ſhall be recovered in the High Court of Admiralty, or in any other chief Court of Civil or Criminal Juriſdiction, in ſuch reſpective Dominions, and ſhall be divided into equal Moieties between His Majeſty and the Informer; and the ſaid Bond or Bonds, if not proſecuted within Three Years, ſhall be void.

Penalty on making a falſe Certificate.

Beans may be exported to *Africa*.

IX. Provided alſo, That nothing herein contained ſhall extend to prohibit the Exportation of Beans to the Britiſh Forts, Caſtles, or Factories, in Africa, or for the Uſe of the Ships trading upon that Coaſt that have been uſually ſupplied with the ſame from Great Britain, or to prohibit the Committee of the Company of Merchants trading to Africa from exporting annually any Quantity of Wheat-flour, not exceeding Two hundred Quarters, or any Quantity of Bread or Biſcuit, not exceeding Fifteen Tons in the whole of ſuch Bread or Biſcuit, or of ſuch Bread and Biſcuit together, to the Britiſh Forts, Caſtles, or Factories, in Africa, for the Support of the Perſons reſiding there, ſo as the Exporter of ſuch Articles aforeſaid to ſuch Forts, Caſtles, or Factories, aforeſaid, doth, before the Shipping thereof, enter into ſuch or the like Bond or Bonds as are herein-before directed to be entered into by the Exporters from the Port of London to the Iſland of Saint Helena, of the particular Species and Quantity of Corn, Grain, or Flour, allowed by this Act to be exported to that Iſland.

Not to prohibit Grain from being exported to *Ireland*.

X. Provided alſo, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to prohibit Corn, Grain, or Flour, from being exported from Great Britain to the Kingdom of Ireland, during ſuch Time, and ſo long as any general Prohibition of, or Embargo on, the Exportation of Corn, Grain, or Flour, ſhall be in Force in that Kingdom; but that it ſhall and may be lawful, during the Time that ſuch Prohibition or Embargo ſhall be in Force in that Kingdom, to export Corn, Grain, or Flour, from Great Britain to Ireland, ſo as the Exporters of all ſuch Corn, Grain, or Flour, from Great Britain, do, before the ſhipping thereof, declare, that all ſuch Corn, Grain, or Flour, is intended to be imported into Ireland, and alſo do become bound to His Majeſty, His Heirs and Succeſſors, in the like Bond or Bonds as are by this Act directed to be entered into by the Exporters of Corn, Grain, or Flour, to the Iſlands of Guernſey, Jerſey, or Man, under Condition of returning, in the like Time, Certificates under the Hands and Seals of the Collector, Comptroller, and Surveyor, of the Cuſtoms, or of any Two of them, in ſuch Port or Ports where ſuch Corn, Grain, or Flour, ſhall be landed, of ſuch Corn, Grain, or Flour, being landed in Ireland, as are hereby directed to be returned with reſpect to the landing of Corn, Grain, or Flour, in the Iſlands of Guernſey, Jerſey, or Man; and that all Perſons who ſhall, within the Kingdom of Ireland, counterfeit, eraſe, or falſify, any Certificate directed or required by this Act, or knowingly publiſh any ſuch counterfeit, eraſed, or falſe Certificate, ſhall be liable to all the like Penalties and Forfeitures as Perſons committing the like Offences are liable to in Great Britain; which ſaid Penalties for Offences ſo committed in Ireland ſhall be recovered in His Majeſty's Courts of Record in Dublin, and ſhall be divided between His Majeſty and the Informer, in like Manner as is herein-before directed, ſo as the ſaid Bonds be proſecuted within the like Time as is herein-before directed for the Proſecution of Bonds of the like Nature.

After Jan. 1, 1774, the Bounties on Grain are to determine and ceaſe, and the Bounties mentioned take Place.

XI. And it is hereby further enacted by the Authority aforeſaid, That from and after the Firſt Day of January, One thouſand ſeven hundred and ſeventy-four, the ſeveral Bounties which are now allowed by Law upon the Exportation of any Sort of Corn or Grain, ground or unground, ſhall ceaſe and determine, and inſtead and in lieu thereof, when the Prices of the Corn or Grain herein-after mentioned, (the ſame being aſcertained according to the Methods directed by the ſeveral Acts of Parliament for aſcertaining the Rates and Prices of Corn and Grain imported, or as herein-after directed by this Act), ſhall appear to be under the Rates herein-after reſpectively mentioned, at the Ports or Places in this Kingdom from whence the ſame ſhall be exported, there ſhall be allowed upon the Exportation of ſuch Corn or Grain, either ground or unground, being the Growth and Product of this Kingdom, and put on Board in Britiſh Shipping, the Maſter and at leaſt Two-thirds of the Mariners of ſuch Ship being His Majeſty's Subjects, the following Bounties; that is to ſay, When the Price of middling Britiſh Wheat ſhall be under Forty-four Shillings per Quarter, there ſhall be allowed a Bounty of Five Shillings for every Quarter of Wheat, and Five Shillings for every Quarter of Malt made of Wheat; when the Price of middling Britiſh Rye ſhall be under Twenty-eight Shillings per Quarter, there ſhall be allowed a Bounty of Three Shillings for every Quarter of Rye; when the Price of middling Britiſh Barley, Beer, or Bigg, ſhall be under Twenty-two Shillings per Quarter, there ſhall be allowed a Bounty of Two Shillings and Sixpence for every Quarter of Barley, Beer, or Bigg, and Two Shillings and Sixpence for every Quarter of Malt made of Barley, Beer, or Bigg; and when the Price of middling Britiſh Oats ſhall be under Fourteen Shillings per Quarter, there ſhall be allowed a Bounty of Two Shillings for every Quarter of Oats, and Two Shillings and Sixpence for every Quarter of Oatmeal, computed at the Rate of Two hundred and ſeventy-ſix Pounds Averdupois to the Quarter; which ſaid reſpective Bounties ſhall be paid and allowed in all other Reſpects not altered by this Act, by the ſame Rules and Regulations, and ſubject to the ſame Securities, Reſtrictions, Penalties, and Forfeitures, as the former Bounties on Corn or Grain exported were paid and allowed, and were ſubject and liable to, in as full and ample Manner as if the ſeveral Clauſes relating thereto were again repeated and enacted in this preſent Act.

Not to prohibit Perſons who ſhall have entered the above Articles when the Prices ſhall be under the Rates mentioned, from exporting the ſame.

XII. Provided always, and be it further enacted by the Authority aforeſaid, That if any Perſon ſhall have entered outwards any of the Articles herein-before mentioned, and ſhall have begun to ſhip or lay the ſame on Board, during the Time that the Prices of middling Britiſh Corn in this Kingdom ſhall be under the Rates herein-before reſpectively ſpecified, ſuch Perſon ſhall not be prohibited from exporting the ſaid Articles actually ſo ſhipped or laden on Board, or ſo much of the ſaid Articles expreſſed in ſuch Entry as ſhall be ſo ſhipped or laden on Board, within Twenty Days from the Entry thereof at the Cuſtomhouſe for Exportation, nor from receiving the Bounty by this Act granted thereon; any Thing in this Act contained to the Contrary notwithſtanding, although the Prices of Corn in this Kingdom may have ariſen above the Rates herein-before reſpectively ſpecified, after ſuch Articles ſhall have been ſhipped, and before the Exportation thereof.

Any Corn for which Duty has been paid, if again exported within 6 Months, the Duty to be drawn back and repaid.

XIII. Provided always, and it is hereby enacted and declared by the Authority aforeſaid, That in all Caſes where any Corn, Grain, or Flour, for which the Duties hereby granted have been paid, ſhall, at any Time or Times be again exported by any Merchant or Merchants within Six Calendar Months from the Importation thereof, the Duty by this Act granted, and which ſhall have been actually paid for ſuch Corn, Grain, or Flour, ſhall, without any Delay or Reward, be drawn back, and repaid unto ſuch Merchant or Merchants who ſhall export the ſame to any Place where a Drawback is allowed on the Exportation of any foreign Goods from this Kingdom by any Act or Acts of Parliament now in Force, and to no other: And ſuch Drawback ſhall, in all other Reſpects, be paid and allowed, under the like Reſtrictions, Rules, and Regulations, and ſhall be ſubject to the like Penalties and Forfeitures, as the Drawback upon foreign Goods exported is ſubject and liable to.

Recital of Act of the Scots Parliament 1703;

XIV. And whereas the Modes directed by the ſeverals Acts of Parliament for aſcertaining the Rates and Prices of Corn and Grain in *England*, for regulating the Duties payable for Corn and Grain imported into *England*, cannot eaſily, and with Certainty, be carried into Execution in *Scotland:* And whereas by the Ninth Act, paſſed in the Parliament of *Scotland*, holden by Her late Majeſty Queen *Anne*, in the Year One thouſand ſeven hundred and three, intituled, *An Act diſcharging Importation of* Iriſh *Victual, Beef, and Cattle*, the Importation of Victual from *Ireland*, or any other Places beyond the Seas into *Scotland*, was reſtrained and prohibited, under ſeveral Penalties contained in the ſaid Act, and in other Acts of the Parliament of *Scotland* therein referred to; but with this Proviſo, That when, by reaſon of Dearth, the Prices of Victual ſhould exceed the Rates ſpecified in the ſaid Act, the Lords of Her Majeſty's Privy Council of *Scotland* ſhould have Power, after due Trial by them taken of the Prices of Victual, to ſuſpend and diſcharge the Execution of the ſaid prohibitory Acts for ſuch Space of Time as the Exigence of the Dearth ſhould require: And whereas, by the Sixth Article of the Treaty of Union it is provided, That the Prohibition, as then in Force by the Law of *Scotland* againſt the Importation of Victual from *Ireland*, or any other Place beyond the Seas, into *Scotland*, ſhould, after the Union, remain in the ſame Force as it then was, until more proper and effectual Ways ſhould be provided by the Parliament of *Great Britain* for diſcouraging the Importation of the ſaid Victual from beyond the Sea: And whereas by an Act, paſſed in Fourteenth Year of the Reign of His late Majeſty *George* the Second, intituled, *An Act for licenſing the Importation of Victual from* Ireland, *and other Parts beyond the Seas, into* Scotland, *in Time of Dearth and Scarcity*, the Power of ſuſpending and diſcharging the Execution of the ſaid prohibitory Laws, which was before veſted in the Lords of the Privy Council, by the ſaid Act of Her late Majeſty Queen *Anne*, paſſed in the Year One thouſand ſeven hundred and three, in the Parliament of *Scotland*, was thereby veſted in the Judges of the Court of Seſſion, Juſticiary, and Exchequer, in *Scotland*; and it is declared, That any Nine of them, in Time of Seſſion, and any Five of them, in Time of Vacance, upon the Petition of any Perſon or Perſons deſirous to import Victual from *Ireland*, or other Parts beyond the Seas, into *Scotland*, are authoriſed and required to examine, inquire into, and determine the common Market Prices of middling Corn and Grain, as the ſame ſhall and may be commonly bought in the County and City of *Edinburgh*, and to fix and aſcertain the ſame by a proper Act or Determination, to be publiſhed and made known in the Manner therein directed; and if the ſaid Act and Determination ſhall aſcertain the current Prices of Victual in the City and County of *Edinburgh* to exceed the Rates and Prices ſpecified in the ſaid Act, it is declared to be a ſufficient Warrant to the Collector and other Officers of the ſeveral Ports in *Scotland* to allow Victual from *Ireland*, or other Parts beyond the Seas, to be entered, unſhipped, and landed, upon Payment of the Duties charged and directed to be paid upon Foreign Corn imported in and by an Act, paſſed in the Twenty-ſecond Year of His late Majeſty *Charles* the Second, intituled, *An Act for the Improvement of Tillage and the Breed of Cattle*; which Duties are to be collected and paid according to the Rates and Prices to be aſcertained and determined by the ſaid Judges, in purſuance of the ſaid Act, paſſed in the Fourteenth Year of His late Majeſty King *George* the Second; and the Judges are likewiſe authoriſed and required to determine and aſcertain the Prices of Victual, when they do not exceed the Rates and Prices ſpecified in the ſaid Act, ſo that the aforeſaid prohibitory Laws may thereupon be revived, to prevent further Importation of Victual from *Ireland*, or other Parts beyond the Seas: And whereas the Mode of aſcertaining the Prices by the ſaid Act for permitting the Importation of Victual from *Ireland*, and other Parts beyond the Seas, has been found to be attended with great Inconvenience, and is inconſiſtent with the Principle of this Act, in making the Prices of Corn and Grain at the Ports and Places of Importation and Exportation to regulate the Prohibitions, Bounties, and Duties, at ſuch reſpective Ports and Places: For Remedy hereof, and for rendering this Act more eaſy to be executed in that Part of *Great Britain* called *Scotland*, be it enacted by the Authority aforeſaid, That from and after the Commencement of this Act, the Mode of aſcertaining the Prices of Victual preſcribed by the aforeſaid Act, paſſed in the Fourteenth Year of His late Majeſty King George the Second, and the Powers veſted in the Judges of the Courts of Seſſion, Juſticiary, and Exchequer, for that Purpoſe, ſhall ceaſe and determine; and that thereafter the Sheriff or Steward-deputes of the ſeveral Shires and Stewartries in Scotland, within which there are Ports and Places for the Importation and Exportation of Goods and Merchandiſe, or their Subſtitutes, ſhall, and they are hereby authoriſed and required, Four Times in every Year; that is to ſay, Upon the Firſt Day of November, Firſt Day of February, Firſt Day of May, and Firſt Day of Auguſt, or as ſoon after theſe Days as may be, to ſummon and convene before them Two or more honeſt and ſubſtantial Perſons of their reſpective Counties or Stewartries, not being Corn Merchants, nor Factors for Corn, nor any Way intereſted or concerned in any Corn to be imported, and being ſkilful in the Prices of Corn; and upon the Oaths of ſuch Two or more Perſons, which Oaths the ſaid Sheriff or Steward-deputes, or their Subſtitutes reſpectively, are hereby impowered to adminiſter, and by ſuch other Ways and Means as to them ſhall ſeem proper and neceſſary, to examine, inquire into, and determine the common Market Prices of middling Britiſh Corn and Grain, and Oatmeal, as the ſame ſhall and may be commonly bought in their reſpective Counties or Stewartries, and to fix and aſcertain the ſame, by proper Acts or Determinations, to be ſubſcribed by them reſpectively; and thereafter, without Delay, to tranſmit their reſpective Acts or Determinations to the Collector or Chief Officer of every Port within their reſpective Counties or Stewartries, and the Collector or chief Officer of the ſeveral Ports, to whom ſuch Acts or Determinations ſhall be tranſmitted, are hereby ordered and required to hang up the ſame in ſome publick Place in the Cuſtomhouſe of the reſpective Ports, to which all Perſons may reſort for their Information, there to remain until a ſucceeding Act and Determination ſhall be tranſmitted to be hung up in its Place, and to tranſmit a Copy thereof to the Commiſſioners of the Cuſtoms at Edinburgh, and the Prices ſo aſcertained ſhall regulate the Prohibitions in this Act, and the Duties and Bounties upon the Importation and Exportation of all Corn and Grain imported into or exported from the ſeveral Counties in Scotland, where the Prices are aſcertained in Manner before directed; and every Act and Determination ſhall remain in Force for that Purpoſe until a ſubſequent Act or Determination ſhall be tranſmitted to ſupply its Place; and the Sheriffs or Stewards, who ſhall fix and aſcertain the Prices of middling Britiſh Corn and Oatmeal in Manner before directed, are hereby ordered and required to cauſe preſerve,

Art. VI. Treaty of Union;

and Act 14 Geo. II.

Act 22 Car. II.

Mode of aſcertaining Prices of Victual by the laſt-mentioned Act to ceaſe;

and Market Prices of Corn, &c. to be examined and fixed by Sheriffs and Steward-deputes;

who are to tranſmit Copies of their Determinations to the Collector at the Ports.

ſerve, as Matter of Record of their reſpective Courts, the Evidence upon which their Acts or Determinations of the Prices are founded; and the Clerks of their reſpective Courts are hereby ordered and required to give Extracts of the Evidence to all Perſons calling for the ſame, upon receiving Payment of the uſual Fees exigible for Extracts of judicial Proceedings.

XV. And be it further enacted by the Authority aforeſaid, That from and after the Commencement of this Act, all Oatmeal imported from Ireland, or from any other Part beyond the Seas, into any Port or Place in Scotland, where the Price of Oatmeal, aſcertained in the Manner before directed, does not exceed Sixteen Shillings per Boll, weighing Eight Stone Troys, as alſo the Ship or Veſſel in which ſuch Oatmeal ſhall be imported, together with her Tackle, Apparel, and Furniture, ſhall be forfeited, and ſhall and may be ſeized by any Officer or Officers of the Cuſtoms; and all and every Perſon and Perſons who ſhall be aiding and aſſiſting in the unſhipping of ſuch Oatmeal, or to whoſe Hands the ſame ſhall knowingly come, after the unſhipping thereof, ſhall forfeit Treble the Value of ſuch Oatmeal; and which ſaid Forfeitures and Penalties ſhall and may be proſecuted, ſued for, and recovered, and divided in ſuch Manner and Form, and by ſuch Rules and Regulations, and Penalties and Forfeitures inflicted for unſhipping prohibited and unacuſtomed Goods in this Kingdom may be proſecuted, ſued for, recovered, and divided, by any Law now in Force.

When the Price does not exceed 16 *s. per* Boll, Oatmeal from *Ireland*, &c. with the Veſſel to be forfeited.

XVI. Provided always, That from and after the Commencement of this Act, it ſhall be lawful to import Oatmeal from Ireland, or from any other Part beyond the Seas, into any Port or Place in Scotland, where the Price of Oatmeal aſcertained in Manner directed by this Act does exceed the Price of Sixteen Shillings per Boll, weighing Eight Stone Troys.

When Oatmeal does exceed 16 *s.* it may be imported.

CAP. XLIV.

An Act to allow a Drawback of the Duties of Cuſtoms on the Exportation of Tea to any of His Majeſty's Colonies or Plantations in *America*; to increaſe the Depoſit on Bohea Tea to be ſold at the *India Company*'s Sales; and to impower the Commiſſioners of the Treaſury to grant Licences to the *Eaſt India Company* to export Tea Duty-free.

Preamble.

Act 12 *Geo.* III. recited.

WHEREAS by an Act, made in the Twelfth Year of His preſent Majeſty's Reign, (intituled, *An Act for granting a Drawback of Part of the Cuſtoms upon the Exportation of Tea to* Ireland, *and the* Britiſh *Dominions in* America; *for altering the Drawback upon foreign Sugars exported from* Great Britain *to* Ireland; *for continuing the Bounty on the Exportation of* Britiſh*-made Cordage*; *for allowing the Importation of Rice from the* Britiſh *Plantations into the Ports of* Briſtol, Liverpoole, Lancaſter, *and* Whitehaven, *for immediate Exportation to foreign Parts*; *and to impower the Chief Magiſtrate of any Corporation to adminiſter the Oath, and grant the Certificate required by Law, upon the Removal of certain Goods to* London, *which have been ſent into the Country for Sale*); it is, amongſt other Things, enacted, That for and during the Space of Five Years, to be computed from and after the Fifth Day of *July*, One thouſand ſeven hundred and ſeventy-two, there ſhall be drawn back and allowed for all Teas which ſhall be ſold after the ſaid Fifth Day of *July*, One thouſand ſeven hundred and ſeventy-two, at the publick Sale of the United Company of Merchants of *England* trading to the *Eaſt Indies*, or which after that Time ſhall be imported, by Licence, in purſuance of the ſaid therein and herein-after mentioned Act, made in the Eighteenth Year of the Reign of His late Majeſty King *George* the Second, and which ſhall be exported from this Kingdom, as Merchandiſe, to *Ireland*, or any of the *Britiſh* Colonies or Plantations in *America*, Three-fifth Parts of the ſeveral Duties of Cuſtoms which were paid upon the Importation of ſuch Teas; which Drawback or Allowance, with reſpect to ſuch Teas as ſhall be exported to *Ireland*, ſhall be made to the Exporter, in ſuch Manner, and under ſuch Rules, Regulations, Securities, Penalties, and Forfeitures, as any Drawback or Allowance was then payable out of the Duty of Cuſtoms upon the Exportation of foreign Goods to *Ireland*; and with reſpect to ſuch Teas as ſhall be exported to the *Britiſh* Colonies and Plantations in *America*, the ſaid Drawback or Allowance ſhall be made in ſuch Manner, and under ſuch Rules, Regulations, Penalties, and Forfeitures, as any Drawback or Allowance, payable out of the Duty of Cuſtoms upon foreign Goods exported to foreign Parts, was, could, or might be made, before the paſſing of the ſaid Act of the Twelfth Year of His preſent Majeſty's Reign, (except in ſuch Caſes as are otherwiſe therein provided for): And whereas it may tend to the Benefit and Advantage of the Trade of the ſaid United Company of Merchants of *England*, trading to the *Eaſt Indies*, if the Allowance of the Drawback of the Duties of Cuſtoms upon all Teas ſold at the publick Sales of the ſaid United Company, after the Tenth Day of *May*, One thouſand ſeven hundred and ſeventy-three, and which ſhall be exported from this Kingdom, as Merchandiſe, to any of the *Britiſh* Colonies or Plantations in *America*, were to extend to the Whole of the ſaid Duties of Cuſtoms payable upon the Importation of ſuch Teas; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That there ſhall be drawn back and allowed for all Teas, which, from and after the Tenth Day of May, One thouſand ſeven hundred and ſeventy-three, ſhall be ſold at the publick Sales of the ſaid United Company, or which ſhall be imported by Licence, in purſuance of the ſaid Act made in the Eighteenth Year of the Reign of his late Majeſty King George the Second, and which ſhall, at any Time hereafter be exported from this Kingdom as Merchandiſe to any of the Britiſh Colonies or Plantations in America, the Whole of the Duties of Cuſtoms payable upon the Importation of ſuch Teas; which Drawback or Allowance ſhall be made to the Exporter in ſuch Manner, and under ſuch Rules, Regulations, and Securities, and ſubject to the like Penalties and Forfeitures, as the former Drawback or Allowance granted by the ſaid recited Act of the Twelfth Year of his preſent Majeſty's Reign, upon Tea exported to the ſaid Britiſh Colonies and Plantations

After *May* 10, 1773, on all Teas ſold at publick Sales, or imported by Licence, and afterwards exported as Merchandiſe to *America*, the Whole Duties of Cuſtoms to be drawn back.

tations in America was, might, or could be made, and was ſubject to by the ſaid recited Act; or any other Act of Parliament now in Force, in as full and ample Manner, to all Intents and Purpoſes, as if the ſeveral Clauſes relative thereto were again repeated and re-enacted in this preſent Act.

Act 18 Geo. II. recited.

II. And whereas by One other Act, made in the Eighteenth Year of the Reign of His late Majeſty King *George* the Second, (intituled, *An Act for repealing the preſent Inland Duty of Four Shillings* per *Pound Weight upon all Teas ſold in* Great Britain; *and for granting to His Majeſty certain other Inland Duties in lieu thereof; and for better ſecuring the Duty upon Tea, and other Duties of Exciſe; and for purſuing Offenders out of one County into another*); it is, amongſt other Things, enacted, That every Perſon who ſhall, at any publick Sale of Tea, made by the United Company of Merchants of *England* trading to the *Eaſt Indies*, be declared to be the beſt Bidder for any Lot or Lots of Tea, ſhall, within Three Days after being ſo declared the beſt Bidder or Bidders for the ſame, depoſit with the ſaid United Company, or ſuch Clerk or Officer as the ſaid Company ſhall appoint to receive the ſame, Forty Shillings for every Tub and for every Cheſt of Tea; and in caſe any ſuch Perſon or Perſons ſhall refuſe or neglect to make ſuch Depoſit within the Time before limited, he, ſhe, or they, ſhall forfeit and loſe Six Times the Value of ſuch Depoſit directed to be made as aforeſaid; to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, in which no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; One Moiety of which Forfeiture ſhall go to His Majeſty, His Heirs and Succeſſors, and the other Moiety to ſuch Perſon as ſhall ſue or proſecute for the ſame; and the Sale of all Teas, for which ſuch Depoſit ſhall be neglected to be made as aforeſaid is thereby declared to be null and void, and ſuch Teas ſhall be again put up by the ſaid United Company to publick Sale, within Fourteen Days after the End of the Sale of Teas at which ſuch Teas were ſold; and all and every Buyer or Buyers, who ſhall have neglected to make ſuch Depoſit as aforeſaid, ſhall be, and is and are thereby rendered incapable of bidding for or buying any Teas at any future publick Sale of the ſaid United Company: And whereas it is found to be expedient and neceſſary to increaſe the Depoſit to be made by any Bidder or Bidders for any Lot or Lots of Bohea Teas, at the publick Sales of Teas to be made by the ſaid United Company; be it enacted by the Authority aforeſaid, That every Perſon who ſhall, after the Tenth Day of May, One thouſand ſeven hundred and ſeventy-three, at any publick Sale of Tea to be made by the ſaid United Company of Merchants of England trading to the Eaſt Indies, be declared to be the beſt Bidder or Bidders for any Lot or Lots of Bohea Tea, ſhall, within Three Days after being ſo declared the beſt Bidder or Bidders for the ſame, depoſit with the ſaid United Company, or ſuch Clerk or Officer as the ſaid United Company ſhall appoint to receive the ſame, Four Pounds of lawful Money of Great Britain for every Tub and for every Cheſt of Bohea Tea, under the ſame Terms and Conditions, and ſubject to the ſame Forfeitures, Penalties, and Regulations, as are mentioned and contained in the ſaid recited Act of the Eighteenth Year of the Reign of His ſaid late Majeſty.

Every Perſon, after *May* 10, 1773, who ſhall be declared the higheſt Bidder at any publick Sale, ſhall depoſit with the Company 4*l.* for every Tub or Cheſt of Bohea Tea.

Commiſſioners of the Treaſury may grant Licence to the *Eaſt India Company* to export to *America* any Quantity of Tea they ſhall think proper, without Penalty.

III. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, or for the High Treaſurer for the Time being, upon Application made to them by the ſaid United Company of Merchants of England trading to the Eaſt Indies for that Purpoſe, to grant a Licence or Licences to the ſaid United Company, to take out of their Warehouſes, without the ſame having been put up to Sale, and to export to any of the Britiſh Plantations in America, or to any Parts beyond the Seas, ſuch Quantity or Quantities of Tea as the ſaid Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, or the High Treaſurer for the Time being, ſhall think proper and expedient, without incurring any Penalty or Forfeiture for ſo doing; any Thing in the ſaid in-part recited Act, or any other Law, to the Contrary notwithſtanding.

Act 9 & 10 Gul. III. recited.

IV. And whereas by an Act made in the Ninth and Tenth Years of the Reign of King *William* the Third, (intituled, *An Act for raiſing a Sum not exceeding Two Millions, upon a Fund, for Payment of Annuities, after the Rate of Eight Pounds* per Centum per Annum; *and for ſettling the Trade to the* Eaſt Indies), and by ſeveral other Acts of Parliament which are now in Force, the ſaid United Company of Merchants of *England* trading to the *Eaſt Indies*, are obliged to give Security, under their Common Seal, for Payment of the Duties of Cuſtoms upon all unrated Goods imported by them, ſo ſoon as the ſame ſhall be ſold; and for expoſing ſuch Goods to Sale, openly and fairly, by Way of Auction, or by Inch of Candle, within the Space of Three Years from the Importation thereof: And whereas it is expedient that ſome Proviſion ſhould be made to permit the ſaid United Company, in certain Caſes, to export Tea, on their own Account, to the *Britiſh* Plantations in *America*, or to foreign Parts, without expoſing ſuch Tea to Sale here, or being charged with the Payment of any Duty for the ſame; be it therefore enacted by the Authority aforeſaid, That from and after the paſſing of this Act, it ſhall and may be lawful for the Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, or the High Treaſurer for the Time being, to grant a Licence or Licences to the ſaid United Company, to take out of their Warehouſes ſuch Quantity or Quantities of Tea as the ſaid Commiſſioners of the Treaſury, or any Three or more of them, or the High Treaſurer for the Time being, ſhall think proper, without the ſame having been expoſed to Sale in this Kingdom; and to export ſuch Tea to any of the Britiſh Colonies or Plantations in America, or to foreign Parts, diſcharged from the Payment of any Cuſtoms or Duties whatſoever; any Thing in the ſaid recited Act, or any other Act, to the Contrary notwithſtanding.

Treaſury may grant Licence to the Company for any Quantity of Tea to be exported to *America*, diſcharged of Cuſtoms.

Entry to be made of all Tea exported by Licence, and ſhipped by the proper Officer;

V. Provided always, and it is hereby further enacted by the Authority aforeſaid, That a due Entry ſhall be made at the Cuſtomhouſe, of all ſuch Tea ſo exported by Licence, as aforeſaid, expreſſing the Quantities thereof, at what Time imported, and by what Ship; and ſuch Tea ſhall be ſhipped for Exportation by the proper Officer for that Purpoſe, and ſhall in all other Reſpects, not altered by this Act, be liable to the ſame Rules, Regulations, Reſtrictions, Securities, Penalties, and Forfeitures, as Tea exported to the like Places was liable to before the paſſing of this Act: And upon the proper Officer's Duty, certifying the Shipping of ſuch Tea to the Collector and Comptroller of His Majeſty's Cuſtoms for the Port of London, upon the Back of the Licence, and the Exportation thereof, verified by the Oath of the Huſband or Agent for the ſaid United Company, to be wrote at the Bottom of ſuch Certificate, and ſworn before the ſaid Collector and Comptroller of the Cuſtoms, (which Oath they are hereby impowered to adminiſter), it ſhall and may be lawful for ſuch Collector and Comptroller to write off and diſcharge the Quantity of Tea ſo exported from the Warrant of the reſpective Ship in which ſuch Tea was imported.

and ſuch Tea is liable to the ſame Rules; Penalties, &c. not hereby altered, as before paſſing this Act.

Officers Duty on Exportation.

VI. Provided nevertheleſs, That no ſuch Licence ſhall be granted, unleſs it ſhall firſt be made to appear to the Satiſfaction of the Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, or the High Treaſurer for the Time being, that at the Time of taking out ſuch Teas, for the Exportation of which a Licence or Licences ſhall be granted, there will be left remaining in the Warehouſes of the ſaid United Company a Quantity of Tea not leſs than Ten Millions of Pounds Weight; any Thing herein, or in any other Act of Parliament, contained to the Contrary thereof notwithſtanding.

No Licence to be granted, unleſs 10 Millions lb. wt. of Tea be left in the Warehouſes.

CAP. XLV.

An Act for draining and preſerving certain Fen Lands and Low Grounds, lying in the South Level, Part of the Great Level of the Fens, commonly called *Bedford Level*, between certain old Rivers or Drains, called *Stoke River* and *Brandon River*, and a certain Level or Diſtrict called *Feltwell New Diſtrict*, and the Hard Lands of *Woodhall in Helgay*, and *Helgay*, in the Counties of *Norfolk* and *Suffolk*.

WHEREAS certain Fen Lands and Low Grounds, lying in that Part of the Great Level of the Fens, called *The South Level*, and ſituate in the ſeveral Pariſhes, Hamlets, or Townſhips, of *Hockwold with Wilton*, *Feltwell Saint Mary*, *Feltwell Saint Nicholas*, *Methwold*, *Helgay*, and *Southery*, in the County of *Norfolk*, and in *Lakenheath*, in the County of *Suffolk*, and in a certain extraparochial Place called *Norland*, in the ſaid County of *Suffolk*, and bounded as follows; *videlicet*, By certain ancient Rivers or Streams called *Brandon River*, *Stoke River*, *Methwold Load*, and a certain Level or Diſtrict called *Feltwell Diſtrict*, and the Hard Lands of *Woodhall in Helgay*, and of *Helgay* aforeſaid; that is to ſay, From the South End of a certain Load called *Wilton Load*, along the North Side of *Brandon River*, to a certain Ditch or Drain called *The Old Twelve Foot Drain*, about Two Furlongs below *Redmore Houſe*, and from thence along the ſaid *Old Twelve Foot Drain*, towards the North Eaſt, to a certain old Sewer or Drain called *Stake Load*, at the Eaſt End of a certain Fen called *Mott's Fen*, and from thence along the Outring Ditch of *Mott's Fen* aforeſaid, next *Feltwell Common*, to a certain Drain called *Sams's Cut Drain*, and along the ſaid Drain, on the North Side thereof, to a certain Bridge, in the Pariſh of *Helgay* aforeſaid, called *Modney Bridge*, and from thence along the Skirts of the Hard Lands of *Woodhall in Helgay*, and of *Helgay* aforeſaid, and on the South, Eaſt, and North Sides thereof, to a certain Bridge called *Helgay Bridge*; and then on the South Side of *Stoke River* to the South Bank of the ſaid River at *Helgay* Eaſtward; and then along the South Bank of *Stoke River*, to *Methwold Load*, and ſo along the ſaid Load to the Skirts of the Hard Lands of *Methwold* aforeſaid; and along the Skirts of the Hard Lands of *Methwold*, *Feltwell*, and *Hockwold with Wilton* aforeſaid, to the North Side of the ſaid River called *Brandon River*, at *Wilton Load* aforeſaid, containing in the Whole Thirteen thouſand five hundred Acres, or thereabouts, (Four thouſand Acres, Part whereof are Commons belonging to the ſeveral Pariſhes, Hamlets, and Townſhips of *Methwold*, *Feltwell Saint Mary*, *Feltwell Saint Nicholas*, and *Hockwold with Wilton* aforeſaid, and the Reſidue and Remainder of the ſaid Fen Lands and Low Grounds are held in Severalty by the ſeveral Owners thereof), have, for many Years laſt paſt been, and ſtill are, overflowed with Water, to the great Prejudice of the Owners and Occupiers thereof, and, by reaſon of their low Situation, and the Decay of the ſeveral Outfalls to the Sea, cannot be drained and preſerved without the Aid and Aſſiſtance of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid ſeveral Fen Lands and Low Grounds, ſo abuttalled, bounded, and deſcribed, as aforeſaid, ſhall be, and are hereby made One General Diſtrict, for the Purpoſe of ſcouring, deepening, maintaining, and ſupporting, the ſaid old Sewer or Drain called Sams's Cut, otherwiſe Sams's Cut Drain, and a certain Sluice called Hunt's Sluice, at the End thereof next the River Ouze; and alſo ſhall be and are hereby made Two ſeparate Diſtricts or Diviſions for the Purpoſe of imbanking and draining the ſame; which ſaid reſpective Diſtricts ſhall be bounded as follows; that is to ſay, That ſuch Part and ſo much of the ſaid Fen Lands and Low Grounds as lies on the South Side of Stoke River, Methwold Load, and on the North Side of Sams's Cut, containing about Eight thouſand Acres, ſhall be and hereby is called and taken as and for the Firſt Diſtrict or Diviſion; and that the Reſidue of the ſaid Fen Lands and Low Grounds, bounded and deſcribed in Manner following; that is to ſay, From Wilton Load aforeſaid, along the North Side of the ſaid River called Brandon River, to the new Bank at Feltwell New Diſtrict, and along the ſaid Bank to Sams's Cut or Drain, on the South Side thereof, and from thence along the ſame Drain to Stake Load, and on the South Side of Stake Load aforeſaid, to the Hard Lands of Feltwell, and along the Hard Lands of Feltwell Saint Mary, Feltwell Saint Nicholas, and Hockwold with Wilton, to Wilton Load aforeſaid, containing about Six thouſand Acres, ſhall be and hereby is called and taken as and for the ſaid Second Diſtrict or Diviſion.

Preamble.

General Diſtrict.

Firſt Diſtrict.

Second Diſtrict.

II. And be it further enacted, That the Waters of the ſaid Diſtricts, and either of them, ſhall be conveyed from and out of the ſaid Diſtricts reſpectively into the ſaid Rivers called Stoke River, Brandon River, and Sams's Cut aforeſaid, by Engines or Mills to

How the Waters are to be conveyed to the Sea.

be erected by the reſpective Commiſſioners hereafter mentioned, in Manner following; that is to ſay, That the Waters of the ſaid Firſt Diſtrict ſhall be carried and conveyed by One Mill only into Stoke River aforeſaid; and that the Waters of the ſaid Second Diſtrict ſhall be carried and conveyed by ſuch Mills or Engines, into, by, and through Brandon River aforeſaid, to the ſaid River Ouze; and that the Downfall Waters of the ſaid General Diſtrict, and of the ſaid Two Diſtricts reſpectively, ſhall be carried and conveyed to Sea in, by, and through, interior Drains, to be made and ſupported by the Commiſſioners of the ſaid Two Diſtricts reſpectively, into Sams's Cut, otherwiſe Sam's Cut Drain aforeſaid, through the ſaid Sluice called Hunt's Sluice, into the ſaid River Ouze.

Commiſſioners for the Diſtricts.

III. And be it enacted by the Authority aforeſaid, That the reſpective Lord or Lords, Lady or Ladies, of the ſeveral Manors of Methwold, on the Part of Lancaſter, and of Woodhall and Helgay, otherwiſe Hilgay, and the Leſſee or Leſſees, Tenant or Tenants, of Methwold Severals, and the Owner or Owners of Twenty Acres of taxable Lands within the ſaid Firſt Diſtrict for the Time being, Thomas Moore, Francis Dixon, Matthew Pepper Manby, Thomas Moore Clerk, Francis Dixon the younger, Robert Clough, Arthur Anneſly, Henry Greene Clerk, Richard Eaton Clerk, and John Dering Clerk, ſhall be, and are hereby conſtituted and appointed Commiſſioners, for executing and effecting the ſeveral Powers, Authorities, and Purpoſes, of this Act, ſo far as the ſame relates to the ſaid Firſt Diſtrict; and that the reſpective Lord or Lords, Lady or Ladies, of the ſeveral Manors of and in Hockwold with Wilton, of the capital Manor and the Manor of Southall, and the Manor of Wendlins, Spendlins, and Duntons in Feltwell, and alſo in the Manor of Sothery, otherwiſe Southery, and the reſpective Stewards of the ſaid Manors for the Time being, and alſo the Owner and Proprietor of a certain Piece of Land called North Cloud for the Time being, Cyrill Wyche, Robert Clough, Robert Clough junior, Cyrill Clough Clerk, John Smith Doctor in Divinity, Maſter of Caius College, Cambridge; William Adamſon Clerk, Henry Greene Clerk, Thomas Batman Clerk, Thomas Thompſon, John Denton, Robert Grimmer, William James, John Faukes, John Cadney, Robert Gilman, Thomas Glaſſcock, John Aſhley, Henry William Wilſon, James Bentham Clerk, John Waddington, and alſo Aſhley Palmer, John Leathes, and Gibſon Lucas, as Truſtees for Thomas Browne Evans a Minor, John Drage, Edward Wright, Ambroſe Whiteman, Richard Brewſter, John Young, John Lancaſter, Thomas Grimmer, Gregory Sparkes, Thomas Ruſſell, John Rudland, Robert Stallon, Thomas Young, Thomas Young junior, Oſbert Pooley, Richard Rolfe, and Samuel Lyon, ſhall be, and are hereby conſtituted and appointed Commiſſioners for executing and effecting the ſeveral Powers, Authorities, and Purpoſes of this Act, ſo far as the ſame relates to the ſaid Second Diſtrict.

Firſt Commiſſioners.

IV. And be it further enacted, That Cyrill Wyche, Robert Clough, Robert Clough junior, Cyrill Clough, John Smith Doctor in Divinity, Maſter of Caius College, Cambridge; William Adamſon Clerk, and Robert Grimmer, ſhall be the Firſt Commiſſioners for the ſaid Pariſhes of Hockwold with Wilton; and that Robert Clough, Robert Clough junior, Cyrill Clough Clerk, John Waddington, Henry Greene Clerk, and Edward Wright, ſhall be the Firſt Commiſſioners for the ſaid Pariſhes of Feltwell Saint Mary and Feltwell Saint Nicholas; and that the Owner and Proprietor of a certain Piece of Land called North Cloud for the Time being, and Robert Gilman, ſhall be the Firſt Commiſſioners for the ſaid Pariſh of Lakenheath; and that the Owner or Owners of the ſaid extraparochial Place called Norland ſhall be the Firſt Commiſſioner or Commiſſioners for the ſaid extraparochial Place called Norland.

Perſons nominated to join the former Commiſſioners, &c.

V. And be it further enacted, That the ſeveral Perſons ſo nominated and appointed Commiſſioners for the ſaid reſpective Pariſhes, Hamlets, Townſhips, and Places, ſhall be added to, and joined with, the ſaid Commiſſioners before mentioned, for putting this Act in Execution, ſo far as the ſame relates to the ſaid Second Diſtrict; but that ſuch of the ſaid Commiſſioners as are particularly named, and are not Commiſſioners by virtue of their reſpective Eſtates for the ſaid reſpective Pariſhes, Hamlets, Townſhips, and Places, ſhall only continue Commiſſioners for the reſpective Pariſhes, Hamlets, Townſhips, and Places, for which they are ſo nominated, until the Firſt Tueſday in April, in the Year of our Lord One thouſand ſeven hundred and ſeventy-four.

Owners of 10 Acres of Land to appoint Commiſſioners for the Second Diſtrict.

VI. And be it further enacted, That all ſuch Perſons for the Time being as ſhall be bona fide ſeiſed and poſſeſſed in his or her own Right of Ten Acres of Land, taxed by virtue of this Act, lying within the ſaid Pariſhes of Feltwell Saint Mary, Feltwell Saint Nicholas, Hockwold with Wilton, Lakenheath, and the ſaid extraparochial Place called Norland, ſhall meet in the Pariſh Church of Feltwell Saint Mary, between the Hours of Ten and Twelve, upon the Firſt Tueſday in April, in the Year of our Lord One thouſand ſeven hundred and ſeventy-four, and upon the Firſt Tueſday in April in every ſucceeding Year, and ſhall reſpectively chuſe ſo many to be Commiſſioners for the ſaid Second Diſtrict for the ſaid ſeveral Pariſhes, Hamlets, Townſhips, and Places, as ſhall, together with the Perſons ſeiſed or poſſeſſed of One hundred Acres of taxable Lands as aforeſaid, make in the Whole One Commiſſioner for every One hundred Acres of Land, taxed by virtue of this Act, lying within the ſaid Pariſhes, Hamlets, Townſhips, or Places reſpectively; and the Election of every ſuch Commiſſioner or Commiſſioners ſhall be certified under the Hands of the major Part of the Electors preſent at ſuch Election to the next General Meeting of the ſaid Commiſſioners: And in caſe the Perſons who are to chuſe Commiſſioners for any of the ſaid Pariſhes, Hamlets, Townſhips, or Places, ſhall neglect to meet at the Place, and at the Time appointed for ſuch Elections, and ſhall not chuſe Commiſſioners accordingly; then the Perſons who were Commiſſioners for the ſaid ſeveral Pariſhes, Hamlets, Townſhips, or Places, for the preceding Year, ſhall continue Commiſſioners for the ſame reſpectively, until other Commiſſioners ſhall be choſen as aforeſaid, upon the Firſt Tueſday in April in the Firſt or next ſucceeding Year after ſuch Election ſhall have been omitted, and ſo ſhall continue from Year to Year till a new Election ſhall be made.

Certificate of ſuch Election.

In caſe of no Election, the Firſt Commiſſioners to continue.

VII. Provided always, and be it enacted, That every Perſon ſeiſed or poſſeſſed of One hundred Acres of taxable Lands, ſhall and may appoint a Commiſſioner for every ſuch One hundred Acres for the Diſtrict in which the ſaid One hundred Acres do lie; but that no Perſon, having more than One hundred Acres within either of the ſaid Diſtricts, ſhall be impowered by this Act to nominate and appoint any more than One Commiſſioner, in caſe he acts as a Commiſſioner himſelf; but in caſe he does not act, then he ſhall have Power to nominate and appoint only Two Commiſſioners for the ſaid Diſtrict in which the ſaid One hundred Acres ſhall lie, to put this Act into Execution; and that every Agent, duly appointed by this Act, ſhall and may, in the Abſence of the Perſons reſpectively by whom they ſhall be ſo appointed, act as a Commiſſioner in the Execution of this Act, in ſuch and the ſame Manner, and as fully, to all Intents and Purpoſes, as ſuch Commiſſioners reſpectively might act and do if they were perſonally preſent.

Owner of 100 Acres may appoint a Commiſſioner in caſe he acts himſelf;

but if he does not, may appoint Two.

VIII. Provided always, and be it enacted by the Authority aforeſaid, That no Perſon, except the Lord or Lords, Lady or Ladies, of the ſeveral and reſpective Manors of Hockwold with Wilton, Feltwell, Methwold, Helgay, and Southery, and the Deputies or Agents to be appointed as herein is directed, Richard Paul Joddrel, or any future Leſſee or Leſſees of the ſaid Methwold Severals, and his, her, or their Tenants, the Owner and Proprietor of the ſaid Piece of Land called North Cloud, the Owner and Proprietor of the ſaid extraparochial Place called Norland, the ſaid Aſhley Palmer, John Leathes, and Gibſon Lucas, as Truſtees of the ſaid Thomas Browne Evans, the ſaid Matthew Pepper Manby, Francis Dixon, Thomas Moore, Thomas Moore Clerk, and Francis Dixon junior, ſhall be enabled to act, ſit, or vote, as a Commiſſioner for any of the Purpoſes of this Act, unleſs he ſhall be the real Owner of Sixteen Acres of Land taxed by virtue of this Act.

Perſons not to act as Commiſſioners, unleſs they have 16 Acres.

IX. Provided always, and be it enacted, That if any Owner or Owners of One hundred Acres or more of taxable Lands lying within the ſaid Diſtricts reſpectively, and by virtue of ſuch Ownerſhip is or are impowered to nominate and appoint a Commiſſioner or Commiſſioners, or to act as a Commiſſioner for the Purpoſes of carrying this Act into Execution, ſhall, at the Time of paſſing this Act, or at any Time or Times afterwards, be a Minor under the Age of Twenty-one Years, a Lunatick or Idiot, it ſhall and may be lawful for the Guardian or Truſtee of ſuch Minor, or in caſe ſuch Minor ſhall have no Guardian or Truſtee, for ſuch Perſon being of full Age to whom the Eſtate of the ſaid Minor on his or her Death may deſcend, or by virtue of any Deed or Settlement be conveyed, and for the Committee or Committees of ſuch Lunatick or Idiot, either to ſit, vote, or act in Perſon, as a Commiſſioner or Commiſſioners for the ſaid Diſtricts reſpectively, or in caſe no Commiſſion ſhall have paſſed, or have been iſſued out for the Heir at Law of ſuch Lunatick or Idiot, or in caſe of any Settlement for the Perſon who ſhall next inherit, after the Death of ſuch Idiot or Lunatick, under and by virtue of ſuch Settlement, or to nominate and appoint under his or her Hand, a Commiſſioner or Commiſſioners for ſuch Lands; and that ſuch Commiſſioner or Commiſſioners ſo nominated and appointed, or to be nominated and appointed by them, ſhall be, to all Intents and Purpoſes, a Commiſſioner or Commiſſioners for carrying this Act into Execution.

Truſtees and Committees for Minors, *&c.* to ſit, vote, and act, as Commiſſioners.

X. Provided alſo, and be it enacted, That all Perſons who ſhall be joint Tenants, Tenants in Common, or Parceners, of any of the Fen Lands or Low Grounds lying within the ſaid Diſtricts reſpectively, by virtue of this Act, ſhall, for their ſeveral and reſpective Shares, be intitled to act as a Commiſſioner or Commiſſioners for the ſame, either by themſelves or Agents, and ſhall have the ſame Powers as if ſuch Lands ſo held by them as joint Tenants, Tenants in Common, or as Parceners, were actually ſevered and divided, ſo that every ſuch joint Tenants, Tenants in Common, or as Parceners, ſhall be the real Owners of One hundred Acres or more, or of Sixteen Acres of Land, in his, her, or their own Right, in the ſaid Diſtricts reſpectively, and charged with the Payment of Taxes by virtue of this Act.

Joint Tenants, *&c.* to act as Commiſſioners.

XI. Provided nevertheleſs, That no Perſon whatſoever ſhall ſit, vote, or act, as a Commiſſioner for any of the ſaid Diſtricts, during ſuch Time as he ſhall hold any Place or Office of Profit, for or in relation to the Execution of this Act.

No Perſons holding Places of Profit, to act as Commiſſioners.

XII. And be it further enacted by the Authority aforeſaid, That the Commiſſioners hereby nominated and appointed, and their Succeſſors, ſhall meet Twice in every Year, upon the Second Tueſday in April and the Second Tueſday in October, at ſome Publick Houſe in the ſaid Pariſh of Helgay or Methwold, for the ſaid Firſt Diſtrict, and at ſome Publick Houſe in the ſaid reſpective Pariſhes of Hockwold with Wilton or Feltwell for the ſaid Second Diſtrict, to be appointed by the Commiſſioners of the ſaid Diſtricts reſpectively, or any Five or more of them, or at ſuch other Time and Place near the ſaid reſpective Diſtricts as they ſhall reſpectively think proper, purſuant to Notice in Writing for that Purpoſe ſigned by any Five or more of the Commiſſioners for the ſaid Diſtricts reſpectively, and to be affixed upon the Outſide of the Church Doors of Methwold and Helgay, upon ſome Sunday, for the ſaid Firſt Diſtrict, and upon the Church Doors of Hockwold with Wilton and Feltwell Saint Mary for the ſaid Second Diſtrict, Seven Days at leaſt before any ſuch Meeting, except thoſe appointed to be held on the Second Tueſday in April and the Second Tueſday in October; the Firſt Meeting for the ſaid Firſt Diſtrict to be held at the Sign of The White Swan in Helgay aforeſaid, upon the Fourth Monday after the paſſing of this Act, and the Firſt Meeting for the Second Diſtrict to be held at the Sign of The Cock in Feltwell aforeſaid, upon the Fourth Tueſday after the paſſing of this Act, and ſhall and may, from Time to Time, adjourn themſelves, and meet again purſuant to ſuch Adjournment, as often as they ſhall ſee Cauſe, or think convenient.

Times and Places of Meeting of Commiſſioners.

XIII. Provided always, and it is hereby enacted, That no more Money ſhall be expended by the ſaid reſpective Commiſſioners out of the Money to ariſe by virtue of this Act in each reſpective Diſtrict, than the Sum of Ten Shillings and Sixpence at the Firſt reſpective General Meeting, or any other reſpective Half-yearly General Meeting, nor more than the Sum of Two Shillings and Sixpence at any other Meeting in each reſpective Diſtrict to be held by virtue of this Act; which ſhall be paid by the Collector or Receiver of the Rates and

Expences aſcertained to be allowed at the General and other Meetings of the Commiſſioners.

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Taxes, and allowed in the Accounts as ſo much Money paid for the Purpoſes of this Act for the ſaid Two Diſtricts reſpectively.

Commiſſioners may bring Actions in the Name of their Treaſurer, &c.

XIV. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid reſpective Commiſſioners, or any Five or more of them, and they are hereby impowered to bring, or cauſe to be brought, any Action or Actions in the Name or Names of any One or more of them, or of their reſpective Treaſurer or Clerk, or to prefer, or order the preferring Bills of Indictment againſt any Perſon or Perſons who ſhall diſturb them in the Poſſeſſion of their Property.

Commiſſioners for the Two Diſtricts to meet Twice a Year, for the Purpoſe of directing the joint Works.

XV. And be it further enacted, That the Commiſſioners of the ſaid Two Diſtricts, and their Succeſſors, ſhall meet Twice in every Year, upon the Second Wedneſday in April, and the Second Wedneſday in October, at ſome Publick Houſe in Feltwell or Helgay aforeſaid, for the Purpoſe of ordering and directing ſuch Works as are to be jointly performed by the Commiſſioners for the ſaid Two Diſtricts; and that the First joint Meeting of the ſaid Commiſſioners for ſuch Purpoſe ſhall be held at the Sign of The White Swan in Helgay aforeſaid, upon the Fourth Wedneſday after the paſſing of this Act; and the ſaid Commiſſioners ſhall and may, from Time to Time, adjourn themſelves, and meet again purſuant to ſuch Adjournment, as often as they ſhall ſee Cauſe or think convenient, for the Purpoſe of ordering and directing ſuch joint Works.

Commiſſioners may appoint Officers;

allow them Salaries;

and take Security.

XVI. And be it further enacted by the Authority aforeſaid, That the ſaid reſpective Commiſſioners of the ſaid Two Diſtricts reſpectively, or any Five or more of them, aſſembled at any of the Meetings to be held in purſuance of this Act, ſhall have full Power and Authority to appoint for each of the ſaid Diſtricts reſpectively, One Clerk, and One or more Treaſurer or Treaſurers, for each of the ſaid Two Diſtricts, and ſuch other proper Officer or Officers as they the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall think fit, for the taking Care of all ſuch Banks and Works, and for collecting the ſaid Rates or Aſſeſſments which ſhall be laid, rated, or aſſeſſed, on the Lands and Grounds lying within the ſaid reſpective Diſtricts, and to allow and appoint to be paid to ſuch Officers, out of the Monies ariſing in each Diſtrict reſpectively, ſuch yearly and other Wages or Salaries for their Trouble and Pains, as they the ſaid reſpective Commiſſioners, or any Five or more of them, preſent at ſuch Meeting, ſhall think reaſonable: Which ſaid Clerk, Collector or Collectors, Receiver or Receivers, Surveyor or Surveyors, and other Officer or Officers, ſo to be appointed as aforeſaid, may be removed at the Will and Pleaſure of the ſaid reſpective Commiſſioners, or any Five or more of them, aſſembled at a Meeting to be held for that Purpoſe, of which due Notice ſhall be given in Writing, to be affixed upon the Church or Chapel Doors of Helgay, Methwold, Feltwell Saint Mary, Feltwell Saint Nicholas, and Hockwold with Wilton aforeſaid, reſpectively, and other or others to appoint in his or their Places, as Occaſion ſhall require; and ſuch reſpective Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, ſhall, before they act in the Execution of their reſpectiue Offices, give ſuch Security for the due Execution thereof, and for performing the ſeveral Truſts to them committed, as the ſaid reſpective Commiſſioners, or any Five or more of them, aſſembled at any Meeting for each reſpective Diſtrict for that Purpoſe ſhall think fit.

Commiſſioners annually to inſpect Receipts and Diſburſements, and ſettle Accounts.

Treaſurers, Collectors, &c. to attend with their Books,

and verify on Oath, if required.

Accounts to be entered in Two Books, and where to be depoſited.

XVII. And be it enacted by the Authority aforeſaid, That Once in every Year, that is to ſay, at the yearly General Meeting to be held for the ſaid Two Diſtricts reſpectively, or on any ſubſequent Day to which the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall adjourn ſuch Meeting, Inſpection ſhall be had by the ſaid reſpective Commiſſioners, or any Five or more of them, of the Receipts and Diſburſements of ſuch Monies as ſhall have been raiſed and received by virtue of this Act, in relation to the ſaid Two Diſtricts reſpectively for the Year then laſt paſt; and all Accounts relating to the reſpective Diſtricts ſhall be, at ſuch Meeting, made up and ſettled by the ſeveral Commiſſioners appointed for each of the ſaid Diſtricts, or any Five or more of them, aſſembled as aforeſaid, at which Time the ſeveral Treaſurers, Collectors, and Receivers, of the ſaid Taxes or Aſſeſſments, are hereby required to attend with proper Books of Accounts of their Receipts and Diſburſements, and all Vouchers for the ſame; and on conſidering and examining the ſaid Accounts, and all other Accounts of the Receipts and Diſburſements of the Money raiſed and received by virtue of this Act, within or in relation to the ſaid Two Diſtricts reſpectively, upon Oath, if the ſame ſhall be required by any Five or more of the ſaid Commiſſioners for each of the ſaid Two Diſtricts reſpectively, (which Oath any One of the ſaid Commiſſioners is hereby impowered to adminiſter), the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to allow and paſs under their Hands the ſaid Account or Accounts, or ſuch Part or Parts thereof as they ſhall think juſt and reaſonable; and ſuch Account or Accounts, or ſuch Part or Parts thereof as ſhall be ſo paſſed and allowed as aforeſaid, ſhall be fairly entered in Two diſtinct and ſeparate Books, to be kept for that Purpoſe for each of the ſaid Diſtricts, One of which Books to be kept by the Treaſurer or Treaſurers, or ſuch other Perſon or Perſons, for each of the ſaid Diſtricts, as the Commiſſioners for ſuch Diſtrict, or any Five or more of them, ſhall appoint; and the other of the ſaid Books ſhall be depoſited in ſuch Place in Helgay and Feltwell as the ſaid Commiſſioners reſpectively, or any Five or more of them, ſhall direct and appoint, at any Meeting to be held for each of the ſaid Diſtricts reſpectively, in a ſtrong Box to be provided by the ſaid Commiſſioners reſpectively for that Purpoſe; and the Book ſo depoſited ſhall and may be inſpected and peruſed, at all reaſonable Times, by or at the Requeſt of any Perſon or Perſons rated or taxed by virtue of this Act, on paying Sixpence for peruſing the ſame.

Manner and Time when the Officers are to give in their Accounts.

XVIII. And be it further enacted by the Authority aforeſaid, That all and every ſuch Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors, Receiver or Receivers, or other Officer or Officers ſo to be appointed for each reſpective Diſtrict as aforeſaid, ſhall, upon Oath, when thereunto required by the ſaid reſpective Commiſſioners, or any Five or more of them, (which Oath the ſaid reſpective Commiſſioners, or any One or more of them, is and are hereby impowered to adminiſter), give into the ſaid reſpective Commiſſioners for each Diſtrict, or any Five or more of them, a true, exact, and perfect Account, in Writing, under their reſpective Hands, with proper Vouchers, of all Monies which he or they, and every or any of them, ſhall to ſuch Time have received, paid, or diſburſed, by virtue of this Act, for or by reaſon of his or their reſpective Office; and in caſe any of the Monies ſo received ſhall remain in his, their, or any of their Hands, the ſame ſhall be paid to the reſpective Commiſſioners for the reſpective Diſtricts, or any Five or more of them, to which ſuch Money ſhall belong, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall, by any Writing or Writings under their Hands reſpectively, authoriſe and impower to receive the ſame: And in caſe any ſuch Clerk, Collector, Receiver, or other Officer, ſhall not give in and make up ſuch Accounts and Payment as aforeſaid, or ſhall refuſe to deliver up all Books, Papers, and Writings, in his Cuſtody, relating to the Execution of this Act, that then any One or more Juſtice or Juſtices of the Peace for the County of Norfolk or Suffolk ſhall and may make Inquiry of and concerning ſuch Default as aforeſaid, in a ſummary Way, as well by the Confeſſion of the Party as by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath, (which Oath the ſaid Juſtice or Juſtices is and are hereby required and authoriſed to adminiſter without Fee or Reward); and if any ſuch Clerk, Treaſurer, Collector, Receiver, or other Officer, ſhall be convicted of all or any of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall, upon ſuch Conviction, commit the Party to the common Goal of the ſaid County of Norfolk or Suffolk, as the Caſe ſhall happen, there to remain without Bail or Mainprize until he ſhall have made a perfect Account and Payment as aforeſaid, and delivered up all ſuch Books, Papers, and Writings, in his Cuſtody, or until he ſhall have compounded and agreed with the reſpective Commiſſioners for each reſpective Diſtrict, or any Five or more of them, and have paid ſuch Compoſition-money; which Compoſition the ſaid reſpective Commiſſioners, or any Five or more of them, are hereby authoriſed and impowered to make.

Balance (if any) to be paid to the Commiſſioners, or their Order.

Works to be done in the Firſt and Second Diſtrict.

XIX. And in order that the Waters of the ſaid Diſtricts reſpectively may be more eaſily conveyed into the ſaid Rivers called *Stoke River*, *Brandon River*, and *Sams's Cut* aforeſaid, and the River *Ouze* aforeſaid, and the ſaid Diſtricts be effectually drained and preſerved; be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Commiſſioners of the ſaid Firſt Diſtrict, or any Five or more of them, from Time to Time, to heighten, widen, ſtrengthen, make, maintain, and ſupport, or cauſe to be heightened, widened, ſtrengthened, maintained, and ſupported, the North Bank of Sams's Cut aforeſaid, in Manner hereafter mentioned, and all ſuch interior Drains running acroſs or through Methwold and Feltwell Commons aforeſaid, within the ſaid Firſt Diſtrict, as they ſhall think proper, for the preventing the Waters thereof from running over the ſame, or making any Breach therein, or to repair and make up any Breach that may happen by reaſon of the ſaid Waters; and alſo to cleanſe, widen, make, cut, build, erect, purchaſe, and ſupport, all ſuch other Banks, Bridges, Cuts Drains, Dams, Tunnels, Doors, Sluices, Outlets, Engines, and other Matters and Things already made, built, or erected, or hereafter to be made, built, or erected, by virtue of this Act, within the ſaid Firſt Diſtrict, except as herein-after is mentioned: And alſo, that it ſhall and may be lawful for the Commiſſioners of the ſaid Second Diſtrict, or any Five or more of them, from Time to Time, to heighten, widen, ſtrengthen, make, maintain, and ſupport, or cauſe to be heightened, widened, ſtrengthened, made, maintained, and ſupported, the ſaid Bank of Wilton Load aforeſaid, and the ſaid North Bank of Brandon River aforeſaid, within the ſaid Second Diſtrict, and the South Banks of the ſaid Cut, called Sams's Cut, and all ſuch other interior Drains running acroſs or through Feltwell, or any other Commons, Lands, or Grounds, within the ſaid Second Diſtrict, which they ſhall think proper, for the preventing the Waters thereof from running over the ſame, or making any Breach therein, or to repair and make up any Breach that may happen by reaſon of the ſaid Waters; and alſo to cleanſe, widen, make, cut, build, erect, purchaſe, maintain, and ſupport, all ſuch other Banks, Bridges, Headings, Cuts, Drains, Dams, Tunnels, Doors, Sluices, Outlets, Mills, Engines, and other Matters and Things already made, built, or erected, or hereafter to be made, built, or erected, by virtue of this Act, within the ſaid Second Diſtrict, as the ſaid Commiſſioners for the ſaid Second Diſtrict, or any Five or more of them, ſhall think neceſſary or proper.

Power to contract for Repairs.

XX. And be it further enacted, That the ſaid Commiſſioners for the ſaid Two Diſtricts reſpectively, or any Five or more of them, or ſuch Perſon or Perſons as they ſhall for that Purpoſe authoriſe and appoint, may, and they are hereby impowered to contract and agree with any ſuch Perſon or Perſons for any certain Sum or Sums of Money for the Repairs of any of the ſaid Banks, Drains, or Works, or for the erecting and building any Mill or Mills to be erected in or upon the ſaid Diſtricts reſpectively, or for any other joint Works to be performed in purſuance of this Act; and that all ſuch Contracts and Agreements in Writings ſhall be valid, and that Actions may be maintained thereon, and Damages and Coſts recovered againſt the Parties failing in the Execution thereof.

Commiſſioners to have Power to erect Staunches to keep up a Head of Water.

XXI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Commiſſioners of the ſaid Two Diſtricts reſpectively, or any Five or more of them, to erect Staunches, Doors, Sluices, or Outfalls, in ſuch Parts of the ſaid Diſtricts reſpectively as they ſhall think proper, except acroſs Sams's Cut Drain aforeſaid, to prevent the Waters of the High Lands of the ſaid Two Diſtricts reſpectively from running with too great Velocity into the lower Part of the ſaid Two Diſtricts reſpectively, in order that as well a proper Head of Water may be kept up in the ſaid High Lands for the Benefit thereof, as to prevent the lower Parts of the ſaid Diſtricts from being prejudiced thereby.

Commiſſioners to make Satisfaction to the Owners of the Soil for Damages.

XXII. And be it further enacted, That the ſaid reſpective Commiſſioners ſhall pay ſuch reaſonable Satisfaction to the Perſon or Perſons who have a Right to the Soil through or upon which any ſuch Cut, Drain, Dam, Bank, Bridge, Heading, Tunnel, or Outlet, ſhall be made, or whereupon any ſuch Engines or Mills ſhall be erected, for the

Juſtices to determine Differences.

the Damages he, ſhe, or they, ſhall thereby ſuſtain, or ſhall be agreed upon between the ſaid Commiſſioners reſpectively, or any Five or more of them, preſent at their reſpective Meetings, and ſuch Perſon or Perſons having Right as aforeſaid; and if the ſaid reſpective Commiſſioners for the ſaid Diſtricts, or any Five or more of them, aſſembled at their ſaid reſpective Meetings, and ſuch Perſon or Perſons having Right to ſuch Soil as aforeſaid, cannot agree concerning the Amount of ſuch Damages, then the ſame ſhall be aſſeſſed and adjudged by the Juſtices of the Peace, or the major Part of them, at their next or any other General Quarter Seſſions of the Peace, to be held by Adjournment at King's Lynn or Swaffham, in the ſaid County of Norfolk, if the Damages be done within the ſaid County of Norfolk, or at Saint Edmund's Bury, in the ſaid County of Suffolk, if the Damages be done in the ſaid County of Suffolk, not being intereſted in the Premiſes, who are hereby authoriſed, impowered, and required, to hear and determine the ſame, and to ſend for, ſummon, and examine any Perſon or Perſons, Books, Papers, and Writings, touching ſuch Diſputes, and to direct, if they ſhall ſee Occaſion, any Perſon or Perſons they ſhall think proper to view the Premiſes in Queſtion, and to examine the Perſon taking ſuch View upon Oath touching and concerning the ſame; and the Determination which ſhall be ſo made by the Juſtices in their ſaid Seſſions as aforeſaid ſhall be final and concluſive to all Parties, and ſhall not be removed or removeable by Certiorari, or any other Writ or Writs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter.

The Banks of *Stoke River*, deemed to belong to Mr. *Joddrel*, to be ſupported by the preſent Leſſee, *&c.*

XXIII. And be it enacted by the Authority aforeſaid, That the ſaid South Bank of Stoke River ſhall be, and is hereby deemed and taken to be the Works of Richard Paul Joddrel Eſquire, as Leſſee of the Duchy of Lancaſter, ſo far as the ſame runs againſt the Lands belonging to the ſaid Duchy, and ſhall be, from and after the paſſing of this Act, maintained, ſupported, and kept in Repair, by the preſent Leſſee, or any future Leſſee thereof, and their Succeſſors, Heirs, Executors, Adminiſtrators, and Aſſigns, Tenant or Tenants, in the ſeveral Parts and Proportions herein-after mentioned; (that is to ſay), That the ſaid South Bank of Stoke River, ſo far as the ſame runs againſt the Lands belonging to the ſaid Duchy, ſhall, for ever after the paſſing of this Act, be heightened, ſtrengthened, repaired, maintained, and ſupported, at the Coſts and Charges of the ſaid Leſſee, his, her, or their Tenants, of ſuch an Height, Strength, and Depth, as to prevent the Waters running over or breaking through the ſame; and that ſo much of the ſaid South Bank of Stoke River ſhall, from and after the paſſing of this Act, from the Weſt End of the ſaid Severals to Helgay Bridge aforeſaid, be heightened, ſtrengthened, repaired, and kept in Repair, by the Owners and Proprietors of the ſaid Lands and Grounds lying within the ſaid Firſt Diſtrict, between Sams's Cut Drain and Stoke River aforeſaid, in proportion to the Number of Acres belonging to every ſuch Owner and Proprietor.

Methwold Load with the South Bank thereof, to be ſcoured, *&c.* at the Coſts of the Leſſee.

XXIV. And be it further enacted, That the ſaid Load called Methwold Load, together with the South Bank thereof, from the Weſt End of Thornham Cloſes aforeſaid, by the new Cut or Load to Stoke River aforeſaid, ſo far as the ſaid Common of Methwold extends, that is to ſay, to the Tunnel in the ſaid River Bank at the End of the Dike or Drain (called Broad Fen Load) which parts the ſaid Common from the Severals, ſhall, within Eighteen Calendar Months after the paſſing of this Act, be ſcoured and cleanſed, and the ſaid Bank heightened and ſtrengthened in ſuch a Manner as effectually to prevent the Waters from running over or breaking through the ſame, at the Coſts and Charges of the Leſſee or Leſſees of the ſaid Severals; and that when the ſaid Bank ſhall be ſo made, repaired, and heightened, the ſaid Leſſee or Leſſees ſhall, at his or their own Coſts and Charges, fence in Part of the ſame from the Common by a Soak Dike of the Width of Ten Feet, and Depth of Four Feet and an Half, and with good and ſubſtantial Poſts and Rails at each End of the ſaid Bank, and quite acroſs the ſame, from the ſaid Tunnel upwards along the ſaid River and Load Bank, ſo far as an old Dike now runs under or near to the ſaid Bank, being oppoſite to the Eaſt Gate, which is on the North Bank of the ſaid Load; and that when the ſame ſhall, by the View of Two Juſtices of the Peace for the County of Norfolk be adjudged to be effectually ſcoured and cleanſed, heightened and ſtrengthened, and fenced off and ſeparated from the Common in Manner aforeſaid, then the ſaid Bank ſhall for ever after be repaired by the Commoners having Right of Common upon Methwold Common; but the ſaid Load from the Weſt End of Thornham Cloſes to the ſaid River ſhall for ever after be ſcoured and cleanſed by and at the Charge of the ſaid Leſſee or Leſſees, and all future Leſſee or Leſſees, or the Owner or Owners of the ſaid Severals for the Time being.

Owners of *Methwold Severals* to repair the Tunnel in *Broad Fen Load*.

XXV. And be it further enacted, That the Leſſee or Leſſees, Owner or Owners, of the ſaid Methwold Severals, ſhall, at his and their own Expence, from Time to Time, keep in Repair the Tunnel in Broad Fen Load aforeſaid, next to Stoke River, or may, at his or their Diſcretion, lay down, and always keep in Repair, a new Tunnel there, ſo as the ſame ſhall not be of leſs Dimenſions than the preſent Tunnel; and that the Commoners of the ſaid Common, and their Servants, ſhall, at all Times, between Lady-day and Michaelmas-day, Old Stile, in every Year, have free Liberty and Power to let in Water through the ſaid Tunnel for the Uſe of their Cattle, and alſo have the free Uſe of the ancient and accuſtomed Watering-place in Methwold Load, near Thornham Hills; and alſo occaſionally, at any Time between Michaelmas-day and Lady-day, Old Stile, in every Year, to let the Waters out of the ſaid Broad Fen Load into the common Drain leading therefrom to Sams's Cut; any Thing herein contained to the Contrary notwithſtanding.

No Mills to throw Water into any River, *&c.* except *Brandon* and *Stoke Rivers.*

XXVI. Provided nevertheleſs, and be it enacted by the Authority aforeſaid, That the Commiſſioners of the Two Diſtricts ſhall have no Power or Authority whatſoever, by virtue of this Act, to erect any Mill or Engine for throwing Water within each of the ſaid Diſtricts upon Sams's Cut Drain aforeſaid, or upon any other River, ſave and except the Rivers called Stoke River and Brandon River, except as hereafter is mentioned.

XXVII. Provided

Mr. Pepper Manby's Right reſerved.

XXVII. Provided nevertheleſs, That nothing herein contained ſhall extend, or be conſtrued to extend, to prevent Matthew Pepper Manby Eſquire, his Heirs or Aſſigns, from uſing or employing his Engine or Engines for the draining his preſent imbanked or other Lands, within the ſaid Firſt Diſtrict.

Sams's Cut and *Hunt's Sluice* to be ſecured and repaired at the joint Coſts of the Two Diſtricts.

XXVIII. And be it further enacted by the Authority aforeſaid, That the ſaid Drain called Sams's Cut, and the ſaid Sluice called Hunt's Sluice, ſhall for ever, after the paſſing of this Act, be deemed the joint common Work of the ſaid Commiſſioners of the ſaid Two Diſtricts, and ſhall be opened, ſcoured, cleanſed, and repaired, at the joint Coſts and Charges of the ſaid Two Diſtricts reſpectively; and that it ſhall and may be lawful for the Commiſſioners of either of the ſaid Two Diſtricts, or any Five or more of them, and they are hereby authoriſed and required, (with the Conſent of Two or more of the Commiſſioners acting by virtue of an Act, made in the Thirtieth Year of the Reign of His late Majeſty herein-after recited), at any Meeting or Meetings, to order and direct the ſaid Drain to be made of the full Width of Twenty-four Feet at leaſt, to carry the Waters of the ſaid Two Diſtricts with greater Eaſe to the ſaid River Ouze; and alſo, from Time to Time, to widen and repair the ſaid Sluice called Hunt's Sluice, for the better and more eaſy draining the ſaid Two Diſtricts reſpectively; and, from Time to Time, to make and give ſuch Orders and Directions for the repairing and maintaining the ſaid Sluice, and for the cleanſing, deepening, and ſcouring out the ſaid Drain, as they ſhall think proper; and that the Coſts and Charges of repairing and maintaining the ſaid Sluice, and of widening, ſcouring, and cleanſing out the ſaid Drain, except ſuch Part of the ſaid Coſts and Charges as is directed to be borne and paid by the Commiſſioners acting by virtue of an Act, made in the Thirtieth Year of the Reign of His Majeſty King George the Second, intituled, An Act for draining and preſerving certain Fen Lands lying in the *South Level*, Part of the Great Level of the Fens, commonly called *Bedford Level*, between *Brandon River* and *Sams's Cut Drain*, and for impowering the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the ſaid Great Level to ſell certain Lands within the ſaid Limits, commonly called *Inveſted Lands*, ſhall be paid by the ſaid Commiſſioners of the ſaid Two Diſtricts reſpectively, according to the Proportion of the Number of Acres in each reſpective Diſtrict, out of the Monies to be raiſed by virtue of this Act in each reſpective Diſtrict.

Saving Clauſe reſpecting a certain Drain and Sluice.

XXIX. Provided nevertheleſs, That nothing herein contained ſhall extend, or be conſtrued to extend, to take away the Right of the ſaid Commiſſioners, acting by virtue of the ſaid recited Act, from making uſe of the ſaid Drain and Sluice for the Benefit of the Drainage under the ſaid Act, the ſaid Commiſſioners paying a proportional Part of ſuch Repairs as herein-after is mentioned.

Commiſſioners of Firſt Diſtrict impowered to aſſeſs Land Owners in ſaid Diſtrict.

Exceptions.

XXX. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners of the ſaid Firſt Diſtrict, or any Five or more of them, at the Firſt General Meeting, or any other Half-yearly Meeting, to aſſeſs, rate, tax, and charge, all and every the reſpective Owner and Owners, Occupier and Occupiers, of all and ſingular the Fen Lands and Low Grounds held in Severalty, or being private Property, ſituate and being within the ſaid Firſt Diſtrict, (except the ſaid Common called Methwold Common, and the ſeveral Commons of Southery and Feltwell, and ſuch other Lands as are or ſhall be deemed High Lands within the ſaid Diſtrict), by and with equal and proportionable yearly Rates, Taxes, and Sums of Money, at the Diſcretion of the ſaid Commiſſioners of the ſaid Firſt Diſtrict, or any Five or more of them, ſo that the ſaid Rates, Taxes, or Sums of Money, do not exceed, in any One Year, the Sum of Sixpence for every Acre of the Lands compriſed within the ſaid Firſt Diſtrict, and ſo in Proportion for any greater or leſs Quantity than an Acre, (except as before excepted), and ſo that no Part of the ſaid Lands be at any Time charged, by virtue of this Act, with any greater or leſs Rate or Tax than the reſt of the ſaid Lands are or ſhall be charged with; which ſaid Rates, Taxes, and Sums of Money, ſhall be paid Half-yearly by the reſpective Owner or Owners, Occupier or Occupiers, of the ſaid Fen Lands and Low Grounds, at the Place of Abode of ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Five or more of them, ſhall order, direct, and appoint, to collect and receive the ſame, the Firſt Payment thereof to be made on the Twenty-fourth Day of June next after the paſſing of this Act, and that every other Half-yearly Payment ſhall be made on the Twenty-fifth Day of December and the Twenty-fourth Day of June in each and every ſucceeding Year, to be paid, applied, and diſpoſed of, by the ſaid Commiſſioners of the ſaid Firſt Diſtrict, or any Five or more of them, for and towards the ſupporting, maintaining, and repairing, the ſaid Drain called Sams's Cut and Hunt's Sluice, in Manner herein-after mentioned, and to ſuch other Uſes and Purpoſes of the ſaid Diſtrict as are in and by this Act directed, and to no other Uſe or Purpoſe whatſoever.

Commiſſioners of the Second Diſtrict impowered to aſſeſs Land Owners in ſaid Diſtrict.

Exceptions.

XXXI. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners of the ſaid Second Diſtrict, or any Five or more of them, at their Firſt or any other Half-yearly General Meeting as aforeſaid, to aſſeſs, rate, tax, and charge, all and every the reſpective Owner and Owners, Occupier and Occupiers, of all and ſingular the ſaid Fen Lands and Low Grounds held in Severalty, or being private Property, ſituate and being in the ſaid Second Diſtrict, in the ſeveral Pariſhes, Townſhips, or Places, of Hockwold with Wilton, Feltwell, Lakenheath, and Norland, (except the ſeveral Lands and Grounds lying within ſaid Second Diſtrict herein-after exempted and diſcharged from the Payment of any Rate, Tax, or Sum of Money, to be laid, rated, or taxed, by virtue of this Act, and except the Commons of Methwold, Hockwold with Wilton, and Feltwell, aforeſaid), by and with equal and proportionable yearly Rates, Taxes, and Sums of Money, at the Diſcretion of the Commiſſioners for the ſaid Second Diſtrict, or any Five or more of them for the Time being, who ſhall be preſent at ſuch Meeting as aforeſaid, ſo that the ſaid Rates, Taxes, or Sums of Money, do not exceed in any One Year the Sum of One Shilling for every Acre of the Lands compriſed within the ſaid Second Diſtrict, and ſo in Proportion for any greater or leſs Quantity than an Acre, except as is herein-after excepted; which ſaid Rates, Taxes, or

Sums of Money, ſhall be paid Half-yearly by the reſpective Owner or Owners, Occupier or Occupiers, of the ſaid Fen Lands and Low Grounds, at the Place of Abode of ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Five or more of them, ſhall order, direct, and appoint, to collect and receive the ſame, the Firſt Payment thereof to be made on the Twenty-fourth Day of June next after the paſſing of this Act, and that every other Half-yearly Payment ſhall be made on the Twenty-fifth Day of December, and the Twenty-fourth Day of June, in each and every ſucceeding Year, to be paid, applied, and diſpoſed of, as the ſaid Commiſſioners of the ſaid Second Diſtrict, or any Five or more of them, ſhall, from Time to Time, under their Hands, at a Meeting to be held for that Purpoſe, order, direct, and appoint, for the Purpoſes of this Act, ſo far as the ſame relates to the ſaid Sams's Cut Drain and Hunt's Sluice aforeſaid, and the other Purpoſes of the ſaid Second Diſtrict.

Exemption of High Lands.

Method of determining Diſputes with reſpect to High Lands.

XXXII. Provided always, and be it enacted, That no Aſſeſſment, Rate, or Tax, ſhall be made, collected, or levied, upon or in reſpect of any High Lands within the ſaid Second Diſtrict, not ſubject to Inundations; and if any Diſpute ſhall ariſe whether any of ſuch Lands ought to be deemed High Lands, the ſame ſhall be determined by Five or more of the Commiſſioners for the ſaid Second Diſtrict, and Two indifferent Perſons to be nominated and appointed by the Land Owners complaining of ſuch Rate or Tax; and in caſe ſuch Diſpute ſhall not be determined within Three Calendar Months from the Time of ſuch Meeting, or if the Perſon or Perſons on whoſe Behalf ſuch Determination ſhall be made, ſhall think himſelf, herſelf, or themſelves, aggrieved by ſuch Determination, then it ſhall and may be lawful for him, her, or them, to appeal, giving Notice in Writing of ſuch intended Appeal to the ſaid Commiſſioners, or their Clerk, to the Juſtices of the Peace at their General Quarter Seſſions of the Peace, to be holden by Adjournment at King's Lynn or Swaffham, in the ſaid County of Norfolk, or at Saint Edmund's Bury, in the County of Suffolk, if ſuch Diſpute ſhall happen in the ſaid County of Suffolk, within Six Calendar Months after ſuch Diſpute or Determination ſhall happen; and the ſaid Juſtices, at their ſaid Seſſions, are hereby impowered to ſend for, ſummon, and examine, ſuch Witneſſes upon Oath, touching the Matters in Queſtion, as they ſhall think proper; and alſo in caſe they ſhall not have at ſuch Seſſions ſufficient Evidence before them to determine the Matter in Queſtion, then it ſhall and may be lawful for ſuch Juſtices, ſo aſſembled as aforeſaid, to adjourn ſuch Appeal to any future General Quarter Seſſions of the Peace to be holden by Adjournment as aforeſaid, then and there finally to determine the ſame between the Parties, and to give ſuch Coſts to either Party as they ſhall think reaſonable; and that ſuch Determination ſhall be final and concluſive to all Parties without any further or other Appeal, and ſhall not be removed or removeable by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter.

On Default of Payment of Taxes,

Commiſſioners to have Power to diſtrain.

XXXIII. And, in order that the full Sum which ſhall be ſo rated or aſſeſſed may be duly paid, be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall refuſe or neglect to pay to the Collector or Collectors, Receiver or Receivers, or any other Perſon or Perſons appointed by the ſaid Commiſſioners of the ſaid Two Diſtricts reſpectively, the Rate or Tax with which he, ſhe, or they, ſhall be reſpectively charged, by the Space of Two Calendar Months after the ſame ſhall have become due and payable, every ſuch Perſon ſhall forfeit and pay to ſuch Collector or Collectors the further Sum of Two Shillings and Sixpence for every Twenty Shillings which ſhall be ſo in arrear and unpaid, and ſo in proportion for any greater or leſs Sum; to be levied by Diſtreſs and Sale of his, her, and their Goods and Chattels, in ſuch Manner as the aforeſaid Rates and Taxes are herein directed to be levied; and the Monies ſo forfeited and levied ſhall be applied towards the Works of ſuch Diſtrict where the ſame ſhall be forfeited.

Exception.

XXXIV. Provided alſo, That it ſhall and may be lawful for the ſaid Matthew Pepper Manby Eſquire, his Heirs and Aſſigns, to take Water into his Decoy within the ſaid Firſt Diſtrict out of Stoke River aforeſaid, by a Tunnel to be laid into the ſame; and to make, maintain, and ſupport, a good and ſufficient Bank round the ſaid Decoy, at his and their own Coſts and Charges, upon his own Lands, as ſhall be ſufficient to prevent the Waters draining out of the ſame; and that no Aſſeſſment, Rate, or Tax, ſhall be made or levied upon the ſaid Decoy.

On Neglect to make the Bank, Commiſſioners to order the Tunnel to be pulled up.

XXXV. Provided nevertheleſs, That if the ſaid Matthew Pepper Manby, his Heirs and Aſſigns, ſhall neglect or refuſe to make and ſupport the Banks of the ſaid Decoy in Manner above mentioned, it ſhall and may be lawful for the Commiſſioners of the ſaid Firſt Diſtrict, or any Five or more of them, to order the ſaid Tunnel, ſo to be laid down by him or them as aforeſaid, to be taken up and dammed acroſs, until ſuch Bank ſhall be ſufficiently repaired for the Purpoſe aforeſaid.

A Survey to be made of the taxable Lands in each Diſtrict,

on the Oath of the Surveyor.

XXXVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid reſpective Commiſſioners, or any Five or more of them, to order a Survey to be made of the Quantity of Acres, Roods, and Perches, contained in the Lands and Grounds in each reſpective Diſtrict liable to be taxed by virtue of this Act, by ſuch Perſon or Perſons as they ſhall think proper; and ſuch Perſon or Perſons ſhall and may, and they are hereby authoriſed and impowered to enter into and upon any of the Lands ſo liable to be taxed for the Purpoſe of making ſuch Survey; and ſuch Survey, when ſo made, ſhall be delivered to the Commiſſioners of the ſaid Diſtricts reſpectively, or any Five or more of them, at ſome One of their Meetings, and ſhall be verified upon the Oath of the Perſon or Perſons ſo making the ſame, (which Oath any One of the Commiſſioners of the ſaid reſpective Diſtricts is hereby impowered to adminiſter); and ſuch Survey, to be given in as aforeſaid, and made by Order of the Commiſſioners of the ſaid Diſtricts reſpectively, ſhall be a ſufficient Authority for the ſaid reſpective Commiſſioners to collect the ſaid Rates and Taxes by, and ſhall be binding to the ſeveral Perſons charged with the Payment thereof for their ſeveral Lands ſo charged with ſuch Payments; and ſuch Survey, being ſigned by the Perſon or Perſons ſo making the ſame, and alſo by any Five or more of the Commiſſioners for each of the ſaid Diſtricts reſpectively, preſent at any Meeting, ſhall be allowed as Evidence in all His Majeſty's Courts of Law or Judicature whatſoever.

Perſons aggrieved may have a Reſurvey.

XXXVII. Provided always, and be it enacted, That in caſe any Owner or Proprietor of the ſaid Fen Lands or Low Grounds ſhall think himſelf aggrieved by ſuch Survey, that it ſhall and may be lawful for ſuch Owner or Proprietor to have his ſaid Lands and Grounds reſurveyed by ſuch Surveyor, as he or they ſhall think proper; and in caſe, by ſuch new Survey, it ſhall appear that ſuch Owner or Proprietor ſhall be overcharged by ſuch former Survey, or pay for a greater Number of Acres than the real Quantity of his ſaid Lands or Grounds, that ſuch Owner or Proprietor ſhall, upon ſuch Reſurvey, to be delivered in to the ſaid Commiſſioners of the ſaid Two Diſtricts reſpectively, at any of their Meetings, on the Oath of ſuch Surveyor, (which Oath any One of the ſaid Commiſſioners is hereby impowered to adminiſter), ſhall be abated in Proportion to ſuch Overcharge; but if it ſhall appear, on ſuch Reſurvey, that ſuch Owner or Proprietor ſhall not be overcharged to ſuch Rates or Aſſeſſments, that then ſuch Owner or Proprietor ſhall be at the Charge of making ſuch Reſurvey; but in caſe, by ſuch Reſurvey, it ſhall appear that ſuch Owner or Proprietor ſhall be overcharged, that then the Expences of ſuch Reſurvey ſhall be paid and borne by the Commiſſioners of ſuch of the ſaid Diſtricts reſpectively, out of the Monies ariſing in ſuch Diſtrict where ſuch Reſurvey ſhall be taken as aforeſaid.

Hockwold with Wilton's Thirty Acres exempted from any Tax.

XXXVIII. And whereas the poor Inhabitants of *Hockwold with Wilton* aforeſaid are intitled to a certain Common called *The Poor's Charity* or *Thirty Acres*, within the ſaid Second Diſtrict, upon which they are intitled to cut Firing for the Winter Seaſon, and to make no other Uſe thereof; it is hereby further enacted, That the ſaid Common, called The Poor's Thirty Acres, ſhall not be liable or chargeable with any Rate or Tax, charged or rated by virtue of this Act, ſo long as the ſame ſhall be uſed by ſuch Commoners, for the Purpoſes aforeſaid; but that ſuch Common ſhall be exempt from all Taxes whatſoever, charged or to be charged by virtue of this Act.

In caſe of Default of Payment of Rates,

21 Days Notice being given before the Day of Payment,

Commiſſioners may diſtrain.

XXXIX. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, ſo rated, taxed, or aſſeſſed, as aforeſaid, ſhall refuſe or neglect to pay the Tax or Aſſeſſment charged upon him, her, or them, reſpectively, for or on account of their ſeveral Lands lying within the ſaid Diſtricts reſpectively, upon a Day to be appointed by the ſaid Commiſſioners reſpectively, or any Five or more of them, for ſuch Payment, publick Notice of ſuch Day of Payment Twenty-one Days before the Day of ſuch Payment being given in The Norwich Mercury, and Cambridge Chronicle and Journal, for that Purpoſe, ſo long as the ſame ſhall continue to be publiſhed, or any other weekly Paper circulated in the ſaid Counties of Norfolk and Suffolk, and alſo affixed upon the Church or Chapel Doors of Helgay, Southery, Methwold, Feltwell Saint Mary, Feltwell Saint Nicholas, and Hockwold with Wilton, aforeſaid, which Notice ſo to be given in ſuch Paper, affixed upon ſuch Church or Chapel Doors, or other Places as aforeſaid, ſhall be deemed and taken as publick Notice of the ſaid Day of Payment as if Demand thereof had been actualy made by the ſaid Receiver or Collector for the ſaid Two Diſtricts reſpectively, of the Perſon or Perſons by whom ſuch Rates or Taxes are to be paid as aforeſaid, that it ſhall and may be lawful for the reſpective Collector or Collectors, Receiver or Receivers, or for any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of Three or more of the ſaid Commiſſioners for the ſaid Two Diſtricts reſpectively, (which Warrant or Precept ſuch Commiſſioners, or any Three or more of them reſpectively, are hereby impowered and required from Time to Time to make, as Occaſion ſhall require), to enter into and upon the ſaid Fen Lands and Low Grounds within the ſaid Two Diſtricts, or either of them, ſo rated, aſſeſſed, and taxed, as aforeſaid, in Poſſeſſion of ſuch Perſon or Perſons as ſhall ſo make Default in Payment as aforeſaid, and all Meſſuages, Tenements, Cottages, or Buildings, thereupon ſtanding, or belonging thereunto, with their and every of their Appurtenances, and to levy the Sum or Sums of Money by him, her, or them, payable for ſuch Rate or Tax, and the Arrears thereof, by Diſtreſs and Sale of the Goods and Chattels which ſhall be found on the Premiſes ſo charged with any ſuch Rate or Tax, or the Arrears thereof, as aforeſaid; and in caſe no ſufficient Diſtreſs can be found on the Premiſes, it ſhall and may be lawful for ſuch Collector or Collectors, Receiver or Receivers, or other Perſon or Perſons, by virtue of ſuch Warrant or Precept, as aforeſaid, to levy the ſaid Taxes, and all Arrears for the ſame, by Diſtreſs of the Goods and Chattels of the Perſon or Perſons ſo making Default in Payment, as aforeſaid, which ſhall be found in any other Place within the Kingdom of Great Britain; and the Goods and Chattels ſo diſtrained to impound on the Premiſes, or take, lead, drive, carry away, impound, and keep, in any other Place for the Space of Five Days, at the Coſts and Charges of the Owner or Owners thereof, leaving at ſuch Meſſuages, Tenements, Cottages, Grounds, and Premiſes, Notice in Writing of the Cauſe of ſuch Diſtreſs, and the Place where ſuch Goods and Chattels ſhall be impounded; and if the Owner or Owners of the Goods and Chattels ſo diſtrained ſhall not pay the Sum or Sums of Money ſo rated, taxed, or aſſeſſed, and the Arrears thereof, as aforeſaid, together with the Coſts and Charges attending ſuch Diſtreſs, or replevy the ſaid Goods and Chattels diſtrained, with ſufficient Security to be given to the Sheriff of the County where ſuch Diſtreſs ſhall be ſo taken, or Chief Bailiff of the Iſle of Ely, if taken within the ſaid Iſle of Ely, according to the Laws now in being for Diſtreſſes in caſe of Nonpayment of Rent, within Five Days next after ſuch Diſtreſs made, and Notice thereof given as aforeſaid, the Perſon or Perſons ſo diſtraining may, with the Sheriff or Under Sheriff, or the Chief Bailiff of the Iſle of Ely, Conſtable or Headborough of the Pariſh or Place where ſuch Diſtreſs ſhall be made, (who is and are hereby required to aſſiſt therein), cauſe the Goods and Chattels ſo diſtrained to be appraiſed by Two or more indifferent Perſons, to be ſworn by ſuch Sheriff, Under Sheriff, Chief Bailiff, Conſtable, or Headborough, (who is and are hereby impowered to adminiſter ſuch Oath), to appraiſe the ſame according to the beſt of their Judgement, and after ſuch Appraiſemen , it ſhall and may be lawful for ſuch Collector or Collectors, Receiver or Receivers, or other Perſon or Perſons ſo making ſuch Diſtreſs, to ſell the Goods and Chattels ſo diſtrained for the beſt Price that can be got for the ſame, for and towards Satisfaction for the Monies for which ſuch Diſtreſs ſhall be ſo taken, and the Charges of taking, keeping, appraiſing, and ſelling, the Goods and Chattels ſo diſtrained, leaving the Overplus (if any) in the Hands of ſuch Sheriff, Under Sheriff, Chief Bailiff, Conſtable, or Headborough, for the Owner's Uſe.

Tenants to pay the Tax, and deduct the ſame out of their Rent.

XL. And be it further enacted, That the Tenant or Tenants of all and ſingular the ſaid Fen Lands and Low Grounds which ſhall be rated and aſſeſſed by virtue of this Act, is and are hereby required and authoriſed to pay ſuch Taxes or Aſſeſſments, and deduct the ſame out of his, her, or their Rent; and every Tenant paying ſuch Taxes or Aſſeſſments ſhall be acquitted and diſcharged for ſo much Money as ſuch Aſſeſſments ſhall amount unto, as if the ſame had been actually paid to the Perſon or Perſons intitled to the Rent of ſuch Fen Lands and Low Grounds, except where there is a Leaſe for Three or more Years to come from the Commencement of this Act, in which Caſe, the Proportion of ſuch Taxes or Aſſeſſments, which the Tenant ought to bear and pay, in conſideration of the Benefit he or ſhe receives by ſuch Leaſe, ſhall be adjudged and awarded by the ſaid Commiſſioners of each of the ſaid Diſtricts, or any Five or more of them, at a Meeting to be held for each of the ſaid Diſtricts by virtue of this Act, except in the Caſe of ſuch Leaſe where there ſhall be an Agreement betwixt the Landlord and Tenant which of them ſhall pay ſuch Rates or Aſſeſſments.

Lands untenanted to be charged with the Rates.

XLI. And be it enacted by the Authority aforeſaid, That in caſe any of the ſaid Lands and Grounds ſhall at any Time after the paſſing of this Act be untenanted or unoccupied, or the Owner or Owners thereof ſhall not be found, ſo that no ſufficient Diſtreſs can be made by levying the ſaid Rates and Taxes, the Lands and Grounds chargeable therewith ſhall always remain a Security for Payment thereof, and all Arrears to grow due for the ſame; and all Goods, Chattels, and Cattle, which ſhall at any Time thereafter be found therein, ſhall and may be diſtrained, kept, appraiſed, and ſold, in Manner aforeſaid, until all Arrears of the ſaid Rates or Taxes, and Charges attending the ſame, ſhall be fully paid and ſatisfied.

Commiſſioners may let Lands unoccupied to pay the Rates.

XLII. And be it enacted by the Authority aforeſaid, That in caſe any of the Lands and Grounds liable to be taxed by virtue of this Act ſhall at any Time be untenanted or unoccupied, whereby no Diſtreſs can be taken for the Taxes in arrear and then due, it ſhall and may be lawful for the ſaid reſpective Commiſſioners, or any Five or more of them, and they are hereby impowered, at a Meeting to be held for that Purpoſe within the Diſtrict where ſuch Lands lie, the Taxes whereof are ſo in arrear, to let ſuch Lands and Grounds ſo in arrear, or ſo much thereof as they ſhall think neceſſary, to any Perſon or Perſons they ſhall think proper, for the beſt Rent they can get for the ſame, and to pay and apply ſuch Rent for which ſuch Land ſhall be ſo let in Diſcharge of ſuch Taxes and Arrears, rendering the Overplus, if any, to the Owner or Owners of ſuch Lands and Grounds ſo in arrear as aforeſaid; and the ſaid reſpective Commiſſioners ſhall and may have the like Powers and Remedies for recovering the Rent of ſuch Lands ſo let, as other Landlords by Law now have.

Commiſſioners of the Firſt Diſtrict impowered to borrow Money.

XLIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners of the ſaid Firſt Diſtrict, or any Seven or more of them, to borrow, take up, and receive any Sum or Sums of Money that they ſhall think proper, upon the Credit of the Taxes and Aſſeſſments in the ſaid Diſtrict, Four of whom to be real Owners of Lands within the ſaid Firſt Diſtrict, and, by Writing under the Hands of any Five or more of them, to mortgage, charge, aſſign, convey, and incumber the Taxes or Aſſeſſments ſo to be aſſeſſed and levied, or any Part thereof, within the ſaid Firſt Diſtrict, with and for the Repayment of the Sums ſo borrowed, with ſuch Intereſt, at ſuch Times, and with ſuch Proviſoes and Conditions of Redemption, as ſhall be agreed upon between the ſaid Commiſſioners and the Perſons ſo advancing the ſame.

Commiſſioners of the Second Diſtrict impowered to borrow Money.

XLIV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners of the ſaid Second Diſtrict, or any Seven or more of them, to borrow, take up, and receive any Sum or Sums of Money that they ſhall think proper, upon the Credit of the Taxes and Aſſeſſments in the ſaid Diſtrict, Four of whom to be real Owners of Lands within the ſaid Second Diſtrict, and, by Writing under the Hands of any Five or more of them, to mortgage, charge, aſſign, and convey, or incumber the Taxes or Aſſeſſments ſo to be aſſeſſed and levied, or any Part thereof, within the ſaid Second Diſtrict, with and for the Repayment of the Sums ſo borrowed, with ſuch Intereſt, at ſuch Times, and with ſuch Proviſoes and Conditions of Redemption, as ſhall be agreed upon between the ſaid Commiſſioners and the Perſons ſo advancing the ſame.

Money borrowed to be diſtinguiſhed for which Diſtrict.

XLV. And be it further enacted, That ſuch Monies ſhall be reſpectively and diſtinctly borrowed for the Uſe of the ſaid Two Diſtricts reſpectively; and it ſhall be particularly ſet forth in every Security given for the Money ſo borrowed, that ſuch Monies are ſo reſpectively borrowed for the Uſe of the ſaid Firſt or Second Diſtrict, as the Caſe ſhall be.

The Sum of 1000 *l.* may be borrowed on the Credit of the Taxes of the Firſt Diſtrict, and no more than 3000 *l.* on the Taxes of the Second Diſtrict.

XLVI. Provided always, and be it enacted by the Authority aforeſaid, That no more than the Sum of One thouſand Pounds ſhall be borrowed or owing at any One Time on the Credit or Security of the Taxes or Aſſeſſments ariſing within the ſaid Firſt Diſtrict, and that no more than the Sum of Three thouſand Pounds ſhall be borrowed or owing at any One Time on the Credit or Security of the Taxes or Aſſeſſments ariſing within the ſaid Second Diſtrict; and that the Tax on the ſaid Firſt or Second Diſtrict or Diviſion ſhall not, during the Time any Principal or Intereſt Monies ſhall be due on the ſeveral Securities thereof, be leſs in any One Year than the ſaid Sum of Sixpence, or One Shilling per Acre reſpectively, in which ſuch Principal and Intereſt ſhall be reſpectively owing.

Securities to be aſſignable by Indorſement, &c.

XLVII. And be it further enacted by the Authority aforeſaid, That ſuch Mortgages or Securities, ſo to be made by the ſaid Commiſſioners of the ſaid Rates or Taxes ariſing within the ſaid Firſt or Second Diſtrict, ſhall and may be aſſignable or transferable by Indorſements on the original Grant thereof made, or otherwiſe, to any Perſon or Perſons whatſoever; and the Perſon or Perſons to whom ſuch Aſſignment or Transfer ſhall be made, ſhall and may, from and after the ſame ſhall be ſo made, and entered in a Book to be kept for that Purpoſe, be well and ſufficiently intitled to ſuch Mortgage Money and Intereſt, and all the Monies due and to grow thereon; which Entries are hereby required to be made on Requeſt, upon producing ſuch Aſſignment, and paying Two Shillings and Sixpence for every ſuch Entry; and ſuch Aſſignee or Aſſignees, and every other Aſſignee or Aſſignees, ſhall and may, in like Manner, by Indorſement, or otherwiſe, aſſign and make over ſuch Mortgage or Mortgages, and Securities, ſo aſſigned as aforeſaid, and ſo toties quoties, as Occaſion ſhall require, every ſuch Aſſignment or Transfer being entered in ſuch Book as aforeſaid.

2 *s.* 6 *d.* to be paid for Entry.

Taxes chargeable with the Monies borrowed.

XLVIII. Provided always, and be it enacted, That all and every the Taxes and Aſſeſſments raiſed within the ſaid Firſt or Second Diſtrict by virtue of this Act, or ſo much thereof as ſhall be aſſigned by the ſaid reſpective Commiſſioners, ſhall be charged and chargeable with the Payment of the principal Money ſo to be borrowed by the Commiſſioners of the ſaid Firſt or Second Diſtrict reſpectively, and the Intereſt of ſuch Money from Time to Time ſhall veſt in the Creditors of ſuch reſpective Diſtricts, upon Default of Payment of ſuch principal Money and Intereſt, until the ſame, and every Part thereof, ſhall be fully ſatisfied and paid, together with the Coſts and Charges occaſioned by the Nonpayment thereof; and the ſaid Creditors, their Executors, Adminiſtrators, and Aſſigns, reſpectively, ſhall have the ſame Powers, Rights, and Privileges, of aſſeſſing, raiſing, and recovering the ſeveral Taxes and Aſſeſſments payable by the ſeveral Owners and Occupiers of Lands and Grounds within the ſaid Diſtricts reſpectively, or ſo much thereof as ſhall be aſſigned by the ſaid Commiſſioners, for or in reſpect of ſuch principal Money and Intereſt, in caſe of Default of Payment thereof, as the ſaid Commiſſioners and their Collectors and Receivers would have had, in caſe ſuch principal Money and Intereſt had been regularly and fully ſatisfied and paid.

Application of Money within the Two Diſtricts.

XLIX. And be it further enacted by the Authority aforeſaid, That the Monies ariſing by virtue of this Act within the ſaid Firſt Diſtrict, ſhall, in the Firſt Place, be applied for and towards the Payment of the Charges and Expences of obtaining this Act, as herein-after directed; and after the Payment thereof, for and towards the making all and ſingular the ſeveral Banks, Drains, Mills, Engines, and other Works herein mentioned and directed to be made within the ſaid Firſt Diſtrict: And the Monies ariſing by virtue of this Act within the ſaid Second Diſtrict, ſhall be applied, in the Firſt Place, for and towards the Payment of the Charges and Expences of obtaining this Act in Manner herein-after directed; and after the Payment thereof, for and towards the making and ſupporting all and ſingular the ſeveral Banks, Drains, Mills, Engines, and other Works herein mentioned and directed to be made within the ſaid Second Diſtrict, and alſo to and for all ſuch other Works whatſoever within the ſaid Second Diſtrict, as the ſaid Commiſſioners for the ſaid Second Diſtrict, or any Five or more of them, ſhall think proper to be made within the ſaid Second Diſtrict; and that the Monies ariſing by virtue of this Act, within the ſaid Two Diſtricts reſpectively, ſhall alſo be reſpectively applied to and for ſuch joint Works, the Expence of which is directed to be jointly borne by the ſaid Two Diſtricts.

Leſſees of *Methwold Severals*, in conſideration of paying no Tax, to ſupport the Bank of *Stoke River*.

L. And whereas it is agreed, that the preſent Leſſee of certain Lands in the ſaid Firſt Diſtrict, called *Methwold Severals*, or any future Leſſee or Owner thereof, his, her, or their Succeſſors, Heirs, Executors, Adminiſtrators, or Aſſigns, as long as they ſhall continue Leſſees, or Owners and Proprietors thereof, ſhall and will, at his and their own Coſts and Charges, in conſideration of paying no Rate or Tax rated or aſſeſſed by virtue of this Act, (except as to the Support and Maintenance of the Banks of *Sams's Cut* or *Drain*, and the ſaid *Sams's Cut* or *Drain*, and *Hunt's Sluice*, as aforeſaid), maintain, ſupport, and repair the ſaid Bank of *Stoke River*, ſo far as the ſame runs and lies againſt the ſaid *Severals* of *Methwold* aforeſaid; be it enacted by the Authority aforeſaid, That from and after the paſſing of this Act, the ſaid South Bank of Stoke River, ſo far as the ſame runs againſt the ſaid Lands, ſhall be deemed and taken as the particular Works of the ſaid Leſſee or Leſſees, Owner or Owners, and that he and they ſhall maintain, ſupport, and repair the ſaid Bank, of ſuch an Height, Width, and Strength, as ſhall prevent the Waters running into or through the ſame, from running over or making any Breach or Breaches therein; and in caſe the ſaid Leſſee or Leſſees, or Owner or Owners of the ſaid Lands, or any future Leſſee or Leſſees, or Owner or Owners thereof, his, her, or their Succeſſors, Heirs, Executors, Adminiſtrators, or Aſſigns, or his, her, or their Tenant or Tenants, ſhall at any Time or Times, from and after the paſſing of this Act, neglect or refuſe to keep and maintain the ſaid South Bank of Stoke River, ſo far as the ſame runs againſt the ſaid Lands, of ſuch ſufficient Height and Strength as to prevent the Waters of the ſaid River from running over or breaking through the ſaid Bank; and if the Waters thereof ſhall, at any Time or Times after the paſſing of this Act, run over, or cauſe a Breach in the ſame, it ſhall and may be lawful for the Commiſſioners of the ſaid Two Diſtricts, or either of them, or any Five or more of them, by Writing under their Hands and Seals, to authoriſe and impower the Surveyor, or other Officer, for either of the ſaid Two Diſtricts or Diviſions to give Notice to the ſaid Leſſee or Leſſees, Owner or Owners, of the ſaid Lands, or any future Leſſee or Leſſees, or Owner or Owners thereof, his, her, or their Succeſſors, Heirs, Executors, Adminiſtrators, or Aſſigns, or his, her, or their Tenant or Tenants, that the Waters of the ſaid River are running over the ſaid Bank, or that the ſaid Bank is in Danger of being broke; and in caſe the ſaid Leſſee or Leſſees, Owner or Owners, of the ſaid Lands, or any future

In caſe the Banks of *Stoke River*, &c. be neglected, the Officers, ſo authoriſed, to repair the Bank, ſtop the Breaches, &c. ſhall be reimburſed their Expences by the Leſſees.

Leſſee or Leſſees, Owner or Owners thereof, his, her, or their Succeſſors, Heirs, Executors, Adminiſtrators, or Aſſigns, or Tenant or Tenants, ſhall neglect or refuſe, upon ſuch Notice, to employ proper Perſons to prevent the Waters of the ſaid River from running over or breaking through the ſaid Bank, or in caſe ſuch Waters ſhall actually run over the ſaid Bank, or if any actual Breach or Breaches ſhall happen therein before ſuch Notice be given, ſuch Leſſee or Leſſees, Owner or Owners, or any future Leſſee or Leſſees, Owner or Owners, of the ſaid Lands, ſhall neglect or refuſe to ſtop and make up the ſame, it ſhall and may be lawful for ſuch Officer or Officers, ſo authoriſed as aforeſaid, together with ſuch Workmen as he or they ſhall think proper to employ, to enter into and upon the ſaid Lands and Grounds, and to make good and repair the ſaid Bank, and alſo to ſtop ſuch Breaches; and in order to enable them ſo to do, it ſhall and may be lawful to and for ſuch Workmen, ſo employed as aforeſaid, to dig and take Earth out of the ſaid Lands called Methwold Severals, for the raiſing and ſtrengthening the ſaid Bank, and ſtopping ſuch Breaches as aforeſaid, and the Expences neceſſarily incurred therein ſhall be reimburſed by the ſaid Leſſee or Leſſees, Owner or Owners, of the ſaid Lands, or any future Leſſee or Leſſees, Owner or Owners thereof, his, her, or their Succeſſors, Heirs, Executors, Adminiſtrators, or Aſſigns, Tenant or Tenants; and in caſe of Nonpayment thereof, it ſhall and may be lawful for any Five or more of the ſaid Commiſſioners for the ſaid Two Diſtricts reſpectively, by Warrant under their Hands and Seals, or either of them, to levy by Diſtreſs and Sale of the Goods and Chattels of ſuch Tenant or Tenants, Occupier or Occupiers, Owner or Owners, of ſuch Lands and Grounds, as aforeſaid, the Charges of raiſing and repairing the ſaid Bank, and of ſtopping and making up ſuch Breaches, rendering the Overplus (if any) to ſuch Owner or Owners, Tenant or Tenants, Occupier or Occupiers, as aforeſaid; and if the Tenant or Tenants of ſuch Lands and Grounds ſhall, upon ſuch Notice as aforeſaid, raiſe and ſtrengthen the ſaid Bank, or ſtop and make up the ſaid Breaches therein, at his, her, or their own Expence, or ſhall pay the Charges thereof, if done by Order of the ſaid Commiſſioners, or in caſe ſuch Charges and Expences ſhall be levied on him, her, or them, by Diſtreſs and Sale of his, her, or their Goods and Chattels as aforeſaid, it ſhall and may be lawful for ſuch Tenant or Tenants to deduct the ſame out of his or her Rent, and the Owner or Owners of ſuch Lands and Grounds ſhall allow ſuch Deduction, unleſs an Agreement in Writing ſhall be made to the contrary between ſuch Owner or Owners, and his, her, or their Tenant or Tenants, in ſuch and the ſame Manner as the Taxes paid by the Tenants are by this Act to be deducted and allowed: And if any Diſpute ſhall ariſe touching the Amount of the Expences which ſhall have been incurred in raiſing and ſtrengthening the ſaid Bank, or in ſtopping or making up the ſaid Breaches, ſuch Diſputes, and all Matters relating thereto, ſhall be finally ſettled and determined by the Juſtices of the Peace for the ſaid County of Norfolk, in caſe the ſaid Diſputes ſhall happen in the ſaid County, or if in the County of Suffolk, by the Juſtices of the Peace for the ſaid County of Suffolk, at the Firſt or Second General Quarter Seſſions of the Peace to be held by Adjournment for the ſaid Counties of Norfolk, or Suffolk, at King's Lynn, Swaffham, or Saint Edmund's Bury aforeſaid, as the Caſe ſhall happen, who are not intereſted in the Premiſes, without any further or other Appeal whatſoever.

Commiſſioners refuſing to repair *Sams's Cut* and *Hunt's Sluice*, Leſſees of *Methwold Severals* impowed to authoriſe the Surveyor of the Firſt Diſtrict to repair the ſame,

LI. And be it further enacted by the Authority aforeſaid, That in caſe the Commiſſioners of the ſaid Two Diſtricts reſpectively, or the Commiſſioners acting by virtue of the ſaid Act of the Thirtieth Year of the Reign of His late Majeſty King George the Second, or the Officers appointed by them for that Purpoſe, ſhall, at any Time or Times after the paſſing of this Act, neglect or refuſe to open, ſcour, cleanſe, and repair, the ſaid Drain called Sams's Cut, and the ſaid Sluice called Hunt's Sluice, in Manner herein-before directed, it ſhall and may be lawful for the ſaid Leſſee or Leſſees of Methwold Severals aforeſaid, or the Owners and Proprietors thereof, his or their Tenant or Tenants, by Writing under his or their Hand and Seal, or Hands and Seals, to authoriſe and impower the Surveyor, or other Officer, for the ſaid Firſt Diſtrict or Diviſion to give Notice in Writing to the ſaid Commiſſioners reſpectively, that the ſaid Drain called Sams's Cut Drain, and Hunt's Sluice, are out of Repair, (ſpecifying in ſuch Notice what Part of the ſaid Works is out of Repair); and that if the Repairs thereof are not ſet about and finiſhed within Five Days after ſuch Notice, it ſhall and may be lawful for ſuch Officer or Officers, ſo authoriſed by the ſaid Leſſee or Leſſees, or Owner or Owners, or Tenant or Tenants thereof, to order and direct the ſaid Drain, or ſuch Parts thereof as ſhall be ſo out of Repair, and alſo the ſaid Sluice called Hunt's Sluice, when out of Repair, to be opened, cleanſed, ſcoured, and repaired, and the Perſon or Perſons ſo authoriſed as aforeſaid is and are hereby impowered to enter into and upon the ſaid Drain and Sluice, and the Lands adjoining thereto, and employ Workmen to take Earth and other Materials for repairing the ſame; and that the Treaſurer or Receiver of the ſaid reſpective Commiſſioners, ſhall, and he or they is and are hereby required to pay the full Proportion of the Charges and Expences thereof, which is in and by this Act directed to be borne by the ſaid reſpective Commiſſioners, to ſuch Perſon or Perſons, on his and their producing proper Vouchers for the Money laid out and expended therein, within Twenty Days after Demand thereof made upon the ſaid reſpective Treaſurers or Receivers by ſuch Perſon or Perſons; and in Caſe of Nonpayment thereof by ſuch Treaſurers or Receivers within the Time before limited for ſuch Payment as aforeſaid, then it ſhall and may be lawful for any Juſtice of the Peace for the Counties of Norfolk or Suffolk, as the Caſe ſhall happen, upon Application made to him by the Perſon repairing ſuch Works, to iſſue a Warrant under his Hand and Seal, impowering ſuch Perſon or Perſons to levy ſuch Sum or Sums of Money ſo laid out as aforeſaid by Diſtreſs and Sale of the Goods and Chattels of the Occupier or Occupiers of the Lands or Grounds within the Limits aforeſaid, lying next unto, or adjoining upon, the ſaid Bank or Sluice reſpectively;

and the Expence to be borne by the ſaid Commiſſioners.

In caſe of Nonpayment, on Application to a Juſtice, the Money to be levied by Diſtreſs.

reſpectively; and that it ſhall and may be lawful for ſuch Occupier or Occupiers, whoſe Goods and Chattels are ſo diſtrained and ſold, to deduct the Sum or Sums of Money by him or them ſo paid out of the Taxes due, and to grow due, to the ſaid reſpective Commiſſioners for the ſaid Lands and Grounds where ſuch Diſtreſs or Diſtreſſes ſhall be ſo made, any Thing herein or in the ſaid Acts contained to the Contrary notwithſtanding.

LII. And whereas, for the more effectual draining the ſaid Two Diſtricts, it is thought expedient to erect One or more Engine or Engines at the Weſt End of *Sams's Cut Drain* aforeſaid, on each Side thereof, at *Hunt's Sluice*, to throw the Waters of the ſaid Drain into the River *Ouze*; be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Commiſſioners of the ſaid Two Diſtricts, and they are hereby reſpectively authoriſed, impowered, and required, within Twelve Calendar Months after the paſſing of this Act, at their joint Coſts and Charges, to erect, build, and ſet up, One Mill or Engine for throwing of Water at the ſaid Weſt End of Sams's Cut aforeſaid, on the North Side of Hunt's Sluice aforeſaid, to throw the Waters of the ſaid Drain into the ſaid River Ouze, of the Dimenſions and Scantlings following; that is to ſay, Twenty-ſix Feet upon the Poſts thereof, with Length of Sail ſufficient to carry not leſs than Thirty Feet of Cloth, and a Water Wheel not leſs than Twenty Feet Diameter, and a Bottom Cogg Wheel not leſs than Sixteen Feet Diameter, together with Gears and Works ſuitable thereto; but in caſe the Commiſſioners of either of the ſaid Two Diſtricts, after the Firſt of the ſaid Engines ſhall be ſo erected as aforeſaid, ſhall not think ſuch Mill ſufficient to anſwer the full Purpoſe of draining the ſaid Lands and Grounds intended to be drained thereby, it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven or more of them reſpectively, to order and direct One other Mill or Engine for throwing of Water, not leſs than the Dimenſions and Scantlings aforeſaid, to be erected at the ſaid Weſt End of Sams's Cut aforeſaid, on the South Side of Hunt's Sluice aforeſaid, at the joint Coſts and Charges of the Commiſſioners of the ſaid Two Diſtricts, for throwing the Waters thereof out of the ſaid Drain into the ſaid River Ouze; and that the ſaid Engine or Engines, Mill or Mills, when erected in Manner aforeſaid, ſhall be for ever after worked and repaired at the joint Expence of the ſaid Commiſſioners, and ſhall be veſted in the ſaid Commiſſioners and Leſſees of Methwold Severals aforeſaid jointly; and, in order that ſuch Mills may be erected to anſwer the full Purpoſe of Drainage, the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to make Drains, and other Works, out of Sams's Cut aforeſaid, into the ſaid River Ouze.

Commiſſioners of the Two Diſtricts impowered to erect Two Mills at the Weſt End of *Sams's Cut, etc.*

LIII. And whereas it may be expedient for the Commiſſioners of the ſaid Second Diſtrict to have Liberty to erect One Mill or Engine for throwing of Water to throw the Waters thereof into *Sams's Cut Drain* aforeſaid; be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Commiſſioners of the ſaid Second Diſtrict, at their own Coſts and Charges, at any Time after the ſaid Mill or Mills ſhall be erected at the Weſt End of Sams's Cut Drain aforeſaid, to throw the Water thereof into the ſaid River Ouze, but not before, and to erect, if they think proper, ſuch Engine for the Benefit of the ſaid Second Diſtrict at or near Sams's Cut Drain, provided that ſuch Engine ſhall not exceed the following Dimenſions and Scantlings; that is to ſay, Twenty Feet high upon the Poſts, and a Sail not to carry more than Thirty Feet, and a Water Wheel Fourteen Feet Diameter, and no more, with proper and ſuitable Gears and Works thereto; and in caſe the ſaid Commiſſioners of the ſaid Second Diſtrict ſhall order ſuch Mill, when erected, to be worked into Sams's Cut aforeſaid, before the Firſt of the ſaid Mills directed to be erected at the Weſt End thereof ſhall be completed, it ſhall and may be lawful for the ſaid Commiſſioners of the ſaid Firſt Diſtrict to order ſuch Mill to be ſtopped from working, until the ſaid Mill at the Weſt End of Sams's Cut ſhall be completed.

Commiſſioners of the Second Diſtrict may erect a Mill at the Weſt End of *Sams's Cut*, for the Benefit of the ſaid Diſtrict, under certain Limitations.

LIV. And whereas the Lands to be drained by virtue of the ſaid Act of the Thirtieth Year of His late Majeſty's Reign will be equally benefited by the Drain called *Sams's Cut*, and the Sluice called *Hunt's Sluice*, with the Lands to be drained by virtue of this Act; be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Commiſſioners under the ſaid Act, and they, or any Five or more of them, are hereby authoriſed and required to pay, or cauſe to be paid, out of any of the Monies ariſing by virtue of the ſaid Act, to the Commiſſioners acting for either of the ſaid Diſtricts under this Act, or any Five or more of them, or to their reſpective Treaſurer or Treaſurers, ſuch Proportion of any Sum or Sums of Money as ſhall, from Time to Time, after the paſſing of this Act, be expended in ſcouring and widening, the ſaid Drain called Sams's Cut, or the ſaid Sluice called Hunt's Sluice, as ſhall bear Proportion to the Number of Acres taxed by virtue of the ſaid Act, and by this Act reſpectively; any Thing in the ſaid Act to the Contrary notwithſtanding.

Commiſſioners of *Feltwell* new Diſtrict to pay a proportionable Part for the Repair of *Sams's Cut.*

LV. And be it further enacted, That in caſe any Sum or Sums of Money, ſo due from the ſaid Commiſſioners acting under the ſaid Act, ſhall be unpaid for the Space of Twenty Days after Demand made thereof from the Treaſurer to the Commiſſioners under the ſaid Act, by the Commiſſioners of either of the Diſtricts under this Act, or any Five or more of them, or their reſpective Clerk or Treaſurer, then ſuch Sum or Sums of Money, ſo due and unpaid, ſhall and may be recovered by the ſaid Commiſſioners of either of the ſaid Diſtricts under this Act from the Commiſſioners under the ſaid Act, by Action of Debt, Plaint, Bill, Suit, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, in which no Eſſoin, Protection, Privilege, Wager of Law, or more than One Imparlance, ſhall be allowed.

How Commiſſioners may recover Money unpaid.

LVI. And be it further enacted, That in order to raiſe Money for defraying the Charge of repairing the ſaid Bank by the ſaid Commoners of Methwold Common, it ſhall and may be lawful to and for the Fen Reeves of Methwold aforeſaid for the Time being, or any Two or more of them, to let the Feed or Mowing of the ſaid Bank, ſo to be ſeparated and fenced off from the ſaid Common, and lying

Fen Reeves of *Methwold Common* to raiſe Money to repair the Bank againſt *Methwold Common* againſt the ſaid River and Load, and alſo of the Piece of Land or Common lying between the ſaid Bank and the Soak Dike or Drain, for the beſt Rent they can get for the ſame, either from Year to Year, or for any Term not exceeding Three Years; and alſo to tax and charge the Owners of any Cattle with which the ſaid Common ſhall be ſtocked, or which ſhall be going and fed thereon at any Time between Lady-day and Michaelmas-day, Old Stile, in each Year, except ſuch Cattle as ſhall be under the Age of One Year, with an equal and proportionable Rate, according to the Number of ſuch Cattle belonging to each and every Owner; and in caſe the ſaid Rate ſhall not be paid by any ſuch Owner within Five Days after the Day appointed for ſuch Payment, by Notice in Writing affixed on the Church Door of Methwold aforeſaid, then it ſhall and may be lawful for any Five or more of the Commiſſioners for the ſaid First Diſtrict, by Warrant under their Hands and Seals, directed to the ſaid Fen Reeves, or any Two or more of them, to levy the ſame on the Goods and Chattels of any Owner ſo making Default of Payment, by Diſtreſs and Sale of ſuch Goods and Chattels, together with the reaſonable Charges of obtaining ſuch Warrants, and of taking, keeping, and ſelling, the Goods and Chattels ſo diſtrained, to be aſcertained by the ſaid Commiſſioners granting ſuch Warrant, rendering the Overplus on Demand to ſuch Owner; and all ſuch Money as ſhall be raiſed by any of the Ways and Means as aforeſaid ſhall be applied by the ſaid Fen Reeves to the Repair of the ſaid Bank, and to no other Purpoſe whatſoever.

If Fen Reeves neglect to repair the Bank, Leſſees of *Severals* may do it.

LVII. And be it further enacted, That in caſe the ſaid Fen Reeves ſhall neglect or refuſe, within Ten Days after Notice to them given by the Leſſee or Leſſees, Tenant or Tenants, of the ſaid Severals, to repair the ſaid Bank, then it ſhall and may be lawful to and for the Leſſee or Leſſees, Tenant or Tenants, of the ſaid Severals, or the ſaid Commiſſioners of the ſaid First Diſtrict, or any Five or more of them, and he and they is and are hereby impowered to repair the ſaid Bank, and to levy the Coſts and Charges of ſuch Repairs by Diſtreſs and Sale of any Cattle ſtocked on the ſaid Common, betwixt Lady-day Old Stile and Michaelmas-day Old, Stile in the ſame Manner as the Fen Reeves are hereby impowered to repair the ſaid Bank, and to levy the Coſts and Charges thereof.

Lands of Mr. *Tokelove*, &c. may be drained by the Mill erected by the Leſſees of the *Severals*.

LVIII. And be it further enacted, That in caſe the Leſſee or Leſſees, Tenant or Tenants, of the ſaid Severals, or the ſaid Commiſſioners for the ſaid First Diſtrict, ſhall erect any Mill or Engine, ſo as to drain the ſaid Severals, then the Lands belonging to William Tokelove, Arthur Anneſley, the Reverend Henry Greene, Robert Clough, and John Drage, or their Heirs or Aſſigns, lying on the North Side of Sams's Cut aforeſaid, and adjoining upon the ſaid Severals, ſhall and may, upon Application to the ſaid Leſſee or Leſſees of the ſaid Severals, his, her, or their Tenant or Tenants, or to the Commiſſioners of the ſaid First Diſtrict, or any Five or more of them, be drained by ſuch Mill or Engine, they the Owners of the ſaid Lands, their Heirs or Aſſigns, paying, or cauſing to be paid, yearly and every Year, to the ſaid Leſſee or Leſſees, Tenant or Tenants, of the ſaid Severals, One Shilling for each and every Acre of ſuch Lands ſo drained, ſo long and for ſuch Time as ſuch Lands ſhall be ſo drained, and no longer.

Mr. *Anneſley*, Mr *Green* and others, to make Tunnels next *Sams's Cut*.

LIX. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Leſſee or Leſſees of the ſaid Severals, his, her, or their Tenant or Tenants, and for the ſaid Arthur Anneſley, Henry Greene, Robert Clough, and William Tokelove, or any of them, to make Tunnels, at their own Expence, out of their ſaid Land lying next Sams's Cut Drain aforeſaid, to carry the Waters off their ſaid Lands into the ſaid Drain, if they ſhall think proper.

Owners of *Flegg Fen* to ſupport the South Bank of *Stoke River*.

LX. And whereas the preſent Owner or Proprietor, or Owners or Proprietors, of certain Lands in the ſaid First Diſtrict, called *Flegg Fen*, *Eaſt Fen*, and *North Fen*, leading to *Helgay Bridge* aforeſaid, have agreed, at his and their own Coſts and Charges, in conſideration of their being exempted from the Payment of any Rate or Tax rated or aſſeſſed by virtue of this Act, except the Rate or Tax of Sixpence an Acre for the Support and Maintenance of the Banks of *Sams's Cut* or *Drain*, and ***Hunt's Sluice***, as aforeſaid, to maintain, ſupport, and repair, the ſaid South Bank of *Stoke River*, from the End of *Methwold Severals* aforeſaid, at a certain Dike called *King's Dike* to a certain Bridge in *Helgay* aforeſaid called *Helgay Bridge*, in the ſeveral Proportions following; that is to ſay, The Owners and Proprietors of the ſaid Lands, called *Flegg Fen* and *Eaſt Fen*, at their Coſts and Charges, to ſupport, maintain, and repair, the ſaid South Bank of *Stoke River*, from *King's Dike* aforeſaid to the Eaſt Side of a certain Piece of Land called *The Thoroughfare Piece* in *Helgay* aforeſaid, being the Property of *James Gallaway* of *Ely*, Gentleman, at the Bank of the ſaid *Matthew Pepper Manby*, including the ſaid Bank, and the Reſidue of the ſaid South Bank, to *Helgay Bridge* aforeſaid, to be ſupported, maintained, and repaired, by the ſeveral Owners and Proprietors of the ſaid Lands called *The North Fen* or *Weſtſide Parts*, in *Helgay* aforeſaid; be it enacted by the Authority aforeſaid, That from and after the paſſing of this Act, the ſaid South Bank of Stoke River, from the End of Methwold Severals aforeſaid, at King's Dike aforeſaid, to Helgay Bridge aforeſaid, ſhall be deemed and taken as the particular Works of the ſaid Owners, and they are hereby directed and required to maintain, ſupport, and repair, the ſaid Bank, of ſuch an Height, Width, and Strength, as ſhall prevent the Waters running into or through the ſame from running over, or making any Breach or Breaches therein; and in caſe the ſaid Owner or Owners of the ſaid Lands, or any future Owner or Owners thereof, his, her, or their Heirs, Succeſſors, or Aſſigns, or his, her, or their Tenant or Tenants, ſhall, at any Time or Times from and after the paſſing of this Act, neglect or refuſe to keep and maintain the ſaid South Bank of Stoke River, as aforeſaid, of ſuch ſufficient Height and Strength, to prevent the Waters of the ſaid River from running over or breaking through the ſaid Bank; and if the Waters thereof ſhall at any Time or Times hereafter run over or break through the ſame, it ſhall and may be lawful for the Commiſſioners of either of the ſaid Two Diſtricts, or any Five or more of them, and for the Leſſee or Leſſees, or the Owners and Proprietors of Methwold Severals aforeſaid, his, her, or their Tenant or Tenants,

In caſe the Banks of *Stoke River* by *Flegg Fen* are neglected, Method of Compulſion.

Tenants, by Writing under his and their Hands and Seals, to authoriſe and impower the Surveyor, or other Officer, for either of the ſaid Two Diſtricts or Diviſions, to give Notice to the ſaid Owner or Owners of the ſaid Lands, or any future Owner or Owners thereof, his, her, or their Heirs, Succeſſors, or Aſſigns, or his, her, or their Tenant or Tenants, that the Waters in the ſaid River is running over the ſaid Bank, or that the ſaid Bank is in Danger of being broke thereby; and in caſe the ſaid Owner or Owners of the ſaid Lands, or any future Owner or Owners thereof, his, her, or their Heirs, Succeſſors, or Aſſigns, or Tenant or Tenants, ſhall neglect or refuſe, upon ſuch Notice, to employ proper Perſons to prevent the Water of the ſaid River from running over or breaking through the ſaid Bank, or if the ſaid Waters ſhall actually run over the ſaid Bank, or any actual Breach or Breaches ſhall before ſuch Notice be made therein, and ſuch Owner or Owners, or any future Owner or Owners of the ſaid Lands, ſhall neglect or refuſe to ſtop and make up the ſame, it ſhall and may be lawful for ſuch Officer or Officers, ſo authoriſed as aforeſaid, or for the Leſſee or Leſſees, Owner or Owners, Tenant or Tenants, of Methwold Severals aforeſaid, together with ſuch Workmen as he or they ſhall think proper to employ, to enter into and upon the ſaid Lands and Grounds, and to make good and repair the ſaid Bank, and alſo to ſtop ſuch Breaches; and in order to enable them ſo to do, it ſhall and may be lawful to and for ſuch Workmen, ſo employed as aforeſaid, to dig and take Earth out of the ſaid Fen called Flegg Fen, Eaſt Fen, and North Fen, in Helgay aforeſaid, for the raiſing and ſtrengthening the ſaid Bank, and ſtopping ſuch Breaches, as aforeſaid; and the Expences neceſſarily incurred therein ſhall be reimburſed by the ſaid Owner or Owners of the ſaid Lands, or any future Owner or Owners thereof, his, her, or their Heirs, Succeſſors, or Aſſigns, Tenant or Tenants; and in caſe of Nonpayment thereof, it ſhall and may be lawful for any Five or more of the ſaid Commiſſioners for the ſaid Two Diſtricts reſpectively, by Warrant under their Hands and Seals, to levy, by Diſtreſs and Sale of the Goods and Chattels of ſuch Tenant or Tenants, Occupier or Occupiers, Owner or Owners, of ſuch Lands and Grounds as aforeſaid, the Charges of raiſing and repairing the ſaid Bank, and of ſtopping or making up ſuch Breach or Breaches, rendering the Overplus, if any, to ſuch Owner or Owners, Tenant or Tenants, Occupier or Occupiers, as aforeſaid: And if the Tenant or Tenants of ſuch Lands and Grounds ſhall, upon ſuch Notice as aforeſaid, raiſe and ſtrengthen the ſaid Bank, and ſtop and make up the ſaid Breaches therein, at his, her, or their own Expences, or ſhall pay the Charges thereof, if done by the Order of the ſaid Commiſſioners, or in caſe ſuch Charges and Expences ſhall be levied on him, her, or them, by Diſtreſs and Sale of his, her, and their Goods and Chattels, as aforeſaid, it ſhall and may be lawful for ſuch Tenant or Tenants to deduct the ſame out of his or her Rent; and the Owner or Owners of ſuch Lands and Grounds is and are hereby required to allow ſuch Deduction, unleſs an Agreement in Writing ſhall be made to the contrary between ſuch Owner or Owners and his and their Tenant or Tenants, in ſuch and the ſame Manner as the Taxes paid by the Tenants are by this Act to be deducted and allowed; and if any Diſpute ſhall ariſe touching the Amount of the Expences which ſhall have been incurred in raiſing and ſtrengthening the ſaid Bank, or in ſtopping or making up the ſaid Breaches, ſuch Diſputes, and all Matters relating thereto, ſhall be finally ſettled and determined in ſuch and the ſame Manner as the Diſputes ariſing between the Owners of Lands in Methwold Severals and the ſaid Commiſſioners are herein-before directed to be finally ſettled and determined, and in no other Manner whatſoever.

Diſtreſs on Nonpayment.

Tenants repairing the Bank may deduct the Expence out of their Rent.

Leſſees of *Methwold Severals* to erect One Engine for throwing Water into *Stoke River*.

LXI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Leſſee or Leſſees of Methwold Severals aforeſaid, or any future Leſſee or Leſſees thereof, his, her, or their Tenant or Tenants, and he and they is and are hereby authoriſed and impowered, at any Time or Times, as he or they ſhall think proper, after the paſſing of this Act, at his, her, and their own Coſts and Charges, to erect One Mill or Engine for throwing of Water upon or near the South Bank of Stoke River aforeſaid, in ſuch Part of the ſaid Severals as he or they ſhall think proper, and that the Waters of the ſaid Severals ſhall and may be thrown, conveyed, and carried by ſuch Engine into the ſaid River called Stoke River, in order that the ſame may be conveyed through the ſaid River to the River Ouze, and from thence to the Sea; any Law, Statute, Power, Uſage, or Cuſtom, to the Contrary notwithſtanding.

Paſſages may be made acroſs any Bank that may be made in *Methwold Severals*.

LXII. And be it further enacted by the Authority aforeſaid, That in caſe the ſaid Commiſſioners of the ſaid Firſt Diſtrict ſhall, at any Time or Times after the paſſing of this Act, make a Bank in the ſaid Methwold Severals, next Methwold Common aforeſaid, it ſhall and may be lawful for the preſent Leſſee or Leſſees of the ſaid Severals, or any future Leſſee or Leſſees thereof, his, her, or their Tenant or Tenants, to make Roads or Paſſages acroſs the ſaid Bank, in ſuch Places as he or they ſhall think proper, in order for their paſſing over the ſame with Horſes, Carts, and Carriages, to their ſaid Lands; any Thing herein contained to the Contrary notwithſtanding.

In caſe the Commiſſioners of the Second Diſtrict neglect to repair *Wilton Load* and *Brandon River*, Commiſſioners may compel.

LXIII. And be it further enacted by the Authority aforeſaid, That in caſe the Commiſſioners of the ſaid Second Diſtrict, or the Officers appointed by them for that Purpoſe, ſhall, at any Time or Times after the paſſing of this Act, neglect or refuſe to heighten, ſtrengthen, and repair, the Banks of Wilton Load and Brandon River aforeſaid, being the outward Boundary of the ſaid Diſtrict, whereby the Waters of the ſaid Load or River ſhall run over the ſame, or any Breach or Breaches ſhall happen therein, or in any Part thereof, it ſhall and may be lawful for the Commiſſioners of the ſaid Firſt Diſtrict or Diviſion, or any Five or more of them, or for the Leſſee or Leſſees, Owner, Proprietor, or Tenant, Owners, Proprietors or Tenants, of the ſaid Lands called Methwold Severals, or any of them, or for any Perſon or Perſons appointed by them, or either of them reſpectively, to heighten and repair ſuch Banks, or make up ſuch Breach or Breaches, in the beſt Manner they can; and the Perſon or Perſons ſo appointed by them, or any of them, are hereby impowered to enter upon the Lands and Grounds lying and adjoining to the ſaid Banks reſpectively, and to employ Workmen to take adjoining Earth from ſuch Lands for the raiſing and repairing ſuch Banks reſpectively, or the making up ſuch Breach or Breaches; and that the Treaſurer or Receiver of the ſaid Commiſſioners of the ſaid Second Diſtrict ſhall, and he or they is and are hereby required to pay the full Charges and Expences thereof to ſuch Perſon or Perſons, on his or their producing proper Vouchers for the Money laid out and expended therein, within Twenty Days after Demand thereof made upon the ſaid Treaſurers or Receivers by ſuch Perſon or Perſons; and in caſe of Nonpayment thereof by ſuch Treaſurers or Receivers, within the Time before limited for ſuch Payment as aforeſaid, then it ſhall and may be lawful for the ſaid Commiſſioners for the ſaid Firſt Diſtrict or Diviſion, or any Five or more of them, and they are hereby authoriſed and impowered, to recover the ſame againſt ſuch Treaſurers or Receivers, by Action, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter; in which no Eſſoin, Protection, Privilege, Wager of Law, or more than One Imparlance, ſhall be allowed.

Earth may be taken from Commons, &c. *gratis.*

LXIV. And be it further enacted, That it ſhall and may be lawful for the Surveyor or Surveyors, or other Officer or Officers, appointed by the ſaid Commiſſioners, or any Five or more of them, for each of the ſaid Diſtricts, to cut, dig, gather, take, and carry away, or cauſe to be cut, dug, gathered, taken, and carried away, any Materials proper for repairing the ſeveral Banks within the ſaid Two Diſtricts reſpectively, in, upon, out of, or from, any River, Brook, Waſhes, Waſte, or Common, in any Pariſh, Town, or Place, in, adjoining to, or lying near, the ſaid Banks, without paying any Thing for the ſame; and if a Quantity of Materials, ſufficient for that Purpoſe, cannot be found in or upon any ſuch River, Brook, Waſhes, Waſte, or Common, then, by Order of the ſaid reſpective Commiſſioners, or any Five or more of them, to cut, dig, gather, take, and carry away, or cauſe to be digged, cut, gathered, taken, and carried away, any Quantity of Materials proper and ſufficient for that Purpoſe, in, upon, out of, or from, any of the Lands or Grounds of any Perſon within the Boundaries of this Act, or within any adjoining Pariſh, Townſhip, or Place, (except the Common called Northwold Common, next to Methwold Load and Stoke River, or on the North Side of the ſaid River), where the ſame may be had or found, to be uſed towards repairing the ſaid Banks reſpectively, ſuch Lands and Grounds not being a Yard, walled Garden, Park, Paddock, Wood, Coppice, Nurſery, planted Walk, or Avenue to any Houſe, they the ſaid Surveyors or other Officers paying or rendering a reaſonable Compoſition to the reſpective Owners or Occupiers of ſuch Lands or Grounds for ſuch Materials, and for the Damage done by carrying the ſame over their Grounds; and in caſe of any Difference between the ſaid Commiſſioners reſpectively, or their Surveyor or Surveyors, or other Officers, and any of the ſaid Owners or Occupiers, any Two or more Juſtices of the Peace for the County, Liberty, or Place, where the ſame ſhall happen, (not intereſted in the Premiſes), ſhall and may, on Ten Days Notice thereof in Writing to be given by any ſuch Surveyor to ſuch Owner or Occupier, or by ſuch Owner or Occupier to ſuch Surveyor or other Officer, to be left at their reſpective Places of Abodes with ſome or One of their reſpective Families, hear, ſettle, and determine the Matter of the ſaid Damages; and that the Determination of ſuch Juſtices ſhall be final to the ſaid Parties, without any Appeal therefrom.

Exceptions.

To prevent cutting Earth from *North Cloud*, but at particular Times.

LXV. Provided nevertheleſs, and be it enacted, That nothing in this Act contained ſhall extend to impower the Commiſſioners of the ſaid Second Diſtrict to dig or take Earth out of the ſaid Lands of Sir Simeon Stuart Baronet, called North Cloud, next Brandon River aforeſaid, for repairing the Bank of the ſaid River, except in Times of Flood, or when Earth cannot be cut out of the Floors or Waſhes of the ſaid River, at which Time it ſhall and may be lawful for the ſaid Commiſſioners to take Earth out of the ſaid Lands for the Purpoſes aforeſaid, but at no other Times whatſoever; any Thing herein contained to the Contrary notwithſtanding.

No Earth to be taken away from the Lands of Mr. *Manby*.

LXVI. Provided always, and be it enacted, That no Earth ſhall be taken by the ſaid Commiſſioners from any of the Lands of the ſaid Matthew Pepper Manby, but only for the Purpoſe of repairing the Banks already made by the ſaid Matthew Pepper Manby.

Commiſſioners may act as Juſtices.

LXVII. Provided always, and be it enacted, That it ſhall and may be lawful to and for any of the ſaid Commiſſioners, who are Juſtices of the Peace, to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Commiſſioners.

Proceedings to be entered in Books.

LXVIII. Provided always, and be it enacted, That all Orders and Proceedings of the ſaid Commiſſioners, or any of them, at any Meeting to be held for the ſaid Two Diſtricts reſpectively, ſhall be entered in diſtinct Books, to be provided and kept for that Purpoſe; and ſuch Orders and Proceedings ſo entered, ſhall be ſigned by Five or more of the ſaid Commiſſioners reſpectively ſo aſſembled at ſuch Meetings, and being ſo ſigned, ſhall be deemed and taken to be Originals; and all ſuch Books, and alſo the Books hereby directed to be kept for regiſtering the Securities, Aſſignments, and Transfers, ſhall and may be read as Evidence on all Trials at Law, of any Suits or Actions touching any Thing done in relation to, or in purſuance of, this Act.

Orders not to be reverſed, but at a Meeting for that Purpoſe.

LIX. Provided always, and be it enacted, That no Order which ſhall be made by the ſaid Commiſſioners, or any of them reſpectively, at any of their Meetings for each reſpective Diſtrict by virtue of this Act, ſhall be altered, reverſed, annulled, or made void, at any ſubſequent Meeting, unleſs Nine or more Commiſſioners be preſent, and Seven or more of the ſaid Commiſſioners be real Owners of Lands in the ſaid Two Diſtricts reſpectively, and conſenting thereto, nor unleſs Ten Days Notice, in Writing, be affixed on the Church or Chapel Doors of Helgay, Methwold, Feltwell Saint Mary, and Hockwold with Wilton aforeſaid, in which ſaid Notice the Intent and Deſign of ſuch Meeting ſhall be declared; and that every Order for executing the Powers of this Act ſhall be made at a Meeting of the ſaid reſpective Commiſſioners, to be held in ſuch Manner as is herein-before authoriſed and appointed, and not otherwiſe, except only as to the granting Precepts or Warrants for levying Taxes, which ſhall and may be granted and ſigned by ſuch reſpective Commiſſioners for the ſaid Two Diſtricts reſpectively, in Manner herein-before directed, whenever the ſame ſhall be neceſſary and required.

Felony on burning of Mills, &c.

LXX. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall wilfully and maliciouſly burn, cut, break down, deſtroy, or adviſe, counſel, or hire any Perſon to burn, cut, break down, or otherwiſe deſtroy, any Bank, Mill, Engine, Flood-gate, or Sluice, already erected, ſupported, maintained, or uſed, or hereafter to be made or erected, ſupported, maintained, or uſed, within the Limits aforeſaid, for the Purpoſe of draining and preſerving the Fen Lands and Low Grounds within the ſame; every Perſon or Perſons ſo offending, and being thereof convicted, ſhall be guilty of Felony, and ſhall be ſubject and liable to the like Pains and Penalties as in Caſes of Felony; and the Court by or before whom ſuch Perſon or Perſons ſhall be tried and convicted ſhall and hereby have Power and Authority to tranſport ſuch Felons for Seven Years, in ſuch Manner as other Felons are directed to be tranſported by the Laws of this Realm.

Penalty on deſtroying the Works.

LXXI. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or maliciouſly ſtop, dam, or break down, demoliſh, damage, or deſtroy, or cauſe, procure, or hire, any Perſon to dam up, break down, demoliſh, damage, or deſtroy any River Drain or Watercourſe, Door, Dam, Bridge, Heading, or other Work or Works already made, cut, or erected, or which ſhall at any Time or Times hereafter be making, cutting, or erecting, or made, cut, erected, ſupported, maintained, or uſed, for anſwering the Purpoſe of draining and preſerving the Fen Lands and Low Grounds within the Limits aforeſaid; every Perſon ſo offending, and being thereof convicted on the Oath of One or more credible Witneſs or Witneſſes before One or more Juſtice or Juſtices of the Peace for the County or Place where ſuch Offence ſhall be committed, not intereſted therein, every ſuch Perſon or Perſons ſo convicted as aforeſaid ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Twenty Pounds, nor leſs than Forty Shillings; to be levied by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of ſuch Juſtice or Juſtices, and to be applied and diſpoſed of in the Improvement of the Works of the Diſtrict where ſuch Offence or Offences ſhall be committed, and not elſewhere; and for want of ſufficient Diſtreſs, ſuch Offender or Offenders ſhall be committed by ſuch Juſtice or Juſtices to the Houſe of Correction of the County or Place where ſuch Offence ſhall be committed, there to be kept to hard Labour for the Space of One Calendar Month without Bail or Mainprize, or until ſuch Penalty ſhall be paid.

Mole-catching.

LXXII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, may, and they are hereby impowered, out of the Monies ariſing in each reſpective Diſtrict under this Act, to make ſuch Allowances for the catching or deſtroying Moles or other Vermin within the Two Diſtricts reſpectively as they the ſaid Commiſſioners, or any Five or more of them, ſhall think proper.

Penalty on Perſons burning Banks.

LXXIII. And whereas it frequently happens, by the Negligence or Careleſſneſs of Servants, or other Perſons, employed in burning Fen Lands, in order to their being converted into Tillage, that the Banks lying contiguous to ſuch Lands are burnt and damaged, by the Fire being ſuffered to remain too long on ſuch Lands, and thereby extending to ſuch Banks; be it therefore enacted by the Authority aforeſaid, That if any Perſon or Perſons who ſhall be employed in burning any of the Lands and Grounds lying within the Limits aforeſaid, ſhall, by Careleſſneſs or Negligence, ſet Fire to or burn, or cauſe to be fired or burned, any of the Banks lying near or adjoining to any of the ſaid Fen Lands or Low Grounds, ſo as ſuch Banks be by Means of ſuch Fire deſtroyed or damaged, ſuch Perſon or Perſons, being thereof convicted by the Oath of One or more credible Witneſs or Witneſſes, or by Confeſſion, before any One or more Juſtice or Juſtices of the Peace for the County or Liberty where ſuch Offence ſhall be committed, not intereſted in the Premiſes, (which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter, and alſo to hear and determine the ſaid Offence), ſhall give ſuch Recompence or Satiſfaction to the ſaid Commiſſioners for the Damage done to the ſaid Banks as ſuch Juſtice or Juſtices ſhall think reaſonable; ſuch Damage and Recompence to be paid by ſuch Offender or Offenders, within ſuch Time as by ſuch Juſtice or Juſtices ſhall be thought reaſonable, into the Hands of the Receiver or Receivers for the Time being appointed by this Act for that Diſtrict where ſuch Offence ſhall be committed, to be applied by him for and towards the repairing and amending ſuch Banks in the Diſtrict where the ſame ſhall happen; and in caſe of Nonpayment thereof, the ſame ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of the ſaid Juſtice or Juſtices before whom ſuch Conviction ſhall be made; and for want of ſufficient Diſtreſs, ſuch Offender or Offenders ſhall, by ſuch Juſtice or Juſtices, be committed to the common Gaol for the County or Liberty where ſuch Offence ſhall be committed, for any Time ſuch Juſtice or Juſtices ſhall appoint, not exceeding Three Calendar Months, or until ſuch Damage or Recompence ſhall be paid.

10s. Penalty on Perſons driving Carriages on the Banks.

LXXIV. And be it further enacted, That if any Perſon ſhall drive any Waggon, Cart, or other Carriage, upon any of the Banks already made, or hereafter to be made, within the Boundaries of this Act, unleſs ſuch Bank be made upon a common Road-way, and ſufficient Room for Paſſage of ſuch Waggon, Cart, or other Carriage, ſhall not be left along the Side of ſuch Bank, every ſuch Perſon ſhall forfeit and pay the Sum of Ten Shillings; to be recovered, levied, and applied, as the Penalty againſt the digging of Turf is by this Act directed to be recovered, levied, and applied.

Penalty of 50l. on Perſons diſcharging the Water upon other Perſons Lands.

LXXV. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall erect, ſet up, uſe, or work any Horſe Mill, Gig, Engine, or other Device whatſoever, for draining or diſcharging the Water from any Lands in the ſaid Two Diſtricts through or upon the Lands of any other Perſon or Perſons, or in any other Manner than directly from the Lands of the reſpective Owner of ſuch Mill, Gig, Engine,

gine, or other Device, other than into the ſaid Rivers of Brandon and Stoke aforeſaid; every Perſon ſo diſcharging the ſaid Water, (other than as aforeſaid), ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds; One Moiety thereof to be paid to the Perſon ſuing for the ſame, and the other Moiety to be paid to the Receiver or Collector for the Time being within the Diſtrict where ſuch Mill, Gig, Engine, or other Device, ſhall be erected, and to be applied for the Purpoſe of draining, imbanking, and improving, the ſaid Fen Lands and Low Grounds in the ſaid Diſtrict: And the Owner of ſuch Mill, Gig, Engine, or other Device, ſhall alſo make ſuch Compenſation and Satisfaction to all and every Perſon or Perſons as ſhall be injured thereby, for the Damages ſuch Perſons ſhall thereby ſuſtain; and ſuch Penalty, Compenſation, and Satisfaction, ſhall be recovered, together with full Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, in which no Eſſoin, Protection, Privilege, Wager of Law, or more than One Imparlance, ſhall be allowed.

Penalty of 5 *l.* on Perſons cutting Hods, &c. near the Banks;

and 5 *l.* Penalty on Perſons cutting Watering-places for Cattle to drink.

LXXVI. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall cut or dig any Turves, Hods, or Seſſes, in the ſaid Fen Lands and Low Grounds, within the Diſtance of Sixty-ſix Feet from any Banks which are already made, or ſhall be made, by virtue of this Act, every Perſon ſo offending ſhall forfeit and pay the Sum of Five Pounds for every Rod of ſuch Turf, Hods, or Seſſes, ſo cut and dug; and if any Perſon or Perſons ſhall make, or cauſe to be made, or cut, any Watering Places, or any Place of Acceſs for Cattle to drink, in the ſaid Rivers of Brandon, Stoke, or Sams's Cut or Drain, within Twenty Feet of the Seat of the ſaid Banks, or in any Mill Drain, within any of the ſaid Fen Lands and Low Grounds hereby intended to be drained and preſerved, every Perſon ſo offending ſhall forfeit, for every ſuch Offence, the Sum of Five Pounds: And if any Perſon or Perſons who ſhall make, or cauſe to be made, any Soak Dike or Ditch, or Soak Gripple, in or upon any of the Fen Lands and Low Grounds within the Diſtance of Thirty Feet from the Seat of any Bank now made, or hereafter to be made, within the Limits aforeſaid; every ſuch Perſon ſo offending ſhall forfeit, for every ſuch Offence, the Sum of Four-pence for every Foot in Length of ſuch Soak Dike or Gripple, and after the ſame Rate for every Month ſuch Soak Dike or Gripple ſhall remain unfilled, after Notice given in Writing by the Clerk or Agent to the ſaid reſpective Commiſſioners to ſuch Perſon or Perſons who ſhall have dug, or cauſed to be digged, the ſame: And the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall have full Power, at any Time, at the Coſts and Charges of the Owner or Owners, Occupier or Occupiers, of ſuch Lands wherein ſuch Soak Dike or Gripple ſhall be made, to fill up and Level the ſame; all which Forfeitures ſhall, upon Conviction of the Offender or Offenders, before any One or more Juſtice or Juſtices of the County or Liberty where ſuch Offences ſhall happen, not intereſted in the Premiſes, on the Oath of One or more Witneſs or Witneſſes, (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter, and alſo to hear and determine the ſaid Offence), be immediately paid into the Hands of the Treaſurer of the ſaid Diſtrict where the Offence ſhall be committed, to be applied for carrying on the Works thereof; and in caſe of Nonpayment thereof, ſuch Forfeitures ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of the Juſtice or Juſtices of the Peace before whom ſuch Conviction ſhall be made; and for want of ſuch ſufficient Diſtreſs, ſuch Offenders ſhall, by ſuch Juſtice or Juſtices, be committed to the Houſe of Correction for the County or Liberty where ſuch Offence ſhall be committed, there to be kept to hard Labour for any Time ſuch Juſtice or Juſtices ſhall order and direct, not exceeding Three Calendar Months, or until ſuch Penalties or Forfeitures ſhall be paid.

No Buildings to be built near the Mills.

Penalty.

LXXVII. Provided always, and be it enacted, That from and after the paſſing of this Act, no Houſes or Buildings, or any other Obſtruction whatſoever, ſhall be erected, or Trees or Holts planted, either within the ſaid Two Diſtricts reſpectively, or either of them, or on the Outſide thereof, near or oppoſite to any Mill or Engine already built, erected, or employed, or hereafter to be built, erected, or employed, for draining the Fen Lands and Low Grounds within the Limits aforeſaid, than Fifty Poles, (being the Pole of Eighteen Feet); and if any Perſon or Perſons ſhall build or erect any Houſe, Barn, or other Obſtruction, within any leſs Diſtance than Fifty Poles, every ſuch Perſon ſhall forfeit and pay, for every ſuch Houſe, Barn, or Building, the Sum of One hundred Pounds; to be recovered in like Manner as the Penalties herein-before mentioned for erecting Horſe Mills, Gigs, Engines, and other Devices for throwing off Water; for every Tree the Sum of One Shilling, and Five Pounds for every Holt or other Obſtruction ſo planted; which ſaid Penalties of One Shilling and Five Pounds, for the Offences aforeſaid, are to be levied and paid in like Manner as the Penalties inflicted for cutting Hods, Turves, or Seſſes, within Sixty-ſix Feet of the ſaid Banks; and the ſaid reſpective Commiſſioners, or any Five or more of them, are hereby impowered, at any of their Meetings, by an Order under the Hands and Seals of any Five or more of them, to direct their reſpective Agents or Servants to take down ſuch Buildings ſo erected, and pull up and remove ſuch Trees, Holts, and other Obſtructions, ſo planted contrary to this Act.

Trees now growing, &c. may be removed.

LXXVIII. Provided always, and be it enacted, That if any Trees or Holts are now growing within the Diſtance of Fifty Poles (the Pole being of Eighteen Feet) from any Mill or Engine already built, or hereafter to be built, within the Limits aforeſaid, it ſhall and may be lawful for the Commiſſioners of the ſaid Two Diſtricts reſpectively, or any Five or more of them, by like Order, under their Hands and Seals, to order the ſame to be cut up and pulled down as if the ſame had been planted after the paſſing of this Act, making ſuch Satisfaction to the Owners of ſuch Trees and Holts as ſhall be agreed upon between ſuch Owner and the ſaid Commiſſioners, or any Five or more of them reſpectively; and in caſe any Difference or Diſpute ſhall ariſe between the ſaid Commiſſioners and ſuch Owner touching ſuch Satisfaction, and the ſame cannot be ſettled between them, then ſuch Recompence and Satisfaction ſhall be finally determined in ſuch and the ſame Manner as is herein-before mentioned and preſcribed for aſcertaining the Recompence to be made for Damage by making and erecting any Work in purſuance of this Act.

Dikes, *etc.* to be ſcoured

LXXIX. And be it further enacted by the Authority aforeſaid, That if the Owner or Owners, Occupier or Occupiers, of any Lands lying within the Boundaries aforeſaid, through which any Droveway Dike, Outring Dike, or Diviſion Dike, leading to any of the Mill Drains within the ſaid Two Diſtricts reſpectively, do or ſhall paſs, ſhall neglect or refuſe ſufficiently to road, ſcour, cleanſe, open, or repair, any ſuch Dike, or to make the ſame of the Depth of Four Feet, and the Width of Nine Feet, at the leaſt, after Fourteen Days Notice in Writing to him, her, or them given, from Time to Time, by the Collector or Collectors, Receiver or Receivers, of the ſaid Two Diſtricts reſpectively for that Purpoſe; then it ſhall and may be lawful, from Time to Time, for ſuch Collector or Collectors, Receiver or Receivers, to cauſe ſuch Dikes to be roaded, ſcoured, cleanſed, opened, repaired, and deepened, in a ſufficient Manner, of the Width aforeſaid, at the proper Coſts, Charges, and Expences, of ſuch Owners or Occupiers; and that where-ever a Road or Way ſhall have been made over or acroſs any ſuch Dike without a ſufficient Tunnel lying therein, to cauſe ſuch Ways or Roads to be taken up, and ſuch Dike to be made of a proper Width and Depth, for conveying the Waters through the ſame to the ſeveral Mills or Engines erected, or to be erected, for draining the ſaid Fen Lands and Low Grounds, and by a Warrant or Precept, under the Hands of Three or more of the ſaid reſpective Commiſſioners, to levy all ſuch Charges and Expences as ſhall be occaſioned by deepening and widening the ſaid Dikes, or taking up the ſaid Roads, on the Owner or Owners, Occupier or Occupiers, of the Lands through which the ſaid Dikes ſhall paſs, or to which they ſhall be contiguous, and who ſhall make, or cauſe to be made, ſuch Road as aforeſaid.

Mills to be inſured.

LXXX. And be it further enacted by the Authority aforeſaid, That the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall cauſe all and every the Engines and Mills which ſhall be erected and employed by virtue of this Act to be inſured againſt Fire in ſome of the publick Inſurance Offices; and, from Time to Time, to pay the Expence attending ſuch Inſurances out of the Money ariſing by virtue of this Act.

Juſtices may adminiſter an Oath.

LXXXI. And be it further enacted, That in all Caſes wherein Juriſdiction is given to any Juſtice or Juſtices of the Peace by this Act, it ſhall and may be lawful for ſuch Juſtice or Juſtices to adminiſter an Oath to any Perſon, for his or their more certain Information in the Matters depending; and that any Juſtice of the Peace may act as ſuch in the Execution of this Act, notwithſtanding his being a Commiſſioner, except in Caſes where he ſhall be perſonally intereſted.

Conviction to be drawn in the following Form.

LXXXII. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it enacted by the Authority aforeſaid, That all and every Juſtice or Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, as the Caſe ſhall happen, or in any other Form of Words, to the ſame Effect:

County of } BE it remembered, That on the Day of in the Year of His Majeſty's Reign, *A. B.* is convicted before of His Majeſty's Juſtices of the Peace for by virtue of an Act of the Thirteenth Year of the Reign of His Majeſty King *George* the Third, *For draining and preſerving certain Fen Lands and Low Grounds, lying in the South Level, Part of the Great Level of the Fens, commonly called* Bedford Level, *between the old Rivers or Drains called* Stoke River *and* Brandon River, *and a certain Level or Diſtrict called* Feltwell New Diſtrict, *and the Hard Lands of* Woodhall in Helgay *and* Helgay, *in the Counties of* Norfolk *and* Suffolk; [ſpecifying the Offence, and Time and Place when and where the ſame was committed, as the Caſe ſhall be]. Given under our Hands and Seals, [*or* Hand and Seal], the Day and Year aforeſaid.

Convictions not removeable.

LXXXIII. And be it further enacted, That no Order made touching or concerning any of the Matters aforeſaid, or any other Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, ſhall be removed or removeable by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter.

If Plaintiff recover, to have full Coſts.

LXXXIV. Provided always, That where the Plaintiff or Plaintiffs ſhall recover in any Action, he, ſhe, or they, ſhall be paid his, her, or their, full Coſts of Suit, and have the like Remedies for recovering the ſame as for the recovering Coſts in any other Caſe by Law.

Plaintiffs not to recover, if Tender of ſufficient Amends be made.

LXXXV. Provided alſo, That no Plaintiff ſhall recover in any Action for any Irregularity, if Tender of good and ſufficient Amends ſhall have been made by or on Behalf of the Defendant or Defendants before ſuch Action brought, nor if ſuch Tender of Amends ſhall be made at any Time after the Action brought, and between Trial thereof, together with Coſts of Suit, to the Time of ſuch laſt-mentioned Tender; but on Proof made of ſuch Tender on any Trial to be had in ſuch Action, the Plaintiff or Plaintiffs ſhall ſuffer Judgement as in Caſes of Nonſuit, with Double Coſts; to be recovered in the ſame Manner as any Defendant or Defendants may recover Coſts in any other Caſe by Law.

How Penalties may be levied.

LXXXVI. And be it further enacted, That the ſaid reſpective Commiſſioners, or any Five or more of them, (inſtead of levying the Penalties by this Act particularly impoſed, and proceeding againſt the Offender or Offenders in the ſummary Manner herein-before provided), may, at their Election, prefer and proſecute with Effect a Bill or Bills of Indictment againſt ſuch Offender or Offenders, or may bring an Action or Actions in the Names of any Two or more of them, or in the Name of their Treaſurer or Clerk.

Writings to be without Stamps.

LXXXVII. And be it further enacted, That no Order, Nomination, Appointment, Mortgage, Aſſignment, or other Security for borrowing Money, Contract, Agreement, Information, Conviction, Judgement, Warrant, or other Writing, under the Hand or Hands, Hand and Seal, or Hands and Seals, of any Commiſſioner or Commiſſioners, Juſtice or Juſtices of the Peace, or exhibited before them, in purſuance of any of the Powers or Authorities by this Act veſted in ſuch Commiſſioner or Commiſſioners, Juſtice or Juſtices of the Peace, nor any Tranſfer of any Mortgage Security, nor any Bond taken from any Officers, or his Sureties, in purſuance of this Act, for the due Execution of his Office, nor any other Writing whatſoever, concerning the Execution of this Act, ſhall be charged or chargeable with any Stamp-duty.

Lands dug into Turf Pools, *etc.* exempted for Seven Years, unleſs occupied, &c. and then to pay One Half of the Rates.

LXXXVIII. Provided always, That no Aſſeſſment, Rate, or Tax, ſhall, during the Firſt Seven Years after making and paſſing this Act, be made, collected, or levied, upon any Lands which are now dug out into Hod or Turf Pools, and ſhall lie unoccupied; but in caſe any Lands ſo dug as aforeſaid ſhall be occupied, or if any Turf ſhall be dug therein, or other Uſe made thereof, during the ſaid Term of Seven Years, then the ſame ſhall be aſſeſſed, rated, and charged, for the Remainder of the ſaid Term, with One Half of the Rates and Taxes per Acre wherewith the other Fen Lands in the ſaid Diſtrict ſhall be charged by virtue of this Act.

Exemption.

LXXXIX. And be it further enacted, That no Rate or Tax ſhall be charged on the Lands lying againſt the North Bank of Brandon River, in the ſaid Second Diſtrict, that now are, or hereafter ſhall be, cut up into Floors or Floor-work, for repairing the ſaid Bank within the Width of Seventy-two Feet from the Fence Dike lying under the ſaid Bank.

To prevent cutting of Firing.

XC. And whereas the Proprietors of the ſeveral Lands and Grounds frequently cut up the ſame into Firing, and ſell the ſame, whereby the Value of the ſaid Lands ſo rated are ſo much leſſened that the Rates and Taxes charged thereon cannot be levied and raiſed, whereby the Security of the ſaid Taxes become of leſs Value to the ſeveral Perſon or Perſons advancing Money thereon; be it therefore enacted by the Authority aforeſaid, That if any Perſon or Perſons, being Owner or Proprietor of any of the Lands or Grounds contained in the ſaid Two Diſtricts reſpectively, ſhall, from and after the paſſing of this Act, dig or cut up any of the ſaid Lands or Grounds into Firing for Sale, ſuch Owner or Owners of ſuch Lands ſhall, within One Calendar Month after the ſame ſhall have been ſo dug or cut up into Firing as aforeſaid, pay to the ſaid Commiſſioners of the ſaid Two Diſtricts reſpectively after the Rate of Thirty Years Purchaſe of the ſaid Rates or Taxes ſo charged upon the ſaid Lands or Grounds which ſhall be ſo dug up as aforeſaid; and in caſe the ſaid Owners or Proprietors ſhall neglect or refuſe to pay the ſame within One Calendar Month after the ſame ſhall have been ſo dug up for the Purpoſes aforeſaid, that it ſhall and may be lawful for the Commiſſioners of the ſaid Two Diſtricts, or any Five or more of them, aſſembled at a Meeting to be held for that Purpoſe reſpectively, to order and direct the Collector or Collectors, Receiver or Receivers, of the ſaid Two Diſtricts reſpectively to recover the ſame by Diſtreſs and Sale of the Firing ſo cut, in ſuch and the ſame Manner as the ſaid Rates and Taxes are hereby recoverable; and the ſaid Sum or Sums of Money, ſo to be paid or recovered as aforeſaid, ſhall be applied by the ſaid Commiſſioners of the ſaid Two Diſtricts reſpectively to the reſpective Purpoſes of the ſaid Two Diſtricts.

Commiſſioners may erect Stiles, *etc.*

XCI. And be it it enacted by the Authority aforeſaid, That the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall, and they are hereby required, from Time to Time, to ſet up and erect, and for ever repair and maintain, ſuch Stiles, Headings, and other proper Fences, in and upon ſuch of the Banks as ſhall be made by virtue of this Act, as are neceſſary to fence in and incloſe the ſeparate Property of every Perſon whoſe Lands are lying contiguous to or upon the ſaid Banks, ſo as the Property of One Perſon ſhall not be open to the Property of another; and if it ſhall happen that any of the Mill Drains, made or to be made by virtue of this Act, ſhall be made or cut through any of the whole Lands or Farms within the ſaid Two Diſtricts reſpectively, whereby the Road or Paſſage to ſuch Farm Lands ſhall be ſtopped, the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall, and they are hereby required, to make and lay over ſuch Mill Drain One Bridge, for a Road and Paſſage of ſuch Owner or Proprietor with Horſes, Carts, and Carriages, to ſuch Farm and Lands as aforeſaid; and the Expence of making, ſetting up, erecting, and maintaining, ſuch Bridges, Stiles, Headings, and other Fences, ſhall be paid and defrayed out of the Monies ariſing in the Diſtrict where ſuch Works ſhall be made.

To prevent haling of Boats along the Banks, *etc.*

XCII. And, in order to prevent the Mill Drains or Banks within the ſaid Two Diſtricts reſpectively from being broke down, filled up, or damaged, by any Perſon or Perſons haling of Boats upon the ſaid Banks, or down the ſaid Drains, with Men, Horſes, or other Beaſts; be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners of the ſaid Two Diſtricts reſpectively, or for any Officer by them to be appointed by virtue of this Act, at any Time after the paſſing of this Act, to lay, or cauſe to be laid, Booms or Spars acroſs the ſaid Mill Drains; and to erect, or cauſe to be erected, acroſs the ſaid Banks, ſuch Works as they the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall think proper, to prevent the Paſſage of ſuch Boats through ſuch Mill Drains, or the haling of ſuch Boats, by Men, Horſes, or other Beaſts, along the ſaid Banks: And in caſe any Perſon or Perſons ſhall break down or take up the ſaid Booms, Spars, or other Works, ſo laid acroſs the ſaid Drains and Banks, for the Purpoſes aforeſaid, any Perſon or Perſons ſo breaking down or taking up the ſame, ſhall forfeit and pay to the Commiſſioners reſpectively of ſuch Diſtrict where the ſaid Offence ſhall be committed any Sum not exceeding Five Pounds, nor leſs than Twenty Shillings; to be recovered, levied, and applied, in ſuch and the ſame Manner, as the Penalties for deſtroying other Works within the Boundaries aforeſaid are herein directed to be recovered, levied, and applied.

Penalty.

The Commiſſioners of *Feltwell* Diſtrict to repair *Croſs Bank*, &c.

On Neglect of maintaining the ſaid Bank, Notice to be given to the Commiſſioners, *&c.*

Diſtreſs on Owners for Nonpayment.

XCIII. And whereas it is found expedient, and agreed, that the Bank called *Croſs Bank*, (which ſeparates the Lands and Grounds in the Lands directed to be drained by virtue of the ſaid Act of the Thirtieth Year of His late Majeſty King *George* the Second, from the Lands and Grounds compriſed in the Second Diſtrict in this Act), ſhall, from Time to Time, and at all Times hereafter, be well and ſufficiently ſupported, maintained, and repaired, at the Expence, Coſts, and Charges, of the Owners and Proprietors of Lands and Grounds, and of and by the Commiſſioners acting by virtue of and under the ſaid Act; be it enacted by the Authority aforeſaid, That from and after the paſſing of this Act, the ſaid Bank called Croſs Bank, which ſeparates and divides the ſaid Lands from the Lands and Grounds compriſed in the ſaid Second Diſtrict in this Act mentioned, ſo far as the ſaid Bank goes, from the Beginning to the End thereof, ſhall be deemed and taken to be the proper Bank of the Commiſſioners acting by virtue of and under the ſaid Act; and the ſaid Commiſſioners are hereby directed and required to maintain, ſupport, and repair, the ſaid Bank called Croſs Bank, of ſuch Height, Width, and Strength, as ſhall prevent the Waters running over or making any Breach or Breaches in or about the ſame: And in caſe the ſaid Commiſſioners acting by virtue of and under the ſaid Act, or their Succeſſors, ſhall, at any Time or Times, after the paſſing of this Act, neglect or refuſe to keep, ſupport, and maintain, all the ſaid Bank called Croſs Bank, from the Beginning thereof, ſo far as it goes, which ſeparates and divides the ſaid Lands from the Second Diſtrict in this Act mentioned, of ſuch ſufficient Height, Width, and Strength, at all Times, after the paſſing of this Act, to prevent the Waters from running over or breaking through the ſaid Bank called Croſs Bank; or if the ſaid Bank called Croſs Bank ſhall, at any Time or Times after the paſſing of this Act be broke through or neglected, and out of Repair, it ſhall and may be lawful for the Commiſſioners of either of the ſaid Two Diſtricts reſpectively, or any Five or more of them, by Writing under their Hands and Seals, to authoriſe and impower the Surveyor, or other Officer or Officers of the ſaid Two Diſtricts, or either of them, appointed by this Act, to give Notice to the Commiſſioners acting by virtue of and under the ſaid Act, or their Succeſſors, or their Clerk or Treaſurer, that the ſaid Bank called Croſs Bank is broke, or in Danger of being broke, or is neglected and out of Repair; and in caſe the ſaid Commiſſioners ſhall neglect or refuſe, upon ſuch Notice given, to employ proper Perſons to repair, amend, and ſupport, the ſaid Bank called Croſs Bank, in Manner aforeſaid, it ſhall and may be lawful for ſuch Surveyor, Officer or Officers, ſo authoriſed as aforeſaid, together with ſuch Workmen as he or they ſhall think proper to employ, to enter upon the adjoining Lands and Grounds on the Side of the Lands to be drained by virtue of the ſaid Act, and upon the ſaid Bank called Croſs Bank, and alſo to ſtop ſuch Breaches, and make good, amend, and repair, the ſaid Bank called Croſs Bank; and, in order to enable them ſo to do, it ſhall and may be lawful for ſuch Workmen ſo employed as aforeſaid to dig and take Earth from the Lands and Grounds adjoining to the ſaid Bank called Croſs Bank, on the Side of and in the Lands to be drained by virtue of the ſaid Act, for ſtopping ſuch Breaches, and for raiſing, ſtrengthening, ſupporting, and maintaining, the ſaid Bank called Croſs Bank, and the Expences neceſſarily incurred thereon ſhall be reimburſed by the ſaid Commiſſioners acting by virtue of and under the ſaid Act; and, in caſe of Nonpayment thereof, it ſhall and may be lawful for any Five or more of the ſaid Commiſſioners for the ſaid Two Diſtricts reſpectively, by Warrant under their Hands and Seals, to levy by Diſtreſs and Sale of the Goods and Chattels of any Owner or Owners, Occupier or Occupiers, of Lands and Grounds to be drained by virtue of the ſaid Act, the Charges and Expences of raiſing, repairing, and ſupporting, the ſaid Bank called Croſs Bank, and ſtopping and making up ſuch Breaches as ſhall happen thereon, rendering the Overplus, if any, to ſuch Owner or Owners, Tenant or Tenants, Occupier or Occupiers, of ſuch Lands; and if the Tenant or Tenants of ſuch Lands and Grounds ſhall, upon Notice as aforeſaid, raiſe, ſtrengthen, and repair, the ſaid Bank called Croſs Bank, or make good any Breaches that ſhall happen therein, at his, her, or their Expences, or ſhall pay the Charges thereof due by Order of the ſaid Commiſſioners of the ſaid Two Diſtricts reſpectively; or in caſe ſuch Charges and Expences ſhall be levied on him, her, or them, by Diſtreſs and Sale of his, her, or their Goods and Chattels, as aforeſaid, it ſhall and may be lawful for ſuch Tenant or Tenants to deduct the Sum or Sums by him or them ſo paid out of the Taxes due, or to grow due, to the ſaid Commiſſioners acting by virtue of and under the ſaid Act, for the Lands and Grounds where ſuch Diſtreſs and Sale ſhall be ſo made, any Thing in the ſaid Act contained to the Contrary notwithſtanding: And if any Diſpute ſhall ariſe touching the Amount of the Expences which ſhall have been incurred in raiſing, repairing, and making up the Breaches of the ſaid Bank called Croſs Bank, ſuch Diſputes, and all Matters relating thereto, ſhall be finally ſettled and determined by the Juſtices of the Peace for the ſaid County of Norfolk, at the Firſt or Second General Quarter Seſſions of the Peace, to be held by Adjournment at King's Lynn, or Swaffham, in the ſaid County of Norfolk, who are not intereſted in the Premiſes, without any further or other Appeal whatſoever.

Diſtreſs not unlawful for want of Form.

XCIV. And be it further enacted by the Authority aforeſaid, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in the Summons, Conviction, Notice, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satiſfaction for the Special Damage in an Action upon the Caſe.

Perſons aggrieved may appeal to the next Seſſion.

XCV. And be it further enacted, That all Perſons who think themſelves aggrieved by Order or Judgement of any Juſtice or Juſtices of the Peace, upon account of any Offence committed, or ſuppoſed to be committed, againſt this Act, or any Penalties to be levied by virtue thereof, may appeal to the Juſtices of the Peace for the ſaid Counties of

Norfolk or Suffolk, as the Caſe ſhall happen, at the next or Second General adjourned Quarter Seſſions of the Peace to be held for the ſaid reſpective Counties, within Six Calendar Months after the Cauſe of ſuch Appeal ſhall happen, the Perſon or Perſons ſo appealing firſt entering into a Recognizance, with Two ſufficient Sureties to the Satiſfaction of the ſaid Juſtice or Juſtices, to proſecute ſuch Appeal with Effect, and pay the Coſts which ſhall be aſcertained by the ſaid Juſtices in the ſaid General or adjourned Quarter Seſſions, in caſe ſuch Order and Judgement ſhall be affirmed; and the ſaid Juſtices, in their ſaid General or adjourned Quarter Seſſions, are hereby reſpectively authoriſed and required to hear and determine ſuch Appeal, and give ſuch Coſts to either Party, as they ſhall think reaſonable, and make ſuch Order therein, as to them ſhall appear juſt; which Order ſhall be final and concluſive to all Parties, and ſhall not be removed or removeable by any Writ of Certiorari, or otherwiſe, into any of His Majeſty's Courts of Record at Weſtminſter, or elſewhere.

Juſtices to determine Differences.

Proceedings not to be quaſhed for want of Form.

XCVI. And be it further enacted, That no Order or other Proceeding to be made or had by or before any Juſtice or Juſtices of the Peace, by virtue of the Powers by this Act granted, ſhall be quaſhed or vacated for want of Form only.

The Expences of the Act to be paid out of the firſt Monies.

XCVII. And be it further enacted, That all the Charges and Expences attending the obtaining and paſſing this Act ſhall be paid and defrayed by the Commiſſioners of the ſaid Two Diſtricts reſpectively, out of the firſt Monies to ariſe by virtue of this Act in the ſaid Two Diſtricts, in proportion to the Number of Acres in each Diſtrict, excluding ſuch Lands of the ſaid Mathew Pepper Manby in the ſaid Firſt Diſtrict as are already embanked.

Commiſſioners for widening the River *Wiſſey*, and making a Bank againſt the Lands in *Fordham*.

XCVIII. And whereas in the Eleventh Year of the Reign of His preſent Majeſty, an Act of Parliament was made for draining and preſerving certain Fen Lands and Low Grounds in the Pariſhes of *Stoke Ferry*, *Northwold*, *Wretton*, *Wereham*, *Weſt Dereham*, and *Roxham*, in the County of *Norfolk*, which Lands are ſituate on the North Side of the River *Wiſſey* or *Stoke River*, and the Owners of the ſaid Lands have, at a great Expence, cauſed the North Bank of the ſaid River to be raiſed and ſtrengthened: And whereas the Commiſſioners appointed for draining the Lands lying on the South Side of the ſaid River in the ſaid Firſt Diſtrict are impowered to raiſe and make the Bank on the South Side of the ſaid River, and when ſuch Bank ſhall be made, the ſaid North Bank will in Times of Flood be liable to be broken or waſhed down, unleſs the ſaid River ſhall be widened, and a Bank made on the ſaid North Side thereof from *Skipwith Tunnel* to the River *Ouze*; be it therefore further enacted by the Authority aforeſaid, That Sir Simeon Stuart Baronet, Sir Clement Trafford Knight, Edward Pratt Eſquire, John Heaton Eſquire, Gamaliel Nightingale Eſquire, Benjamin Adamſon Eſquire, Chriſtopher Adamſon Eſquire, Thomas Goddard Gentleman, the preſent Lord or Lady of the Manor of Fordham in the ſaid County of Norfolk, and the Lord or Lady of the ſaid Manor for the Time being, Richard Paul Joddrel Eſquire, the preſent Leſſee, and alſo the Leſſees for the Time being of Methwold Severals, within the ſaid Firſt Diſtrict under this Act, his, her, or their Tenant or Tenants, Matthew Pepper Manby Eſquire, Francis Dixon Eſquire, Thomas Moore Gentleman, Thomas Moore Clerk, Francis Dixon the younger, Gentleman; Robert Clough the younger, Gentleman; Arthur Anneſley Eſquire, Cyril Clough Clerk; ſhall be, and they and their Succeſſors, to be elected in Manner herein-after mentioned, are hereby appointed Commiſſioners for the Care of the ſaid River Wiſſey or Stoke River; and the ſaid Commiſſioners, or any Five or more of them, are hereby authoriſed and impowered to widen, deepen, ſcour, and cleanſe, the ſaid River Wiſſey or Stoke River, from Skipwith Tunnel to the River Ouze, and for raiſing and making a Bank, or repairing the preſent Bank on the North Side of the ſaid River, from Skipwith Tunnel aforeſaid to the ſaid River Ouze, and for keeping the ſaid River Wiſſey or Stoke River properly widened, roded, and ſcoured, and the ſaid Bank on the North Side thereof properly ſupported and maintained for the future.

Who may be Commiſſioners for the Care of the River *Wiſſey* in caſe of Death, *&c.*

XCIX. And be it further enacted by the Authority aforeſaid, That when any Commiſſioner herein-before appointed for the Care of the ſaid River Wiſſey or Stoke River, whoſe Qualification ſhall be in Lands lying on the North Side thereof, (except the Lord or Lady of the ſaid Manor of Fordham), ſhall die, the ſurviving Commiſſioners, whoſe Qualifications ſhall lie on the ſame Side of the ſaid River, or any Three or more of them, ſhall, at the next Meeting to be held in purſuance of this Act after the Death of ſuch Commiſſioner, elect and appoint a Commiſſioner, having Twenty Acres of Land on the ſame Side of the ſaid River, in the Room of every ſuch Commiſſioner ſo deceaſed, and ſo in like Manner when any Commiſſioner herein-before appointed for the Care of the ſaid River, whoſe Qualification ſhall be in Lands lying on the South Side thereof, ſhall die, the ſurviving Commiſſioners, whoſe Qualifications ſhall lie on the ſaid South Side of the ſaid River, ſhall elect and appoint a Commiſſioner, having Twenty Acres of Land lying on the ſame Side thereof, in the Room of ſuch Commiſſioner ſo deceaſed.

Commiſſioners may appoint Deputies.

C. And be it further enacted by the Authority aforeſaid, That any One or more of the ſaid Commiſſioners for the Care of the ſaid River Wiſſey, or Stoke River, ſhall and may, from Time to Time, if ſuch Commiſſioner or Commiſſioners ſhall think proper, by any Writing or Writings under the Hand and Seal, or Hands and Seals, of ſuch Commiſſioner or Commiſſioners, nominate and appoint an Agent or Deputy to act in the Place or Stead of ſuch Commiſſioner or Commiſſioners, in the following Form of Words; (that is to ſay),

Form of Appointment.

I being a Commiſſioner appointed by an Act of Parliament, made in the Thirteenth Year of the Reign of King *George* the Third, "For draining and preſerving certain Fen Lands and Low Grounds lying in the South Level, Part of the Great Level of the Fens, commonly called *Bedford Level*, between the old Rivers or Drains called *Stoke River* and *Brandon River*, and a certain Level or Diſtrict called *Feltwell New Diſtrict*, and the Hard Lands of *Woodhall in Helgay* and *Helgay*, in the Counties of *Norfolk* and *Suffolk*," for the Care of the River *Wiſſey* or *Stoke River*, do hereby nominate and appoint to ſit, vote, and act, as a Commiſſioner or Commiſſioners for the Care of the ſaid River *Wiſſey* or *Stoke River*, as and for my Deputy, during my Will and Pleaſure.

Given under my Hand and Seal the Day of

and every ſuch Deputy or Agent, ſo nominated and appointed, ſhall, in the Abſence of the Commiſſioner or Commiſſioners by whom he or they ſhall be appointed, have full Power and Authority to act as a Commiſſioner or Commiſſioners for the Care of the ſaid River Wiſſey or Stoke River, in as full, large, and ample Manner, to all Intents and Purpoſes, as any of the Commiſſioners for the Care of the ſaid River Wiſſey or Stoke River are impowered to act, although ſuch Deputy or Agent ſhall not be qualified according to the Directions of this Act; any Thing in this Act to the Contrary notwithſtanding.

No more than One Perſon for the Lordſhip of *Fordham*, &c. to act for the Care of the River.

CI. Provided always, That no more than One Perſon ſhall, at any One Time, be capable of acting as a Commiſſioner for the Care of the ſaid River, by virtue of being Lord or Lady of the ſaid Manor of Fordham; and that no more than One Perſon ſhall, at any One Time, be capable of acting as a Commiſſioner by virtue of being Leſſee or Leſſees of any of the Lands called The Methwold Severals, lying within the ſaid Firſt Diſtrict; nor ſhall any more than One Deputy or Agent be appointed at the ſame Time for the Lordſhip of Fordham, nor more than One Deputy for or on account of any future Leſſee or Leſſees of the ſaid Methwold Severals; any Thing herein-before contained to the Contrary hereof notwithſtanding.

Time and Place where the Commiſſioners are to meet.

CII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners for the Care of the ſaid River Wiſſey or Stoke River, or any Five or more of them, ſhall meet upon the Thurſday Three Weeks next after the paſſing of this Act, at The Crown Inn in Downham Market, in the ſaid County of Norfolk, and adjourn themſelves from Time to Time, and meet at ſuch Place and Places as they ſhall think fit, as often as they ſhall find it neceſſary for the Purpoſes herein-before mentioned; and ſhall, at their firſt, and at any other of their Meetings, order and direct the ſaid River Wiſſey or Stoke River, from Skipwith Tunnel aforeſaid to the ſaid River Ouze, to be properly widened, cleanſed, and ſcoured out, ſo as the ſame ſhall be Thirty Feet wide at the Surface of the Water in the ſaid River, at the common Low-water Mark, and of ſuch Depth as ſhall be ſufficient to carry off the Water into the ſaid River Ouze; and ſhall and may, at all Times hereafter, cauſe the ſaid River Wiſſey or Stoke River to be roded and kept free and clear from Weeds between a Place called Methwold Load and the ſaid River Ouze.

Commiſſioners of *Stoke River* neglecting to meet, or to adjourn, how the next Meeting may be called.

CIII. Provided always, That if at any Time hereafter the ſaid Commiſſioners for the Care of the ſaid River Wiſſey or Stoke River ſhall neglect to meet and to adjourn, it ſhall and may be lawful for any Two or more of the ſaid Commiſſioners, by Notice to be given in the Cambridge or Norwich News-papers, if any ſuch News-paper ſhall then be publiſhed, to appoint the ſaid Commiſſioners, or any Five or more of them, to meet at ſuch Time and Place as ſhall be expreſſed in ſuch Notice; and all Meetings held by the ſaid Commiſſioners, or any Five or more of them, purſuant to ſuch Notice, ſhall be deemed legal Meetings of the ſaid Commiſſioners in purſuance of this Act.

Commiſſioners to cauſe a proper Bank to be built.

CIV. And be it further enacted, That the ſaid Commiſſioners for the Care of the ſaid River Wiſſey or Stoke River, or any Five or more of them, ſhall alſo cauſe a proper and ſubſtantial Bank to be made and raiſed on the North Side of the ſaid River Wiſſey or Stoke River, from Skipwith Tunnel aforeſaid to the ſaid River Ouze, and at all Times hereafter to be repaired, heightened, and ſtrengthened, in a proper and ſubſtantial Manner, ſo as to protect the ſaid Lands lying on the North Side of the ſaid River Wiſſey or Stoke River from being overflowed; and for that Purpoſe the ſaid Commiſſioners for the Care of the ſaid River Wiſſey or Stoke River, or any Five or more of them, or ſuch Perſon or Perſons as they ſhall appoint, ſhall, and are hereby authoriſed and impowered to dig, cut, and take away, ſuch Quantities of Earth from any Lands or Grounds adjoining to the ſaid River Wiſſey or Stoke River, on the North Side thereof, as they ſhall find neceſſary to be uſed for making the ſaid North Bank of the ſaid River.

Commiſſioners to cauſe *Helgay Bridge* to be enlarged.

CV. Provided always, That nothing herein contained ſhall impower the ſaid Commiſſioners, or their Succeſſors, to take or cut Earth out of the ſaid Lands for the Repairs of the ſaid Bank, except in Time of Flood, or when a ſufficient Quantity of Earth cannot be taken from the ſaid River Wiſſey or Stoke River, for repairing the ſaid Bank in a proper and ſubſtantial Manner; and the ſaid Commiſſioners, or any Five or more of them, ſhall and may alſo cauſe to be erected and built an additional Arch or Arches of Stone, Brick, or Timber, to the preſent Bridge called Helgay Bridge, which Arch or Arches, together with the preſent Water Way under the ſaid Bridge, ſhall be Thirty Feet in the Clear; and ſhall and may make uſe of ſuch Part of the Turnpike Road running near and over the ſaid Bridge as ſhall be neceſſary for the Purpoſe of erecting and building ſuch additional Arch or Arches; and the ſaid Commiſſioners, or any Five or more of them, ſhall and may, from Time to Time, employ ſuch Perſon and Perſons in doing and performing the ſeveral Works, Matters, and Things, herein-before directed to be done and performed as they the ſaid Commiſſioners, or any Five or more of them, ſhall think proper to be employed therein, and pay and defray all the Charges and Expences attending the ſame as herein-after is mentioned.

By whom the Expences of the Works ſhall be paid.

CVI. And whereas it is agreed, That the Owners of Lands on the North Side of the ſaid River *Wiſſey* or *Stoke River* ſhould contribute towards the Expences that will attend the ſeveral Works herein-before directed to be done and performed; be it therefore enacted by the Authority aforeſaid, That the ſeveral Charges and Expences which ſhall be incurred in doing and performing the ſeveral Works and Matters herein-before directed to be done and performed, ſhall be borne and defrayed by the ſaid Commiſſioners of the Firſt Diſtrict of Lands hereby directed to be drained and improved, and by the ſaid Commiſſioners for draining and improving the ſaid Fen Lands and Low Grounds, by the ſaid Act of the Eleventh Year of the Reign of His preſent Majeſty, and by the ſeveral Owners and Proprietors of Fen Lands and Low Grounds in the ſaid Pariſh of Fordham, in the ſeveral Proportions following; (that is to ſay), Two-third Parts of all ſuch Charges and Expences ſhall be borne and defrayed by the Commiſſioners for the ſaid Firſt Diſtrict, and the remaining Third Part ſhall be borne and paid by the Commiſſioners appointed by the ſaid Act of the Eleventh Year of His preſent Majeſty, for draining the Fen Lands and Low Grounds lying on the North Side of the ſaid River, and the ſeveral Owners of Fen Lands and Low Grounds in the ſaid Pariſh of Fordham, in the Proportions following; (that is to ſay), Four-fifth Parts thereof ſhall be paid by the ſaid Commiſſioners appointed by the ſaid Act of the Eleventh Year of His preſent Majeſty, and the remaining One-fifth Part by the ſaid Owners of Fen Lands and Low Grounds in the ſaid Pariſh of Fordham, in equal Proportions, according to the Quantity of their reſpective Lands; ſuch laſt-mentioned Proportions to be ſettled by the Commiſſioners for the Care of the ſaid River Wiſſey or Stoke River, or any Five or more of them; and that the ſaid Bank directed to be made on the North Side of the ſaid River Wiſſey or Stoke River, from Skipwith Tunnel aforeſaid to the ſaid River Ouze, ſhall, at all Times afterwards, be ſupported and maintained by and at the Expence of the Owners of Fen Lands and Low Grounds within the ſaid Pariſh of Fordham, under the Direction of the Commiſſioners appointed for the Care of the ſaid River.

Commiſſioners to advance 400*l.* for carrying on the Works.

CVII. And whereas, in order to enable the ſaid Commiſſioners for the Care of the River *Wiſſey* or *Stoke River* to proceed in the Execution of the ſeveral Works aforeſaid, it will be neceſſary that a Sum of Money ſhould be forthwith advanced for that Purpoſe; be it therefore further enacted by the Authority aforeſaid, That the Sum of Four hundred Pounds ſhall be advanced by the Commiſſioners for the ſaid Firſt Diſtrict, the Commiſſioners appointed by the ſaid Act of the Eleventh Year of His preſent Majeſty, for draining the ſaid Lands on the North Side the River Wiſſey or Stoke River, and by the Owners of Fen Lands lying in the ſaid Pariſh of Fordham, according to the ſeveral Proportions which they are reſpectively to contribute and pay towards making and completing the ſeveral Works herein-before directed to be done by the ſaid Commiſſioners for the Care of the ſaid River Wiſſey or Stoke River; which ſaid Sum of Four hundred Pounds, herein-before directed to be advanced, ſhall, within One Calendar Month next after the Firſt Meeting of the Commiſſioners for the ſaid Firſt Diſtrict, which ſhall be held by virtue of this Act, be paid to ſuch Perſon as the Commiſſioners for the Care of the ſaid River Wiſſey or Stoke River, or any Five or more of them, ſhall, by Writing under their Hands, authoriſe and appoint to receive the ſame; and the Receipt of ſuch Perſon ſhall be a Diſcharge for ſuch Money as he ſhall ſo receive.

Perſons contributing towards the Works impowered to apply the Money for thoſe Purpoſes.

CVIII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners appointed, or to be elected, by or in purſuance of the ſaid Act of the Eleventh Year of the Reign of His preſent Majeſty, for draining and improving the Fen Lands and Low Grounds therein mentioned, are hereby authoriſed and impowered, out of any Money to be raiſed and aſſeſſed by virtue of the ſaid Act, to pay ſuch Sum and Sums of Money as ſhall be neceſſary to be paid for defraying the Proportion of the Charges and Expences herein-before directed to be paid by ſuch Commiſſioners, towards widening, deepening, and ſcouring, the ſaid River Wiſſey or Stoke River, and building and erecting an additional Arch or Arches to the ſaid Bridge called Helgay Bridge, and making the ſaid Bank on the North Side of the ſaid River Wiſſey or Stoke River, from Skipwith Tunnel aforeſaid to the River Ouze aforeſaid, and alſo of roding and keeping the ſaid River Wiſſey or Stoke River, from Time to Time, free and clear from Weeds, from Methwold Load to the ſaid River Ouze, as herein-before is directed; any Thing in the ſaid Act to the Contrary hereof notwithſtanding.

Power of enforcing the Payment of the ſeveral Proportions of Money to be paid.

CIX. And be it further enacted, That in caſe the ſaid Commiſſioners of the Firſt Diſtrict of Lands directed to be drained by this Act, or the ſaid Commiſſioners appointed by the ſaid Act of the Eleventh Year of the Reign of His preſent Majeſty, or the Owner or Owners of Fen Lands and Low Grounds in the ſaid Pariſh of Fordham, ſhall refuſe or neglect to pay and diſcharge their ſeveral Shares or Proportions of the ſaid Four hundred Pounds, directed to be advanced and paid as aforeſaid, or of any of the Charges and Expences which may be incurred in making and completing the ſeveral Works directed to be done by the Commiſſioners for the Care of the ſaid River Wiſſey or Stoke River, or of maintaining, ſupporting, and keeping, in proper Order and Repair, any of the ſeveral Works herein-before directed to be done and performed as aforeſaid by Direction of the ſaid laſt-mentioned Commiſſioners, for the Space of Ten Days after the ſame ſhall have been demanded by the ſaid Commiſſioners for the Care of the ſaid River, or any Five or more of them, of the reſpective Treaſurers or Collectors to the Commiſſioners ſo refuſing or neglecting as aforeſaid, or of any of the Owners of Fen Lands lying within the ſaid Pariſh of Fordham, ſo refuſing or neglecting as aforeſaid; that then, and in all, any, or either of the Caſes aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners for the Care of the ſaid River Wiſſey or Stoke River, or any Five or more of them, and they are hereby authoriſed and impowered to ſue for and recover the ſame from ſuch reſpective Treaſurers or Collectors as aforeſaid, or from the Owner or Owners of Fen Lands aforeſaid, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, wherein no Eſſoin, Protection, Wager of Law, or more than One Imparlance, ſhall be allowed, together with Full Coſts of Suit.

No more than One Mill and One Gig to drain into *Stoke River.*

CX. Provided always, and be it enacted and declared by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to authoriſe or impower the ſaid Commiſſioners for the ſaid Firſt Diſtrict, or any of them, or the Leſſee or Leſſees of Methwold Severals, or any future Leſſee or Leſſees thereof, his, her, or their Tenant or Tenants, or any other Perſon or Perſons whomſoever, to erect or ſet up more than One Mill within the ſaid Firſt Diſtrict, upon any Account or Pretence whatſoever, or to mill or throw Water into the ſaid River Wiſſey or Stoke River; and that no more than One Mill ſhall ever be erected or ſet up at the ſame Time within the ſaid Firſt Diſtrict, for milling or throwing Water into the ſaid River Wiſſey or Stoke River; any Thing in this Act to the Contrary hereof notwithſtanding.

CXI. Provided nevertheleſs, That nothing herein-before contained ſhall prevent the Owner and Proprietor, or Owners or Proprietors, for the Time being, of a certain Fen called Flegg Fen, Eaſt Fen, or North Fen, from erecting, at his or their own Coſts and Charges, One Gig or Mill only in the ſaid Fen, not exceeding Fifteen Feet upon the Poſt, for the ſole Purpoſe of draining the ſaid Fen into the ſaid River Wiſſey or Stoke River.

Proviſo.

CXII. And be it further enacted, That nothing in this Act contained ſhall authoriſe or impower the reſpective Commiſſioners for draining or improving the ſaid Fen Lands and Low Grounds, or any of them, by virtue of this Act, or the Commiſſioners appointed by the ſaid Act of the Eleventh Year of the Reign of His preſent Majeſty, to exerciſe any Power or Authority over ſuch Works as are directed to be done and performed by the Commiſſioners for the Care of the ſaid River Wiſſey or Stoke River, but that all ſuch Works ſhall be done and performed under the Direction of the ſaid Commiſſioners for the Care of the ſaid River Wiſſey or Stoke River only; any Thing in the ſaid Act of the Eleventh Year of His preſent Majeſty, or this Act, to the Contrary notwithſtanding.

Commiſſioners for draining ſhall not interfere with the Commiſſioners for widening *Stoke River.*

CXIII. Provided alſo, and it is hereby enacted by the Authority aforeſaid, That this Act, or any Thing herein contained, ſhall not extend to impower the ſaid Commiſſioners, or any of them, to have, uſe, or exerciſe, any Power or Authority over, or to intermeddle with, any of the Sewers, Drains, or Works, already made, or hereafter to be made, by the ſaid Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the ſaid Great Level of the Fens called Bedford Level, by virtue of an Act of Parliament, made in the Fifteenth Year of King Charles the Second, intituled, An Act for ſettling the draining of the Fens called *Bedford Level,* or by virtue of any other Act or Statute whatſoever, or to invalidate, leſſen, diminiſh, alter, or take away, any of the Rights, Powers, and Authorities, veſted in the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, or Conſervators; but that all Rights, Powers, and Authorities whatſoever, which, by virtue of the ſaid Act, made in the ſaid Fifteenth Year of the ſaid King Charles the Second, or any other Act or Statute whatſoever, now are veſted in the ſaid Governor, Bailiffs, and Conſervators, or any of them, ſhall for ever hereafter remain, continue, and be, in the ſaid Governor, Bailiffs, and Commonalty, and the ſaid Governor, Bailiffs, or Conſervators, and every of them, as fully and amply, to all Intents and Purpoſes, as if this Act had never been made.

Saving Clauſe to the Corporation of *Bedford Level.*

CXIV. And be it further enacted by the Authority aforeſaid, That if any Action, Suit, or Information, ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing done, or to be done, in purſuance of this Act, every ſuch Action or Suit ſhall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid or brought in the particular County or Liberty where ſuch Offence ſhall be ſuppoſed to have been done, but not elſewhere; and the Defendant or Defendants, in ſuch Actions or Suits, ſhall and may plead the General Iſſue, and, if in Replevin, may juſtify and avow, by virtue of this Act, as Perſons acting by Authority of Commiſſioners of Sewers are enabled to do, and give the Special Matter in Evidence, without ſpecially pleading the ſame, otherwiſe than as aforeſaid, at any Trial to be had thereupon; and that the Fact alleged to have been done was done in purſuance and by Authority of this Act: And if the ſame ſhall appear to have been ſo done; or if any ſuch Action or Suit ſhall be brought after the Time for bringing the ſame, or ſhall be brought in any other County, Liberty, or Place, as aforeſaid, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; but if the Plaintiff or Plaintiffs ſhall become nonſuit, or forbear Proſecution, or diſcontinue his, her, or their Suit or Suits; or if any Verdict ſhall paſs againſt him, her, or them, upon Demurrer; then, and in any of the ſaid Caſes, the Defendant or Defendants, Avowant or Avowants, ſhall recover Double Coſts, for which he, ſhe, or they, ſhall have the like Remedy as where Coſts by Law are awarded.

Limitation of Actions.

General Iſſue.

Double Coſts.

CXV. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed a Publick Act; and all Judges, Juſtices, and all other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

Publick Act.

C A P. XLVI.

An Act for the more effectual draining and preſerving certain Fen Lands and Low Grounds in the Pariſh of *Yaxley,* in the County of *Huntingdon.*

WHEREAS ſeveral Fen Lands and Low Grounds in certain Fens, called by the ſeveral Names of *Horſe Fen, Cow Fen, Hog Fen,* and *The Lord's Fen,* and other Low Grounds, lying together in the Pariſh of *Yaxley,* in the County of *Huntingdon,* from their low and flat Situation are liable to be overflown with Water, ſo that no certain Advantage or Profit can be thereof made by the Owners and Occupiers of the ſame: And whereas the ſaid Fen Lands and Low Grounds contain in the Whole about Six hundred Acres, and are abutted and bounded as follows; that is to ſay, On Part of the North by a certain Dike or Drain called *The Yard's End Dike,* (including the ſaid *Yard's End Dike*); and from the Eaſt End of the ſaid *Yard's End Dike* on the North Side thereof, by a ſtraight Line acroſs a certain River or Dike called *The Load*; and from thence by the ſaid *Load* to the North End thereof; and from thence by a certain River or Dike called *Pig's Water,* to and by a Dike running from the ſaid *Pig's Water* by the Eaſt End of a Holt belonging to Lord *Carysfort,* (including the ſaid Dike), to the North-eaſt Corner of the ſaid Fen called *The Lord's Fen*; and from thence by a Dike called *Twelve Foot Dike* and a certain Gateway called *Drake's Gateway,* on the Eaſt, to the South Bank of the ſaid Fen called *The Lord's Fen*; and from thence by the ſaid South Bank, (including the ſame), to the Weſt End thereof; and from thence by Part of the Weſt Bank of the ſaid *Lord's Fen* to that Point therein which is op-

Preamble.

poſite in a ſtraight Line to the Eaſt End of a Dike on the South Side of a Cloſe called *Gregory's Cloſe*, in *Hog Fen*, including ſuch Part of the ſaid Weſt Bank, and from the ſaid Weſt Bank by the ſaid ſtraight Line to the ſaid Dike, and by the ſaid Dike on the South to the Weſt End thereof; and from thence by a ſtraight Line acroſs the aforeſaid River called *The Load*, to the preſent Mill or Engine in the ſaid Fen called *Cow Fen*, and from the ſaid Mill or Engine by the ſaid *Load* to the South-eaſt Corner of a Cloſe called *The Mill Cloſe*, and from the ſaid Corner by the preſent Bank on the South Side of ſuch Parts of the ſaid Fens called *Cow Fen* and *Horſe Fen*, as are now under the Drainage of the ſaid Mill or Engine (including the ſaid Bank) to the Weſt End thereof, at a certain Drain called *Stilton Drain*; and from thence by the ſaid *Stilton Drain* on the South-weſt to the North-eaſt Corner of a Cloſe called *Sanker's Cloſe*, in the Lordſhip of *Stilton*; and from thence by a Dike dividing the Lordſhips of *Stilton* and *Yaxley*, (including the ſaid Dike), to the South-eaſt Corner of a Cloſe of Sir *Sampſon Gideon*, called *Muſtard Seed Cloſe*; and from thence by the Dike or Watercourſe running on the Eaſt End of *Muſtard Seed Cloſe*, and on the Eaſt Side of Lands called *The Great Wikes* (including the ſaid Dike) to the South End of a Place in the ſaid *Wikes* called *The Springs*; and from thence by a ſtraight Line to and acroſs the Road called *Wikes Way*, at the old Gateway of the ſaid *Wikes* to the Weſt End of the Hedge or Buſhes on the North Side of the ſaid *Wikes Way*, and by the ſaid Hedge or Buſhes on the North to the South-weſt Corner of a Cloſe or Ground called Mr. *Newton's Allotment*; and from thence by a Dike or Watercourſe called *The Wikes Way Dike* or *Field Dike*, running towards the Eaſt, to and by the North Side of a Cloſe or Ground belonging to the Vicar of *Yaxley*, and the North End of a Cloſe of Mr. *William Bowker*, called *The Brick Cloſe*, and on the North Side of a Cloſe of Lord *Carysfort*, called *The Holms*, through Part of the ſaid *Holms*, and down the Eaſt Side thereof into the Weſt End of the ſaid Dike or Drain called *The Yard's End Dike*, (including the Whole of the ſaid Dike or Watercourſe called *The Wikes Way Dike*, to the ſaid *Yard's End Dike*, the Beginning of the ſaid Boundaries): And whereas the ſaid Fen Lands and Low Grounds are capable of very great Improvement, by Means of a proper Drainage; but ſuch Drainage cannot be effected without the Aid and Authority of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid ſeveral Lands herein-before abutted, bounded, and deſcribed, ſhall be, and are hereby made One intire Diſtrict, and ſhall be imbanked and drained in the Manner herein-after directed.

Appointment of Commiſſioners.

II. And be it further enacted, That each and every Owner for the Time being reſpectively of Eight Acres or more of Lands, in their own Right, ſubject to be taxed by virtue of this Act, and lying reſpectively within the Limits aforeſaid, ſhall be and is hereby appointed a Commiſſioner for putting this Act, and the Powers and Authorities herein-after contained, into Execution.

Deputies may be appointed to act in their Abſence.

III. Provided always, and be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for, and every ſuch Commiſſioner is hereby authoriſed and impowered to appoint, by Writing under his or her Hand, to be delivered to the ſaid Commiſſioners, or any Five or more of them, at ſome Meeting to be held in purſuance of this Act, from Time to Time, and for ſuch Time as he or ſhe ſhall think proper, a Deputy, to act in his or her Abſence as a Commiſſioner; and ſuch Deputies ſhall and may, in the Abſence of the Perſons reſpectively by whom they ſhall be ſo appointed, act, as Commiſſioners in the Execution of this Act, in ſuch and the ſame Manner, and as fully, to all Intents and Purpoſes, as ſuch Commiſſioners reſpectively might act and do if they were perſonally preſent.

Owners of 50 Acres to appoint a Commiſſioner.

IV. Provided alſo, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon, who is the real Owner of Fifty Acres of taxable Land, lying within the Limits aforeſaid, by Writing under his or her Hand, from Time to Time, and for ſuch Time as he or ſhe ſhall think proper, to appoint One Commiſſioner for every ſuch Fifty Acres of Land, over and above the Commiſſioners herein-before appointed for putting this Act, and all the Powers and Authorities herein contained, into Execution; and that ſuch Commiſſioners, ſo nominated and appointed by ſuch Owner or Owners of Fifty Acres reſpectively as aforeſaid, ſhall be Commiſſioners to all Intents and Purpoſes, for carrying this Act into Execution.

If Owners of 50 Acres be a Minor, ſuch Minor or his Guardian to appoint a Commiſſioner during his Minority.

V. Provided always, and be it further enacted and declared by the Authority aforeſaid, That if any Perſon, who by virtue of this Act is impowered to act as a Commiſſioner in Perſon, or by Deputy, ſhall, at the Time of paſſing this Act, or at any Time afterwards, be a Minor under the Age of Twenty-one Years, Idiot, Lunatick, or of unſound Mind, it ſhall and may be lawful for the Guardian of ſuch Minor, and for the Committee or Truſtee of ſuch Idiot, Lunatick, or Perſon of unſound Mind, to act in Perſon as a Commiſſioner for putting this Act into Execution, or in his or her Abſence, by Writing under his or her Hand, to appoint a Deputy for that Purpoſe; and alſo ſhall and may, by Writing under his or her Hand, nominate and appoint a Commiſſioner for every Fifty Acres of Land belonging to ſuch Minor, or other Perſon under ſuch legal Diſability as aforeſaid; and that ſuch Commiſſioners ſo nominated and appointed, ſhall be to all Intents and Purpoſes Commiſſioners for carrying this Act into Execution.

Joint Owners may be Commiſſioners, and may appoint Deputies.

VI. Provided alſo, and be it further enacted, That all Perſons who ſhall be joint Tenants, Tenants in common, or Parceners, of any Lands lying within the Limits aforeſaid, and ſubject to be taxed by virtue of this Act, ſhall, for their ſeveral and reſpective Shares, be intitled to act, by virtue of ſuch reſpective Shares, as Commiſſioners, by themſelves or Deputies, and ſhall have the ſame Powers as if ſuch Lands ſo held by them as joint Tenants, Tenants in common, or Parceners, were actually ſevered and divided; provided that ſuch reſpective Shares ſhall amount unto Eight Acres or Fifty Acres reſpectively.

Proceedings to be entered in Books.

VII. And be it further enacted, That every Nomination of a Commiſſioner or Commiſſioners in purſuance of this Act ſhall be entered gratis by the Clerk to the ſaid Commiſſioners in a Book to be kept for that Purpoſe; and that ſuch Commiſſioner or

Commiſſioners ſhall and may, and is and are hereby impowered to act in the Execution of this Act, until ſuperſeded by a freſh Nomination, to be entered in ſuch Book as aforeſaid.

Meetings of Commiſſioners.

VIII. And, for the more effectual raiſing and levying Money for the general draining and preſerving the Lands compriſed within the Limits aforeſaid, and anſwering the Purpoſes of this Act, it is hereby further enacted by the Authority aforeſaid, That the ſaid Commiſſioners hereby nominated and appointed, and ſuch other Commiſſioners as ſhall hereafter ſucceed them, or any Five or more of them, ſhall meet Twice in every Year; that is to ſay, Upon Monday next before the Aſcenſion of our Lord, and the Second Monday in September, (which Meetings ſhall be called General Meetings), beſides the Firſt Meeting hereby appointed, at ſome publick Houſe in the Pariſh of Yaxley aforeſaid, to be appointed by the ſaid Commiſſioners, or any Five or more of them, and at ſuch other Times and Places near the Limits aforeſaid as the ſaid Commiſſioners, or any Five or more of them, ſhall ſee Cauſe for, or think convenient, purſuant to Notice in Writing for that Purpoſe, ſigned by any Five or more of them, and affixed upon the Outſide of the South Door of the Pariſh Church of Yaxley aforeſaid, Ten Days at leaſt before any ſuch Meeting, (except thoſe held by Adjournment), and that the Firſt Meeting ſhall be held at ſome publick Houſe in Yaxley, upon the Monday Fortnight next after the paſſing of this Act; and may, from Time to Time, adjourn themſelves, and meet again purſuant to ſuch Adjournments as often as they ſhall think proper.

Commiſſioners may adjourn.

Commiſſioners may act as Juſtices.

IX. And be it further enacted, That ſuch of the Commiſſioners appointed, or to be appointed, in or by virtue of this Act, as ſhall be a Juſtice or Juſtices of the Peace, may, and is and are hereby authoriſed and impowered to act as a Juſtice or Juſtices of the Peace within the Limits of his or their proper Juriſdiction reſpectively, in the Execution of the Powers and Authorities hereby given to any Juſtice or Juſtices of the Peace, notwithſtanding his or their being a Commiſſioner or Commiſſioners; provided ſuch Commiſſioner or Commiſſioners is or are otherwiſe qualified, and not intereſted in the Matter in Queſtion, otherwiſe than as a Commiſſioner or Commiſſioners.

No Order to be valid, unleſs by Order of the Commiſſioners.

X. And be it further enacted, That nothing ſhall be done by the ſaid Commiſſioners in the Execution of this Act but at a Meeting to be held in purſuance of this Act, or in Conſequence of ſome Order or Orders made at ſuch Meeting or Meetings, except granting and iſſuing of ſuch Notices, Warrants, and Precepts, by the ſaid Commiſſioners, as they are hereby impowered to make or iſſue; and no Order ſhall be valid unleſs the major Part of the Commiſſioners preſent at ſuch Meeting conſent thereto.

Commiſſioners to make Drains, &c.

XI. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power and Authority, from Time to Time, and at all Times hereafter, as they ſhall think proper, to make, erect, ſupport, alter, and maintain, ſuch Cuts, Drains, Dams, Banks, Bridges, Tunnels, Headings, Trays, Slamps, Outlets, Works, Engines, and Mills, in, through, and upon the ſaid Lands and Grounds, or any Part thereof, and to make, erect, remove, alter, repair, and maintain, all ſuch Works and Engines thereon, and ſuch Cuts, Drains, Dams, Banks, Bridges, Tunnels, Headings, Trays, Slamps, Outlets, Works, Engines, or Mills, as are already made or erected in or upon ſuch Lands or Grounds, to remove, alter, repair, or continue, and alſo to make ſuch Orders, and to give ſuch Directions, for the carrying on and for the better and more orderly Government and Uſing of the ſaid Works, for the Purpoſes of this Act, as the ſaid Commiſſioners, or any Five or more of them, ſhall at any Meeting or Meetings to be held in purſuance of this Act, think fit, order, direct, or appoint; making ſuch reaſonable Satiſfaction to the Perſon or Perſons who hath or have a Right to the Soil through or upon which any ſuch Cut, Drain, Dam, Bank, Bridge, Tunnel, Heading, Tray, Slamp, Outlet, Work, or Engine, ſhall be made or erected, for the Damages, he, ſhe, or they, ſhall thereby ſuſtain, as ſhall be agreed upon between ſuch Commiſſioners, or any Five or more of them, and ſuch Perſon or Perſons; and in caſe any Difference ſhall ariſe between the ſaid Commiſſioners and Land-owners, in regard to the Value of ſuch Damages, the ſame ſhall be ſettled, adjudged, and determined, by the Juſtices of the Peace at the Quarter Seſſions to be holden for the ſaid County of Huntingdon, not intereſted in the Premiſes, who are hereby authoriſed and required to examine into, hear, and determine the ſame; and the Determination which ſhall be ſo made by the ſaid Juſtices in their ſaid Quarter Seſſions as aforeſaid ſhall be final and concluſive to all Parties, and ſhall not be removed or removeable be Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter.

making reaſonable Satiſfaction to Proprietors of Soil.

Muſtard Seed Cloſe to remain a common Drain.

XII. Provided, That nothing herein contained ſhall extend, or be conſtrued to extend, to impower the ſaid Commiſſioners, or their Succeſſors, to ſtop up the Drain running at the Eaſt End of the ſaid Cloſe of Sir Sampſon Gideon Baronet, called Muſtard Seed Cloſe, but that the ſame ſhall always remain a common Drain for the Waters of Yaxley Fields and the ſaid Cloſe; any Thing herein contained to the Contrary thereof in any-wiſe notwithſtanding.

Commiſſioners may make Contracts.

XIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to make Contracts with any Perſon or Perſons for performing any of the Works, Matters, and Things, that ſhall be thought neceſſary in the Execution of this Act, Fourteen Days Notice being given by the ſaid Commiſſioners, or any Five or more of them, upon the Outſide of the ſaid Church Door of Yaxley, of the Time and Place of their receiving Propoſals for ſuch Contracts.

Commiſſioners impowered to drain other Lands.

XIV. And it is hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, at any Time or Times, as they ſhall think convenient, to contract and agree with any Owner or Owners, Occupier or Occupiers, of any Lands or Grounds lying within the ſaid Pariſh of Yaxley, for the draining of ſuch Lands or Grounds, for ſuch Time and Times, and at and for ſuch yearly or other Sum or Sums of Money reſpectively, as they the ſaid Commiſſioners, or any Five or more of them, ſhall think fit; which ſaid Sum and Sums of Money ſo to be contracted and agreed for, ſhall be, from Time to Time, applied and diſpoſed of, in or towards executing the Purpoſes of this Act.

Officers to be appointed by the Commiſſioners.

XV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, at any of the Meetings to be held in purſuance of this Act, ſhall have full Power and Authority to appoint One or more Collector or Collectors, Receiver or Receivers, Clerk or Clerks, or ſuch other proper Officers, as they the ſaid Commiſſioners ſhall think fit, for the taking Care of all ſuch Works, and for collecting the Rates or Aſſeſſments which ſhall be made or aſſeſſed on the ſaid Fen Lands and Low Grounds within the Limits aforeſaid, by virtue of this Act; and to allow and appoint to be paid to ſuch Officer or Officers, out of ſuch Rates or Aſſeſſments, ſuch yearly or other Wages or Salaries, for their Trouble and Pains, as they the ſaid Commiſſioners, or any Five or more of them, preſent at any ſuch Meeting, ſhall think reaſonable; which ſaid Collector or Collectors, Receiver or Receivers, Clerk or Clerks, or other Officer or Officers, ſo to be appointed, may be removed at the Will and Pleaſure of the ſaid Commiſſioners, or any Five or more of them, aſſembled at a Meeting to be held for that Purpoſe, of which Fourteen Days Notice at leaſt ſhall be given in Writing, to be affixed on the Church Door of Yaxley aforeſaid, and another or others to appoint in his or their Stead, as Occaſion ſhall require; and ſuch Collectors or Receivers ſhall, before they act in the Execution of their Offices reſpectively, give ſuch Security for the due Execution of ſuch their reſpective Offices, and for performing the ſeveral Truſts to them committed, as they the ſaid Commiſſioners, or any Five or more of them, aſſembled at any Meeting, ſhall think fit.

Taxes to be charged by the Commiſſioners.

XVI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, aſſembled at their Firſt or other General Meeting, yearly and every Year, to aſſeſs, rate, tax, and charge, all and every the ſaid Fen Lands and Low Grounds, within the Limits aforeſaid, and the reſpective Owner and Owners, or Occupier and Occupiers thereof, (except the Lands herein-after exempted), by an equal and proportionable Acre Rate or Tax, in any Rate or Sum not exceeding Five Shillings per Acre in any Year, nor in any Rate or Sum leſs than Four Shillings per Acre, (ſo long as any Money to be borrowed by virtue of this Act ſhall remain due thereon), for carrying on and effecting the ſaid Purpoſes of draining and preſerving the ſame; and that ſuch Rates or Taxes ſhall be paid half-yearly, on the Twenty-ninth Day of September, and the Twenty-fifth Day of March, in every Year; and that the Firſt Payment ſhall be made on the Twenty-ninth Day of September next after the paſſing of this Act.

Surveyors appointed to view the preſent Works.

XVII. And whereas the Proprietors of that Part of the ſaid Fen Lands called *Horſe Fen* and *Cow Fen*, have heretofore laid out and expended conſiderable Sums of Money in making the preſent Banks and Engine now uſed for draining the ſaid Lands, which will be a great Saving in the Expence of the Works neceſſary for draining the ſaid Diſtrict: In order therefore that the ſaid Proprietors of Lands in *Horſe Fen* and *Cow Fen* may receive a proper Allowance or Compenſation for the Benefit the Proprietors of *Hog Fen* and *The Lord's Fen* will have by ſuch Saving, it is hereby enacted, That the Proprietors of Lands in the ſaid Fens, called Hog Fen and The Lord's Fen, ſhall pay for ſuch Benefit they will receive by the preſent Banks and Engine, as aforeſaid, the Sum of Forty Pounds, to be laid out by the ſaid Commiſſioners, or any Five or more of them, in the general Works for draining and preſerving the ſaid Diſtrict.

Additional Taxes in *Hog Fen* and *Lord's Fen*.

XVIII. And, for the raiſing and levying the ſaid Sum of Forty Pounds to be paid by the ſaid Proprietors of Lands in *Hog Fen* and *The Lord's Fen*, as aforeſaid, it is hereby enacted by the Authority aforeſaid, That the ſaid Commiſſioners hereby appointed, or any Five or more of them, ſhall and may, at their Firſt or other General Meeting, yearly and every Year, aſſeſs, rate, tax, and charge, all and every the ſaid Fen Lands and Low Grounds, within the ſaid Hog Fen and Lord's Fen reſpectively; and the reſpective Owner and Owners, or Occupier and Occupiers thereof, (except ſuch as herein-after are exempted), by an equal and proportionable Acre Rate or Tax, in any Rate or Sum not exceeding Two Shillings per Acre, over and above the Rates or Taxes herein-before directed to be rated and aſſeſſed thereon, until the whole Sum of Forty Pounds, herein-before directed to be paid by the ſaid Proprietors of Lands in Hog Fen and The Lord's Fen, be thereby or otherwiſe fully paid and ſatisfied; ſuch laſt-mentioned Rates or Taxes to be paid to the Collector or Collectors, Receiver or Receivers, at ſuch Days and Times as the Taxes herein-before mentioned are directed to be paid.

Owners to give in the Quantities of their Lands.

XIX. Provided always, and it is hereby enacted and declared by the Authority aforeſaid, That the Quantities of Land ſo to be rated and taxed as aforeſaid, ſhall, on or before the Day of the Firſt General Meeting hereby appointed, be given to the Receiver or Collector of the ſaid Taxes or Rates, by the reſpective Proprietors or Occupiers of ſuch Lands; and if any ſuch Proprietors or Occupiers ſhould neglect or refuſe to give to any ſuch Receiver or Collector a particular Account of the Number of Acres of which he, ſhe, or they, ſhall be Proprietor or Occupier, or in caſe there ſhall be any Doubt touching the Fairneſs or Truth of ſuch Account ſo delivered in, it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, to order a Survey to be made of any of the ſaid Lands by a Surveyor, upon Oath; (which Oath any One of the ſaid Commiſſioners is impowered to adminiſter); and ſuch Survey ſo by him made ſhall be a ſufficient Warrant and Authority to the ſaid Commiſſioners, or any Five or more of them, to rate and aſſeſs the Lands agreeable thereto; the Charge of ſuch Survey to be borne by ſuch Perſon or Perſons as ſhall neglect or refuſe to give in ſuch Account, or who ſhall deliver in a falſe Account; ſuch Charge to be recovered in ſuch Manner as the Taxes are herein directed to be recovered: And in caſe it ſhall appear upon any Survey that the Number of Acres was truly delivered in, then the Charge of ſuch Survey to be paid by the Receiver or Collector, out of the Monies to be raiſed by virtue of this Act.

XX. And

Commiſſioners may borrow Money.

XX. And foraſmuch as the Money ſo to be rated, levied, collected, and gathered, as aforeſaid, will not be ſufficient to defray the immediate Expences of making ſuch Banks, Cuts, Drains, Dams, Bridges, Tunnels, and Outlets, and erecting ſuch Engines and other Works as ſhall be neceſſary for the draining and for the ſpeedy Improvement of the ſaid Fen Lands and Low Grounds; be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, (Five of whom to be real Owners of Lands ſufficient to qualify them to be Commiſſioners in their own Right), ſhall and may, and they are hereby impowered, from Time to Time, to borrow any Sum or Sums of Money which they ſhall think neceſſary, for the making, carrying on, repairing, and preſerving, the ſaid Works, and, by Writing under their Hands and Seals, without any Stamp or Stamps, to aſſign over the ſaid yearly Rates, Taxes, and Sums of Money hereby charged, or to be charged, upon the ſaid Fen Lands and Low Grounds, and every or any Part thereof, (the Coſts and Charges of which Aſſignments ſhall be borne and paid out of the ſaid Taxes, in ſuch Manner and Form as to the ſaid Commiſſioners ſhall ſeem meet), as a Security or Securities for any Sum or Sums of Money (ſuch Sum or Sums ſo to be borrowed not to exceed in the Whole the Sum of One thouſand and four hundred Pounds) to ſuch Perſon or Perſons, or their Truſtees, as ſhall advance or lend the ſame, to ſecure the Repayment thereof, with Intereſt: Which Money ſo borrowed ſhall be applied, in the Firſt Place, to pay and diſcharge the Charges and Expences of obtaining this Act of Parliament, and, in the next Place, to defray the Charges and Expences of the Perſons herein-after appointed for aſcertaining the High Lands, and then ſhall be applied and diſpoſed of in making, erecting, repairing, enlarging, and maintaining, ſuch Engines, Banks, Drains, and other Works, for the draining, imbanking, and preſerving, of the ſaid Lands, as ſhall be thought expedient by the ſaid Commiſſioners, or any Five or more of them.

Application of the Money.

No Aſſignment ſhall be made for more than 100 l.

XXI. And be it further enacted, That all Aſſignments of the ſaid Taxes ſo to be made by the ſaid Commiſſioners, as aforeſaid, ſhall be numbered, beginning with Number One, and ſo proceeding in Arithmetical Progreſſion; and that no Aſſignment ſhall be made for any greater or leſſer Sum than One hundred Pounds.

Aſſignments may be transferred.

XXII. And be it further enacted by the Authority aforeſaid, That all Aſſignments or Securities to be made by the ſaid Commiſſioners as aforeſaid, in purſuance of this Act, ſhall and may be aſſignable or transferrable by Indorſement upon ſuch Original Grant, or Security thereof, or otherwiſe, without Stamps, to any Perſon or Perſons whomſoever; and the Perſon or Perſons to whom ſuch Aſſignment or Transfer ſhall be made ſhall and may, from and after the Time that the ſame is entered in a Book, to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Commiſſioners, be well and ſufficiently intitled to ſuch Mortgage Monies, and Intereſt, and all the Monies then due, and thereafter to grow due thereon; which Entries are hereby required to be made on Requeſt, and producing ſuch Aſſignment, and paying Two Shillings and Sixpence to the Clerk or Treaſurer of the ſaid Commiſſioners for every ſuch Entry; and ſuch Aſſignee or Aſſignees, and every other Aſſignee or Aſſignees, ſhall and may, by Indorſement, or otherwiſe, aſſign and make over ſuch Mortgage or Mortgages, and Securities, ſo aſſigned as aforeſaid, and ſo toties quoties, as Occaſion ſhall require, every ſuch Aſſignment or Transfer being entered in ſuch Book as aforeſaid.

Commiſſioners may lend Money.

XXIII. And be it further enacted by the Authority aforeſaid, That all and every Commiſſioner and Commiſſioners appointed by this Act, or who ſhall hereafter be appointed, by any Power or Authority hereby given, ſhall and lawfully may, notwithſtanding his or their being ſuch Commiſſioner or Commiſſioners, lend any Sum or Sums of Money on Security of the Taxes or Rates to be rated, charged, or aſſeſſed, by virtue of this Act, in ſuch Manner as any other Perſon or Perſons may, can, or ſhall do, by Means or Virtue hereof; and that ſuch Commiſſioner or Commiſſioners, ſo advancing or lending ſuch Sum or Sums of Money, ſhall and may lawfully take a Mortgage or Mortgages, Aſſignment or Aſſignments, of the ſaid Taxes from the ſaid other Commiſſioners, or any Seven or more of them, as a Security and Securities for the ſaid Sum and Sums of Money ſo by him or them advanced and lent; which Mortgage or Mortgages, Aſſignment or Aſſignments, being ſo executed by the ſaid Commiſſioners, or any Seven or more of them, ſhall be effectual and binding to all Intents and Purpoſes whatſoever; and that the Commiſſioner or Commiſſioners ſo advancing or lending ſuch Sum or Sums of Money, and accepting and taking ſuch Security, ſhall, by Means and Virtue thereof, have and exerciſe ſuch and the like Powers and Remedies for recovering and receiving the ſaid Sum and Sums of Money, and the Intereſt thereof, and for aſſigning or transferring the ſame, as any other Mortgagee or Mortgagees of the ſaid Rates or Taxes can, may, or ſhall have and take, by Means and Virtue of this Act.

Taxes to veſt in Creditors.

XXIV. And be it further enacted, That the ſaid Rates, Taxes, and Sums of Money, hereby aſſeſſed, or to be aſſeſſed upon, and paid by the Owners or Occupiers of the ſaid Fen Lands and Low Grounds, ſhall be charged and chargeable, in the Firſt Place, with and for the Payment of all and every the Sum and Sums of Money, and the Intereſt of ſuch Money, from Time to Time, and ſhall veſt in the reſpective Creditor or Creditors, upon Default of Payment of ſuch principal Money, and Intereſt, until the ſame ſhall be fully ſatisfied and paid, together with the Coſts and Charges occaſioned by Nonpayment thereof, as aforeſaid: And the ſaid Creditors, their Executors, Adminiſtrators, and Aſſigns reſpectively, ſhall have the ſame Powers, Rights, and Privileges of aſſeſſing, raiſing, and recovering of the ſeveral Taxes and Sums of Money payable by the ſeveral Owners and Occupiers of the ſaid Fen Lands and Low Grounds, for or in reſpect of ſuch principal Money and Intereſt, in caſe of Default of Payment thereof, as the ſaid Commiſſioners, or their Collector, could have had, in caſe the ſaid Principal and Intereſt had been fully paid.

Power to diſtrain.

XXV. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall neglect to pay to the Receiver or Collector, to be appointed as aforeſaid, at the Place of Abode of ſuch Receiver or Collector, the Money aſſeſſed, rated, or charged on him, her, or them reſpectively, by virtue of this Act, for the Space of Twenty-one Days after the reſpective Times of Payment herein-before appointed, it ſhall be lawful for the ſaid Collector or Receiver, or for any other Perſon or Perſons, at any Time or Times thereafter, by virtue of a Warrant or Precept under the Hands and Seals of Three or more of the ſaid Commiſſioners, (which Warrant or Precept the ſaid Commiſſioners, or any Three or more of them, are hereby impowered and required from Time to Time to make, and iſſue, as Occaſion ſhall require), to enter into and upon the ſaid Fen Lands and Low Grounds within the Limits aforeſaid for which the ſaid Taxes ſhall be ſo in arrear, and all Meſſuages, Tenements, and Buildings thereupon ſtanding; and to levy the Sum or Sums of Money by him, her, or them payable for ſuch Taxes ſo in arrear, by Diſtreſs and Sale of the Goods, Chattels, and Cattle, which ſhall be found on the ſaid Premiſes ſo charged with the ſaid Tax in arrear; and in caſe no ſufficient Diſtreſs can be found on the Premiſes, it ſhall be lawful for ſuch Collector or Receiver, or other Perſon or Perſons, by virtue of ſuch Warrant or Precept as aforeſaid, to levy the ſaid Taxes in arrear by Diſtreſs and Sale of the Goods, Chattels, and Cattle, of the Perſon and Perſons ſo making Default and Payment, in any other Place within the Kingdom of Great Britain; and the Goods, Chattels, and Cattle, ſo diſtrained, to impound on the Premiſes, or carry away, drive, and impound in any other Place not above the Diſtance of Three Miles from the Place from whence they ſhall be ſo carried away and driven, at the Coſts and Charges of the Owner or Owners thereof, leaving Notice in Writing at the Houſe or uſual Place of Abode of the Owner of ſuch Goods, Chattels, or Cattle, ſo diſtrained, or at the uſual Place of Abode of the Owner or Occupier of the Land charged with ſuch Arrear of Tax, of the Cauſe of ſuch Diſtreſs, and the Place where the Goods, Chattels, and Cattle, ſhall be ſo impounded; and if the Owner or Owners of the Goods, Chattels, or Cattle, ſo diſtrained, ſhall not pay the Sum or Sums of Money in arrear, together with all Coſts and Charges attending ſuch Diſtreſs, or replevy the ſaid Goods and Chattels, with ſufficient Security to be given to the Sheriff of the County where ſuch Diſtreſs ſhall be ſo taken, or other Officer or Officers uſually taking ſuch Securities, according to the Laws now in being for Diſtreſs in caſe of Nonpayment of Rents, within Five Days after ſuch Diſtreſs made, and Notice thereof given as aforeſaid, the Perſon or Perſons ſo diſtraining may, with the Sheriff or Under Sheriff of the County, Conſtable, or Headborough of the Pariſh or Place where ſuch Diſtreſs ſhall be made, (who are hereby required to aſſiſt therein), cauſe the ſaid Goods and Chattels ſo diſtrained to be appraiſed by Two or more indifferent Perſons, to be ſworn by ſuch Sheriff, Under Sheriff, Conſtable, or Headborough, (who are hereby impowered to adminiſter ſuch Oath), to appraiſe the ſame according to their Judgement; and after ſuch Appraiſement, it ſhall be lawful for ſuch Collector, Receiver, or other Perſon or Perſons making ſuch Diſtreſs, to ſell the ſaid Goods and Chattels ſo diſtrained for the beſt Price that can be got for the ſame, for and towards Satisfaction for the Monies for which ſuch Diſtreſs ſhall be ſo taken, and the Charges of taking, keeping, appraiſing, and ſelling, the ſaid Goods and Chattels, leaving the Overplus (if any be) in the Hands of ſuch Sheriff, Under Sheriff, Conſtable, or Headborough, for the Owner's Uſe; and the Tenant and Tenants of all and ſingular the ſaid Fen Lands and Low Grounds, which ſhall be rated and aſſeſſed by virtue of this Act, is and are hereby required and authoriſed to pay ſuch Taxes or Rates, and deduct the ſame out of his, her, or their Rent; and every Tenant paying ſuch Tax or Rate ſhall be acquitted and diſcharged for ſo much Money as ſuch Tax or Rate he ſhall have ſo paid ſhall amount unto, as if the ſame had been actually paid to the Perſon or Perſons intitled to the Rent of the ſaid Fen Lands or Low Grounds.

Penalty on Nonpayment of Taxes.

XXVI. And, to the End that the full Sum, which is or ſhall be ſo rated, taxed, or aſſeſſed, may be duly anſwered and paid, be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall refuſe or neglect to pay, or cauſe to be paid, to the Collector or Receiver for the Time being, the Sum which he, ſhe, or they, ſhall be reſpectively charged with, by virtue of this Act, for the Space of Two Calendar Months after a perſonal Demand hath been made thereof by the ſaid Collector or Receiver, every ſuch Perſon ſhall pay and forfeit the Sum of Two-pence for every Shilling which ſhall be ſo in arrear and unpaid; to be levied by Diſtreſs and Sale of his, her, and their Goods and Chattels, in ſuch Manner as the aforeſaid Taxes, Rates, or Aſſeſſments themſelves, are herein and hereby directed to be levied; and the Money ſo forfeited and levied ſhall be applied towards carrying on the ſaid Works of Draining, and other the Purpoſes of this Act.

Commiſſioners may enter on and hold Premiſes in caſe of Non-payment of Taxes within Six Months.

XXVII. And whereas it may ſometimes happen, that ſome of the Lands and Grounds hereby made chargeable with the ſeveral Rates and Taxes as aforeſaid may be untenanted for a conſiderable Time, and no Goods or Chattels may be found of the Owner or Owners thereof, ſo that no Diſtreſs can be taken for levying the ſaid Taxes or Rates: Therefore, for the enforcing the Payment thereof in ſuch Caſes, be it further enacted, That where any of the ſaid Rates or Taxes ſhall be in arrear and unpaid by the Space of Six Months after the ſame ſhall become due or payable, and no ſufficient Diſtreſs can be found upon the Lands or Grounds charged therewith, or of the Owner or Owners thereof, then it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, or any other Perſon or Perſons to be authoriſed by them, to enter into and upon, have, hold, poſſeſs, and enjoy, the ſaid Lands and Grounds for which the ſaid Rates or Taxes ſhall be ſo in arrear and unpaid, and receive and take the Rents, Iſſues, and Profits thereof, until thereby or therewith the ſaid Rates and Taxes due for the ſame, and the Penalties incurred for the Nonpayment thereof, as aforeſaid, and all Coſts, Charges, and Expences, that ſhall be occaſioned by or attending ſuch Entry upon, or Perception of the Rents and Profits of the ſame Premiſes reſpectively, ſhall be fully paid and ſatisfied.

XXVIII. Provided

High Lands excempted from Payment of Taxes.

XXVIII. Provided nevertheleſs, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to charge ſuch of the Lands and Grounds, within the Limits aforeſaid, as are High Lands, and not ſubject to be drowned or overflown with Water, with any Taxes or Rates to be aſſeſſed, rated, taxed, or charged, on the ſaid Lands and Grounds by virtue of this Act; nor ſhall the Powers and Authorities hereby given to the ſaid Commiſſioners for putting this Act in Execution, or any of them, extend to ſuch High Lands not ſubject to be drowned or overflown with Water, otherwiſe than to impower the ſaid Commiſſioners to ſcour out, cleanſe, make, and preſerve, the Boundary Dikes, Ditches, and Banks, already made, or to be made, and included within the Limits aforeſaid; any Thing in this Act contained to the Contrary thereof notwithſtanding.

Perſons appointed to aſcertain High Lands.

XXIX. And, for the better aſcertaining of ſuch High Lands, it is hereby further enacted, That Robert Johnſon of Whittleſey, in the Iſle of Ely and County of Cambridge, Gentleman, John Garner of the ſame Place, Gentleman, and Daniel Plummer of Farcett Fen, in the ſaid County of Huntingdon, Gentleman, or their Succeſſors, (to be nominated and appointed as is herein-after directed), or any Two of them, ſhall and may, at any Time after the paſſing of this Act, view and ſurvey the ſaid ſeveral Lands and Grounds within the Limits aforeſaid, and adjudge and determine which Parts thereof are High Lands, and not ſubject to be drowned or overflown with Water.

Award to be made in Six Months.

XXX. Provided always, That if the ſaid Robert Johnſon, John Garner, and Daniel Plummer, or any Two of them, ſhall and do make their Award in Writing touching the Premiſes, under their Hands and Seals, and deliver the ſame within Six Calendar Months next after the paſſing of this Act to the ſaid Commiſſioners, or any Five or more of them, at a Meeting to be held in purſuance of this Act; and if they the ſaid Robert Johnſon, John Garner, and Daniel Plummer, or any Two of them, do and ſhall verify ſuch Award, upon Oath, before the ſaid Commiſſioners, or any Five or more of them, at ſuch Meeting, (which Oath the ſaid Commiſſioners, or any One or more of them, is and are hereby impowered and required to adminiſter); that then the ſaid Commiſſioners, or any Five or more of them, ſhall, as ſoon as conveniently may be after ſuch Meeting, cauſe the ſaid Award to be entered and inrolled with the Clerk of the Peace for the ſaid County of Huntingdon, (for which Entry or Inrolment the Sum of Twopence for every Seventy-two Words is to be paid, and no more;) and that from and immediately after ſuch Entry and Inrolment, the ſaid Award ſhall be binding and concluſive to all Parties concerned therein.

On Death of the above Surveyors, others to be choſen.

XXXI. Provided always, and be it enacted, That in caſe of the Death of the ſaid Robert Johnſon, John Garner, and Daniel Plummer, or any Two of them, or Refuſal or Neglect to act by the Time herein-before directed for their completing the ſaid Award, as aforeſaid, it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, at a Meeting to be held in purſuance of this Act, to nominate and appoint One or more Perſon or Perſons in the Place and Stead of ſuch of them the ſaid Robert Johnſon, John Garner, and Daniel Plummer, as ſhall happen to die, or refuſe to act, as aforeſaid; and ſuch other Perſon or Perſons, ſo nominated and appointed, ſhall have ſuch and the ſame Power and Authority as is by this Act given to the Perſon or Perſons who ſhall happen to die, or refuſe to act, as aforeſaid.

If Perſons appointed do not make their Award in Six Months, others to be appointed.

XXXII. Provided alſo, and be it enacted by the Authority aforeſaid, That in caſe the ſaid Robert Johnſon, John Garner, and Daniel Plummer, or ſuch other Perſon or Perſons who may be appointed in their Stead, as aforeſaid, or any Two of them, ſhall not make their ſaid Award at or before the Time herein-before limited and appointed; then, and in ſuch Caſe, it ſhall and may be lawful for the ſaid Commiſſioners appointed by this Act, or any Five or more of them, at a Meeting to be held in purſuance hereof, by Writing, under their Hands and Seals, to nominate Three or more diſintereſted Perſons for the ſettling and aſcertaining ſuch Matters and Things as the ſaid Robert Johnſon, John Garner, and Daniel Plummer, are hereby impowered to ſettle and aſcertain, within ſuch Time or Times as the ſaid Commiſſioners, or any Five or more of them, ſhall ſee convenient, and ſhall ſpecify in ſuch Appointment; and that, from and immediately after the ſigning and ſealing of ſuch Nomination and Appointment, the ſaid ſeveral Perſons ſo thereby nominated and appointed, ſhall be inveſted with the ſame Powers as are hereby delegated and given to the ſaid Robert Johnſon, John Garner, and Daniel Plummer; and the Award and Determination of ſuch Perſons, or any Two of them, ſo to be appointed as aforeſaid, touching the ſeveral Matters and Things to them referred, after the ſame ſhall be authenticated, in the ſame Manner as is herein-before directed reſpecting the Award of the ſaid Robert Johnſon, John Garner, and Daniel Plummer, and alſo entered with the Clerk of the Peace for the ſaid County of Huntingdon, ſhall be binding and concluſive to the ſeveral Parties concerned therein.

The Oath following to be taken.

XXXIII. And be it further enacted, That the Oath to be taken by the ſaid Robert Johnſon, John Garner, and Daniel Plummer, or by ſuch other Perſon or Perſons as ſhall be nominated, as aforeſaid, ſhall be adminiſtered in the Words, or to the Effect, following;

I *A. B.* do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgement, execute the Truſt repoſed in me by virtue of an Act, "For the more effectual draining and preſerving certain Fen Lands and Low Grounds in the Pariſh of *Yaxley*, in the County of *Huntingdon*," without Favour or Affection to any Perſon whomſoever.

So help me GOD.

Which Oath it ſhall and may be lawful to and for any of the Commiſſioners to adminiſter.

Soke Dikes to be made.

XXXIV. And be it further enacted, That a Soke Dike, not exceeding Two Feet wide and Two Feet deep, ſhall and may cut and made by the ſaid Commiſſioners through the ſaid Lands and Grounds, at any Diſtance not exceeding Sixty Feet from the Seat of each of the ſaid Banks, and a Soke Bank laid on that Side thereof fartheſt from the ſaid Banks, for the preſerving and keeping the Soke of the ſaid Rivers, and other outſide Waters, from the ſaid Fen Lands and Low Grounds.

Land to be purchaſed for getting Materials.

XXXV. And be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, may, and they are hereby impowered to purchaſe ſuch Land as they ſhall think proper, for the Purpoſe of getting Earth for the raiſing and ſupporting the Banks to be made or repaired in purſuance of this Act, and to pay for ſuch Land out of the Taxes to be raiſed by virtue hereof.

Surveyors may dig Gravel, &c.

making Satiſfaction to the Owners.

Juſtices to determine Differences.

XXXVI. And be it further enacted, That it ſhall and may be lawful for the Surveyor or Surveyors, or other Officers appointed by the ſaid Commiſſioners, or any Five or more of them, to cut, dig, take, and carry away, or cauſe to be cut, dug, taken, and carried away, any Earth, or Materials, proper for repairing any of the Banks within the Limits aforeſaid, in, upon, out of, or from, any River or Brook, Waſte or Common, in any Pariſh, Town, or Place, in, adjoining to, or near, the ſaid Fen Lands or Low Grounds, without paying any Thing for the ſame; they the ſaid Surveyors, or other Officers, filling up or ſloping down the Pits and Holes made by digging ſuch Earth or Materials with all convenient Speed; and, in the mean Time, making a ſufficient Fence, to prevent any Misfortune or Accident happening in ſuch Pits or Holes: And if a Quantity of Materials ſufficient or conveniently ſituated for that Purpoſe cannot be found in or upon any ſuch River, Brook, Waſte, or Common, then it ſhall be lawful for ſuch Surveyor or Surveyors, or other Officer or Officers, by virtue of a Warrant or Precept under the Hands and Seals of any Five or more of the ſaid Commiſſioners, (which Warrants and Precepts the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to grant), to cut, dig, take, and carry away, or cauſe to be cut, dug, taken, and carried away, any Quantity of Earth, or other Materials, proper and ſufficient for that Purpoſe, in, upon, out of, or from, any of the Lands or Grounds of any Perſon where the ſame may be had or found, except from or out of the Lands and Grounds of the ſaid Sir Sampſon Gideon Baronet, called Adventurers Lands, to be uſed towards repairing the ſaid Banks, (ſuch Lands or Grounds not being a Yard, walled Garden, Park, Paddock, Wood, Coppice, Nurſery, planted Walk, or Avenue to any Houſe), they the ſaid Surveyors, or other Officers, paying or tendering a reaſonable Compenſation to the reſpective Owners or Occupiers of ſuch Lands and Grounds for ſuch Earth, or other Materials, and for the Damage done to ſuch Lands and Grounds, by cutting, digging, and carrying away, the ſame: And in caſe of any Difference between the ſaid Commiſſioners, or their Surveyor or Surveyors, or other Officer or Officers, and any of the ſaid Owners or Occupiers, touching the Premiſes, any Two or more Juſtices of the Peace for the County, Liberty, or Place, where the ſame ſhall happen, not intereſted in the Premiſes, ſhall and may, on Ten Days Notice thereof, in Writing, to be given by any ſuch Surveyor, or other Officer, to ſuch Owner or Occupier, or by ſuch Owner or Occupier to ſuch Surveyor, or other Officer, to be left at their reſpective Places of Abode with ſome or One of their reſpective Families, hear, ſettle, and determine, the Matters of the ſaid Damages; and the Determination of ſuch Juſtices ſhall be final to the ſaid Parties without any Appeal therefrom.

Commiſſioners to ſettle Accounts.

XXXVII. And be it further enacted by the Authority aforeſaid, That Once in every Year, (that is to ſay), at either of the ſaid General Meetings, or on any ſubſequent Day to which the ſaid Commiſſioners, or any Five or more of them, ſhall adjourn, Inſpection ſhall be had by the ſaid Commiſſioners, or any Five or more of them, of the Receipts and Disburſements of ſuch Monies as ſhall have been raiſed and received by virtue of this Act for the Year then laſt paſt; and all Accounts relating thereto ſhall, at ſuch Meeting, be made up and ſettled by the ſaid Commiſſioners, or any Five or more of them, at which Time the Clerk, Treaſurer, Collector, and Receiver, of the ſaid Taxes and Rates, and other Officers, are hereby required to attend with proper Books of Accounts of Receipts and Disburſements, and all Vouchers for the ſame; and, on conſidering and examining the ſaid Accounts, and all other Vouchers of the Receipts and Disburſements of the Money raiſed and received by virtue of this Act, the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to allow and paſs, under their Hands, the ſaid Accounts, or ſuch Part or Parts thereof, as they ſhall think juſt and reaſonable; and ſuch Account or Accounts, or ſuch Part or Parts thereof as ſhall be ſo paſſed and allowed, as aforeſaid, ſhall be fairly entered in Books to be kept for that Purpoſe; which ſaid Books, as well as all other Books for the entering of any Orders or Proceedings of the ſaid Commiſſioners, ſhall be kept by the Treaſurer, or ſuch other Perſon or Perſons as the ſaid Commiſſioners, or any Five or more of them, ſhall appoint for the Inſpection of the ſeveral Owners of Lands rated or taxed by virtue of this Act, or their Agents.

Officers to account upon Oath.

XXXVIII. And be it further enacted by the Authority aforeſaid, That all and every ſuch Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors, Receiver or Receivers, or other Officer or Officers, ſo appointed as aforeſaid, ſhall, upon Oath, when thereunto required by the ſaid Commiſſioners, or any Five or more of them, (which Oath the ſaid Commiſſioners, or any One or more of them, is and are hereby impowered to adminiſter), give in to the ſaid Commiſſioners, or any Five or more of them, a true, exact, and perfect Account, in Writing, under their reſpective Hands, with proper Vouchers, of all Monies which he or or they, or every or any of them, ſhall, to ſuch Time, have received, paid, and disburſed, by virtue of this Act, or by reaſon of their reſpective Office or Offices; and in caſe the Monies ſo received ſhall remain in his, their, or any of their Hands, the ſame ſhall be paid to the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall, by any Writing or Writings under their Hands, authoriſe and impower to receive the ſame: And in caſe any ſuch Clerk, Collector, Receiver, Treaſurer, or other Officer, ſhall not give in and make ſuch Account and Payment as aforeſaid, or ſhall refuſe to deliver up all Books, Papers, and Writings, in his Cuſtody, to the ſaid Commiſſioners, or any Five or more of them, or to ſuch other Perſon or Perſons as they, or any Five or more of them, ſhall order or direct; that, in either of the ſaid Caſes, any One or more Juſtice or Juſtices of the Peace for the ſaid County of Huntingdon ſhall and may make Inquiry of and concerning ſuch Default as aforeſaid, in a ſummary Way, as well by Confeſſion of the Party as by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath, (which Oath the ſaid Juſtice and Juſtices is and are hereby authoriſed and required to adminiſter without Fee or Reward); and if any ſuch Clerk, Treaſurer, Receiver, Collector, or other Officer, ſhall be convicted of all or any of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall, upon ſuch Conviction, commit the Party to the common Gaol of the ſaid County of Huntingdon, until he ſhall have made a perfect Account and Payment, as aforeſaid, and delivered up all ſuch Books, Papers, and Writings, in his Cuſtody, or ſhall have compounded and agreed with the ſaid Commiſſioners, or any Five or more of them, and paid ſuch Compoſition-money; which Compoſition the ſaid Commiſſioners, or any Five or more of them, are hereby authoriſed and impowered to make.

Proceedings of Commiſſioners to be entered in Books, &c.

XXXIX. Provided always, and be it enacted, That all Orders and Proceedings of the ſaid Commiſſioners, or any of them, at any of their Meetings to be held in purſuance of this Act, ſhall be entered in Books to be kept for that Purpoſe; and that ſuch Orders and Proceedings, ſo entered, ſhall be ſigned by any Five or more of the ſaid Commiſſioners ſo aſſembled at ſuch Meetings.

No Order of Commiſſioners to be reverſed without 14 Days Notice.

XL. Provided nevertheleſs, and be it enacted, That no Order which ſhall be made by the ſaid Commiſſioners, or any Five or more of them, at any of their Meetings by virtue of this Act, ſhall be altered, reverſed, annulled, or made void, at any ſubſequent Meeting, unleſs Notice in Writing, ſetting forth the Intent of ſuch Meeting, be affixed on the Outſide of the Church Door of Yaxley aforeſaid, Fourteen Days before ſuch ſubſequent Meeting, and unleſs Seven or more of the ſaid Commiſſioners be preſent at ſuch ſubſequent Meeting, and conſent thereto.

Penalty on deſtroying Works, Felony;

XLI. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall wilfully and maliciouſly burn, cut, break down, demoliſh, or deſtroy, or cauſe, procure, or hire, any other Perſon or Perſons to burn, cut, break down, demoliſh, or deſtroy, any Bank, Mill, Engine, Flood-gate, Sluice, or Tunnel, already made, erected, or uſed, or which ſhall or may at any Time or Times hereafter be making or erecting, or be made, erected, ſupported, maintained, or uſed, for the Purpoſes of draining and preſerving the Lands and Grounds within the Limits aforeſaid, every Perſon and Perſons ſo offending, and being convicted thereof, ſhall be guilty of Felony, and ſhall be ſubject and liable to the like Pains and Penalties as in Caſes of Felony; and the Court, by or before whom ſuch Perſon or Perſons ſhall be tried and convicted, ſhall, and hereby have Power and Authority to tranſport ſuch Felons for Seven Years, in ſuch Manner as other Felons are directed to be tranſported by the Laws of this Realm; and if any Perſon or Perſons ſhall wilfully and maliciouſly ſtop, dam up, break down, demoliſh, damage, or deſtroy, or cauſe, procure, or hire, any Perſon or Perſons to ſtop, dam up, break down, demoliſh, damage, or deſtroy, any River Drain or Watercourſe, Door, Dam, Bridge, Heading, or other Work or Works already made, cut, or erected, or which ſhall, at any Time or Times hereafter, be making, cutting, or erecting, or made, cut, erected, ſupported, maintained, or uſed, for anſwering the Purpoſes of draining and preſerving the Lands and Grounds within the Limits aforeſaid, every Perſon ſo offending, and being thereof convicted on the Oath of One or more credible Witneſs or Witneſſes, before One or more Juſtice or Juſtices of the Peace for the County of Huntingdon, not intereſted therein, every Perſon or Perſons ſo convicted as aforeſaid ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Fifty Pounds, nor leſs than Twenty Pounds; to be levied by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of ſuch Juſtices, and to be applied and diſpoſed of in the Improvement of the Works to be made by virtue of this Act, and not otherwiſe; and, for want of ſufficient Diſtreſs, ſuch Offender or Offenders ſhall be committed by ſuch Juſtices to the Houſe of Correction of the ſaid County of Huntingdon to hard Labour, for the Space of Six Calendar Months, without Bail or Mainprize, or until ſuch Penalty ſhall be paid.

and on damaging Works, not exceeding 50l.

Commiſſioners may make Allowances for catching Moles, &c.

XLII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, may, and they are hereby impowered, out of the Monies ariſing by the ſaid Taxes, to make ſuch Allowances for the catching and deſtroying of Moles, and other Vermin, in the Banks and Lands belonging to and within the Limits aforeſaid, as they the ſaid Commiſſioners, or any Five or more of them, ſhall think proper.

How Perſons burning Banks are to be puniſhed.

XLIII. And whereas it frequently happens by the Negligence or Careleſſneſs of Servants, or other Perſons employed in burning Fen Lands, in order to their being converted into Tillage, that the Banks lying contiguous to ſuch Lands are burnt and damaged, by the Fire being ſuffered to remain too long on ſuch Lands, and thereby extending to ſuch Banks; be it therefore enacted by the Authority aforeſaid, That if any Perſon or Perſons who ſhall be employed in burning any of the Lands or Grounds within the Limits aforeſaid, ſhall careleſsly or wilfully ſet fire to, or burn, or cauſe to be fired or burned, any of the Banks lying near or adjoining to any of the ſaid Fen Lands or Low Grounds, ſo as ſuch Banks be by Means of ſuch Fire deſtroyed or damaged, ſuch Perſon or Perſons, being thereof lawfully convicted by the Oath of One or more credible Witneſs or Witneſſes, or by Confeſſion, before any One or more Juſtice or Juſtices of the Peace for the ſaid County of Huntingdon, not intereſted within the Limits aforeſaid, (which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter, and alſo to hear and determine the ſaid Offence), ſhall give and make ſuch Satiſfaction and Recompence to the ſaid Commiſſioners for Damage done to the ſaid Banks as ſuch Juſtice ſhall think reaſonable; ſuch Satiſfaction and Recompence to be paid by ſuch Offender or Offenders, within ſuch Time as by ſuch Juſtice or Juſtices ſhall be ordered or appointed, into the Hands of the Receiver, Collector, or Treaſurer, for the Time being, to be appointed by virtue of this Act, to be applied for and towards the repairing and amending of ſuch

Banks: And in caſe of Nonpayment thereof, the ſame ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of the ſaid Juſtice or Juſtices before whom ſuch Conviction ſhall be made; and for want of ſufficient Diſtreſs ſuch Offender or Offenders ſhall by ſuch Juſtice or Juſtices be committed to the common Goal for the ſaid County for ſuch Time or Times as ſuch Juſtice or Juſtices ſhall order and direct, not exceeding Three Months, or until ſuch Damage or Recompence ſhall be paid.

Perſons diſcharging Water through the Lands of other Perſons to forfeit 50 *l*.

XLIV. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall erect, ſet up, uſe, or work, any Horſe-mill, Gig, Engine, or other Device whatſoever, for draining or diſcharging Water from any of the Lands and Grounds within the Limits aforeſaid, through or upon the Lands of any other Perſon or Perſons, or in any other Manner than directly and immediately from the Lands of the reſpective Owner of ſuch Mill, Gig, Engine, or other Device, into the ſaid Yard's End Dike or Load, or any River Dike or Drain, on the Outſide of the Boundaries of the ſaid Fen Lands and Low Grounds, every Perſon ſo diſcharging or throwing Water as aforeſaid, otherwiſe than into ſuch Yard's End Dike or Load, or River Dike or Drain, on the Outſide of the ſaid Boundaries, ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon who ſhall and will ſue for the ſame; One Moiety thereof to the Perſon who ſhall ſue for the ſame, and the other Moiety to be paid to the Collector or Receiver of the Taxes for the Time being, to be applied for the Purpoſes of draining and preſerving the ſaid Fen Lands and Low Grounds; and the Owner of ſuch Mill, Gig, Engine, or other Device, ſhall alſo make full Compenſation and Satisfaction to all and every Perſon and Perſons who ſhall be injured thereby for the Damages ſuch Perſon and Perſons ſhall thereby ſuſtain; and ſuch Penalty, Compenſation, and Satisfaction, ſhall be recovered, together with full Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, in which no Eſſoin, Protection, Privilege, Wager of Law, or more than One Imparlance, ſhall be allowed.

Penalty on Perſons deſtroying the Grounds by cutting of Firing.

XLV. And whereas the Proprietors of the ſeveral Lands and Grounds frequently cut up the ſame into Firing, whereby the Value thereof is ſo much leſſened that the Rates and Taxes charged thereon cannot be levied and raiſed, by which Means the Security of the ſaid Taxes become of leſs Value to the Perſon or Perſons advancing Money thereon; be it therefore enacted by the Authority aforeſaid, That if any Perſon or Perſons, being Owner or Proprietor of any of the Lands and Grounds within the Limits aforeſaid, ſhall, from and after the paſſing of this Act, cut or dig up, or cauſe or ſuffer to be cut or dug up, any of the ſaid Lands or Grounds into Firing, ſuch Owner or Owners of Lands ſhall, within One Calendar Month after the ſame ſhall be ſo cut or dug up into Firing as aforeſaid, pay the ſaid Collector or Receiver of the ſaid Taxes for the Time being after the Rate of Seven Pounds and Ten Shillings an Acre for the Lands or Ground which ſhall be ſo cut or dug up as aforeſaid; and in caſe ſuch Owners or Proprietors ſhall neglect or refuſe to pay the ſame within One Calendar Month after the ſame ſhall be ſo cut or dug up for the Purpoſe aforeſaid, it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, aſſembled at a Meeting to be called for that Purpoſe, by Warrant or Precept under their Hands and Seals, to order and direct the Collector or Receiver of the ſaid Taxes for the Time being to recover the ſame by Diſtreſs and Sale of the Firing ſo cut, in ſuch and the ſame Manner as the ſaid Rates and Taxes are hereby recoverable; and the ſaid Sum or Sums of Money, ſo to be paid or recovered, ſhall be, and hereby is and are veſted in the ſaid Commiſſioners, and to be placed out by them and their Succeſſors, in their Names, or in the Names of any Five or more of them, at Intereſt, as a Security for the Money ſo borrowed on the Security of the ſaid Taxes, and the Intereſt thereof, to be yearly paid and applied, in the Firſt Place, for and towards the Intereſt of Money ſo due on the Credit of the ſaid Taxes, and, after Payment thereof, for and towards the neceſſary Works of the ſaid Diſtrict.

Penalty on turning Hogs on the Banks.

XLVI. And whereas the Banks already made, or hereafter to be made, by virtue of this Act, may be greatly injured if any Hogs or Swine are ſuffered to wander thereon, be it further enacted, That if any Hogs or Swine ſhall, at any Time after the paſſing of this Act, be found upon the ſaid Banks, or any of them, the Owner or Owners of ſuch Hogs or Swine ſhall forfeit and pay, for every ſuch Hog or Swine ſo found on any of the ſaid Banks, the Sum of Five Shillings for every Day in which Hogs or Swine ſhall be found thereon.

Perſons cutting Ditches, &c. within a certain Diſtance of any Bank to forfeit 5 *l*.

XLVII. And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall cut, dig, or continue, for Six Months after paſſing this Act, or cauſe to be cut, dug, or continued, as aforeſaid, any Dikes or Ditches in the ſaid Fen Lands or Low Grounds within the Diſtance of Sixty Feet from any Bank which ſhall be made or uſed for the Purpoſes of this Act, other than except ſuch Soke Dikes as the ſaid Commiſſioners are herein-before impowered to make, every Perſon ſo offending ſhall forfeit and pay the Sum of Five Pounds for every Rod of ſuch Ditches ſo cut, dug, or continued, (except ſuch preſent Diviſion Dikes, the Owner or Occupier of which ſhall make, repair, and for ever maintain, a good and ſufficient Dam in and acroſs the ſame, at the Diſtance of Sixty Feet from the ſaid Banks, to turn the Waters ſoaking through ſuch Banks into the before-mentioned Soke Dikes, thereby to prevent the ſame from running or expanding any further upon the ſaid Lands and Grounds than the ſaid Soke-Dikes, ſuch Diviſion Dikes not to be within the Diſtance of Twelve Feet from the ſaid Banks); and if any Perſon or Perſons ſhall make or cut, or cauſe to be made or cut, any Watering-places, or any Place of Acceſs for Cattle to drink, within Sixty Feet of the Seat of the ſaid Banks, or in any Mill-drain, within any of the ſaid Fen Lands and Low Grounds, every Perſon ſo offending ſhall forfeit, for every ſuch Offence, the Sum of Five Pounds; and if any Perſon or Perſons ſhall make, or cauſe to be made, any Soke Dike or Ditch (except as before excepted) in and upon any of the ſaid Fen Lands and Low Grounds within the Diſtance of Sixty Feet from any Bank now made, or hereafter to be made, by virtue of this Act, within the Limits aforeſaid, ever ſuch Perſon ſo offending ſhall forfeit, for every ſuch Offence, the Sum of Four-pence for every Foot in Length of ſuch Soke Dike, and after the ſame Rate for every Month ſuch Soke Dike ſhall remain unfilled after Notice given by the Clerk or Agent to the ſaid Commiſſioners to ſuch Perſon or Perſons who ſhall have dug, or cauſed to be dug, the ſame; and the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power, at any Time, at the Coſts and Charges of the Owner or Owners, Occupier or Occupiers, of the Lands wherein ſuch Soke Dike ſhall be made, to fill up and level the ſame: All which Forfeitures ſhall, upon Conviction of the Offender or Offenders before One or more Juſtice or Juſtices of the Peace for the ſaid County of Huntingdon, not intereſted in the ſaid Fen Lands or Low Grounds, upon the Oath of One or more credible Witneſs or Witneſſes, (which Oath the ſaid Juſtice or Juſtices is and are hereby required and impowered to adminiſter, and alſo to hear and determine the ſaid Offences) be immediately paid into the Hands of the ſaid Collector, Receiver, or Treaſurer, of the ſaid Taxes, to be applied for carrying on the Works of the ſaid Drainage: And in caſe of the Nonpayment thereof, ſuch Forfeitures ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of the Juſtice or Juſtices of the Peace before whom ſuch Conviction ſhall be made; and for want of ſufficient Diſtreſs, ſuch Offender ſhall, by ſuch Juſtice or Juſtices, be committed to the common Gaol of the ſaid County of Huntingdon, for ſuch Time as ſuch Juſtice or Juſtices ſhall order and direct, not exceeding Six Months.

No Houſes, &c. to be built near Mills.

XLVIII. Provided always, and be it enacted by the Authority aforeſaid, That from and after the Thirty-firſt Day of May, One thouſand ſeven hundred and ſeventy-three, no Houſe or Buildings whatſoever ſhall be erected, or Trees or Holts planted, nearer to any Mill, Engine, or Bank, already built, made, erected, or employed, or hereafter to be built, erected, made, or employed, for draining the Fen Lands and Low Grounds within the Limits aforeſaid, than Forty Poles, (being the Poles of Eighteen Feet from ſuch Mill or Engine, and Twelve Feet from ſuch Bank reſpectively): And if any Perſon ſhall build or erect, or cauſe to be built or erected, any Houſe, Barn, or other Building, or ſhall plant any Tree or Holt, within the Diſtance of Forty Poles from ſuch Mill or Engine, or within Twelve Feet from ſuch Bank, every ſuch Perſon ſhall forfeit and pay, for every Houſe or Building, the Sum of One hundred Pounds; to be recovered and paid in like Manner as the Penalties herein-before mentioned for erecting Horſe-mills, Gigs, Engines, or other Devices for throwing of Water; and for every Tree the Sum of Ten Shillings, and Twenty Pounds for every Holt ſo planted; which ſaid Penalties of Ten Shillings and Twenty Pounds are to be levied and paid in like Manner as the Penalties inflicted for cutting Dikes or Ditches within Sixty Feet of the Banks; and the ſaid Commiſſioners, or any Five or more of them, are hereby impowered, at any of their Meetings, by an Order under the Hands and Seals of any Five or more of them, to direct their Agents, Workmen, or Servants, to take down ſuch Buildings ſo erected, and to pull up ſuch Trees or Holts ſo planted, contrary to this Act.

Commiſſioners may cut down Trees growing near the Mills.

XLIX. Provided alſo, and it is hereby further enacted, That if any Trees or Holts are now growing within the Diſtance of Forty Poles from any Mill or Engine already built, or hereafter ſhall be growing or ſtanding within the ſaid Diſtance from any Mill or Engine to be built, or within the Diſtance of Twelve Feet from any Bank already made, or which hereafter ſhall be made, for draining the Lands and Grounds within the Limits aforeſaid, it ſhall be lawful for the ſaid Commiſſioners, by like Order, under their Hands and Seals, to direct the ſame to be pulled up or cut down, as if the ſame had been planted ſince the paſſing of this Act; making ſuch Satisfaction to the Owners of ſuch Trees and Holts as ſhall be agreed upon between ſuch Owner and the ſaid Commiſſioners, or any Five or more of them; and in caſe any Difference or Diſpute ſhall ariſe between the ſaid Commiſſioners and ſuch Owners, touching ſuch Satisfaction, and the ſame cannot be ſettled between them, then ſuch Satisfaction and Recompence ſhall be finally determined in ſuch and the ſame Manner as is herein-before preſcribed for aſcertaining the Recompence to be made for Damage by erecting and making any Works in purſuance of this Act.

Fen Lands, &c. to be aſſeſſed to Poor Rates.

L. And whereas the ſeveral Fen Lands and Low Grounds hereby intended to be drained are in their preſent Situation of ſmall Value, and yield little or no Profit to the Proprietors, or to the Publick, and their improved Value entirely depends upon large Sums of Money continually to be expended in the Preſervation thereof, which Sums cannot be raiſed without the Aid of Parliament, ſubjecting the Owners or Occupiers of the ſaid Fen Lands or Low Grounds to an heavy annual Acre-tax, whereby they will not receive a Profit from the ſame according to their extended Rents, but according to a reduced Rent, after deducting the ſaid Acre-rate or Tax: And whereas it is apprehended that Advantage may be taken of ſuch extended nominal Rents by the Churchwardens and Overſeers of the ſaid Pariſh of *Yaxley*, wherein ſuch Lands lie, to aſſeſs the ſame at a higher Rate than thoſe Lands ought in Juſtice to bear; for Prevention whereof, and to encourage publick Works of draining, be it enacted by the Authority aforeſaid, That in all ſuch Aſſeſſments the ſaid Fen Lands and Low Grounds ſhall hereafter be rated and aſſeſſed to the Church and Poor Rates of the ſaid Pariſh according to their Value only, after deducting the Rates or Taxes hereby impoſed, and not otherwiſe.

Juſtices to adminiſter Oaths.

LI. And be it further enacted, That in all Caſes wherein Juriſdiction is given to any Juſtice or Juſtices of the Peace by this Act, it ſhall and may be lawful for ſuch Juſtice or Juſtices to adminiſter an Oath to any Perſon or Perſons, for his or their more certain Information in the Matters then depending before ſuch Juſtice or Juſtices.

Owner or Occupier to cleanſe Dikes.

LII. And be it further enacted by the Authority aforeſaid, That if the Owner or Owners, Occupier or Occupiers, of any Land lying within the Limits aforeſaid, through which any Droveway Dike, Outring Dike, or Diviſion Dike, leading to any of the Mill-drains within the Limits aforeſaid, doth or ſhall paſs, ſhall neglect or refuſe ſufficiently to road, ſcour, cleanſe, open, or repair any ſuch Dike, or to make the ſame of the

Depth of Four Feet and the Width of Nine Feet at the leaſt, after Ten Days Notice in Writing to him, her, or them, from Time to Time given by the Collector, Receiver, or other Officer of the ſaid Commiſſioners, purſuant to an Order in Writing under the Hands of Five or more of the ſaid Commiſſioners, then it ſhall be lawful for ſuch Collector, Receiver, or other Officer, from Time to Time, to cauſe ſuch Dikes to be roaded, ſcoured, cleanſed, opened, deepened, and repaired, in a ſufficient Manner, and made of the Width aforeſaid, at the proper Coſts, Charges, and Expences, of ſuch Owners or Occupiers; and that where-ever a Road or Way ſhall have been made over or acroſs any ſuch Dike, without a ſufficient Tunnel lying therein, to cauſe ſuch Ways or Roads to be taken up, and ſuch Dike to be made of a proper Width and Depth, for conveying the Waters through the ſame to the Mill or Mills, Engine or Engines, erected, or to be erected, for draining the ſaid Fen Lands and Low Grounds; and by a Warrant or Precept, under the Hands of Five or more of the ſaid Commiſſioners, to levy all ſuch Charges and Expences as ſhall be occaſioned by the deepening and widening of the ſaid Dikes, or the taking up of ſuch Roads, upon the Goods and Chattels of the Owner or Owners, Occupier or Occupiers, of the ſaid Lands through which the ſaid Dikes ſhall paſs, or upon which they ſhall adjoin, and who ſhall make or continue, or cauſe to be made or continued, ſuch Road or Way as aforeſaid.

Commiſſioners to have no Power upon *Twelve Foot Drain.*

LIII. Provided always, and be it enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to impower the ſaid Commiſſioners, or their Succeſſors, to have, uſe, or exerciſe, any Power or Authority whatſoever over any of the Banks, Dams, Headings, Bridges, or other Works, made, or to be made, by the ſaid Sir Sampſon Gideon, his Heirs or Aſſigns, in or upon a certain Drain called The Twelve Foot Drain, being the Diviſion Fence between the Lands of the ſaid Sir Sampſon Gideon, called Adventurers Lands, and the Eaſt End of the ſaid Diſtrict; but that the ſame ſhall for ever, after the paſſing of this Act, continue veſted in the ſaid Sir Sampſon Gideon, his Heirs and Aſſigns, as if this Act had never been made; any Thing herein contained to the Contrary notwithſtanding.

Road to be made in *Hog Fen.*

LIV. And whereas the Owners and Occupiers of the ſeveral Cloſes or Grounds lying in *Hog Fen*, on the Eaſt Side of the aforeſaid River called *The Load*, have heretofore had, and uſed to have and enjoy, a Driftway for Cattle to their ſaid ſeveral Cloſes, between ſuch Cloſes and the aforeſaid River, but by Means of the Boats navigating and being hauled on that Side of the ſaid River, the Land or Ground where ſuch Way was is now in a great Meaſure worn away, and become Part of the ſaid River, whereby the ſaid Owners and Occupiers are deprived of a Road or Way to their ſaid reſpective Cloſes or Grounds: Therefore, for providing a Way for the ſaid ſeveral Owners and Occupiers to their ſaid reſpective Cloſes or Grounds for the future, it is hereby enacted, That in all ſuch Places where the ſaid Road or Way by the ſaid River Side, within the ſaid Diſtrict, is not of the Width of Twelve Feet, the ſaid Commiſſioners, or any Five or more of them, ſhall and may have full Power and Authority to ſet out and take Twelve Feet in Width of the Land, Ground, or Dikes, from the Eaſt Side of the ſaid River, and to level and fill up the ſaid Land, Ground, and Dikes, with Earth, effectually, to be uſed as a Road or Way to the ſaid ſeveral Cloſes or Grounds, in as full and ample a Manner as the Way by the ſaid River Side has heretofore been uſed or enjoyed, and to make Banks thereon, notwithſtanding ſuch Twelve Feet in Width to be taken for the ſaid Way and Banks may extend into the Lands, Grounds, or Dikes, of private Property, the ſaid Commiſſioners, or any Five or more of them, making ſuch reaſonable Satiſfaction to the Owner or Owners who have a Right to the Soil, for the Damages he, ſhe, or they, ſhall ſuſtain thereby, as ſhall be agreed upon between ſuch Commiſſioners, or any Five or more of them, at their reſpective Meetings for the Time being, and ſuch Owner or Owners; and in caſe they cannot agree concerning the Amount of ſuch Damages, then the ſame ſhall be aſſeſſed and finally determined by the Juſtices of the Peace, at the Quarter Seſſions to be holden for the County of Huntingdon, in the ſame Manner as the Damages to be done by the making of Banks, or other Works, in purſuance of this Act, are herein-before directed to be adjudged and determined; the Expences of making ſuch aforeſaid Road or Way, and Satiſfaction to ſuch Owners of the Soil, to be paid for out of the Monies to be raiſed by virtue of this Act.

Mills to be inſured.

LV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall cauſe all and every the Engines and Mills, which ſhall be erected and employed by virtue of this Act, to be inſured againſt Fire in ſome of the publick Inſurance Offices, and, from Time to Time, to pay the Expences attending ſuch Inſurance out of the Money ariſing by virtue of this Act.

Writings to be without Stamps.

LVI. And be it further enacted, That no Order, Nomination, Appointment, Mortgage, or other Security for Money, Contract, Agreement, Information, Conviction, Judgement, or Warrant, under the Hand or Hands, Hand and Seal, or Hands and Seals, of any Commiſſioner or Commiſſioners, Juſtice or Juſtices of the Peace, or exhibited before any of them, in purſuance of any of the Powers or Authorities by this Act veſted in ſuch Commiſſioner or Commiſſioners, Juſtice or Juſtices of the Peace, nor any Transfer of any Mortgage or Security, nor any Bond, taken from any Officer or Officers for the due Execution of their reſpective Offices, in purſuance of this Act, nor any other Writing whatſoever concerning the Execution of this Act, ſhall be charged or chargeable with any Stamp-duty.

Perſons aggrieved may appeal to the next Seſſion.

LVII. And be it further enacted, That all Perſons who ſhall think themſelves aggrieved by the Order or Judgement of any Juſtice or Juſtices of the Peace, on account of any Offence committed, or ſuppoſed to be committed, againſt this Act, or any Penalties to be levied by virtue thereof, may appeal to the Juſtices of the Peace for the ſaid County of Huntingdon, at the next General or Quarter Seſſions of the Peace to be held for the ſaid County, after the Cauſe of Appeal ſhall happen, the Perſon or Perſons ſo appealing firſt entering into a Recognizance, with ſufficient Sureties, to the

Satiſfaction of the ſaid Juſtice or Juſtices, to proſecute ſuch Appeal with Effect, and to pay the Coſts which ſhall be aſcertained by the ſaid Juſtices in the ſaid General or Quarter Seſſions, in caſe ſuch Order or Judgement ſhall be affirmed; and the ſaid Juſtices, in their ſaid General or Quarter Seſſions, are hereby authoriſed and required to hear and determine ſuch Appeal, and give ſuch Coſts to either Party, as they ſhall think reaſonable, and to make ſuch Order therein as to them ſhall appear juſt; which Order ſhall be final and concluſive to all Parties, and ſhall not be removed or removeable by any Writ of Certiorari, or otherwiſe, into any of His Majeſty's Courts of Record at Weſtminſter, or elſewhere.

Juſtices to determine Differences.

Proceedings not to be quaſhed for want of Form.

LVIII. And be it further enacted, That no Order or other Proceeding to be made or had before any Juſtice or Juſtices of the Peace, by virtue of the Powers by this Act granted, ſhall be quaſhed or made void for want of Form only.

Diſtreſs not unlawful for want of Form.

LIX. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satiſfaction for the Special Damage in any Action upon the Caſe.

Saving Clauſe to the Corporation of *Bedford Level.*

LX. Provided always, and it is hereby further enacted by the Authority aforeſaid, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to impower the ſaid Commiſſioners, or any of them, to have, uſe, or exerciſe, any Authority over, or intermeddle with, any of the Sewers, Drains, or Works, already made, or hereafter to be made, by the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens called Bedford Level, by virtue of an Act of Parliament, made in the Fifteenth Year of the Reign of King Charles the Second, intituled, An Act for ſettling the draining of the Fens called *Bedford Level*, or by virtue of any other Act or Statute whatſoever, or to invalidate, leſſen, diminiſh, alter, or take away, any of the Rights, Powers, and Authorities, veſted in the ſaid Governors, Bailiffs, and Commonalty, or in the ſaid Governors, Bailiffs, or Conſervators; but that all Rights, Powers, and Authorities whatſoever, which by virtue of the ſaid Act, made in the ſaid Fifteenth Year of the ſaid King Charles the Second, or any other Act or Statute whatſoever, now are veſted in the ſaid Governor, Bailiffs, and Commonalty, or the ſaid Governor, Bailiffs, and Conſervators, or any of them, ſhall for ever hereafter continue, remain, and be, in the ſaid Governor, Bailiffs, and Commonalty, and in the ſaid Governor, Bailiffs, and Conſervators, and every of them, as fully and amply, to all Intents and Purpoſes, as if this Act had never been made.

This Act not to prevent the Navigation in *The Yard's End Dike* and *Load.*

LXI. Provided alſo, and it is hereby further enacted and declared, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to prevent any Perſon or Perſons from navigating with their Boats and Veſſels as heretofore has been accuſtomed in and upon the aforeſaid Dike or Drain called The Yard's End Dike, and the ſaid River or Dike called The Load, or either of them, or any Part thereof, (except only for ſuch Time and Times as ſhall be neceſſary for damming and draining the ſame reſpectively, for the Purpoſes of laying ſuch Tunnels, and for doing and executing ſuch other Works therein, as to the ſaid Commiſſioners, or any Five or more of them, ſhall ſeem expedient for the draining and preſerving the ſaid Fen Lands and Low Grounds).

Limitation of Actions.

LXII. And be it further enacted by the Authority aforeſaid, That if any Action, Suit, or Information, ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing done, or to be done, in purſuance of this Act, ſuch Action or Suit ſhall be commenced within Six Calendar Months next after the Fact committed, and not afterwards; and the Defendant or Defendants, in ſuch Action or Suit, ſhall and may plead the General Iſſue, and, if in Replevin, may juſtify and avow by virtue of this Act, as Perſons acting by Authority of Commiſſioners of Sewers are enabled to do, and give the Special Matter in Evidence, without ſpecially pleading the ſame otherwiſe than as aforeſaid, at any Trial to be had thereupon; and that the Fact alleged to have been done was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time limited for bringing the ſame, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs ſhall become nonſuit, or forbear Proſecution, or diſcontinue his, her, or their Suit or Suits, of if any Verdict ſhall paſs againſt him, her, or them, upon Demurrer, or otherwiſe; then, or in any of the ſaid Caſes, the Defendant or Defendants, Avowant or Avowants, ſhall recover Treble Coſts, for which he, ſhe, or they, ſhall have the like Remedies as where Coſts by Law are awarded.

General Iſſue;

Treble Coſts.

Publick Act.

LXIII. And be it further enacted and declared by the Authority aforeſaid, That this Act ſhall be deemed a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP. XLVII.

An Act to enable the Right Honourable *Sackville* Earl of *Thanet* to make a navigable Cut or Canal from a Place called *The Spring*, lying near *Skipton Caſtle*, in the County of *York*, to join to and communicate with the navigable Canal from *Leeds* to *Liverpoole*, in a Cloſe called *Hebble End Cloſe*, in the Townſhip of *Skipton*, in the ſaid County of *York*.

Preamble.

WHEREAS by virtue of an Act of Parliament, made in the Tenth Year of the Reign of His preſent Majeſty, (intituled, *An Act for making and maintaining a navigable Cut or Canal from* Leeds Bridge, *in the County of* York, *to the* North Lady's Walk *in* Liverpoole, *in the County Palatine of* Lancaſter, *and from thence to the River* Merſey), a conſiderable Part of the ſaid Canal, which lies between *Leeds* and *Skipton*, in the ſaid County of *York*, has been completed and made navigable for Boats and other Veſſels: And whereas the Owners and Occupiers of Land, and others, the Inhabitants at and near *Leeds*, *Bradford*, *Bingley*, *Keighley*, *Silſden*, and other Places lying contiguous to the ſaid Canal, have Occaſion for and are frequently in great Want of large Quantities of Lime and Lime Stones, for the Improvement of their Lands, and other Purpoſes: And whereas the Right Honourable *Sackville* Earl of *Thanet* is ſeiſed and poſſeſſed of certain Lands and Grounds near the Caſtle of *Skipton* aforeſaid, in which are great Quantities of Limeſtone Rocks, and which are ſituate within the Diſtance of Five hundred and thirty Yards, or thereabouts, from that Part of the ſaid Canal which lies neareſt to the Town of *Skipton* aforeſaid: And whereas a navigable Cut or Canal is very capable of being made, for the Navigation of Boats and other Veſſels, from a certain Part of the aforeſaid Land of the ſaid Earl of *Thanet*, called *The Spring*, which adjoins to or is ſituate near the ſaid Limeſtone Rocks, through the Lands, Grounds, and Waſte, belonging to the ſaid Earl, and other Land belonging to the Free Grammar School at *Skipton* aforeſaid, hereinafter more particularly mentioned, and to join to and communicate with the ſaid navigable Cut from *Leeds* to *Liverpoole*, in a certain Cloſe in the Townſhip of *Skipton* aforeſaid, called *The Hebble End Cloſe*, by Means whereof the ſeveral Towns and Places aforeſaid, and the adjacent Country, may, at all Times, be ſupplied with Lime and Limeſtone from the ſaid Limeſtone Rocks, which will be of great and general Utility: And whereas the ſaid Cloſe called *The Hebble End Cloſe*, through which the ſaid intended navigable Cut or Canal is to be made, and in which it is to join to and communicate with the *Leeds* and *Liverpoole* Canal, belongs to the Free Grammar School at *Skipton* aforeſaid, and a great Part of the ſaid Cloſe will be neceſſary to the ſaid Earl, his Heirs and Aſſigns, for the making of the ſaid navigable Cut or Canal, and the Roads and Towing-paths on the Side thereof: And whereas the ſaid Earl of *Thanet* is willing and deſirous, at his own Expence, to make and maintain ſuch intended navigable Cut or Canal; but as the ſame cannot be effected without the Aid of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Earl of Thanet, his Heirs and Aſſigns, ſhall be, and he is and they are hereby impowered, by him and themſelves, his and their Agents, Officers, Workmen, and Servants, to make and complete a Cut or Canal, navigable or paſſable for Boats, Barges, and other Veſſels, from or near a certain Place or Parcel of Land belonging to the ſaid Earl, and ſituate near to Skipton Caſtle, in the County of York, called The Spring, through tee Gardens, Houſes, Lands, Grounds, and Waſte, belonging to and the Property of the ſaid Earl; and alſo through a certain Cloſe belonging to the Free Grammar School, called The Hebble End Cloſe, ſituate in the Townſhip of Skipton aforeſaid, and the ſeveral Roads and Highways leading from or lying between the ſaid Place called The Spring and The Hebble End Cloſe aforeſaid, to join to and communicate with the ſaid Canal Navigation from Leeds to Liverpoole, in the ſaid Cloſe called The Hebble End Cloſe, and to ſupply the ſaid Cut or Canal while the ſame ſhall be making, and when made, with Water from ſuch Springs, Soughs, Brooks, Drains, Streams, and Watercourſes, as ſhall be found in making the ſaid Cut or Canal; and alſo to make ſuch Reſervoirs as ſhall be found neceſſary for the Purpoſes of the ſaid Cut or Canal, within the Lands, Grounds, and Waſte aforeſaid, for the more convenient ſupplying the ſaid Canal with Water, as alſo for the making, uſing, completing, extending, and maintaining, of ſuch Trenches, Paſſages, Gutters, and Watercourſes, Soughs, and Drains, as ſhall be proper and neceſſary to convey Water into, out of, or under the ſaid Cut or Canal; and to alter, divert, and change, the Courſes of any Brooks or Watercourſes that may in any Manner hinder, damage, or obſtruct, the ſaid Cut or Canal; and to carry, divert, and convey, ſuch Brooks or Watercourſes through and over the Grounds adjoining to or near the Courſe of the ſaid Cut or Canal, and to make ſuch Banks between the ſame, where neceſſary, as will be ſufficient for a Road and Towing-path, and to ſeparate ſuch Brooks or Watercourſes from the ſaid Cut or Canal; and alſo to make, build, erect, and ſet up, in or upon the ſaid intended Cut or Canal, or upon the Lands and Grounds now the Property of the ſaid Earl, adjoining or near the ſaid Canal, ſuch and ſo many Bridges, Tunnels, Aqueducts, Sluices, Locks, Weirs, Pens, Reſervoirs, Drains, Wharfs, Quays, Landing-places, Loading-places, Weigh-beams, Cranes, and other Works, Ways, Roads, and Conveniencies, as and where the ſaid Earl, his Heirs and Aſſigns, ſhall think requiſite and convenient for the Purpoſes of the ſaid Navigation; and alſo to alter, repair, amend, widen, or enlarge, the ſaid Works of or belonging thereto; and alſo to make, maintain, repair, and alter, any Fences or Paſſages over, under, or through, the ſaid Cut or Canal, or the Tunnels, Aqueducts, Soughs, Trenches, Paſſages, Gutters, Watercourſes, and Sluices reſpectively, which ſhall communicate therewith; and alſo to make, ſet up, and appoint, ſuch Roads or Towing-paths, Banks, and Ways, convenient for towing, haling, or drawing of Boats, Barges, or other Veſſels, paſſing in, through, or upon, the ſaid Cut or Canal; and to conſtruct, erect, and keep in Repair, any Piers, Arches, and

The Earl of *Thanet* impowered to complete a navigable Cut near *Skipton Caſtle*.

and other Works, in, upon, and acroſs any Rivers or Brooks, for the making, uſing, maintaining, and repairing, the ſaid Cut or Canal, and Towing-paths on the Sides thereof; and alſo to conſtruct, erect, make, and do, all other Matters and Things which the ſaid Earl, his Heirs or Aſſigns, ſhall think convenient and neceſſary for the making, effecting, preſerving, improving, completing, and uſing the ſaid Navigation, in purſuance and within the true Intent and Meaning of this Act.

Truſtees of the Grammar School at *Skipton* may ſell Part of *Hebble End Cloſe*.

II. And be it further enacted, That it ſhall and may be lawful to and for the Truſtee or Truſtees for the Time being, of the Free Grammar School at Skipton aforeſaid, to ſell and convey ſuch Part of the ſaid Cloſe called The Hebble End Cloſe, as ſhall be neceſſary for making the ſaid navigable Cut or Canal, and the Roads and Towing-paths on the Side thereof, to the ſaid Earl, his Heirs and Aſſigns, for ſuch Price or Prices in Money, as by the ſeveral Perſons herein-after named as Arbitrators, or any Three or more of them, ſhall be ſettled and adjuſted in Manner herein-after mentioned; and that all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances, ſhall be valid and effectual in Law, to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or Cuſtom, to the Contrary notwithſtanding; and the Truſtee or Truſtees for the Time being of the ſaid School is and are hereby indemnified for what he, they, or any of them, ſhall reſpectively do by virtue of or in purſuance of this Act.

[illegible] *Hebble* *Cloſe* to be laid out in the Purchaſe of other Lands.

III. And be it further enacted, That ſuch Part of the ſaid Cloſe, called The Hebble End Cloſe, as ſhall be ſo ſold and conveyed purſuant to the Power and Authority hereby given, ſhall be and remain from thenceforth for ever freed and abſolutely diſcharged of and from all and every the Uſes, Truſts, Eſtates, Powers, Proviſoes, and Declarations, in and by any Settlement, Feoffment, or other Conveyance or Aſſurance thereof, limited, expreſſed, and declared; and that all and every Sum and Sums of Money which ſhall be received as and for the Purchaſe of any Part of the ſaid Cloſe as aforeſaid, ſhall be laid out, as ſoon as conveniently may be, in the Purchaſe of other Lands, Tenements, and Hereditaments, in Fee-ſimple; and the Lands, Tenements, and Hereditaments, ſo to be purchaſed, ſhall be conveyed unto, and veſted in, the Truſtee or Truſtees for the Time being of the Free Grammar School aforeſaid, who ſhall ſtand ſeiſed of, and be poſſeſſed in the ſame, to and for ſuch Uſes, Eſtates, Intents, and Purpoſes, and under and ſubject to ſuch Truſts, as the ſaid Cloſe called The Hebble End Cloſe, is limited, ſettled, and aſſured; and, in the mean Time, and until ſuch Purchaſe or Purchaſes ſhall be made, the ſaid Money ſhall be placed out by the Truſtee or Truſtees for the Time being of the ſame School in ſome of the publick Funds, or on Government or Real Securities, in the Names of the Truſtee or Truſtees for the Time being of the ſame School; and the Intereſt ariſing or to be produced from ſuch Funds or Securities ſhall be paid and applied in ſuch and the ſame Manner, and for ſuch and the ſame Uſes, Intents, and Purpoſes, as the Rents and Profits of ſuch Lands, Tenements, and Hereditaments, ſo to be purchaſed, in caſe the ſame were purchaſed and ſettled purſuant to the Tenor and true Meaning of this Act.

Arbitrators relative to the Prices in Money to be paid by the Earl of *Thanet*.

IV. And be it further enacted by the Authority aforeſaid, That it ſhall be, and it is hereby referred to Stephen Walter Tempeſt, of Broughton, in the ſaid County of York, Eſquire; John Clayton of Carr, in the County Palatine of Lancaſter, Eſquire; John Currer, of Kildwick, in the ſaid County of York, Eſquire; Roger Swire, of Connonley, in the ſame County, Eſquire; Mathew Wilſon, of Aſhton, in the ſame County, Eſquire; Thomas Liſter, of Giſborne Park, in the ſame County, Eſquire; the Reverend William Roundel, of Marton, in the ſame County, Clerk; and William Bagſhaw, of Coateſhall, in the ſame County, Eſquire; to ſettle, adjuſt, and determine, the Price or Prices in Money which ſhall be paid by the ſaid Earl of Thanet, his Heirs or Aſſigns, and ſhall be accepted by the Truſtee or Truſtees for the Time being of the ſame School, for the Purchaſe of ſuch Part of the ſame Cloſe as he the ſaid Earl of Thanet, his Heirs or Aſſigns, ſhall be deſirous to purchaſe for the Purpoſe aforeſaid; and that all and every other Queſtions, Matters, and Differences, which ſhall or may happen to ariſe between the ſaid Earl of Thanet, his Heirs and Aſſigns, and the Truſtee or Truſtees for the Time being of the ſaid Free Grammar School, or their Leſſees, Tenants, or Occupiers, of the ſame Cloſe, or any Part thereof, or any other Perſon or Perſons having any Eſtate, Term, or Intereſt therein, touching or in anywiſe concerning ſuch Purchaſe, or touching or concerning the Share or Proportion of the ſaid Purchaſe Monies to be allowed to the Tenant or other Perſon having a particular Eſtate, Term, or Intereſt therein, or touching or concerning the Satisfaction to be made to them, or any of them, by the ſaid Earl, his Heirs or Aſſigns, for any Damage which the ſaid Truſtee or Truſtees, or other Perſons aforeſaid, or any of them, ſhall or may ſuſtain, or allege to have ſuſtained, by the making or maintaining the ſaid navigable Cut or Canal, or by carrying into Execution the Powers given by this Act, or any of them, ſhall be, and the ſame are hereby in like Manner referred to the ſaid Stephen Walter Tempeſt, John Clayton, John Currer, Roger Swire, Mathew Wilſon, Thomas Liſter, William Roundel, and William Bagſhaw; and the Award, Deciſion, and Determination, of the ſaid Arbitrators herein-before named, or any Three or more of them, in all and every the Matters and Things aforeſaid, to be given and made in Writing under the Hands and Seals of the ſaid Arbitrators, or any Three or more of them, ſhall be binding and concluſive to all Intents and Purpoſes, as well upon the ſaid Earl of Thanet, his Heirs and Aſſigns, as upon the Truſtee or Truſtees for the Time being of the Free Grammar School aforeſaid, and all and every their Leſſees, Tenants, and Occupiers, for the Time being of the ſame Cloſe, or any Part thereof, and other the Perſons aforeſaid.

The Earl to erect and maintain Stop-gates.

V. Provided always, and it is hereby enacted, That the ſaid Earl of Thanet, his Heirs and Aſſigns, ſhall, at his and their own proper Coſts and Charges, make, erect, and maintain, ſuch Stop-gate or Stop-gates, as the Company of Proprietors of the Canal Navigation from Leeds to Liverpoole, or their Committee, ſhall think neceſſary; and that the ſaid Company ſhall have Power to make uſe of the ſame for preſerving the Water of the ſaid Canal Navigation from Waſte or Loſs, in conſequence of the ſaid Junction.

VI. And

Perſons damaging the Works to be adjudged guilty of Felony.

VI. And be it further enacted, That if any Perſon or Perſons ſhall wilfully and maliciouſly, and to the Prejudice of the ſaid intended navigable Cut or Canal, break, throw down, damage, or deſtroy any Banks, or other Works, to be erected or made by virtue of this Act, or do any other wilful Hurt or Miſchief, to obſtruct, hinder, or prevent the carrying on or completing, ſupporting, and maintaining, the ſaid intended Navigation, ſuch Perſon or Perſons ſhall be adjudged guilty of Felony; and every ſuch Felon ſhall be ſubject to the like Pains and Penalties as in Caſes of Felony; and the Court, by and before whom ſuch Perſon or Perſons ſhall be tried and convicted, ſhall, and hereby have Power and Authority to tranſport every ſuch Perſon or Perſons to any of His Majeſty's Plantations, in like Manner as other Felons are directed to be tranſported by any of the Laws or Statutes of this Realm; or, in Mitigation of ſuch Puniſhment, may, if they think proper, award ſuch Sentence as the Laws directs in Caſes of Petit Larceny.

Perſons throwing Ballaſt or Rubbiſh into the Canal or Trenches to forfeit 5 *l.*

VII. And be it further enacted, That if any Perſon or Perſons ſhall throw any Ballaſt, Gravel, Stone, or Rubbiſh, into any Part of the ſaid Cut or Canal, or any Trenches or Watercourſes to be made or maintained by virtue of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds; to be recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by a Warrant or Warrants under the Hand and Seal, or Hands and Seals, of any Juſtice or Juſtices of the Peace for the ſaid County of York; and in caſe ſufficient Diſtreſs ſhall not be found, it ſhall be lawful for any ſuch Juſtice or Juſtices to commit ſuch Offender or Offenders to the common Gaol of the ſaid County of York, or the Houſe of Correction of the Town of Wakefield, in the Weſt Riding of the ſaid County of York, there to remain, without Bail or Mainprize, for any Time not exceeding One Month; and all ſuch Penalties and Forfeitures ſhall be paid, One Moiety to the Informer, and the other Moiety to the Poor of the Pariſh or Place where the Offence ſhall be committed.

The Works not to be ſubject to the Controul of the Commiſſioners of Sewers.

VIII. Provided always, and be it further enacted, That the ſaid Cut or Canal, or any Works whatſoever by virtue of this Act, ſhall not be ſubject to the Controul, Direction, Survey, or Orders, of any Commiſſioners of Sewers, or to any Law or Statute relating to Sewers; any Thing, or any former Law or Statute, to the Contrary hereof notwithſtanding.

Limitation of Actions.

IX. Provided always, and be it further enacted, That if any Action, Suit, or Information, ſhall be commenced againſt any Perſon or Perſons for any Thing done, or to be done, in purſuance of this Act, every ſuch Suit or Information ſhall be brought or commenced within Six Calendar Months next after the Fact committed; or in caſe there be a Continuation of Damages, then within Six Calendar Months next after the doing thereof ſhall ceaſe, and not afterwards, and ſhall be laid and brought in the ſaid County of York, and not elſewhere; and the Defendant or Defendants in ſuch Suit ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if it ſhall appear to have been ſo done, or that ſuch Action, Suit, or Information, was commenced or brought after the Time ſo limited for bringing the ſame, or was brought in any other County than as aforeſaid; then, and in ſuch Caſe, the Jury ſhall find for the Defendant or Defendants; and, upon ſuch Verdict, or if the Plaintiff or Plaintiffs, Proſecutor or Proſecutors, ſhall become Nonſuit, or ſuffer a Diſcontinuance of his, her, or their Action or Actions, Suit, or Information, after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall and may recover Treble Coſts, and ſhall have ſuch Remedy for the ſame as when Coſts by Law are awarded.

General Iſſue.

Treble Coſts.

Publick Act.

X. And be it further enacted, That this Act ſhall be allowed in all Courts whatſoever as a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice of it as ſuch, without ſpecially pleading the ſame.

CAP. XLVIII.

An Act for amending and rendering more effectual Two Acts, made, One in the Eighth and the other in the Tenth Year of His preſent Majeſty's Reign, for regulating the Nightly Watch and Beadles, and for paving, repairing, cleanſing, and lighting, the Pariſh of *Saint Mary le Bone*, in the County of *Middleſex*, and for other Purpoſes in the ſaid Acts mentioned.

Preamble.

Act 8 *Geo.* III.

Act 10 *Geo.* III.

WHEREAS in and by Two ſeveral Acts, made, One in the Eighth Year of the Reign of His preſent Majeſty, (intituled, *An Act for repealing an Act, made in the Twenty-ninth Year of the Reign of His late Majeſty King* George *the Second*, intituled, *An Act for the better regulating the Nightly Watch and Beadles, and cleanſing, enlightening, and paving, the Streets, Squares, Lanes, and other Paſſages, and repairing the Highways and Cauſeways, and regulating the Poor, within the Pariſh of* Saint Mary le Bone, *in the County of* Middleſex, *and for making more effectual Proviſions for thoſe Purpoſes)*: And the other in the Tenth of His ſaid Majeſty's Reign, intituled, *An Act for the more effectually paving, repairing, cleanſing, and lighting, the Streets, Squares, Lanes, and other Paſſages, and for regulating Weights and Meaſures, within the Pariſh of* Saint Mary le Bone, *in the County of* Middleſex, *and for other Purpoſes therein mentioned*; certain Powers were, for the Purpoſe of the due Execution of the ſaid Two Acts, veſted in the Veſtrymen and Commiſſioners therein reſpectively named: And whereas the ſaid Veſtrymen and Commiſſioners have made a very conſiderable Progreſs in the Execution of the ſeveral Powers by the ſaid Acts in them reſpectively veſted; but find that the good Purpoſes intended by the ſaid Acts cannot be effectually anſwered, unleſs the ſaid Acts are further amended; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That ſo much of the ſaid Act, made in the Eighth Year of the Reign of His preſent Majeſty, as veſts the Power of regulating the Nightly Watch and Beadles in the Veſtrymen of the ſaid Pariſh, ſhall be repealed: And that from and after the paſſing of this Act, the Nightly Watch and Beadles of the ſaid Pariſh (ſubject to the Rules, Directions, and Powers, in the ſaid Act preſcribed, with reſpect to the ſame) ſhall be under the ſole Authority, Juriſdiction, and Controul, of the Commiſſioners acting by virtue of the ſaid Act, made in the Tenth Year of the Reign of His preſent Majeſty; any Thing contained in the ſaid Act of the Eighth Year of His ſaid Majeſty's Reign, for veſting the Authority, Juriſdiction, and Controul, of the Nightly Watch and Beadles in the Veſtrymen of the ſaid Pariſh, to the Contrary thereof notwithſtanding.

So much of Act 8 *Geo.* III. as impowers the Veſtrymen to regulate the Nightly Watch and Beadles repealed; and by this Act to be under the Direction, *&c.* of the Commiſſioners.

II. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, other than the Scavenger or Scavengers contracting with the ſaid Commiſſioners, or thoſe employed under him or them, ſhall carry away any Duſt, Cinders, or Aſhes, from any Houſe or other Premiſes, in any Square, Street, Lane, or Place, within the Limits of the ſaid Act of the Tenth Year of the Reign of His preſent Majeſty, (without the Conſent of the Owner); in every ſuch Caſe, it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, who ſhall ſee ſuch Offence committed, to ſeize, and alſo for any other Perſon or Perſons to aſſiſt in ſeizing, the Offender or Offenders; and he and they is and are hereby required ſo to do by the Authority of this Act, and, without any other Warrant, to convey and deliver him or them into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace of the ſaid County of Middleſex, or City and Liberty of Weſtminſter, as the Caſe ſhall be; and every ſuch Perſon or Perſons ſo carrying away ſuch Duſt, Cinders, or Aſhes, ſhall forfeit and pay the Sum of Five Shillings for the Firſt Offence, and the Sum of Ten Shillings for the Second and every other ſubſequent Offence: And in caſe the ſaid Penalties be not forthwith paid, or Security given for the Payment thereof, to the Satisfaction of the Juſtice before whom ſuch Offender or Offenders ſhall be convicted, ſuch Offender or Offenders ſhall be committed to the Houſe of Correction for the County of Middleſex, or City and Liberty of Weſtminſter, as the Caſe ſhall be, for any Time not exceeding Thirty Days, nor leſs than Twenty Days, to be computed from the Day of Commitment.

Perſons carrying Duſt, Cinders, or Aſhes away, not being the Scavenger, ſhall forfeit for 1ſt Offence, 5*s.* 2d, and every other Offence, 10*s.*

III. And be it further enacted, That in caſe the Perſon or Perſons who ſhall carry away any Duſt, Cinders, or Aſhes, without the Conſent of the Owner or Owners, or without being properly authoriſed by the Scavenger or Scavengers contracting with the ſaid Commiſſioners, cannot be apprehended; then, and in every ſuch Caſe, the Owner or Owners of the Cart or Carriage in which ſuch Duſt, Cinders, or Aſhes, ſhall be placed, in order to be carried away, or of any Horſe or Beaſt carrying away the ſame, ſhall forfeit and pay the Sum of Ten Shillings for the Firſt Offence, and for the Second or any other ſubſequent Offence, the Sum of Twenty Shillings: And that it ſhall and may be lawful to and for any Perſon or Perſons whatſoever to ſeize, or cauſe to be ſeized, any ſuch Cart or Carriage, together with the Horſe or Horſes, or any Beaſt or Beaſts drawing the ſame, or any Horſe or Beaſt carrying away the ſame, and drive, remove, or take, or cauſe the ſame to be driven, removed, or taken, to the Court-houſe or Pound belonging to the ſaid Pariſh, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants, ſhall and do pay to the Perſon or Perſons, in whoſe Cuſtody the ſame ſhall be, the ſaid Penalty, together with the Charges of removing the ſame, and of keeping ſuch Horſe or Horſes, or any other Beaſt, (if any); and in caſe the ſame ſhall not be demanded, and the ſaid Penalty and Charges paid, within Five Days, then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to order the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied, One Moiety to the Perſon who ſhall apprehend any ſuch Offender, or ſeize, carry, or take, to the ſaid Pound or Court-houſe ſuch Cart, Carriage, or Beaſt, and the other Moiety to the Purpoſes of the ſaid former Acts, or this Act, returning the Overplus (if any) after deducting the ſaid Penalty, and the Charges attending ſuch Removal, and of maintaining ſuch Horſe or Horſes, or other Beaſt, and of appraiſing and ſelling ſuch Cart, Carriage, Horſe, or Beaſt, to the Owner or Owners thereof upon Demand.

If Perſons offending cannot be apprehended, the Penalty to be laid on the Owners of the Cart or Carriage.

IV. And be it further enacted, That ſo much of the ſaid Act of the Tenth Year of the Reign of His preſent Majeſty, as impowers any of the Water Companies who now furniſh, or ſhall hereafter furniſh, the Inhabitants, within the Limits aforeſaid, with Water, to repair the Pavement where any Pipe or Pipes belonging to any of the Water Companies within the ſaid Limits ſhall happen to burſt or break, or as directs the Paviors or Turncocks of any of the ſaid Companies, or the Surveyors of the ſaid Commiſſioners, to give Notice of their reſpective Names and Places of Abode, ſhall be repealed.

So much of Act 10 *Geo.* III. impowering Water Companies to repair Pavements, *&c.* repealed.

V. And be it further enacted, That when and ſo often as any Main, Pipe or Pipes, belonging to any of the Water Companies, who now furniſh, or ſhall hereafter furniſh, the Inhabitants, within the Limits aforeſaid, with Water, and which now lie, or ſhall hereafter be laid, under Ground, in any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, ſhall happen to break, burſt, or decay, ſo as to require Reparation, the Surveyor of the ſaid Commiſſioners for the Time being, or ſuch other Perſon or Perſons as the ſaid Commiſſioners ſhall appoint for that Purpoſe, ſhall forthwith give, or cauſe to be given, Notice thereof, in Writing, to the Pavior of the Water Company to whom he apprehends the ſaid Main or Mains, Pipe or Pipes, to belong, who is hereby required to take up the Pavement, and open the Ground, at or near the Place where ſuch Reparation ſhall appear to be wanting: And if the ſaid Pavior ſhall, upon taking up ſuch Pavement and opening ſuch Ground, diſcover that the Main or Mains, Pipe or Pipes, ſo broken, burſt, or decayed, does not or do not belong to the Water Company whoſe Pavior he is; then, and in every ſuch Caſe, he ſhall forthwith give,

The Manner, and by whom Water Pipes and Pavements are to be repaired.

Pavement to be relayed by the Space of Two Days.

give, or cauſe to be given, Notice thereof, in Writing, to the Pavior to the Company to whom the ſaid Main or Mains, Pipe or Pipes, ſhall appear to belong; in which Caſe, ſuch laſt mentioned Pavior is hereby required, upon Demand, to make Satiſfaction for the taking up ſuch Pavement, and opening ſuch Ground, to the Pavior giving Notice as aforeſaid; and the Pavior of ſuch Water Company to whom the ſaid Main or Mains, Pipe or Pipes, ſhall belong, is hereby required to cauſe or procure the ſaid Main or Mains, Pipe or Pipes, to be repaired, and afterwards to fill up the ſaid Ground, and ram down the ſame, within Two Days next after ſuch Notice to be given; and as ſoon as ſuch Main or Pipe ſhall have been ſo repaired, and the Ground ſo filled up and rammed down, he ſhall give, or cauſe to be given, Notice thereof in Writing to the Pavior or Contractor for the Time being of the ſaid Commiſſioners: And if the Pavior or Paviors of any of the ſaid Water Companies to or for whom ſuch Notice ſhall be given, or left at his or their laſt Place or Places of Abode, ſhall, by the Space of Two Days next after the giving or leaving ſuch Notice as aforeſaid, refuſe or neglect to take up ſuch Pavement, and open ſuch Ground; or if upon diſcovering that the Main or Mains, Pipe or Pipes, ſo broken, burſt, or decayed, doth not or do not belong to the Company whoſe Pavior he is, ſhall refuſe or neglect to give immediate Notice thereof, in Writing, to the Pavior of the Company to whom the ſaid Main or Mains, Pipe or Pipes, doth or do belong; or if the Pavior of the Water Company to whom ſuch Main or Mains, Pipe or Pipes, ſhall belong, ſhall, by the Space of Two Days next after ſuch Notice given to him, or left at his laſt Place of Abode, refuſe or neglect to cauſe or procure ſuch Main or Mains, Pipe or Pipes, to be amended and repaired, or afterwards to fill up the Ground ſo taken up, or to give ſuch immediate Notice of his having ſo done to the Pavior or Contractor of the ſaid Commiſſioners for the Time being; then, and in every ſuch Caſe, the Perſon or Perſons ſo reſpectively refuſing or neglecting ſhall, for every ſuch Offence ſeverally, forfeit and pay the Sum of Five Pounds: And if any Main or Mains, Pipe or Pipes, not belonging to any of the Water Companies, ſhall happen to break, burſt, or decay, as aforeſaid, in any of the ſaid Squares, Streets, Lanes, Yards, Courts, Alleys, Paſſages, or Places; then, and in every ſuch Caſe, the reſpective Owner or Owners thereof ſhall forthwith cauſe the Ground over the ſame to be opened, and ſuch Main or Mains, Pipe or Pipes, to be repaired, and Notice thereof, in Writing, to be given to the Clerk for the Time being of the ſaid Commiſſioners, or in caſe of Refuſal or Neglect ſo to do, ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds: And if any Pavement ſhall be broken or taken up for the Purpoſe of making, repairing, or altering, any Main, Pipe, Vault, or Drain, or for any other Purpoſe whatſoever; then, and in every ſuch Caſe, the Perſon or Perſons ſo breaking or taking up the ſaid Pavement, or cauſing the ſame to be ſo broken or taken up, ſhall, as ſoon as the Nature of the Work will permit, cauſe the Ground to be filled in, and Notice thereof, in Writing, to be given to the Clerk for the Time being of the ſaid Commiſſioners, or in caſe of Refuſal or Neglect ſo to do, ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings; and the ſaid Clerk of the ſaid Commiſſioners ſhall forthwith, upon every ſuch Notice as aforeſaid given to him, or left at the Office of the ſaid Commiſſioners, at the Court-houſe of the ſaid Pariſh of Saint Mary le Bone, tranſmit ſuch Notice, or cauſe the ſame to be tranſmitted, to the Pavior or Contractor of the ſaid Commiſſioners for the Time being: And if the ſaid Clerk ſhall refuſe or neglect, by the Space of Two Days next after ſuch Notice as aforeſaid given to him, or left at his laſt Place of Abode, to tranſmit ſuch Notice, or cauſe ſuch Notice to be tranſmitted, to the ſaid Pavior or Contractor for the Time being of the ſaid Commiſſioners; or if ſuch Pavior or Contractor to whom any ſuch Notice as aforeſaid ſhall be ſo tranſmitted, ſhall, by the Space of Two Days next after the tranſmitting of ſuch Notice to him as aforeſaid, refuſe or neglect to relay and repair the Pavement ſo broken up; then, and in every ſuch Caſe, the Perſon ſo refuſing or neglecting ſhall forfeit and pay the Sum of Twenty Shillings for every Day ſuch Pavement ſhall continue unrelaid or unrepaired after the Expiration of the ſaid Two Days.

Proviſo.

VI. Provided always, That if it ſhall happen that at any Time there ſhall be no regular or fixed Appointment of a Pavior of any of the Water Companies, in that Caſe ſuch Notice as aforeſaid ſhall be delivered to or left at the Office of the Clerk or Secretary of ſuch Company reſpectively, who ſhall, in every ſuch Caſe, be ſubſtituted in the Room of ſuch Pavior, to all the Intents and Purpoſes aforeſaid.

ors of the Com- s to give ice of their ames, &c.

VII. And be it further enacted, That the ſeveral and reſpective Paviors now employed, or hereafter to be employed by the ſaid Water Companies reſpectively, within the Limits aforeſaid, ſhall, within the Space of Thirty Days next after the paſſing of this Act, or within Three Days next after they ſhall be reſpectively appointed Paviors to ſuch Company or Companies, give Notice, in Writing, to the Clerk for the Time being of the ſaid Commiſſioners, of their reſpective Names and Places of Abode, and of the Names of the reſpective Company whoſe Paviors they are, and of the reſpective Diſtrict to which they are appointed; and in like Manner the Clerk for the Time being of the ſaid Commiſſioners, after having received Notice of ſuch Appointment as aforeſaid, ſhall, within the reſpective Times aforeſaid, give Notice to the reſpective Paviors of the ſaid ſeveral Water Companies of the Names and Places of Abode of the Pavior or Paviors, Contractor or Contractors, for the Time being of the ſaid Commiſſioners; and if any of the ſaid Paviors, or the Clerk of the ſaid Commiſſioners for the Time being, ſhall neglect to give ſuch Notice within the reſpective Times aforeſaid, each of them ſhall, for every ſuch Offence, ſeverally, forfeit and pay the Sum of Twenty Shillings.

Water Companies to pay to the Commiſſioners the Expence of new-laying the Pavement when Pipes are broken, &c.

VIII. Provided always, and be it further enacted and declared, That the Charges and Expences of relaying the Pavement which ſhall be broken, or taken up, for the Purpoſes of laying down, repairing, or amending, any ſuch Main or Mains, Pipe or Pipes, ſhall be reimburſed and paid to the ſaid Commiſſioners, or to ſuch Perſon as they ſhall appoint to receive the ſame, by the Clerk or Treaſurer for the Time being of the reſpective Water Companies to whom ſuch Main or Mains, Pipe or Pipes, ſhall belong;

et

or if the ſame ſhall not belong to any of the ſaid Water Companies, then by the reſpective Owner or Owners thereof; and if ſuch Clerk or Treaſurer to any of the ſaid Water Companies, or the reſpective Owner or Owners of ſuch Main or Mains, Pipe or Pipes, liable to reimburſe and pay ſuch Charges and Expences, ſhall refuſe or neglect to pay the ſame within Ten Days next after Demand thereof in Writing, ſigned by the Clerk of the ſaid Commiſſioners, and left at their reſpective Dwelling-houſes, or laſt Places of Abode, or at the Office of the reſpective Companies, together with a Bill to be annexed to ſuch Demand, containing an Account of ſuch Charges and Expences; then, and in every ſuch Caſe, the Money ſo expended ſhall and may be recovered by the ſaid Commiſſioners, of and from the Perſon or Perſons ſo liable thereto, by Action or Actions of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, in the Names of the ſaid Commiſſioners, or any Five or more of them, to be commenced within Three Calendar Months next after ſuch Demand reſpectively; in which Action or Actions, Suit or Suits, reſpectively, no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Commiſſioners may contract for Paving, and to be advertiſed.

IX. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall, and they are hereby authoriſed and impowered, from Time to Time, at any of their Meetings, as Occaſion ſhall require, to contract with any Perſon or Perſons for paving, and keeping in Repair, the Pavement over the Water Trenches belonging to any of the ſaid Water Companies; but that no ſuch Contract ſhall be made unleſs, previous to the making thereof, Fourteen Days Notice at the leaſt ſhall be given in ſome of the publick News-papers, expreſſing the Intention of ſuch Contract, in order that any Perſon or Perſons willing to undertake the ſame, not being Commiſſioners, may make Propoſals for that Purpoſe, at the Time and Place in ſuch Notice mentioned.

Water Companies may repair the Pavement by their own Workmen, within Four Feet of their Plugs, &c.

X. Provided always; and be it enacted, That nothing in this Act contained ſhall extend to prevent any of the ſaid Water Companies, from Time to Time, as Occaſion ſhall require, from taking up and repairing, by their own Workmen or Paviors, any Part of the Pavement within the Limits aforeſaid, not exceeding the Diſtance of Four Feet from the Water-plugs, Drawing-plugs, and Fire-plugs, belonging to the reſpective Water Companies: Provided nevertheleſs, that in caſe ſuch Pavement ſo taken up by the ſaid Water Companies, their Workmen or Paviors, ſhall not be properly relaid to the Satisfaction of the ſaid Commiſſioners, or any Five or more of them, or their Surveyor or Surveyors for the Time being; then, upon Notice given to the ſaid Water Companies, or their Pavior, the ſaid Pavement ſhall, within Four Days after ſuch Notice, be again taken up and relaid, at the Expence of the Water Company that ſhall have ſo taken up the ſaid Pavement; and in caſe the ſaid Pavement ſo taken up ſhall not be relaid for the Third Time in a proper Manner, and to the Satisfaction of the ſaid Commiſſioners, or any Five or more of them, or their Surveyor or Surveyors for the Time being, then the Water Company, ſo neglecting to relay the ſaid Pavement in a proper Manner, ſhall forfeit and pay to the ſaid Commiſſioners, or any Five or more of them, the Sum of Twenty Shillings; and the ſaid Commiſſioners, or any Five or more of them, ſhall cauſe ſuch Pavement to be taken up and relaid by their own Workmen and Paviors, and the Expence thereof ſhall be borne and defrayed by the Water Company ſo neglecting to relay the ſame in a proper Manner; any Thing herein contained to the Contrary notwithſtanding.

Commiſſioners may compound with the Water Companies.

XI. Provided alſo, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, to compound and agree with any of the ſaid Proprietors or Water Companies reſpectively, for a certain Sum of Money, by the Foot or other Meaſure, as the ſaid Commiſſioners, or any Five or more of them, ſhall think reaſonable, for the Purpoſe of laying down or repairing ſuch Parts of the ſaid Squares, Streets, Lanes, Mewſes, Alleys, Courts, Paſſages, or Places, as ſhall be neceſſary to be taken up by the Workmen of the ſaid Proprietors or Water Companies, for the Purpoſes of laying down, replacing, altering, or amending, any of the Mains or Pipes.

How Water may more eaſily be obtained in Times of Fire.

XII. And, for the more eaſy obtaining of Water in Caſes of Fire, it is hereby further enacted, That the ſeveral Water Companies who ſhall ſupply any of the Inhabitants within the Limits aforeſaid with Water, ſhall, from Time to Time, within the Space of Fourteen Days after the paſſing of this Act, or within Seven Days after the Appointment of any Turncock or Turncocks, give Notice, in Writing, to the ſaid Commiſſioners, of the Names and Places of Abode of their reſpective Turncocks, diſtinguiſhing the Diſtricts to which they reſpectively belong; and if any of the ſaid Companies ſhall neglect to give ſuch Notice within the Times aforeſaid, they ſhall, for every ſuch Neglect, forfeit and pay the Sum of Forty Shillings; and the ſaid Commiſſioners ſhall, and they are hereby required, yearly, to cauſe to be printed, and diſtributed to and amongſt the ſeveral Houſeholders within the Limits aforeſaid, a Liſt of the Names and Places of Abode of the ſeveral Turncocks of the Diſtrict or Diſtricts within the ſaid Limits.

Power to collect Rates within the Quarter.

XIII. And be it further enacted, That, in order to avoid the Loſs that frequently happens from the Tenants or Occupiers of Houſes or Tenements, who frequently quit and remove from ſuch Houſes or Tenements before the Quarter Day on which the Rates and Aſſeſſments, charged by virtue of the ſaid Acts, on the ſaid Houſes or Tenements become due and payable; it ſhall and may be lawful to and for the ſaid Veſtrymen and Commiſſioners of the ſaid Pariſh reſpectively to demand and receive, or cauſe to be demanded and received, Sixty Days before every ſuch Quarter Day, or at any other ſubſequent Time, the reſpective Rates and Aſſeſſments that would be due and payable on ſuch Quarter Day; and in caſe of Nonpayment thereof, to enforce the Payment of ſuch Rates and Aſſeſſments, in the ſame Manner, and with the ſame Powers, as they could or might by virtue of either of the ſaid former Acts, or this Act, in caſe of Nonpayment of the ſaid Rates and Aſſeſſments upon the Quarter Day on which the ſame became due and payable.

Penalty of 5s. on Perſons rubbing out Numbers on Houſes, &c.

XIV. And be it further enacted by the Authority aforeſaid, That in all Caſes where any Number painted or put on any Houſe or Tenement, within the Limits aforeſaid, under the Direction of the before-recited Act of the Tenth Year of the Reign of His preſent Majeſty, ſhall be defaced or rubbed out, the Owner or Occupier of any ſuch Houſe or Tenement, where the Number or Numbers ſhall have been defaced or rubbed out, ſhall, upon perſonal Notice given to him, her, or them, or upon Notice in Writing, left at his, her, or their laſt or moſt uſual Place of Abode, by the Clerk to the ſaid Commiſſioners, or by ſuch other Perſon or Perſons as any Five or more of the ſaid Commiſſioners ſhall direct or appoint, cauſe the ſame Number to be in the ſame or like Manner painted or put on ſuch Houſe or Tenement, within Five Days after ſuch Notice; and in caſe of Neglect or Refuſal to comply with ſuch Order, every ſuch Owner or Occupier ſhall forfeit and pay for every ſuch Offence the Sum of Five Shillings.

Creditors equal in Degree by 10 Geo. III. repealed.

XV. And be it further enacted, That ſo much of the ſaid Act of the Tenth Year of the Reign of His preſent Majeſty as directs, that no Preference ſhall be given to any Perſon or Perſons in the Payment of the principal Sum or Sums by him, her, or them advanced, or to be advanced, upon the Credit of the ſaid Act, ſhall be repealed.

A certain Proportion of the Rates to be applied in Diſcharge of Money borrowed.

XVI. And be it further enacted, That, in order to diſcharge the ſaid principal Money and Intereſt, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby authoriſed and impowered, yearly and every Year, to deduct, appropriate, and ſet apart, any Sum or Sums of Money, not exceeding One Penny Halfpenny in the Pound, of the total Amount of the yearly Rent or Value of all and every the Lands, Grounds, Houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments reſpectively, within the Limits aforeſaid; and the ſaid Sum or Sums of Money ſo to be ſet apart and appropriated, ſhall be, from Time to Time, taken and deducted from and out of the Rate and Aſſeſſment levied and collected by virtue of the ſaid Act of the Tenth Year of His preſent Majeſty, for the Purpoſe of repairing, cleanſing, and lighting, the Squares, Streets, Lanes, and other Paſſages and Places within the Limits aforeſaid: Provided always, that ſuch Sum or Sums of Money ſo to be deducted, ſet apart, and appropriated, as aforeſaid, ſhall not at any Time exceed the Proportion of One Penny Halfpenny in the Pound, according to the yearly Rent or Value of ſuch Lands, Grounds, Houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, on which ſuch Rates or Aſſeſſments ſhall have been actually levied and collected, and ſhall only be ſo deducted, ſet apart, and appropriated, at ſuch Time or Times as the ſaid Rate and Aſſeſſment by the ſaid Act allowed to be levied and collected for the Purpoſe of repairing, cleanſing, and lighting, as aforeſaid, ſhall not exceed the full Sum of One Shilling in the Pound in any One Year; any Thing herein contained to the Contrary notwithſtanding.

The Money to be paid into the Bank.

XVII. And be it further enacted, That the ſaid Sum or Sums of Money ſo to be ſet apart and appropriated, ſhall and may, from Time to Time, as the ſame ſhall be levied and collected, be paid into the Bank of England, and from thence iſſued and applied in ſuch Manner, and to and for ſuch Uſes and Purpoſes, as are by this Act herein-after directed and appointed; and the Treaſurer or Treaſurers to the ſaid Commiſſioners for the Time being ſhall keep the Account relating to ſuch Sum or Sums of Money, ſo paid into the Bank as aforeſaid, ſeparate and diſtinct from all other Accounts of the ſaid Commiſſioners.

Manner of paying off the Debt.

XVIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby authoriſed and impowered, from Time to Time, when and as often as the Surplus of the ſaid Sixpenny Rate (if any) ſhall, together with the Produce of One Penny Halfpenny in the Pound, ſo to be ſet apart and appropriated, amount to the Sum of Five hundred Pounds, or upwards, to pay off and diſcharge the Money borrowed, and to be borrowed, on the Credit of the ſaid Sixpenny Rate, in ſuch Manner as is herein-after directed, and a ſeparate Account ſhall be kept of the Sums of Money paid off and diſcharged by the Surplus of the ſaid Sixpenny Rate diſtinct from thoſe which ſhall be paid off and diſcharged by the Sums ſo appropriated as aforeſaid, by virtue of this Act.

Method to be taken for paying off Bonds.

XIX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven or more of them, to cauſe the Numbers of all the Bonds or Securities which ſhall be then due and owing to the Creditors on the ſaid Sixpenny Rate to be put ſeparately into a Box or Glaſs, and that ſo many Numbers of the ſaid Bonds or Securities ſhall be drawn out of the ſaid Box or Glaſs by the Clerk to the ſaid Commiſſioners, in the Preſence of the ſaid Commiſſioners, or any Seven or more of them, as ſhall make up the Sum then intended to be paid off; and that Six Calendar Months Notice, in Writing, or printed, and ſigned by the Clerk to the ſaid Commiſſioners for the Time being, ſhall be given to the Perſon or Perſons who ſhall be intitled to ſuch Bond or Bonds, Security or Securities, ſo drawn out, or ſhall be left at his, her, or their laſt or moſt uſual Place of Abode, that his, her, or their reſpective Bond or Bonds, Security or Securities, Principal and Intereſt, will be paid off; and that at the Expiration of the ſaid Six Calendar Months, to be computed from the Day of ſuch Notice given, or left as aforeſaid, all Intereſt on ſuch Bond or Bonds, Security or Securities, ſhall ceaſe and determine.

Commiſſioners to borrow Money for paving, &c.

XX. And whereas it may hereafter happen, that by a long and conſtant wear of the Pavement within the Limits aforeſaid, the Expence of repairing the ſame may be too large to be defrayed out of the annual Rates allowed to be collected for that Purpoſe; be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Seven or more of the ſaid Commiſſioners, and they are hereby authoriſed and impowered, in Caſes of ſuch Neceſſity only, to borrow and take up at Intereſt ſuch Sum or Sums of Money as ſhall be ſo wanted, on the Credit of the ſaid Sixpenny Rate, in like Manner as is directed by the before-recited Act of the Tenth Year of the Reign of His preſent Majeſty, for the borrowing Money on the ſaid Sixpenny Rate: Provided always, That no greater Sum or Sums of Money ſhall be ſo borrowed than was or were actually paid off and diſcharged by Means of the ſaid Sum of One Penny Halfpenny in the Pound, by this Act ſo ſet apart and appropriated, as aforeſaid.

Commiſſioners to borrow Money at a lower Intereſt to pay off Bonds.

XXI. And be it further enacted by the Authority aforeſaid, That in caſe the ſaid Commiſſioners can, at any Time, borrow and take up any Sum or Sums of Money, not leſs than the Sum of Five hundred Pounds at One Time, at a lower Rate of Intereſt than the Bonds or Securities by them iſſued then carry, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, to pay off and diſcharge the Bonds or Securities bearing an higher Rate of Intereſt, following the Directions and Regulations as are herein-before preſcribed for paying off Bonds and Securities.

Proviſo.

XXII. Provided nevertheleſs, That no Bond or Security carrying a lower Rate of Intereſt ſhall at any Time be paid off and diſcharged, whilſt any of the Bonds or Securities carrying an higher Rate of Intereſt are unpaid and undiſcharged.

Cavendiſh Square to be new paved.

XXIII. And whereas by the before-recited Act of the Tenth Year of His preſent Majeſty, the Owners and Occupiers of Houſes and Premiſes in *Cavendiſh Square* are impowered to raiſe ſuch competent Sum as ſhall be ſufficient to new-pave, beautify, and adorn the ſaid Square, provided Three-fourths of ſuch Owners and Occupiers ſhall aſſent thereto: And whereas the Commiſſioners under the ſaid Act have, on very reaſonable Terms, agreed to new-pave, adorn, and beautify the ſaid Square, and have already completed great Part of the Work: And whereas more than Three-fourths of the Owners and Occupiers of Houſes, with reſpect to the Proportion of valuable Property, have conſented thereto in due Form; but it being doubtful whether the Aſſents of Three-fourths in Number of the Owners and Occupiers have been obtained, as ſome are Abroad, and others cannot be found, ſo that it is imagined that One or Two may be ſtill wanting: And whereas it would be expedient for the good Purpoſes of this Act to remove all ſuch Doubts and Difficulties; be it enacted by the Authority aforeſaid, That the ſaid Owners and Occupiers, together with the ſaid Commiſſioners appointed by the ſaid before-recited Act of the Tenth Year of the Reign of His preſent Majeſty, ſhall have full Power and Authority, notwithſtanding ſuch Deficiency in the Conſents given by the Owners and Occupiers in point of Number, to execute all and every Power, Matter, and Thing, directed to be performed by the ſaid before-recited Act of the Tenth Year of His preſent Majeſty, in as full and ample a Manner as if Three-fourths of ſuch Conſents had been obtained in due Form.

What Houſes ſhall be deemed in *Cavendiſh Square.*

XXIV. And, to the Intent that it may be clearly known what Houſes and Premiſes ſhall be conſidered as ſituated in the ſaid Square, for the Purpoſe of rating the ſame, be it enacted, That every Houſe or Premiſes, the Front or Side of which ſhall face or form a Part of the Line of the ſaid Square, though another Part of ſuch Houſe or Premiſes may front or face a Street, ſhall nevertheleſs be deemed and taken to be wholly ſituated in the ſaid Square, for the Purpoſe aforeſaid.

Proceedings ſhall not be valid until confirmed at a ſubſequent Meeting.

XXV. And be it further enacted, That no Proceedings of the ſaid Veſtrymen and Commiſſioners, either under the ſaid former Acts, or this Act, ſhall be deemed valid, until the ſame ſhall have been confirmed and approved of at a Second or ſubſequent Meeting of the ſaid Veſtrymen or Commiſſioners, and ſhall have been ſigned by the Chairman of ſuch Second or ſubſequent Meeting.

Clauſes of the former Acts extended to this Act.

XXVI. And be it further enacted, That all the Clauſes and Powers in the ſaid former Acts contained, (except ſuch as are hereby varied, altered, or repealed), ſhall extend, and be conſtrued to extend, to this Act, as fully and effectually as if the ſame were repeated and re-enacted in this preſent Act.

Commiſſioners may act as Juſtices.

XXVII. Provided always, and be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Juſtice or Juſtices of the Peace, reſiding in the ſaid Pariſh of Saint Mary le Bone, to act as Juſtices of the Peace in the Execution of the ſaid former Acts, or this Act, notwithſtanding their being appointed Veſtrymen and Commiſſioners under any of the ſaid former Acts.

Charges of the Act how to be paid.

XXVIII. And be it further enacted, That all the Coſts, Charges, and Expences, of paſſing this Act, and all other Charges incident to the obtaining thereof, ſhall be borne, paid, and defrayed, out of the Monies ariſing by virtue of the ſaid former Acts, or this Act.

Penalties and Forfeitures how to be recovered and applied.

XXIX. And be it further enacted by the Authority aforeſaid, That all the Penalties, Forfeitures, and Fines, by the ſaid former Acts, or this Act, inflicted, or authoriſed to be impoſed, (the Manner of levying and Recovery whereof is not otherwiſe hereby particularly directed), ſhall, upon Proof of the Offences reſpectively before any One or more Juſtice or Juſtices of the Peace for the County or Place wherein the Offender ſhall be or reſide, or wherein the Offence ſhall be committed, either by the Confeſſion of the Party or Parties offending, or by the Oath of One or more Witneſs or Witneſſes, (which Oath ſuch Juſtice or Juſtices of the Peace is and are hereby impowered and required to adminiſter without Fee or Reward), be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice or Juſtices, (which Warrant or Warrants ſuch Juſtice or Juſtices is and are hereby impowered to grant for thoſe Purpoſes), and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale, are recovered and deducted, ſhall be returned, upon Demand, unto the Owner or Owners of ſuch Goods and Chattels, and the Penalties, Forfeitures, and Fines, when paid or levied, ſhall be applied to the Purpoſes of the ſaid former Acts, or this Act; and in every Caſe where Diſtreſs is directed to be taken by the ſaid former Acts, or this Act, and ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, and Fines, ſhall not be forthwith paid, it ſhall and may be lawful for ſuch Juſtice or Juſtices of the

Peace, and he and they is and are hereby authoriſed and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Offender or Offenders to be committed to the common Gaol, or Houſe of Correction, of the County or Place, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, for the Firſt Offence, and for the Second and every other Offence of the ſame Kind, for any Time not exceeding Six Calendar Months, nor leſs than Two Calendar Months, or until ſuch Penalties, Forfeitures, or Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Juſtices may cauſe to be drawn up the following Form of Conviction.

XXX. And, for the more eaſy and ſpeedy Conviction of Offenders againſt the former Acts, or this Act, be it further enacted by the Authority aforeſaid, That all and every Juſtice or Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt the ſaid former Acts, or this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the ſame Effect:

BE it remembered, That on the Day of in the Year of His Majeſty's Reign, *A. B.* is convicted before of His Majeſty's Juſtices of the Peace for the County of by virtue of an Act of the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For amending and rendering more effectual Two Acts, made, One in the Eighth, and the other in the Tenth Year of His preſent Majeſty's Reign, for regulating the Nightly Watch and Beadles, and for paving, repairing, cleanſing, and lighting, the Pariſh of *Saint Mary le Bone*, in the County of *Middleſex*, and for other Purpoſes in the ſaid Acts mentioned," (ſpecifying the Offence, and Time and Place when and where the ſame was committed, as the Caſe ſhall be.)

Given under our Hands and Seals, or Hand and Seal, the Day and Year aforeſaid.

Writings to be without Stamps.

XXXI. And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Aſſignment, Transfer, or other Security for the borrowing of Money, or other Writing whatſoever, relating to the Execution of the ſaid former Acts, or this Act, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Limitation of Actions.

XXXII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of the ſaid former Acts, or this Act, until Twenty-one Days Notice ſhall be thereof given in Writing to the Clerk or Treaſurer to the ſaid Veſtrymen and Commiſſioners, or after ſufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought; and all ſuch Actions or Suits ſhall be laid and tried in the County of Middleſex, and not in any other County or Place; and that the Defendant or Defendants in ſuch Action or Actions, Suit or Suits, and every of them, may

General Iſſue.

plead the General Iſſue, and give the ſaid former Acts, and this Act, and the Special Matter, in Evidence, at any Trial or Trials which ſhall be had thereupon; and that the Matter or Thing for or on which ſuch Action or Actions, Suit or Suits, ſhall be brought, was done in purſuance and by the Authority of the ſaid former Acts, or this Act: And if the ſaid Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid, then the Jury or Juries ſhall find for the Defendant or Defendants therein; and if a Verdict ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, Suit or Suits; or if upon a Demurrer or Demurrers in ſuch Action or Actions, Suit or Suits, Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants may have for his, her, or their Coſts, in other Caſes by Law.

Treble Coſts.

Publick Act.

XXXIII. And be it further enacted, That the ſaid former Acts, and this Act, ſhall be allowed in all Courts whatſoever as a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP. XLIX.

An Act for more effectually executing an Act, paſſed in the Twenty-ſeventh Year of King *George* the Second, for draining and preſerving the Lands in the *North Level*, Part of *Bedford Level*, ſo far as relates to the Fourth Diſtrict of the ſaid *North Level*.

Preamble.

WHEREAS by an Act of Parliament, made in the Twenty-ſeventh Year of the Reign of His late Majeſty King *George* the Second, (intituled, *An Act for the diſcharging of the Corporation of the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, commonly called* Bedford Level, *from a Debt due to the Duke of* Bedford, *and Earl of* Lincoln; *and for enabling the Proprietors of Lands in the* North Level, *Part of the ſaid Great Level, to raiſe Money to diſcharge the Proportion of the ſaid* North Level *in the Debts of the ſaid Corporation; and for aſcertaining and appropriating the Taxes to be laid on the ſaid* North Level; *and for the more effectual draining and preſerving the ſaid* North Level, *and divers Lands adjoining thereto, in the Manor of* Crowland;) the Commiſſioners therein named, or to be nominated and appointed, in Manner therein mentioned, were authoriſed and impowered to aſſeſs, rate, tax, and charge, all and every the Owner and Owners, Occupier and Occupiers, of all and ſingular the Lands and Grounds ſituate and being within the ſaid Fourth Diſtrict or Diviſion, (except as in the ſaid Act is excepted,) by and with an equal and proportionable yearly Rate, Tax, or Sum of Money, not exceeding in any One Year, for the firſt Two Years after the paſſing of the ſaid Act, the Sum of Two Shillings an Acre, or after the Expiration of the ſaid Term of Two Years, the Sum of One Shilling an Acre, to be applied and diſpoſed of in making Works, Banks, Drains, Mills, and Engines, within the ſaid Diſtrict, neceſſary for draining the ſame, and for the other Purpoſes therein mentioned: And whereas the ſaid Rates and Taxes have been accordingly applied by the Commiſſioners acting for the ſaid Fourth Diſtrict, for and towards the erecting of proper Engines, and making Banks, Drains, and other Works, neceſſary for the draining of the ſaid Diſtrict, and in maintaining and keeping the ſame in Repair: And whereas the ſaid Rates and Taxes, charged on the ſaid Lands and Grounds in the ſaid Fourth Diſtrict, have not, for ſeveral Years laſt paſt, been ſufficient to defray the yearly Expences of the ſaid Diſtrict, or to pay the Debts which the ſaid Commiſſioners have been obliged to contract, on account of the Inſufficiency of the ſaid Rates and Taxes: And whereas, in order to pay the Debts ſo contracted by the ſaid Commiſſioners, and to carry on the ſaid Works, a further Tax is neceſſary to be laid on all the Lands in the ſaid Diſtrict, (except as is before excepted): And whereas ſuch further Rate or Acre Tax cannot be laid, or the ſaid Lands effectually drained and preſerved, without the further Aid and Authority of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and ſingular the ſaid Lands in the ſaid Fourth Diſtrict, within the ſaid North Level, (except as before excepted) ſhall yearly and every Year, for the Term of Twelve Years next enſuing the paſſing of this Act, be, and the ſame are hereby rated, charged, and aſſeſſed, with a Tax or Sum of One Shilling an Acre for every Acre thereof, over and above the Rates and Taxes to be charged thereon by the ſaid former Act; and that the ſaid Tax or Sum of One Shilling an Acre ſhall be paid to the Receiver or Receivers for that Purpoſe appointed by the Commiſſioners of the ſaid Fourth Diſtrict, to be nominated and elected by virtue of the ſaid Act of the Twenty-ſeventh Year of King George the Second, on the Thirtieth Day of June and Thirtieth Day of December, in every Year, during the ſaid Term, by equal Half-yearly Payments, the Firſt Payment thereof to be made on the Thirtieth Day of June next after the paſſing of this Act.

Additional Tax of 1s. per Tax.

II. And be it further enacted, That the Lands of all and every Perſon and Perſons hereby rated, charged, and aſſeſſed, ſhall be taken and aſcertained according to the Surveys thereof made, and as they are now charged in purſuance and by virtue of the ſaid Act of the Twenty-ſeventh Year of King George the Second; and that the ſeveral and reſpective Owners and Occupiers of the ſaid Lands and Grounds ſhall pay the ſaid Taxes hereby aſſeſſed according to the ſaid Surveys and Charge.

Aſſeſſments to be aſcertained according to former Surveys.

III. And it is hereby further enacted and declared by the Authority aforeſaid, That the ſaid Commiſſioners nominated and appointed for the ſaid Fourth Diſtrict by the ſaid former Act, or to be elected or choſen in purſuance thereof, ſhall be and are hereby appointed Commiſſioners for carrying into Execution this preſent Act, and all the Powers and Authorities hereby given; and that the ſaid Taxes and Sums of Money hereby charged, rated, and aſſeſſed, to be paid as aforeſaid, be veſted in, and applied and diſpoſed of, by the ſaid Commiſſioners of the ſaid Fourth Diſtrict, in the Firſt Place, towards the paying and defraying the Charges of paſſing of this Act, and afterwards in paying and diſcharging ſuch Debts as have been contracted for and on account of the raiſing and making of the ſaid Works, neceſſary for the draining and preſerving of the ſaid Lands; and after the ſaid Debts ſhall be ſo paid, as aforeſaid, then in raiſing, ſupporting, and maintaining, ſuch other Works as ſhall be neceſſary for the more effectual draining of the ſaid Lands.

Commiſſioners to the former Act to be Commiſſioners to this Act.

IV. Provided alſo, and be it enacted, That all and every the ſaid Commiſſioner or Commiſſioners, before he or they ſhall act in the Execution of any of the Powers or Authorities hereby given, ſhall take the Oath, or, being of the People called Quakers, the ſolemn Affirmation required and directed to be taken by the ſaid former Act; which Oath or Affirmation any One of the ſaid Commiſſioners is hereby impowered to adminiſter.

Commiſſioners to take the Oath preſcribed by the former Act.

V. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Deviſees in Truſt, under the Will of the late John Duke of Bedford, and the Survivors and Survivor of them, and the Executors and Adminiſtrators of ſuch Survivor, during the Minority of the Duke of Bedford for the Time being, and afterwards to and for the Duke of Bedford, his Heirs and Aſſigns, upon Application in Writing under the Hands of the Commiſſioners of the ſaid Fourth Diſtrict of the ſaid North Level, or the major Part of them, aſſembled at any Meeting to be held in purſuance of this or the ſaid former Act, to agree, from Time to Time, with the ſaid Commiſſioners, for ſuch Time, and on ſuch Terms, as the ſaid Deviſees, or the Survivors or Survivor of them, and the Executors and Adminiſtrators of ſuch Survivor, or the Duke of Bedford, his Heirs or Aſſigns, ſhall think proper, and conſent to, for aſſiſting the ſaid Commiſſioners in the better draining of the ſaid Fourth Diſtrict, or any Part thereof, by any or either of the Mills or Engines ſtanding in the Lordſhip of Thorney, below the Pointing-doors or Flood-gates in Thorney Dike, in ſuch Manner, and by ſuch Means, as they ſhall think proper; and alſo that it ſhall and may be lawful to and for the ſaid Commiſſioners to make ſuch Agreement or Agreements, from Time to Time, as aforeſaid; and alſo, after ſuch Agreement or Agreements, as aforeſaid, ſhall be made and entered into, to make One or more Cut or Cuts, and lay One or more Tunnel or Tunnels, in and through the Eaſt Bank of Gold Dike, adjoining to the ſaid Diſtrict, as they, or the major Part of them, aſſembled at any Meeting, as aforeſaid, ſhall think requiſite and neceſſary, for the better draining of the ſaid Fourth Diſtrict, or any Part thereof, by any or either of the ſaid Mills or Engines, as ſhall

The Duke of *Bedford*'s Deviſees may agree for aſſiſting the Commiſſioners in draining the Fourth Diſtrict.

be agreed on as aforeſaid, and to pay the Expences attending the ſame out of the Rates and Taxes, and the Monies to be raiſed on the ſaid Fourth Diſtrict, by virtue of this or the ſaid former Act; any Thing contained in this or the ſaid former Act to the Contrary thereof in any-wiſe notwithſtanding.

Tenants to pay the additional Tax,

VI. And, to the End that the ſaid Rates and Taxes hereby charged and aſſeſſed may be, from Time to Time, the more eaſily collected and received, be it further enacted by the Authority aforeſaid, That all and every the Tenants and Occupiers of the ſaid Lands charged or aſſeſſed by virtue of this Act ſhall be, and are hereby required and made liable to pay the ſaid Rates and Taxes ſo charged and aſſeſſed upon the ſaid Lands in their reſpective Occupations, and to deduct and retain out of his, her, or their Rent, all ſuch Sum or Sums of Money as he, ſhe, or they, ſhall reſpectively pay for ſuch Rates and Taxes as aforeſaid; and the ſeveral and reſpective Landlords or Owners of the ſaid Lands are hereby required to allow ſuch Deductions or Payments upon the Receipt of the Reſidue of their Rents; and that every ſuch Tenant or Occupier, paying ſuch Taxes, ſhall be acquitted and diſcharged of and from ſo much Money as the Tax by him or them ſo paid as aforeſaid ſhall amount unto, in as full and ample Manner as if the ſame had been actually paid to his, her, or their Landlord or Landlords.

and may deduct the ſame out of their Rents.

Leſſees to Eccleſiaſtical Bodies not intitled to deduct the Rates.

VII. Provided always, and be it further enacted by the Authority aforeſaid, That no Leſſee or Tenant of any Lands, charged with the ſaid Rates, Taxes, or Aſſeſſments, who ſhall hold the ſame by virtue of or under any Leaſe from any Biſhop, or Collegiate Church or College, or any Eccleſiaſtical Corporation, Sole or Aggregate, or other Beneficial Leaſe whatſoever, ſhall be intitled to deduct the ſaid Rates, Taxes, or Aſſeſſments, charged by virtue of this Act, or any of them, out of the Rent reſerved and made payable by any ſuch Leaſe or Agreement to his, her, or their Landlord or Landlords; but that the ſaid Rates, Taxes, and Aſſeſſments, ſhall be charged upon and borne and paid by the Leſſees or Tenants ſo holding ſuch Lands under ſuch Leaſe as aforeſaid; any Thing herein contained to the Contrary thereof in any-wiſe notwithſtanding.

Rates and Taxes may be recovered by Diſtreſs.

VIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall refuſe or neglect to pay the reſpective Rates, Taxes, or Sums of Money, taxed, charged, or aſſeſſed, upon him, her, or them, or the Lands or Grounds in his, her, or their Poſſeſſion or Occupation, by virtue of or under this Act, within Twenty-one Days next after the ſame ſhall become due and payable, and Demand made thereof by the Receiver or Receivers appointed to receive the ſame on the Lands or Grounds charged therewith, or at the Dwelling-houſe of the Tenant or Occupier thereof, it ſhall and may be lawful to and for ſuch Receiver or Receivers, or any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the ſaid Commiſſioners, (which ſaid Warrant or Precept the ſaid Commiſſioners, or any Five or more of them, are hereby impowered and required from Time to Time to make, as there ſhall be Occaſion), to enter into and upon the Lands ſo rated and taxed as aforeſaid, in the Poſſeſſion of ſuch Perſon or Perſons who ſhall ſo make Default in Payment thereof as aforeſaid, and all Meſſuages and Tenements thereupon ſtanding, or thereunto belonging, and to levy the Sum or Sums of Money by him, her, or them, payable for ſuch Rates or Taxes, by Diſtreſs and Sale of the Goods and Chattels of ſuch Owner or Owners, Occupier or Occupiers, in ſuch and the like Manner as is directed by the ſaid former Act.

Unoccupied Premiſes to remain liable.

IX. Provided always, and it is hereby enacted and declared, That in caſe any of the ſaid Lands ſhall at any Time hereafter be untenanted or unoccupied, ſo that no ſufficient Diſtreſs can be found for levying the ſaid Rates and Taxes ſo in arrear as aforeſaid, then the ſaid Lands chargeable therewith ſhall always remain a Security for Payment thereof; and all Goods and Chattels which ſhall at any Time thereafter be found thereon ſhall and may by diſtrained, impounded, kept, appraiſed, and ſold, in Manner aforeſaid, until all Arrears of the ſaid Rates and Taxes, and the Charges of ſuch Diſtreſs, ſhall be fully paid and ſatisfied.

Commiſſioners impowered to borrow Money,

X. And foraſmuch as the ſaid Rates and Taxes ſo to be aſſeſſed and charged as aforeſaid will not be ſufficient for the immediate diſcharging and paying off the ſaid Debts contracted by the Commiſſioners as aforeſaid; be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners of the ſaid Fourth Diſtrict, ſo nominated and appointed as aforeſaid, or any Three or more of them, ſhall and may, and are hereby impowered, from Time to Time, purſuant to an Order to be made for that Purpoſe, at any of their Meetings to be held by virtue of the ſaid Act of the Twenty-ſeventh Year of King George the Second, Five of the ſaid Commiſſioners being preſent, and conſenting thereto, to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhall think neceſſary, and, by Writing under their Hands and Seals, to mortgage and aſſign the ſaid Aſſeſſments, Rates, and Sums of Money, hereby charged and aſſeſſed, or any Part thereof, the Coſts and Charges of ſuch Aſſignment to be borne and paid out of the ſaid Taxes, for any ſuch Time or Number of Years, not exceeding the Term of Twelve Years from the paſſing of this Act, and in ſuch Manner and Form as to the ſaid Commiſſioners, or any Three or more of them, ſhall ſeem meet, as a Security for any ſuch Sum or Sums of Money to ſuch Perſon or Perſons, his, her, or their Truſtee or Truſtees, with Intereſt for the ſame, not exceeding Five Pounds per Centum per Annum; and that Copies of all ſuch Mortgages and Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks to the ſaid Commiſſioners; and that it ſhall and may be lawful for all and every Perſon and Perſons, to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, by Indorſement on his, her, or their Security or Securities, or otherwiſe, to aſſign or transfer his, her, or their Mortgage and Security, and Right to the principal Money and Intereſt thereby ſecured; and that ſuch Aſſignment or Transfer ſhall be produced and notified to the Clerk or Clerks within

and may mortgage the Rates as a Security.

Copies of Mortgages to be entered in a Book,

and may be transferred.

in Three Calendar Months after the Date thereof; and that the ſaid Clerk or Clerks ſhall cauſe an Entry or Memorial thereof to be made, containing the Date of ſuch Aſſignment or Transfer, Names of the Parties thereto, and the Sum or Sums of Money therein mentioned to be aſſigned or transferred, in the ſaid Book or Books to be kept for entering the ſaid original Mortgages and Aſſignments, for which he or they ſhall be paid the Sum of Two Shillings and Sixpence, and no more; and that after ſuch Entry made, ſuch Aſſignment or Transfer ſhall intitle the Aſſignee or Aſſignees to the Benefit thereof and Payment thereon; and that every ſuch Aſſignee or Aſſignees ſhall and may, in like Manner, from Time to Time, aſſign or transfer; and all and every Perſon and Perſons to whom ſuch Mortgage, Transfer, or Aſſignment, ſhall be made as aforeſaid, ſhall be, in proportion to the Sum or Sums therein mentioned, Creditors on the ſaid Aſſeſſments, Rates, and Sums of Money, in equal Degree One with another, and ſhall have no Preference in reſpect to the Priority of advancing any ſuch Money; and that the ſaid Money, when borrowed, ſhall be applied for and towards the paying and defraying the Charges of paſſing this Act, and for and towards the paying and diſcharging of all and every of the ſaid Debts ſo contracted by the ſaid Commiſſioners as aforeſaid, with the Intereſt thereof, and to or for no other Uſe, Intent, or Purpoſe whatſoever.

Creditors deemed equal in Degree.

Rates to be liable to pay the Money borrowed.

XI. And it is hereby further enacted and declared, That the ſaid Rates, Taxes, and Sums of Money, by virtue hereof aſſeſſed upon the ſaid Lands, ſhall be charged and chargeable with and for the Payment of all and every ſuch Sum and Sums of Money ſo to be borrowed as aforeſaid, and the Intereſt thereof, and ſhall veſt in the reſpective Creditors, upon Default of Payment of ſuch principal Money and Intereſt, until the ſame ſhall be fully paid and ſatisfied, together with the Coſts and Charges occaſioned by the Nonpayment thereof; and the ſaid Creditors reſpectively, and their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall have the ſame Rights and Privileges of raiſing and recovering the Rates, Taxes, and Sums of Money, payable by the ſaid Owners or Occupiers of the ſaid Lands, for and in reſpect of ſuch principal Money and Intereſt, if Default ſhall be made in Payment thereof, as the ſaid Commiſſioners, or their Receiver or Receivers, could have had, in caſe the ſaid principal Money and Intereſt had been regularly paid.

This Act not to prejudice the Mortgages on the former Act.

XII. Provided, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to affect, impeach, or leſſen, any Right or Priority of Claim, which any Perſon or Perſons, who have advanced Money on the Credit of any former Act, now have upon the ſaid Lands in reſpect of ſuch Money ſo advanced; but that the ſaid Lands ſhall, in the firſt Place, be liable to the Rates and Taxes charged thereon by any former Act, and the Money borrowed thereon, any Thing herein contained to the Contrary notwithſtanding.

Writings to be without Stamps.

XIII. And it is hereby further enacted by the Authority aforeſaid, That no Mortgage, Aſſignment, Transfer, or other Security for borrowing Money, or Aſſignment of ſuch Mortgage or Security, or any Contract, Warrant, Judgement, or other Writing, in purſuence of or relating to the Execution of this Act, ſhall be charged with any Stamp-duty whatſoever.

Commiſſioners to appoint Clerks, &c.

XIV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, ſhall and may, and they are hereby impowered to appoint One or more Clerk or Clerks, Receiver or Receivers, of the ſaid Aſſeſſments, Taxes, Rates, and Sums of Money, with ſuch reaſonable Salaries as they ſhall think proper; and ſhall and may, from Time to Time, remove any ſuch Clerks or Receivers, and appoint others in the Room of ſuch of them as ſhall be ſo removed, or ſhall die; and that every Receiver ſo to be appointed as aforeſaid, before he ſhall act in the Execution of his Office, ſhall give ſuch Security to the ſaid Commiſſioners for the due Execution thereof as the ſaid Commiſſioners, or any Seven or more, ſhall think proper; and that all and every ſuch Receiver or Receivers ſhall account, and produce to the ſaid Commiſſioners his or their Vouchers for all ſuch Sum or Sums of Money as he or they ſhall receive or pay, by virtue of his or their ſaid Office or Offices, at their Firſt Meeting next after the Firſt Monday in July in every Year, and ſhall pay over the Balance of ſuch Accounts remaining in their Hands, if any ſuch there be, unto the ſaid Commiſſioners there aſſembled, or as they, or the major Part of them ſhall direct and appoint.

Receivers to give Security, and to account:

On Refuſal or Neglect to account, may be committed by a Juſtice.

XV. Provided, and it is hereby further enacted by the Authority aforeſaid, That if any ſuch Receiver or Receivers ſhall neglect or refuſe to account for any Sum or Sums of Money by him or them received in purſuance of this Act to the ſaid Commiſſioners, at their ſaid Firſt Meeting next after the Firſt Monday in July in every Year, and to pay over the Balance remaining in his or their Hands to the ſaid Commiſſioners there aſſembled, or as they ſhall appoint; then, and in either of the ſaid Caſes, it ſhall and may be lawful to and for Two or more Juſtices of the Peace of or for the Iſle of Ely, not intereſted, to enquire of and concerning ſuch Neglect or Refuſal; and if any ſuch Receiver or Receivers ſhall be convicted thereof, upon the Oath of One or more credible Witneſs or Witneſſes, then the ſaid Juſtices ſhall, upon ſuch Conviction, commit ſuch Receiver or Receivers to the Common Gaol of the ſaid Iſle, there to remain until he or they ſhall have made a full, true, and perfect Account, and Payment, as aforeſaid.

Rates to be entered in Books,

and Accounts of Receipts and Diſburſements.

XVI. And, to the End that it may appear clearly what is raiſed from Time to Time by virtue of the ſaid Aſſeſſments or Rates, and how the ſame have been applied, and that all Accounts relating to the Monies raiſed and diſburſed by virtue of this Act may be fairly examined; be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall order and cauſe a Book of Aſſeſſments to be made and kept, and all the Rates and Aſſeſſments made as aforeſaid under this Act to be fairly entered therein; and alſo a Book of Accounts to be made and kept, and an Account of all the Receipts and Diſburſements relating to all Monies received and diſburſed by virtue of this Act, to be fairly entered in the ſame; and that no Account ſhall be paſſed and allowed unleſs the ſame ſhall be kept and made up in ſuch Books as aforeſaid; and that Once in every Year, to wit, at their ſaid Firſt Meeting next after the Firſt Monday in July, they the ſaid Commiſſioners, aſſembled at ſuch Meeting, ſhall carefully inſpect and examine the Receipts and Diſburſements of all ſuch Monies as ſhall be received and diſburſed by virtue of this Act to the Twenty-fourth Day of June next before ſuch Meeting, and all Vouchers relating thereto; and that upon Inſpection and Examination of the ſaid Accounts, upon Oath, to be adminiſtered by any One or more of the ſaid Commiſſioners, which Oath any One or more of the ſaid Commiſſioners is and are hereby impowered to adminiſter, the ſaid Commiſſioners are hereby impowered and directed to allow and paſs the ſaid Accounts, or ſuch Part or Parts thereof as ſhall appear to them juſt and reaſonable; and the ſaid Accounts, or ſuch Part or Parts thereof as ſhall be ſo allowed by the ſaid Commiſſioners, under their Hands, ſhall be fairly entered in a Book or Books, to be kept for that Purpoſe by the ſaid Commiſſioners; which ſaid Book or Books ſhall and may be inſpected and peruſed, at all ſeaſonable Times, by any Owner or Owners of the ſaid Lands, or any Parts thereof.

Proceedings of Commiſſioners to be entered in Books, &c.

XVII. And be it further enacted by the Authority aforeſaid, That all Orders and Proceedings of the ſaid Commiſſioners, at their ſaid ſeveral Meetings, ſhall be entered in a Book or Books be kept for that Purpoſe; and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Commiſſioners then preſent, or the major Part of them; and that ſuch Orders ſo ſigned ſhall be deemed and taken to be original Orders, as fully and effectually as if the ſame were under the Hands and Seals of the ſaid Commiſſioners; and that ſuch Book or Books ſhall and may be inſpected and peruſed, at all ſeaſonable Times, by any Owner or Owners of the ſaid Lands, without Fee or Reward, and ſhall and may be produced and read in Evidence in all Caſes of Suits or Actions, touching any Thing done in purſuance and by the Authority of this Act.

Saving the Rights of the Company of Conſervators.

XVIII. Provided always, and it is hereby further enacted, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to invalidate, leſſen, diminiſh, alter, or take away, any of the Rights, Powers, or Authorities, veſted in the Governor, Bailiffs, or Commonalty, of the Company of Conſervators of the Great Level of the Fens, called Bedford Level, or in the ſaid Governor, Bailiffs, and Conſervators, by virtue of an Act, made in the Fifteenth Year of the Reign of King Charles the Second, (and intituled, An Act for ſettling the draining of the Great Level of the Fens, called *Bedford Level*), or by virtue of any other Act or Statute whatſoever; but that all Rights, Powers, and Authorities whatſoever, which by virtue of the ſaid Act of the Fifteenth of King Charles the Second, or of any other Act or Statute whatſoever, now are veſted in the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, and Conſervators, or any of them, ſhall for ever hereafter remain, continue, and be in the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, and Conſervators, and every of them, as fully and amply, to all Intents and Purpoſes, as if this Act had never been made.

Not to alter the Powers of the former Act.

XIX. Provided alſo, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to repeal, alter, or take away, any of the Clauſes, Powers, and Authorities, given by the ſaid former Act to the Commiſſioners acting by virtue and in purſuance thereof; but that every Clauſe, Power, and Authority, therein contained, ſhall remain and be in the ſame Force and Effect, as if this Act had never been.

Limitation of Actions.

XX. Provided alſo, and be it hereby further enacted by the Authority aforeſaid, That if any Action, Suit, or Information, ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing done, or to be done, in purſuance of this Act, or in the Execution of any of the Powers and Authorities hereby given, every ſuch Action, Suit, or Information, ſhall be commenced or proſecuted within Six Calendar Months next after the Fact committed, and not afterwards; and ſhall be laid or brought in the ſaid Iſle of Ely, or in the County of Cambridge, and not elſewhere; and the Defendant or Defendants, in ſuch Action or Suit, ſhall and may plead the General Iſſue, and if in Replevin juſtify and avow by virtue of this Act, as Perſons acting under and by Authority of Commiſſioners of Sewers are enabled to do; and ſhall and may, without ſpecially pleading the ſame, other than as aforeſaid, at any Trial to be had thereupon, give this Act, and the Special Matter, in Evidence, and that the ſame was done in purſuance and by Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time herein-before limited for bringing the ſame, or ſhall be brought or laid in any other County or Liberty than in the ſaid County of Cambridge, or in the Liberty of the ſaid Iſle of Ely, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff ſhall become nonſuit, or forbear Proſecution, or ſhall diſcontinue his, her, or their Action or Actions, Suit or Suits; or if any Verdict ſhall paſs, or upon Demurrer or otherwiſe, Judgement ſhall be given againſt the Plaintiff or Plaintiffs; then, and in any of the ſaid Caſes, the Defendant or Defendants, Avowant or Avowants, ſhall recover Treble Coſts, and have ſuch and the like Remedies for the ſame, as where Coſts by Law are awarded.

General Iſſue.

Treble Coſts.

Publick Act.

XXI. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed, taken, and allowed to be a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP. L.

An Act for better regulating the Poor, and repairing the Highways, within the Town and County of the Town of *Southampton*.

Preamble.

WHEREAS the Poor of the Town and County of the Town of *Southampton* are very numerous, and are maintained and ſupported at a great Expence, by the reſpective Pariſhes within the ſame: And whereas the uniting of the ſaid ſeveral Pariſhes, for the Purpoſes and in the Manner herein-after mentioned, and the granting of proper Powers for the better Government, Employment, and Regulation of the Poor therein, and the providing a Place for their general Reception, will tend more effectually to their Aſſiſtance and Relief, and be alſo of conſiderable Advantage to the Community, to which they have hitherto been only a heavy and grievous Burthen: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-three, the ſeveral Pariſhes within the ſaid Town and County of Southampton, and Liberties thereof, ſhall be for ever united into One Diſtrict, for the Purpoſe of maintaining, relieving, and employing, the Poor of the ſaid ſeveral Pariſhes; and that, from and after the ſaid Twenty-fourth Day of June, there be and ſhall be a Corporation of Guardians, to continue for ever, within the ſaid Diſtrict, to whom the Care and Management of the Poor of the ſaid ſeveral Pariſhes ſhall be committed; which Corporation ſhall conſiſt of the ſeveral Perſons hereafter mentioned; that is to ſay, The Mayor and Bailiffs, Recorder, Three ſenior Aldermen, and reſident Juſtices of the Peace, of and for the ſaid Town and County for the Time being, and alſo Eighteen other of the moſt diſcreet Inhabitants of the ſaid Town and County, to be elected in Manner following, out of the ſaid ſeveral Pariſhes; (that is to ſay), Four for each of the Pariſhes of Holy Rhood, Saint Michael, and All Saints; and Two for each of the Pariſhes of Saint Lawrence, Saint John, and Saint Mary, all within the ſaid Town and County, or ſo many of ſuch Inhabitants as ſhall, from Time to Time, be ſo elected; ſhall be, and are hereby declared to be, incorporated by the Name of The Guardians of the Poor within the Town and County of the Town of *Southampton*; and ſhall for ever, in Name and Fact, be One Body Politick and Corporate in Law, to all Intents and Purpoſes; and ſhall have perpetual Succeſſion, and a Common Seal; and ſhall be and be called, Guardians of the Poor within the Town and County of the Town of *Southampton*; and ſhall be enabled to ſue and plead, and be ſued by that Name in all Courts and Places of Judicature within that Part of Great Britain called England; and by that Name ſhall and may, without Licence in Mortmain, purchaſe, take, or receive, any Lands, Tenements, or Hereditaments, of the Gift, Alienation, or Demiſe, of any Perſon or Perſons, for any Eſtate or Intereſt whatſoever; and ſuch Perſon or Perſons are hereby enabled to give, convey, or demiſe the ſame, and to give or bequeath any Money, Goods, and Chattels whatſoever, for the Uſe and Benefit of the Corporation aforeſaid; and by that Name the ſaid Corporation may and are hereby impowered to convey, aſſign, releaſe, transfer, or diſpoſe of, any of ſuch Lands, Tenements, or Hereditaments, Money, Goods, or Chattels, for the Benefit and Uſe of the ſaid Corporation, as there ſhall be Occaſion: And the ſaid Guardians ſhall have, and are hereby declared to have, Power and Authority, from Time to Time, at any Court or Aſſembly to be held in purſuance of this Act, to make and ordain ſuch Bye-laws, Rules, Ordinances, and Regulations, and alſo to vary, alter, change, or repeal the ſame, or any Part thereof, for the better governing ſuch Corporation, and the Maſter and Matron, and other Officers by them to be elected, and alſo the Poor which ſhall be under their Care, and for carrying on any Trade, Buſineſs, or Manufacture, that ſhall be ſet on Foot by ſuch Corporation for the Employment of the Poor, and other the Ends and Purpoſes of this Act, as by the major Part of the Guardians preſent at ſuch Court or Aſſembly ſhall be thought fit: And the ſaid Guardians ſhall cauſe to be provided and kept a Book or Books, wherein the ſeveral Courts or Aſſemblies, and the Names of the Guardians attending ſuch Courts, and the Nomination of all Officers and Perſons who ſhall be employed in the Execution of this Act, and all Bye-laws, Rules, Orders, Ordinances, and Regulations, of the ſaid Guardians at ſuch Court or Aſſembly, ſhall, from Time to Time, be fairly written, and entered by their Clerk, or by ſuch other Perſon as the Preſident for the Time being, at any ſuch Court or Aſſembly, (in caſe of the Abſence or Diſability of the Clerk), ſhall nominate or appoint; and the ſaid Guardians, or the major Part of them, preſent at ſuch Court or Aſſembly, ſhall ſubſcribe their Names at the End of the Proceedings of every ſuch Court; and all ſuch Entries and Proceedings, ſo ſigned, ſhall be deemed Originals, and ſhall be admitted to be read as Evidence in all Cauſes, Suits, and Actions, touching any Thing done in purſuance of or by the Authority of this Act; and all ſuch Books ſhall, at every ſuch Court, be liable to the Inſpection of any Perſon rated, and paying to the Rates, which ſhall be made in purſuance or by virtue of this Act.

The ſeveral Pariſhes of *Southampton* united into One Diſtrict, &c.

Perſons who are to be elected Members of the Corporation.

Name of the Guardians incorporated;

who are by that Name impowered to purchaſe and receive Eſtates,

and transfer the ſame.

II. Provided always, That no Bye-law, Rule, Order, Ordinance, or Regulation, made by the Guardians as aforeſaid, ſhall be revoked, varied, altered, changed, or repealed, unleſs the Guardians preſent, and concurring to revoke, vary, alter, change, or repeal the ſame, ſhall exceed in Number the Guardians who were preſent, and concurred in making ſuch Bye-laws, Rules, Orders, Ordinance, or Regulation.

Proviſo.

III. And be it further enacted by the Authority aforeſaid, That on the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-three, between the Hours of Two and Six in the Afternoon, the Churchwardens and Overſeers for the Time being, or ſome or One of them, (and in the Pariſh where there ſhall be no Churchwarden, the Overſeers, or ſome or One of them), and alſo ſuch of the Inhabitants of the ſaid ſeveral Pariſhes as now are or hereafter ſhall be rated towards the Relief of the Poor of the ſaid Pariſhes reſpectively, ſhall and may, and they are hereby required to meet in the Veſtry-room of their reſpective Pariſhes, or in the Place or Places where the Buſineſs of the ſaid Pariſhes is uſually done; and the ſaid Churchwardens, Overſeers, and Inhabitants, ſo met and aſſembled, or the major Part of them, and in Default of any other Inhabitants, then the ſaid Churchwardens and Overſeers, or ſuch One or more of them as ſhall be preſent, ſhall then and there, and they are hereby required to nominate, chuſe, and appoint, the ſaid reſpective Numbers of the moſt diſcreet Inhabitants (qualified as herein-after mentioned) to repreſent each ſuch Pariſh, to be joined with the ſaid Mayor, Bailiffs, Recorder, and Three ſenior Aldermen and Juſtices, and to act as Guardians

First Meeting for the Election of Guardians.

Manner of Election.

of

How Guardians may be choſen in caſe of Diſputes.

Churchwardens, *&c.* to give Notice to Perſons elected, and of the Firſt Meeting.

Churchwardens, *&c.* neglecting to elect, Juſtices to nominate them.

of the Poor of the ſaid Town and County, who ſhall ſeverally continue in, and execute ſuch Office, until others ſhall be choſen in their Places, at the Times herein-after mentioned; and that the next Election, and alſo all future Elections of ſuch Guardians, ſhall be on Tueſday in Eaſter Week, yearly for ever: And in caſe any Perſon ſo elected Guardian ſhall die, or remove or depart out of or from the ſaid Diſtrict before the Expiration of his Office; then it ſhall be lawful for the ſaid Churchwardens and Overſeers, or ſome or One of them, and the Inhabitants of the Pariſh for which ſuch Perſon was elected, and they are hereby required, within the Space of Sixteen Days, to meet in the Church or other Place aforeſaid, and, from Time to Time, to elect ſome other Perſon in his Stead, to ſerve the Remainder of the Year; but Four Days Notice at the leaſt ſhall be given in the ſaid Pariſh by the Pariſh Clerk, or other Perſon officiating as ſuch, on the Sunday next preceding ſuch Day of Election, of the Day and Time of ſuch eventual Election: And if any Diſpute ſhall ariſe at any ſuch Meetings touching the Perſons ſo to be nominated, choſen, and elected, and any Two of the ſaid Inhabitants there preſent ſhall demand a Ballot for ſuch Nomination and Election, that then the ſame ſhall be made by Ballot, and the Names of the Perſons to be firſt elected, and alſo the Names of the Perſons to be annually or eventually elected in Manner aforeſaid, ſhall be entered in the Church Book of every ſuch Pariſh, and a Copy thereof ſhall be returned by the reſpective Churchwardens or Overſeers, or ſome or One of them, in Writing, under his or their Hands, to the Guardians, at their Firſt Meeting next after ſuch Elections reſpectively: And the ſaid Churchwardens and Overſeers, or ſome or One of them, ſhall and are hereby required, within Three Days next after ſuch firſt Election, to give to the Perſons ſo elected Guardians, ſeverally, or cauſe to be left at their ſeveral Places of Abode, a Notice in Writing, under the Hands of the ſaid Churchwardens and Overſeers, or ſome or One of them, ſignifying that ſuch Perſons have been ſo elected Guardians; and alſo ſignifying the Time and Place hereby appointed for the Firſt Meeting of the ſaid Guardians to carry this Act into Execution: And if the ſaid Churchwardens and Overſeers, or ſome or One of them, and the ſaid Inhabitants of any of the ſaid Pariſhes, ſhall refuſe or neglect to chuſe Guardians as aforeſaid, or having elected them, no Return ſhall be made at the ſeveral Times, and according to the Manner in this Act ſpecified and directed; then it ſhall and may be lawful for Two Juſtices of the Peace of and for the ſaid Town and County, and they are hereby required, by Warrant under their Hands and Seals, to appoint ſuch a Number of the ableſt and moſt diſcreet Inhabitants of each reſpective Pariſh as is herein-before directed, to be choſen for the ſame, to be the Guardians of ſuch reſpective Pariſh refuſing or neglecting to chuſe Guardians as aforeſaid.

Qualification of Guardians.

IV. Provided alſo, and be it further enacted, That no Perſon ſhall be capable of being elected or appointed, or of acting as a Guardian under this Act, for the ſaid Pariſh of Saint Mary, unleſs he ſhall be reſident, and in the Poſſeſſion or Occupation of an Eſtate therein of the yearly Rent or Value of Ten Pounds or upwards, and for which Eſtate he ſhall be rated and pay towards the Relief of the Poor of the ſaid Pariſh; and no Perſon ſhall be capable of being elected, or of acting as a Guardian for either of the other Pariſhes herein-before named, unleſs he ſhall be reſident, and in the Poſſeſſion or Occupation of an Eſtate in the Pariſh for which he ſhall be ſo elected of the yearly Rent or Value of Twenty Pounds or upwards, and for which Eſtate he ſhall be rated and pay towards the Relief of the Poor of the Pariſh for which he ſhall be ſo elected Guardian.

After *June* 24, 1778, Qualifications in point of Eſtate may be reduced by Guardians.

V. And whereas the yearly Rent or Value of Houſes, Lands, and other Property, rateable to the Relief of the Poor of the ſaid ſeveral Pariſhes, hath of late Years very much increaſed, but may hereafter fall and decreaſe, whereby the Choice of Guardians, qualified as aforeſaid, may with Difficulty be made, and Perſons in other Reſpects qualified for that Office may be excluded; for Remedy whereof, be it enacted by the Authority aforeſaid, That from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-eight, it ſhall and may be lawful to and for the ſaid Guardians, or the Majority of them, (ſuch Majority to conſiſt of Eleven Guardians at the leaſt), at any or either of the ſaid Courts, to aſcertain and fix the yearly Rent or Value of the Eſtate, in reſpect whereof every ſuch Guardian ſhall be eligible, and ſo from Time to Time from thenceforth to reduce ſuch Qualification by Eſtate, as they ſhall judge the ſame to be proper and expedient.

Qualification for *St. Mary* to be reduced not lower than 8 *l. per Ann.* and other Pariſhes not leſs than 12 *l.*

VI. Provided always, That nothing herein contained ſhall extend to authoriſe the ſaid Guardians, at any Time, to reduce the Qualification in Point of Eſtate, of any Guardian for the ſaid Pariſh of Saint Mary, lower than the yearly Rent or Value of Eight Pounds, nor lower than Twelve Pounds for any or either of the other Pariſhes by this Act united.

The original Inſtitution of *St. John's Hoſpital* recited.

VII. And whereas in and by a certain Indenture tripartite, bearing Date the Fourth Day of *June*, which was, in the Year of our Lord One thouſand ſix hundred and ſeventy-three, inrolled in the High Court of Chancery the Twentieth Day of *Auguſt* following, and made between thr Mayor, Bailiffs, and Burgeſſes, of the Town and County of the Town of *Southampton* of the Firſt Part, *Major Dunch* of *Baddeſley* in the County of *Southampton*, Eſquire, (Son and Heir and Adminiſtrator with the Will annexed of *John Dunch*, then late of *Baddeſley* aforeſaid, Eſquire, deceaſed) of the Second Part, and *John Stepto* of the ſaid Town and County of *Southampton* Clothier, *Francis Ludwell*, *William Hickman*, *John Smith*, *William Scammel*, *Philip Warton*, and *James Burrell*, poor Children of the ſaid Town and County of *Southampton*, of the Third Part, in purſuance of the Will of *John Major*, and of a decretal Order of the High Court of Chancery, in the ſaid Indenture recited, the ſaid Mayor, Bailiffs, and Burgeſſes, did erect, found, and eſtabliſh, a Meſſuage, with the Appurtenances, then in the Poſſeſſion of the ſaid Mayor, Bailiffs, and Burgeſſes, ſituate in a certain Place within the Pariſh of *Saint John*, in the ſaid Town of *Southampton*, in a Street there called *French Street*, for an Hoſpital, to have Continuance for ever, and did limit, aſſign, and appoint, that the ſaid Hoſpital, and the ſaid poor Children therein placed, ſhould from thenceforth be incorporated by the Name of *The Warden and poor Children of the Hoſpital of Saint John Baptiſt*, founded by the ſaid Mayor, Bailiffs, and Burgeſſes, and by *John Major*

Eſquire; and that it ſhould be lawful for the ſaid Mayor, Bailiffs, and Burgeſſes, and their Succeſſors, upon the Death or removing of the Warden, or any of the ſaid poor Children, (except One poor Boy only, who was to be, from Time to Time, placed therein, and removed from thence, by the ſaid *Major Dunch*, and his Heirs), to place, from Time to Time, One other Warden, and ſuch other poor Boys, in the Room of him or them that ſhould die or be removed ſucceſſively for ever: And the ſaid Mayor, Bailiffs, and Burgeſſes, and the ſaid *Major Dunch*, being thoſe who founded and agreed to endow the ſaid Hoſpital, did thereby conſtitute, limit, and appoint, That the Mayor and Bailiffs, and the Recorder, and Three ſenior Aldermen, of the ſaid Town and County for the Time being, and the ſaid *Major Dunch*, and his Heirs, for ever, ſhould be the perpetual Viſitors of the ſaid Hoſpital; and that the ſame ſhould be always uſed for a Workhouſe, and for the ſetting of poor People on Work therein, and that any other poor People in the ſaid Town of *Southampton*, over and beſides the ſaid poor Children for the Time being, ſhould and might be ſet on Work therein, in ſuch Manner as the ſaid Viſitors of the ſaid Hoſpital for the Time being, or the major Part of them, ſhould direct and appoint: And the ſaid *Major Dunch* being obliged to lay out the Sum of Seven hundred and twenty-eight Pounds in the Purchaſe of Lands, Rents, or Hereditaments, for the Endowment of the ſaid Hoſpital, the ſaid Mayor, Bailiffs, and Burgeſſes, by another Indenture, bearing Date the Twentieth Day of *Auguſt*, which was in the Year of our Lord One thouſand ſix hundred and ſeventy-three, inrolled in the High Court of Chancery the Tenth Day of *September* following, in conſideration of Seven hundred and twenty-eight Pounds paid to them by the ſaid *Major Dunch*, did grant and confirm a clear Annuity or Rent Charge of Forty Pounds by the Year, out of the ſeveral Meſſuages, Lands, Tenements, and Hereditaments, belonging to them the ſaid Mayor, Bailiffs, and Burgeſſes, therein particularly deſcribed, to be paid to the Warden and poor Children of the ſaid Hoſpital for the Time being, for ever, in Truſt, that the poor Boy for the Time being, placed, and to be placed, in the ſaid Hoſpital by the ſaid *Major Dunch*, and his Heirs, ſhould receive thereout the clear yearly Sum of Four Pounds for and towards the Maintenance of the ſaid poor Boy; and alſo that the ſaid poor Boy for the Time being ſhould further, yearly, out of ſome other Parts of the ſaid yearly Rent, have his teaching, waſhing, and lodging, provided for him in the ſaid Hoſpital; and that the Reſidue of the ſaid yearly Rent ſhould, for ever, yearly, be employed for and towards the Payment of a yearly Salary to the Warden of the ſaid Hoſpital, for his Pains in governing and teaching the ſaid Boy, and other Five poor Children for the Time being, and alſo for and towards the Maintenance of the ſaid other Five poor Children, and for the ſetting of Poor on Work in the ſaid Hoſpital, and other Neceſſaries and Charges, for the better Support and Continuance of the ſaid Hoſpital and Charity, in ſuch Manner and Form as the Viſitors of the ſaid Hoſpital for the Time being, or the major Part of them, ſhould, from Time to Time, direct and appoint, according to the true Intent and Meaning of the ſaid recited Indenture tripartite, made for the Incorporation of the ſaid Hoſpital as aforeſaid, and of the ſaid recited Decree: And whereas the ſaid Hoſpital is a ſpacious Building, and capable of receiving the general Poor of the ſaid Town, and the major Part of the Viſitors of the ſaid Hoſpital, and alſo the Warden thereof, and the poor Children now being therein, are deſirous that the ſaid Hoſpital may be uſed as a Workhouſe for the Poor within the Diſtrict hereby united; and that the ſaid Annuity or Rent Charge of Forty Pounds by the Year, (except ſo much thereof as ſhall be neceſſary for the maintaining and providing for the ſaid One poor Boy, to be placed therein by the Heirs of the ſaid *Major Dunch*, and alſo ſo much thereof as the Guardians hereby conſtituted ſhall, at any of their Courts or Aſſemblies, think reaſonable and proper to be allowed for teaching the ſaid Six Boys as aforeſaid), may be applied to the Purpoſes of this Act; **be it therefore further enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of** June, **One thouſand ſeven hundred and ſeventy-three, the ſaid Meſſuage or Tenement in** French Street, **called** Saint John's Hoſpital, **with the Appurtenances, and alſo the ſaid Annuity or Rent Charge of Forty Pounds by the Year, be and are, and from and after the ſaid Twenty-fourth Day of** June **ſhall be, ſettled and veſted in the Corporation of Guardians hereby conſtituted, to have and to hold the ſaid Meſſuage called** Saint John's Hoſpital, **with the Appurtenances, unto the ſaid Corporation of Guardians, and their Succeſſors, for ever, to be by them uſed and employed as a Workhouſe for the Habitation and Employment of the Poor within the ſaid Diſtrict; and to have and to hold the ſaid Rent Charge of Forty Pounds** per Annum **unto the ſaid Corporation of Guardians, and their Succeſſors, for ever, by them to be paid and applied for the Purpoſes of this Act, in Aid of the Aſſeſſments herein-after mentioned, as far as the ſame will extend, without Prejudice to the Rights and Intereſts of the ſaid Six poor Children for the Time being, according to the true Intent and Meaning of the ſaid ſeveral Indentures of the Fourth Day of** June **and Twentieth Day of** Auguſt: **Provided always, That nothing herein contained ſhall extend to annihilate or defeat the Proviſions made, or intended to be made, by the ſaid ſeveral Indentures of the Fourth Day of** June **and Twentieth Day of** Auguſt, **for and for the Benefit of the ſaid Six poor Boys; but that the ſaid Mayor, Bailiffs, and Burgeſſes, and alſo the Heirs of the ſaid** Major Dunch, **ſhall and may, from Time to Time, for ever hereafter, nominate and place in the ſaid Houſe Six poor Boys of the ſaid Town, and remove and diſplace them; and ſhall and may have and exerciſe the like viſitorial Power over and for the Benefit of the ſaid poor Boys, in ſuch and the ſame Manner as they might have done if this Act had not been made, and ſo as that the ſaid poor Boys ſhall and may have and receive the like Proportion and Allowance out of the ſaid Forty Pounds** per Annum, **for their Maintenance, Education, and Apprenticeſhip; and alſo ſuch Rooms and Accommodations in the ſaid Houſe, as are in and by the before-recited Indentures provided and eſtabliſhed for them.**

St. John's Hoſpital veſted in the Guardians for a Workhouſe;

and alſo the Annuity of 40*l. per Ann.*

VIII. **And be it further enacted, That as well the ſaid Guardians hereby appointed, as alſo the Guardians to be elected in Manner aforeſaid, or any Nine or more of them, ſhall meet on** Thurſday, **the Firſt Day of** July, **One thouſand ſeven hundred and ſeventy-three, in the Audit-houſe in the ſaid Town and County; and being ſo aſſembled, ſhall proceed to the Execution of this Act, and elect and conſtitute out of and from among**

Firſt Meeting of Guardians for electing Officers, themſelves, by the Votes of the major Part of them as ſhall be then preſent, the ſeveral Officers to act in, and as Part of, the ſaid Corporation, as follows; that is to ſay, One Deputy Preſident, and One or more Treaſurer or Treaſurers, and ſuch other nominal Officer and Officers, to continue until others ſhall be choſen in their Room, in ſuch Manner as is by this Act directed, and no longer: And that every ſuch Treaſurer ſhall, at the Time of his Election, or before the End of Thirty Days then next enſuing, give Security by Bond, with or without Sureties, as ſhall be directed by the Guardians, or the Majority of them, preſent at his Election, and unto ſuch Two of the ſaid Guardians, and in ſuch Penalty as ſhall in the like Manner be directed, with Condition for his well and truly accounting for all Monies that ſhall come to his Hands, and paying the ſame, from Time to Time, in ſuch Manner as ſhall be directed by the Guardians at their Meetings, or the Majority of them, during his Continuance in the Office of Treaſurer, by virtue of ſuch his Election, or any Re-election, and for his paying to his Succeſſor, when any new One ſhall be choſen, all ſuch Money as ſhall be in his Hands; and that no Bond ſhall be put in Suit but by the Order of the ſaid Guardians, preſent at a Meeting, or the major Part of them; nor ſhall any Suit to be brought thereupon be ſtayed, releaſed, or diſcharged, nor ſuch Bond delivered up or cancelled, but by ſuch Order; and that all Coſts of any ſuch Suit ſo to be brought or defended, by Order of the ſaid Guardians, preſent at a Meeting, or the major Part of them, ſhall be paid and defrayed out of the Monies to be by them raiſed by virtue of this Act; and that all Penalties, Coſts, and Sums of Money, to be recovered in any ſuch Suit or Action, ſhall be paid to the Treaſurer, to be applied to the Uſes and Purpoſes for which other Monies to be by them raiſed by virtue of this Act are to be paid and applied; and from and after ſuch Firſt Election of ſuch ſeveral Officers, the ſaid Guardians, or any Nine or more of them, ſhall and may, and they are hereby required, on the Monday next after Eaſter Tueſday in every Year, for ever, or within Ten Days next after ſuch Monday, to aſſemble in the ſaid Hoſpital, or in the Workhouſe for the Time being, appropriated to the Uſe of the ſaid Poor, or in ſuch other Place within the ſaid Diſtrict as the Preſident for the Time being ſhall appoint, and there elect and conſtitute, out of and from and amongſt the whole Number of the ſaid Corporation of Guardians for the Time being, One Deputy Preſident, and One or more Treaſurer or Treaſurers, and other Officers, as aforeſaid, to continue in their reſpective Offices for One Year, or until others ſhall be choſen, within the Time, and according to the Directions aforeſaid; and in caſe the ſaid Deputy Preſident, Treaſurer, or Officer, ſo choſen by and out of the ſaid Corporation of Guardians, or any or either of them, ſhall die, or remove or depart out of or from the ſaid Diſtrict, before the Expiration of his or their ſaid Office, it ſhall and may be lawful to and for the ſaid Guardians, or the major Part of them, aſſembled at either of their Courts, within Sixteen Days next afterwards, to elect other and others of the ſaid Corporation of Guardians in the Place of him or them ſo dying, removing, or departing, out of or from the ſaid Diſtrict, to hold the ſaid Offices reſpectively for the Remainder of the Term ſuch deceaſed or removing Officer would have held the ſame; and the ſaid Guardians, or the Majority of them, (ſuch Majority to conſiſt of Nine at the leaſt), are hereby authorized, for juſt Cauſe, at any ſpecial or other Court or Courts, to remove and diſplace any or either of the aforeſaid Officers out of his and their ſaid Offices, and thereupon to elect and conſtitute One or more fit Perſon or Perſons to ſupply the Office for the Time ſuch removed Perſon would have continued therein, in caſe he had not been removed.

Guardians to take the following Oath.

IX. Provided always, and be it further enacted, That the ſaid Guardians, before they, or any of them, ſhall take upon him or themſelves the Execution of any of the Powers or Authorities hereby given to him or them, (other than the adminiſtering the Oath following to one another), ſhall ſeverally take the Oath following; (that is to ſay),

The Oath.

I *A. B.* do ſwear, That I will truly and faithfully execute the Office of a Guardian of the Poor of the Town and County of the Town of *Southampton*, according to the beſt of my Skill and Knowledge; and that, in making all Aſſeſſments and Poors Rates, I will act without Favour or Affection, and without any View of receiving any private Advantage, directly or indirectly.

Which Oath the ſaid Guardians, or any One or more of them, is and are hereby required and impowered to adminiſter at their Firſt Meeting or Court, or at any ſubſequent Meeting or Court to be from Time to Time had and held in purſuance of this Act.

Penalties on Guardians refuſing the Office.

X. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons inhabiting within the ſaid Diſtrict, (other than the ſaid Mayor, Bailiffs, Recorder, and Three ſenior Aldermen, and reſident Juſtices for the Time being), ſhall be duly qualified, elected, and conſtituted, into the Truſt or Office of a Guardian, Preſident, Treaſurer, or of any other nominal Office of and belonging to the ſaid Corporation, by virtue of and according to the Tenor of this Act; and ſhall, after Ten Days Notice thereof in Writing, ſigned by the Preſident, or any Three Guardians for the Time being of the ſaid Corporation, and delivered to him or them, or left at his or their own Houſe or Houſes, or Place or Places of Abode, wilfully and obſtinately, and without reaſonable Cauſe to be by him or them ſhewn, and to be approved of by the ſaid Corporation, or the Majority thereof, preſent at their next Court, to be held after the Expiration of ſuch Ten Days, refuſe or neglect to accept of and take upon him or them ſuch Truſt or Office, or ſhall refuſe or neglect to act in ſuch Truſt or Office from Time to Time, for and during the Time mentioned for that Purpoſe in this preſent Act, and as the Duty of ſuch Truſt or Office may require; then, and in either or any of ſuch Caſes, all and every ſuch Perſon and Perſons, ſo refuſing or neglecting as aforeſaid, ſhall reſpectively forfeit and pay to the Uſe of the ſaid Corporation the Sum of Ten Pounds; and in caſe of any ſuch Refuſal or Neglect to accept any ſuch Truſt or Office, or to act therein as aforeſaid, ſome other qualified or fit Perſon or Perſons ſhall, with all convenient Speed, be duly, and according to the Directions of this Act, elected and conſtituted as in the firſt Inſtance, in the Stead of him or them ſo refuſing or neglecting as aforeſaid.

XI. Provided nevertheleſs, That no Perſon ſhall be compellable to ſerve in the ſaid Office of Guardian for any Pariſh within the ſaid Diſtrict Two Years together, or be liable to any Fine or Penalty for his refuſing to ſerve Two Years together.

No Penalty for refuſing to ſerve Two Years together.

XII. Provided alſo, That no Perſon to be choſen out of any of the ſaid Pariſhes ſhall be capable of acting as a Guardian for any longer Term than Two Years ſucceſſively; and if any Perſon ſo choſen ſhall act as a Guardian for any longer Term than Two Years ſucceſſively, he ſhall forfeit and pay the Sum of Five Pounds.

5*l*. Penalty on Guardians ſerving more than Two Years.

XIII. And be it further enacted by the Authority aforeſaid, That the ſaid Guardians for the Time being ſhall have Power, and are hereby required, upon the Firſt Monday in every Calendar Month in the Year, to hold and keep a Court or Aſſembly in ſome convenient Place within the ſaid Hoſpital or Workhouſe, or the Workhouſe for the Time being, or in ſome other convenient Place within the ſaid Diſtrict, and that at every ſuch Court or Aſſembly, as alſo of every other Court or Aſſembly to be held in purſuance of this Act, the Mayor of the ſaid Town and County for the Time being, if preſent, ſhall be, and is hereby conſtituted Preſident.

Guardians to hold monthly Courts.

XIV. And be it further enacted by the Authority aforeſaid, That at every ſuch Court or Aſſembly there ſhall be preſent the ſaid Mayor, the ſaid Deputy Preſident for the Time being, or One of them, and alſo Six other Guardians at leaſt, to conſtitute the ſaid Court or Aſſembly; and in caſe the ſaid Mayor, and Deputy Preſident for the Time being, or One of them, cannot be preſent at any ſuch Court or Aſſembly, the Guardians who ſhall be ſo aſſembled, not being leſs than Seven, are hereby impowered to appoint any One Member of their Body to act as Preſident at ſuch Court or Aſſembly from which the ſaid Mayor and Deputy Preſident ſhall be abſent; and the ſaid Guardians, ſo aſſembled as aforeſaid, are hereby impowered to adjourn themſelves to any other Time and Place as they ſhall think convenient; and the ſaid Preſident for the Time being ſhall have, and hath hereby Power and Authority, at ſuch other Time and Times as to him ſhall ſeem meet, to ſummon, aſſemble, and hold a Court or Aſſembly of the ſaid Corporation, upon Three Days Notice or Warning of ſuch Aſſembly to be holden; and in caſe any Five of the ſaid Guardians ſhall ſignify under their Hands to the Preſident for the Time being their Deſire that an extraordinary Court or Aſſembly of the ſaid Corporation may be called and held, the ſaid Preſident is hereby enjoined and required to call and hold ſuch Court or Aſſembly at ſuch Times as the ſaid Five Guardians ſhall deſire; and in caſe of an Equality of Voices on any Tranſaction, at any Court to be held in purſuance of this Act, including the Voice of the Preſident for the Time being, the Perſon ſo preſiding ſhall have another, and the caſting Voice; and the Preſident, or Deputy Preſident, and Guardians, at any ſuch Court or Aſſembly, are hereby impowered to ſummon to appear before them any of the Inhabitants of the ſeveral Pariſhes, to anſwer to all Matters relating to the Property and Effects of the ſaid Corporation, or the Behaviour of the ſaid Poor, or of the Officers appointed to take Care of them, or any other Matters relating to the Management of the Poor of the ſaid Corporation; and ſuch Inhabitants are hereby required to appear upon ſuch Summons, and to anſwer to all Queſtions (upon Oath) as ſhall be put to them, relating to the Matters aforeſaid, by the ſaid Preſident, Deputy Preſident, or any of the Guardians ſo aſſembled, as aforeſaid, on Pain of forfeiting any Sum not exceeding Forty Shillings for every ſuch Default; which Oath the Preſident, or Deputy Preſident, ſhall have and hath hereby Power to adminiſter: And all and every the Guardians by this Act conſtituted, are hereby required to give due and regular and conſtant Attendance at all and every the ſaid Courts; and in caſe either of the ſaid Guardians, to be elected in Manner aforeſaid, having Notice of the Time and Place of holding any or either of the ſaid Courts, ſhall abſent himſelf therefrom without reaſonable Cauſe, to be allowed at ſome ſubſequent Court by the Majority of the Guardians then preſent, he ſhall forfeit to the Uſe of the ſaid Corporation the Sum of One Shilling; and if he ſhall abſent himſelf Twice ſucceſſively, the Sum of Two Shillings and Sixpence, and if Three Times ſucceſſively, the Sum of Five Shillings; and in caſe either of the ſaid Guardians preſent at ſuch Court ſhall depart the ſame without the Permiſſion of the Preſident, or Deputy Preſident for the Time being, he ſhall forfeit and pay to the Uſe of the ſaid Corporation the Sum of Five Shillings.

No Court can be held unleſs the Preſident and Six Guardians at leaſt be preſent.

Penalty on Guardians for Nonattendance.

XV. And be it further enacted by the Authority aforeſaid, That the ſaid Guardians, or any Nine or more of them, ſhall, and hereby have Power and Authority, in any of their ſaid Courts or Aſſemblies, to nominate, appoint, and employ, from Time to Time, ſuch Perſon and Perſons as they ſhall think proper, to be and officiate as Clerk, Aſſiſtant, Maſter, Matron, Beadle, or Porter, or in any other Office or Place which ſhall be thought needful by the ſaid Guardians; and, from Time to Time, to remove and diſplace ſuch Perſon or Perſons as they ſhall find Cauſe; and upon the Death or Removal of them, or any of them, to chuſe others in their Place, and to make, pay, and allow, out of the Stock of the ſaid Corporation, and the Rates to be levied as herein-after mentioned, ſuch reaſonable Salary and Allowance to any ſuch Clerk, or other Officer or Perſon, as the ſaid Guardians, or any Nine or more of them, ſhall think fit.

Guardians to appoint inferior Officers,

and remove them and appoint others.

XVI. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Guardians, at either of their Courts, to be held under the Authority of this Act, and they are hereby required to contract with any Perſon or Perſons whatſoever to furniſh the ſaid Workhouſe, or the Workhouſe for the Time being, with Materials, Clothing, and Proviſions; but, previous thereto, Ten Days Notice of the Time and Place appointed by the ſaid Guardians to meet, and enter into ſuch Contract, ſhall be given in Writing, and ſigned by Three of them at the leaſt, and affixed upon ſome publick Place or Places within the ſaid Diſtrict, in order that any Perſon or Perſons, willing to ſupply ſuch Materials, Clothing, and Proviſion, may tender Propoſals for that Purpoſe; but

Guardians may contract for ſupplying Materials, *&c.*

but no Contract ſhall be made with any Perſon or Perſons but ſuch as ſhall make a Tender as aforeſaid, and neither of the ſaid Guardians who ſhall be concerned in any Tender ſhall be preſent at the Court when the ſaid Propoſals ſhall be examined, nor when any Order for ſuch Contract ſhall be made.

Power to borrow Money.

XVII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Guardians, from Time to Time, to borrow any Sum or Sums of Money, for the Purpoſes of this Act, not exceeding in the Whole the Sum of Three thouſand Pounds, at Intereſt, and to aſſign over by Writing, ſigned by Nine of the ſaid Guardians at the leaſt, under the common Seal of the ſaid Corporation, all or any Part of the Rates to be collected in the ſaid ſeveral Pariſhes, in purſuance of this Act, as a Security for the Repayment of the Principal and Intereſt ſo to be borrowed; and ſuch Securities may be, from Time to Time, aſſigned and transferred by Indorſement, or otherwiſe, without Stamps; and ſuch Aſſignments and Transfers ſhall intitle the Perſon to whom the ſame ſhall be made to all Principal and Intereſt Monies due, and to grow due, upon ſuch Securities.

St. John's Hoſpital to be fitted up.

XVIII. And, for the further better enabling the ſaid Guardians of the Poor to begin and carry on with Effect ſo pious and charitable a Work, be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Guardians, at their Firſt Meeting, or at any ſubſequent Court or Aſſembly to be holden before the ſaid Preſident, or Deputy Preſident, by the Votes of the major Part of ſuch of the Guardians as ſhall be then preſent, to order the ſaid Hoſpital, and the Rooms, Outhouſes, and Offices, thereunto belonging, to be repaired, fitted up, altered, or enlarged, for the better Accommodation of the ſaid Poor, or to contract with any Workman or Workmen for thoſe Purpoſes, the Charges and Expences whereof ſhall be provided for, defrayed, and paid, out of the Aſſeſſments to be made by virtue of this Act.

Guardians to hold Quarterly Courts.

XIX. And be it further enacted, That the ſaid Guardians hereby conſtituted, and alſo the Guardians to be elected as aforeſaid, ſhall, and are hereby authoriſed and required to hold Four General Quarterly Meetings in every Year, for ever, on the Four ſeveral Days following; (that is to ſay), On the Second Monday next after the Nativity of our Lord Chriſt, on the Second Monday next after Eaſter Tueſday, on the Second Monday next after the Nativity of Saint John the Baptiſt, and on the Second Monday next after the Feaſt of Saint Michael the Archangel; the Firſt of which ſaid Quarterly Meetings ſhall be held in the ſaid Hoſpital or Workhouſe, or at ſuch other Place as the Preſident for the Time being ſhall appoint, on the Second Monday next after the Feaſt of the Nativity of our Lord Chriſt next happening after the paſſing of this Act; and the ſaid Treaſurer or Treaſurers for the Time being ſhall perſonally attend at each of the ſaid Quarterly Courts, and then and there, and alſo at ſuch other Time or Times as the ſaid Guardians, or any Nine or more of them, ſhall order and direct, ſhall account on Oath (which Oath the ſaid Guardians, or any One or more of them, have hereby Power to tender and adminiſter) for all ſuch Sums of Money as ſhall be in or come to their reſpective Hands, and ſhall pay over, apply, and diſpoſe of, the Balance which ſhall, from Time to Time, be found to be due from them reſpectively, according to the Direction and Appointment of the ſaid Guardians; and the ſaid Guardians ſhall duly attend at ſuch Quarterly Courts, and receive and paſs ſuch Accounts accordingly; and in caſe any ſuch Treaſurer or Treaſurers ſhall wilfully neglect, or obſtinately refuſe, to attend to account as aforeſaid, or to pay over, apply, and diſpoſe of, ſuch Balance, or ſhall refuſe to verify the ſame, on his or their Oath, if thereunto required, ſuch Treaſurer or Treaſurers ſo offending ſhall forfeit and pay, to the Uſe of the ſaid Corporation, ſuch Sum of Money, not exceeding One hundred Pounds, and not leſs than Ten Pounds, as the Majority (ſuch Majority not being leſs than Nine) of the Guardians preſent at any or either of their ſaid Courts ſhall order and adjudge.

Treaſurer to attend Meetings.

Penalty for Neglect not leſs than 10 *l.* nor more than 100 *l.*

Rates to be levied from every Inhabitant, &c.

XX. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Guardians, (not being a Juſtice or Juſtices of the Peace of and for the ſaid Town and County), or any Nine or more of them, at the ſaid General Quarterly Meetings, or at any or either of them which ſhall be held as aforeſaid, to rate and aſſeſs, and with as much Equality and Indifference as poſſible, to raiſe by Taxation of every Inhabitant, Parſon, Vicar, and others, and of every Occupier or Renter of any Houſes, Lands, Tenements, Tithes impropriate, and Propriation of Tithes, within the ſaid Diſtrict, diſtinguiſhing each Pariſh, ſuch Sum and Sums of Money as they the ſaid Guardians ſhall think neceſſary for defraying the Expences of repairing, fitting up, altering, and enlarging, the ſaid Hoſpital, as aforeſaid, and keeping the ſame in Repair, (which they are hereby required to do), or for the purchaſing, erecting, repairing, or finiſhing, any other Workhouſe or Workhouſes, for the Purpoſes in this Act mentioned, and for paying the Intereſt of any Money to be by them borrowed, and for defraying the Expences of the current Quarter, and for and towards paying off and diſcharging the principal Money ſo to be borrowed: And the ſaid Guardians hereby conſtituted, and alſo the Guardians to be from Time to Time elected in Manner aforeſaid, are hereby required and authoriſed, at all and every the ſaid General Quarterly Meetings, to make the like Rates, Aſſeſſments, and Taxation, and for the like Purpoſes, as are herein-before expreſſed, if the ſaid Guardians ſo aſſembled ſhall judge the ſame to be neceſſary.

Guardians to certify the Rates to the Mayor, Recorder, and Juſtices.

XXI. And be it enacted by the Authority aforeſaid, That the ſeveral Rates and Aſſeſſments to be made, at the Times, and in Manner aforeſaid, ſhall be certified under the Hands of the major Part of the ſaid Guardians, preſent at the making the ſame, unto the Mayor, Recorder, and Juſtices of the Peace, for the Time being, of the Town and County of the Town of Southampton; which ſaid Mayor, Recorder, and Juſtices of the Peace, of and for the ſaid Town and County, or any Three or more of them, may, and are hereby required to grant and iſſue out their Warrants, under their Hands and Seals, to the reſpective Overſeers of the Poor of the ſeveral Pariſhes within the ſaid Town and County, and thereby to authoriſe and require them to publiſh ſuch Rates and Aſſeſſments in their reſpective Pariſh Churches, on the Sunday next after the Day of the Date of ſuch Warrant, in the ſame Manner as the Poors Rates are now by Law directed to be publiſhed, or have been uſually publiſhed, in the ſaid ſeveral Pariſhes, and to collect, gather, and receive, ſuch Rates or Aſſeſſments, within the Space of Forty Days after ſuch Publication, of the ſeveral Perſons and Inhabitants aforeſaid, within their ſaid Pariſhes; and when and as often as the Sums ſo aſſeſſed, or any Part of the ſame, ſhall be received, the Overſeers reſpectively ſhall, from Time to Time, pay the ſame to the Treaſurer of the ſaid Corporation for the Time being.

XXII. And be it further enacted by the Authority aforeſaid, That the ſaid Rates or Aſſeſſments ſhall be levied and recovered on the Perſons hereby directed to pay the ſame, in ſuch Manner as the Rates made for the Relief of the Poor are directed to be levied and recovered, by an Act paſſed in the Forty-third Year of the Reign of Queen Elizabeth, intituled, An Act for the Relief of the Poor, or by any ſubſequent Act or Acts relating to the Relief of the Poor; which ſaid ſeveral Methods of levying or recovering the ſaid Rates or Aſſeſſments for Relief of the Poor ſhall, and they are hereby declared to be the legal Methods and Ways of enforcing the Payments of the Rates or Aſſeſſments directed to be made in purſuance of this Act, as fully and effectually as if ſuch Rules and Methods were repeated and re-enacted in the Body of this preſent Act: And in caſe any Diſtreſs ſhall be taken, and Sale made, of the Goods of any Perſon for Nonpayment of any Sum of Money with which ſuch Perſon ſhall be rated and aſſeſſed by virtue of this Act; then, and in ſuch Caſe, the Overplus to be returned ſhall be only ſuch Overplus as ſhall remain after the Charges of Diſtreſs and Sale ſhall be deducted.

Rates to be levied as the Act of the 43d Eliz. and others, direct.

XXIII. And be it further enacted by the Authority aforeſaid, That, until the ſaid Hoſpital of Saint John, or ſome other Houſe or Building, ſhall be fitted up and repaired for the Reception of the ſaid Poor, according to the Power hereby given for that Purpoſe, every poor Perſon and Perſons, incapable of providing for him or herſelf within the ſaid Town and County, ſhall continue under the Government and Management of the Churchwardens and Overſeers of the Poor of his, her, or their Pariſh or Place, in the ſame Manner as he, ſhe, or they, now are, and be provided for accordingly.

Poor to be maintained as heretofore till the Hoſpital be fitted up.

XXIV. And whereas there are divers Houſes, and alſo Outhouſes and Offices thereto belonging, in the ſaid Town and County of the Town of *Southampton*, which are let out in ſeparate Apartments and diſtinct Tenements, and other Houſes are let ready-furniſhed to Lodgers, and divers Perſons have and let Tenements, built on Ground appurtenant to their principal Dwelling, to Strangers, and others, unable to pay the ſaid Aſſeſſment, or improper to be rated towards the ſame, whereby the Payment of the ſaid Rates or Aſſeſſments may by ſome of them be evaded, and a juſt Proportion and Contribution towards the Relief of the ſaid Poor, in reſpect of the Premiſes, may be defeated; for Remedy whereof, be it enacted by the Authority aforeſaid, That every Perſon, whether Landlord or Tenant, who ſhall let out his or her Houſe in ſeparate Apartments, or ready-furniſhed, to a Lodger or Lodgers, or have or let any ſuch Buildings as aforeſaid, ſhall, for the ſeveral Purpoſes of this Act, be deemed and taken to be the Occupier thereof; and ſuch Landlord or Landlords, Tenant or Tenants, or any or either of them, at the Diſcretion of the ſaid Guardians, may be rated or aſſeſſed accordingly, and ſhall be liable and ſubject to the Payment of the Sum ſo rated or aſſeſſed.

Landlords or Tenants letting out their Houſes in ſeparate Apartments, or ready-furniſhed, to be conſidered as Occupiers.

XXV. Provided always, That the Goods and Chattels of each and every Perſon renting or occupying any ſeparate Apartment in ſuch Houſe, or renting or occupying any ready-furniſhed, or any ſuch Tenements or Buildings as aforeſaid, ſhall be liable to be diſtrained and ſold for Payment of the ſaid Rate or Aſſeſſment; and that each and every Perſon who ſhall pay ſuch Rate or Aſſeſſment, ſo charged on his or her reſpective Landlord or Landlords, or upon whoſe Goods and Chattels the ſame ſhall be levied in purſuance of this Act, ſhall and may deduct the ſame out of the next Rent due and payable to his, her, or their, reſpective Landlord or Landlords ſo letting out the ſame, and the Receipt for ſuch Payment ſhall be a ſufficient Diſcharge to his or her ſaid Landlord or Landlords for ſo much Money as he or ſhe ſhall have ſo paid, or ſhall have been levied on his or her Goods and Chattels, in purſuance of this Act.

Goods of Perſons renting, *&c.* ſuch Tenements liable to the Rate,

and they may deduct the Sum out of their Rent.

XXVI. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to vacate or diſſolve any Leaſes or Contracts taken or made by the Churchwardens and Overſeers of the ſaid reſpective Pariſhes, for the Hire of any Houſe or Houſes for the Habitation of their Poor; but ſuch Leaſes and Contracts ſhall remain and be of the ſame Force and Effect, and continue for the ſame Times and Terms reſpectively, as they would have done if this Act had not been made; and the Rents, and Covenants and Agreements therein reſpectively reſerved and contained on the Part of the ſaid Churchwardens and Overſeers, or their Succeſſors reſpectively, ſhall, from and after the ſaid Hoſpital, or other Workhouſe, ſhall be fitted up for the Reception of the ſaid Poor, be paid and performed by the Corporation of Guardians hereby conſtituted, and the Expences thereof be provided for and defrayed out of the Rates and Aſſeſſments to be from Time to Time made for the Purpoſes of this Act; and then, and from thenceforth, the ſaid ſeveral Houſes ſhall veſt in the ſaid Corporation of Guardians, who may and ſhall, and are hereby authoriſed and required to demiſe and let the ſame for the Reſidue of the Time and Term to come therein reſpectively, at the beſt and moſt improved Rents; and to apply the Rents and Profits ſo to be made in Aid of the ſaid Aſſeſſments.

Not to extend to diſſolve Leaſes of any Houſes made by the Churchwardens, *&c.*

XXVII. Provided alſo, That in caſe the ſaid Guardians ſhall, at either of their ſaid Courts, think fit to purchaſe any other Houſe, or any Part thereof, in lieu of the ſaid Hoſpital, or to purchaſe any Piece or Parcel of Ground, and to build a Workhouſe thereon, for the better Accommodation of the ſaid Poor, and other the Purpoſes of this Act, it ſhall and may be lawful to and for the ſaid Guardians to purchaſe and build on the ſame accordingly; and then, and from thenceforth, the Houſe and Ground ſo to be purchaſed and built upon ſhall veſt in the Corporation of Guardians hereby appointed, and be had and held by them for ever for the Benefit of the ſaid Poor, and other the Purpoſes of this Act, in the ſame Manner as the ſaid Hoſpital of Saint John is hereby veſted in them; and from thenceforth alſo all and every the Powers, Privileges, and

Guardians impowered to purchaſe or build another Houſe in lieu of *St. John's Hoſpital*;

and thereupon to ſell the ſaid Hoſpital.

Authorities, by this Act granted and reſerved, in reſpect of the ſaid Hoſpital of Saint John, and the poor Boys therein placed, and the ſaid Annuity ſhall extend and have Relation to the Houſe or Houſes ſo to be purchaſed, as fully and effectually as if the ſame were here again repeated and re-enacted: And in caſe ſuch new Purchaſe ſhall be made, the ſaid Guardians ſhall and may have Power, and they are hereby authoriſed abſolutely to grant, ſell, and convey, the ſaid Meſſuage, called Saint John's Hoſpital, to any Perſon willing to purchaſe the ſame, and to apply the Money ariſing by ſuch Sale towards Payment of the Conſideration-money for ſuch Purchaſe, as aforeſaid, and other the Purpoſes of this Act; and, in the mean While, until ſuch Sale ſhall be made, the Rents and Profits of the ſaid Hoſpital ſhall be received and applied by the ſaid Guardians in ſuch and the ſame Manner as the ſaid Rates and Aſſeſſments are to be applied and diſpoſed of.

No Purchaſe may be made but on 14 Days previous Notice,

and 18 Guardians concur in the Reſolution.

Penalty on Churchwardens, &c. neglecting their Duty.

XXVIII. Provided alſo, That no ſuch Purchaſe, nor any Order or Reſolution for ſuch Purchaſe, ſhall be taken or made at either of the ſaid Courts, nor any Contract for the ſame, unleſs Fourteen Days Notice, at the leaſt, of the Time and Place of holding a Court for that Purpoſe, ſhall be ſigned by the Preſident and Three of the ſaid Guardians, and affixed up in ſome publick Place or Places within the ſaid Diſtrict, nor unleſs Eighteen Guardians at the leaſt ſhall be preſent at ſuch Court, and ſubſcribe their Names to ſuch Order or Reſolution: And in caſe any Overſeers, to whom any Warrant ſhall be directed as aforeſaid, ſhall neglect or refuſe to receive and obey the ſame, and to collect the Money thereby required to be raiſed by ſuch Taxation, and in all Reſpects before mentioned to enforce the raiſing thereof, and afterwards to pay over ſuch Money, when collected, unto the ſaid Treaſurer for the Time being; or if the ſaid Churchwardens and Overſeers, or any or either of them, ſhall neglect or refuſe to attend the ſaid Courts, or either of them, upon reaſonable Summons and Warning for that Purpoſe, or ſhall neglect or refuſe to attend at the Time and Place appointed for the annual or eventual Election of Guardians as aforeſaid, or, being preſent thereat, ſhall refuſe or neglect to give Notice to the Perſon or Perſons ſo elected, or to make ſuch Return in Writing of their being ſo elected, in the Manner herein-before ſpecified and required, every ſuch Churchwarden and Overſeer ſo offending in all, or any or either of the Matters aforeſaid, in the Judgement of the ſaid Guardians, at any or either of their ſaid Annual, Quarterly, Monthly, or Special Courts or Meetings, ſhall forfeit and pay, for each ſuch Offence, any Sum not exceeding Ten Pounds, nor leſs than Forty Shillings, for the Uſe of the ſaid Corporation; and, for want of ſuch Payment on Demand, made by Order of any ſuch Court, the ſame ſhall be levied by Diſtreſs and Sale of the Offender's Goods, in Manner hereafter directed as to the Recovery of pecuniary Penalties or Forfeitures.

Penalty on Collectors of Rates embezzing Money.

XXIX. And be it further enacted by the Authority aforeſaid, That in caſe any or either of the ſaid Churchwardens and Overſeers appointed to collect the ſaid Rates and Aſſeſſments ſhall, after he or they, or any of them, ſhall have ſo collected and received all or any of the Monies mentioned in ſuch Rates and Aſſeſſments, embezzle or expend the ſame, or ſhall refuſe or neglect to pay over the ſame Money, and to account to the ſaid Treaſurer of the ſaid Corporation, or to ſuch other Perſon as the ſaid Corporation ſhall direct, it ſhall be lawful for any One Juſtice of the ſaid Town and County, on Complaint thereof to him made by and on Oath of the ſaid Treaſurer, or either of the ſaid Guardians for the Time being, by Warrant under the Hand and Seal of ſuch Juſtice, (and who is hereby required to grant the ſame), to cauſe ſuch Money to be forthwith levied by Diſtreſs and Sale of the Goods and Chattels of every ſuch Perſon or Perſons, with the Coſts of ſuch Diſtreſs and Sale, to be allowed of by ſuch Juſtice; and in caſe no ſuch ſufficient Diſtreſs and Sale can be had and made, then, by ſuch like Warrant, to cauſe ſuch Perſon or Perſons ſo offending to be apprehended, and to commit him or them to the common Gaol of the ſaid Town and County, there to remain, without Bail or Mainprize, until he or they ſhall pay all ſuch Money and Charges, and ſhall account and conform according to the Effect of ſuch Warrant, and according to the Tenor of this Act, or have compounded for ſuch Money, which Compoſition the ſaid Guardians, or any Nine or more of them, are hereby impowered to make.

Proviſo.

XXX. Provided always, That no Rate or Aſſeſſment ſhall be made for the Relief of the Poor of the ſaid ſeveral Pariſhes, or of either of them, other than is in and by this Act directed.

County Rate to be paid as formerly.

XXXI. Provided further, That it ſhall and may be lawful for the ſaid Overſeers, and they are hereby required, out of the Monies to be by them collected as aforeſaid, to pay and diſcharge the annual Rate, commonly called The County Rate, in and for the ſaid Town and County, in ſuch and the ſame Manner as they have heretofore done, out of the Rates by them reſpectively made for the Relief of the Poor of the ſaid ſeveral Pariſhes; which Sum, ſo paid, ſhall be allowed to ſuch Overſeers, and deducted out of the Money by them to be received for the then current Quarter.

Rates under this Act liable to former Burdens.

XXXII. And be it further enacted by the Authority aforeſaid, That all and every Sum and Sums of Money, which, by any Law now in being, is and are directed to be paid out of the Rates collected for the Relief of the Poor, ſhall, from and after the paſſing of this Act, be paid out of, and remain a Charge upon, the Rates to be collected under and by virtue of this Act; any Thing in this or any former Act or Acts of Parliament to the Contrary notwithſtanding.

Charges of the Act how to be paid.

XXXIII. And be it further enacted by the Authority aforeſaid, That the Coſts and Expences of procuring this Act of Parliament ſhall be paid out of the Monies to ariſe by the Rates and Aſſeſſments aforeſaid, to be made in purſuance of this Act.

Guardians may purchaſe Proviſions and provide Materials for the Service of the Poor.

XXXIV. And be it further enacted by the Authority aforeſaid, That the ſaid Guardians ſhall, and hereby have full Power and Authority to purchaſe and provide ſuch Goods, Cattle, Chattels, Proviſions, Clothing, Utenſils, and Materials, by and out of the Money to be raiſed as herein-before mentioned, as ſhall by any of ſuch reſpective Courts be thought proper for the effectual ſetting to work, receiving, employing, maintaining, and clothing, of the Poor, under the Care and Power of the ſaid Guardians, of what Sex, Age, or Condition, ſoever they be; and that the ſaid Guardians ſhall have, and are hereby impowered to have, the Care of, and Power over, and ſhall provide for the Maintenance and Employ, and other Management according to this Act, of all the Poor in the ſeveral Pariſhes and Places in the ſaid Town and County of the Town of Southampton wanting or ſeeking Relief, and of ſuch other Poor who ſhall be taken and received into the ſaid Poor-houſe, or under the Care of the ſaid Guardians, purſuant to any Power hereby given, (except ſuch Poor of the ſaid ſeveral Pariſhes who ſhall be otherwiſe ſufficiently provided for in the Alms-houſes, or by the charitable Gifts of others, within the ſaid Town); and the ſaid Corporation of Guardians ſhall, and hereby have Power and Authority to receive, and to order and compel all and every idle and diſorderly Perſon and Perſons, who ſhall neglect or refuſe, or be unable to maintain himſelf, herſelf, or themſelves, or ſhall leave and deſert their Families, not being afterwards able to maintain themſelves, and alſo all the other People who ſhall beg, ſeek, or want Relief, for the Time being, and who ſhall belong to, and ought, according to this Act, or by any other Law in Force, to be relieved and provided for by any of the ſaid ſeveral Pariſhes within the ſaid Town and County of the Town of Southampton, to come into, work, dwell, and inhabit, in the ſaid Workhouſe, hereby veſted in, or any other ſuch Houſe as ſhall belong to, the ſaid Corporation for the Time being, by virtue of this Act; and to detain, keep, maintain, and employ, all ſuch reſpective poor Perſons therein, ſo long as it ſhall not appear to the ſaid Guardians, on the Part of any ſuch poor Perſons, that any of them reſpectively are of Ability, or can otherwiſe be ſufficiently maintained and provided for without the Aid and Proviſion of the ſaid Corporation; and to employ, ſet, and compel all ſuch Poor, who ſhall be ſo received, or come in to dwell and be in the ſaid Workhouſe, during ſuch their Abode or Reſidence there, and whilſt maintained by the ſaid Corporation, as aforeſaid, to do, execute, and perform ſuch Work, Labour, Buſineſs, and Employ, as the ſaid Guardians, or any Five or more of them, ſhall think and judge ſuch reſpective Poor are and ſhall be able and fit to do and perform, for the Uſe of the ſaid Corporation; and to detain and keep all ſuch idle and diſorderly Perſons, who ſhall have ſo deſerted, neglected, or refuſed, to maintain himſelf, herſelf, or themſelves, or his, her, or their Families, and to ſet each of them to work in ſuch Workhouſe, during ſuch Time as the ſaid Guardians ſhall think reaſonable.

Treaſurer, &c. to account on Oath for Money, Goods, &c. come to their Hands.

XXXV. And be it further enacted by the Authority aforeſaid, That the Treaſurer, and every other Officer and Perſon who ſhall belong to, or be employed by, the ſaid Corporation, ſhall, from Time to Time, account upon Oath to the ſaid Guardians, or to ſuch Perſon or Perſons as they, or any Nine or more of them, ſhall appoint, for all ſuch Sums of Money, Stock, Goods, and other Things whatſoever, belonging to the ſaid Corporation, which ſhall come to their reſpective Hands, or be under their reſpective Care, when thereunto required by the ſaid Guardians; and if, upon ſuch Account, as aforeſaid, there ſhall appear to be any Money, or other Thing, in his or their Hands, belonging to the ſaid Corporation, he or they ſhall pay and deliver the ſame as the ſaid Guardians ſhall direct, on Pain of forfeiting Double the Value thereof; and if the ſaid Treaſurer, or any other Officer or Perſon belonging to, or employed by, the ſaid Corporation, ſhall refuſe or neglect to account as aforeſaid, ſuch Perſon, ſo refuſing or neglecting, ſhall forfeit ſuch Sum or Sums of Money as the ſaid Guardians, or any Nine or more of them, aſſembled as aforeſaid, ſhall appoint, not exceeding One hundred Pounds.

Puniſhment of the Poor for embezzling Goods, &c or Miſbehaviour.

XXXVI. And be it further enacted by the Authority aforeſaid, That if any poor Perſon, maintained in the ſaid Workhouſe or Workhouſes belonging to the ſaid Diſtrict for the Time being, ſhall embezzle or purloin any Part of the Apparel provided for him, her, or them, or for any or either of the other Poor therein, or the Goods or Proviſions provided for, or belonging to, the ſaid Workhouſe, or any Materials for work; or be guilty of profane Curſing or Swearing, Drunkenneſs, or of any lewd, immoral, or indecent Behaviour; or refuſe to perform the Work or Service which he, ſhe, or they, ſhall be required to do, or ſhall be remiſs therein; it ſhall and may be lawful to and for the ſaid Guardians, or any Five or more of them, to cauſe ſuch Perſon or Perſons ſo offending to be puniſhed in ſuch Workhouſe, either by Confinement, Diſtinction in Dreſs, Diet, or ſuch other Method as may beſt tend to remedy ſuch Offences for the future.

Proviſions, Materials, &c. veſted in the Corporation,

XXXVII. And be it further enacted by the Authority aforeſaid, That all the Goods, Furniture, Proviſions, Clothes, Linen, and Wearing Apparel, Tools, Utenſils, and Materials whatſoever, to be from Time to Time had, brought, and procured, and in the Poſſeſſion, Uſe, and Employ, of the ſaid Corporation for the Time being, and alſo all Debts due to the Corporation for the Poor's Works, or otherwiſe, ſhall be, and are hereby abſolutely veſted in the ſaid Guardians, for the Uſe of the ſaid Corporation, who are hereby authoriſed and impowered, by their ſaid Name of Incorporation, to bring Actions for the Recovery thereof, or to prefer any Bill or Bills of Indictment, as the Caſe ſhall require, againſt any Perſon or Perſons, who ſhall ſteal, take, carry away, ſell, imbezzle, pawn, pledge, or wilfully deſtroy or ſpoil, any ſuch the aforeſaid Goods, Cattle, Chattels, Furniture, Proviſions, Clothes, Linen, Wearing Apparel, Tools, Utenſils, and Materials: And in caſe any Perſon or Perſons ſhall knowingly buy or receive, or cauſe to be bought or received, or ſhall otherwiſe take or get into his, her, or their Cuſtody or Power, any ſuch of the aforeſaid Goods, Cattle, Chattels, Furniture, Proviſions, Clothes, Linen, Wearing Apparel, Tools, Utenſils, and Materials whatſoever, before named, from or by Means or Contrivance of any of the Poor under the Care and Management of the ſaid Guardians, or from any other Perſon or Perſons, without the Privity and Conſent of the ſaid Guardians in ſome of their ſaid Courts; or ſhall knowingly receive, entertain, keep, or conceal, any of the ſaid Poor, under the Care of the ſaid Guardians, who ſhall have abſconded, eloped, or deſerted from the ſaid

who may bring Actions.

Workhouſe, without the Privity and Conſent of the ſaid Guardians; every ſuch Perſon or Perſons ſo offending, and being convicted of any of the Offences aforeſaid, on his or her own Confeſſion, in Writing, or upon the Oath of any One Witneſs, or upon the Oath of any ſuch poor Perſon, having ſo ſold, pawned, or delivered, any of ſuch Goods, Cattle, Chattels, Apparel, Proviſions, or Materials aforeſaid, or having ſo eloped as aforeſaid, before any One Juſtice of the Peace of the ſaid Town and County of the Town of Southampton, (which Oath any ſuch Juſtice hath hereby Power to adminiſter), ſhall forfeit and pay, for every ſuch Offence, the Sum of Five Pounds, for the Uſe of the ſaid Corporation; to be levied by Diſtreſs and Sale of the proper Goods, Cattle, and Chattels, of every ſuch Offender or Offenders, together with the Charges of ſuch Diſtreſs and Sale, by a Warrant for that Purpoſe, to be forthwith granted, under the Hand and Seal of ſuch Juſtice before whom any ſuch Conviction ſhall be made; and for want of ſufficient Diſtreſs it ſhall be lawful for the ſame, or any other Juſtice having Juriſdiction, by Warrant under his Hand and Seal, to apprehend any ſuch Offender or Offenders, and to commit him, her, or them, to the common Gaol of the ſaid Town and County, there to remain, without Bail or Mainprize, until Payment of each ſuch Penalty, with the Charges of Recovery thereof, to be fixed by ſuch Juſtice, or until ſuch Perſons ſhall have compounded for the ſame, and paid ſuch Compoſition; which Compoſition the ſaid Guardians, or any Five or more of them, are hereby impowered to make; and each or any of ſuch Convictions, and alſo all and every other Convictions, for any Penalties whatſoever, in purſuance of this Act, and relating to the ſaid Corporation in any wiſe, ſhall be drawn up by the Juſtice or Juſtices, or other Perſon or Perſons impowered to determine the Caſe and Offence, in the following Manner, or in Words to the ſame Effect, and ſhall not be quaſhed or vacated, or any Advantage taken thereof, for want of Form.

Town and County of the Town of Southampton.

Form of Conviction.

BE it remembered, That on the Day of in the Year of His Majeſty's Reign, is (*or* are) convicted before in the Sum of for (*ſpecifying the Offence and Facts, as the Caſe ſhall be.*) Given under Hand and Seal, (*or* Hands and Seals), the Day and Year aforeſaid.

Guardians impowered to apprehend Vagrants and idle Perſons, and to commit them to the Workhouſe.

XXXVIII. And be it further enacted by the Authority aforeſaid, That the ſaid Corporation of Guardians ſhall have, and hereby have Power and Authority to order and direct the Conſtables, and all other Officers of the reſpective Pariſhes for the Time being, and they are hereby required to compel all Vagabonds and Vagrants, and other idle Perſons, who have no viſible Means of living, and who do not betake themſelves to ſome lawful Employment, and all other Perſons who ſhall be found within any Part of the ſaid Pariſhes begging or ſeeking Relief, and ſuch other Poor, who do or ſhall hereafter receive Alms, or aſk Relief of any of the ſaid Pariſhes, or that by any of the Laws in Force, or hereafter to be in Force, ought to be relieved, to dwell, inhabit, and work in ſuch Workhouſe, and to do and perform all ſuch Manner of Work as they ſhall judge them able to perform; and alſo to detain and keep in the Service of the ſaid Corporation, or to ſet to work any poor Child or Children of the ſaid Pariſhes, who ſhall be, or whoſe Father, Mother, or ſuch other Relation, who by Law are obliged to maintain ſuch Child or Children, are or ſhall be chargeable to any of the ſaid Pariſhes in this Act mentioned: And the ſaid Corporation, by Indenture, under their Common Seal, have hereby Power to bind and put forth ſuch Children Apprentices to any honeſt Perſons within the Kingdom of England, who are willing to take ſuch Children, for any Number of Years the ſaid Corporation ſhall think fit, provided no ſuch Child be bound for a longer Term than until he or ſhe ſhall have attained the reſpective Ages following; that is to ſay, A Boy the Age of Twenty-one Years, and a Girl the Age of Nineteen Years: And in caſe he, ſhe, or they, ſhall deſert, or not duly perform, ſuch Service and Apprenticeſhip, the ſaid Guardians ſhall, and hereby have Power, by Warrant under the Seal of the ſaid Corporation, to apprehend each ſuch Apprentice in any City, County, or Place, in Great Britain, where he, ſhe, or they, ſhall or may be found, and thereupon every ſuch Apprentice ſhall be brought back to the ſaid Workhouſe, in order to fulfil the ſaid Apprenticeſhip; and the ſaid Guardians may, and hereby have Power, to confine and inflict ſuch reaſonable Puniſhment on him, her, or them, for any ſuch Miſdemeanour, as the ſaid Guardians, or any Five or more of them, ſhall think moſt ſuitable to the Caſe; and the ſaid Guardians, or any Five or more of them, may, and hereby have Power to aſſign or turn over any ſuch Apprentice, or wholly to releaſe or diſcharge him or her from ſuch Apprenticeſhip, by any Writing under their common Seal, as they ſhall in any Court think fit to order and direct.

Children of the Poor to be taken in and employed,

and may be put forth as Apprentices.

How Apprentices may be puniſhed who deſert their Apprenticeſhips.

One Juſtice may order Relief in extra Caſes.

XXXIX. And whereas it may happen, that, by Caſualties or ſudden Illneſs, or for other Cauſes, ſeveral poor Perſons may ſtand in need of an immediate Relief before Application can be made for the ſame at any of the ſaid Courts or Aſſemblies to be held in purſuance of this Act; for Remedy whereof, be it enacted by the Authority aforeſaid, That it ſhall and may be lawful, at any Time or Times, for One Juſtice of the Peace of and for the ſaid Town and County, upon Application made to him, or upon his own Knowledge of the Fact and Neceſſity of the Caſe, by Writing under his Hand, to order the Treaſurer for the Time being to pay unto every ſuch Perſon, who ſhall, from any Caſualty, Accident, or ſudden Illneſs, ſtand in need of immediate Aſſiſtance and Support, any reaſonable Sum or Sums of Money for his or her Support, until the next Court ſhall be held in purſuance of the Directions of this Act, which ſaid Sum or Sums of Money ſuch Treaſurer ſhall immediately pay, and apply in ſuch Manner as ſuch Juſtice, ſo ordering the ſame, ſhall direct, out of the Monies received by him for the Purpoſes of this Act, and ſhall be allowed the ſame in his Accounts; and the ſaid Treaſurer, upon whom ſuch Order or Orders ſhall be made by ſuch Juſtice, as aforeſaid, ſhall attend at the next Court to be held by the ſaid Guardians, and lay before ſuch Court the State and Circumſtances of the Perſon or Perſons ſo ordered to be relieved, when the ſaid Court ſhall give ſuch further Directions for the Maintenance and Relief of ſuch poor Perſon or Perſons as to them ſhall ſeem expedient.

Poor Perſons may be relieved though not reſiding in the Workhouſe.

XL. And whereas there may be induſtrious poor Perſons belonging to the ſaid Pariſhes, who may require ſome Relief, and yet it may not be neceſſary to receive or to compel ſuch Perſons to go into the Workhouſe; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Guardians, from Time to Time, at any of their ſaid Courts, if they ſee Cauſe, to relieve any induſtrious poor Perſon or Perſons belonging to the ſaid Pariſhes, although ſuch poor Perſon or Perſons do not belong to or reſide in the ſaid Workhouſe.

Guardians to grant Certificates.

XLI. And be it further enacted by the Authority aforeſaid, That after the Poor are under the Government of the ſaid Guardians, at the Time appointed by this Act, it ſhall and may be lawful to and for the ſaid Guardians, at any of their ſaid Courts, to grant Certificates under the common Seal of the ſaid Corporation, to any Perſon whoſe legal Settlement ſhall be within any Pariſh or Place within the ſaid Town and County, and who ſhall be willing to remove, or ſhall have removed, out of the ſaid Town and County; which reſpective Certificates under the common Seal of the ſaid Guardians as are now by Law directed to be, ſhall be good and valid to all Intents and Purpoſes, and no other Certificates whatſoever hereafter to be granted within the ſaid Town and County ſhall be valid, or of any Effect, any Law, Statute, or Cuſtom, to the Contrary notwithſtanding.

Certificates to be delivered to the Clerks.

XLII. And be it further enacted by the Authority aforeſaid, That all Certificates now remaining in the Cuſtody of the reſpective parochial Officers, or hereafter to be delivered to them, or any or either of them, by Perſons coming to reſide or reſiding within the ſaid Diſtrict; and alſo all Rates and Books purporting to be Rates made for Relief of the Poor of the ſaid ſeveral Pariſhes, and all other Writings and Papers whatſoever relative to the Settlement of any Poor within the ſaid ſeveral Pariſhes, ſhall be delivered by the ſaid Churchwardens and Overſeers reſpectively to the Clerk of the ſaid Guardians for the Time being, who ſhall cauſe the ſame to be preſerved and filed, ſo that Reference may be had thereto at any future Time.

Bonds relating to Baſtard Children to be delivered to Guardians.

XLIII. And be it further enacted, That all Bonds already given to parochial Officers within the ſaid Town and County by private Perſons, to indemnify the Pariſhes from any Charge that may ariſe from particular Baſtard Children, ſhall be delivered likewiſe by ſuch reſpective Officers to the ſaid Guardians of the Poor; and it ſhall and may be lawful for the ſaid Guardians to ſue on ſuch Bonds on their corporate Name, and they ſhall recover the Penalties thereof, as if ſuch Bond had been originally made to them; and all Bonds hereafter to be given for the ſame, or any of the like Purpoſes as aforeſaid, ſhall be made to the ſaid Guardians of the Poor; any Law, Statute, or Cuſtom, to the Contrary notwithſtanding.

No Appeal ſhall be made by the Overſeers.

XLIV. And be it enacted by the Authority aforeſaid, That no Appeal ſhall be made, proſecuted, or defended, by any of the Churchwardens or Overſeers of the ſaid ſeveral Pariſhes for the Time being, touching the Settlement of any poor Perſon or Perſons whatſoever, without an Order of the ſaid Guardians at One of their ſaid Courts for that ſpecial Purpoſe to be made.

Proviſo.

XLV. Provided always, and be it enacted by the Authority aforeſaid, That neither this Act, nor any Thing herein contained, ſhall be conſtrued, deemed, or taken, to alter or change the Laws now ſubſiſting, reſpecting the Removal of the Poor between any Pariſh or Place without the Diſtrict hereby united and any or either of the Pariſhes within the ſame; but ſuch Laws ſhall continue and be in Force, any Thing herein-before contained to the Contrary notwithſtanding, ſave and except in the Caſe of Certificates and Appeals upon ſuch Removals as herein-before mentioned.

Coſts of proſecuting Appeals to be paid out of the Rates.

XLVI. And be it further enacted by the Authority aforeſaid, That all Coſts and Charges which ſhall accrue to any or either of the Pariſhes hereby united, by or on account of the Proſecution or Defence of any Appeal or Appeals touching or concerning the Settlement of any Perſon or Perſons, ſhall and may be defrayed, from Time to Time, by and out of the Rates to be raiſed by virtue of this Act, and not otherwiſe.

Roads.

Pariſhes united for the Purpoſe of repairing the Roads.

XLVII. And whereas a conſiderable Part of the Roads leading to the ſaid Town lies in the Pariſh of *All Saints*, and in an extraparochial Place there called *The Common*, within the Liberties of the ſaid Town, and hath been repaired partly by the ſaid Pariſh, and partly by the Pariſhes of *Holy Rhood* and *Saint Lawrence*, by ancient Cuſtom; and Part of the ſaid Roads being now made Turnpike, the ſaid Pariſhes of *Holy Rhood* and *Saint Lawrence* may not now be obliged by Law to make ſuch Reparations, or compound for the ſame: And whereas other Part of the Roads leading to the ſaid Town have been repaired by the Pariſh of *Saint Mary*, and by the Ward of *Saint Michael* and *Saint John*, by ancient Cuſtom, but many Diſputes have ariſen between the Inhabitants of the ſaid Ward and Pariſhes as to the Extent of the ſaid Reparations: And whereas the uniting of the ſaid ſeveral Pariſhes and Ward into One Diſtrict, for the Purpoſe of repairing and amending the ſaid Roads, will tend to prevent the ſaid Diſputes in future, and be alſo for the Advantage of the Inhabitants of the ſaid Town and Country in general; be it therefore enacted by the Authority aforeſaid, That from and after the Thirty-firſt Day of Auguſt, One thouſand ſeven hundred and ſeventy-three, the ſaid ſeveral Pariſhes and Ward ſhall be, and are hereby united into One Diſtrict, for the Purpoſe of amending, repairing, and preſerving, all and every the publick Highways, Bridges, and Cauſeways, within the ſaid Town and County; and the ſame ſhall for ever hereafter be under the Direction and Management of His Majeſty's Juſtices of the Peace of and for the ſaid Town and County for the Time being; and they the ſaid Juſtices, or any Three or more of them, of whom the Mayor of the ſaid Town and County for the Time being to be One, are hereby authoriſed and required, on the Firſt Monday in September next after the paſſing of this Act, or within Twenty-one Days after, and ſo on every Firſt Monday in September which ſhall from thenceforth ſucceſſively happen in every Year for ever, or within Twenty-one Days next after ſuch Firſt Monday in September, by Warrant under their Hands and Seals, to appoint Two Perſons out of each of the Pariſhes of Holy Rhood, Saint Michael, All Saints, and Saint Mary, and One out of each of the ſaid Pariſhes of Saint John and Saint Lawrence, to be Surveyors of the Highways within the ſaid Town and County for the Year enſuing; which ſaid Surveyor or Surveyors reſpectively ſhall be, and ſhall be deemed, Surveyors of all and every the Highways, Bridges, and Cauſeways, within the Diſtrict hereby united; and they and every of them ſhall, during the Continuance of their ſaid Offices, reſpectively execute and perform all ſuch Acts in and upon and relating to the Highways, as ſuch Surveyor or Surveyors, by any Law now in being, or hereafter to be made for the Amendment and Preſervation of the publick Highways of this Kingdom, are or ſhall be obliged to do and perform, without Regard to the particular Situation of the ſaid Roads; and in caſe the Perſon or Perſons ſo appointed ſhall refuſe to take upon him or themſelves the ſaid Office of Surveyor or Surveyors, and from Time to Time to obey ſuch Orders and Directions as ſhall be given to them by the ſaid Juſtices, at their ſaid Special Seſſions, touching the ſaid Highways, Bridges, and Cauſeways, or any Nuiſances or Annoyances therein; he and they ſo offending ſhall forfeit ſuch Sum of Money, not exceeding Five Pounds, nor leſs than Forty Shillings, as the ſaid Juſtice or Juſtices, at either of their ſaid Special Seſſions, ſhall, at their Diſcretion, ſet and impoſe.

Foot and Carriage Way leading from *Godſhouſe Gate* to *Croſshouſe*, deemed Part of the Roads.

XLVIII. And be it enacted by the Authority aforeſaid, That the Foot-way and Carriage-way leading from Godſhouſe Gate to Croſshouſe, and all the Sea Banks, Mounds, Fences, Bunnies, Drains, and Cauſeways, appertaining thereto, and alſo the Foot-path leading along the Town-ditch from Godſhouſe Gate to Eaſt Street, ſhall, from and after the paſſing of this Act, be deemed Part of the publick Roads of the Diſtrict hereby united, and be repaired, maintained, cleanſed, and ſupported accordingly.

Juſtices may order Highways, &c. to be amended.

XLIX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Juſtices, and they are hereby required, on the Firſt Monday after paſſing this Act, and at ſuch other Time and Times afterwards as they ſhall think proper, to hold a Special Seſſions at the Audit-houſe or Council Chamber within the ſaid Town, and then and there to order and appoint the ſaid Highways, Bridges, and Cauſeways, to be amended, and at what Time, and in what Manner, the ſame ſhall be performed, according to which Order all and ſingular the reſpective Surveyors of the ſaid Highways are hereby required to proceed; and the ſaid Juſtices are alſo hereby impowered, at any of their ſaid Special Seſſions, to compound with the Truſtees for the Time being of any Turnpike Act, for the Repairs of ſuch Parts of the ſaid Highways as now are, or at any Time hereafter may be, under their Management, either by the Year, or otherwiſe; and the Money agreed to be paid for ſuch Compoſition ſhall be a Charge on, and be paid and defrayed out of, the Rates and Aſſeſſments appointed to be made as herein-after mentioned, for defraying the Expences of the ſaid Reparations.

Juſtices may enquire into the State of the Highways, and make Rates for repairing them.

L. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Juſtices, or any Three of them, (of whom the Mayor of the ſaid Town for the Time being ſhall be One), and they are hereby required, at their ſaid Annual and Special Seſſions in September, by and on the Oaths of the ſaid Surveyors for the Time being, or on the Oaths of any able and experienced Workman or Workmen, to enquire into the State and Condition of the Reparations of the ſaid Highways; and thereupon to make, or cauſe to be made, an Eſtimate of the Charges of putting the ſame into Repair, and of keeping them ſo for the current Year; which Eſtimate the ſaid Juſtices ſo met ſhall certify under their Hands to the next General Quarter Seſſions of the Peace in and for the ſaid Town and County, or at ſome Adjournment of the ſame Seſſions; and the Juſtices of the Peace, at their ſaid General Quarter Seſſions, or at ſome Adjournment thereof, or the greater Part of them then and there aſſembled, ſhall have full Power and Authority, and they are hereby required to order and direct the ſaid Charges, or ſo much thereof as they ſhall judge neceſſary for the then current Year, to be paid by and as the Quota of the ſaid ſeveral Pariſhes; diſtinguiſhing the Sum aſſeſſed as the Quota of each Pariſh; which Sum and Sums of Money ſhall, from Time to Time, be paid within Three Calendar Months after Notice of ſuch Order by the reſpective Churchwardens and Overſeers, out of the Money by them collected, or to be collected, for the Relief of the Poor of the ſeveral Pariſhes herein-before united, to the Treaſurer of the ſaid Town and County for the Time being, or to ſuch other Perſon as the ſaid Juſtices, ſo aſſembled at their ſaid Seſſions, ſhall appoint to be the Treaſurer of the ſaid Monies; and from and after ſuch Payment to the ſaid Treaſurer, the ſame Monies ſhall be by him applied, according to ſuch Order as the ſaid Juſtices, at any General Quarter Seſſions of the Peace, or at any Adjournment thereof, ſhall from Time to Time make concerning the ſame.

The Rate not to exceed in One Year 100*l.*

LI. Provided always, That the Rate or Aſſeſſment ſo directed to be made for repairing the ſaid Highways ſhall not exceed in the Whole the Sum of One hundred Pounds in any One Year; and in caſe the ſaid Churchwardens and Overſeers of the Poor, or any of them, ſhall neglect or refuſe to pay the Sum and Sums of Money ſo rated and aſſeſſed on the ſaid reſpective Pariſhes, the ſaid Sum and Sums of Money ſhall and may be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Churchwardens and Overſeers, or either of them, ſo refuſing or neglecting to pay the ſame as aforeſaid, by Warrant under the Hands and Seals of Two or more Juſtices of the Peace of the ſaid Town and County, rendering the Overplus, (if any there ſhall be) after deducting the Money aſſeſſed, and the Charges of the Diſtreſs and Sale, to the Owner or Owners thereof.

Surveyors of the Highways to account on Oath.

LII. And be it further enacted by the Authority aforeſaid, That the Surveyor or Surveyors of the Highways to be from Time to Time appointed under the Authority of this Act, ſhall, when thereunto required by any Two or more of the Juſtices of the Peace for the ſaid Town and County, account upon Oath, for all Monies which ſhall have been received by them, or any of them, and ſhall pay the Balance which ſhall appear to remain in their Hands to the Treaſurer, or other Perſon or Perſons appointed to receive the Rate and Aſſeſſment to be made for the Reparation of the ſaid Highways, as aforeſaid; and in caſe any ſuch Surveyor or Surveyors ſhall refuſe or neglect to make ſuch Account and Payment as aforeſaid, ſuch Surveyor or Surveyors ſhall forfeit and pay, for every ſuch Refuſal or Neglect, the Sum of Five Pounds; to be levied and recovered in ſuch Manner as the Penalties and Forfeitures by this Act inflicted are directed to be levied and recovered; and ſuch Penalties and Forfeitures, when recovered, ſhall be applied towards repairing and amending the ſaid Highways.

Inhabitants exonerated from the Performance of Statute work.

LIII. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, all and every of the Inhabitants for the Time being of the ſaid ſeveral Pariſhes and Ward reſpectively hereby united, ſhall be, and are by this Act abſolutely exonerated, diſcharged, and indemnified, of and from the Performance of all Statute-work, and of and from the Payment of all Rates, Aſſeſſments, Taxes, Impoſitions, Penalties, Forfeitures, and Sums of Money whatſoever, which they the ſaid Inhabitants, or any of them, would or might by Law have been ſubject or liable to the Performance or Payment of, for or on account of the repairing, amending, and keeping in Repair, the Highways within the ſaid ſeveral Pariſhes and Ward reſpectively, or any Part thereof, in caſe this Act had not been made.

Appeal from the Rates.

LIV. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall think him, her, or themſelves, aggrieved by any Rate or Aſſeſſment made, or any other Thing done by virtue of and in purſuance of this Act, he, ſhe, or they, ſhall and may appeal to the General Quarter Seſſions of the Peace to be held for the ſaid Town and County, next after the Cauſe of ſuch Appeal ſhall ariſe; and it ſhall and may be lawful for the Juſtices of the Peace, or the major Part of them, then and there aſſembled, to make ſuch Order therein, by directing Money to be returned, or otherwiſe, as to them ſhall ſeem meet; which Order ſhall be final and concluſive to all Parties.

No Appeal may be made till the Rates be paid.

LV. Provided always, That no Appeal ſhall be made againſt any ſuch Rate or Aſſeſſment, until he, ſhe, or they, ſo appealing, ſhall actually have paid the Money wherewith he, ſhe, or they, ſhall thereby be charged; nor ſhall any Appeal for that or any other Cauſe be heard, unleſs reaſonable Notice thereof be given in Writing, by the Party ſo appealing, to the Collectors of the ſaid Rates, or to the Clerk of the ſaid Guardians, or to the Clerk of the Peace of and for the ſaid Town and County for the Time being.

Proviſo.

LVI. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to include, or in any Manner to affect the Tithing of Portſwood, or any Place within the Pariſhes or Tithing of Hill and Sidford, Millbrook, or South Stoneham, in the County of Southampton, or any or either of them.

Penalties and Forfeitures how to be recovered and applied.

LVII. And it is hereby further enacted, That all Penalties and Forfeitures by this Act inflicted, the Manner of levying and recovering whereof is not otherwiſe particularly directed, ſhall be levied by Diſtreſs and Sale of the Goods of the Offenders, by Warrant under the Hands and Seals of any Two Juſtices of the Peace of the ſaid Town and County of the Town of Southampton, reſtoring to the Offenders the Overplus, after the Charges of Diſtreſs and Sale are deducted; and the ſame Penalties being paid, or ſo levied, ſhall be applied to the Uſe and Benefit of the Poor of the ſaid Corporation.

Limitation of Actions.

LVIII. And be it enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Matter or Thing done in purſuance of this Act, that, in every ſuch Caſe, the Action or Suit ſhall be brought within Six Months next after the Fact committed, and not afterwards, and ſhall be laid and brought in the County of Southampton, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit to be brought ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if it ſhall appear ſo to be done, or that ſuch Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought in any other County or Place, that then the Jury ſhall find for the Defendant or Defendants; and, upon ſuch Verdict, or if the Plaintiff ſhall be nonſuited, or diſcontinue his Action after the Defendant ſhall have appeared; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant and Defendants ſhall and may recover Treble Coſts, and have the like Remedy for the ſame, as any Defendant or Defendants hath or have in other Caſes by Law.

General Iſſue.

Treble Coſts.

Publick Act.

LIX. And be it further enacted, That this Act ſhall be taken and allowed, in all Courts within this Kingdom, as a Publick Act; and all Judges and Juſtices are hereby required as ſuch to take Notice thereof, without ſpecially pleading the ſame; and all Mayors, Bailiffs, Conſtables, and other Officers of Juſtice, are hereby required to be aiding and aſſiſting to the ſaid Corporation hereby conſtituted, and to all ſuch Officers as ſhall be employed by them, or any of them, in the due Execution of this Act, or any of the Powers and Authorities hereby given.

CAP. LI.

An Act to diſcourage the Practice of commencing frivolous and vexatious Suits in His Majeſty's Courts at *Weſtminſter*, in Cauſes of Action ariſing within the Dominion of *Wales*; and for further regulating the Proceedings in the Courts of Great Seſſions in *Wales*.

Preamble.

WHEREAS, to the intolerable Vexation and Charge of His Majeſty's Subjects in the Dominion of *Wales*, it hath been the Practice to commence trifling and frivolous Suits in the Courts at *Weſtminſter*, upon Cauſes of Action ariſing within the ſaid Dominion of *Wales*: In order that the ſame may be tried in the neareſt adjoining *Engliſh* County to that Part of the Dominion of *Wales* in which the Cauſe of Action has ariſen, to diſcourage the like Practices for the future; may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the Firſt Day of January, One thouſand ſeven hundred and ſeventy-four, in caſe the Plaintiff in any Action upon the Caſe for Words, Action of Debt, Treſpaſs on the Caſe, Aſſault and Battery, or other perſonal Action, where the Cauſe of ſuch Action ſhall ariſe within the Dominion of Wales, and which ſhall be tried at the Aſſizes, at the neareſt Engliſh County to that Part of the ſaid Dominion of Wales in which the Cauſe of Action ſhall be laid to ariſe, ſhall not recover, by Verdict, a Debt or Damages to the Amount of Ten Pounds; in ſuch Caſe, if the Judge who tried the Cauſe, on Evidence appearing before him, ſhall certify on the Back of the Record of Niſi Prius, that the Defendant or Defendants was or were reſident in the Dominion of Wales at the Time of the Service of the Writ, or other meſne Proceſs ſerved on him, her, or them, in ſuch Action, on ſuch Fact, being ſuggeſted on the Record or Judgement Roll, a Judgement of Nonſuit ſhall be entered againſt the Plaintiff, and ſuch Defendant or Defendants ſhall be intitled to, and have like Judgement and Remedy thereon, to recover ſuch and the like Coſts againſt the Plaintiff or Plaintiffs in every ſuch Action, as if a Verdict had been given by the Jury for the Defendant or Defendants, unleſs the Judge, before whom ſuch Cauſe ſhall be tried, ſhall certify on the Back of the Record, that the Freehold or Title of the Land mentioned in the Plaintiff's Declaration was chiefly in Queſtion, or that ſuch Cauſe was proper to be tried in ſuch Engliſh County.

After *Jan.* 1, 1774, in caſe the Plaintiff in any perſonal Action, *&c.* where the Cauſe ſhall ariſe in *Wales*, and be tried at the next *Engliſh* County to that Dominion, ſhall recover, by Verdict, Damages to the Amount of 10*l.*; the Defendant ſhall be intitled to Judgement and Remedy thereon, if reſident in *Wales* at the Time of any Service of any Writ, *&c.* in ſuch Action.

In all Actions within *Wales* which ſhall be brought in Courts of Record out of the ſaid Principality, and the Debt ſhall be found by the Jury to amount to 10*l.* a Judgement to be entered thereon, and the Plaintiff to pay Coſts of Suit.

II. And, in order to prevent tranſitory Actions, where the Cauſe of Action does not amount to Ten Pounds, ariſing within the Principality of *Wales*, from being brought in any of His Majeſty's Courts of Record out of the ſaid Principality, be it further enacted, That in all tranſitory Actions ariſing within the ſaid Principality, which, from and after the Firſt Day of January, One thouſand ſeven hundred and ſeventy-four, ſhall be brought in any of His Majeſty's Courts of Record out of the ſaid Principality of Wales, and the Venue therein ſhall be laid in any County or Place out of the ſaid Principality, and the Debt or Damages found by the Jury ſhall not amount to the Sum of Ten Pounds, and it ſhall appear upon the Evidence given on the Trial of the ſaid Cauſe, that the Cauſe of Action aroſe in the ſaid Principality of Wales, and that the Defendant or Defendants were reſident in the Dominion of Wales at the Time of the Service of any Writ or other meſne Proceſs ſerved on him, her, or them, in ſuch Action, and it ſhall be ſo certified, under the Hand of the Judge who tried ſuch Cauſe, upon the Back of the Record of Niſi Prius, (on ſuch Facts being ſuggeſted on the Record or Judgement Roll), a Judgement or Nonſuit ſhall be entered thereon againſt the Plaintiff, and the Plaintiff or Plaintiffs ſhall pay to the Defendant or Defendants, in ſuch Action, his or their Coſts of Suit; and the Defendant and Defendants ſhall have like Remedy to recover the ſame as in the Caſe of a Verdict given for the Defendant or Defendants in ſuch Action; and, in the Taxation of all Coſts allowed and given to the Defendant or Defendants by and in purſuance of this Act, the proper Officer ſhall allow to the Plaintiff or Plaintiffs, out of the Defendant's Coſts, the full Sum given by the Verdict to the Plaintiff or Plaintiffs for his or their Debt or Damages; and, although no Judgement ſhall be entered for the Plaintiff or Plaintiffs, upon ſuch Verdict, yet nevertheleſs ſuch Verdict, without any Judgement entered thereon, ſhall be an effectual Bar to any Action or Actions commenced by the Plaintiff or Plaintiffs for the ſame.

Act 34 & 35 *Henry* VIII.

III. And whereas by an Act, made in the Thirty-fourth and Thirty-fifth Years of the Reign of His late Majeſty King *Henry* the Eighth, intituled, *An Act for certain Ordinances in the King's Dominion and Principality of* Wales, it is (amongſt other Things) enacted, That there ſhall be holden and kept Seſſions, Twice in every Year, in every of the Shires of the ſaid Dominion and Principality of *Wales*, the which Seſſions ſhall be called *The King's Great Seſſions in* Wales; and that the Juſtice of *Cheſter* ſhall hold and keep Seſſions, Twice in every Year, in the Shires of *Denbigh*, *Flint* and *Montgomery*; and likewiſe that the Juſtice of *North Wales* ſhall hold and keep Seſſions, Twice in every Year, in the Shires of *Caernarvon*, *Merioneth*, and *Angleſey*; and alſo that One Perſon, learned in the Laws of this Realm, by the King's Majeſty to be named and appointed, ſhall be Juſtice of the Shires of *Radnor*, *Brecknock*, and *Glamorgan*; and ſhall likewiſe hold and keep Seſſions, Twice in every Year, in every of the ſame Shires; and likewiſe that One other Perſon, learned in the Laws of this Realm, to be appointed as aforeſaid, ſhall be Juſtice of the Shires of *Caermarthen*, *Pembroke*, and *Cardigan*, and ſhall in like wiſe hold and keep Seſſions, Twice in every Year, in every of the ſame Shires: and that the ſaid Perſons, or Juſtices, and every of them, then being, or that thereafter ſhall be, ſhall have ſeveral Letters Patents and Commiſſions for their Offices under the King's Great Seal of *England*, to be exerciſed by themſelves, or their ſufficient Deputies, according to the Purpoſes and Intents in the ſaid Ordinances ſpecified:

Act 18 *Eliz.*

And whereas by One other Act, made in the Eighteeenth Year of the Reign of Her late Majeſty Queen *Elizabeth*, intituled, *An Act for the appointing of Juſtices in the Shires of* Wales, it is (amongſt other Things) enacted, That the Queen's Highneſs, Her Heirs and

Succeſſors, may and ſhall have full Power and Authority, from Time to Time, to conſtitute, name, or appoint, Two or more Perſons, learned in the Laws of this Realm of *England*, to be Juſtices of and for the ſaid Counties of *Cheſter*, *Flint*, *Denbigh*, and *Montgomery*; and Two or more, learned as aforeſaid, to be Juſtices of *North Wales*; (*videlicet*,) of and for the ſaid Shires of *Angleſey*, *Caernarvon*, and *Merioneth*; and likewiſe Two or more, learned as aforeſaid, to be Juſtices of and for the Circuits and Shires of *Radnor*, *Glamorgan*, and *Brecknock*; and alſo Two or more, learned as aforeſaid, to be Juſtices of and for the Circuits and Shires of *Cardigan*, *Caermarthen*, *Pembroke*, and the Town and County of *Haverford Weſt*: And whereas the exerciſing the Power of appointing Deputies by ſuch Juſtices may be attended with Inconvenience; for preventing thereof, be it further enacted, That no Juſtice now appointed, or at any Time hereafter to be appointed, of or for the ſaid County of Cheſter, or of or for any County, Circuit, or Shire, within the ſaid Principality or Dominion of Wales, ſhall have any Power or Authority of exerciſing his Office by Deputy, ſave and except for the Purpoſe of calling and adjourning any Court or Courts, and receiving any Motion or Motions appointed, or eſpecially directed to be made at ſuch Court, and for the further Purpoſe of taking and proclaiming Fines and arraigning Recoveries, in ſuch Court or Courts of each reſpective Great Seſſion and Aſſizes, within the Circuit of ſuch Juſtice; any Law, Statute, or Uſage, to the Contrary notwithſtanding.

Welſh Juſtices not to have Power hereafter of exerciſing their Office by Deputy;

except for the Purpoſe of calling and adjourning Courts, taking and proclaiming Fines, &c.

IV. Provided always nevertheleſs, and be it further enacted by the Authority aforeſaid, That from henceforth it ſhall and may be lawful to and for the ſeveral and reſpective Juſtices of and for the ſaid ſeveral and reſpective Circuits and Counties for the Time being, from Time to Time, and at any Time, as Occaſion may require, by Writing under the Hand and Seal, or Hands and Seals, of ſuch Juſtice or Juſtices reſpectively, to nominate, conſtitute, or appoint, any Perſon or Perſons to be his or their Deputy or Deputies, for the Intent and Purpoſe of calling and adjourning any Court or Courts, and receiving any Motion or Motions, appointed or eſpecially directed to be made at ſuch Court, and for the further Purpoſe of taking and proclaiming Fines, and arraigning Recoveries in ſuch Court or Courts of each reſpective Great Seſſion and Aſſizes, within their ſeveral and reſpective Circuits and Counties aforeſaid, which Perſon or Perſons ſo appointed ſhall have full Power and lawful Authority ſo to do.

Juſtices in *Wales* may nominate Deputies for the before-mentioned Purpoſes.

V. Provided always, and be it further enacted, That His Majeſty, His Heirs and Succeſſors, ſhall and may, under His and Their Royal Sign Manual, appoint One or more Perſon or Perſons, learned as aforeſaid, to execute the ſaid Office of Juſtice in the ſaid County Palatine of Cheſter, or in any of the ſaid Counties of Wales, for the then next enſuing Great Seſſions, in the Place and Stead of any of the ſaid Juſtices, who ſhall, by Illneſs, be prevented attending upon ſuch Great Seſſions, and ſo often as the Neceſſity of the Caſe ſhall require; any Law, Uſage, or Cuſtom, to the Contrary thereof in any-wiſe notwithſtanding.

His Majeſty may appoint Perſons to execute the Office of Juſtices,

inſtead of thoſe prevented by Illneſs from attending.

VI. And whereas it is conceived that the Suitors in the Court of the King's Great Seſſions in the Dominion and Principality of *Wales* will, in many Caſes, experience great Benefit and Advantage by having their Suits tried by Special Juries; be it therefore further enacted by the Authority aforeſaid, That the Juſtices of His Majeſty's Great Seſſions in Wales, upon Motion made on Behalf of His Majeſty, His Heirs or Succeſſors, or on Motion of any Proſecutor or Defendant in any Indictment or Information of any Miſdemeanour, or on the Motion of any Plaintiff or Plaintiffs, Defendant or Defendants, in any Action, Cauſe, or Suit whatſoever, depending, or to be brought and carried on, in any of His Majeſty's Courts of Great Seſſions in Wales, ſhall and may, in caſe ſuch Juſtices in their Diſcretion ſhall think fit, order and appoint a Jury to be ſtruck before the proper Officer of ſuch Courts, for the Trial of any Iſſue joined in any of the ſaid Caſes, in ſuch Manner as Special Juries have been uſually ſtruck in the Courts of Law at Weſtminſter, upon Trials at Bar had in the ſaid Courts; which Jury ſo ſtruck as aforeſaid ſhall be the Jury returned for the Trial of ſuch Iſſue as aforeſaid.

Suits to be tried by Special Juries; and ſuch Juries may be ſtruck as in the Courts at *Weſtminſter*.

VII. Provided always, and be it further enacted by the Authority aforeſaid, That the Perſon or Party who ſhall, by virtue of this Act, apply for ſuch Special Jury, ſhall not only bear and pay the Fees for ſtriking ſuch Jury, but ſhall alſo bear, pay, and diſcharge, all the Expences occaſioned by the Trial of the Cauſe by ſuch Special Jury, and ſhall not have any further or other Allowance for the ſame, upon Taxation of Coſts, than ſuch Perſon or Party would be intitled unto in caſe the Cauſe had been tried by a common Jury, unleſs the Juſtices or Juſtice before whom the Cauſe is tried ſhall, immediately after the Trial, certify in open Court, under his or their Hand or Hands, upon the Back of the Record, that the ſame was a Cauſe proper to be tried by a Special Jury.

Party applying for a Special Jury ſhall pay the Fees for ſtriking ſuch Jury, and all Expences occaſioned by the Trial of the Cauſe.

VIII. And, to prevent the Demand or Payment of extravagant Fees of Jurymen returned under the Authority of this Act, be it further enacted by the Authority aforeſaid, That no Perſon who ſhall ſerve upon any Jury, appointed or returned by Authority of this Act, ſhall be allowed, or take, for ſerving on any ſuch Jury, more than the Sum of Money which the Juſtices or Juſtice who tries the Iſſue or Iſſues ſhall think juſt and reaſonable, not exceeding the Sum of One Pound One Shilling, except in Cauſes where a View hath been or ſhall be directed.

Perſons who ſhall ſerve on any Jury ſhall not be allowed above 1 *l.* 1 *s.* for ſuch Service.

IX. And, for the greater Eaſe and Benefit of all Perſons whomſoever in the taking of Affidavits to be made uſe of and read in the Courts of His Majeſty's Great Seſſions in *Wales*, in all Matters and Cauſes whatſoever depending, or to be depending, in all or any of the Courts aforeſaid, or in anywiſe concerning the Proceedings of or in the ſame, be it enacted by the Authority aforeſaid, That the Juſtices of the reſpective Courts of Great Seſſions in Wales for the Time being ſhall and may, by One or more Commiſſion or Commiſſions, under the Seal of the ſaid reſpective Courts, from Time to Time, as Need ſhall require, impower ſuch and ſo many Perſons as they ſhall think fit and neceſſary, in all and every the ſeveral Shires and Counties within their reſpective Circuits in the ſaid Dominion of Wales, to take and receive all and every ſuch Affidavit and Affidavits as any Perſon or

Juſtices may impower Perſons to take Affidavits concerning Proceedings in their Circuits;

and the Affidavits ſo taken ſhall be filed in the Offices of the reſpective Courts.

Perſons ſhall be willing and deſirous to make before any of the Perſons ſo impowered in, or concerning any Cauſe, Matter, or Thing, depending, or hereafter to be depending, or in anywiſe concerning any of the Proceedings to be in their reſpective Circuits of Great Seſſions, as the Juſtices of His Majeſty's Court of King's Bench, or Common Pleas, or the Lord Treaſurer, Chancellor, and Barons of the Court of Exchequer for the Time being, do uſe to do; which ſaid Affidavits, taken as aforeſaid, ſhall be filed in the ſeveral and reſpective Offices of the ſaid ſeveral and reſpective Courts of Great Seſſions, and the ſame ſhall and may be read and made uſe of in the ſaid reſpective Courts to all Intents and Purpoſes, as other Affidavits taken in the ſaid reſpective Courts now are; and that all and every Affidavit and Affidavits, taken as aforeſaid, ſhall be of the ſame Force as Affidavits taken in the ſaid reſpective Courts now are; and all and every Perſon and Perſons forſwearing him, her, or themſelves, in ſuch Affidavit or Affidavits, ſhall incur and be liable unto the ſame Penalties, as if ſuch Affidavit or Affidavits had been made and taken in open Court; which ſaid ſeveral Commiſſions ſhall be made out by the Prothonotary, upon a Fiat or Warrant from the ſaid Juſtices for the Time being of the ſaid reſpective Courts of Great Seſſions in Wales; and the ſaid Prothonotary ſhall cauſe an Entry to be made in a Book to be kept for that Purpoſe of the Names of the Perſons to whom ſuch Commiſſions are, from Time to Time, granted, and the reſpective Times when iſſued; and the following Fees ſhall be paid for each Commiſſion, and no more; (to wit), The Sum of Two Shillings for the Fiat or Warrant; the Sum of Four Shillings for making out the ſaid Commiſſion, beſides the King's Duty, and Value of the Parchment; and the Sum of Four Shillings for ſealing the ſame; and every Commiſſioner, or Perſon ſo impowered, ſhall take and receive, for the ſwearing of every Affidavit before him, the Sum or Fee of One Shilling, and no more.

No Commiſſioner to take Affidavits in Time of Aſſizes.

X. Provided nevertheleſs, That no Perſon appointed a Commiſſioner as aforeſaid, ſhall take or receive any Affidavit during the Time of holding the Great Seſſions, or Aſſizes, for the County or Place in which ſuch Cauſe, Matter, or Thing, ſhall be depending.

Officers who have heretofore taken Affidavits, may continue ſo to do.

XI. Provided always, and it is hereby enacted, That ſuch Officers of the ſaid ſeveral and reſpective Courts of Great Seſſions in Wales, as have heretofore taken or ſworn Affidavits, ſhall and may continue ſo to do, in the ſame Manner as if this Act had not been made; any Thing herein contained to the Contrary notwithſtanding.

Juſtices of the Courts of Great Seſſions may impower Perſons to take Recognizances of Bail;

XII. And, to give greater Eaſe and Benefit to all Perſons within the ſaid Dominion of *Wales*, in taking the Recognizances of Special Bails upon all Actions and Suits depending, or to be depending, in any of the Courts of His Majeſty's Great Seſſions in *Wales*; be it further enacted by the Authority aforeſaid, That the Juſtices of the reſpective Courts of Great Seſſions in Wales for the Time being ſhall and may, by One or more Commiſſion or Commiſſions, under the Seal of the ſaid reſpective Courts, from Time to Time, as Need ſhall require, impower ſuch and ſo many Perſons, (other than common Attornies or Solicitors) as they ſhall think fit and neceſſary in all and every the ſeveral Shires and Counties within their reſpective Circuits in the ſaid Dominion of Wales, to take and receive all and every ſuch Recognizance or Recognizances of Bail or Bails, as any Perſon or Perſons ſhall be willing or deſirous to acknowledge or make before any of the Perſons ſo impowered in any Action or Suit depending, or hereafter to be depending, in the ſaid reſpective Courts, or any of them, in ſuch Manner and Form, and by ſuch Recognizance or Bail Piece, as the Juſtices of the ſaid Courts of Great Seſſions reſpectively have uſed to take the ſame; which ſaid Recognizance or Recognizances, Bail Piece or Bail Pieces, ſo taken as aforeſaid, together with an Affidavit made of the due taking of the Recognizances of ſuch Bail or Bail Piece, by ſome credible Perſon preſent at the taking thereof, ſhall be tranſmitted to the Prothonotary's Office, there to be filed of Record, paying ſuch Fees as have uſually been received for the taking of Special Bails by the Juſtices Clerks, and other Officers of the ſaid reſpective Courts, which Recognizance of Bail or Bail Piece, ſo taken and tranſmitted, ſhall be of the like Effect as if the ſame were taken before any of the ſaid Juſtices; for the taking of every which Recognizance or Recognizances of Bail or Bail Piece, the Perſon or Perſons ſo impowered ſhall receive only the Sum of or Fee of Two Shillings, and no more.

which ſhall be tranſmitted to the Prothonotary's Office to be filed.

Juſtices to make Rules for juſtifying Bail.

XIII. And be it further enacted by the Authority aforeſaid, That the ſaid Juſtices of Great Seſſions, in their reſpective Courts, ſhall and may make ſuch Rules and Orders for the juſtifying of ſuch Bails, and making the ſame abſolute, as to them ſhall ſeem meet, ſo as the Cognizor or Cognizors of any ſuch Bail or Bails be not compelled to appear in Perſon in any of the ſaid Courts, to juſtify him or themſelves; but the ſame may be, and is hereby directed to be, determined by Affidavit or Affidavits, duly taken before the ſaid Commiſſioners, touching the Value of their reſpective Eſtates.

Notice to be given of the taking of ſuch Bail by the Defendant's Attorney to Attorney for the Plaintiff.

XIV. Provided always, That the Attorney for the Defendant or Defendants ſhall give Notice to the Plaintiff's Attorney of the taking of ſuch Bail within Eight Days after the Caption thereof, and that the Plaintiff ſhall be at Liberty, within Eight Days after ſuch Notice, to take Exception to ſuch Bail, and enter the ſame in the Prothonotary's Office; and ſuch Exception having been taken, the Bail ſhall be juſtified before the Juſtices before the Riſing of the Second Court at the enſuing Seſſions; and the Bail Bond taken by the Sheriff, Under Sheriff, or other Officer, for the Defendant's Appearance, ſhall remain in Force until ſuch Special Bail ſhall have been finally juſtified as aforeſaid; but the Plaintiff, nevertheleſs, ſhall be at Liberty to file his Declaration conditionally in the Prothonotary's Office; and the Defendant, in caſe ſuch Declaration ſhall have been delivered Seven Days before the Firſt Day of the Seſſion next enſuing the Return of ſuch Writs, ſhall plead thereto before the riſing of the Second Court of ſuch Great Seſſions, unleſs further Time ſhall be given him by the Court for that Purpoſe.

XV. And

Original Writs, Bills, &c. ſhall be made returnable before the Juſtices of *North* and *South Wales*.

XV. And whereas all Writs relating to Actions depending in the Courts of Great Seſſions, in the ſeveral Counties in *North* and *South Wales*, are returnable at the Great Seſſion held reſpectively for the ſaid Counties, and at no other Time, by which Means no Action that is commenced, (except where the Defendant or Defendants voluntarily appear), can be brought to iſſue, and tried before the Second Seſſion after ſuch Action is commenced at the ſooneſt, which is uſually near a Year, and a great Delay to the Suitors of the ſaid Courts: For Remedy whereof, and for the greater Eaſe and Benefit of the ſaid Suitors, be it further enacted by the Authority aforeſaid, That from and after the Firſt Day of January, One thouſand ſeven hundred and ſeventy-four, all original Writs, Bills, and all meſne Proceſs whatſoever, by which any Action ſhall be commenced or ſued in the ſaid Courts of Great Seſſions for the ſaid Counties of North and South Wales, ſhall and may be made returnable before His Majeſty's Juſtices reſpectively of the ſeveral Counties of North and South Wales, on the Firſt Wedneſday in any Month, in each of the Two Vacations, annually, betwixt the Two Seſſions, or on the Firſt Day of the next Seſſions, at the Election of the Plaintiff or Plaintiffs, his, her, or their Attorney, who ſhall ſue out the ſame: And that all ſuch Writs or Proceſs which ſhall iſſue out of the ſaid Courts, returnable in the Vacations as aforeſaid, and whereon or wherewith the Defendant or Defendants ſhall be arreſted or ſerved with a Copy or Copies, ſuch Defendant or Defendants ſhall appear and file Special Bail, or enter a common Appearance, as the Caſe ſhall require, on the Day of ſuch Return, or within Fourteen Days next after; and in caſe of Neglect in bailable Actions, the Sheriff, Under Sheriff, or other Officer, ſhall, at the Requeſt and Coſts of the Plaintiff or Plaintiffs in ſuch Actions, his, her, or their Attorney, aſſign to ſuch Plaintiff or Plaintiffs the Bail Bond taken for the Defendant's Appearance upon the Arreſt, by Indorſement and Atteſtation under his Hand, in the Preſence of Two or more credible Witneſſes; and the Plaintiff or Plaintiffs, in ſuch Action, after ſuch Aſſignment made, may bring an Action or Suit upon ſuch Bail Bond in his, her, or their own Name or Names; and the ſaid Courts may, by Rule or Rules thereof reſpectively, give ſuch Relief to the Plaintiff and Plaintiffs, Defendant and Defendants, in the original Action, and to the Bail ſo ſued upon the Bail Bond, as is agreeable to Juſtice and Reaſon; and in caſe on Service of the Copy of any Writ or Proceſs, (having Notice thereunder written, purporting the Intent of ſuch Service, returnable in the Vacation Time as aforeſaid, the Defendant or Defendants ſo ſerved therewith ſhall not appear at the Return, or within Fourteen Days next after the Return thereof, as aforeſaid, it ſhall and may be lawful to and for the Plaintiff or Plaintiffs in ſuch Action, upon Affidavit being made, and filed with the Prothonotary of the ſaid reſpective Courts, or his Deputy, of the perſonal Service of ſuch Writ or Proceſs as aforeſaid, to enter a common Appearance or Appearances for the Defendant or Defendants, and to proceed thereon as if ſuch Defendant or Defendants had entered his, her, or their Appearance; and Special Bail having been filed, or a common Appearance entered, as the Caſe ſhall require, the Plaintiff in ſuch Action may proceed to file his Declaration; and the Defendant or Defendants, in caſe ſuch Declaration ſhall have been delivered Seven Days before the Firſt Day of the Seſſion next enſuing the Return of ſuch Writ, ſhall be bound to plead thereto before the riſing of the Second Court of ſuch Great Seſſion, to be holden for the County or Place in which ſuch Action ſhall have been brought, unleſs the Court ſhall think proper to allow further Time for that Purpoſe.

Original Bills how to be ſigned by the Clerks.

XVI. And be it further enacted by the Authority aforeſaid, That from and after the Firſt Day of January, One thouſand ſeven hundred and ſeventy-four, every Officer or Clerk belonging to the ſeveral Courts of Great Seſſions in the Principality of Wales, who ſhall ſign any Original Writ or Bill, relating to Actions depending in the ſaid Courts of Great Seſſions, ſhall, at the Signing thereof, ſet down upon ſuch Original Writ or Bill the Day and Year of his ſigning the ſame, which ſhall be entered upon the Remembrance, or in the Book where the Abſtracts of ſuch Original Writ or Bill ſhall be entered, upon Pain to forfeit the Sum of Five Pounds for every Offence or Neglect of ſuch Officer or Clerk aforeſaid; to be recovered by any Perſon who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, wherein no Wager of Law, Protection, or Eſſoin, or more than One Imparlance, ſhall be allowed.

Penalties given by Statutes where to be ſued and recovered.

XVII. And whereas by ſundry Statutes, Penalties are given for Offences thereby provided againſt, and ſuch Penalties are directed to be ſued for and recovered in His Majeſty's Courts of *Weſtminſter* only, and the enabling the reſpective Courts of Great Seſſion to hold Pleas, or to have Cognizance in all ſuch Caſes ariſing or happening within their reſpective Juriſdictions, would be for the Eaſe and Benefit of the Inhabitants of the Dominion of *Wales*; be it further enacted by the Authority aforeſaid, That from and after the Firſt Day of January, One thouſand ſeven hundred and ſeventy-four, in all Caſes where any Penalty or Penalties is or are given by any Statute, and the ſame is, are, or ſhall be directed to be recovered in the Courts of Weſtminſter, or either of them, excepting ſuch as may, by the Laws now in being, be ſued for only in His Majeſty's Court of Exchequer, and the Offence for which any ſuch Penalty or Penalties hath or ſhall be given ſhall be done or committed in any of the Counties of Wales, and the Defendant or Defendants liable to the ſame ſhall be reſident within the Juriſdiction of the Great Seſſion held for any County of Wales, it ſhall and may be lawful to and for the Plaintiff or Plaintiffs, Proſecutor or Proſecutors, or other Perſon to whom any ſuch Penalty is given, or who ſhall be intitled to ſue for the ſame, in every ſuch Caſe, to ſue for and recover the ſame in the Courts of Great Seſſion reſpectively in Wales within which ſuch Penalties have or ſhall be incurred, in ſuch Manner and Form as he, ſhe, or they, might have done in the Courts at Weſtminſter; and that the ſaid reſpective Courts of Great Seſſion ſhall have Juriſdiction as fully, to all Intents and Purpoſes, as if the ſaid Courts had been reſpectively named in all and every of the ſaid Acts, and the Powers thereby given extended to the ſaid reſpective Courts.

CAP.

CAP. LII.

An Act for appointing Wardens and Aſſay-maſters for aſſaying Wrought Plate in the Towns of *Sheffield* and *Birmingham*.

Preamble.

WHEREAS the Silverſmiths and Plate-workers in and about the Town of *Birmingham*, in the County of *Warwick*, and in and about the Town of *Sheffield*, in the County of *York*, are under great Difficulties and Hardſhips in the Exerciſe of their Trades, for want of Aſſayers in convenient Places to aſſay and touch their Wrought Plate: For Remedy whereof, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſeveral Towns of Birmingham and Sheffield aforeſaid ſhall be, and are hereby appointed for the aſſaying and marking of Wrought Silver Plate, and for executing the Powers, Authorities, and Directions, given by this Act.

The Guardians of the Standard of Wrought Plate.

II. And be it enacted by the Authority aforeſaid, That the Earl of Dartmouth, the Right Honourable Lord Archer, the Right Honourable Heneage Finch, commonly called Lord Guernſey; the Right Honourable George Greville, commonly called Lord Greville; the Right Honourable Francis Conway, commonly called Lord Beauchamp; Sir John Wrotteſly Baronet, Sir Henry Bridgman Baronet, the Honourable John Ward, Richard Geaſt, John Wyrley, Iſaac Spooner, Henry Gough, Charles Colemore, John Taylor, Samuel Garbitt, Henry Carver ſenior, Joſeph Wilkinſon, Sampſon Lloyd junior, Thomas Ingram, Edward Palmer, John Kettle, Joſhua Glover, Matthew Boulton, John Francis, Thomas Mynde, Samuel Pemberton, John Turner ſenior, John Lee, William Sawer, John Lane of Moſely, James Alſton, Matthew Barker, Joſeph Adams of Walſall, James Wright, Samuel Galton, and James Jackſon, ſhall be, and are hereby incorporated a Company of or belonging to the ſaid Town of Birmingham; and that the moſt Honourable Charles Marquis of Rockingham, the Earl of Stafford, the Earl of Effingham, Godfrey Bagnal Clark, Anthony Saint Leger, Samuel Shore the younger, Samuel Tooker, Henry Howard, Walter Oborne, the Reverend James Wilkinſon Clerk, Benjamin Roebuck, Thomas Broadbent, John Shore, George Greaves, John Turner, Thomas Bland, George Brittain, Samuel Staniforth, Simon Andrews Young, Joſeph Matthewman, John Hoyland, Henry Tudor, John Winter, Albion Cox, John Rowbotham, Joſeph Hancock, Matthew Fenton, William Marſden, Thomas Law, and Joſeph Wilſon, ſhall be, and are hereby incorporated a Company of or belonging to the ſaid Town of Sheffield, and ſhall be called and known by the Name of The Guardians of the Standard of Wrought Plate, within ſuch Town reſpectively, and ſhall continue of ſuch Company ſo long as they live and reſide in ſuch Towns reſpectively, or within Twenty Miles thereof; which Companies reſpectively ſhall be enabled, and are hereby authoriſed, on or before the Fifth Day of July next, to meet at ſome convenient Place within each Town reſpectively, and chuſe Four Perſons by Majority of Voices out of each Company reſpectively, to be the Wardens of the ſaid Company in each of the ſaid Towns reſpectively; which ſaid Wardens ſhall continue for the Space of One Year, and no longer, unleſs re-elected by the Company in Manner aforeſaid.

Other Perſons to be choſen in Place of thoſe who ſhall die; and Four Wardens to be elected.

III. And be it further enacted by the Authority aforeſaid, That each of the ſaid Companies reſpectively ſhall be enabled, and are hereby authoriſed and directed, annually, on the Firſt Monday in July in every Year, out of fit and proper Perſons reſident in ſuch Towns reſpectively, or within Twenty Miles thereof, to chuſe, by a Majority of Members preſent at any Meeting to be held for that Purpoſe, One or more Perſon or Perſons into the ſaid Companies reſpectively, in the Place and Stead of ſuch of the ſaid Company who ſhall have died or removed to a greater Diſtance than Twenty Miles from ſuch Towns reſpectively, ſo as by reaſon of ſuch Choice there ſhall not be, when the Company is complete, more than Nine or leſs than Six Plate-workers Members of each Company reſpectively; and that immediately after ſuch Companies ſhall be ſo filled up in Manner aforeſaid, they ſhall be enabled, and are hereby authoriſed and directed, to proceed to the Election of the Four Wardens for the Year enſuing, in Manner aforeſaid; and if any of the ſaid Wardens, ſo choſen as aforeſaid, ſhall happen to die, or remove to a greater Diſtance than Twenty Miles out of ſuch Town, then the ſaid Companies reſpectively ſhall, within One Month after ſuch Death or Removal, chuſe another Perſon of each reſpective Company, in Manner aforeſaid, to be Warden in his Room; and ſuch Perſon ſhall and is hereby authoriſed and required to act accordingly for the Remainder of that Year.

No Silver Plate to be ſold, until the ſame ſhall be marked with the Initials of the Worker's Name, *&c.*

IV. And be it further enacted by the Authority aforeſaid, That no Silverſmith or Plate-worker in either of the ſaid Towns, or within Twenty Miles thereof, ſhall knowingly put to Sale, exchange, or ſell, any Silver Veſſel, Plate, or Manufacture of Silver, made or wrought in either of the ſaid Towns, or within Twenty Miles thereof, after the Twenty-ninth Day of September next, or export the ſame out of this Kingdom, until ſuch Time as ſuch Silver Veſſel, Plate, or manufactured Silver, being of the Standard of Eleven Ounces Two Penny Weight of fine Silver per Pound Troy), ſhall be marked as followeth; that is to ſay, with the Mark of the Worker or Maker thereof, which ſhall be the Firſt Letters of his Chriſtian and Surname; and alſo with the Lion Paſſant, and with the Mark of the Company within whoſe Aſſay Office ſuch Plate ſhall be aſſayed and marked, to denote the Goodneſs thereof, and the Place where the ſame was aſſayed and marked; and alſo with a diſtinct variable Mark or Letter; which Letter or Mark ſhall be annually changed upon the Election of new Wardens for each Company, to denote the Year in which ſuch Plate is marked, or Plate being of the Standard of Eleven Ounces Ten Penny Weight of fine Silver per Pound Weight Troy, with the Mark of the Worker or Maker thereof, which ſhall be the Firſt Letters of his Chriſtian and Surname, as aforeſaid, the Figure of a Woman commonly called Britannia, the ſaid Mark or Letter to denote the Year as aforeſaid, and with the Mark of the Company within whoſe Office ſuch Plate ſhall be aſſayed and marked, upon Pain that all ſuch Silver Veſſels, Plate, or other manufactured Silver, (except ſuch Things as by reaſon of their Smallneſs or Thinneſs are not capable of receiving a Touch), which ſhall be made, expoſed to Sale, exchanged, or exported, contrary to this Act, ſhall be forfeited, or the Value thereof, One Moiety thereof to the King's Majeſty, His Heirs and Succeſſors, and the other Moiety thereof to ſuch Perſon or Perſons as will ſue for the ſame; to be recovered by Action of Debt, Bill, Suit, or Information, in any Court of Record in any County or Place wherein ſuch Offence ſhall be committed, and wherein no Eſſoin, Protection, Wager of Law, or any more than One Imparlance, ſhall be allowed.

V. And be it further enacted by the Authority aforeſaid, That the peculiar Marks of the ſaid Companies, directed to be uſed as aforeſaid, ſhall be as follows; that is to ſay, For the Birmingham Company, an Anchor; and for the Sheffield Company, a Crown.

Peculiar Marks of the *Birmingham* and *Sheffield* Companies.

VI. And be it further enacted by the Authority aforeſaid, That each of the ſaid Companies ſhall, from Time to Time, elect and chuſe, in Manner aforeſaid, One or more able and ſkilful Perſon or Perſons experienced in the aſſaying of Silver, to be the Aſſayer or Aſſayers; and that ſuch Perſon or Perſons ſo choſen ſhall continue in the ſaid Office during his or their Life or Lives, unleſs he or they ſhall neglect to attend the ſaid Buſineſs, or ſhall die, or be rendered incapable of executing the ſaid Office of Aſſayer; for which ſaid Aſſayer or Aſſayers it ſhall and may be lawful to detain Eight Grains only from every Pound Troy of Silver he or they ſhall aſſay, Four Grains whereof ſhall be put into the Box of Diet, and the other Four Grains ſhall be allowed him towards his Waſte and Spillings in making the ſaid Aſſays; and every Aſſayer and Aſſayers, choſen in purſuance of this Act, immediately after his or their Election or Elections, and before he or they take upon himſelf or themſelves the Execution of the ſaid Office, ſhall enter into One Bond or Obligation to the Maſter of His Majeſty's Mint for the Time being, with Two ſufficient Sureties, to be approved of by the ſaid Maſter, in the Penalty of Five hundred Pounds, for the Execution of the ſaid Office, and for the due Payment of all ſuch Fines and Sums of Money as are and ſhall be charged and impoſed on him or them by this Act, for Neglect or Fraud in the Execution of the ſaid Office; and ſhall alſo take and ſubſcribe the Oath following; videlicet,

Aſſayers to be elected by both Companies.

I *A. B.* do ſwear, That I will be faithful and true to our Sovereign Lord King *George*, and will, ſo long as I continue an Aſſayer, well and faithfully behave myſelf in the ſaid Office; and no undue Profit to myſelf take, to the Hurt or Hinderance of any Perſon that is Owner or Bringer of any Silver in Plate to be aſſayed, except of Wrought Plate only, Four Grains of every Pound Weight to be taken and put into the Box of Diet, and other Four Grains to be taken likewiſe of every Pound Weight of Plate wrought (and not otherwiſe), towards my Waſte and Spillings in making the ſaid Aſſays; and that I will touch no Silver but what ſhall be of the Goodneſs of and according to the Standard of this Kingdom, which, for the Time being, is or ſhall be appointed by Law for Wrought Plate, or better; and all ſuch Silver as ſhall be brought to me to be touched, I will carefully examine, to ſee if it be of all One Sort of Silver, and forward enough in the Workmanſhip, and whether all the Pieces be fixed together that are intended to be affixed together, and whether it be not charged with unneceſſary Solder; and if I find the ſame liable to either of the Objections aforeſaid, I will not aſſay the ſame; and that I will truly ſet down in Writing all ſuch Silver as ſhall be brought to me to be touched, and the ſame, at all Times, as I ſhall be required, will duly and truly deliver again, (except Eight Grains as aforeſaid); and will true Accounts make thereof, when required by the Wardens of the Company wherein I am choſen Aſſayer; and that I will no Aſſays make of Things new wrought, before that they be marked with the Mark of the Maker or Owner thereof; and that I will, according to the beſt of my Skill and Judgement, make every Aſſay ſo, and in ſuch Sort and Manner, as may beſt aſcertain the true intrinſick Standard of ſuch Plate ſo to be aſſayed; and that I will not put, or wittingly ſuffer to be put, into the aforeſaid Box, any Silver but that Silver which has been ſcraped and taken in my Preſence from the Plate which I ſhall aſſay and paſs for Standard; and that I will not, by myſelf or in Partnerſhip with any other Perſon, directly or indirectly, be concerned in the buying or ſelling of Silver Bullion, or in the manufacturing of Wrought Plate.

Aſſayer's Oath.

So help me GOD.

Which Oath the Maſter of His Majeſty's Mint in the Tower of London for the Time being, or in his Abſence his Deputy in the ſaid Office, is hereby required and impowered to adminiſter to ſuch Aſſayer.

VII. Provided always, nevertheleſs, and be it enacted by the Authority aforeſaid, That if any Perſon choſen Aſſayer in purſuance of this Act ſhall neglect to attend the ſaid Buſineſs, or ſhall die, or be rendered incapable of executing the ſaid Office; that then, and in either of the ſaid Caſes, it ſhall and may be lawful to and for that Company to whom ſuch Aſſayer did belong to elect and chuſe, in Manner aforeſaid, One other fit and proper Perſon to be the Aſſayer, in the Place and Stead of the Aſſayer falling under either of the Deſcriptions aforeſaid.

On Death of Aſſayer, *&c.* Company to elect another.

VIII. And be it further enacted by the Authority aforeſaid, That each of the ſaid Companies ſhall find and provide, within their reſpective Towns, a proper Place for an Office for receiving in, aſſaying, and delivering out all Wrought Plate that ſhall be brought to be aſſayed in purſuance of this Act; and that all Wrought Plate that ſhall be there brought for the Purpoſe aforeſaid ſhall be examined by Two of the Wardens and Aſſayer of the ſaid Company, to ſee if it be all of One Sort of Silver, and forward enough in the Workmanſhip, and whether all the Pieces be affixed together that are intended to be affixed together, and whether it be marked with the Maker or Owner's Mark, or be not charged with unneceſſary Solder; and that if they ſhall find any of ſuch Plate liable to either of the Objections aforeſaid, that then they ſhall return the ſame without

Each Company to provide an Aſſay Office; and the Wrought Plate to be examined by Two Wardens and an Aſſayer.

without making any Aſſay thereof; but if they ſhall find ſuch Plate free from all the Objections aforeſaid, that then there ſhall be drawn, ſcraped, or cut off, in the Preſence of Two of the Wardens, and Aſſayer, ſo much from each Piece, in proportion to the Weight thereof, as will not exceed in the Whole the Rate of Eight Grains for every Pound Weight; and the Drawings, Scrapings, or Cuttings-off, from each Piece, ſhall immediately after be divided into Moieties in the Preſence of the ſaid Wardens and Aſſayer; and a Moiety of the Drawings, Scrapings, or Cuttings-off, from each Piece, be delivered to the Aſſayer, for him to make his Aſſays, and the other Moiety ſhall be locked up with Three different Locks in a Box to be provided for that Purpoſe, (which ſhall be called The Aſſayer's Box), and the reſpective Keys thereof ſhall be kept by Two of the Wardens and Aſſayer of ſuch reſpective Company by whom ſuch Aſſayers ſhall be elected and choſen.

If baſe Metal be found in any Piece of Plate, the ſame ſhall be broken, and the Value forfeited.

IX. And be it further enacted by the Authority aforeſaid, That if on View of any of the ſaid Plate ſo brought to be aſſayed, and after weighing the ſame in Water, and trying the Effect of Magnetiſm, the Wardens and Aſſayer, or either of them, ſhall have Suſpicion of Iron, or other baſe Metal, being introduced or concealed in any Piece of Plate ſo brought to be aſſayed; that then it ſhall and may be lawful to and for the ſaid Wardens and Aſſayer to cut the ſame, or cauſe the ſame, in their Preſence, to be cut; and if upon cutting thereof any unneceſſary Iron, or other baſe Metal, ſhall be found therein, the ſaid Piece of Plate ſhall be broken and defaced, and they are hereby authoriſed and directed to break and deface the ſame; and the ſaid Plate, or the Value thereof, ſhall be forfeited to the ſaid Wardens and Aſſayer, and the Produce thereof be by them applied towards the Expences of the Aſſay Office.

If no baſe Metal be found on cutting ſuch Plate, Recompence to be made.

X. Provided always, nevertheleſs, and be it enacted by the Authority aforeſaid, That if on cutting ſuch Plate, by Authority aforeſaid, no unneceſſary Iron, or other baſe Metal, ſhall be found therein; that then, and in ſuch Caſe, the ſaid Wardens and Aſſayer ſhall forthwith make a Recompence and Satisfaction, in Money, to the Owner of ſuch Plate, to the full Amount of the Damage done to the ſame, and charge the ſame to the Account of the Expences of the Aſſay Office.

Drawings, Scrapings, &c. how to be diſpoſed of.

XI. And be it further enacted by the Authority aforeſaid, That the Moiety of the Drawings, Scrapings, or Cuttings-off, of each Piece ſo to be brought to the Aſſay Office as aforeſaid, and the Moiety thereof, to be locked up in the Aſſayer's Box as aforeſaid, ſhall be put in ſeparate Papers, and marked with correſponding Numbers, and the Aſſayer ſhall make his Report to the Wardens upon each Piece; and ſuch of the ſaid Numbers as the Aſſayer ſhall report to be worſe than Standard, the Pieces of Plate correſponding with ſuch Numbers ſhall be broke to Pieces in the Preſence of the ſaid Wardens and Aſſayer, and returned to the Owner, he paying Sixpence per Ounce to the Aſſayer for aſſaying the ſame; and ſuch Numbers as the ſaid Aſſayer ſhall report to be Standard or better, the Pieces of Plate correſponding with ſuch Numbers ſhall be forthwith marked, in the Preſence of the Wardens and Aſſayer, with the Company's Mark, and delivered to the Owner or Bringer of ſuch Plate, (he paying for making the Aſſay thereof ſuch Sums of Money as are herein-after directed to be paid for the ſame); and the Scrapings belonging to ſuch correſponding Numbers which ſhall be ſo reported Standard, or better, ſhall be taken out of the Aſſayer's Box, and be folded up, and the Name of the Maker of the Plate indorſed thereon, and immediately depoſited in a Box to be provided for that Purpoſe, (which ſhall be called The Diet Box), and which Box ſhall be locked with Three different Locks, and the reſpective Keys thereof ſhall be kept by Two of the ſaid Wardens and Aſſayer; and which ſaid Box ſhall never after be opened but in the Preſence of the ſaid Wardens and Aſſayer, or any of the Diet taken thereout, but for the Purpoſe of Trial thereof annually, as hereafter is mentioned; and the Moiety of the Scrapings, Drawings, and Cuttings-off, which ſhall be delivered to the Aſſayer for the Purpoſe of Aſſaying, or ſo much thereof as ſhall remain after ſuch Proceſs, ſhall, in the Preſence of the Wardens, be put by the Aſſayer together in the Aſſayer's Box, in a Part thereof to be appropriated for that Purpoſe, to be diſpoſed of as by this Act is hereafter directed.

Proviſo.

XII. Provided always, nevertheleſs, and be it enacted by the Authority aforeſaid, That if any Plate ſo brought to be aſſayed ſhall be reported to be of the Standard of Eleven Ounces Ten Penny Weight, or better, that then the Moiety of the Drawings, Scrapings, or Cuttings-off, from ſuch Plate, ſhall be put in the Diet Box, in a Part thereof to be appropriated for that Purpoſe, and not blended with the other Diet, to the Intent that the Diet of Plate of each of the aforeſaid Standards may be ſeparately tried on the annual Trial of the Diet herein-after directed.

Silverſmith or Plate-worker not entering his Name with the Wardens of that Company neareſt which he ſhall reſide,

XIII. And be it further enacted by the Authority aforeſaid, That on or before the Twenty-ninth Day of September next, every Silverſmith or Plate-worker inhabiting in either of the Towns aforeſaid, or within Twenty Miles of either of them, and alſo every Perſon who, at any Time after the ſaid Twenty-ninth Day of September, ſhall follow the Trade of a Silverſmith or Plate-worker, before he takes upon him to exerciſe either of the ſaid Trades ſhall enter his Name and his Mark, and Place of Abode, with the Wardens of that Company neareſt which he ſhall reſide, which ſhall be done by the ſaid Wardens upon Demand, without Fee or Reward; and if any ſuch Silverſmith or Plate-worker ſhall not enter his Name and Mark, and Place of Abode, as aforeſaid, or ſhall reſide and carry on his ſaid Trade in any other Place than what he has ſo entered as the Place of his Abode, and ſhall not have entered his Removal, or ſhall ſtrike any other Mark on Plate than what is ſo entered, ſuch Silverſmith or Plate-worker ſo offending ſhall forfeit the Sum of One hundred Pounds, to be recovered and diſpoſed of as aforeſaid.

ſhall forfeit 100*l.*

Perſons counterfeiting of Marks or Stamps uſed by the ſaid Companies;

XIV. And be it further enacted by the Authority aforeſaid, That if any Perſon whatſoever ſhall caſt, forge, or counterfeit, or cauſe or procure to be caſt, forged, or counterfeited, any Mark or Stamp uſed, or to be uſed, for marking Plate, in purſuance of this Act, or by any Maker or Worker of Silver Plate, or any or either of them; or ſhall caſt, forge, or counterfeit, or cauſe or procure to be caſt, forged, or counterfeited, any Mark, Stamp, or Impreſſion, in Imitation of, or to reſemble any Mark, Stamp, or Impreſſion made, or to be made, with any Mark or Stamp uſed, or to be uſed, as aforeſaid, by the ſaid Companies reſpectively, or by any Maker or Worker of Silver Plate, or any or either of them; or ſhall mark or ſtamp, or cauſe or procure to be marked or ſtamped, any Silver Wrought Plate with any Mark or Stamp which hath been or ſhall be forged or counterfeited in Imitation of, or to reſemble any Mark or Stamp uſed, or to be uſed, as aforeſaid, by the ſaid Companies reſpectively, or by any Maker or Worker of Silver Plate, or any or either of them; or ſhall tranſpoſe or remove, or cauſe or procure to be tranſpoſed or removed, from One Piece of Wrought Plate to another, or to any plated Veſſel, or to any Veſſel of baſe Metal, any Mark, Stamp, or Impreſſion, made or to be made by or with any Mark or Stamp uſed, or to be uſed, as aforeſaid, by the ſaid Companies reſpectively, or by any Maker or Worker of Silver Plate, or any or either of them; or ſhall ſell, exchange, or expoſe to Sale, or export out of this Kingdom, any Silver Wrought Plate, or any Veſſel of baſe Metal, with any ſuch forged or counterfeit Mark, Stamp, or Impreſſion thereon, or any Mark, Stamp, or Impreſſion, which hath been or ſhall be tranſpoſed or removed from any other Piece of Plate, knowing ſuch Mark, Stamp, or Impreſſion, to be forged, counterfeited, or tranſpoſed, or removed, as aforeſaid; or ſhall wilfully or knowingly have or be poſſeſſed of any Mark or Stamp which hath been or ſhall be forged or counterfeited, in Imitation of, or to reſemble any Mark or Stamp uſed or to be uſed as aforeſaid, by the ſaid Companies reſpectively, or by any Maker or Worker of Silver Plate, or any or either of them; every ſuch Perſon offending in any, each, or either of the Caſes aforeſaid, being thereof lawfully convicted, ſhall, by Order of the Court before whom ſuch Offender ſhall be convicted, be tranſported to ſome of His Majeſty's Colonies or Plantations in America for the Term of Fourteen Years.

or tranſpoſing Stamps from one Piece to another, and expoſing ſuch Sale;

ſhall, on Conviction, be tranſported to *America* for 14 Years.

XV. And be it further enacted by the Authority aforeſaid, That if any working Silverſmith or Dealer in Wrought Plate, or any Worker or Dealer in any other Metal plated or covered with Silver, ſhall ſtrike, or cauſe to be ſtruck, any Letter or Letters upon any Veſſel, or other Thing made of Metal plated or covered with Silver, or upon any Metal Veſſel, or other Thing made to look like Silver; ſuch Perſon or Perſons ſo offending ſhall forfeit the Sum of One Hundred Pounds; to be recovered and diſpoſed of as aforeſaid.

Dealers in plated Metal cauſing Letters to be ſtruck thereon to forfeit 100 *l.*

XVI. And be it further enacted by the Authority aforeſaid, That all and every Silverſmith and Plate-worker ſhall firſt ſtrike his or their Mark upon his or their Plate which ſhall be made from and after the Twenty-ninth Day of September next, (except ſuch Things which by reaſon of their Smallneſs or Thinneſs are not capable of receiving the Touch), and ſhall then bring or ſend the ſame to the Office where they ſhall have entered their Mark, and Place of Abode, and the ſame ſhall be there aſſayed according to this Act; and if by the Aſſayer it ſhall be found to be of the Fineneſs of Standard, which for the Time being is or ſhall be appointed by Law for Wrought Plate, or better, then the ſame ſhall be marked with the Company's Marks, in the Preſence of the Wardens and Aſſayer; and that it ſhall and may be lawful to and for the ſaid Aſſayer, or ſuch other Perſon as the Wardens for the Time being of each reſpective Company ſhall appoint, to aſk, demand, take, and receive, of and from all and every ſuch Perſon and Perſons as ſhall, from Time to Time, bring to the Aſſay Office belonging to the ſaid Company any Piece or Parcel of Wrought Plate to be aſſayed, tried, and marked, ſuch Prices, Sums of Money, or Rewards, as they ſhall think fit, ſo as ſuch Prices, Sums of Money, or Rewards, do not exceed the Sum of One Shilling for every Pound Troy, and ſo proportionably for every greater or leſs Quantity of Plate ſo aſſayed and marked.

Aſſayers to take not exceeding 1 *s.* for every *lb.* *Troy* of Wrought Plate aſſayed.

XVII. Provided nevertheleſs, That if any Parcel or ſingle Piece of Wrought Plate ſhall be brought or ſent to the ſaid Office to be aſſayed, which, according to the Rate or Price herein-before limited, ſhall not amount to the Sum of One Shilling, then there ſhall be paid for aſſaying and marking ſuch Parcel or ſingle Piece of Wrought Plate a Sum of Money or Reward not exceeding One Shilling; any Thing herein contained to the Contrary in any-wiſe notwithſtanding.

1 *s.* may be taken, though the Plate aſſayed do not amount to the limited Rate.

XVIII. And be it further enacted by the Authority aforeſaid, That the Aſſayers ſo to be choſen by virtue of this Act as aforeſaid ſhall not diſcover, by Deſcription, in Words, or otherwiſe, to any Perſon or Perſons whatſoever, any Pattern, Deſign, or Invention, of any Piece of Silver Plate brought, or to be brought, to the Office to be aſſayed as aforeſaid, or permit the ſame to be viewed or ſeen by any Perſon whomſoever, but the Wardens and other Perſons neceſſarily employed, or to be employed, in the ſaid Office; and alſo ſhall keep a Book or Books, wherein ſhall be entered the Names of every Owner of Plate brought to be aſſayed, and the Aſſortment of Plate aſſayed, and an Account of the Money received for the aſſaying thereof, and likewiſe an Account of the Monies ariſing from the Scrapings and Cuttings-off of the ſaid Plate ſo brought to be aſſayed, when the ſame ſhall be ſold in Manner herein-after directed, and alſo an Account of the Officers and Servants Salaries and Wages, and other incidental Expences attending the carrying this Act into Execution; and that every Member of each reſpective Company ſhall have free Acceſs to the ſaid Books, and to the Inſpection thereof.

Aſſayers not to diſcover any Deſign, Pattern, *&c.* of Plate brought to be aſſayed;

and ſhall enter the Names of Owners in Books; and an Account of Servants Salaries, *&c.*

XIX. And be it further enacted by the Authority aforeſaid, That the Marks belonging to each of the ſaid reſpective Companies ſhall be locked up in a Box with three different Locks, and the reſpective Keys thereof ſhall be kept by Two of the Wardens and Aſſayer of ſuch reſpective Company, and ſhall never be taken thereout but in the Preſence of Two of the ſaid Wardens and Aſſayer, for the Purpoſe of marking the Plate which ſhall have been aſſayed and reported Standard, and which Plate ſhall be marked in the Preſence of Two of the ſaid Wardens and Aſſayer, and the Marks immediately after locked up in Manner aforeſaid: And that if by Connivance of the ſaid Wardens the Aſſayer ſhall mark, or ſuffer to be marked, any Plate with the Company's Mark, any

Marks to be locked up in a Box with Three Locks, the Keys of which are to be kept by Two Wardens and an Aſſayer, and all Plate marked in their Preſence.

otherwiſe

On Connivance of the Wardens, if the Aſſayer diſcover Patterns, &c. he ſhall forfeit 200 *l.*

otherwiſe than in the Preſence of the Two Wardens; or if he ſhall mark any Plate that has not been duly aſſayed and found Standard; or if he ſhall diſcover, by Deſcription, in Words, or otherwiſe, to any Perſon or Perſons whatſoever, any Pattern, Deſign, or Invention, of any Piece of Silver Plate brought to the Office to be aſſayed as aforeſaid; or wittingly or willingly permit or ſuffer the ſame to be viewed or ſeen by any Perſon whomſoever, but the Wardens and other Perſons neceſſarily employed in the ſaid Office; he ſhall forfeit and pay the Sum of Two hundred Pounds; to be recovered and diſpoſed of in Manner aforeſaid, and ſhall be turned out of his Office, and be rendered ever after incapable of exerciſing the Office of an Aſſayer.

Scrapings and Cuttings to be weighed Four Times in every Year.

XX. And be it further enacted by the Authority aforeſaid, That the Aſſayer of each reſpective Company ſhall, Four Times in every Year, duly weigh, in the Preſence of the Wardens of the ſaid Company, all the Scrapings and Cuttings-off of Silver depoſited in the Aſſayer's Box, after Report thereof made as aforeſaid, and enter the true Weight thereof in a Book to be kept for that Purpoſe; and that when the ſame is ſo weighed and entered, it ſhall and may be lawful to and for the ſaid Wardens to ſell and diſpoſe thereof, and, after entering an Account of the Produce thereof in the Book belonging to ſuch Company, containing their Receipts and Payments for and on the Account of the Aſſay Office, pay and apply the ſame for and towards ſuch Payments.

Diet Box to be Once in every Year opened in the Preſence of the Aſſayer and the Four Wardens; and conveyed to the Mint.

XXI. And be it further enacted by the Authority aforeſaid, That the Diet Box belonging to each of the ſaid Companies ſhall, Once in every Year, be opened in the Preſence of the Aſſayer and the Four Wardens belonging to each Company, and the Diet therein be taken out and carefully packed up in Two ſeparate Parcels, if of different Standards, without opening the Papers containing the ſame, and carefully ſecured and ſealed with the reſpective Seals of the ſaid Wardens and Aſſayer, and by them, in each other's Preſence, delivered to a Meſſenger, to be by him conveyed to His Majeſty's Mint in the Tower of London, and delivered to the Maſter of the Mint, or his Deputy, taking a Receipt from him who ſhall ſo receive it for the ſame, which Receipt the ſaid Maſter, or his Deputy, are hereby directed to give; and that the Meſſenger conveying the ſame ſhall, at the Time of the delivering thereof to the ſaid Maſter, or his Deputy, make Oath before the ſaid Maſter, or his Deputy, (which Oath the ſaid Maſter, or his Deputy, are hereby authoriſed and directed to adminiſter), that he received the Box or Parcel (as the Caſe may be) from the Wardens and Aſſayer of the Company, ſo ſealed as on the Delivery thereof, and that the ſame had not been opened after he had ſo received the ſame.

Maſter of the Mint to prefer a Memorial to the Lords of the Treaſury, for Trial of the Diet by the King's Aſſay-maſter,

XXII. And be it further enacted by the Authority aforeſaid, That the Maſter of His Majeſty's Mint for the Time being, or his Deputy, ſhall, within Fourteen Days next after the ſaid Diet ſhall have been ſo delivered over to him as aforeſaid, prefer a Memorial to the Lord High Treaſurer of Great Britain, or Lords Commiſſioners of His Majeſty's Treaſury for the Time being, requeſting a Time to be fixed for the Trial of the ſaid Diet by the King's Aſſay-maſter of His Majeſty's Mint before the Lord High Treaſurer of Great Britain, or Lords Commiſſioners of His Majeſty's Treaſury for the Time being, or whom he or they appoint; and that the ſaid Maſter of the Mint, or his Deputy, ſhall, by Letter, to be ſent by the General Poſt, give ſuch Aſſayer, whoſe Diet is to be tried, Notice of the Time and Place appointed for ſuch Trial, that he may be preſent, if he thinks fit; and ſhall, on that Day whereon the Lord High Treaſurer of Great Britain, or Lords Commiſſioners of His Majeſty's Treaſury for the Time being, ſhall appoint, and in the Preſence of him or them, or of ſuch Perſons to be appointed by him or them, as aforeſaid, deliver the ſaid Diet, ſo received by him as aforeſaid, unopened to His Majeſty's Aſſay-maſter of the Mint aforeſaid, who, in the Preſence of the Lord High Treaſurer of Great Britain, or Lords Commiſſioners of His Majeſty's Treaſury, or of ſuch Perſons to be appointed as aforeſaid, ſhall duly aſſay and try the ſame by the indented Pieces herein-after directed to be made, in ſuch Manner as by the Perſons then preſent ſhall be thought neceſſary, and make a true Report thereof; and if upon ſuch Trial the ſame ſhall be found agreeable in Fineneſs to the ſaid reſpective indent Trial Pieces, or better, that then His ſaid Majeſty's Aſſay-maſter ſhall return the ſaid Diet to, or to the Order of the Wardens and Aſſay-maſter of the Company aforeſaid, who are hereby authoriſed to ſell and diſpoſe thereof; and having entered the Produce thereof in the Book of Accounts of the Receipts and Payments relative to the Aſſay Office from whence ſuch Diet ſhall be ſent, to pay and apply ſuch Produce for and towards the neceſſary Expence of ſuch Office.

giving Notice by Poſt to the Aſſayer to be preſent.

If the Diet is not found ſufficient in Fineneſs, the Aſſayer ſhall forfeit 200 *l.*

XXIII. Provided always, neverthleſs, and be it enacted by the Authority aforeſaid, That if, on the ſaid Trial, the ſaid Diet ſhall be found not agreeable in Fineneſs with the ſaid Trial Pieces, according to the reſpective Standards thereof, but worſe; that then, and in ſuch Caſe, the Aſſayer belonging to that Company, whoſe Diet ſhall be ſo tried, ſhall forfeit and pay the Sum of Two hundred Pounds, to be recovered and diſpoſed of as aforeſaid, and ſhall ever after be rendered incapable of acting as an Aſſayer.

Overplus of Money ariſing to be applied in proſecuting Offenders.

XXIV. Provided alſo, and it is hereby enacted and declared, That in caſe the ſaid Prices, Sums of Money, or Rewards, hereby given, granted, or allowed, to each Company, in each of the ſaid Towns reſpectively, for the aſſaying and marking Wrought Plate, ſhall raiſe more Money than ſhall be ſufficient to defray the neceſſary Expences of the ſaid reſpective Aſſay Offices, then the Overplus Money (if any) ſhall be reſpectively applied by each Company, from Time to Time, in the proſecuting Offenders againſt this Act; and if ſuch Proſecutions ſhall not require the whole of ſuch Overplus, that then the ſaid Prices, Sums of Money, or Rewards, ſhall afterwards be leſſened in proportion by the reſpective Companies aforeſaid; and they are hereby required to take ſo much leſs for the aſſaying, trying, and marking, Wrought Plate for the future, as will anſwer the Purpoſes aforeſaid only, without bringing any Profit to any of the ſaid reſpective Companies; any Thing herein contained to the Contrary thereof in anywiſe notwithſtanding.

Two indented Trial Pieces to be made by the Wardens and Aſſayer; which ſhall be tried at the Mint by the Aſſay-maſter.

XXV. And be it further enacted by the Authority aforeſaid, That the Wardens and Aſſayer of each of the ſaid reſpective Companies ſhall, from Time to Time, as Occaſion ſhall require, make, or cauſe to be made, Two indented Trial Pieces, whereof One ſhall be of the Standard of Eleven Ounces Two Pennyweight of fine Silver, and Eighteen Pennyweight of Alloy in the Pound Weight Troy, and the other of the Standard of Eleven Ounces, Ten Pennyweight of fine Silver, and Ten Pennyweight of Alloy in the Pound Weight Troy; and after the ſaid Two Trial Pieces ſhall be made as aforeſaid, they ſhall be brought to His Majeſty's Mint in the Tower of London, and there be aſſayed and tried by His Majeſty's Aſſay-maſter; and when the ſame ſhall have been ſo aſſayed and tried, and found to be of the reſpective Standards aforeſaid, One Moiety of each Piece ſhall be delivered back to the Aſſayer who brought the ſame, and ſuch Moieties ſhall be depoſited by him in his Office as Guides for trying ſuch Plate as ſhall be brought to his Office to be aſſayed, and the other Moieties ſhall remain in His Majeſty's Mint, in the Cuſtody of the Maſter and Worker for the Time being, thereby to try the Diet directed to be aſſayed by His Majeſty's Aſſay-maſter as aforeſaid.

Sums payable yearly to the Maſter of His Majeſty's Mint.

XXVI. And it is hereby further enacted by the Authority aforeſaid, That each of the ſaid reſpective Companies ſhall, before the Aſſay of their Diet, yearly and every Year, pay to the Maſter of His Majeſty's Mint, or his Deputy, for the Uſe of his Deputy, and to the King's Aſſay-maſter, the ſeveral Sums following; (that is to ſay,) To the Maſter of His Majeſty's Mint, or his Deputy, the Sum of Three Pounds Three Shillings, and to the King's Aſſay-maſter the Sum of Ten Pounds Ten Shillings, by way of Recompence for the Trouble and Expence they will reſpectively have and incur by means of the Trial of the ſaid Diet, in Manner aforeſaid.

Companies to make Bye-laws.

XXVII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid reſpective Companies, or the major Part of them, and they are hereby authoriſed and impowered, from Time to Time, to make Bye-laws, Rules, and Orders, for the Well-government and Management of their reſpective Offices, and for fixing the Salaries and Rewards of their reſpective Officers, and for fixing the Time and Manner for receiving in and delivering out Plate brought to be aſſayed, and for every other Purpoſe relative to the Conduct or Management of ſuch Office, ſo as ſuch Bye-laws, Rules, and Orders, do not in any Reſpect contradict this Act, or the Laws of the Realm.

Wardens to ſubſcribe the following Oath.

XXVIII. And be it further enacted by the Authority aforeſaid, That each of the Wardens of the ſaid Companies ſhall, after his Election, and before he takes upon him the Execution of the ſaid Office, take and ſubſcribe the following Oath; videlicit,

I *A. B.* do ſwear, That I will, ſo long as I continue a Warden, well and faithfully behave myſelf in the ſaid Office; and that I will not diſcover, by Deſcription, in Words, or otherwiſe, to any Perſon or Perſons whatſoever, any Pattern, Deſign, or Invention, of any Piece of Silver Plate, brought, or to be brought, to the Office to be aſſayed, or wittingly or willingly permit the ſame to be viewed or ſeen by any Perſon whomſoever, but the Perſons neceſſarily employed, or to be employed, in the Aſſay Office; and that I will in all Things conform to the Rules laid down for my Conduct in an Act of Parliament, paſſed in the Thirteenth Year of the Reign of King *George* the Third, (intituled, *An Act for appointing Wardens and Aſſay-maſters for aſſaying Wrought Plate in the Towns of* Sheffield *and* Birmingham.)

So help me GOD.

Which Oath any Juſtice of Peace reſiding in the County where ſuch Office is eſtabliſhed is hereby required and impowered to adminiſter to ſuch Wardens.

Perſons recovering Judgement againſt an Aſſay-maſter, and not being paid the Penalty adjudged, may have the Aſſay-maſter's Bond aſſigned to him.

XXIX. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall at any Time hereafter recover Judgement in any Court of Record againſt any Aſſay-maſter of either of the Companies aforeſaid, for any Penalty impoſed on him by this Act, for Neglect or Fraud in the Execution of his Office, and ſuch Penalty, together with the Coſts adjudged, ſhall not be paid within the Time preſcribed by that Court wherein ſuch Judgement ſhall be obtained; that then, and in ſuch Caſe, it ſhall and may be lawful to and for the Maſter of His Majeſty's Mint for the Time being, and he is hereby authoriſed and directed to aſſign over to ſuch Perſon or Perſons ſo recovering ſuch Judgement the ſaid Bond or Obligation ſo directed to be entered into by the ſaid Aſſayer and his Sureties to the Maſter of His Majeſty's Mint, as aforeſaid, in order to enable ſuch Perſon or Perſons to bring One or more Action or Actions thereon againſt ſuch Aſſayer, and his Sureties, or either of them, or the Heirs, Executors, or Adminiſtrators of them, or either of them, for the Recovery of ſuch Penalty ſo recovered againſt the Aſſayer, together with the Coſts adjudged; in which laſt-mentioned Action or Actions it ſhall be ſufficient for the Plaintiff to prove the Execution of the ſaid Bond, and of the Aſſignment thereof, and the former Judgement recovered againſt the Aſſayer, in order to entitle ſuch Plaintiff to Judgement and Execution.

If in any Action brought on the Bond, Verdict be given for the Defendant, Coſts ſhall be paid by the Aſſignee.

XXX. Provided always, nevertheleſs, and it is hereby enacted by the Authority aforeſaid, That if in any Action to be brought on the ſame Bond, as laſt aforeſaid, a Verdict ſhould be given for the Defendant, or the Plaintiff be nonſuited, that then the Coſts of ſuch Verdict or Nonſuit ſhall be paid by the Aſſignee of ſuch Bond, and the Maſter of His Majeſty's Mint be wholly exonerated and diſcharged therefrom; any Law, Uſage, or Statute, to the Contrary in any-wiſe notwithſtanding.

Publick Act.

XXXI. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

CAP. LIII.

An Act to enable the Inhabitants of the Pariſh of *Saint Matthew Bethnal-Green*, in the County of *Middleſex*, to pay Debts already contracted in finiſhing and furniſhing their Workhouſe, and on account of the Poor of the ſaid Pariſh; and for their further Relief.

CAP. LIV.

An Act for the more effectual Preſervation of the Game in that Part of *Great Britain* called *Scotland*; and for repealing and amending ſeveral of the Laws now in being relative thereto.

Preamble.

WHEREAS the Laws already made for the Preſervation of Game in that Part of *Great Britain* called *Scotland* are found by Experience to be inſufficient for that Purpoſe, without being altered and amended; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That every Perſon who ſhall wilfully take, kill, deſtroy, carry, ſell, buy, or have, in his or her Poſſeſſion, or uſe any Muir Fowl or Tarmargan, between the Tenth Day of December and the Twelfth Day of Auguſt in any Year; or any Heath Fowl, between the Tenth Day of December and the Twentieth Day of Auguſt in any Year; or any Partridge, between the Firſt Day of February and the Firſt Day of September in any Year; or any Pheaſant, between the Firſt Day of February and the Firſt Day of October in any Year; ſhall, for every Bird ſo taken, killed, deſtroyed, carried, ſold, bought, found, or uſed, forfeit and pay the Sum of Five Pounds Sterling: And in caſe of not paying the Sum decreed within the Space of Ten Days after Conviction by a final Sentence, ſhall ſuffer Impriſonment for Two Months for each Five Pounds Sterling thereof.

Perſons taking, killing, ſelling, or buying Muir Fowl, *&c.* between *Dec.* 10, and *Aug.* 12, *&c.* ſhall forfeit for every Bird ſo deſtroyed 5*l.*

Not to extend to Pheaſants, *&c.* taken in the Seaſons allowed, and kept in breeding Places.

II. Provided always, That nothing in this Act ſhall extend to any Pheaſant or Partridge which ſhall be taken in the Seaſons allowed by this Act, and kept in any Mew or breeding Place.

Any Perſon not qualified to kill Game, having Game in his Cuſtody, without Leave of Perſons qualified, to forfeit 20*s.* for the Firſt, and for every other Offence, 40*s.*

III. And be it further enacted by the Authority aforeſaid, That every Perſon whatſoever, not qualified to kill Game in Scotland, who ſhall have in his or her Cuſtody, or carry, at any Time of the Year, upon any Pretence whatſoever, any Hares, Partridges, Pheaſants, Muir Fowl, Tarmargans, Heath Fowl, Snipes, or Quails, without the Leave or Order of a Perſon qualified to kill Game in Scotland, for carrying ſuch Hares or other Game, or for having the ſame in his or her Cuſtody, ſhall, for the Firſt Offence, forfeit and pay the Sum of Twenty Shillings Sterling; and for the Second, and every other ſubſequent Offence, the Sum of Forty Shillings Sterling: And in caſe of not paying the Sum decreed within the Space of Ten Days after Conviction by a final Judgement, ſhall ſuffer Impriſonment for Six Weeks for the Firſt Offence, and for Three Months for the Second, and every other ſubſequent Offence.

Penalties for Firſt and ſubſequent Offences on Perſons making Mairburn from *April* 11, to *Nov.* 1.

IV. And be it enacted by the Authority aforeſaid, That every Perſon who ſhall make Muirburn, or ſet fire to any Heath or Muir, in that Part of Great Britain called Scotland, from the Eleventh Day of April to the Firſt Day of November in any Year, ſhall forfeit and pay the Sum of Forty Shillings Sterling for the Firſt Offence, Five Pounds Sterling for the Second Offence, and Ten Pounds Sterling for the Third and every other ſubſequent Offence: And in caſe of not paying the Sum decreed within the Space of Ten Days after Conviction by a final Judgement, ſhall ſuffer Impriſonment for Six Weeks for the Firſt Offence, Two Months for the Second, and Three Months for the Third and every other ſubſequent Offence.

If any Muirburn be diſcovered within the Time forbidden, Occupiers of the Ground to be liable, unleſs they ſhall prove the contrary.

V. And be it further enacted by the Authority aforeſaid, That the Tenant, Poſſeſſor, or Occupier of the Ground upon which ſuch Muirburn ſhall be made or diſcovered within the forbidden Time aforeſaid, ſhall be deemed and taken to be guilty of the Offence, and ſhall be liable to the ſeveral Penalties aforeſaid, unleſs ſuch Tenant, Poſſeſſor, or Occupier, ſhall prove, to the Satisfaction of the Court before which he or ſhe ſhall be proſecuted, that ſuch Fire was communicated from ſome neighbouring Ground, or was raiſed upon his or her Ground by ſome other Perſon not in his or her Service or Family.

Proprietors of wet Lands in their own Occupation may burn Heath between the 11th & 25th *April*; or may authoriſe their Tenants ſo to do.

VI. Provided always, and be it enacted by the Authority aforeſaid, That every Proprietor of high and wet Muir Lands, the Heath upon which frequently cannot be burnt ſo early as the Eleventh Day of April, may, when ſuch Lands are in his own Occupation, burn the Heath upon the ſame at any Time between the Eleventh and Twenty-fifth Day of April in any Year, without incurring any of the Penalties before mentioned; and when ſuch Lands are let, the Proprietor, or his Commiſſioner or Factor, may, by a Writing under his or their Hands, authoriſe his Tenant or Tenants in ſuch Lands to burn the Heath thereon, at any Time between the Eleventh and Twenty-fifth Day of April, in any Year, without incurring any of the Penalties before mentioned.

Writings authoriſing Tenants to burn Heath, as aforeſaid, to be recorded in the Sheriff Court Books.

VII. Provided alſo, That the Writing authoriſing ſuch burning, when the Lands are in the Occupation of a Tenant, ſhall, previous to ſuch burning, be recorded in the Sheriff or Stewart Court Books of the County or Stewartry within which the Lands are, and which the Sheriff or Stewart Clerk of ſuch County, or Stewartry, is hereby ordered and directed to do, upon receiving Payment of the Fees uſually paid for recording Writings.

Offences may be enquired into and determined by the Juſtices, *&c.*

VIII. And be it further enacted by the Authority aforeſaid, That all Offences againſt this Act ſhall and may be enquired into and determined, either by the Oath or Oaths of One or more credible Witneſs or Witneſſes, or by the Confeſſion or Oaths of the Parties accuſed, before any Two or more of His Majeſty's Juſtices of the Peace, or before the Sheriff, or Stewart-depute, or Subſtitute, of the County where the Offence ſhall be committed, or where the Offender ſhall be found; and that all Proſecutions for Offences againſt this Act ſhall be carried on, either at the Inſtance of the Fiſcal of the Court in which the Proſecution is brought, or of any other Perſon who will inform or complain.

IX. And be it further enacted by the Authority aforeſaid, That if any Perſon convicted of any of the Offences againſt this Act ſhall not pay the Penalty or Forfeiture decreed againſt him or her, within the Space of Ten Days from and after a final Judgement of Conviction, it ſhall and may be lawful for the Juſtices of the Peace, Sheriff, or Stewart-depute, or Subſtitute, before whom the Information, Complaint, or Action may have been brought, upon the Application of the Proſecutor, to grant Warrant for levying the Penalties or Forfeitures, by immediate Diſtreſs and Sale of the Offenders Goods and Moveables, together with the Coſts and Charges attending the levying thereof, returning the Overplus, if any be, to the Owner; or to grant Warrant for committing the Offender to the common Gaol of the County for the Time ſpecified in this Act, as Satiſfaction for the Penalty or Forfeiture incurred, or until Payment: And in caſe a Warrant for levying the Penalty by Diſtreſs and Sale of the Offender's Goods and Moveables ſhall be firſt applied for and obtained, and that the Penalty or Forfeiture ſhall not be recovered in Conſequence thereof, it ſhall and may be lawful for the Juſtices of Peace, Sheriff, or Stewart-depute, or Subſtitute, who granted the Warrant for levying the Penalty or Forfeiture by Diſtreſs and Sale of the Offender's Goods and Moveables, upon its being certified to him or them by the Officer employed in executing the Warrant, either that he has been able to recover no Part of the Penalty or Forfeiture, or that a certain Part, to be certified by him, ſtill remains unrecovered, to grant Warrant for committing the Offender to the common Gaol of the County for the Time ſpecified in this Act, as Satiſfaction for the Penalty or Forfeiture incurred, or until complete Payment ſhall be made of the Penalty or Forfeiture incurred and decreed.

Perſons convicted to pay the Penalties within Ten Days, or the ſame may be levied by Diſtreſs.

In caſe the Penalty cannot be recovered by Diſtreſs, Offenders to be committed.

X. And be it further enacted by the Authority aforeſaid, That One Moiety of the Penalties or Forfeitures to be incurred for any Offence againſt this Act, ſhall, when recovered, be paid to the Proſecutor, and the other Moiety ſhall be applied to the Uſe of the Poor of the Pariſh, or to the repairing of the High Roads within the Pariſh where the Offence ſhall be committed, as the Juſtices of the Peace, or the Sheriff or Steward-depute, or Subſtitute, ſhall direct, before whom the Offender ſhall be convicted.

Penalties and Forfeitures how to be applied.

XI. Provided always, and be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to or for any Perſon conceiving himſelf or herſelf aggrieved by any Decree of the Juſtices of the Peace, or Sheriff, or Stewart-depute, or Subſtitute, in ſuch Proſecutions, to complain and ſeek Relief by Appeal to the next Circuit Court of Juſticiary of the Circuit wherein the County is where the Decree is pronounced; or where there are no Circuit Courts, to the Court of Juſticiary at Edinburgh, by taking and entering an Appeal in open Court, at the Time of pronouncing ſuch Decree, or at any Time thereafter within Ten Days, by lodging the ſame in the Hands of the Clerk of the Court, and ſerving the adverſe Party with a Duplicate thereof perſonally, or at his Dwelling-houſe, or his Procurator or Agent in the Cauſe; and ſuch Service ſhall be ſufficient Summons to oblige the Proſecutor to attend and anſwer at the next Circuit Court which ſhall happen to be held, at leaſt Fifteen Days after Service, or at the firſt Court of Juſticiary which ſhall be held at Edinburgh, in the Caſe where there are no Circuit Courts, at leaſt Fifteen Days after ſuch Service; and thereupon the Judge or Judges at ſuch Circuit Court, or in the Court of Juſticiary at Edinburgh, ſhall and may proceed to cognoſce, hear, and determine: And in caſe they ſhall find the Reaſons of any ſuch Appeal not relevant, or not inſtructed, or ſhall determine againſt the Party appealing, the Judge or Judges ſhall condemn the Appellant in ſuch Coſts of Suit as ſhall appear to be juſt and reaſonable, and the Decree ſo pronounced ſhall be final and concluſive to the Parties.

Perſons aggrieved may appeal to the next Court of Juſticiary; and where there are no Circuit Courts, to the Court of Juſticiary at *Edinburgh*.

Sentence of ſaid Court to be final.

XII. Provided alſo, and be it enacted by the Authority aforeſaid, That when an Appeal is taken, the Appellant, at the Time of entering his or her Appeal, ſhall lodge with the Clerk of the Court from which the Appeal is taken a Bond, with a ſufficient Cautioner, for paying the Sum or Sums contained in the Decree appealed againſt, ſo far as affirmed and approved of by the Judgement upon the Appeal, and for paying the Coſts of Suit, if any ſhall be awarded; and the Clerk of Court ſhall be anſwerable for the Sufficiency of ſuch Cautioner.

Perſons appealing to lodge a Bond, *&c.* for paying the Sums appealed againſt, *&c.*

XIII. Provided likewiſe, and be it enacted by the Authority aforeſaid, That in caſe any Circuit Court ſhall, on hearing any ſuch Appeal, find any ſuch Difficulty to ariſe, that by Means thereof ſuch Circuit Court cannot proceed to the Determination of the ſame, conſiſtently with Juſtice and the Nature of the Caſe; in any ſuch Caſe, and not otherwiſe, it ſhall and may be lawful to and for ſuch Circuit Court to certify ſuch Appeal, together with the Reaſons of ſuch Difficulty, and the Proceedings thereupon had before ſuch Circuit Court, to the Court of Juſticiary at Edinburgh, which is hereby authoriſed and required to proceed in and determine the ſame.

Difficulties before the Circuit Court may be laid before the Juſticiary Court at *Edinburgh*, &c.

XIV. Provided always, That no Penalty or Forfeiture in this Act ſhall be recovered, unleſs the Proſecution for recovering thereof ſhall be commenced within Six Months after the Offence committed.

Limitation of Actions.

XV. Provided alſo, That no Perſon ſhall be liable to any of the Penalties or Forfeitures hereby enacted, except for ſuch Offence as ſhall be committed after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-three.

No Perſon liable for ſuch Offence till after *June* 24.

XVI. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this preſent Act, an Act, paſſed in the Twenty-fourth Year of His late Majeſty King George the Second, intituled, An Act for the better Preſervation of the Game in that Part of *Great Britain* called *Scotland*; and an Act, paſſed the Third Year of His

Act 24 *Geo.* II.

Act 3 *Geo.* III.

preſent

and Act 6 *Geo.* III repealed.

preſent Majeſty, intituled, An Act for the better Preſervation of the Game in that Part of *Great Britain* called *Scotland*; and for repealing Part of an Act, paſſed in the Twenty-fourth Year of His late Majeſty, *For the better Preſervation of the Game in that Part of* Great Britain *called* Scotland; and ſo much of an Act, paſſed in the Sixth Year of His preſent Majeſty, intituled, An Act to extend an Act, made in the Fourth Year of the Reign of King *George* the Firſt, intituled, *An Act for the further preventing Robbery, Burglary, and other Felonies; and for the more effectual Tranſportation of Felons, and unlawful Exporters of Wool; and for declaring the Law, upon ſome Points, relative to Pirates, to that Part of* Great Britain *called* Scotland, *ſo far as the Act relates to the more effectual Tranſportation of Felons; and for amending and rendering more effectual the Laws for reſtraining Muirburn in forbidden Time, in that Part of the United Kingdom as limits the Time for making Muirburn*; ſhall be, and are hereby declared to be repealed.

CAP. LV.

An Act to explain and amend the ſeveral Laws now in being, ſo far as the ſame relate to the Preſervation of the Moor or Hill Game.

Preamble.

WHEREAS the Laws now in being, relative to the Preſervation of the Moor or Hill Game, have been found very inſufficient to anſwer the Purpoſe for which they were intended: And whereas ſome further Regulations are become abſolutely neceſſary to prevent the total Deſtruction of that Species of Game: May it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-three, no Perſon or Perſons ſhall, upon any Pretence whatſoever, wilfully take, kill, deſtroy, carry, ſell, buy, or have, in his, her, or their Poſſeſſion or Uſe, any Heath Fowl, commonly called Black Game, between the Tenth Day of December and the Twentieth Day of Auguſt, in any Year; nor any Grouſe, commonly called Red Game, between the Tenth Day of December and the Twelfth Day of Auguſt, in any Year; nor any Buſtard, between the Firſt Day of March and the Firſt Day of September, in any Year.

After 24 *June*, 1773, no Perſon wilfully to kill, *&c.* Black Game, between *Dec.* 10. and *Aug.* 20; nor Red Game between *Dec.* 10. and *Aug.* 12. nor any Buſtard between *March* 1. and *Sept.* 1.

Penalty on Perſons offending contrary to this Act.

II. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of June, if any Perſon or Perſons ſhall, in any of the Caſes aforeſaid, offend contrary to the true Intent and Meaning of this Act, every ſuch Perſon ſhall, upon due Conviction, for the Firſt Offence, forfeit and pay any Sum or Sums of Money not exceeding Twenty Pounds, nor leſs than Ten Pounds; and for the Second and every ſubſequent Offence, any Sum or Sums of Money not exceeding Thirty Pounds, nor leſs than Twenty Pounds; to be levied and recovered in Manner as herein is after mentioned.

Penalties and Forfeitures how to be recovered:

III. And be it further enacted, That all ſuch Forfeitures and Penalties, ſo to be incurred as aforeſaid, ſhall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or Great Seſſions in Wales, wherein no Eſſoin, Protection, nor Wager of Law, nor more than One Imparlance, ſhall be allowed: Provided ſuch Action be brought within Six Calendar Months after the Matter or Thing done, for which the ſame ſhall be commenced or exhibited.

And by Information before the Juſtices of any County, *&c.*

who may grant Warrant to levy the ſame by Diſtreſs.

IV. And be it further enacted, That it ſhall and may be lawful for any Perſon whatſoever, (except the Perſon liable to pay any ſuch Forfeitures or Penalties) to proceed to recover any of the aforeſaid Forfeitures and Penalties, by Information and Conviction, before any Juſtice or Juſtices of the Peace of any County, City, Corporation, Diviſion, Riding, Precinct, or Liberty, wherein the Offence ſhall happen; and ſuch Juſtice or Juſtices are hereby authoriſed and impowered, upon due Proof made upon Oath by One or more credible Witneſs or Witneſſes, or by the Confeſſion of the Party accuſed, to cauſe the ſaid Forfeiture to be forthwith paid; and, in caſe of Neglect or Refuſal, to levy the ſame by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under his or their Hand and Seal, or Hands and Seals, together with all Coſts and Charges attending the ſame, returning the Overplus, if any, to the Owner; and every ſuch Forfeiture, when paid or recovered, ſhall be applied, One Moiety to the Informer, and the other Moiety to the Poor of the Pariſh where ſuch Offence ſhall have been committed; and it ſhall and may be lawful for ſuch Juſtice or Juſtices to order ſuch Offender to be detained in ſafe Cuſtody until Return may be conveniently had and made to ſuch Warrant of Diſtreſs, unleſs the Party ſo convicted ſhall give ſufficient Security, to the Satisfaction of ſuch Juſtice or Juſtices, for his Appearance before him or them on the Day appointed for the Return of the Warrant of Diſtreſs, ſuch Day not exceeding Five Days from the Time of taking ſuch Security; which Security the ſaid Juſtice or Juſtices is and are hereby impowered to take by way of Recognizance, or otherwiſe: And in caſe no ſufficient Diſtreſs can be had, ſuch Juſtice or Juſtices ſhall commit ſuch Offender to the common Gaol, or Houſe of Correction, there to be kept to hard Labour for any Time not exceeding Six, nor leſs than Three, Calendar Months, unleſs the Money forfeited, and all Coſts and Charges attending the Proſecution, ſhall be ſooner paid and diſcharged.

No Perſon to be doubly proſecuted.

V. Provided always, and be it further enacted, That no Offender againſt the Proviſions of this Act ſhall be proſecuted for the ſame Offence both by Action of Law and by Information before a Juſtice of the Peace; but, in caſe of any Second Proſecution, the Perſon ſo doubly proſecuted may plead, in his Defence, the former Proſecution pending, or the Conviction or Judgement thereupon had.

VI. And, for the more eaſy Conviction of Offenders againſt this Act, be it further enacted, That the Form of the Conviction ſhall be drawn up in the following or like Form of Words;

Form of Conviction.

BE it remembered, That on the Day of in the Year of our Lord *A. B.* having appeared before me, or us, One or more of His Majeſty's Juſtices of the Peace (*as the Caſe may be*) for the County of and due Proof having been made, upon Oath, by One or more credible Witneſs or Witneſſes, or by Confeſſion of the Party, (*as the Caſe may be*) is convicted of (*ſpecifying the Offence, with the Time and Place where the ſame was committed, and alſo ſpecifying, if known, that it is the Firſt, Second, or any ſubſequent Offence, againſt this Act, as the Caſe ſhall be*).

Given under my Hand and Seal, or our Hands and Seals, the Day and Year aforeſaid.

Which Conviction the ſaid Juſtice or Juſtices ſhall cauſe to be wrote fairly upon Parchment, and returned to the next General Quarter Seſſion of the Peace for the County where ſuch Conviction was made, to be filed by the Clerk of the Peace, and remain and be kept among the Records of the County, Riding, Diviſion, or Place.

Clerk to cauſe a Copy of the Conviction to be delivered on Payment of 1*s.*

VII. Provided always, and be it further enacted, That it ſhall and may be lawful for any Clerk of the Peace for any County, Riding, or Place, and he is hereby required, upon Application made to him by any Perſon or Perſons for that Purpoſe, to cauſe a Copy or Copies of any Conviction or Convictions, filed by him under the Directions of this Act, to be forthwith delivered to ſuch Perſon or Perſons, upon Payment of One Shilling for every ſuch Copy.

Juſtices may adminiſter an Oath.

VIII. And be it further enacted, That it ſhall and may be lawful for any ſuch Juſtice or Juſtices of the Peace, as aforeſaid, to adminiſter an Oath to any Witneſs or Witneſſes, or other Perſon or Perſons, for the better Diſcovery and Execution of the ſeveral Matters and Things herein-before directed to be examined into, or performed by ſuch Juſtice or Juſtices reſpectively.

No Perſon to be proceeded againſt for Offences, unleſs Information is made.

IX. Provided always, and be it further enacted, That no Perſon ſhall be proceeded againſt for any of the Offences aforeſaid, by Information before a Juſtice of the Peace, unleſs ſuch Information ſhall be made upon Oath before ſome Juſtice of the Peace for the County or Place wherein ſuch Offence ſhall be committed within Three Calendar Months after ſuch Offence ſhall have been committed.

Perſons aggrieved may appeal to the Quarter Seſſions;

X. And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, by any Juſtice or Juſtices of the Peace, as aforeſaid, every ſuch Perſon may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be held for the County, Riding, City, Corporation, Precinct, or Liberty, wherein the Cauſe of ſuch Complaint ſhall ariſe, and within Four Calendar Months after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant giving, or cauſing to be given, Fourteen Days Notice at the leaſt, in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Juſtice; and every other Perſon or Perſons, againſt whom ſuch Complaint ſhall be made, and within Four Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County, Riding, Diviſion, City, Corporation, Precinct, or Liberty, with One ſufficient Surety, conditioned to try ſuch Appeal at, and abide the Order of, and pay ſuch Coſts, as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and every ſuch Juſtice, and other Perſon, having received Notice of ſuch Appeal, ſhall return all Proceedings had before them, touching the Matter of ſuch Appeal, to the ſaid Juſtices, at ſuch Quarter Seſſions, on Pain of forfeiting Five Pounds for every ſuch Neglect; and the ſaid Juſtices, upon due Proof of the Notice given, and of the entering into ſuch Recognizance, as aforeſaid, ſhall hear, and finally determine, the Cauſes and Matters of ſuch Appeal, in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they ſhall think proper; to be levied and recovered as herein-before directed for the Recovery of Forfeitures and Penalties under this Act, and the Determination of ſuch Quarter Seſſions ſhall be final and concluſive, to all Intents and Purpoſes; and no Proceedings to be had or taken in purſuance of this Act ſhall be quaſhed or vacated for want of Form, or removed by Certiorari, or any other Writ or Proceſs whatſoever, except as herein-before mentioned, into any of His Majeſty's Courts of Record at Weſtminſter, any Law or Statute to the Contrary notwithſtanding.

whoſe Determination ſhall be final.

Not to extend to *Scotland.*

XI. And be it further enacted, That nothing in this Act contained ſhall extend to that Part of Great Britain called Scotland.

Limitation of Actions.

XII. And be it further enacted, That if any Action, Suit, or Information, ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing which ſhall be done in purſuance of this Act, or in Execution of any of the Powers or Authorities hereby given, every ſuch Action, Suit, or Information, ſhall he commenced or proſecuted within the Space of Six Calendar Months next after the Fact committed, and ſhall be laid or brought in the County, Riding, Diviſion, or Place, where the Matter ſhall ariſe, and not elſewhere; and the Defendant or Defendants, in every ſuch Action, Suit, or Information, ſhall and may, at his or their Election, plead Specially, or the General Iſſue, and give this Act, and the Special Matter, in Evidence: And if a Verdict ſhall be given for the Defendant; or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action, Suit, or Information, after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs; then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes by Law.

General Iſſue,

Treble Coſts.

Act 2 *Geo* III. for Preſervation of Game, repealed.

XIII. And be it enacted by the Authority aforeſaid, That ſo much of an Act, paſſed in the Second Year of His preſent Majeſty's Reign, intituled, An Act for the better Preſervation of the Game in that Part of *Great Britain* called *England*, as relates to Heath Fowl, commonly called Black Game, or Grouſe, commonly called Red Game, ſhall be, and is hereby repealed.

CAP. LVI.

An Act for the more effectually reſtraining the retailing of diſtilled Spirituous Liquors; and for preventing the forging or counterfeiting any Stamp or Seal uſed for marking Silks, Callicoes, Linens, and Stuffs, to be printed, painted, ſtained, or dyed, in *Great Britain.*

Preamble.

WHEREAS the Laws heretofore made to prevent the immoderate drinking of Spirituous Liquors, have, by reaſon of the Smallneſs of the Penalties by thoſe Acts impoſed, been rendered in a great Meaſure ineffectual, and ill-diſpoſed Perſons are thereby encouraged to retail ſuch Liquors, without being firſt authoriſed and licenſed thereto, whereby His Majeſty is not only defrauded of His Duties, but Victuallers and others, who duly take out and pay for ſuch Licences, are greatly injured: For Remedy whereof, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That if at any Time, from and after the Fifth Day of July, One thouſand ſeven hundred and ſeventy-three, any Perſon or Perſons ſhall preſume, by him, her, or themſelves, or by any other Perſon or Perſons whatſoever employed by him, her, or them, or for his, her, or their Benefit, to retail any diſtilled Spirituous Liquors or Stong Waters, without firſt taking out a Licence for that Purpoſe, in Manner as by the ſeveral Statutes in that Caſe made and provided, and now in Force is preſcribed and directed, he, ſhe, or they, ſo offending, ſhall reſpectively forfeit and loſe the Sum of Fifty Pounds for each Offence.

After *July* 5, 1773, if any Perſon ſhall retail Spirituous Liquors, Strong Waters, *&c.* without a Licence, they ſhall forfeit for every Offence 50*l.*

II. Provided always, That ſuch Offender who ſhall be proſecuted for the Penalty by this Act given, ſhall not be again proſecuted for the ſame Offence by any former Act, and that ſuch Offender as ſhall be proſecuted for the Penalty given by any formet Act, ſhall not be proſecuted again for the ſame Offence, by virtue of this preſent Act, or any Thing herein contained.

Offender once proſecuted for a Penalty, ſhall not be proſecuted for the ſame Offence.

III. And be it further enacted by the Authority aforeſaid, That the Penalty by this Act impoſed, ſhall and may be ſued for, levied, recovered, and mitigated, by any Law of Exciſe now in Force, or by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter; and that One Moiety of every ſuch Penalty or Forfeiture ſhall be to His Majeſty, His Heirs and Succeſſors, and the other Moiety to him, her, or them, as ſhall ſue for the ſame.

Penalties to be ſued, proſecuted, and recovered by any Law of Exciſe now in Force, *&c.*

IV. Provided always, That the ſaid Penalty of Fifty Pounds, by this Act impoſed, ſhall not in any Caſe, either by the Commiſſioners of Exciſe or Juſtices of the Peace, before whom any Offender againſt this preſent Act ſhall be convicted, be mitigated or reduced below the Sum of Five Pounds.

The Penalty of 50*l.* not to be mitigated below 5*l.*

V. And whereas by an Act, paſſed in the Tenth Year of the Reign of Her late Majeſty Queen *Anne*, (intituled, *An Act for laying ſeveral Duties upon all Soap and Paper made in* Great Britain, *or imported into the ſame; and upon chequered and ſtriped Linens imported; and upon certain Silks, Callicoes, Linens, and Stuffs, printed, painted, or ſtained; and upon ſeveral Kinds of Stamped Vellum, Parchment, and Paper; and upon certain printed Papers, Pamphlets, and Advertiſements, for raiſing the Sum of One million eight hundred thouſand Pounds, by way of a Lottery, towards Her Majeſty's Supply; and for licenſing an additional Number of Hackney Chairs; and for charging certain Stocks of Cards and Dice; and for better ſecuring Her Majeſty's Duties to ariſe in the Office for the Stamp Duties by Licences for Marriages and otherwiſe; and for Relief of Perſons who have not claimed their Lottery Tickets in due Time, or have loſt Exchequer Bills, or Lottery Tickets; and for borrowing Money upon Stock (Part of the Capital of the* South Sea Company), *for the Uſe of the Publick*;) it is, amongſt other Things, enacted, That there ſhould be raiſed, levied, collected, and paid, to and for the Uſe of Her Majeſty, Her Heirs and Succeſſors, for and upon all Silks, Callicoes, Linens, and Stuffs, of what Kind ſoever, which at any Time or Times within or during the Term of Thirty-two Years, to be reckoned from the Twentieth Day of *June*, One thouſand ſeven hundred and twelve, ſhould be printed, ſtained, painted, or dyed, in *Great* (*Britain*, ſuch Callicoes, Linens, and Fuſtians, as ſhould be dyed throughout of One Colour only, and Stuffs made of Woollen, or whereof the greateſt Part in Value ſhould be Woollen, always excepted), the ſeveral and reſpective Rates and Duties therein expreſſed: And whereas, by an Act, paſſed in the Third Year of the Reign of His late Majeſty King *George* the Firſt, (intituled, *An Act for redeeming the Duties and Revenues which were ſettled to pay off Principal and Intereſt on the Orders made forth on Four Lottery Acts, paſſed in the Ninth and Tenth Years of Her late Majeſty's Reign; and for redeeming certain Annuities payable on Orders out of the Hereditary Exciſe, according to a former Act in that Behalf; and for eſtabliſhing a general yearly Fund, not only for the future Payment of Annuities at ſeveral Rates, to be payable and transferrable at the Bank of* England, *and redeemable by Parliament, but alſo to raiſe Monies for ſuch Proprietors of the ſaid Orders as ſhall chuſe to be paid their Principal and Arrears of Intereſt in ready Money; and for making good ſuch other Deficiencies and Payments as in this Act are mentioned; and for taking off the Duties on Linſeed imported, and* Britiſh *Linen exported*); the ſaid ſeveral Rates and Duties, and the Powers, Authorities, Penalties, and Forfeitures, for ſecuring the ſame, are made perpetual: And whereas by an Act of Parliament, made in the Twelfth Year of the Reign of Her late Majeſty Queen *Anne*, (intituled, *An Act for laying additional Duties on Soap and Paper, and upon certain Linens, Silks, Callicoes, and Stuffs; and upon Starch and exported Coals; and upon Stamped Vellum, Parchment, and Paper, for raiſing One Million four hundred thouſand Pounds, by way of a Lottery, for Her Majeſty's Supply; and for Allowances on exporting made Wares of Leather, Sheep-ſkins, and Lamb-ſkins; and for Diſtribution of Four thouſand Pounds due to the Officers and Seamen for Gun Money; and to adjuſt the Property of Tickets in former Lotteries; and touching certain Shares of Stock in the Capital of the* South

Act 10 *Annæ.*

Act 3 *Geo.* I.

Act 12 *Annæ.*

Sea Company; *and for appropriating the Monies granted to Her Majeſty*); it is, amongſt other Things, enacted, That there ſhould be raiſed, levied, collected, and paid, to and for the Uſe of Her Majeſty, Her Heirs and Succeſſors, for and upon all Silks, Callicoes, Linens, and Stuffs, of what Kind ſoever, which at any Time or Times within or during the Term of Thirty-two Years, to be reckoned from the Second Day of *Auguſt*, One thouſand ſeven hundred and fourteen, ſhould be printed, ſtained, painted, or dyed, in *Great Britain*, (ſuch Callicoes, Linens, and Fuſtians, as ſhall be dyed throughout of one Colour only, and Stuffs made of Woollen, or whereof the greateſt Part in Value ſhall be Woollen, always excepted), the ſeveral and reſpective Rates and Duties therein expreſſed: And whereas, by an Act of Parliament, made in the Sixth Year of the Reign of His ſaid late Majeſty King *George* the Firſt, (intituled, *An Act for enabling the* South Sea Company *to increaſe their preſent Capital Stock and Fund, by redeeming ſuch publick Debts and Incumbrances as are therein mentioned; and for raiſing Money to be applied for leſſening ſeveral of the publick Debts and Incumbrances; and for calling in the preſent Exchequer Bills remaining uncancelled; and for making forth new Bills in lieu thereof, to be circulated and exchanged, upon Demand, at or near the Exchequer*); the ſaid ſeveral Rates and Duties, and the Powers, Authorities, Penalties, and Forfeitures, for ſecuring the ſame, are made perpetual: And whereas, for the better ſecuring the ſaid Rates and Duties, it was by the ſaid Act of the Tenth of Queen *Anne* enacted, That the Commiſſioners to be appointed for managing the ſaid Duties, ſhould, at a Time therein mentioned, provide proper Seals or Stamps for marking ſuch of the ſaid Silks, Callicoes, Linens, and Stuffs, to be printed, painted, ſtained, or dyed, in *Great Britain*, during the Continuance of the ſaid Act; which ſaid Stamps, or any of them, ſhould or might be altered or renewed from Time to Time, as Her Majeſty, Her Heirs or Succeſſors, ſhould think fit: And it was thereby further enacted, That if any Perſon or Perſons whatſoever ſhould, at any Time or Times thereafter, counterfeit or forge any Stamp or Seal, to reſemble any Stamp or Seal which ſhould be provided or made in purſuance of that Act, or ſhould counterfeit or reſemble the Impreſſion of the ſame upon any of the ſaid Commodities chargeable by that Act, thereby to defraud Her Majeſty, Her Heirs or Succeſſors, of any of the Duties thereby granted; then every ſuch Perſon ſo offending, being thereof convicted in due Form of Law, ſhould be adjudged a Felon, and ſhould ſuffer Death as in Caſes of Felony, without Benefit of Clergy: And whereas ſome Doubts have ariſen, whether Perſons counterfeiting or forging any Stamp or Seal, to reſemble any Stamp or Seal renewed or altered by the Commiſſioners of Exciſe, in purſuance of the Authority of the ſaid Act of the Twelfth Year of Queen *Anne*, or counterfeiting or reſembling the Impreſſion of ſuch renewed or altered Stamp or Seal, are ſubject to the Penalties and Pains of Death in the ſaid Acts enacted and declared; and evil-minded Perſons have thereby been encouraged to counterfeit ſuch renewed and altered Stamps and Seals: Now, for obviating all ſuch Doubts, **be it enacted by the Authority aforeſaid, That from and after the Fifth Day of** July, **One thouſand ſeven hundred and ſeventy-three, if any Perſon or Perſons whatſoever ſhall, at any Time or Times hereafter, counterfeit or forge any Stamp or Seal already provided by the ſaid Commiſſioners, or which ſhall hereafter be by them provided, renewed, or altered, or ſhall counterfeit or reſemble the Impreſſion of the ſame, upon any of the ſaid Commodities chargeable by the ſaid Acts, thereby to defraud His Majeſty, His Heirs or Succeſſors, of any of the ſaid Duties thereby granted; then every ſuch Perſon ſo offending, being thereof convicted in due Form of Law, ſhall be adjudged a Felon, and ſhall ſuffer Death, as in Caſes of Felony, without Benefit of Clergy.**

Act 6 *Geo.* I.

After *July* 5, 1773, Perſons counterfeiting Stamps or Seals, to be puniſhed as Felon , without Benefit of Clergy.

CAP. LVII.

An Act to explain and amend an Act, made in the Fourth Year of His preſent Majeſty, intituled, *An Act to prevent Paper Bills of Credit, hereafter to be iſſued in any of His Majeſty's Colonies or Plantations in* America, *from being declared to be a legal Tender in Payments of Money, and to prevent the legal Tender of ſuch Bills as are now ſubſiſting from being prolonged beyond the Periods limited for calling in and ſinking the ſame.*

WHEREAS by an Act, paſſed in the Fourth Year of His preſent Majeſty's Reign, (intituled, *An Act to prevent Paper Bills of Credit, hereafter to be iſſued in any of His Majeſty's Colonies or Plantations in* America, *from being declared to be a legal Tender in Payments of Money, and to prevent the legal Tender of ſuch Bills as are now ſubſiſting from being prolonged beyond the Periods limited for calling in and ſinking the ſame*), it is enacted, That from and after the Firſt Day of *September*, One thouſand ſeven hundred and ſixty-four, no Act, Order, Reſolution, or Vote of Aſſembly, in any of His Majeſty's Colonies or Plantations in *America*, ſhall be made for creating or iſſuing any Paper Bills, or Bills of Credit, of any Kind or Denomination whatſoever, declaring ſuch Paper Bills, or Bills of Credit to be legal Tender in Payments of any Bargains, Contracts, Debts, Dues, or Demands whatſoever; and that every Clauſe and Proviſion which ſhould thereafter be inſerted in any Act, Order, Reſolution, or Vote of Aſſembly, contrary to the ſaid Act, ſhall be null and void: And whereas the want of Gold and Silver Currency in ſeveral of His Majeſty's Colonies and Plantations in *America* may make it neceſſary, as well for the publick Advantage as in Juſtice to thoſe Perſons who may have Demads upon the publick Treaſuries in the ſaid Colonies for Services performed, that ſuch publick Creditors ſhould be ſecured in the Payment of their juſt Debts and Demands, by Certificates, Notes, Bills, or Debentures, to be created and iſſued by the Authority of the General Aſſemblies within the ſaid Colonies, on the Securities of any Taxes or Duties given and granted to His Majeſty by the ſaid General Aſſemblies, for and towards defraying Expences incurred for publick Services; and that ſuch Certificates, Notes, Bills, or Debentures, ſhould be made chargeable on the publick Treaſurers of the ſaid Colonies, and received and taken by them as a legal Tender in Diſcharge of any ſuch Duties or Taxes, or of any Debts whatſoever, due to the publick Treaſuries of the ſaid Colonies, in virtue of Laws paſſed in the ſaid Colonies: And whereas Doubts have ariſen, whether, under the ſaid recited Statute, ſuch Proviſion as aforeſaid can lawfully be made; may it therefore pleaſe Your moſt Excellent Majeſty that it may be enacted; and **be it enacted by the King's moſt Excellent Majeſty,**

Preamble.

Act 4 *Geo.* III. recited.

After *Sept.* 1, 1773, Certificates, Notes, Bills, &c. which may be accepted by Creditors of the Publick in *America* as a Security, may be enacted to be a legal Tender.

Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the Firſt Day of September, One thouſand ſeven hundred and ſeventy-three, any Certificates, Notes, Bills, or Debentures, which ſhall or may be voluntarily accepted by the Creditors of the Publick within any of the Colonies in America, as a Security for the Payment of what is due and owing to the ſaid publick Creditors, may be made and enacted by the ſeveral General Aſſemblies of the ſaid Colonies reſpectively to be a legal Tender to the publick Treaſurers in the ſaid Colonies, for the Diſcharge of any Duties, Taxes, or other Debts whatſoever, due to, and payable at, or in the ſaid publick Treaſuries of the ſaid Colonies, in virtue of Laws paſſed within the ſame, and in no other Caſe whatſoever; any Thing in the aforeſaid recited Statute in the Fourth Year of His preſent Majeſty to the Contrary thereof in any-wiſe notwithſtanding.

Not to extend to alter Act 24 *Geo.* II. *&c.*

II. Provided always, That nothing in this Act ſhall extend to alter or repeal an Act, paſſed in the Twenty-fourth Year of the Reign of His late Majeſty King George the Second, (intituled, An Act to regulate and reſtrain Paper Bills of Credit in His Majeſty's Colonies or Plantations of *Rhode Iſland* and *Providence Plantations*, *Connecticut*, *The Maſſachuſet's Bay*, and *New Hampſhire*, in *America*, and to prevent the ſame being legal Tenders in Payments of Money).

C A P. LVIII.

An Act for providing Clergymen to officiate in Gaols within that Part of *Great Britain* called *England*.

Preamble.

WHEREAS there is no Proviſion made by Law for the Appointment of proper Miniſters to officiate in the ſeveral County Gaols within that Part of *Great Britain* called *England*, and the Principality of *Wales*: And whereas the Appointment of Miniſters to ſuch Gaols, with a proper Salary, for the due Execution of their Duty as Clergymen, would alleviate the Diſtreſs of the Perſons under Confinement, and would greatly contribute to the Purpoſes of Morality and Religion: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the Juſtices of the Peace, or the major Part of them, aſſembled at the Quarter Seſſions held for any County, Riding, or Diviſion, within that Part of Great Britain called England, and the Principality of Wales, and they are hereby authoriſed and impowered to ſettle and aſcertain how many Clergymen ſhall by them be deemed neceſſary to be employed in performing religious Duties, according to the Rites of the Church of England, in the ſeveral Gaols within their reſpective Juriſdictions, and to ſettle and aſcertain what Duty ſhall be performed, and what Salary ſhall be paid, to every ſuch Clergyman, not exceeding Fifty Pounds, yearly, and every Year.

Juſtices to aſcertain how many Clergymen are to be employed in Gaols, and what Salary ſhall be paid them.

Treaſurers of Counties to pay the Sums out of the Rates.

II. And be it further enacted, That the Treaſurers of ſuch Counties, Ridings, or Diviſions, receiving a Certificate, ſigned by the Chairman of ſuch Quarter Seſſions, of the Number of ſuch Clergymen, and the Salary to be reſpectively paid to them, ſhall pay out of the Rates of ſuch County, Riding, or Diviſion, the ſeveral Sums in the ſaid Certificate mentioned; and the ſaid ſeveral Sums ſo paid in purſuance of this Act ſhall be allowed to the ſaid Treaſurers by the Juſtices before whom their Accounts ſhall be paſſed.

Juſtices to nominate Clergymen for the above Purpoſes;

III. And be it further enacted, That when the Number of ſuch Clergymen, and the Salary to be reſpectively paid to them, ſhall have been ſettled and aſcertained by ſuch Juſtices, it ſhall and may be lawful to and for Juſtices of the Peace, at the Quarter Seſſions, and they are hereby authoriſed and impowered, to nominate and appoint, in every County, Riding, or Diviſion, where the Juſtices ſhall have ſo ſettled and aſcertained the Number of the Clergymen, and the Salary to be paid to them, as before mentioned, ſo many Clergymen to officiate and perform Divine Service, according to the Rites of the Church of England, in the ſeveral Gaols within ſuch County, Riding, or Diviſion, as ſhall have been ſo ſettled and aſcertained by ſuch Juſtices; and in caſe any ſuch Clergyman or Clergymen ſhall die, or ſhall be thought unworthy, by ſuch Juſtices, at the Quarter Seſſions, to be continued in ſuch Office, then it ſhall and may be lawful for ſuch Juſtices, at the Quarter Seſſions, to nominate and appoint, from Time to Time, as Occaſion ſhall require, any other Clergyman to officiate in the Room of ſuch Clergyman ſo dying, or ſo deemed to be unworthy to continue any longer in ſuch Office.

and, in caſe of Death, *&c.* to nominate others.

C A P. LIX.

An Act for repealing ſo much of an Act of the Thirty-firſt Year of His late Majeſty, as inflicts Capital Puniſhment for Frauds and Abuſes in the marking or ſtamping of Gold or Silver Plate; and for inflicting another Puniſhment for the ſaid Offence.

Preamble. Act 31 *Geo.* II. recited.

WHEREAS by a Clauſe in an Act of Parliament, made in the Thirty-firſt Year of the Reign of His late Majeſty King *George* the Second, (intituled, *An Act for repealing the Duty granted by an Act, made in the Sixth Year of the Reign of His late Majeſty, on Silver Plate, made, wrought, touched, aſſayed, or marked, in* Great Britain; *and for granting a Duty on Licences to be taken out by all Perſons dealing in Gold or Silver Plate; and for diſcontinuing all Drawbacks upon Silver Plate exported; and for more effectually preventing Frauds and Abuſes in the marking or ſtamping of Gold or Silver Plate*); it is enacted, That if any Perſon whatſoever ſhall caſt, forge, or counterfeit, or cauſe or procure to be caſt, forged, or counterfeited, any Mark or Stamp uſed, or to be uſed, for marking Gold or Silver Plate by the Company of Goldſmiths in *London*, or by the Wardens, or Aſſayer or Aſſayers, at *York*, *Exeter*, *Briſtol*, *Cheſter*, *Norwich*, or *Newcaſtle upon Tyne*, or by any Maker or Worker of Gold or Silver Plate, or any Mark, Stamp, or Impreſſion, in Imitation of, or to reſemble any

Mark, Stamp, or Impreſſion, made, or to be made, with any ſuch Stamp uſed as aforeſaid; or ſhall mark or ſtamp, or cauſe or procure to be marked or ſtamped, any Wrought Plate of Gold or Silver, or any Wares of Braſs or other baſe Metal, ſilvered or gilt over, and reſembling Plate of Gold or Siver, with any Mark or Stamp which hath been or ſhall be forged or counterfeited; or ſhall tranſpoſe or remove, or cauſe or procure to be tranſpoſed or removed, from one Piece of Wrought Plate to another, or to any Veſſel of ſuch baſe Metal, as aforeſaid, any ſuch Mark, Stamp, or Impreſſion; or ſhall ſell, exchange, or expoſe to Sale, or export out of this Kingdom, any Wrought Plate of Gold or Silver, or any Veſſel of ſuch baſe Metal, with any ſuch counterfeit Mark, Stamp, or Impreſſion thereon, knowing the ſame to be forged, counterfeited, or tranſpoſed; or ſhall wilfully or knowingly have or be poſſeſſed of any ſuch forged Mark or Stamp; every ſuch Perſon, being lawfully convicted, ſhall be adjudged guilty of Felony, and ſhall ſuffer Death as a Felon without Benefit of Clergy; be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Clauſe ſhall, from and after the Twenty-ninth Day of September next, be, and the ſame is hereby declared to be, repealed.

A Clauſe therein repealed.

II. And be it further enacted by the Authority aforeſaid, That if any Perſon whatſoever, from and after the ſaid Twenty-ninth Day of September next, ſhall caſt, forge, or counterfeit, or cauſe or procure to be caſt, forged, or counterfeited, any Mark or Stamp uſed, or to be uſed, for the marking or ſtamping Gold or Silver Plate, in purſuance of any Act or Acts of Parliament now in Force by the Company of Goldſmiths in London, or by the Wardens, or Aſſayer or Aſſayers, at York, Exeter, Briſtol, Cheſter, Norwich, or Newcaſtle upon Tyne, or by any Maker or Worker of Gold or Silver Plate, or any or either of them; or ſhall caſt, forge, or counterfeit, or cauſe or procure to be caſt, forged, or counterfeited, any Mark, Stamp, or Impreſſion, in Imitation of, or to reſemble any Mark, Stamp, or Impreſſion made, or to be made, with any Mark or Stamp uſed, or to be uſed, as aforeſaid, by the ſaid Company of Goldſmiths in London, or by the ſaid Wardens, or Aſſayer or Aſſayers, or by any Maker or Worker of Gold or Silver Plate, or any or either of them; or ſhall mark or ſtamp, or cauſe or procure to be marked or ſtamped, any Wrought Plate of Gold or Silver, or any Wares of Braſs or other baſe Metal ſilvered or gilt over, and reſembling Plate of Gold or Silver, with any Mark or Stamp which hath been or ſhall be forged or counterfeited at any Time, either before, on, or after the ſaid Twenty-ninth Day of September next, in Imitation of, or to reſemble any Mark or Stamp uſed, or to be uſed, as aforeſaid, by the ſaid Company of Goldſmiths in London, or by the ſaid Wardens, or Aſſayer or Aſſayers, or by any Maker or Worker of Gold or Silver Plate, or any or either of them; or ſhall tranſpoſe or remove, or cauſe or procure to be tranſpoſed or removed, from one Piece of Wrought Plate to another, or to any Veſſel of ſuch baſe Metal as aforeſaid, any Mark, Stamp, or Impreſſion, made or to be made, by or with any Mark or Stamp uſed, or to be uſed, as aforeſaid, by the ſaid Company of Goldſmiths in London, or by the ſaid Wardens, or Aſſayer or Aſſayers, or by any Maker or Worker of Gold or Silver Plate, or any or either of them; or ſhall ſell, exchange, or expoſe to Sale, or export out of this Kingdom, any Wrought Plate of Gold or Silver, or any Veſſel of ſuch baſe Metal, as aforeſaid, with any ſuch forged or counterfeit Mark, Stamp, or Impreſſion thereon, or any Mark, Stamp, or Impreſſion which hath been, or ſhall be tranſpoſed or removed from any other Piece of Plate, at any Time either before, on, or after the ſaid Twenty-ninth Day of September next, knowing ſuch Mark, Stamp, or Impreſſion, to be forged, counterfeited, or tranſpoſed, or removed as aforeſaid; or ſhall wilfully or knowingly have or be poſſeſſed of any Mark or Stamp which hath been or ſhall be forged or counterfeited at any Time, either before, on, or after, the ſaid Twenty-ninth Day of September next, in Imitation of, or to reſemble any Mark or Stamp uſed, or to be uſed, as aforeſaid, by the ſaid Company of Goldſmiths in London, or by the ſaid Wardens, or Aſſayer or Aſſayers, or by any Maker or Worker of Gold or Silver Plate, or any or either of them; every Perſon offending in any, each, or either of the Caſes aforeſaid, and being thereof lawfully convicted, ſhall, by Order of the Court before whom ſuch Offender ſhall be convicted, be tranſported to ſome of His Majeſty's Colonies or Plantations in America, for the Term of Fourteen Years.

Perſons counterfeiting of Marks or Stamps uſed by the Company of Goldſmiths in *London*, &c.

or tranſpoſing Stamps from one Piece to another, and expoſing ſuch to Sale;

ſhall, on Conviction, be tranſported to *America* for 14 Years.

C A P. LX.

An Act for draining and preſerving certain Lands and Grounds in the Pariſhes of *Tid Saint Giles* and *Newton*, in the *Iſle of Ely*, in the County of *Cambridge*; and in *Tid Saint Mary's*, in the County of *Lincoln*.

WHEREAS the ſeveral Lands and Grounds lying in the Pariſhes of *Tid Saint Giles* and *Newton*, in the *Iſle of Ely*, in the County of *Cambridge*, and in *Tid Saint Mary's Fen*, in the County of *Lincoln*, containing Five thouſand three hundred Acres, or thereabouts; and abutted and bounded as follows; that is to ſay, By *Shire Drain Bank* and *Eaudike*, on the North and Weſt; Lands in the Pariſh of *Leverington*, and Lands of Lord *Webb Seymour*, lying in *Tid Saint Mary's* aforeſaid, South; and by a certain Bank called *The Roman* or *Old Sea Bank*, Eaſt; are much annoyed with Waters for want of a proper Drainage; and if the ſame were effectually drained, great Benefit would accrue, as well to the Owners and Proprietors of Lands and Grounds, as to the Publick; but there are no Powers or Proviſions now in Force, by virtue of or under any Commiſſion of Sewers, or Law in being, for the effecting of the ſame; and the ſaid Lands and Grounds cannot be drained without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That Sir Clement Trafford Knight, Robert Colvile Eſquire, Richard Colvile Eſquire, Charles Bagge Doctor in Divinity, Everard Buckworth,

Preamble.

Commiſſioners Names.

worth Doctor of Laws, Marmaduke Dayrell Eſquire, Richard Welby Eſquire, William Welby Eſquire, Thomas Jenkinſon Woodward Eſquire, Charles Weſton Eſquire, Daniel Swaine Eſquire, William Greaves Clerk, John Lumpkin Clerk, Edward Croſs, George Hepburn, Jacob Dixon, Nicholas Lumpkin, George Fitzwilliam Hodgſon, George Burges, John Pitchford, Thomas Sharpe, John Oldham, John Morris, Edward Jackſon, Thomas Hankinſon, John Harber, John Ream, William Coe, Jacob Scribo, William Kirton, and Edward Dickenſon, ſhall be, and they and their Succeſſors, to be elected in Manner herein-after mentioned, are hereby appointed Commiſſioners for putting this Act into Execution.

Qualification of Commiſſioners.

II. Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That none of the ſaid Perſons ſhall be capable of acting as Commiſſioners under this Act, but for ſuch Time only as they ſhall reſpectively be the Owners of Twenty Acres at the leaſt of the ſaid Lands and Grounds hereby intended to be drained; and upon any One of the ſaid Perſons being or becoming unqualified as aforeſaid, another Perſon duly qualified ſhall be elected in his Room, in Manner herein-after preſcribed for electing Commiſſioners, and ſhall have the ſame Powers for executing this Act as any other Commiſſioner has.

Time and Place of their Meeting.

III. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall meet Once at leaſt in every Year; to wit, On the Second Tueſday in April, at The Roſe and Crown Inn, in Wiſbech Saint Peter's, in the ſaid Iſle of Ely, and County of Cambridge, or at ſuch other Time or Times, Place or Places, as they ſhall ſee Cauſe, or think convenient; and ſhall and may, from Time to Time, at any of their Meetings, adjourn themſelves to ſuch other Time or Times, Place or Places, as they ſhall think proper; and that Three of the ſaid Commiſſioners, and no leſs a Number, ſhall be deemed, at all Times, to make and conſtitute a Meeting within the true Intent and Meaning of this Act, for doing the Buſineſs, and carrying the Purpoſes thereof into Execution, (except only as it is in ſome Caſes herein-after enacted), and that the Firſt Meeting to be held in purſuance of this Act ſhall be at The Roſe and Crown Inn, in Wiſbech Saint Peter's aforeſaid, on the Tueſday Three Weeks next after the Day of the paſſing thereof; and that Ten Days Notice of every other Meeting, in every Year, ſhall be given under the Hand of Two or more of the ſaid Commiſſioners, or their Clerk, and affixed in ſome publick Place in Wiſbech Saint Peter's aforeſaid, and on the Church Doors of Newton, Tid Saint Giles, and Tid Saint Mary's.

What Sums ſhall be allowed at Meetings, and that all Orders to be made ſhall be at publick Meetings only.

IV. Provided always, That no greater or larger Sum of Money than Three Pounds in the Whole, at any One of the ſaid General Meetings, or more than Two Pounds in the Whole at any of the ſaid other Meetings, ſhall ever be paid and allowed out of the Monies to be raiſed by virtue of this Act, for the Charges or Expences of the ſaid Commiſſioners; and that all Orders and Determinations of the ſaid Commiſſioners, in the Execution of this Act, ſhall be made at Meetings to be held in purſuance thereof, by a Majority of the Commiſſioners preſent at ſuch Meetings; and that no ſuch Order or Determination of the ſaid Commiſſioners ſhall be revoked or altered at any ſubſequent Meeting, unleſs Five Commiſſioners at leaſt ſhall be preſent, and concur in the revoking or altering thereof, (except ſuch Orders and Determinations as ſhall be made at any of the ſaid Meetings, touching the opening and ſhutting down of any of the Tunnels and Sluices already ſet down, or to be ſet down, and made uſe of in the Execution of this Act,) which ſhall and may be revoked or altered at any ſubſequent Meeting of the ſaid Commiſſioners.

Commiſſioners how to be choſen, and their Qualifications.

V. And be it further enacted by the Authority aforeſaid, That when and as often as any of the ſaid Commiſſioners ſhall happen to die, it ſhall and may be lawful to and for the ſurviving or other Commiſſioners, at any of their Meetings, to elect and appoint One or more Perſon or Perſons in the Place and Stead of ſuch other Commiſſioner or Commiſſioners as ſhall be then dead, out of the Owners of Twenty Acres of the ſaid Lands and Grounds; and that no Perſon ſo elected ſhall be qualified to act as a Commiſſioner under this Act for any other or longer Time than he ſhall continue ſuch Owner of the ſaid Lands and Grounds; and that upon his ceaſing to be Owner as aforeſaid, the ſaid Commiſſioners, at their next or ſome other Meeting, ſhall and may elect and appoint another Perſon, qualified as aforeſaid, in the Place and Stead of each ſuch diſqualified Commiſſioner, in like Manner as if ſuch diſqualified Commiſſioner was actually dead; and all ſuch new-elected Commiſſioners ſhall be veſted with the ſame Powers and Authorities as the Commiſſioners in whoſe Names and Steads they were reſpectively appointed were veſted with, until their Deaths, or becoming diſqualified as aforeſaid.

Commiſſioners have Power to appoint Deputies.

VI. And be it further enacted by the Authority aforeſaid, That each and every of the ſaid Commiſſioners, hereby named and appointed, or to be named and appointed by virtue of this Act, ſhall and may, from Time to Time, by any Writing under his Hand, to be certified at the next Meeting after the Signing thereof, nominate and appoint One other Perſon to vote and act as a Commiſſioner in his Place and Stead at ſuch next Meeting only; and that ſuch Perſon ſo nominated and appointed ſhall, at ſuch Meeting, be, and is hereby veſted with the ſame Powers and Authorities as the Commiſſioners ſo appointing him was veſted with by virtue of this Act; and that all and every ſuch Order and Orders as ſhall be made by ſuch Perſon, or in which he ſhall concur at ſuch Meeting, ſhall be as valid and binding as if the ſame were made by the ſaid Commiſſioner; any Thing herein contained to the Contrary thereof in any-wiſe notwithſtanding.

Penalty on acting if not qualified.

VII. Provided, and it is hereby further enacted, That if any Perſon or Perſons, not being qualified as aforeſaid, (other than and except ſuch Perſon or Perſons as ſhall or may be appointed, by virtue of the Power aforeſaid, to vote and act at any of the ſaid Meetings for the ſaid Commiſſioners, or any of them), ſhall preſume to act as a Commiſſioner or Commiſſioners in the Execution of this Act, or he or they ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds; to be recovered with full Coſts of Suit, by any Perſon or Perſons who ſhall inform or ſue for the ſame, in any of His Majeſty's

Courts of Record at Weſtminſter, by Bill, Suit, or Information, wherein no Eſſoin, Protection, Privilege, or Wager of Law, nor more than One Imparlance, ſhall be allowed; and in which Action or Suit it ſhall be only neceſſary for the Plaintiff or Informer to prove that the Defendant acted as a Commiſſioner in the Execution of this Act, and a Verdict ſhall be found againſt the Defendant, unleſs he ſhall prove in his Defence, that he was, at the Time of his ſo acting, qualified according to the true Intent and Meaning of this Act.

Commiſſioners Powers.

VIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, to make, or cauſe to be made, raiſed, cut, built, and ſet up, within the Lands and Grounds ſo deſcribed and abutted as aforeſaid, and alſo within the Lands and Grounds lying between the Eaſt Boundary thereof, and the New Sea or River Bank, from Weſt Walton Tunnel on the South, to any Place or Places within the Diſtance of One hundred Feet of the South Bank of the Reſervoir on the North, all ſuch Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, Mills, Engines, Sluices, or other Works, as they ſhall think neceſſary for the better draining of the ſaid Lands and Grounds ſo deſcribed and abutted as aforeſaid; and that the ſaid Commiſſioners ſhall have full Power and Authority over all and ſingular the Works ſo to be made, and alſo over all and ſingular the Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, Mills, Engines, Sluices, or other Works of draining, already made or ſet up within the Limits of the Lands and Grounds, ſo deſcribed and abutted as aforeſaid, and over a certain Drain called Buckworth's Drain, and the Banks, Sluices, and other Works thereto belonging, and to widen, deepen, alter, repair, rebuild, and enlarge the ſame, for the better draining of the ſaid Lands and Grounds ſo deſcribed and abutted as aforeſaid; and that it alſo ſhall and may be lawful to and for the ſaid Commiſſioners to make any Sluice or Sluices in or through any Part of the ſaid New Sea or River Bank, between Weſt Walton Tunnel on the South, and to within Seventy Feet Northward from the Place where Buckworth's Sluice now ſtands on the North, and alſo to make any Cut or Cuts, Sluice or Sluices, in or through the Foreland or Salt Marſhes lying on the Eaſt or North-eaſt of the ſaid New Sea or River Bank, as the ſaid Commiſſioners ſhall, at any Time or Times hereafter, think neceſſary and convenient, for the better conveying the Waters from the ſaid Lands and Grounds ſo intended to be drained, into the Waters of Wiſbech River, as the ſame ſhall then run: Provided, that ſuch Cut or Cuts ſhall not be made more than Seventy Feet Northward of the ſaid Place where Buckworth's Sluice now ſtands; and that they the ſaid Commiſſioners ſhall have full Power, and are hereby authoriſed, from Time to Time, and at all Times, at their Wills and Pleaſures, to dig up and take Earth from the ſaid Lands and Grounds, bounded and intended to be drained as aforeſaid, or from the ſaid Lands and Grounds, Waſtes, Roads, or Ways, lying between the Eaſt Boundary thereof and the New Sea or River Bank on the North Side of Weſt Walton Tunnel, ſo as ſuch Earth be not taken within the Diſtance of One hundred Feet of the South Bank of the Reſervoir, for any of the Purpoſes aforeſaid, except only for the Purpoſes of rebuilding, widening, altering, and enlarging of Buckworth's Sluice and Drain, as aforeſaid; paying to ſuch Perſon or Perſons, Body Corporate or Bodies Corporate, as ſhall or may have a Right to the Lands and Grounds, or any of them, from which any Earth ſhall be dug up or taken, or through or upon which any ſuch Bank, Bridge, Cut, Drain, Dam, Outlet, Mill, Engine, Sluice, or other Work, ſhall be made or ſet up, ſuch Satiſfaction for the Damages which he, ſhe, or they, ſhall thereby ſuſtain, as ſhall be agreed upon between the ſaid Commiſſioners and the Perſon or Perſons, or Bodies Corporate, having ſuch Right as aforeſaid; and if ſuch Perſon or Perſons, or Bodies Corporate, having ſuch Right as aforeſaid, cannot agree upon the Value and Amount of the ſaid Damages, then paying ſuch Satiſfaction as ſhall be aſſeſſed by the Juſtices of the Peace for the Iſle or County where ſuch Damages ſhall be done, or the major Part of them, not intereſted, at any General Quarter Seſſions of the Peace, or Adjournment thereof, to be holden for the ſaid Iſle or Counties, within Twelve Months next after ſuch Damages ſhall be done; and ſuch Juſtices are hereby authoriſed and required reſpectively to examine into, hear, and determine the Value and Amount of ſuch Damages, upon the Oath of One or more Witneſs or Witneſſes, and their Determination ſhall be final and concluſive to all Parties: Provided, that if before any ſuch Application to the ſaid Juſtices reſpectively the Satiſfaction agreed to be paid by the ſaid Commiſſioners to ſuch Perſon or Perſons, or Bodies Corporate, as ſhall or may have a Right to the ſaid Lands or Grounds out of which ſuch Earth ſhall be ſo dug up and taken, or in, through, or upon, which any ſuch Work ſhall be made or ſet up as aforeſaid, ſhall be by the ſaid Juſtices adjudged a ſufficient Recompence for the Damages which ſuch Perſon or Perſons, or Bodies Corporate, ſhall or may ſuſtain thereby; then, and in ſuch Caſe, the Coſts and Charges of ſuch Application to the ſaid Juſtices reſpectively ſhall be borne and paid by the Perſon or Perſons, or Bodies Corporate, making ſuch Application; ſuch Coſts and Charges to be aſcertained and taxed by the ſaid Juſtices to whom ſuch Application ſhall be made.

Exemptions from taking Earth.

IX. Provided, That nothing herein contained ſhall extend, or be conſtrued to extend, to give any Power or Authority to the ſaid Commiſſioners to dig up, or take any Earth from the Banks of Shire Drain, lying between Clow's Croſs and Hill's Sluice, or within the Diſtance of Three hundred Feet from the ſame, in the Pariſh of Tid Saint Mary's, or One hundred and fifty Feet in the Pariſh of Tid Saint Giles, or from the Banks of the Reſervoir between Hill's Sluice and New Gunthorpe Sluice, or within the Diſtance of One hundred Feet from the ſame, (except as before excepted); or to make, raiſe, cut, build, or ſet up, any Bridge, Cut, Drain, Dam, Mill, Engine, or Sluice, upon the ſaid Banks, or any of them, or within the reſpective Diſtances aforeſaid from the ſame, (except as aforeſaid), or to make or raiſe any other Works near to the ſame, that may in any-wiſe weaken or hurt the ſaid Banks, or any Part thereof; or to make, or cauſe to be made, any Works or Work whatſoever, which may in any-wiſe prevent, hinder, or obſtruct, the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, called Bedford Level, or the Commiſſioners appointed or elected, or to be hereafter appointed or elected, for the North Level, Part of the ſaid Great Level, from making any Work or Works that they ſhall, at any Time or Times hereafter, judge neceſſary for conveying the Waters of the ſaid Great Level, or any Waters that do, ſhall, or may annoy the ſaid Great Level, or any Part thereof, by convenient Outfalls to the Sea; or to make, or cauſe to be made, any other Works which may in any Manner obſtruct, hinder, or prejudice the draining of the ſaid Great Level of the Fens, called Bedford Level, or any Part thereof, or any of the Works made, or to be made, for that Purpoſe.

Commiſſioners not to injure the Turnpike Houſes.

X. Provided alſo, That nothing herein contained ſhall extend, or be conſtrued to extend, to give any Power or Authority to the ſaid Commiſſioners to take down or leſſen the Turnpike Houſe or Houſes now ſtanding, or which at any Time may be ſet up or ſtanding, upon or near to the Road leading from Wisbech to Tid Gote, or in any-wiſe to hurt or damage the ſame, without making good ſuch Damage, or to take any Earth from the ſaid Road, or to make any Cut, or ſet down any Bridge or Tunnel therein, or to widen or in any-wiſe alter any Bridges, Tunnels, or Cuts, in the ſaid Road, without making, maintaining, and keeping up the Breaches occaſioned thereby, and leaving the ſaid Road in a good Condition, and of ſufficient Breadth for Horſes, Carts, and Carriages, or to make or widen any Cut or Cuts, in or through the Bank of Wisbech River, without making good, ſupporting, and maintaining ſuch Part or Parts of the ſaid Bank where the ſaid Cut or Cuts ſhall be ſo made and widened.

Moles may be deſtroyed.

XI. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall have full Power, and are hereby authoriſed, to deſtroy all ſuch Moles, and other Vermin, as ſhall be found in and about the Lands and Grounds intended to be drained by virtue of this Act, or in and about the Lands and Banks adjoining or lying near thereto, and for that Purpoſe to employ ſuch Perſon or Perſons, at ſuch Wages as they ſhall think proper; and that they, and ſuch Perſon or Perſons as they ſhall ſo employ, ſhall, and lawfully may, enter into or upon the ſaid Lands and Banks, or any of them, for that Purpoſe.

Commiſſioners to appoint Officers to open and ſhut Sluices.

XII. And it is hereby further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, at their ſaid General Meeting in every Year, ſhall and may, and they are hereby authoriſed and required to appoint One or more Officer or Officers, for the Purpoſe of opening and ſhutting down the Tunnels and Sluices already ſet down, or to be ſet down, and made uſe of in the Execution of this Act; and that no ſuch Tunnel or Tunnels, Sluice or Sluices, ſhall at any Time or Times be opened or ſhut down but by the ſaid Officer or Officers, or by his or their Direction; and that it ſhall and may be lawful to and for the ſaid Commiſſioners, at the ſaid General or any other Meeting, to make ſuch Order or Orders touching the opening or ſhutting down of the ſaid Tunnels and Sluices, as they ſhall think proper: And that the ſaid Officer or Officers, and all and every other Perſon and Perſons, who ſhall open and ſhut down the ſaid Tunnels and Sluices, or any of them, contrary to ſuch Order or Orders of the ſaid Commiſſioners, being thereof convicted before any Two or more Juſtices of the Peace for the Iſle or County where the ſaid Offence ſhall be committed, who are hereby authoriſed and required to hear and determine the ſame on the Oath of One or more Witneſs or Witneſſes, or Confeſſion of the Party or Parties ſo offending, ſhall forfeit and pay for every ſuch Offence the Sum of Twenty Pounds to the ſaid Commiſſioners, for the Purpoſes for which the ſaid Aſſeſſments, Rates, and Taxes, are hereby directed to be applied, and to be levied by Diſtreſs and Sale of the Goods, Chattels, and Cattle, of all and every ſuch Offender or Offenders, by Warrant under the Hands and Seals of the ſaid Juſtices before whom ſuch Conviction ſhall be made; and, in Default of ſuch Diſtreſs or Payment, the Perſon or Perſons ſo offending ſhall be by the ſaid Juſtices committed to the Houſe of Correction, there to be kept to hard Labour for ſuch Time as the ſaid Juſtices ſhall reſpectively order and direct, not exceeding Three Calendar Months, at the Diſcretion of the ſaid Juſtices by whom ſuch Commitment ſhall be made.

Penalty of 20 *l.* on Officers opening or ſhutting Sluices contrary to Orders.

Regulation for the old Drain.

XIII. Provided, That when and ſo often as the Waters in the old deſerted Drain, formerly belonging to the Land Owners in Leverington and Leverington Parſon Drove, and now intended to be ſcoured out and made uſe of by the Commiſſioners under this Act, ſhall run leſs than Eighteen Inches from the Top of the loweſt Part of the Banks of the ſaid Drain, then, and ſo often, the Tunnels and Sluices ſet down in Black Dike, for the conveying of the Waters from the Lands on the Weſt Side of Black Dike, through the ſame, into the ſaid Drain, ſhall be ſhut down by the ſaid Officer or Officers, to be appointed as aforeſaid, for the opening and ſhutting down of the Tunnels and Sluices made, or to be made, and uſed under and in the Execution of this Act, and ſhall continue ſo ſhut down until the ſaid Waters in the ſaid Drain ſhall have ſubſided, and ſhall run within Eighteen Inches of the Top of the loweſt Part of the Banks of the ſaid Drain.

Commiſſioners to make Orders for the draining of the Lands; and appoint Officers, who are to account.

XIV. And be it further enacted, That the ſaid Commiſſioners ſhall and may, and they are hereby impowered to make ſuch Orders, and give ſuch Directions, for the ſaid ſeveral Works of draining herein-before mentioned, and alſo for the Management of the ſame, and Maintenance thereof, as they ſhall think fit, and ſhall and may appoint One or more Clerk or Clerks, Receiver or Receivers, Collector or Collectors, and ſuch other Officers, with reaſonable Salaries, for the making and taking Care of ſuch Works, and for the collecting of the Rates and Aſſeſſments which ſhall be made and aſſeſſed for the making and maintaining thereof, or for any other of the Purpoſes of this Act, as they the ſaid Commiſſioners ſhall think proper; and may, from Time to Time, remove any ſuch Collectors, Clerks, Receivers, or other Officers, and appoint others in the Room of ſuch of them as ſhall be ſo removed, or ſhall die; and that every Collector and Receiver, ſo to be appointed as aforeſaid, before he or they ſhall act in the Execution of their ſeveral Offices, ſhall give ſuch Security to the ſaid Commiſſioners, for the due Execution of the ſame, as the ſaid Commiſſioners ſhall think proper; and ſhall account and produce his or their Vouchers for all ſuch Sum and Sums of Money as he or they ſhall receive or pay, by virtue of their ſaid Office, at the ſaid General Meeting in every Year, and pay over the Balance of ſuch Accounts remaining in his or their Hands, if any ſuch there be, unto the ſaid Commiſſioners there aſſembled, or as they, or the major Part of them, ſhall direct or appoint.

Officers not accounting, to be committed to Gaol.

XV. Provided, and it is hereby further enacted by the Authority aforeſaid, That if any ſuch Collector or Collectors, Receiver or Receivers, ſhall neglect or refuſe to account for any Sum or Sums of Money, by him or them collected or received in purſuance of this Act, at the ſaid General Meeting in every Year, or to pay over the Balance remaining in his or their Hands to the ſaid Commiſſioners there aſſembled; then, or in either of the ſaid Caſes, it ſhall and may be lawful to and for Two or more Juſtices of the Peace for the ſaid Iſle or County where ſuch Collector or Collectors, Receiver or Receivers, ſhall reſide, to enquire of and concerning ſuch Neglect or Refuſal; and if any ſuch Collector or Receiver ſhall be convicted thereof upon the Oath of One or more credible Witneſs or Witneſſes, then the ſaid Juſtices ſhall reſpectively, upon ſuch Conviction, commit the ſaid Collector or Collectors, Receiver or Receivers, to the common Gaol of the ſaid Iſle or County where ſuch Collector or Collectors, Receiver or Receivers, ſhall reſide, there to remain until he or they ſhall have made a full, true, and perfect Account and Payment, as aforeſaid.

Commiſſioners may aſſeſs Owners as they judge proper.

XVI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, at their Firſt Meeting after the paſſing of this Act, and from Time to Time, at their General Meeting in every ſucceeding Year, to aſſeſs, rate, tax, and charge, all and every of the Owners and Occupiers of all and ſingular the ſaid Lands and Grounds in the ſaid Pariſhes of Tid Saint Giles and Newton, which lie on the Weſt Side of Black Dike; and alſo of all and ſingular the ſaid Lands and Grounds in Tid Saint Mary's Fen, which lie on the Weſt Side of Shoffendike Bank, by an equal and proportionable Acre-tax, in ſuch Rate or Sum of Money as they ſhall think proper, and that the ſame ſhall be paid as ſoon after the aſſeſſing and charging thereof as conveniently may be.

Rate not to exceed 4s. an Acre.

XVII. Provided, That no ſuch Aſſeſſment, Rate, or Tax, ſhall at any Time exceed the Sum of Four Shillings an Acre, or be leſs than Three Shillings an Acre, in each Year, ſo long as any Sum or Sums of Money ſhall be due and owing thereupon; and alſo, that it ſhall and may be lawful to and for the ſaid Commiſſioners, at their ſaid Firſt Meeting, and from Time to Time, at their ſaid General Meeing, in every ſucceeding Year, to aſſeſs, rate, tax, and charge, all and every of the Owners and Occupiers of all and ſingular the ſaid Lands and Grounds in the ſaid Pariſhes of Tid Saint Giles and Newton, which lie on the Eaſt Side of Black Dike, by an equal and proportionable Acre-tax, in ſuch Rate or Sum of Money as they ſhall think proper; and that the ſame ſhall be paid as ſoon after the aſſeſſing and charging thereof as conveniently may be.

Certain Lands to pay only the Fourth Part of the Acre-tax.

XVIII. Provided, That the ſaid Acre-tax, for each and every Acre of the ſaid Lands and Grounds on the Eaſt Side of Black Dike, ſhall not exceed in any Year the Fourth Part of the Acre-tax to be rated, aſſeſſed, and charged, on the Owners and Occupiers of each and every Acre of the ſaid Lands and Grounds on the Weſt Side of Black Dike, and of Shoffendike Bank; and that no Acre-tax ſhall be laid for or in reſpect of the ſaid Lands and Grounds on the Eaſt Side of Black Dike, in any Year, when an Aſſeſſment ſhall not be made for or in reſpect of the ſaid other Lands and Grounds compriſed in this Act.

Lands to be ſurveyed.

XIX. And be it further enacted by the Authority aforeſaid, That on or before the Firſt Day of May, in the Year of our Lord One thouſand ſeven hundred and ſeventy-four, or as ſoon after as conveniently may be, all and ſingular the ſaid Lands and Grounds, ſo abutted and deſcribed as aforeſaid, ſhall be truly and diſtinctly ſurveyed and meaſured by ſuch Perſon or Perſons as the ſaid Commiſſioners, at any of their ſaid Meetings, ſhall nominate and appoint for that Purpoſe; and that ſuch Survey ſhall be put into Writing, and ſhall contain the Number of Acres, Roods, and Perches, in Statute Meaſure, belonging to each of the Proprietors or Owners of ſuch Lands and Grounds; and that Three Maps thereof ſhall be made and depoſited in the ſeveral Pariſh Cheſts of Newton, Tid Saint Giles, and Tid Saint Mary's aforeſaid; and that the ſaid Survey ſhall, as ſoon as may be after the ſame ſhall be completed, be verified at any of the Meetings of the ſaid Commiſſioners, by the Oath of ſuch Perſon or Perſons as ſhall ſo make the ſame; which Oath the ſaid Commiſſioners, or any One or more of them, is or are hereby impowered to adminiſter; and that the ſaid Map ſhall be a ſufficient Warrant and Authority to the ſaid Commiſſioners to aſcertain and determine the Quantity of the ſaid Lands and Grounds belonging to each of the Owners and Proprietors thereof.

Tenants to pay Taxes, and deduct the ſame out of their Rents.

XX. And, to the End that the ſaid Rates and Taxes may be more eaſily and effectually collected and received, be it further enacted by the Authority aforeſaid, That all and every the Tenants and Occupiers of the ſaid Lands and Grounds, which ſhall be aſſeſſed or rated by virtue of this Act, ſhall, and are hereby authoriſed and required to pay all and every ſuch Sum and Sums of Money as ſhall be ſo aſſeſſed or rated on the reſpective Lands and Grounds in their Occupations, and to deduct and retain out of his, her, or their Rent, all ſuch Sum and Sums of Money as they ſhall ſo reſpectively pay as aforeſaid; and the ſeveral and reſpective Landlords or Owners of ſuch Lands and Grounds are hereby required to allow ſuch Deduction and Payment, upon Receipt of the Reſidue of their Rents; and that every ſuch Tenant or Occupier, paying ſuch Aſſeſſment or Rate, ſhall be acquitted and diſcharged of ſo much Money as the ſaid Aſſeſſment and Rate ſo paid by them ſhall amount unto, as fully and effectually as if the ſame had been actually paid to his, her, or their Landlord or Landlords.

Leſſees not to be allowed to deduct Taxes.

XXI. Provided, and be it further enacted and declared, That no Leſſee or Tenant of any Lands or Grounds charged with the ſaid Rates, Taxes, or Aſſeſſments, who ſhall hold the ſame by virtue of, or under any Leaſe from any Biſhop, or Collegiate Church or College, or any Eccleſiaſtical Corporation, Sole or Aggregate, or by virtue of or under any other Leaſe or Agreement, of which ſaid other Leaſe or Agreement, at the Time of the paſſing this Act, there ſhall be more than Seven Years to come and unexpired, ſhall be intitled to deduct the ſaid Rates, Taxes, or Aſſeſſments, chargeable by this Act, or any of them, out of the Rent reſerved or payable by any ſuch Leaſe or Agreement; but that the ſaid Rates, Taxes, and Aſſeſſments, ſhall be charged upon and paid by the Leſſees or Tenants ſo holding ſuch Lands or Grounds as aforeſaid; and that all and every Leſſee or Leſſees, Tenant or Tenants, of any Lands or Grounds charged with the ſaid Rates, Taxes, and Aſſeſſments, by virtue of or under any other Leaſe or Agreement whatſoever, of which there ſhall be Seven Years or leſs to come and unexpired, ſhall pay ſuch an advance of Rent as the ſaid Commiſſioners at any of their Meetings ſhall order, as a Conſideration for the Benefit which ſuch Tenant or Tenants ſhall or may receive by Means of this Act.

Manner of recovering Rates.

XXII. And be it further enacted by the Authority aforeſaid, That in caſe Default ſhall be made by any Perſon or Perſons, aſſeſſed, rated, taxed, and charged, as aforeſaid, in his, her, or their reſpective Payments, by the Space of Twenty Days next after the Time hereby appointed for the Payment thereof, and Demand made by the Collector or Collectors, Receiver or Receivers, by Notice in Writing of ſuch Demand left at the uſual Place of Abode of the Perſon or Perſons who is, are, or ought to pay the ſame; or if ſuch Perſon or Perſons ſhall not have any Place of Abode within the Pariſh in which the ſaid Lands or Grounds, for or in reſpect of which, he, ſhe, or they, ſhall be aſſeſſed and rated as aforeſaid, ſhall lie, then, after Demand made by the ſaid Collector or Collectors, Receiver or Receivers, by Notice in Writing of ſuch Demand, affixed upon the Church Door of the Pariſh where ſuch Lands and Grounds, or any Part thereof, ſhall lie, it ſhall and may be lawful to and for the Collector or Collectors, Receiver or Receivers, or any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of any Two or more of the ſaid Commiſſioners; which ſaid Warrant or Precept the ſaid Commiſſioners, or any Two or more of them, are hereby impowered and required to make and give, as there ſhall be Occaſion, to enter into and upon the Lands and Grounds ſo rated and taxed as aforeſaid, in Poſſeſſion of ſuch Perſon or Perſons as ſhall make Default in Payment as aforeſaid, and all Meſſuages or Tenements thereupon ſtanding, and to levy the Sum or Sums of Money by him, her, or them, payable for ſuch Rate or Tax, by Diſtreſs of the Goods, Chattels, and Cattle, which ſhall be there found; and in caſe no ſufficient Diſtreſs can be there found, it ſhall and may be lawful to and for the Collector or Collectors, Receiver or Receivers, or other Perſon or Perſons, by virtue of ſuch Warrant or Precept as aforeſaid, to levy all Arrears of the ſaid Rates or Taxes by Diſtreſs of the Goods, Chattels, and Cattle, of the Perſon or Perſons ſo making Default in Payment as aforeſaid, which ſhall be found in any other Place in the Kingdom of Great Britain, and the Goods, Chattels, and Cattle, to impound, on the Meſſuages or Lands where the ſame ſhall be found, or take, lead, drive, or carry away, and the ſame to keep for the Space of Five Days, at the Coſts and Charges of the Owner or Owners thereof, leaving Notice in Writing of the Cauſe of ſuch Diſtreſs at the Meſſuage or Tenement, if any there be, belonging to the Lands or Grounds upon which ſuch Diſtreſs ſhall be taken; and for want of ſuch Meſſuage or Tenement, at the uſual Place of Abode of the Perſon or Perſons who is, or are, or ought to pay the ſaid Rates or Taxes; but if ſuch Perſon or Perſons ſhall not at that Time have any Place of Abode within the Pariſh in which the ſaid Lands or Grounds, or any Part thereof, for or in reſpect of which, he, ſhe, or they, ſhall be ſo aſſeſſed and rated as aforeſaid, ſhall lie, then affixing ſuch Notice upon the Church Door of the Pariſh where ſuch Goods, Chattels, and Cattle, ſhall be ſo taken in Diſtreſs; and if the ſaid Owner or Owners of the ſaid Goods, Chattels, and Cattle, ſhall not pay the Sum or Sums of Money, ſo aſſeſſed, rated, or diſtrained for, as aforeſaid, together with the Charges of making ſuch Warrant, and taking ſuch Diſtreſs, and keeping and maintaining the ſame, or replevy the Goods, Chattels, and Cattle, ſo diſtrained, according to the Laws now in Force for the Nonpayment of Rent, within the ſaid Five Days, that then the Goods, Chattels, and Cattle, ſo diſtrained, ſhall be appraiſed by Two or more indifferent Perſons, to be ſworn by the Conſtable or Headborough of the Pariſh where ſuch Diſtreſs ſhall be made, (who is hereby authoriſed and required to adminiſter an Oath for that Purpoſe), to appraiſe the ſame according to the beſt of their Judgement; and that after ſuch Appraiſement as aforeſaid, the ſaid Goods, Chattels, and Cattle, ſhall be ſold by the ſaid Collector or Collectors, Receiver or Receivers, or other Perſon or Perſons, for Payment of the ſaid Sum or Sums of Money ſo aſſeſſed, rated, and diſtrained, for and of the ſaid Charges, and alſo of the Charges of appraiſing and ſelling ſuch Diſtreſs, and that the Overplus ariſing from ſuch Sale, if any be, after Payment of the ſaid Sum or Sums ſo aſſeſſed, rated, and diſtrained, and the ſaid Charges, ſhall be returned, on Demand, to the Owner or Owners thereof.

nds untenanted to remain a Security for Taxes.

XXIII. Provided always, and it is hereby further enacted and declared, That in caſe any of the ſaid Lands or Grounds, abutted and deſcribed as aforeſaid, ſhall at any Time hereafter be untenanted or unoccupied, ſo that no ſufficient Diſtreſs can be made for levying the ſaid Rates and Taxes, then the Lands and Grounds chargeable therewith ſhall always remain a Security for Payment thereof; and all Goods, Chattels, and Cattle, which ſhall at any Time thereafter be found thereon, ſhall and may be diſtrained, impounded, kept, and ſold, in Manner aforeſaid, till all Arrears of the ſaid Rates and Taxes, and the Charges incident to ſuch Diſtreſs, ſhall be fully paid and ſatisfied.

Money may be borrowed by Mortgage of Taxes, not exceeding 10,000 *l.*

XXIV. And, foraſmuch as the ſaid Aſſeſſments, Rates, and Taxes, ſo to be charged and collected as aforeſaid, will not be ſufficient to defray the immediate Expence of making the ſeveral Works neceſſary for the ſpeedy Improvement of the ſaid Lands and Grounds; be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Two or more of them, ſhall and may, and they are hereby impowered, from Time to Time, purſuant to an Order for that Purpoſe to be made at any of the ſaid General or other Meetings to be held as aforeſaid, at which Five Commiſſioners ſhall be preſent and concur, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding in the Whole the Sum of Ten thouſand Pounds, which they ſhall think neceſſary for the making, carrying on, and maintaining the ſaid Works, and, by Writing under their Hands and Seals, to mortgage or aſſign the ſaid Aſſeſſments, Rates, Taxes, and Sums of Money, or any Part thereof, (the Coſts and Charges of ſuch Mortgage or Aſſignment to be paid out of the ſaid Taxes), for any ſuch Term or Number of Years, and in ſuch Manner and Form, as to the ſaid Commiſſioners, or any Two or more of them, ſhall ſeem meet, as a Security for any ſuch Sum or Sums of Money ſo borrowed, to ſuch Perſon or Perſons, his, her, or their Truſtee or Truſtees, with Intereſt for the ſame, not exceeding the Sum of Five Pounds per Centum per Annum; and that Copies of all ſuch Mortgages and Aſſignments ſhall be entered in a Book or Books, to be kept for that Purpoſe by the Clerk or Clerks to the ſaid Commiſſioners; and that it ſhall and may be lawful for all and every Perſon and Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made, as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, by Indorſement on his, her, or their Security or Securities, or otherwiſe, to aſſign or transfer his, her, or their Mortgage or Security, and Right to the principal Money and Intereſt thereby ſecured; and that ſuch Aſſignment or Transfer ſhall be notified to the Clerk or Clerks within Three Calendar Months after the Date thereof; and that the ſaid Clerk or Clerks ſhall cauſe an Entry or Memorial thereof to be made, containing the Date of ſuch Aſſignment or Transfer, Names of the Parties thereto, and the Sum or Sums of Money therein mentioned to be aſſigned or transferred, in the ſaid Book or Books to be kept for entering the original Mortgages or Aſſignments, for which he or they ſhall be paid the Sum of Two Shillings and Sixpence, and no more; and that after ſuch Entries ſhall be made, ſuch Aſſignment or Transfer ſhall intitle ſuch Aſſignees to the Benefit thereof, and Payment thereon; and that every ſuch Aſſignee ſhall and may, in like Manner, from Time to Time, aſſign or transfer his, her, or their Right and Intereſt therein and thereto; and all and every Perſon and Perſons, to whom any ſuch Mortgage, Transfer, or Aſſignment, ſhall be made, as aforeſaid, ſhall be, in proportion to the Sum or Sums therein mentioned, Creditors on the ſaid Aſſeſſments, Rates, Taxes, and Sums of Money, in equal Degree One with another, and ſhall have no Preference in reſpect to the Priority of advancing any ſuch Money; and that the ſaid Money, ſo borrowed, ſhall be applied, in the Firſt Place, towards paying and diſcharging the Coſts, Charges, and Expences, of obtaining and paſſing this Act, and then in making, effecting, and maintaining, the ſaid Works of draining and improving the ſaid Lands and Grounds, ſo abutted and deſcribed as aforeſaid, and to and for no other Intent or Purpoſe whatſoever.

Taxes veſted in Creditors.

XXV. And it is hereby further enacted and declared, That the Rates, Taxes, and Sums of Money, by virtue hereof to be aſſeſſed upon and paid by the Owners and Occupiers of the ſaid Lands and Grounds, ſhall be charged and chargeable, in the firſt Place, with and for the Payment of all and every ſuch Sum and Sums of Money, ſo to be borrowed as aforeſaid, and the Intereſt thereof, from Time to Time, and ſhall veſt in the reſpective Creditors, upon Default of Payment of ſuch principal Money, and Intereſt, until the ſame ſhall be fully paid and ſatisfied, together with the Coſts and Charges occaſioned by the Nonpayment thereof; and the ſaid Creditors reſpectively, their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall have the ſame Powers, Rights, and Privileges, of raiſing and recovering the Rates, Taxes, and Sums of Money, payable by the Owners or Occupiers of the ſaid Lands and Grounds, for or in reſpect of ſuch principal Money, and Intereſt, if Default ſhall be made in Payment thereof, as the ſaid Commiſſioners, or their Collector or Collectors, would have had in caſe the ſaid principal Money, and Intereſt had been regularly paid and ſatisfied.

Writings to be without Stamps.

XXVI. And it is hereby further enacted by the Authority aforeſaid, That no Mortgage, Transfer, or other Security, for the borrowing of Money, or Aſſignment of ſuch Mortgage or Security, Information, Contract, Warrant, Judgement, Appointment, or other Writing, in purſuance of, or relating to, the Execution of this Act, ſhall be chargeable with any Stamp-duty whatſoever.

Perſons deſtroying Works, &c. how to be puniſhed

XXVII. And it is further enacted by the Authority aforeſaid, That all and every Perſon and Perſons who ſhall at any Time or Times hereafter wilfully and maliciouſly cut, throw down, burn, or otherwiſe deſtroy, any Bank, Mill, Engine, Flood-gate, or Sluice, already made and erected, or which ſhall at any Time hereafter be making and erecting, or made and erected, for the draining and improving of the ſaid Lands and Grounds, or any of them, and ſhall be thereof lawfully convicted, ſhall be guilty of Felony, and liable to be tranſported as a Felon for Seven Years; and if any Perſon or Perſons ſhall, at any Time or Times hereafter, permit or ſuffer any of his, her, or their Hogs or Swine to ſtray upon any of the ſaid Banks, or ſhall ſet down any Nets or Engines for the catching of Fiſh in any of the ſaid Drains, or wilfully or maliciouſly throw any Earth, or other Obſtructions, into any of the ſaid Drains made for anſwering the Purpoſes aforeſaid; or if any Perſon or Perſons whatſoever ſhall dig or throw out any Pond or Watering in any of the ſaid Lands or Grounds intended to be drained by virtue of this Act, within Forty Feet of any Drain already made, or at any Time hereafter to be made and uſed for the draining and improving of the ſaid Lands and Grounds, as aforeſaid; or ſhall at any Time hereafter maliciouſly deſtroy, ſtop, dam up, ſpoil, or damage any Drain, Watercourſe, Sluice, Tunnel, Door, Dam, Heading, Bridge, or other Work or Works, to be made, or ſet up or uſed for the ſaid Purpoſes, or ſhall cut through any Lane or Drove, to the Intent that the Waters of One Field, within the Limits of the ſaid Lands and Grounds ſo to be drained as aforeſaid, ſhall and may run into any other Field within the ſaid Limits, or ſhall at any Time hereafter cut or dig, or cauſe to be cut or dug, any Turves, Hods, or Seſſes, within the Diſtance of Two hundred Feet of any of the Banks made and thrown up by virtue of this Act, or of any of the Soke Dikes within the Limits of the Lands and Grounds to be drained by virtue hereof; all and every Perſon and Perſons ſo offending, being thereof convicted before Two or more of His Majeſty's Juſtices of the Peace of the ſaid Iſle or County in which the ſaid Offence ſhall be committed, who are hereby authoriſed and required to hear and determine the ſame, on the Oath of One or more credible Witneſs or Witneſſes, or on the Confeſſion of the Party or Parties ſo offending, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Fifty Pounds, nor leſs than Five Pounds, as the ſaid Juſtices ſhall reſpectively order and direct, to the ſaid Commiſſioners, for the Purpoſes for which the ſaid Aſſeſſments, Rates, and Taxes, are hereby directed to be applied, and to be levied by Diſtreſs and Sale of the Goods, Chattels, and Cattle, of all and every ſuch Offender or Offenders, by Warrant under the Hands and Seals of the ſaid Juſtices; and that, in Default of ſuch Diſtreſs or Payment, the Perſon or Perſons ſo offending ſhall be committed by ſuch Juſtices to the Houſe of Correction, there to be kept to hard Labour for ſuch Time as the ſaid Juſtices ſhall reſpectively order and direct, not exceeding Three Calendar Months, at the Diſcretion of the ſaid Juſtices.

Books of Aſſeſſments to be kept.

XXVIII. And, to the Intent that it may appear clearly what is raiſed from Time to Time by virtue of the ſaid Aſſeſſments or Rates, and how the ſame have been from Time to Time applied, and that all Accounts of the Monies raiſed and diſburſed by virtue of this Act may be fairly examined, be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall order and cauſe a Book of Aſſeſſments to be made and kept, and all the Rates and Aſſeſſments made as aforeſaid under this Act to be fairly entered therein; and alſo ſhall order and cauſe a Book of Accounts to be made and kept, and an Account of all the Receipts and Diſburſements of the Monies received and diſburſed by virtue of this Act to be fairly entered in the ſame, and that no Account ſhall be paſſed and allowed unleſs the ſame ſhall be kept and made up in ſuch Books as aforeſaid; and that, Once in every Year, to wit, at the ſaid General Meeting, they the ſaid Commiſſioners ſhall carefully examine all Receipts and Diſburſements of all ſuch Monies as ſhall be collected, received, and diſburſed, by virtue of this Act, to the Lady-day next before ſuch Meeting, and all Vouchers relating to the ſame; and that, upon Inſpection and Examination of the ſaid Accounts, upon Oath, to be adminiſtered by any One or more of the ſaid Commiſſioners, which Oath any One or more of them is hereby impowered to adminiſter, the ſaid Commiſſioners ſhall, and are hereby impowered and directed to allow and paſs the ſaid Accounts, or ſuch Part or Parts thereof as ſhall appear to them juſt and reaſonable; and the ſaid Accounts, or ſuch Part or Parts thereof as ſhall be allowed by the ſaid Commiſſioners under their Hands, ſhall be fairly entered in a Book or Books to be kept by the ſaid Commiſſioners; which Book or Books ſhall or may be inſpected and peruſed, at all ſeaſonable Times, by any Owner or Owners of the ſaid Lands and Grounds ſo abutted and bounded as aforeſaid, or of any Part thereof, without Fee or Reward.

Proceedings to be entered in Books.

XXIX. And be it further enacted and declared by the Authority aforeſaid, That all Orders and Proceedings of the ſaid Commiſſioners ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Orders and Proceedings, ſo entered, ſhall be ſigned by the Commiſſioners then preſent, or the major Part of them; and that ſuch Orders, ſo ſigned, ſhall be deemed and taken to be original Orders, as fully and effectually as if the ſame were under the Hands and Seals of the ſaid Commiſſioners; and that ſuch Book or Books ſhall and may be inſpected and peruſed, at all ſeaſonable Times, by any Owner or Owners of the ſaid Lands or Grounds ſo abutted and bounded as aforeſaid, without Fee or Reward, and ſhall and may be produced and read in Evidence in all Caſes of Suits or Actions, touching any Thing done in purſuance and by Authority of this Act.

Occupiers to maintain their Outring Fences.

XXX. And it is hereby further enacted by the Authority aforeſaid, That all Owners and Occupiers of the Lands and Grounds by virtue of this Act to be drained, ſhall make, and from Time to Time, and at all Times hereafter, maintain and keep, all the Outring or Diviſion Dikes or Drains of or belonging to their reſpective Lands and Grounds Nine Feet wide, and of a ſufficient Depth from the Level Soil; and ſhall alſo, from Time to Time, and at all Times hereafter, cauſe the ſame Dikes or Drains to be well and ſufficiently roaded, ſcoured, and cleanſed, from Weeds and other Rubbiſh and Obſtructions; and alſo cauſe Bridges or Tunnels to be laid over the ſaid Dikes and Drains, of ſuch Dimenſions, and at ſuch Places, as the ſaid Commiſſioners, at any of their ſaid Meetings, ſhall judge neceſſary, for the better iſſuing, running, and conveying away the Waters therein, and keep and maintain the ſaid Bridges and Tunnels in Repair; and that if any ſuch Owner or Occupier ſhall refuſe or neglect to make or keep ſuch Dikes or Drains of the Dimenſions aforeſaid, or to road, ſcour, or cleanſe the ſame from Weeds, or other Rubbiſh or Obſtructions, or to lay down or repair ſuch Tunnels or Bridges as aforeſaid, after Fourteen Days Notice in Writing, under the Hands of any Two or more of the ſaid Commiſſioners to him or her given, or left at his or her uſual Place of Abode; or, in caſe he or ſhe ſhall not, at that Time, have any Place of Abode within the ſaid Pariſh where the ſaid Lands ſhall lie, to which ſuch Drains or Dikes, Bridges or Tunnels, ſhall appertain or belong; then, after affixing ſuch Notice on the Church Door of the Pariſh where ſuch Lands ſhall lie, the ſaid Commiſſioners ſhall and may, and they are hereby authoriſed and required, to cauſe the ſame to be done in a proper and effectual Manner, and, by Warrant under their Hands and Seals, to authoriſe and impower their Collector or Collectors, or any other Perſon or Perſons, to levy and raiſe the Money expended in doing thereof by Diſtreſs and Sale of ſuch Goods, Chattels, and Cattle, as ſhall at any Time thereaftrr be found on the Lands and Grounds to which ſuch Drains or Dikes, Bridges or Tunnels, ſhall appertain or belong; and that the Perſon or Perſons, to whom ſuch Warrant ſhall be directed, ſhall and may levy the Money ſo expended ed by Diſtreſs and Sale of the ſame Goods, Chattels, and Cattle, together with all incident Charges, in the ſame Manner as the Rates, Taxes, and Aſſeſſments, herein-before mentioned, are hereby directed to be levied, rendering the Overplus, if any there be, to the Owner or Owners thereof.

Kinderley's Cut to be opened.

XXXI. And whereas the opening of a certain Work, ſome Time ſince begun by the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, called *Bedford Level*, and intended to have been compleated, commonly called or known by the Name of *Kinderley's Cut*, from the *Weſt Marſh* or *River's End*, through the common Salt Marſh, in the Pariſh of *Tid Saint Giles* aforeſaid, to near *Buckworth's Drain Sluice*, and continuing the ſame through the ſaid Marſh, and another ſmall Salt Marſh in the Pariſh of *Tid Saint Mary's* aforeſaid, to near the Outfall of *New Gunthorpe Sluice*, and the making a Dam over the preſent Channel of the *Wisbech River*, near the ſaid *River's End*, to turn the Waters of the ſaid River out of their preſent uncertain Courſe amongſt the ſhifting Sands, into, through, and along the ſaid Cut, will be of great Benefit to the draining and preſerving of the ſaid Lands and Grounds ſo abutted and deſcribed, and intended by this Act to be drained as aforeſaid, and alſo of the ſaid Great Level of the Fens called *Bedford Level*: And whereas the Proprietors of the ſaid Lands and Grounds, ſo abutted and deſcribed as aforeſaid, are deſirous of having the ſaid Works carried into Execution, and have agreed to advance the Sum of One thouſand Pounds, out of the Rates, Taxes, and Monies, to be raiſed and borrowed by virtue of this Act, towards compleating the ſame: And whereas the ſaid Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, called *Bedford Level*, are willing to advance, out of the Revenues of the Middle and South Levels, Part of the ſaid Great Level, or out of the Monies borrowed, or to be borrowed thereon, the like Sum of One thouſand Pounds, towards the compleating of the ſaid Works: And whereas the Commiſſioners elected and appointed for the North Level, Part of the ſaid Great Level, by virtue of a certain Act of Parliament, made and paſſed in the Twenty-ſeventh Year of the Reign of His late Majeſty King *George* the Second, are willing to undertake the Execution of the ſaid Works, and to compleat the ſame, and pay the Expence thereof, over and beyond the ſaid Two Sums of One thouſand Pounds and One thouſand Pounds, out of the Rates and Taxes aſſeſſed upon the ſaid North Level, under the ſaid Act of the Twenty-ſeventh Year of His ſaid late Majeſty, and the Monies to be borrowed thereon by virtue of the ſaid Act; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Commiſſioners of the ſaid North Level, appointed, or hereafter to be appointed, by virtue of the ſaid Act of the Twenty-ſeventh Year of His ſaid late Majeſty King George the Second, and they are hereby authoriſed and impowered, to open and make the ſaid Cut, called Kinderley's Cut, from the South End of the Weſt Marſh or the River's End aforeſaid, through the common Salt Marſh, in the Pariſh of Tid Saint Giles aforeſaid, to near Buckworth's Sluice, and to continue the ſaid Cut along the ſaid Salt Marſh, in the Pariſh of Tid Saint Mary's aforeſaid, at or near the Outfall of New Gunthorpe Sluice; and alſo to make a Bank on the Eaſt and South-eaſt Side of the ſaid Cut, between the ſaid Cut and the preſent ſhifting and bare Sands; and alſo to make a Dam or Bank in and over the preſent Channel of the Wiſbech River, near the South End of the ſaid Weſt Marſh, and to continue ſuch Bank acroſs the Sands and Marſhes on the Eaſt Side of the ſaid Channel, to join the preſent Sea Bank on the Marſh Land or Norfolk Side; and that it alſo ſhall and may be lawful to and for the ſaid Commiſſioners of the ſaid North Level, and they are hereby authoriſed and impowered to dig and take Earth, Flag, and other Materials, from any of the Open or Salt Marſhes lying in the ſaid Pariſhes of Tid Saint Giles, Newton, and Tid Saint Mary's, near or adjoining to the ſaid Cut, Banks, and Dam, from Time to Time, as they ſhall find neceſſary for the making, compleating, and ſupporting, the ſaid Cut, Banks, and Dam, without paying any Thing for the ſame; and to do all ſuch other Acts as ſhall be neceſſary in the carrying on, compleating, and maintaining, of the ſaid Works.

Bedford Level Corporation, and the Commiſſioners of this Act, ſhall contribute certain Sums towards carrying on the ſaid Works.

XXXII. And be it further enacted by the Authority aforeſaid, That the ſaid Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, called Bedford Level, ſhall and do, out of the Revenues of the ſaid Middle and South Levels, or out of the Monies borrowed, or to be borrowed thereon, pay the Sum of One thouſand Pounds; and that the Commiſſioners to be appointed by virtue of this preſent Act, ſhall and do, out of the Rates, Taxes, and Revenues to be raiſed, and the Monies to be borrowed thereon, by virtue of this Act, pay the like Sum of One thouſand Pounds, for and towards the carrying on the ſaid laſt-mentioned Works, unto the Commiſſioners of the ſaid North Level, or to ſuch Perſon or Perſons as ſhall be appointed by them, or any Seven or more of them, at any of their Meetings, to receive the ſame, at the Times, and in Manner following; that is to ſay, The Sum of Three hundred Pounds each, when and ſo ſoon as the ſaid Commiſſioners of the ſaid North Level ſhall begin the ſaid Works; and when and ſo ſoon as the ſaid Commiſſioners of the ſaid North Level ſhall have expended the Sum of One thouſand eight hundred Pounds (including the ſaid Two Sums of Three hundred Pounds and Three hundred Pounds) in the carrying on the ſaid Works, then the further Sum of Three hundred Pounds each; and when and ſo ſoon as the ſaid Commiſſioners of the ſaid North Level ſhall have expended the further Sum of One thouſand eight hundred Pounds (including the ſaid Two laſt mentioned Sums of Three hundred Pounds and Three hundred Pounds) in carrying on the ſaid Works, then the further Sum of Four hundred Pounds each, being the Reſidue of the ſaid Two Sums of One thouſand Pounds and One thouſand Pounds, ſo to be reſpectively advanced and paid towards the ſaid Works by the ſaid Governor, Bailiffs, and Commonalty, and by the ſaid Commiſſioners to be appointed by virtue of this Act, as aforeſaid.

The Remainder of the Expence of opening the ſaid Cut out of the North Level Taxes.

XXXIII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners of the ſaid North Level ſhall and do, as ſoon as conveniently may be after the paſſing of this Act, begin and proceed in the ſaid laſt-mentioned Works, and perfect and compleat the ſame; and that the Expence thereof, over and beyond the ſaid Two Sums of One thouſand Pounds and One thouſand Pounds, ſo to be advanced and paid towards the ſame in Manner aforeſaid, ſhall be paid by the ſaid Commiſſioners of the ſaid North Level, out of the Rates and Taxes aſſeſſed upon the ſaid North Level, under the aforeſaid Act of Parliament of the Twenty-ſeventh Year of His late Majeſty King George the Second, and out of the Monies to be borrowed thereon, by virtue of the Powers in the ſame Act contained.

Perſons damaging the Works how to be puniſhed.

XXXIV. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall wilfully and maliciouſly ſtop, dam up, break down, demoliſh, damage, or deſtroy, or cauſe, procure, adviſe, counſel, or hire any Perſon or Perſons to dam up, break down, demoliſh, damage, or deſtroy, the ſaid Cut, Dam, or Banks, which ſhall at any Time or Times hereafter be making, cutting, or erecting, or made, cut, or erected, ſupported, maintained, or uſed, for the Purpoſe of turning the preſent Channel of the Wiſbech Waters out of the ſhifting Sands, into, through, and along the ſaid Cut, intended to be opened and made as aforeſaid, or ſhall take, carry away, break, demoliſh, or deſtroy, any of the Wheel-barrows, Planks, Treſſels, or other Materials, that ſhall be procured to be uſed, or that ſhall be uſed, in making the ſaid Cut, Dam, or Banks, or in the Repair or Support thereof, all and every ſuch Perſon and Perſons ſhall be adjudged guilty of Felony, and every ſuch Felon ſhall be ſubject and liable to the like Pains and Penalties as in Caſes of Felony; and the Courts by and before whom ſuch Perſon or Perſons ſhall be tried, ſhall, and are hereby authoriſed and impowered to tranſport any ſuch Felon for the Space of Seven Years, in like Manner as other Felons are directed to be tranſported by the Laws and Statutes of this Realm.

The Navigation of the Cut ſhall be free.

XXXV. And be it further enacted and declared by the Authority aforeſaid, That all Perſons navigating Veſſels between the Town of Wiſbech and the Sea, ſhall, at all Times hereafter, have the free Uſage of the ſaid Cut, to navigate in, along, and through the ſame, in like Manner as they now have along and through the preſent Channel, except as is herein-after mentioned; and alſo that it ſhall and may be lawful to and for the Owner or Owners of ſuch Veſſels, and the Servants and Workmen, or Perſons employed to navigate the ſame, to hale and tow the ſaid Veſſels with One or more Horſe or Horſes, on the Foreland and Bank on the Weſt or North-weſt (but not on the Eaſt or South-eaſt) Side of the ſaid Cut; provided, that only One Horſe ſhall hale or tow by One Line, and that every ſuch Line be faſtened to the Maſt or Rigging of every ſuch Veſſel ſo navigating as aforeſaid, at leaſt Twelve Foot above the Deck of ſuch Veſſel or Veſſels, and not otherwiſe.

The Manner of towing on the Side of the Cut.

XXXVI. Provided, and it is hereby further enacted by the Authority aforeſaid, That no Horſe or Horſes ſhall at any Time or Times be made uſe of for haling or towing over or upon the ſaid Sluice called New Gunthorpe Sluice, or any other Sluice or Sluices erected, or to be erected, on the Side of the ſaid Cut, or over or upon any Wharf or other Works to ſuch Sluice or Sluices belonging; but that ſuch Horſe or Horſes as ſhall be uſed in the haling or towing of Veſſels along the ſaid Cut ſhall be looſened from the Lines fixed to the ſaid Veſſels, and being ſo looſened, ſhall be led or conducted over ſuch Sluice or Sluices, and Wharfs, and other Works thereto belonging, without haling or towing over the ſame; and that it ſhall and may be lawful to and for the Capital Burgeſſes of the Town of Wiſbech for the Time being, or any Perſon or Perſons by them to be appointed, by and with the Approbation of the Superintendant General for the Time being of the Corporation of the Bedford Level, to fix and put down ſuch Mooring Poſts as ſhall be neceſſary for mooring and ſtopping the Veſſels paſſing the ſaid Sluices, or navigating in the ſaid Cut, ſo as ſuch Poſts ſhall be fixed in ſuch Places and Manner as that no Damage ſhall be done thereby, or by uſing the ſame, to any ſuch Sluice or Sluices, or any Wharf or other Works thereto belonging, or any Part thereof, and as that no Stoppage ſhall be thereby occaſioned to the Paſſage of the Water running from any ſuch Sluice or Sluices: And in caſe ſuch Mooring Poſts, or any of them, ſhall at any Time or Times be apprehended by the ſaid Superintendant General, or any other Perſon or Perſons appointed to ſuperintend the Works of the ſaid Sluices, Cuts, and Banks, to be prejudicial to ſuch Sluice or Sluices, Cut or Banks, it ſhall and may be lawful to and for the ſaid Superintendant General, or ſuch other Perſon or Perſons as aforeſaid, to cauſe ſuch Mooring Poſts to be cut down, fixing other Poſts in ſuch other Places and Manner as may anſwer the Purpoſe of mooring the ſaid Veſſels, without being prejudicial to the ſaid Sluices, Cut, Banks, or Works; and if the ſaid Superintendant General ſhall refuſe or neglect to give Directions for placing the ſaid Poſts as aforeſaid for the Space of Twenty Days next after ſuch Notice, in Writing, ſigned by the ſaid Capital Burgeſſes for the Time being, or the major Part of them, then it ſhall be lawful for the ſaid Capital Burgeſſes for the Time being, or the major Part of them, to cauſe ſuch Poſts to be placed in ſuch Manner, and ſubject to ſuch Reſtrictions, as aforeſaid.

The Channel of the *Wiſbech* River, and Sands adjacent in *Bedford Level*, how veſted.

XXXVII. And whereas the making the aforeſaid Cut, Bank, and Dam, and turning the Waters of the ſaid *Wiſbech* River out of their preſent uncertain and ſhifting Courſe amongſt the Quickſands, into, through, and along, the ſaid Cut, will be a Work of publick Utility, in regard the ſame will not only be for the Benefit of Draining as herein-before is mentioned, but of very conſiderable Advantage to the Navigation to and from the Port of *Wiſbech*, and by Means thereof the preſent ſhifting and bare Sands, ſituate on the North and Eaſt of the ſaid Dam and Cut, and lying between, or bounded by, the preſent Salt Marſhes on the *Cambridgeſhire* and *Lincolnſhire* Coaſts on the Weſt and North-weſt, and the preſent Courſe or Channel of the *Wiſbech* River on the Eaſt and South-eaſt, will be raiſed, and may become capable of

Cultivation: And whereas the ſupporting and preſerving the ſaid Dam, Cut, and Banks, after the ſame ſhall be completed, will be attended with great Labour and Expence; be it therefore enacted by the Authority aforeſaid, That the ſaid ſhifting and bare Sands, ſo ſituated and bounded as aforeſaid; and alſo the preſent Channel of the Wiſbech River, to the Low-water Mark, on the South and South-eaſt Side thereof, ſhall, from and immediately after the paſſing of this Act, veſt in, and the ſame are hereby veſted in, the ſaid Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, called Bedford Level, and their Succeſſors, to have and to hold the ſame unto and to the Uſe of them and their Succeſſors, for ever, for ſuch Uſes, Intents, and Purpoſes, as are herein-after mentioned concerning the ſame, any Law, Statute, or Cuſtom whatſoever, to the Contrary thereof in any-wiſe notwithſtanding; and that the ſaid ſhifting and bare Sands and Channel, ſo veſted in the ſaid Governor, Bailiffs, and Commonalty, and their Succeſſors, ſhall for ever hereafter be deemed and taken to lie and be within the reſpective Pariſhes in the Iſle of Ely and County of Cambridge, and in the County of Lincoln, which abut or adjoin on the Weſt and North-weſt Sides of the ſaid Sands, ſo far as ſuch Pariſhes do reſpectively abut, front, or adjoin thereupon.

The ſaid Corporation allowed to mark out the ſaid Sands;

XXXVIII. And, for the better aſcertaining the Bounds and Limits of the ſaid ſhifting and bare Sands and Channel, ſo veſted, or intended to be hereby veſted in the ſaid Governor, Bailiffs, and Commonalty, and their Succeſſors, as aforeſaid, and for keeping the ſame in Memory in all Times to come, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Governor, Bailiffs, and Commonalty, and they are hereby authoriſed, impowered, and required, to cauſe the ſame to be ſurveyed and planned, and alſo to cauſe the ſame to be ſet out and bounded with Stones, or other ſubſtantial Marks or Abuttals, ſo as at all Times to aſcertain and diſtinguiſh the ſame from the preſent Salt Marſhes and Sands lying on each Side thereof; and after ſuch Sands and Channel ſhall be planned, bounded, and marked out, as aforeſaid, the ſaid Governor, Bailiffs, and Commonalty, ſhall cauſe One fair Copy of ſuch Plan, marking or diſtinguiſhing therein the ſeveral Bounder Stones or Abuttals, ſo to be ſet up as aforeſaid, to the Clerk of the Peace for the County of Cambridge aforeſaid, to be kept amongſt the Records of the Seſſions of the Peace for the ſaid County, and One other fair Copy of ſuch Plan, marked and diſtinguiſhed as aforeſaid, to the Clerk of the Peace for the Parts of Holland, in the County of Lincoln, to be kept amongſt the Records of the Seſſions of the Peace for thoſe Parts.

and to grant Leaſes thereof, as ſoon as they are capable of Cultivation.

XXIX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, called Bedford Level, to take in and embank the ſaid Sands and Channel ſo veſted, or intended to be hereby veſted in them, as aforeſaid, when and as often as any Part or Parts thereof ſhall be graſſed over, or become capable of Cultivation, and to grant Leaſes thereof to ſuch Perſon or Perſons, and for ſuch Terms or Eſtates, and under ſuch yearly and other Rents, and for ſuch Conſiderations, and upon ſuch Conditions, as they ſhall from Time to Time think fit, and to order, regulate, and manage the ſame, in ſuch Manner as they ſhall, from Time to Time think proper.

Receiver of the Taxes to take the Rents and Profits of the Sands, &c.

XL. And be it further enacted by the Authority aforeſaid, That all and every the Rents, Iſſues, Fines, and other Profits, which ſhall from Time to Time be reſerved or paid for or in reſpect of the ſaid Sands and Channel, ſo hereby veſted, or intended to be veſted, in the ſaid Governor, Bailiffs, and Commonalty, as aforeſaid, or ſhall ariſe from the ſame, ſhall, from Time to Time, be received by the Receiver of the Taxes, rated, aſſeſſed, or impoſed upon, the ſaid North Level, by virtue of a certain Act of Parliament, made and paſſed in the Eleventh Year of the Reign of His preſent Majeſty; and that the ſaid Fines, Rents, Iſſues, Profits, and Monies, ſhall be applied, in the firſt Place, in Payment of the Expences of incloſing, embanking, and ſecuring, the ſaid Sands and Channel, and then, from Time to Time, in and towards the repairing, ſupporting, and maintainnig, the ſaid Cut, Dam, and Banks, and in continuing the ſaid Cut and Banks towards the Sea, and in making ſuch other Works and Improvements in the Outfall of the Wiſbech River to the Sea, as ſhall from Time to Time be found neceſſary or convenient, and to or for no other Uſe, Intent, or Purpoſe whatſoever, ſave in purchaſing of Salt Marſhes adjoining or lying contiguous to the ſaid Sands, as herein-after is mentioned.

The Corporation may purchaſe Salt Marſhes in *Tid St. Giles.*

XLI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, called Bedford Level, and they are hereby authoriſed and impowered, from Time to Time, to contract for and purchaſe any Salt Marſh or Marſhes in the Pariſhes of Tid Saint Giles, and Tid Saint Mary's, adjoining or lying near to the ſaid Sands hereby veſted in them as aforeſaid, and to direct the Purchaſe-monies agreed to be paid for the ſame to be paid out of the Fines, Rents, Iſſues, and Profits, of the ſaid Sands and Channel ſo veſted in them, as aforeſaid; and that ſuch Salt Marſh or Salt Marſhes, ſo to be purchaſed, ſhall be conveyed to and veſted in the ſaid Governor, Bailiffs, and Commonalty, and their Succeſſors, for ſuch and the ſame Uſes, Intents, and Purpoſes, as the ſaid Sands and Channel are hereby veſted in them as aforeſaid, and to or for no other Uſe, Intent, or Purpoſe whatſoever.

The Committee of the *North Level* Commiſſioners ſhall ſuperintend ſuch Works as ſhall be done with the Profits of the ſaid Sands;

XLII. And be it further enacted by the Authority aforeſaid, That the Committee, from Time to Time to be elected or choſen by and out of the Commiſſioners of the ſeveral Diſtricts of the ſaid North Level, in purſuance of the ſaid Act of the Eleventh Year of His preſent Majeſty, ſhall, from Time to Time, direct and ſuperintend the Repairs and Amendments to be made in the ſaid Cut, Dam, and Banks, and ſuch other Works, as the ſaid Rents, Iſſues, Fines, and Profits, ariſing as aforeſaid, ſhall, from Time to Time, be applied in; and which ſaid Committee ſhall tranſmit to the Regiſter of the ſaid Corporation a yearly Account of their Orders, Agreements, and Tranſactions, relative

tive to ſuch Repairs, Amendments, and other Works, and of the Application of ſuch Fines, Rents, Iſſues, and Profits therein.

and make up any Deficiency that may be therein.

XLIII. And be it further enacted by the Authority aforeſaid, That all ſuch Repairs and Amendments, for ſupporting and maintaining the ſaid Cut, Dam, and Banks, as ſhall be neceſſary to be done and made before any Profits ſhall ariſe from the ſaid Sands and Channel, hereby veſted in the ſaid Governor, Bailiffs, and Commonalty, as aforeſaid, or as ſuch Profits, when the ſame ſhall ariſe, may at any Time or Times be deficient to anſwer, ſhall, from Time to Time, be done and made by the ſaid Commiſſioners of the ſaid North Level out of the Rates, Taxes, and Monies, to be aſſeſſed or raiſed by virtue of the aforeſaid Act of the Twenty-ſeventh Year of His ſaid late Majeſty King George the Second, ſo as that the ſaid Cut, Dam, and Banks, may at all Times hereafter be properly upheld, maintained, and ſupported.

Walpole and other Marſhes may be drained.

XLIV. And be it further enacted, That it ſhall and may be lawful to and for the Owner and Owners of Walpole Marſhes, and all other Marſhes lying on the Eaſt and South-eaſt Side of the ſaid Channel and Sands, at all Times hereafter, to drain the Water off and from the ſaid Marſhes in and through the ſaid Sands, into the Wiſbech Channel, below the North End of the ſaid Cut and Bank, in ſuch Manner as they ſhall think proper.

The River Bank on the North and North-weſt of *Kinderley's Cut* may be repaired.

XLV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners of the North Level ſhall and do, when and as the ſaid intended Cut, called Kinderley's Cut, ſhall be dug and opened, amend and repair the River Bank lying on the North and North-weſt Side of the ſaid Cut, from a certain Place called The River's End to Buckworth's Sluice, with Six Floors of Earth at the leaſt to each and every Rod thereof, and with proper and ſufficient Flagging, under the Direction of ſuch Perſon or Perſons as is, are, ſhall, or may be appointed by the Commiſſioners of Sewers for the Hundred of Wiſbech, and Parts adjacent, as Expenditor or Expenditors for the Repair of the ſaid Bank; and that it ſhall and may be lawful to and for the ſaid Commiſſioners of the North Level, to dig, cut, and take, Earth and Flag from the ſaid Salt Marſhes lying on the Eaſt and North-eaſt of the ſaid River Bank, or any Part thereof, for the Purpoſes aforeſaid, without paying any Thing for the ſame; and that all Monies to be expended in the amending and repairing of the ſaid Bank, as aforeſaid, ſhall be paid out of the Rates and Taxes to be laid by virtue of the ſaid Act of the Twenty-ſeventh Year of the Reign of His ſaid late Majeſty King George the Second, and the Monies to be borrowed thereon: Provided, That nothing herein ſhall extend, or be conſtrued to extend, to charge the ſaid Commiſſioners of the North Level with any ſubſequent Amendments or Reparations of the ſaid Bank, from the River's End to Buckworth's Sluice aforeſaid, or any Part thereof, or to alter, leſſen, or take away, any of the Rights, Powers, or Authorities, of the Commiſſioners of Sewers for the ſaid Hundred of Wiſbech, and Parts adjacent, in and over the ſame Bank; but that all ſuch Rights, Powers, and Authorities, as are now veſted in the ſaid Commiſſioners of Sewers, or any other Perſon or Perſons, in and over the ſaid Bank, ſhall be and continue in full Force and Effect, and the ſaid Bank, from and after ſuch Amendment and Reparation as aforeſaid by the ſaid Commiſſioners of the North Level, ſhall be, from Time to Time, maintained and ſupported by and at the Expence of ſuch Perſons, and in ſuch Manner, as if this Act had not been made; any Thing herein contained to the Contrary thereof in any-wiſe notwithſtanding.

A certain Piece of Land in *Tid Saint Giles* veſted in certain Perſons, to be ſold, and how the Money is to be applied.

XLVI. And whereas there is in the ſaid Pariſh of *Tid Saint Giles* a certain Parcel of Salt Marſh or waſte Land, bounded by the ſaid Sands, Eaſt; the Place where the ſaid Cut, called *Kinderley's Cut*, is intended to be made, Weſt; *Tid Saint Mary's* Salt Marſh, North; and the preſent Courſe of *Wiſbech River*, South; which has been heretofore uſed and enjoyed for the Intercommonage of Cattle by the Owners and Occupiers of the Lands in *Tid Saint Giles* aforeſaid, intended to be drained and preſerved by virtue of this Act, but will by the ſaid Cut, called *Kinderley's Cut*, be ſevered therefrom, or otherwiſe rendered of very little Uſe or Benefit to the Perſons intitled to ſuch Intercommon; and it would be of Advantage to all Parties intereſted therein if the ſame was to be ſold, or otherwiſe diſpoſed of, and the Money ariſing therefrom applied to the Purpoſes of this Act; be it therefore further enacted by the Authority aforeſaid, That from and immediately after the paſſing of this Act, the ſaid Salt Marſh or waſte Land, deſcribed as aforeſaid, ſhall be, and is hereby veſted in Sir Clement Trafford of Dunton Hall, in the County of Lincoln, Knight; Robert Colvile of Wiſbech Saint Peter's, in the Iſle of Ely, in the County of Cambridge, Eſquire; Richard Colvile of Hemingſton, in the County of Suffolk, Eſquire; and William Greaves of Sutton Saint Mary's, in the ſaid County of Lincoln, Clerk; their Heirs and Aſſigns, freed and abſolutely exonerated and diſcharged from all Right of Common which can or may be claimed therein by any Perſon or Perſons whomſoever, to hold the ſame unto and to the Uſe of the ſaid Sir Clement Trafford, Robert Colvile, Richard Colvile, and William Greaves, their Heirs and Aſſigns, upon the Truſts, and to and for the Purpoſes herein-after mentioned of and concerning the ſame; that is to ſay, Upon Truſt to ſell, convey, mortgage, demiſe, leaſe, or otherwiſe diſpoſe of the ſaid Salt Marſh or waſte Land, or any Part or Parts thereof, in ſuch Manner as the ſaid Commiſſioners acting in the Execution of this Act, or any Three or more of them, ſhall, from Time to Time, at any of their Meetings, direct and appoint; and, in Default of and until ſuch Direction or Appointment, from Time to Time, to let, uſe, and manage, the ſame, in Truſt, for the ſaid Commiſſioners under this Act for the Time being; and, upon further Truſt, from Time to Time, to pay and apply the Monies ariſing from Sale or Mortgage of the ſaid Salt Marſh or waſte Land, or any Part or Parts thereof, and the Rents, Iſſues, and Profits thereof, till Sale, to and for the ſame Uſes, Intents, and Purpoſes, as the Rates, Taxes, and Aſſeſſments, hereby authoriſed to be laid, and Money to be borrowed thereon, are to be paid and applied by virtue of this Act: Provided, That the Receipt or Receipts of the ſaid Sir Clement Trafford, Robert Colvile, Richard Colvile, and William Greaves, or the Survivors or Survivor of them, or the Heirs or Aſſigns of ſuch Survivor, to the Purchaſer or Purchaſers, Mortgagee or Mortgagees, of the ſaid Salt Marſh or waſte Land, or any Part or Parts thereof, ſhall be a ſufficient Diſcharge for ſo much of the Purchaſe or Mortgage Money thereof as in ſuch Receipt or Receipts ſhall be expreſſed to be received; and ſuch Puchaſer or Purchaſers, Mortgagee or Mortgagees, having obtained ſuch Receipt or Receipts, ſhall not be liable to ſee to the Application of ſuch Purchaſe or Mortgage Monies, or anſwerable or accountable for the Nonapplication or Miſapplication thereof, or of any Part thereof; and that nothing herein ſhall in any-wiſe prejudice or affect the Rights or Claims of any Perſon or Perſons whatſoever, as Mortgagee or Mortgagees of the ſaid Salt Marſh or waſte Land, or any Part or Parts thereof, by virtue of this Act.

Rights of Governors, &c. of Bedford Level ſaved.

XLVII. Provided always, and be it further enacted by the Authority aforeſaid, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to impower the ſaid Commiſſioners appointed, or to be appointed, by virtue of this Act, or any of them, to have, uſe, or exerciſe, any Power or Authority over, or to intermeddle with any of the Sewers, Drains, or Works, already made, or hereafter to be made, by the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, called Bedford Level, by virtue of an Act of Parliament, made in the Fifteenth Year of the Reign of King Charles the Second, intituled, An Act for the ſetting the draining of the Great Level of the Fens, called *Bedford Level*, or by virtue of any other Act or Statute whatſoever, or invalidate, leſſen, diminiſh, or take away, any of the Rights, Powers, or Authorities, veſted in the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, and Conſervators, but that all Rights, Powers, and Authorities whatſoever, which, by virtue of the ſaid Act, made in the Fifteenth Year of King Charles the Second, or any other Act or Statute, now are veſted in the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, and Conſervators, ſhall, for ever hereafter remain, continue, and be in the ſaid Governor, Bailiffs, and Commonalty, and Governor, Bailiffs, and Conſervators, and every of them, as fully and amply, to all Intents and Purpoſes, as if this Act had not been made.

Powers of *Wiſbech* Commiſſioners over *Tid Saint Giles* to ceaſe.

XLVIII. And be it further enacted, That all ſuch Rights, Powers, and Authorities, as the ſaid Commiſſioners of Sewers for the Hundred of Wiſbech, and Parts adjacent, have at any Time or Times heretofore had or exerciſed over the ſaid Lands and Grounds in Tid Saint Giles and Newton, ſo abutted and intended to be drained as aforeſaid, or the Works within the Limits thereof, or in or over Buckworth's Drain, and the Banks, Sluices, and other Works thereto belonging, or any of them, by virtue of any Act of Parliament or Statute whatſoever, ſhall from henceforth ceaſe, and be utterly void and determined.

Rights of Commiſſioners of Sewers ſaved.

XLIX. Provided, That nothing herein contained ſhall extend, or be conſtrued to extend, to invalidate, leſſen, diminiſh, or take away, the Rights, Powers, and Authorities, now veſted in the Commiſſioners of Sewers for the Hundred of Wiſbech, and Parts adjacent, by virtue of any Act of Parliament or Statute, or any Commiſſion of Sewers whatſoever, for the raiſing of the Rate or Tax known by the Name of The Halfpenny Acre Shot, upon or from the ſaid Lands and Grounds in Tid Saint Giles and Newton, abutted and deſcribed as aforeſaid, or any of them, or for the raiſing of any Rates, Taxes, or Sums of Money, from ſuch of the ſaid Lands and Grounds in Tid Saint Giles and Newton as are lying on the Eaſt Side of Black Dike, for the repairing, maintaining, and ſupporting, of the ſaid Bank or Banks from Clow's Croſs to Guyhirn Croſs, and from thence to Wiſbech Bridge, and ſo to a Place called The Horſeſhoe, in the Pariſh of Leverington, but that the ſaid Lands and Grounds ſhall ſtill remain charged and chargeable with the ſaid Rate or Tax, known by the Name of The Halfpenny Acre Shot, and ſhall ſtill remain charged and chargeable towards the repairing of the ſaid Bank or Banks, in ſuch Proportion, Manner, and Form, as before the paſſing of this Act they have been uſed to be charged towards the ſaid Repairs; and that the ſaid Commiſſioners of Sewers ſhall have full Power and Authority to aſſeſs, rate, and tax, the ſaid Lands and Grounds reſpectively for and towards the ſaid Halfpenny Acre Shot, and for and towards the repairing of the ſaid Bank or Banks, in the Proportion and Manner before mentioned; and ſhall have the ſame Powers and Remedies for the Recovery and compelling Payment of the ſaid Halfpenny Acre Shot, and alſo for the other Rates and Aſſeſſments to be by them impoſed on the ſaid Lands and Grounds in Tid Saint Giles and Newton, on the Eaſt Side of Black Dike, for the repairing of the ſaid Bank or Banks, as they have heretofore had and exerciſed by or under any Law or Commiſſion of Sewers; any Thing herein-before contained to the Contrary thereof in any-wiſe notwithſtanding.

The Commiſſioners under this Act may agree with the Commiſſioners of Sewers, &c. for draining of Lands into *Buckworth's Drain.*

L. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners appointed, or to be appointed, by virtue of this Act, from Time to Time, and at all Times hereafter, to agree with the ſaid Commiſſioners of Sewers, or with the Proprietors and Owners of Lands in Tid Saint Giles High or Low Marſh, Newton Marſh, or Weſt Walton Marſh, or any of them, for the draining of the Lands in the ſaid Marſhes, or any of them, into the Drain called Buckworth's Drain, upon ſuch Terms and Conditions as they ſhall think proper; and that after ſuch Agreement ſhall be ſo made, it ſhall and may be lawful to and for the ſaid Commiſſioners of Sewers, and to and for the ſaid Land Owners and Proprietors, to drain the ſaid Lands by and through the ſaid Drain, and not otherwiſe; any Thing herein contained to the Contrary thereof in any-wiſe notwithſtanding.

Limitation of Actions.

LI. And be it further enacted by the Authority aforeſaid, That if any Action, Suit, or Information, ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing done or to be done in purſuance of this Act, or in the Execution of any of the Powers or Authorities hereby given, every ſuch Action or Suit ſhall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and

General Iſſue.

Treble Coſts.

ſhall be laid and brought in the ſaid Iſle, or in the County where the Cauſe of Action ſhall ariſe; and the Defendant or Defendants in ſuch Action or Actions, Suit or Suits, ſhall and may plead the General Iſſue, and, if in Replevin, juſtify and avow, by virtue of this Act, as Perſons acting by Authority of Commiſſioners of Sewers are enabled to do; and ſhall and may, without ſpecially pleading the ſame, other than as aforeſaid, at any Trial to be had thereupon, give this Act, and the Special Matter, in Evidence, and that the ſame was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time herein-before limited for bringing the ſame, or ſhall be brought or laid in any other County or Liberty than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff ſhall become nonſuit, or forbear Proſecution, or diſcontinue his, her, or their Action or Actions, Suit or Suits; or if a Verdict ſhall paſs, or, upon Demurrer, or otherwiſe, Judgement be given againſt the Plaintiff or Plaintiffs; then, or in any of theſe Caſes, the Defendant or Defendants, Avowant or Avowants, ſhall recover Treble Coſts, and have ſuch and the like Remedy for the ſame, as where Coſts by Law are awarded.

Publick Act.

LII. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed, taken, and allowed, to be a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP. LXI.

An Act for the better lighting and watching the Town of *Kingſton upon Thames*, in the County of *Surrey*; and for removing and preventing all Obſtructions, Encroachments, and Nuiſances therein.

Preamble.

WHEREAS the Streets, Paſſages, Squares, and other publick Places within the Town of *Kingſton upon Thames*, in the County of *Surrey*, are not properly lighted and watched, and are ſubject to Obſtructions, Encroachments, and Nuiſances: And whereas it would conduce to the Convenience and Safety of the Inhabitants of the ſaid Town, and all Perſons reſorting thereto, if ſome further Proviſion was made by Law for lighting and watching the ſeveral Streets, Paſſages, Squares, and other publick Places within the ſaid Town, and for removing and preventing all Obſtructions, Encroachments, and Nuiſances therein; may it therefore pleaſe Your Majeſty that it may be enacted; and **be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Bailiffs and High Steward of the ſaid Town of** Kingſton upon Thames **for the Time being, the Recorder of the ſaid Town for the Time being, although not Reſident in the ſaid Town, the Juſtices of the Peace of the ſaid Town for the Time being, and** Joſeph Ayres, Richard Baker, Elliot Biſhop, John Box, Thomas Burſton, William Bircombe, John Bircombe, John Baker **Grocer**, Bennett Chandler, John Clark, John Clifford, Ezekiel Dickenſon, John Edwards, John Farmer, James Frelove, Richard Garbrand, Abraham Goodwin, Thomas Gooſtrey, Green, **the Reverend** John Griffiths, George Hardinge, Jacob Hemmett, Thomas Hemmings, William Hobbs, William Holt, William Hunt, Robert Heſter, William Heſter, Willam Hawkins, Thomas Hind, William James, Edmund James, Charles Jemmett, **Sir** Thomas Kent **Knight**, James Kilsby, John Lidſey, John Linfield, Richard Macphedris, George Marks, Thomas Marſon, Thomas Millis, Thomas Mundy, Joſeph Mackrill, George Millis, James Neale, **the Right Honourable** George Onſlow, George Parker, Henry Parkhurſt, Pembroke, Ralph Porter, Hinkley Phips, John Wornham Penfold, John Penner, Thomas Peters, Richard Pierce, Sewel Roades, Henry Roake, William Roffey, George Roots, Richard Roſe, John Rowlls, John Rowlls **junior**, Joſeph Ryley, Joſeph Ryley **junior**, Bolter Roffey, Henry Roſe, Johnſon Rowles, Thomas Reynolds, John Scott **Baker**, James Scufham, Francis Searle, Henry Selfe, James Sibbald, Thomas Smith **Apothecary**, William Smith, Stint Sutton, Richard Stevens, John Stevens, John Steward, Edward Swan, Joſiah Stevens, William Stevens, John Smith, William Tallemach, Richard Tallemach, Jaſper Taylor, John Thomas, Thomas Tickner, Thomas Tucker, Peter Turnbull, Thomas Taylor, Moſes Waite Trentham, Thomas Waterhouſe, Thomas Waterhouſe, William Wood, George Wadbrook, Lake Young, **and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be, and they are hereby appointed Truſtees for lighting and watching the ſaid Town, and for putting this Act and the ſeveral Powers and Authorities herein contained in Execution.**

Truſtees Names.

Truſtees not to act if intereſted.

II. And be it further enacted by the Authority aforeſaid, That when any of the ſaid Truſtees herein-named, or hereafter to be elected, ſhall die, reſign, or refuſe to act, or ſhall remove from the ſaid Town of Kingſton upon Thames, or ſhall be diſqualified to act as Truſtees, it ſhall and may be lawful for the ſurviving or remaining Truſtees, or any Eleven or more of them, from Time to Time, to elect and appoint a fit Perſon, reſiding in the ſaid Town, to be a Truſtee in the Stead of every ſuch Truſtee ſo deceaſed, reſigning, refuſing to act, removing, or being diſqualified as aforeſaid; and every ſuch Perſon ſo from Time to Time elected and appointed ſhall be joined with the ſurviving or remaining Truſtees, and is hereby impowered to act, to all Intents and Purpoſes, in as full and ample Manner as if ſuch Perſon had been particularly named and appointed a Truſtee in and by this Act.

Qualification of Truſtees.

III. And be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Truſtee, in any Caſe, in the Execution of this Act, unleſs at the Time of his acting therein he ſhall be ſeized in his own Right, or in the Right of his Wife, and be in the actual Poſſeſſion or Receipt of Rents and Profits of a real Eſtate, in Law or Equity, within the ſaid Town, of the clear yearly Value of Ten Pounds above Reprizes; or unleſs ſuch Perſon ſhall rent or occupy Lands, Tenements, or Hereditaments, within the ſaid Town of Kingſton upon Thames, of the yearly Value of Fourteen Pounds;

Penalty on acting if not qualified.

Pounds: And if any Perſon or Perſons, hereby made incapable to act as a Truſtee, ſhall preſume to act in the Truſts aforeſaid, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds; to be recovered in any of His Majeſty's Courts of Record at Weſtminſter, or in His Majeſty's Town Court of Record holden for the Town and Liberty of Kingſton upon Thames, and Hundreds of Kingſton, Elmbridge, Copthorne, and Effingham, by Action of Debt, or on the Caſe, or Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and every Perſon ſo proſecuted, or againſt whom ſuch Action ſhall be brought, ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof given on the Part of the Plaintiff or Plaintiffs in ſuch Action than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act; and the Money to be recovered in ſuch Action ſhall, after Payment of the extra Coſts and Expences attending ſuch Action, be applied to the Purpoſes of this Act: But no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act during the Time he ſhall hold any Office of Profit, or have any Share or Intereſt in any Contract, or be employed in any Work relating to the Execution of any of the Powers of this Act.

No Truſtee to accept a Place of Profit.

Time and Place of Truſtees Meetings.

IV. And be it further enacted, That the ſaid Truſtees, or any Eleven or more of them, ſhall meet on the Firſt Tueſday in July, One thouſand ſeven hundred and ſeventy-three, at the Caſtle Inn, in the ſaid Town of Kingſton upon Thames, and may adjourn themſelves, and afterwards meet at the ſame Place, or at any other Place or Places within the ſaid Town, as often as the ſaid Truſtees, or any Eleven or more of them, ſhall think fit for putting this Act in Execution; and the ſaid Truſtees ſhall, at all their Meetings, pay their own Expences.

Truſtees may appoint Officers.

V. And be it further enacted, That the ſaid Truſtees, or any Eleven or more of them, ſhall, from Time to Time, (if they think fit), appoint a Clerk, who ſhall enter all their Proceedings in a Book or Books to be kept for that Purpoſe; and ſhall and may alſo, from Time to Time, appoint ſuch other Officer or Officers as they ſhall think proper to employ in the Execution of this Act; and make ſuch Allowances to ſuch Clerk, Officer and Officers, for their Trouble, and for their Attendance, in the Execution of this Act, as the ſaid Truſtees, or any Eleven or more of them, ſhall, at any of their annual Meetings, from Time to Time, think fit; and ſhall and may alſo (if they think fit) appoint a Treaſurer for the Receipt of the Money to be raiſed and collected by the Rates or Aſſeſſments to be made by virtue of this Act; and every ſuch Treaſurer ſo to be appointed is hereby directed and required to account at the End of every Three Calendar Months, or oftener, if required, to the ſaid Truſtees, or any Eleven or more of them, for all Monies by him received and diſburſed by virtue of this Act, and to pay ſuch Money as upon ſuch Account ſhall appear to be remaining in his Hands to ſuch Perſon or Perſons as the ſaid Truſtees, or any Eleven or more of them, ſhall appoint to receive the ſame, to be applied to and for the Purpoſes of this Act.

Treaſurer to account when required.

Treaſurer, &c. to give Security.

VI. Provided always, That the ſaid Truſtees ſhall take ſuch Security from their Treaſurer and other Officers for the due Execution of their reſpective Offices, as they, or any Eleven or more of them, ſhall think fit; but no Salary or Allowance whatſoever ſhall be made to any Collector or Treaſurer upon any Account or Pretence whatſoever; and that no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, ſhall be capable of holding any Place or Office under this Act.

Victuallers not to hold Places of Profit.

Truſtees to hold annual Meetings.

VII. And, in order that a ſufficient Sum of Money may from Time to Time be raiſed for the Purpoſes of this Act, be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Eleven or more of them, ſhall, and are hereby authoriſed and required, to meet at ſuch Place or Places within the ſaid Town as they ſhall think proper, upon the Second Tueſday in July, One thouſand ſeven hundred and ſeventy-three; and ſhall alſo meet, annually, upon the Monday next after the Feaſt of Saint John the Baptiſt, or within One Calendar Month afterwards, at ſuch Time and Place within the ſaid Town as they, or any Eleven or more of them, ſhall think fit; Notice of the Time and Place of every ſuch annual Meeting being firſt given in the Pariſh Church of Kingſton upon Thames, on the Sunday next before every ſuch Meeting; and the ſaid Truſtees, or any Eleven or more of them, ſhall, and are hereby authoriſed and required, at their Firſt Meeting, to be held as aforeſaid, and alſo at all ſubſequent annual Meetings which ſhall be held in purſuance of this Act, to make a Pound Rate, to be equally aſſeſſed, for defraying the Expences of lighting and watching the ſaid Streets, Paſſages, Squares, and other publick Places, within the ſaid Town of Kingſton upon Thames, and for defraying all other the Charges and Expences attending the Execution of this Act, upon all and every Perſon and Perſons who do and ſhall inhabit, hold, uſe, occupy, or enjoy, any Meſſuage, Tenement, Houſe, Shop, Warehouſe, Barn, Stable, Outhouſe, or other Building whatſoever, or any Yard, Garden, or Orchard, within the ſaid Town of Kingſton upon Thames, (except as herein-after is excepted), for ſuch Sum and Sums of Money as the ſaid Truſtees, or any Eleven or more of them, aſſembled at their Firſt Meeting, or at any of their annual Meetings, ſhall order, direct, and appoint; and all ſuch Rates or Aſſeſſments ſhall be paid Quarterly, and ſhall be ſigned by any Five or more of the ſaid Truſtees.

Rates not to exceed 2 s. in the Pound.

VIII. Provided always, That no Rate or Aſſeſſment, directed to be made as aforeſaid, ſhall exceed, in the Whole, the Sum of Two Shillings in the Pound in any One Year, of the yearly Rent of ſuch Meſſuages, Tenements, Houſes, Shops, Warehouſes, Barns, Stables, Outhouſes, or other Buildings, Yards, Gardens, or Orchards, as aforeſaid.

Perſons exempted from Rates.

IX. Provided alſo, That all Perſons who occupy Tenements under the yearly Value of Forty Shillings, and who ſubſiſt only by their manual Labour, and do not keep an open Shop for the Sale of Goods, Wares, and Merchandiſes, ſhall be freed and exempted from the Payment of the ſaid Rates or Aſſeſſments, or any Part thereof; any Thing contained in this Act to the Contrary notwithſtanding.

X. And

Surveyors of the Highways to be Collectors of the Rates.

X. And be it further enacted, That the Surveyors of the Highways of the Town and Pariſh of Kingſton upon Thames for the Time being, or ſuch other Perſon or Perſons as the ſaid Truſtees, or any Eleven or more of them, ſhall, by Writing under their Hands and Seals, appoint for that Purpoſe, ſhall be, and they are hereby appointed Collectors of the ſaid Rates or Aſſeſſments; and the ſaid Collectors are hereby authoriſed, impowered, and required, to collect and levy the ſame accordingly, and to execute all ſuch Warrants of Diſtreſs as ſhall be granted from Time to Time by any Juſtice of the Peace of the ſaid Town and Liberty of Kingſton upon Thames, againſt any Perſon or Perſons neglecting or refuſing to pay the ſaid Rates or Aſſeſſments, or any Part or Parts thereof; and if the ſaid Surveyors, or either of them, ſhall refuſe or neglect to take upon him or them the Office of Collector or Collectors of the ſaid Rates or Aſſeſſments for the Space of Ten Days after Notice in Writing given to them for that Purpoſe, under the Hands of the ſaid Truſtees, or any Five or more of them, or left at their uſual Place or Places of Abode, every ſuch Surveyor ſhall, for every ſuch Refuſal or Neglect, forfeit the Sum of Ten Pounds.

10*l.* Penalty for Refuſal or Neglect.

Collectors obliged to account;

XI. And be it further enacted, That the ſaid Collectors, and each of them, ſhall, and he and they is and are hereby required to make up and render to the ſaid Truſtees, or any Eleven or more of them, at ſome publick Meeting to be held in purſuance of this Act, as often as thereunto required by the ſaid Truſtees, or any Eleven or more of them, a full, true, and perfect Account, in Writing, of all Monies collected and received by him or them by virtue of this Act, and of all Monies rated and aſſeſſed and not received, and to pay over the Monies ſo by him or them collected and received, and remaining in his or their Hands, to ſuch Perſon or Perſons as the ſaid Truſtees, or any Eleven or more of them, preſent at any ſuch publick Meeting, ſhall, by Writing under their Hands, appoint to receive the ſame, to be applied for lighting and watching the ſeveral Streets, Paſſages, Squares, and other publick Places within the ſaid Town of Kingſton upon Thames, and for the ſeveral other Purpoſes of this Act, according to the true Intent and Meaning hereof: And if the ſaid Collectors, or either of them, ſhall refuſe or neglect to give in a juſt and true Account, as aforeſaid, or to pay the Money which ſhall then be in his or their Hands, as herein-before is directed, it ſhall and may be lawful for any One of His Majeſty's Juſtices of the Peace for the ſaid Town and Liberty of Kingſton upon Thames, by Summons, Warrant, or otherwiſe, to cauſe ſuch Collector or Collectors to be brought before ſuch Juſtice, and to examine into ſuch Refuſal, Neglect, or Nonpayment, as well by the Confeſſion of the Party or Parties, as by the Oath or Oaths [illegible] One or more credible Witneſs or Witneſſes, (all which Oaths ſuch Juſtice is hereby impowered and required to adminiſter); and if ſuch Collector or Collectors ſhall be convicted of any ſuch Refuſal, Neglect, or Nonpayment, as aforeſaid, the ſaid Juſtice ſhall, upon ſuch Conviction, commit ſuch Collector or Collectors to the Houſe of Correction of the ſaid County, ſituate in the ſaid Town of Kingſton upon Thames, there to remain without Bail or Mainprize, until he or they ſhall have made a true and perfect Account and Payment, as aforeſaid.

and in caſe of Refuſal, to be committed to the Houſe of Correction.

Rates how to be enforced.

XII. And be it further enacted, That in caſe any Perſon or Perſons, ſo rated or aſſeſſed as aforeſaid, ſhall refuſe or neglect to pay any ſuch Rate or Aſſeſſment to the ſaid Collector or Collectors for the Space of Six Days next after the ſame ſhall have been perſonally demanded, or after the ſame ſhall have been demanded by Writing, left at the laſt or uſual Place of Abode of ſuch Perſon or Perſons; that then it ſhall and may be lawful to and for any One or more Juſtice or Juſtices of the Peace acting for the ſaid Town and Liberty of Kingſton upon Thames, upon Oath (which Oath he and they is and are hereby impowered and required to adminiſter) of ſuch Demand and Nonpayment, by Warrant under his or their Hand and Seal, or Hands and Seals, (which he and they is and are hereby impowered and required to grant), to authoriſe and direct the ſaid Collector or Collectors to levy ſuch Rate or Money ſo in arrear, together with the Coſts and Charges attending the ſame, to be aſcertained by ſuch Juſtice or Juſtices, by Diſtreſs and Sale of the Goods and Chattels of every ſuch Perſon and Perſons ſo in arrear, and neglecting or refuſing to pay as aforeſaid, rendering the Overplus (if any be) to the Owner or Owners of ſuch Goods and Chattels, on Demand thereof being made by ſuch Owner or Owners.

Rates may be recovered out of the County of *Surrey*.

XIII. And, for the more effectual levying the Money rated and aſſeſſed for the ſeveral Purpoſes of this Act, be it further enacted by the Authority aforeſaid, That the Goods and Chattels of any Perſon rated or aſſeſſed as aforeſaid, who ſhall neglect or refuſe to pay the ſame, ſhall and may be diſtrained and ſold in Manner aforeſaid, not only in the ſaid Town of Kingſton upon Thames, but in any other Place in the County of Surrey; and if ſufficient Diſtreſs cannot be found within the ſame County, then, upon Oath thereof made before any One or more Juſtice or Juſtices of the Peace of any other County, or for any City, Liberty, or Place, (which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter, and which Oath ſhall be certified, under the Hand or Hands of the ſaid Juſtice or Juſtices, on the Warrant made for ſuch Diſtreſs), the Goods and Chattels of the ſaid Perſon ſo refuſing or neglecting to pay ſhall be ſubject and liable to ſuch Diſtreſs and Sale in ſuch other County, City, Liberty, or Place, where the ſame ſhall be found, and may, by virtue of ſuch Warrant and Certificate, be diſtrained and ſold in the ſame Manner as if the ſame had been found within the ſaid Town of Kingſton upon Thames.

When Rates cannot be recovered from Collectors, new Aſſeſſments to be laid.

XIV. And be it further enacted, That in caſe any Collector of the ſaid Rates and Aſſeſſments ſhall embezzle, detain, or miſapply, any Sum or Sums of Money which ſhall be ſo collected by him, ſo that the ſame cannot be recovered from him, or ſhall be poſſeſſed of any Sum or Sums of Money by him collected by virtue of this Act, and which ſhall not be paid by or recovered from his Executors or Adminiſtrators for the Space of Twenty Days after his Death; then, and in every ſuch Caſe, all ſuch Sums of Money ſhall be raiſed by a new or additional Rate or Aſſeſſment, to be made for that Purpoſe on the Inhabitants of the ſaid Town of Kingſton upon Thames, and ſhall be collected and levied in ſuch Manner, and under ſuch Penalties, as are herein-before provided for the collecting and levying the Rates and Aſſeſſments which ſhall be made in purſuance of this Act.

Money may be borrowed, and charged on the Rates.

XV. And in order that a ſufficient Sum of Money may be forthwith raiſed to defray the Expences of lighting and watching the ſaid Streets, Paſſages, Squares, and other publick Places within the ſaid Town, be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Eleven or more of them, from Time to Time, to borrow any Sum or Sums of Money for the Purpoſes of this Act, not exceeding in the Whole the Sum of Seven hundred Pounds, at Intereſt not exceeding Five Pounds per Centum per Annum, and to aſſign over by Writing, ſigned by any Five or more of the ſaid Truſtees, all or any Part of the ſaid Rates or Aſſeſſments, as a Security for the Repayment of the Principal and Intereſt of the Money ſo to be borrowed; and all ſuch Securities may, from Time to Time, be aſſigned and transferred by Indorſement, or otherwiſe, without Stamps; and ſuch Aſſignments and Transfers ſhall intitle the Perſon to whom the ſame ſhall be made to all principal Money, and all Intereſt due, and to grow due, upon ſuch Securities.

XVI. And be it further enacted, That all Securities for any Money to be borrowed as aforeſaid ſhall be in the Words following, or Words to the following Effect:

Form of Security.

BY virtue of an Act, made in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the better lighting and watching the Town of *Kingſton upon Thames*, in the County of *Surrey*, and for removing and preventing all Obſtructions, Encroachments, and Nuiſances therein," we   of the Truſtees do aſſign to *A. B.* his Executors, Adminiſtrators, and Aſſigns, in conſideration of the Sum of
from this   Day of   in the Year of our Lord   until
the ſaid Sum of   with Intereſt, at the Rate of   *per Centum per Annum*,
ſhall be repaid, ſuch Proportion of the Rates or Aſſeſſments to be rated or aſſeſſed by virtue of the ſaid Act, as the ſaid Sum of   ſhall bear to the whole Sum advanced on the Credit of the ſame.

Copies of Securities to be entered in Books.

And Copies of all ſuch Securities ſhall be entered in a Book or Books, to be kept for that Purpoſe by the Clerk to the ſaid Truſtees; but no Money ſhall be borrowed after ſuch Firſt Meeting, unleſs Notice for that Purpoſe be given in Writing, to be affixed upon the Church Door of the ſaid Town, at leaſt Fourteen Days before the borrowing thereof; and all and every Perſon and Perſons to whom any ſuch Security or Securities ſhall be made as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, may, from Time to Time, by Writing, under his, her, or their Hand and Seal, or Hands and Seals, aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit, of the Principal and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever, by proper Words of Aſſignment, to be indorſed on the Back of ſuch Security, in the Preſence of One credible Witneſs; which Transfer or Aſſignment ſhall be in the following Words, or Words to the like Effect:

I Do transfer this Aſſignment, with all my Right and Title to the Principal and Intereſt thereby ſecured, unto   his Executors, Adminiſtrators, and Aſſigns. In Witneſs whereof I have hereunto ſet my Hand and Seal, this   Day of

Witneſs *C. I.*   *A. H.*

Which ſaid Transfer or Aſſignment ſhall be produced and notified to the Clerk to the ſaid Truſtees, who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money, in a Book or Books to be kept for that Purpoſe, for which the ſaid Clerk ſhall be paid ſuch Sum as the ſaid Truſtees, or any Eleven or more of them, ſhall appoint, not exceeding the Sum of Two Shillings and Sixpence; and after ſuch Entry made, and not till then, ſuch Aſſignment ſhall intitle ſuch Aſſignee, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon; and every ſuch Aſſignee may in like Manner aſſign again, and ſo toties quoties; and it ſhall not be in the Power of the Perſon or Perſons making ſuch Aſſignment to make void, releaſe, or diſcharge the ſame, or any Monies thereby due, or any Part thereof.

All Monies advanced, with the Intereſt, ſhall be paid out of the Rates.

XVII. And be it further enacted, That all and every the Sum and Sums of Money ſo to be advanced and lent, and Intereſt thereof, ſhall be, and are hereby charged upon, and ſhall be paid and payable, from Time to Time, out of the Monies ariſing from the Rates and Aſſeſſments to be rated and aſſeſſed by virtue and for the Purpoſes of this Act; and all Perſons who ſhall be ſo poſſeſſed of ſuch Securities ſhall be Creditors in equal Degree, without Preference in reſpect of the Priority of his, her, or their advancing the Money thereon.

Truſtees may erect Lamps, and appoint Watchmen.

XVIII. And be it further enacted, That the ſaid Truſtees, or any Eleven or more of them, are hereby impowered, from Time to Time, to cauſe ſuch Number of Glaſs Lamps to be erected in the ſaid Streets, Paſſages, Squares, and other publick Places, within the ſaid Town of Kingſton upon Thames, as they ſhall think fit, and to fix ſo many of the ſaid Lamps as they ſhall think proper to any Houſes or other Buildings within the ſaid Town, making good the Damage which ſhall be done to ſuch Houſes or other Buildings thereby, and to erect ſuch Number of Poſts for placing up Lamps at ſuch Places as they ſhall from Time to Time think neceſſary; and ſhall appoint a competent Number of fit and able-bodied Men, not exceeding Fourteen, to watch the ſaid Streets, Paſſages, Squares, and other publick Places, within the ſaid Town, and out of the Money to be raiſed and received by virtue of this Act, to make ſuch Allowances to all ſuch Workmen and Watchmen, for their Work, Labour, Attendance, and Care, and to give ſuch Orders and Directions concerning the Manner in which the ſaid Watchmen ſhall be armed and ſtationed, and for the due and regular Performance of their Duty, as the ſaid Truſtees, or any Eleven or more of them, ſhall, from Time to Time think proper; and from Time to Time may remove and diſcharge any of the ſaid Watchmen, and to appoint others in the Room of ſuch of them as ſhall be ſo removed and diſcharged.

Lamps, &c. veſted in Truſtees.

XIX. And be it further enacted, That from and after the paſſing of this Act, the Right and Property of all the Watch-houſes, Lamps, Lamp-irons, and Poſts, and the Furniture thereof, and of all other Things which ſhall be erected or fixed by virtue of this Act, and of all Materials, Implements, and other Things, to be purchaſed for thoſe Purpoſes, ſhall be, and the ſame are hereby veſted in the ſaid Truſtees; and they, or any Two or more of them, are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Name or Names of any One or more of them, or in the Name of their Treaſurer or Clerk, or to prefer any Bill or Bills of Indictment, (as the Caſe ſhall require), againſt any Perſon or Perſons who ſhall ſteal, take, or carry away, or deſtroy any Part or Parts thereof.

Penalty for breaking Lamps, &c. wilfully,

[illegible] for the Firſt Offence, 20 s. for the Second Offence 40 s. and for the Third Offence 3 l.

XX. And be it further enacted, That if any Perſon ſhall wilfully break, throw down, or otherwiſe damage any of the Watch-houſes or Lamps which ſhall be built, erected, or ſet up, by virtue of this Act, or any of the Poſts, Irons, or Furniture thereof, or any other Matter or Thing thereunto belonging or appertaining, or ſhall extinguiſh any of the ſaid Lamps, it ſhall be lawful for any Juſtice of the Peace for the ſaid Town and Liberty of Kingſton upon Thames, and he is hereby required, upon Oath made of the Commiſſion of any ſuch Offence, (which Oath ſuch Juſtice is hereby authoriſed and required to adminiſter), to iſſue a Warrant for apprehending the Party accuſed; or it ſhall be lawful for any Perſon or Perſons who ſhall ſee ſuch Offence committed to apprehend, as alſo for any other Perſon or Perſons to aſſiſt in apprehending, the Offender or Offenders, and, by the Authority of this Act, and without any other Warrant, to deliver him, her, or them, into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid Town and Liberty; and the Juſtice before whom the Party or Parties accuſed ſhall be brought ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear or be produced to give Information touching ſuch Offence; (which Oath the ſaid Juſtice is hereby authoriſed and required to adminiſter); and if the Party or Parties accuſed ſhall be convicted of ſuch Offence, either by his, her, or their own Confeſſion, or upon ſuch Information as aforeſaid, he, ſhe, or they, ſo convicted, ſhall, for the Firſt Offence, forfeit and pay the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every ſubſequent Offence the Sum of Three Pounds; and ſhall alſo make full Satisfaction to the ſaid Truſtees, or to their Treaſurer or Clerk for the Time being, for all the Damage ſo by him, her, or them done, as aforeſaid: And, in caſe ſuch Offender or Offenders ſhall not upon Conviction pay ſuch Penalty or Forfeiture, and make ſuch Satisfaction, as aforeſaid, the Juſtice before whom ſuch Offender or Offenders ſhall be convicted is hereby required to commit him, her, or them, to the Houſe of Correction of the ſaid County, ſituate in the ſaid Town of Kingſton upon Thames, there to be kept to hard Labour for any Time not exceeding Two Calendar Months; and ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he, ſhe, or they, ſhall have been committed, unleſs ſuch Penalty or Forfeiture and Satisfaction ſhall be ſooner paid and given: And if any Perſon ſhall negligently or accidentally break, throw down, or otherwiſe damage any of the ſaid Watch-houſes or Lamps, or any of the Poſts, Irons, Furniture, or other Matter or Thing thereunto belonging or appertaining, and ſhall not, upon Demand, make Satisfaction to the ſaid Truſtees, or any Two or more of them, or to their Treaſurer or Clerk, for the Damage by ſuch Perſon done as aforeſaid, it ſhall be lawful for any Juſtice of the Peace for the ſaid Town and Liberty, and he is hereby required, upon Complaint made to him by any Two or more of the ſaid Truſtees, or their Treaſurer or Clerk, to ſummon the Party or Parties complained of, and upon his, her, or their appearing, or making Default to appear, Oath being made that the Party or Parties complained of was ſerved with ſuch Summons, or that the ſame was left at his, her, or their Dwelling-houſes or Places of Abode, if known, or that he, ſhe, or they, could not be found, (which Oath ſuch Juſtice is hereby authoriſed to adminiſter), ſuch Juſtice ſhall proceed to examine the Matter of the ſaid Complaint, and upon Proof thereof, either by the Confeſſion of the Party or Parties complained of, or by the Oath of One or more credible Witneſs or Witneſſes, (which Oath ſuch Juſtice is hereby impowered and required to adminiſter), ſhall award and order ſuch Satisfaction to be made by the Party or Parties complained of for the Damage ſo by him, her, or them done, as to ſuch Juſtice ſhall appear juſt and reaſonable, and ſhall alſo cauſe the Sum ſo awarded, (in caſe the ſame be not paid forthwith upon the making ſuch Award or Order), to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons complained of, rendering to him, her, or them, upon Demand, the Overplus (if any be) after the Charges of proſecuting ſuch Complaint, and of ſuch Diſtreſs and Sale, ſhall be deducted.

Satisfaction to be made by Perſons negligently breaking Lamps, &c.

Truſtees may contract for lighting the Streets, &c.

XXI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Eleven or more of them, and they are hereby authoriſed and impowered, from Time to Time, to contract with any Perſon or Perſons for the lighting the ſeveral Streets, Paſſages, Squares, and other publick Places within the ſaid Town; all which Contracts ſhall ſpecify the Work to be done, and the Prices to be paid for the ſame, and the Time and Times when ſuch Works ſhall be performed or completed, and the Penalties to be ſuffered in caſe of Nonperformance thereof; and the ſame ſhall be ſigned by the ſaid Truſtees, or any Five or more of them, and by the Perſon or Perſons contracting to perform ſuch Works; and the ſaid Truſtees, or any Eleven or more of them, are hereby authoriſed and impowered to pay ſuch Sum or Sums of Money for ſuch reſpective Works as they ſhall ſo contract and agree for out of the Monies raiſed or received by virtue of this Act; and in caſe any Perſon or Perſons who ſhall enter into any ſuch Contract or Contracts with the ſaid Truſtees, or any Eleven or more of them, and ſhall not perform the ſame according to the true Tenor and Meaning of ſuch Contract or Contracts, it ſhall and may be lawful to and for the ſaid Truſtees, or any Two or more of them, in the Name or Names of any One or more of them, to bring an Action of Debt in any of His Majeſty's Courts of Law at Weſtminſter, or in His Majeſty's Town Court of Record holden for the Town and Liberty of Kingſton upon Thames, and Hundreds of Kingſton, Elmbridge, Copthorne, and Effingham, againſt any Perſon or Perſons ſo contracting as aforeſaid, and who ſhall neglect to perform ſuch Contract or Contracts, for any Penalty or Penalties which ſhall be contained in any ſuch Contract or Contracts; and on proving the ſigning ſuch Contract or Contracts, and Nonperformance thereof, at the Time or Times for that Purpoſe therein mentioned, the ſaid Truſtees, or any Two or more of them, ſhall be intitled to, and ſhall recover the Penalty or Penalties therein contained, and the ſame, when recovered, ſhall be applied towards the Purpoſes of this Act.

Power to inforce Contracts.

Annoyances, &c. how to be prevented.

XXII. And, in order to prevent all Obſtructions, Incroachments, and Nuiſances, within the Streets, Squares, Paſſages, and other publick Places within the ſaid Town, be it further enacted, That if any Perſon or Perſons ſhall throw or lay, or ſhall permit or ſuffer to be thrown or laid, any Aſhes, Dirt, Duſt, Soil, Straw, Dung, or any Filth or Annoyance whatſoever, in any of the ſaid Streets, Paſſages, Squares, or other publick Places within the ſaid Town; or ſhall ſet out or leave, or cauſe to be ſet out or left, any Carriage, Horſe, or Beaſt; or any Timber, Stone, Log of Wood, Cask, or any other Matter or Thing whatſoever, which may occaſion any Annoyance, Nuiſance, or Obſtruction, in any of the ſaid Streets, Paſſages, Squares, or other publick Places within the ſaid Town, ſo as to endanger, ſtop, obſtruct, hinder, or incommode, any Perſon or Perſons whatſoever, paſſing either on Horſeback or in Carriages, or on Foot; or ſhall permit or ſuffer his or her Swine to go at large in any of the ſaid Streets, Paſſages, Squares, or other publick Places within the ſaid Town, and ſhall be convicted thereof before any Juſtice of the Peace for the ſaid Town and Liberty by the Oath of One or more Witneſs or Witneſſes, (which Oath ſuch Juſtice is hereby impowered to adminiſter), every Perſon ſo offending in any of the Caſes aforeſaid, ſhall, for every ſuch Offence, forfeit and pay to the ſaid Truſtees, or any Two or more of them, the Sum of Twenty Shillings; and in caſe the ſame ſhall not be forthwith paid, it ſhall and may be lawful to and for ſuch Juſtice, by Warrant under his Hand and Seal, to cauſe the ſaid Forfeiture to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons, rendering the Overplus, (if any be), when demanded, to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, after deducting the ſaid Forfeiture, and the Charges of ſuch Diſtreſs and Sale; and in caſe ſufficient Diſtreſs cannot be found to anſwer the ſaid Forfeiture, and the Charges of ſuch Diſtreſs and Sale, it ſhall and may be lawful to and for ſuch Juſtice of the Peace, and he is hereby required, upon Complaint thereof made by the ſaid Truſtees, or any Two or more of them, to cauſe the Perſon or Perſons ſo offending to be committed to the Houſe of Correction of the ſaid County, ſituate in the ſaid Town of Kingſton upon Thames, for the Space of One Calendar Month, unleſs ſuch Forfeiture, and ſuch Charges, if any ſhall have ariſen, ſhall be ſooner paid.

Truſtees may give Liberty to erect Fences for incloſing building Materials, &c.

XXIII. Provided always, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Two or more of them, by Writing, under their Hands, to give Liberty and Licence to any of the Proprietors and Inhabitants within the ſaid Town, or their Builders or Workmen, to make proper Incloſures before their reſpective Houſes, in order to the pulling down, rebuilding, or repairing the ſame, or for making or repairing any Vault, Drain, or Building, belonging thereto, and for laying the neceſſary Materials for the ſame, and the Rubbiſh ariſing therefrom, for which Licence the Sum of Two Shillings and Sixpence, and no more, ſhall be paid to the Clerk to the ſaid Truſtees by the Perſon to whom ſuch Licence ſhall be granted; and no Perſon or Perſons acting under ſuch Licence, and in purſuance thereof, ſhall, during the Time to be limited in ſuch Licence, be ſubject or liable to any of the Penalties aforeſaid.

Owners of Houſes, &c. to place Pipes on the Sides of their Houſes for carrying off the Water.

XXIV. And be it further enacted, That in caſe the Owner or Owners of any Houſe, Shop, Warehouſe, or other Building whatſoever, now adjoining or contiguous to, or which ſhall adjoin or be contiguous to any of the Streets, Paſſages, Squares, and other publick Places, within the ſaid Town of Kingſton upon Thames, ſhall not, at their own Coſts and Charges, within One Calendar Month next after Notice in Writing ſhall be given to them reſpectively, or left at ſuch Houſe, Shop, Warehouſe, or other Building, under the Hands of any Five or more of the ſaid Truſtees, cauſe all Water to be conveyed from the Roofs, Eaves, Cornices, and Penthouſes, of his or her Houſe, Shop, Warehouſe, or other Building reſpectively, into the common Channels or Drains, by proper and ſufficient Pipes or Trunks to be fixed to the Sides of every ſuch Houſe, Shop, Warehouſe, or other Building reſpectively, in ſuch Manner as in ſuch Notice ſhall be expreſſed or directed, or ſhall not, after ſuch Notice as aforeſaid, cauſe all Water to be conveyed from the Roofs, Eaves, Cornices, and Penthouſes, of every ſuch Houſe, Shop, Warehouſe, or other Building, as aforeſaid, into their own private Grounds; it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to cauſe the ſame to be done, and to levy, or cauſe to be levied, the Coſts and Charges attending the ſame, by Diſtreſs and Sale of the Goods and Chattels of the Owner, Tenant, or Occupier, of ſuch Houſe, Shop, Warehouſe, or other Building, rendering the Overplus, (if any be), when demanded, to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold; or it ſhall be lawful for ſuch Tenant or Occupier to fix up ſuch Pipes and Trunks, and to deduct and retain the Charges and Expences thereof, and alſo of any Money which ſhall or may be levied upon the Goods and Chattels of any ſuch Tenant or Occupier, as aforeſaid, out of his or her Rent; and every Owner, Proprietor, or Landlord, is hereby required to allow the ſame accordingly.

Truſtees may take down Signs, &c. in caſe the Owners ſhall neglect, after Notice given.

XXV. And be it further enacted, That, in caſe the Owner or Occupier of any Houſe, Shop, Warehouſe, or other Building, in the ſaid Town, to which any Signs, Sign-irons, Sign-poſts, or any other Poſts, Penthouſes, Spouts, Steps, Cellar-windows, or Doors going into Cellars, Shop-windows, or other Incroachments, upon any of the Streets, Paſſages, Squares, and other publick Places, or any of them, now or may hereafter belong, ſhall not, at their own Coſts and Charges, within Ten Days after Notice in Writing ſhall be given to them reſpectively, or left at their reſpective Dwelling-houſes, under the Hands of any Five or more of the ſaid Truſtees, remove all ſuch Signs, Sign-irons, Sign-poſts, and other Poſts, Penthouſes, Spouts, Steps, Cellar-windows, or Doors going into Cellars, Shop-windows, or other Incroachments, or otherwiſe alter and reform the ſame in ſuch Manner as in ſuch Notice ſhall be expreſſed or directed, it ſhall be lawful to and for the ſaid Truſtees, or any Five or more of them, to cauſe the ſame to be done; and to levy, or cauſe to be levied, the Coſts and Charges attending the ſame by Diſtreſs and Sale of the Goods and Chattels of ſuch Owner or Occupier, together with the Charges of ſuch Diſtreſs and Sale, rendering the Overplus, (if any be), when demanded, to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold.

Penalty on obſtructing Perſons in the Execution of this Act.

XXVI. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time or Times hereafter, obſtruct, hinder, or moleſt the ſaid Truſtees, or any of them, or any Surveyor or Surveyors, or other Officer or Officers, Perſon or Perſons whomſoever, who are or ſhall be employed to put this Act in Execution, in the Performance or Execution of his or their Duty; every ſuch Perſon and Perſons ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Truſtees not to act but at publick Meetings.

XXVII. And be it further enacted, That in all Caſes where the ſaid Truſtees, or any of them, are impowered to do any Act whatſoever by virtue of this Act, the ſame ſhall be done at or by the Order of ſome publick Meeting of the Truſtees to be held in purſuance of this Act, and not otherwiſe; and whenever it ſhall happen at any ſuch Meeting that there ſhall be an Equality of Votes of the ſaid Truſtees, the Chairman ſhall have the caſting Vote.

Five Truſtees may adjourn, and in Default Three may meet to appoint Meetings.

XXVIII. Provided always, That Five Truſtees ſhall be ſufficient to meet for the Purpoſe of Adjournment only; and in caſe it ſhall at any Time happen that no Adjournment of the Truſtees ſhall be made according to the Directions of this Act, that then, and in every ſuch Caſe, as often as it ſhall ſo happen, it ſhall and may be lawful for the ſaid Truſtees, or any Three or more of them, to meet at any Houſe or Place within the ſaid Town of Kingſton upon Thames, Six Days Notice in Writing being firſt affixed upon the Church Door within the ſaid Town, appointing the Time and Place of ſuch Meetings; and the ſaid Truſtees, or any Eleven or more of them, ſhall, and they are hereby authoriſed and impowered to meet, purſuant to ſuch Notice, and ſhall proceed to the Execution of this Act, and may afterwards, from Time to Time, adjourn to ſuch Time and Place as they ſhall think fit.

Truſtees who are Juſtices may act.

XXIX. And be it further enacted, That it ſhall and may be lawful for any Truſtee appointed, or to be elected, to put this Act in Execution, who is or ſhall be a Juſtice of the Peace for the Town and Liberty of Kingſton upon Thames, to act as a Juſtice of the Peace within his Juriſdiction for putting in Execution the ſeveral Powers and Authorities granted by this Act, notwithſtanding his being a Truſtee.

Expences of this Act how to be paid.

XXX. And be it further enacted, That out of the firſt Monies ariſing by virtue of this Act, the ſaid Truſtees, or any Eleven or more of them, ſhall, in the Firſt Place, pay and diſcharge all the Expences attending the procuring and paſſing this Act.

Writings may be without Stamps.

XXXI. And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Aſſignment, Transfer, or other Security for the borrowing of Money, or any other Writing whatſoever, relating to the Execution of this Act, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Penalties and Forfeitures how to be recovered and applied.

XXXII. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed or incurred, for the Recovery and Application whereof no particular Method is already directed, ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Juſtice or Juſtices of the Peace for the ſaid Town and Liberty of Kingſton upon Thames for the Time being; all which Warrants ſuch Juſtice or Juſtices is and are hereby impowered and required to iſſue upon the Information of One or more Witneſs or Witneſſes, upon Oath, (which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter); and ſuch Penalties and Forfeitures, when recovered, after rendering the Overplus (if any) upon Demand to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, the Charges of ſuch Diſtreſs and Sale being firſt deducted, ſhall go and be applied to and for the Purpoſes of this Act.

Perſons aggrieved may appeal to the Quarter Seſſion.

XXXIII. And be it further enacted, That if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any Rate or Aſſeſſment to be made as aforeſaid, he, ſhe, or they, ſhall, notwithſtanding, be obliged to pay ſuch Rate or Aſſeſſment, and then, upon an Appeal, either to the General Quarter Seſſion of the Peace to be holden for the ſaid County of Surrey, or the General Seſſions of the Peace to be holden for the Town and Hundred of Kingſton upon Thames aforeſaid, (except Richmond) next after the Payment of ſuch Rate or Aſſeſſment, or next after making the Diſtreſs for ſuch Rate or Aſſeſſment, it ſhall and may be lawful for the Juſtices of the Peace, or the major Part of them then aſſembled, to cauſe ſo much Money to be returned to the Appellant or Appellants as ſhall appear to the ſaid Juſtices to have been overpaid by ſuch Appellant or Appellants reſpectively, and to make ſuch other Order therein as to them ſhall ſeem meet; which Order ſhall be final and concluſive to all Parties; or if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any other Thing done in purſuance of this Act, he, ſhe, or they, may appeal as aforeſaid, within Six Calendar Months next after the Cauſe of Complaint ſhall ariſe; and it ſhall and may be lawful for the ſaid Juſtices, or the major Part of them, aſſembled in ſuch Seſſions, to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein, and award ſuch Coſts, as to them in their Diſcretion ſhall ſeem reaſonable; and, by their Order or Warrant, to levy the Coſts which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of every ſuch Diſtreſs and Sale; all which Determinations of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned.

Proceedings not to be quaſhed for want of Form, nor removeable by *Certiorari.*

XXXIV. And be it further enacted, That no Order, Conviction, Judgement, or other Proceedings, to be had or made in purſuance of this Act, ſhall be quaſhed or vacated for want of Form, nor ſhall be removed or removeable by Cerriorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; and when any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame deemed a Treſpaſſer or Treſpaſſers, on account of any Want of Form in or Defect of Summons, Conviction, Notice, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the Special Damages in an Action upon the Caſe.

Not to recover if Tender of Amends have been made.

XXXV. Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity as aforeſaid, Treſpaſs, or other wrongful Proceedings, by virtue of this Act, if Tender of Amends ſhall be made by or on Behalf of the Party or Parties who ſhall or may commit, or cauſe to be committed, any ſuch Irregularity, Treſpaſs, or wrongful Proceedings, before ſuch Action brought.

Expences for the Proſecution of Offences againſt this Act how to be defrayed.

XXXVI. And be it further enacted, That the ſaid Truſtees, or any Eleven or more of them, are hereby authoriſed and impowered, at any publick Meeting, from Time to Time, to appoint ſuch Perſon or Perſons as they ſhall think fit, effectually to carry on Proſecutions for Offences committed againſt this Act; and that, in caſe any Action or Proſecution ſhall be commenced or proſecuted for any Offence committed againſt this Act, under the Authority and by the Direction of the Truſtees, or any Eleven or more of them, as aforeſaid, that then the ſaid Truſtees, or any Eleven or more of them, at ſome publick Meeting, as aforeſaid, ſhall, out of the Monies ariſing by any Rate or Aſſeſſment to be made by virtue of this Act, or out of the Money that ſhall be borrowed upon the Credit thereof, allow and pay to the Proſecutor ſo much as the Coſts allowed by Law ſhall fall ſhort of reimburſing him his juſt and reaſonable Expences: And that if any Action, Suit, or Proſecution, Rule, or Order of Court, ſhall be brought, commenced, proſecuted, or obtained, againſt any of the ſaid Truſtees, or any of their Collectors, or other Officers, for any Thing done by the Direction of the ſaid Truſtees, or any Eleven or more of them, as aforeſaid, in purſuance of this Act; that then, and in every ſuch Caſe, the ſaid Truſtees, or any Eleven or more of them, ſhall, out of the Money ariſing by any of the Rates and Aſſeſſments, or out of the Money that ſhall be borrowed on the Credit thereof, allow and pay to ſuch Truſtee or Truſtees, their Collectors, or other Officers, all ſuch reaſonable Coſts, Charges, and Expences, as they, or any of them, ſhall or may ſuſtain, or be put unto, by reaſon or means thereof.

Limitation of Actions.

XXXVII. And be it further enacted, That if any Action or Suit ſhall be brought againſt any Perſon, for any Thing done in purſuance of this Act, ſuch Action ſhall be commenced within One Calendar Month after the Fact committed, and not afterwards, and ſhall be laid and brought in the County of Surrey, and not elſewhere, and the Defendant or Defendants, in ſuch Action or Suit, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if it ſhall appear to be ſo done, or if any ſuch Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or be brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their Action or Actions, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall recover Treble Coſts, and have the like Remedy for the ſame, as any Defendant or Defendants hath or have for Coſts of Suit in other Caſes by Law.

General Iſſue.

Treble Coſts.

Publick Act.

XXXVIII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and all other Perſons, without ſpecially pleading the ſame.

CAP. LXII.

An Act for better regulating the Aſſize and making of Bread.

Preamble.

Act 31 *Geo.* II.

Act 3 *Geo.* III. cap. 11.

WHEREAS, according to the ancient Order and Cuſtom of the Realm, there hath been, from Time immemorial, a Standard Wheaten Bread, made of Flour, being the whole Produce of the Wheat whereof it was made: And whereas by an Act, paſſed in the Thirty-firſt Year of the Reign of *George* the Second, intituled, *An Act for the due making of Bread, and to regulate the Price and Aſſize thereof, and to puniſh Perſons who ſhall adulterate Meal, Flour, or Bread*; and, by an Act, paſſed in the Third Year of the Reign of His preſent Majeſty, for explaining and amending the ſaid recited Act, Two Sorts of Bread, made of Wheat only, are allowed to be made for Sale; (that is to ſay), Wheaten and Houſehold; whereby the Flour, being the whole Produce of the Wheat, is ſo divided in the making of Bread for Sale, as that this Standard Wheaten Bread, made according to the ancient Order and Cuſtom of the Realm, could be no longer made for Sale: And whereas Houſehold Bread, ſuch as is intended by the ſaid Act of *George* the Second to be made for Sale, is not generally made for Sale, whereby, and for want of the ſaid Standard Wheaten Bread being continued, many Inconveniencies have ariſen, and many of the inferior Claſſes of the People, more eſpecially, have been under a Neceſſity of buying Bread at a higher Price than they could afford, to their great Hurt and Detriment: For Remedy thereof, may it pleaſe Your Majeſty that it may be enacted; and **be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the Twenty-ninth Day of** September, **One thouſand ſeven hundred and ſeventy-three, a Bread made of Wheat as followeth; that is to ſay, Of the Flour of Wheat, which Flour, without any Mixture or Diviſion, ſhall be the whole Produce of the Grain, the Bran or Hull thereof only excepted, and which ſhall weigh Three-fourth Parts of the Weight of the Wheat whereof it ſhall be made, may be at all Times, and is hereby allowed to be made, baked, expoſed to or for Sale, and ſold, and ſhall be called and underſtood to be a Standard Wheaten Bread.**

After *Sept.* 29, 1773, Standard Wheaten Bread allowed to be made, baked, and ſold.

II. **Provided always, and be it hereby further enacted, That the Makers of the ſaid Bread for Sale, do and ſhall mark every Loaf thereof with the Capital Letters** S. W. **and that the Makers and Sellers of the ſame do make and ſell the ſame, although no Aſſize of Bread be ſet, of the Weight, and in the Proportions following; that is to ſay, That every Standard Wheaten Peck Loaf ſhall always weigh Seventeen Pounds Six Ounces Avoirdupois, every Half Peck Loaf Eight Pounds Eleven Ounces, and every Quartern Loaf Four Pounds Five Ounces and One Half of an Ounce Avoirdupois; and that every Peck Loaf, Half Peck Loaf, and Quartern Loaf, ſhall always be ſold as to Price in Proportion to each other reſpectively; and that where Wheaten and Houſehold Bread, made as the Law now directs, ſhall be ſold at the ſame Time, together with this Standard Wheaten Bread, they be ſold in reſpect of and in proportion to each other, as followeth; that is to ſay, That the ſame Weight of Wheaten Bread as coſts Eight-pence, the ſame Weight of this Standard Wheaten Bread ſhall coſt Seven-pence, and the ſame Weight of Houſehold Bread ſhall coſt Sixpence, or Seven Standard Wheaten aſſized Loaves ſhall weigh equal to Eight Wheaten aſſized Loaves, or to Six Houſehold aſſized Loaves of the ſame Price, as near as may be.**

The Weight, Price, and Proportions of the different Loaves.

III. **Provided alſo, and be it hereby further enacted, That the ſaid Standard Wheaten Bread be not, nor ſhall be made into, or expoſed to or for Sale, or ſold as priced Loaves, at One and the ſame Time, together with aſſized Loaves of the ſame Standard Wheaten Bread.**

Standard Wheaten Bread is not to be ſold as priced Loaves at one Time.

IV. **And be it further enacted by the Authority aforeſaid, That all and every Magiſtrate, Magiſtrates, or others, who is and are, by the Laws now in being, authoriſed and impowered to ſet the Aſſize and fix the Price of Bread, is, and are hereby authoriſed and required, whenever and where-ever he or they ſhall think proper, to ſet the Aſſize or fix the Price of Bread, in like Manner, and at the ſame Time, to ſet the Aſſize on, or fix the Price of, the Standard Wheaten Bread aforeſaid, the Baker's Allowance for baking being included according to the Rates and Proportions ſeverally and reſpectively ſet down in the following Table.**

Magiſtrates are, when they think proper, to ſet the Aſſize and fix the Price of Bread.

A TABLE

V. And be it enacted by the Authority aforeſaid, That all Makers of Bread for Sale, and all Perſons who ſhall, after the ſaid Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-three, make and bake, for Sale, and ſhall ſell, or expoſe to or for Sale, the ſaid Standard Wheaten Bread, ſhall make, ſell, and expoſe to or for Sale the ſaid Bread as directed by this Act; and all ſuch Makers of the ſaid Bread for Sale, and Perſons ſelling, or expoſing to or for Sale, the ſaid Bread, ſhall be liable to the ſame or the like Pains, Penalties, Forfeitures, and Puniſhments, in all Reſpects whatſoever, for any Miſdemeanour or Neglect in the making, marking, ſelling, or expoſing to or for Sale, the ſaid Standard Wheaten Bread, as they are liable to by the Laws now in being, for any Miſdemeanour or Neglect, in reſpect to making, marking, ſelling, or expoſing to or for Sale, Wheaten or Houſehold Bread.

After *Sept.* 29, 1773, Makers of Bread for Sale to make and diſpoſe of the ſame as hereby directed.

VI. Provided always, and be it enacted by the Authority aforeſaid, That if any Information ſhall be laid againſt any Baker for making, marking, baking, or expoſing to or for Sale, any Bread, purporting to be the Standard Wheaten Bread aforeſaid, made of Flour, not being the whole Produce of the Wheat, the Bran or Hull thereof only excepted, and weighing Three-fourth Parts of the Weight of the Wheat whereof it was made, and ſuch Baker ſhall prove that he bought the ſaid Flour, whereof his Bread was made, as and for ſuch Flour, as aforeſaid, of the Miller or Mealman, naming his Name and Place of Abode; then, and in ſuch Caſe, the Baker ſhall ſtand clear and acquitted, and the Miller or Mealman ſo offending, and being legally convicted thereof, ſhall forfeit and pay the Penalties enacted and directed to be paid, in the Caſe of adulterating Corn, Meal, or Flour, by an Act, paſſed in the Thirty-firſt Year of the Reign of King George the Second, intituled, An Act for the due making of Bread, and to regulate the Price and Aſſize thereof, and to puniſh Perſons who ſhall adulterate Meal, Flour, or Bread.

The Miller or Mealman ſelling adulterated Flour; ſhall forfeit the Penalties directed by Act 31 *Geo.* II.

VII. And be it further enacted by the Authority aforeſaid, That when and where any Magiſtrate, Magiſtrates, or others, authoriſed as aforeſaid, ſhall have ſet an Aſſize on or fixed the Price of the ſaid Standard Wheaten Bread, as directed by this Act, all and every ſuch Perſon or Perſons ſo authoriſed, are hereby authoriſed and impowered to omit, if they think proper, the ſetting an Aſſize upon, or fixing the Price of, any other Sort of Bread.

Where Magiſtrates ſhall have ſet an Aſſize on the Price of Standard Wheaten Bread, other Perſons authoriſed may omit fixing the Price of any other Sort of Bread.

VIII. And be it further enacted by the Authority aforeſaid, That from and after the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-three, the Juſtices of the Peace of every County, Riding, Diviſion, City, Town, Liberty, and Place, at any General or Quarter Seſſion of the Peace which ſhall be held within their reſpective Counties, Riding, Diviſion, Cities, Towns, Liberties, or Juriſdictions, may, if they ſhall think proper, prohibit, and they are hereby authoriſed and impowered to prohibit, for Three Months, unleſs they ſhall ſee Cauſe ſooner to revoke the Order for ſuch Prohibition, which they are hereby impowered to do at any adjourned Quarter Seſſions, or any Special Seſſions within their reſpective Juriſdictions, or within any Part thereof, the Makers of Bread for Sale from making for Sale, baking, ſelling, or expoſing to or for Sale, any other One or more Sorts of Bread, being, or purporting to be, of a ſuperior Quality, and ſold at a higher Price than the Standard Wheaten Bread aforeſaid: Provided, That no ſuch Order for ſuch Prohibition do take Place, or be in Force, until One Calendar Month at leaſt after the Date of the making thereof; and every Order, which ſhall be ſo from Time to Time made, in or touching the Premiſes, by any ſuch Juſtices, ſhall be entered in a Book, to be provided and kept for that Purpoſe by ſuch Juſtices, and which Book ſhall and may be inſpected by the Makers of Bread for Sale within the reſpective Juriſdiction of any ſuch Juſtices, at all ſeaſonable Times, in the Day time, and without paying any Fee or Reward in reſpect thereof: And after the making every ſuch Order by any ſuch Juſtices, the Juſtices who ſhall make the ſame, ſhall, with all convenient Speed, cauſe a Copy of every ſuch Order to be affixed or put up in ſome Market, or other publick Town, within the Diviſion or Part of the County, Riding, Liberty, Rape, Wapentake, City, Town, or Place, in which ſuch Order is to be obſerved, and take Place, or elſe ſuch Juſtices, within their reſpective Juriſdictions, ſhall cauſe a Copy of every ſuch Order to be, with all convenient Speed, after the making thereof reſpectively, inſerted in ſome publick News-paper, which ſhall be publiſhed in the County, Riding, Diviſion, Rape, Wapentake, City, Town, or Place, or ſome Part thereof, in which every ſuch Order reſpectively is to be obſerved, and take Place.

After *Sept.* 29, 1773, Juſtices, at their Quarter Seſſions, may prohibit, for Three Months, the baking or ſelling other Bread than Standard Wheaten;

but no ſuch Order ſhall take Place till One Calendar Month, at leaſt, after the making thereof.

Copy of ſuch Order to be put up in ſome Market Town, or inſerted in ſome publick News-paper.

IX. Provided always, That within the City of London, and the Liberties thereof, the Company of Bakers of the ſaid City, and in any other City, County, Diviſion, Diſtrict, Town, or Place, any Baker or Maker of Bread for Sale, Bakers or Makers of Bread for Sale, may, within the reſpective Juriſdiction to which he or they do belong, or wherein he or they do exerciſe their Trade or Myſtery, have an Opportunity of offering to ſuch Juſtices, as aforeſaid, all ſuch Objections as ſuch Company of Bakers, or ſuch Bakers or Makers of Bread for Sale, may have and think fit to offer againſt ſuch Prohibition as aforeſaid, at the Time when ſuch Juſtices, as aforeſaid, ſhall have under Conſideration the ordering ſuch Prohibition as aforeſaid.

Company of Bakers of *London*, &c. may offer Objections againſt ſuch Prohibition.

X. Provided alſo, That nothing herein contained ſhall extend, or be conſtrued to extend, to prevent the Magiſtrates and others, who, by the Laws now in being, are authoriſed to ſet an Aſſize on Bread, from allowing at all Times, and even during the Time of ſuch Prohibition as aforeſaid, if they ſhall think fit, any White Loaves, or Wheaten Loaves of the Price of One Penny, or Two-pence, to be made and ſold, ſo that the ſaid Loaves be made, marked, baked, expoſed to and for Sale, and ſold according to the Regulations of The Table of Aſſize and Price of Bread, contained in, and enacted by, an Act, paſſed in the Thirty-firſt Year of the Reign of His late Majeſty George the Second, intituled, An Act for the due making of Bread, and to regulate the Price and Aſſize thereof, and to puniſh Perſons who ſhall adulterate Meal, Flour, or Bread.

Wheaten Loaves, of the Price of 1 *d.* or 2 *d.* may be made and ſold, according to Act 31 *Geo.* II.

No Aſſize to be ſet on coarſer Bread, if ſold at a lower Price, as directed by Act 31 *Geo.* II.

XI. And whereas there may be many Places in this Kingdom where the inferior Claſſes of the People are uſed to and may be deſirous of being ſupplied with Bread made of Wheat, of a coarſer and cheaper Sort than the Standard Wheaten Bread aforeſaid; be it hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Baker or Maker of Bread for Sale, to make, bake, expoſe to Sale, and ſell, ſuch inferior and coarſer Bread, provided he or ſhe ſells ſuch Bread at a Price under that of the Houſehold Bread, as directed to be made and ſold by an Act, paſſed in the Thirty-firſt Year of the Reign of George the Second, intituled, An Act for the due making of Bread, and to regulate the Price and Aſſize thereof, and to puniſh Perſons who ſhall adulterate Meal, Flour, or Bread, although nothing in this Act contained doth extend, or ſhall be conſtrued to extend, to the ſetting any Aſſize thereon.

Where any Baker of Bread ſhall ſell coarſer Bread at the aſſized Houſehold Bread Price, he ſhall be liable to the Penalties inflicted by Law.

XII. And be it further enacted by the Authority aforeſaid, That when and where any Baker or Maker of Bread for Sale ſhall ſell, or expoſe to Sale, any ſuch inferior or coarſer Bread by Weights and Prices whereat the Houſehold Bread aforeſaid is at that Time aſſized or priced, or ſold, he ſhall, for every ſuch Offence, being duly convicted, be liable to the ſame or like Pains, Penalties, Forfeitures, and Puniſhments, as Bakers and Makers of Bread for Sale are now by Law liable to for any the like Miſdemeanour or Neglect in making, ſelling, or expoſing to or for Sale, any other Sort of Bread allowed by Law to be made or expoſed to or for Sale, and ſold.

Magiſtrates to have the ſame Powers relative to the making or ſelling of Bread as they may have by any Law now in being.

XIII. And be it further enacted, That all and every Magiſtrate, Magiſtrates, and others, as aforeſaid, following the Directions herein-before and herein-after given, ſhall have, and they are hereby declared to have, all the ſame Powers and Authority to apply them, to all Intents and Purpoſes whatſoever, relative to aſſizing, pricing, and regulating the making, ſelling, or expoſing to or for Sale, the ſaid Standard Wheaten Bread, and puniſhing the Makers, Sellers, and Expoſers thereof to or for Sale, for any the like Miſdemeanour or Neglect, in the making, marking, and ſelling, or expoſing the ſame to or for Sale, as they have by any Law now in being, relative to aſſizing, pricing, making for Sale, ſelling, or expoſing to or for Sale, any Bread whatſoever, and in as full and ample a Manner as if the ſaid Powers were recited and enacted therein.

Magiſtrates, *&c.* intitled to all the Privileges and Protections of the Laws in being relative to the making and ſelling of Bread.

XIV. And be it further enacted, That all Magiſtrates, and all other Perſons whatſoever, ſhall be intitled to, and have all the Privileges, Protections, and Indemnifications, in all Reſpects whatſoever, for what they ſhall lawfully do in putting this Act in Execution, as they are intitled to, and have by the Laws now in being, relative to the making of Bread, and ſelling, or expoſing the ſame to or for Sale, for putting the ſaid Laws in Execution.

Not to extend to prejudice Right or Cuſtom of the City of *London*, or Lords of Leet.

XV. Provided always, and be it enacted, That this Act, or any Thing herein contained, ſhall not extend to prejudice any Right or Cuſtom of the City of London, or the Practice there uſed, or any Right or Cuſtom of any Lord or Lords of any Leet, to ſet, enquire, and puniſh the Breach of Aſſize of Bread within their reſpective Leets or Views of Frank Pledge, or the Right of any Clerk or Clerks of the Market, in any Place.

Nor ſhall this Act prejudice the ancient Right or Cuſtom of the Dean of *Saint Peter, Weſtminſter*, &c.

XVI. Provided further, and it is hereby likewiſe enacted, That neither this Act, or any Thing herein contained, ſhall extend, or be conſtrued to extend, to prejudice the ancient Right or Cuſtom of the Dean of the collegiate Church of Saint Peter, Weſtminſter, or the High Steward of the City of Weſtminſter, and the Liberties thereof, or his Deputy, or any of them, to ſet, aſcertain, and appoint, the Aſſize and Weight of all Sorts of Bread, to be ſold, or expoſed to Sale, within the ſaid City of Weſtminſter, and the Liberties thereof; but they, and every of them, ſhall and may, ſeverally and reſpectively, from Time to Time, as there ſhall be Occaſion, ſet, aſcertain, and appoint, within the ſaid City of Weſtminſter, and the Liberties thereof, according to the true Intent and Meaning of this Act, the Aſſize and Weight of all Sorts of Bread which ſhall be made, ſold, or expoſed to Sale, by any Perſon or Perſons within the Limits of the ſaid City of Weſtminſter, and the Liberties thereof; and ſhall and may enquire, and puniſh, the Breach of every ſuch Aſſize and Weight of Bread as fully and freely, in all Reſpects, as they, or any of them, have heretofore been accuſtomed to do, and as if this Act had never been made; any Thing herein contained to the Contrary hereof notwithſtanding.

Nor ſhall any Thing contained prejudice the ancient Right of the Univerſities of *Oxford* and *Cambridge*.

XVII. Provided likewiſe, That neither this Act, nor any Thing herein contained, ſhall extend, or be conſtrued to extend, to prejudice the ancient Right or Cuſtom of the Two Univerſities of Oxford and Cambridge, or either of them, or of their or either of their Clerks of the Market, or the Practice within the ſeveral Juriſdictions of the ſaid Univerſities, or either of them, uſed to ſet, aſcertain, and appoint the Aſſize and Weight of all Sorts of Bread to be ſold, or expoſed to Sale, within their ſeveral Juriſdictions; but that they, and every of them, ſhall and may, ſeverally and reſpectively, from Time to Time, as there ſhall be Occaſion, ſet, aſcertain, and appoint, within their ſeveral and reſpective Juriſdictions, the Aſſize and Weight of all Sorts of Bread to be ſold, or expoſed to Sale, by any Baker, or other Perſon whatſoever, within the Limits of their ſeveral Juriſdictions, according to the true Intent and Meaning of this Act; and ſhall and may enquire and puniſh the Breach thereof as fully and freely, in all reſpects, as they uſed to do, and as if this Act had never been made; any Thing herein contained to the Contrary thereof notwithſtanding.

All the Laws now in being for regulating the Price of Bread, *&c.* to remain in full Force.

XVIII. And be it hereby declared and enacted by the Authority aforeſaid, That all the Laws now in being, for the due making of Bread, or to regulate the Price and Aſſize thereof, or to puniſh Perſons who ſhall adulterate Meal, Flour, or Bread, do and ſhall ſtand and remain in full Force, in the Whole, and every Part thereof, not altered by this preſent Act.

Where the Chief Magiſtracy of a Corporation is veſted in Two Bailiffs, One of them may ſet an Aſſize on Bread.

XIX. And whereas Doubts have ariſen, whether by the ſaid Act, paſſed in the Thirty-firſt Year of the Reign of His late Majeſty King *George* the Second, where the Chief Magiſtracy of any Borough or Corporation lies and is veſted in Two Bailiffs, One of the ſaid Bailiffs, in the Abſence of the other, is, by the ſaid Act, authoriſed and impowered to ſet an Aſſize on Bread; be it enacted by the Authority aforeſaid, That in ſuch Boroughs and Corporations, One of the ſaid Bailiffs, in the Abſence of the other, ſhall be authoriſed and impowered to ſet an Aſſize on Bread, under the ſaid Act, or this Act, and to do all other Matters and Things therein and hereby directed for ſetting the ſame.

CAP. LXIII.

An Act for eſtabliſhing certain Regulations for the better Management of the Affairs of the *Eaſt India Company*, as well in *India* as in Europe.

Preamble.

WHEREAS the ſeveral Powers and Authorities granted by Charters to the United Company of Merchants of *England*, trading to the *Eaſt Indies*, have been found, by Experience, not to have ſufficient Force and Efficacy to prevent various Abuſes which have prevailed in the Government and Adminiſtration of the Affairs of the ſaid United Company, as well at Home as in *India*, to the manifeſt Injury of the Publick Credit, and of the Commercial Intereſts of the ſaid Company; and it is therefore become highly expedient that certain further Regulations, better adapted to their preſent Circumſtances and Conditions, ſhould be provided and eſtabliſhed: And whereas the electing and chuſing of Directors of the ſaid United Company every Year, in ſuch Manner as at preſent preſcribed by Charter, has not anſwered the good Purpoſes intended thereby, but, on the contrary, by limitiing the Duration of their Office to ſo ſhort a Time, evidently tends to weaken the Authority of the Court of Directors, and to produce Inſtability in the Councils and Meaſures of the ſaid Company: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, at the next enſuing General Election of Directors of the ſaid United Company, inſtead of an Election of Twenty-four Directors to ſerve for the Space of One Year only, there ſhall be choſen, in ſuch Manner and Order as the Directors of the ſaid United Company for the Time being ſhall appoint, Six Directors expreſsly for the Term of One Year, and Six other Directors for the Term of Two Years, and Six other Directors for the Term of Three Years, and the remaining Six Directors for the Term of Four Years, and not otherwiſe; and from thenceforth yearly, and every Year, and at the Expiration of each and every of the ſaid Terms reſpectively, Six new Directors, and no more, ſhall be choſen, from Time to Time, in the Place of ſuch Directors whoſe Term ſhall have expired, and who are hereby declared incapable of being then rechoſen; and at every ſubſequent Election, during the Continuance of the Charter of the ſaid United Company, Six new Directors ſhall be choſen, and ſhall continue to be Directors for the Term of Four Years, and no longer, to be accounted from the Day on which the Election of ſuch Directors was reſpectively made; and in caſe the Office and Authority of any ſuch Director ſhall become void by Death, Removal, or otherwiſe, another ſhall be choſen from Time to Time in his Place, to ſerve as a Director during the Remainder of ſuch Term for which the Perſon whoſe Office ſhall have become void was choſen, and no longer.

At the next enſuing general Election, inſtead of 24, there ſhall be choſon Six Directors for the Term of One Year; Six for Two Years; Six for Three Years; Six for Four Years; and ſo hereafter yearly.

II. And it is hereby further enacted, That no Perſon or Perſons whatſoever, employed in any Civil or Military Station, Office, or Capacity whatſoever, in the Eaſt Indies, or claiming or exerciſing any Power, Authority, or Juriſdiction therein, ſhall be capable of being appointed or choſen into the Office of Director, until ſuch Perſon or Perſons ſhall have returned to and been reſident in England for the Space of Two Years; any Law or Uſage to the Contrary notwithſtanding.

No Perſon employed in any Office in the *Eaſt Indies* ſhall be a Director until Two Years after Return.

All Transfers made in a colluſive Manner, to qualify Voters at Elections;

III. And whereas it has been found, that the Proviſion made by the Charter of the Tenth Year of the Reign of King *William* the Third, under which Perſons poſſeſſed of Five hundred Pounds Stock are intitled to vote in General Courts, has been productive of much Inconvenience in the preſent Situation of the Company, and tends to promote the miſchievous Practice of making colluſive Transfers, which Practice hath not been ſufficiently prevented by the Proviſion made by an Act of the Seventh Year of His preſent Majeſty's Reign, whereby the Right of voting is limited to Perſons having been Six Calendar Months in Poſſeſſion of their Stock; be it further enacted, That all Transfers of Stocks whatſoever made to any Perſon or Perſons, in any fraudulent or colluſive Manner, on Purpoſe to qualify him, her, or them, to give his, her, or their Vote or Votes, at any Election of Members of the Court of Directors, or in any General Court of the ſaid United Company, (ſubject nevertheleſs to Conditions or Agreements, either Verbal or in Writing, to defeat or determine ſuch Transfers, or to retransfer or return the ſame), ſhall be deemed and taken againſt thoſe Perſons who transferred the ſame, as free and abſolute, and be holden and enjoyed, by all and every ſuch Perſon or Perſons to whom ſuch Transfer ſhall be made, as aforeſaid, freely and abſolutely acquitted, exonerated, and diſcharged, of and from all Manner of Truſts, Conditions, Powers of Revocation, Proviſoes of Redemption, or other Defeazances between or with the ſaid Parties, or any other Perſon or Perſons in Truſt for them; and that all Bonds, Covenants, Notes Collateral, or other Securities, Contracts, or Agreements, between or with the ſaid Parties, or any other Perſon or Perſons in Truſt for them, or any of them, for the retransferring, redeeming, revoking, or defeating, ſuch Transfer, or for the reſtoring or retransferring thereof, or any Part thereof, to any Perſon or Perſons who made ſuch Transfer, or to any other Perſon or Perſons in Truſt for them, or any of them, ſhall be null and void to all Intents and Purpoſes whatſoever: And that every Perſon to whom ſuch Transfer ſhall have been made, and who ſhall have voted by virtue thereof, at any Election of Members of the Court of Directors, or in any General Court of the ſaid United Company, and who ſhall afterwards retransfer or return the ſame, in conſequence of any Truſt, Condition, Powers of Revocation, Proviſo of Redemption, or other Defeazance whatſoever, as aforeſaid, ſhall, for every ſuch Offence, forfeit the Sum of One thouſand Pounds; One Moiety whereof ſhall go and be diſpoſed of to any Perſon who ſhall ſue for the ſame, and the other Moiety to His Majeſty, His Heirs and Succeſſors; to be recovered, together with full Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, wherein no Eſſoin, Privilege, Protection, Wager of Law, or more than One Imparlance, ſhall be admitted or allowed; and that from and after the

and all Bonds, Covenants, &c. with Perſons in Truſt, ſhall be null and void: And every Perſon to whom Tranſfers ſhall have been made, or who ſhall have voted by virtue thereof, at any Election, who ſhall afterwards retransfer the ſame, in conſequence of any Truſts, &c. ſhall forfeit, for every Offence, 1000*l.* to be recovered, with full Coſts, at *Weſtminſter*;

and after *Oct.* 1, 1773, no Proprietor ſhall vote at any Election of Directors in reſpect of Stock amounting to leſs than 1000 *l.* nor until he ſhall have been poſſeſſed of ſuch 12 Calendar Months.

Firſt Day of October, One thouſand ſeven hundred and ſeventy-three, no Member or Proprietor of the ſaid United Company ſhall be deemed qualified or capable to vote, or be admitted to give any Vote or Votes, at any Election of Directors, or at any General Court of the ſaid United Company, in reſpect of any Stock amounting to leſs than One thouſand Pounds, nor in reſpect of any Stock transferred to him, her, or them, after the ſaid Firſt Day of October, One thouſand ſeven hundred and ſeventy-three, until he, ſhe, or they, ſhall have been poſſeſſed of ſuch Stock Twelve Calendar Months, in his, her, or their own Right, and not in Truſt for any other Perſon or Perſons whatſoever, freed and diſcharged of all Incumbrances which can or may affect the ſame, unleſs ſuch Stock ſhall have been acquired, or ſhall have come to ſuch Proprietor by Bequeſt, or by Marriage, or by Succeſſion to any Inteſtate's Eſtate, or by the Cuſtom of the City of London, or by any Deed of Settlement after the Death of any Perſon who ſhall have been intitled for Life to the Dividends of ſuch Stock; any Law, Statute, or Uſage, to the Contrary notwithſtanding.

Every Proprietor poſſeſſed of 3000 *l.* Capital Stock ſhall be intitled to Two Votes at any Election; if poſſeſſed of 6000 *l.* he ſhall have Three Votes; and when poſſeſſed of 10,000 *l.* is intitled to Four Votes.

IV. Provided always, and be it further enacted by the Authority aforeſaid, That every Member or Proprietor of the ſaid United Company, who ſhall be poſſeſſed, for the Time or Term aforeſaid, in his or her own Right, of Three thouſand Pounds, Capital Stock of the ſaid Company, ſhall be intitled to give Two Votes at any Election of Directors, or at any Ballot of the ſaid Company; and every Member or Proprietor who ſhall be poſſeſſed, for the Time or Term aforeſaid, of Six thouſand Pounds, in his or her own Right, ſhall be intitled to give Three Votes; and every Member or Proprietor who ſhall be poſſeſſed for the Time or Term aforeſaid, of Ten thouſand Pounds, or more, ſhall be intitled to give Four Votes at ſuch Election or Ballot; and the Oath and Affirmation herein-after reſpectively preſcribed, ſhall, as Occaſion ſhall require, be altered in ſuch Manner as ſhall be neceſſary to comprize ſuch Right of voting.

Every Member ſhall be deemed qualified to vote at Elections of Directors, in reſpect of 1000 *l.* Stock, after *Oct.* 1, 1773.

V. Provided always, and it is hereby further enacted, That any Member or Proprietor of the ſaid United Company ſhall be deemed qualified or capable to vote, and ſhall be admitted to give his or her Vote or Votes, at any Election of Directors, or at any General Court of the ſaid United Company that ſhall be held after the Firſt Day of October, One thouſand ſeven hundred and ſeventy-three, in reſpect of any ſuch Stock, not amounting to leſs than One thouſand Pounds, whereof he or ſhe ſhall have been poſſeſſed from the ſaid Firſt Day of October, any Thing herein contained to the Contrary notwithſtanding: And the Oath and Affirmation herein-after reſpectively preſcribed ſhall be, as Occaſion ſhall require, altered in ſuch Manner in reſpect of the Continuance of the Poſſeſſion of ſuch Stock as to comprize the Time aforeſaid.

Upon Election of Directors, every Proprietor ſhall, before admitted to vote, take the following Oath.

VI. And be it further enacted by the Authority aforeſaid, That from and after the Firſt Day of October, One thouſand ſeven hundred and ſeventy-three, upon every Election to be made of any Member or Members of the Court of Directors, and upon every Ballot to be taken at any General Court of the ſaid United Company, every Member or Proprietor of the ſaid Company ſhall, before admitted to vote at ſuch Election, or in ſuch General Court, firſt take the Oath hereafter mentioned before Two or more of the Directors of the ſaid United Company, who are hereby impowered to adminiſter ſuch Oath; (that is to ſay),

I *A. B.* do ſwear, (or being One of the People called *Quakers*, do ſolemnly affirm), That the Sum of One thouſand Pounds or more of the Capital Stock of the United Company of Merchants of *England* trading to the *Eaſt Indies*, ſtanding in my Name, doth at this Time belong, and hath for the Space of Twelve Calendar Months actually belonged to me, in my own Right, and not in Truſt for any Perſon or Perſons whatſoever; and that I have been in the actual Receipt of the Dividends and Profits thereof for my own Uſe, freed and diſcharged of all Incumbrances which can or may affect the ſame, for the ſaid Space of Twelve Calendar Months; or that the ſame came to me within the Time aforeſaid by Bequeſt, or by Marriage, or by Succeſſion to an Inteſtate's Eſtate, or by the Cuſtom of the City of *London*, or by Settlement; and that ſuch Stock has not been transferred or made to me fraudulently or colluſively on Purpoſe to qualify me to give my Vote; and that I have not before given my Vote on this Ballot.

So help me *G O D*.

Perſons committing wilful Perjury, or corruptly ſuborning others ſo to do, ſhall be liable to the Penalties in Act 5 *Eliz.* and 2 *Geo.* II.

And in caſe any Perſon taking the Oath or Affirmation hereby appointed ſhall thereby commit wilful Perjury, and be thereof convicted; and if any Perſon do unlawfully or corruptly procure or ſuborn any other Perſon to take the ſaid Oath or Affirmation, in order to vote, whereby he or ſhe ſhall commit ſuch wilful Perjury, and ſhall be thereof convicted, he, ſhe, and they, for every ſuch Offence, ſhall incur ſuch Pains and Penalties as are in and by Two Acts of Parliament, the One made in the Fifth Year of the late Queen Elizabeth, intituled An Act for puniſhing ſuch Perſons as ſhall procure or commit wilful Perjury, or ſuborn or procure any Perſon to commit any wilful or corrupt Perjury; the other, made in the Second Year of His Majeſty King George the Second, intituled, An Act for the more effectual preventing and further Puniſhment of Forgery, Perjury, and Subornation of Perjury, and to make it Felony to ſteal Bonds, Notes, or other Securities, for Payment of Money, directed to be inflicted for Offences committed contrary to the ſaid Acts.

A Governor-general and Four Counſellors to be appointed, in whom the whole Civil and military Government of *Bengal*, *Bahar*, and *Oriſſa*, ſhall be veſted.

VII. And, for the better Management of the ſaid United Company's Affairs in *India*, be it further enacted by the Authority aforeſaid, That, for the Government of the Preſidency of Fort William in Bengal, there ſhall be appointed a Governor-general, and Four Counſellors; and that the whole Civil and Military Government of the ſaid Preſidency, and alſo the Ordering, Management, and Government, of all the Territorial Acquiſitions and Revenues in the Kingdoms of Bengal, Bahar, and Oriſſa, ſhall, during ſuch Time as the Territorial Acquiſitions and Revenues ſhall remain in the Poſſeſſion of the ſaid United Company, be, and are hereby veſted in the ſaid Governor-nor-general and Council of the ſaid Preſidency of Fort William in Bengal, in like Manner, to all Intents and Purpoſes whatſoever, as the ſame now are, or at any Time heretofore might have been exerciſed by the Preſident and Council, or Select Committee, in the ſaid Kingdoms.

In caſe of Difference of Opinion, the Deciſion of the major Part to be concluſive; and in caſe of Death, Removal, or Abſence, the Governor or eldeſt Counſellor to have a caſting Voice.

VIII. And be it enacted by the Authority aforeſaid, That in all Caſes whatſoever wherein any Difference of Opinion ſhall ariſe upon any Queſtion propoſed in any Conſultation, the ſaid Governor-general and Council ſhall be bound and concluded by the Opinion and Deciſion of the major Part of thoſe preſent: And if it ſhall happen that, by the Death or Removal, or by the Abſence, of any of the Members of the ſaid Council, ſuch Governor-general and Council ſhall happen to be equally divided; then, and in every ſuch Caſe, the ſaid Governor-general, or, in his Abſence, the eldeſt Counſellor preſent, ſhall have a caſting Voice, and his Opinion ſhall be deciſive and concluſive.

Power of the Governor-general and Council.

IX. And be it further enacted by the Authority aforeſaid, That the ſaid Governor-general and Council, or the major Part of them, ſhall have, and they are hereby authoriſed to have, Power of ſuperintending and controuling the Government and Management of the Preſidencies of Madraſs, Bombay, and Bencoolen reſpectively, ſo far and in ſo much as that it ſhall not be lawful for any Preſident and Council of Madraſs, Bombay, or Bencoolen, for the Time being, to make any Orders for commencing Hoſtilities, or declaring or making War, againſt any Indian Princes or Powers, or for negociating or concluding any Treaty of Peace, or other Treaty, with any ſuch Indian Princes or Powers, without the Conſent and Approbation of the ſaid Governor-general and Council firſt had and obtained, except in ſuch Caſes of imminent Neceſſity as would render it dangerous to poſtpone ſuch Hoſtilities or Treaties until the Orders from the Governor-general and Council might arrive; and except in ſuch Caſes where the ſaid Preſidents and Councils reſpectively ſhall have received ſpecial Orders from the ſaid United Company; and any Preſident and Council of Madraſs, Bombay, or Bencoolen, who ſhall offend in any of the Caſes aforeſaid, ſhall be liable to be ſuſpended from his or their Office by the Order of the ſaid Governor-general and Council; and every Preſident and Council of Madraſs, Bombay, and Bencoolen, for the Time being, ſhall, and they are hereby reſpectively directed and required, to pay due Obedience to ſuch Orders as they ſhall receive touching the Premiſes, from the ſaid Governor-general and Council for the Time being, and conſtantly and diligently to tranſmit to the ſaid Governor-general and Council Advice and Intelligence of all Tranſactions and Matters whatſoever that ſhall come to their Knowledge, relating to the Government, Revenues, or Intereſt, of the ſaid United Company; and the ſaid Governor-general and Council for the Time being ſhall, and they are hereby directed and required to pay due Obedience to all ſuch Orders as they ſhall receive from the Court of Directors of the ſaid United Company, and to correſpond, from Time to Time, and conſtantly and diligently tranſmit to the ſaid Court an exact Particular of all Advices or Intelligence, and of all Tranſactions and Matters whatſoever, that ſhall come to their Knowledge, relating to the Government, Commerce, Revenues, or Intereſt, of the ſaid United Company; and the Court of Directors of the ſaid Company, or their Succeſſors, ſhall, and they are hereby directed and required, from Time to Time, before the Expiration of Fourteen Days after the receiving any ſuch Letters or Advices, to give in and deliver unto the High Treaſurer, or Commiſſioners of His Majeſty's Treaſury for the Time being, a true and exact Copy of ſuch Parts of the ſaid Letters or Advices as ſhall any way relate to the Management of the Revenues of the ſaid Company; and in like Manner to give in and deliver to One of His Majeſty's principal Secretaries of State for the Time being, a true and exact Copy of all ſuch Parts of the ſaid Letters or Advices as ſhall any way relate to the Civil or Military Affairs and Government of the ſaid Company; all which Copies ſhall be fairly written, and ſhall be ſigned by Two or more of the Directors of the ſaid Company.

Names of the firſt Governor-general and Counſellors, who ſhall continue in Office Five Years after their Arrival at *Fort William* in *Bengal*.

X. And it is hereby further enacted, That Warran Haſtings Eſquire ſhall be the Firſt Governor-general; and that Lieutenant-general John Clavering, the Honourable George Monſon, Richard Barwell Eſquire, and Philip Francis Eſquire, ſhall be the Four Firſt Counſellors; and they, and each of them, ſhall hold and continue in his and their reſpective Offices for and during the Term of Five Years from the Time of their Arrival at Fort William in Bengal, and taking upon them the Government of the ſaid Preſidency, and ſhall not be removeable, in the mean Time, except by His Majeſty, His Heirs and Succeſſors, upon Repreſentation made by the Court of Directors of the ſaid United Company for the Time being: And in caſe of the Avoidance of the Office of ſuch Governor-general by Death, Reſignation, or Removal, his Place ſhall, during the Remainder of the Term aforeſaid, as often as the Caſe ſhall happen, be ſupplied by the Perſon of the Council who ſtands next in Rank to ſuch Governor-general; and, in caſe of the Death, Removal, Reſignation, or Promotion, of any of the ſaid Council, the Directors of the ſaid United Company are hereby impowered, for and during the Remainder of the ſaid Term of Five Years, to nominate and appoint, by and with the Conſent of His Majeſty, His Heirs and Succeſſors, to be ſignified under His or Their Sign Manual, a Perſon to ſucceed to the Office ſo become vacant in the ſaid Council; and, until ſuch Appointment ſhall be made, all the Powers and Authorities veſted in the Governor-general and Council ſhall reſt and continue in, and be exerciſed and executed by, the Governor-general and Council remaining and ſurviving; and from and after the Expiration of the ſaid Term of Five Years, the Power of nominating and removing the ſucceeding Governor-general and Council ſhall be veſted in the Directors of the ſaid United Company.

Time when the Proviſions relating to the Governor and Council ſhall commence.

XI. And be it further enacted by the Authority aforeſaid, That the ſaid ſeveral Proviſions, relating to the ſaid Governor-general and Council, ſhall commence and take Place from and immediately after the Time that publick Proclamation ſhall be made of the

Arrival of the ſaid Governor-general and Counſellors herein-before appointed, or any Three of them, at Fort William in Bengal; which Proclamation the ſaid Governor-general and Council are hereby required to make.

The Company may appoint Officers in purſuance of former Acts or Charters.

XII. Provided always, That nothing in this Act ſhall extend, or be conſtrued to extend, to prevent, controul, or reſtrain, the ſaid United Company from conſtituting and appointing ſuch Officers, Factors, or Agents, as they ſhall think proper and neceſſary, by virtue or in purſuance of any Powers, Rights, or Privileges, granted to them by any former Act or Acts of Parliament, or by any Charter or Charters, for managing, conducting, and tranſacting, the Trade and Commerce of the ſaid Company, at and within the ſaid Preſidency of Fort William in Bengal.

His Majeſty may by Charter or Letters Patent, eſtabliſh a Supreme Court of Judicature at *Fort William*, &c.

XIII. And whereas His late Majeſty King *George* the Second did, by His Letters Patent, bearing Date at *Weſtminſter* the Eighth Day of *January*, in the Twenty-ſixth Year of His Reign, grant unto the ſaid United Company of Merchants of *England* trading to the *Eaſt Indies* His Royal Charter, thereby, amongſt other Things, conſtituting and eſtabliſhing Courts of Civil, Criminal, and Eccleſiaſtical Juriſdiction, at the ſaid United Company's reſpective Settlements at *Madras-patnam*, *Bombay* on the Iſland of *Bombay*, and *Fort William* in *Bengal*; which ſaid Charter does not ſufficiently provide for the due Adminiſtration of Juſtice in ſuch Manner as the State and Condition of the Company's Preſidency of *Fort William* in *Bengal*, ſo long as the ſaid Company ſhall continue in the Poſſeſſion of the Territorial Acquiſitions before mentioned, do and muſt require; be it therefore enacted, by the Authority aforeſaid, That it ſhall and may be lawful for His Majeſty, by Charter, or Letters Patent, under the Great Seal of Great Britain, to erect and eſtabliſh a Supreme Court of Judicature at Fort William aforeſaid, to conſiſt of a Chief Juſtice and Three other Judges, being Barriſters in England or Ireland, of not leſs than Five Years ſtanding, to be named from Time to Time by His Majeſty, His Heirs and Succeſſors; which ſaid Supreme Court of Judicature ſhall have, and the ſame Court is hereby declared to have, full Power and Authority to exerciſe and perform all Civil, Criminal, Admiralty, and Eccleſiaſtical Juriſdiction, and to appoint ſuch Clerks, and other Miniſterial Officers of the ſaid Court, with ſuch reaſonable Salaries, as ſhall be approved of by the ſaid Governor-general and Council; and to form and eſtabliſh ſuch Rules of Practice, and ſuch Rules for the Proceſs of the ſaid Court, and to do all ſuch other Things as ſhall be found neceſſary for the Adminiſtration of Juſtice, and the due Execution of all or any of the Powers which, by the ſaid Charter, ſhall or may be granted and committed to the ſaid Court; and alſo ſhall be, at all Times, a Court of Record, and ſhall be a Court of Oyer and Terminer, and Gaol Delivery, in and for the ſaid Town of Calcutta, and Factory of Fort William, in Bengal aforeſaid, and the Limits thereof, and the Factories ſubordinate thereto.

to conſiſt of a Chief Juſtice and Three other Judges.

Extent of the Juriſdiction and Power of His Majeſty's Charter, and of the Supreme Court of Judicature.

XIV. Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That the ſaid new Charter, which His Majeſty is herein-before impowered to grant, and the Juriſdiction, Powers, and Authorities, to be thereby eſtabliſhed, ſhall and may extend to all Britiſh Subjects who ſhall reſide in the Kingdoms or Provinces of Bengal, Bahar, and Oriſſa, or any of them, under the Protection of the ſaid United Company, and the ſame Charter ſhall be competent and effectual: And the Supreme Court of Judicature therein, and thereby to be eſtabliſhed, ſhall have full Power and Authority to hear and determine all Complaints againſt any of His Majeſty's Subjects, for any Crimes, Miſdemeanours, or Oppreſſions, committed, or to be committed; and alſo to entertain, hear, and determine, any Suits or Actions whatſoever, againſt any of His Majeſty's Subjects in Bengal, Bahar, and Oriſſa, and any Suit, Action, or Complaint, againſt any Perſon who ſhall, at the Time when ſuch Debt, or Cauſe of Action or Complaint, ſhall have ariſen, have been employed by, or ſhall then have been, directly or indirectly, in the Service of the ſaid United Company, or of any of His Majeſty's Subjects.

Limitation of Actions before the ſaid Court.

XV. Provided alſo, That the ſaid Court ſhall not be competent to hear, try, or determine, any Indictment or Information againſt the ſaid Governor-general, or any of the ſaid Council for the Time being, for any Offence (not being Treaſon or Felony) which ſuch Governor-general, or any of the ſaid Council, ſhall or may be charged with having committed in Bengal, Bahar, and Oriſſa.

Supreme Court to hear and determine Indictments and Informations.

XVI. Provided alſo, and be it enacted, That the ſaid Supreme Court ſhall hear and determine any Suits or Actions whatſoever of any of His Majeſty's Subjects, againſt any Inhabitant of India reſiding in any of the ſaid Kingdoms or Provinces of Bengal, Bahar, or Oriſſa, or any of them, upon any Contract or Agreement in Writing entered into by any of the ſaid Inhabitants with any of His Majeſty's ſaid Subjects, where the Cauſe of Action ſhall exceed the Sum of Five hundred Current Rupees; and where the ſaid Inhabitant ſhall have agreed in the ſaid Contract, that, in caſe of Diſpute, the Matter ſhall be heard and determined in the ſaid Supreme Court; and all ſuch Suits or Actions may be brought, in the Firſt Inſtance, before the ſaid Court, or by Appeal from the Sentence of any of the Courts eſtabliſhed in the ſaid Provinces, or any of them.

The Governor-general, Council, *&c.* not ſubject to be arreſted or impriſoned.

XVII. And it is hereby further enacted and provided, That nothing in this Act ſhall extend to ſubject the Perſon of the Governor-general, or of any of the ſaid Council or Chief Juſtice and Judges reſpectively for the Time being, to be arreſted or impriſoned upon any Action, Suit, or Proceeding, in the ſaid Court.

Appeal may be made to His Majeſty in Council.

XVIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be directed, in and by the ſaid new Charter, which His Majeſty is herein-before impowered to grant, that in caſe any Perſon or Perſons whatſoever ſhall think himſelf, herſelf, or themſelves aggrieved, by any Judgement or Determination of the ſaid Supreme Court of Judicature, to be eſtabliſhed as aforeſaid, he, ſhe, or they, ſhall and may appeal from ſuch Judgement or Determination to His Majeſty in Council, His Heirs or Succeſſors, within ſuch Time, in ſuch Manner, and in ſuch Caſes, and on ſuch Security, as His Majeſty, in His ſaid Charter, ſhall judge proper and reaſonable to be appointed and preſcribed.

XIX. And be it further enacted by the Authority aforeſaid, That ſo much of the ſaid Charter, granted by His ſaid late Majeſty, as reſpects or relates to the Eſtabliſhment of the Mayor's Court at Calcutta aforeſaid, in Bengal, or to the Civil, Criminal, or Eccleſiaſtical Juriſdiction thereof, in the ſaid United Company's Settlement there, or the Subordinates thereunto belonging, in caſe a new Charter ſhall be granted by His Majeſty in purſuance of this Act, and ſhall be openly publiſhed at Fort William aforeſaid, from and immediately after ſuch Publication, ſhall ceaſe, determine, and be abſolutely void, to all Intents and Purpoſes: But, nevertheleſs, the ſaid Charter, ſo granted by His ſaid late Majeſty, ſhall, in all other Reſpects, and as for and concerning all or any other of the ſaid Company's principal Preſidencies or Settlements to which the ſame relates, or to any Factories or Places now or hereafter to be ſubordinate to ſuch principal Settlements, continue, be, and remain in full Force and Virtue, according to the true Intent and Meaning thereof, and that as fully and effectually, to all Intents and Purpoſes whatſoever, as if this Act had never been made, or ſuch new Charter as aforeſaid ſhould never have been granted.

So much of the Charter granted by *Geo.* II. (ſhould a new Charter be granted) to be repealed; otherwiſe to be in full Force.

XX. And be it further enacted by the Authority aforeſaid, That all the Records, Muniments, and Proceedings whatſoever, of and belonging to the ſaid Mayor's Court at Calcutta aforeſaid, or to the Courts of Oyer and Terminer and Gaol Delivery at Fort William aforeſaid, eſtabliſhed by the ſaid Charter of His ſaid late Majeſty, ſhall, from and immediately after ſuch Court of Judicature, which His Majeſty is hereinbefore impowered to erect, ſhall be eſtabliſhed at Fort William as aforeſaid, be delivered over, preſerved, and depoſited for ſafe Cuſtody, in the ſaid new Court of Judicature, to which all Parties concerned ſhall and may reſort and have Recourſe, upon Application to the ſaid Court.

All Records and Muniments belonging to the Mayor's Court at Calcutta, *&c.* to be delivered to, and preſerved by, the new Court.

XXI. And be it further enacted by the Authority aforeſaid, That during ſuch Time as the Territorial Acquiſitions ſhall remain in the Poſſeſſion of the ſaid Company, the Court of Directors of the ſaid United Company ſhall, and they are hereby required to direct, and cauſe to be paid, certain and eſtabliſhed Salaries to the Governor-general, and to each of the Council of the ſaid United Company's Preſidency of Fort William in Bengal, and to the Chief Juſtice and each of the Judges of ſuch Supreme Court of Judicature at Fort William, as ſhall be by the ſaid new Charter eſtabliſhed; (that is to ſay), To the Governor-general Twenty-five thouſand Pounds by the Year, and to each of the Council of the ſaid United Company's Preſidency of Fort William in Bengal Ten thouſand Pounds by the Year; and to the Chief Juſtice Eight thouſand Pounds by the Year; and to each of the Judges of the ſaid Supreme Court of Judicature at Fort William Six thouſand Pounds by the Year: And that ſuch Salaries ſhall be paid and payable to each and every of them reſpectively for the Time being out of the ſaid Territorial Acquiſitions in the Kingdoms of Bengal, Bahar, and Oriſſa.

Salaries eſtabliſhed to the Governor-general, Council, Chief Juſtice, and Judges.

XXII. And be it further enacted by the Authority aforeſaid, That the Salaries of ſuch Governor-general and Council, and of ſuch Chief Juſtice and Judges, of ſuch Supreme Court of Judicature as aforeſaid, ſhall take place and commence in reſpect to all ſuch Perſons who ſhall be reſident in Great Britain at the Time of their Appointment, upon, and from the Day on which ſuch Perſon ſhall embark from Great Britain; and that the Salaries of all ſuch Perſons who ſhall, at the Time of their Appointment, be reſident in India, ſhall commence and take Place from and after their reſpectively taking upon them the Execution of their Office as aforeſaid; and that all ſuch Salaries to ſuch Governor-general and Council, and of ſuch Chief Juſtice and Judges, ſhall be in lieu of all Fees of Office, Perquiſites, Emoluments, and Advantages, whatſoever; and that no Fees of Office, Perquiſites, Emoluments, or Advantages whatſoever, ſhall be accepted, received, or taken by ſuch Governor-general and Council, or by ſuch Chief Juſtice and Judges, as aforeſaid, or any of them, in any Manner, or on any Account or Pretence whatſoever, other than ſuch Salaries and Allowances as are in and by this Act directed to be paid to them reſpectively.

When ſuch Salaries ſhall commence.

XXIII. And be it further enacted by the Authority aforeſaid, That no Governor-general, or any of the Council of the ſaid United Company's Preſidency of Fort William in Bengal, or any Chief Juſtice, or any of the Judges of the Supreme Court of Judicature at Fort William aforeſaid, ſhall, directly or indirectly, by themſelves, or by any other Perſon or Perſons for his or their Uſe, or on his or their Behalf, accept, receive, or take, of or from any Perſon or Perſons, in any Manner, or on any Account whatſoever, any Preſent, Gift, Donation, Gratuity, or Reward, pecuniary or otherwiſe, or any Promiſe or Engagement for any Preſent, Gift, Donation, Gratuity, or Reward; and that no Governor-general, or any of the ſaid Council, or any Chief Juſtice or Judge of the ſaid Court, ſhall carry on, be concerned in, or have any Dealing or Tranſactions, by way of Traffick or Commerce of any Kind whatſoever, either for his or their Uſe or Benefit, Profit or Advantage, or for the Benefit or Advantage of any other Perſon or Perſons whatſoever, (the Trade and Commerce of the ſaid United Company only excepted); any Uſage or Cuſtom to the Contrary thereof in any-wiſe notwithſtanding.

The Governor-general, or Council, ſhall not accept of any Preſent;

nor be concerned in any Tranſaction by way of Traffick.

XXIV. And be it further enacted by the Authority aforeſaid, That from and after the Firſt Day of Auguſt, One thouſand ſeven hundred and ſeventy-four, no Perſon holding or exerciſing any Civil or Military Office under the Crown, or the ſaid United Company in the Eaſt Indies, ſhall accept, receive, or take, directly or indirectly, by himſelf, or any other Perſon or Perſons on his Behalf, or for his Uſe or Benefit, off and from any of the Indian Princes or Powers, or their Miniſters or Agents, (or any of the Natives of Aſia), any Preſent, Gift, Donation, Gratuity, or Reward, pecuniary or otherwiſe, upon any account, or on any Pretence whatſoever; or any Promiſe or Engagement for any Preſent, Gift, Donation, Gratuity, or Reward: And if any Perſon, holding or exerciſing any ſuch Civil or Military Office, ſhall be guilty of any ſuch Offence, and ſhall be thereof legally convicted in ſuch Supreme Court at Calcutta, or in the Mayor's Court in any other of the ſaid United Company's Settlements where ſuch Offence ſhall have been committed; every ſuch Perſon, ſo convicted, ſhall forfeit Double the Value of ſuch Preſent.

No Perſon holding a Civil or Military Office under the Crown ſhall accept any Donation or Gratuity.

Preſent, Gift, Donation, Gratuity, or Reward, ſo taken and received; One Moiety of which Forfeiture ſhall be to the ſaid United Company, and the other Moiety to him or them who ſhall inform or proſecute for the ſame; and alſo ſhall and may be ſent to England by the Order of the Governor and Council of the Preſidency or Settlement where the Offender ſhall be convicted, unleſs ſuch Perſon ſo convicted ſhall give ſufficient Security to remove him or themſelves within Twelve Months after ſuch Conviction.

Counſellors, Phyſicians, Surgeons, and Chaplains, excepted.

XXV. Provided always, and be it further enacted by the Authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to prohibit or prevent any Perſon or Perſons who ſhall carry on or exerciſe the Profeſſion of a Counſellor at Law, a Phyſician, or a Surgeon, or being a Chaplain, from accepting, taking or receiving, any Fees, Gratuities, or Rewards, in the Way of their Profeſſion.

The Company may proſecute and recover any Gift, upon waiving Forfeitures.

XXVI. And it is hereby further enacted by the Authority aforeſaid, That every ſuch Preſent, Gift, Gratuity, Donation, or Reward, accepted, taken, or received, and all ſuch Dealing or Tranſaction, by way of Traffick or Commerce, of any Kind whatſoever, carried on contrary to the true Intent and Meaning of this Act, ſhall be deemed and conſtrued to have been received, taken, had, and done, to and for the ſole Uſe of the ſaid United Company; and that the ſaid United Company, upon waiving all Penalties and Forfeitures, ſhall and may ſue and proſecute for the Recovery of the ſame, or the full Value of ſuch Preſent or Gift, or the Profits of ſuch Trade reſpectively, together with Intereſt, at the Rate of Five Pounds per Centum per Annum, from the Time of ſuch Preſent, Gift, Gratuity, Donation, or Reward, being received, or of ſuch Dealing or Tranſaction, by way of Traffick or Commerce, as aforeſaid, by Action, for Money had and received to the Uſe of the ſaid Company.

No Collector, Superviſor, &c. to buy Goods by way of Traffick.

XXVII. And be it further enacted by the Authority aforeſaid, That from and after the Firſt Day of Auguſt, One thouſand ſeven hundred and ſeventy-four, it ſhall not be lawful for any Collector, Superviſor, or any other of His Majeſty's Subjects, employed or concerned in the Collection of the Revenues, or the Adminiſtration of Juſtice, in the Provinces of Bengal, Bahar, or Oriſſa, or their Agents or Servants, or any Perſon or Perſons in Truſt for them, to buy any Goods, Wares, Merchandiſe, or other Commodities whatſoever, by way of Traffick or Trade, at any Place within the Provinces of Bengal, Bahar, and Oriſſa, and to ſell the ſame again, or any Part thereof, at the Place where he or they bought the ſame, or at any other Place within the ſaid Provinces reſpectively; and it ſhall not be lawful for any of His Majeſty's Subjects in the ſaid Provinces to engage, intermeddle, or be any way concerned, directly or indirectly, in the Inland Trade, in Salt, Beetlenut, Tobacco, or Rice, except on the Account of the ſaid United Company, on Pain of forfeiting all ſuch Goods or Commodities which he ſhall ſo buy and ſell again, by way of Traffick, or in which he ſhall ſo trade, and alſo Treble the Value thereof; One Moiety to the ſaid United Company, and the other Moiety to him or them who will ſue for the ſame in the ſaid Supreme Court; and every ſuch Perſon, on Conviction, ſhall, moreover, be liable to be ſent to England by ſuch Order as aforeſaid, unleſs he or they ſhall give ſufficient Security to remove him or themſelves within Twelve Months after ſuch Conviction.

Not to reſtrain His Majeſty's Subjects not herein prohibited:

XXVIII. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to prohibit or reſtrain any of His Majeſty's Subjects, or any Perſon or Perſons whatſoever, (except ſuch Perſons as are by this Act prohibited and reſtrained from being concerned in Trade), from carrying on or execciſing any Trade or Traffick within Fort William, and the Town of Calcutta.

Nor to extend to outſtanding Debts, nor to ſelling Merchandiſes poſſeſſed by Perſons before ſuch Prohibition take Place.

XXIX. Provided nevertheleſs, and be it enacted by the Authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to prohibit or prevent any ſuch Perſon or Perſons who is, are, or ſhall be hereby reſtrained from carrying on any Trade, or being concerned in the buying or ſelling any Goods, Wares, Merchandiſes, or other Commodities whatſoever, by way of Traffick or Trade, as aforeſaid, or from being any way concerned in the Inland Trade in Salt, Beetlenut, Tobacco, or Rice, from collecting in their outſtanding Debts, or from ſelling and diſpoſing of the Goods, Wares, Merchandiſes, Effects, and Stock in Trade, of which ſuch Perſon or Perſons ſhall ſeverally be poſſeſſed, at the Time when ſuch Prohibition ſhall reſpectively take Place, ſo as each ſuch Perſon or Perſons, who by this Act is, are, or ſhall be ſo reſtrained, ſhall, and each and every of them reſpectively do, deliver in to ſuch Governor-general and Council of the Provinces of Bengal, Bahar, and Oriſſa aforeſaid, within Thirty Days from the Time when ſuch Reſtriction and Prohibition ſhall take Place, as aforeſaid, a full, true, and juſt Specification, upon Oath, of the Goods, Wares, Merchandiſes, Effects, and Stock in Trade, which he or they ſhall be at that Time ſo reſpectively poſſeſſed; and ſo as ſuch Perſon or Perſons ſhall and do ſell and diſpoſe of ſuch Goods, Wares, Merchandiſes, Effects, and Stock in Trade, within the Space of Nine Months after ſuch Reſtriction and Prohibition as aforeſaid ſhall commence and take Place; and ſo as no new Trade or Concern in Commerce or Merchandiſe be entered into, contracted for, or carried on, by ſuch Perſon or Perſons.

No Perſon ſhall take, on Loan of Monies, above the Rate of 12 *per Cent. per Annum.*

XXX. And be it further enacted by the Authority aforeſaid, That no Subject of His Majeſty, His Heirs and Succeſſors, in the Eaſt Indies, ſhall, upon any Contract which ſhall be made from and after the ſaid Firſt Day of Auguſt, One thouſand ſeven hundred and ſeventy-four, take, directly or indirectly, for Loan of any Monies, Wares, Merchandiſe, or other Commodities whatſoever, above the Value of Twelve Pounds for the Forbearance of One hundred Pounds for a Year; and ſo after that Rate for a greater or leſſer Sum, or for a longer or ſhorter Time; and that all Bonds, Contracts, and Aſſurances whatſoever, made after the Time aforeſaid, for Payment of any Principal or Money to be lent or covenanted to be performed upon, or for any Uſury whereupon or whereby there ſhall be reſerved or taken above the Rate of Twelve Pounds in the Hundred, as aforeſaid, ſhall be utterly void: And all and every ſuch Perſon or Perſons whatſoever who

Perſons by Covin accepting Loans, &c. ſhall forfeit

ſhall, after the Time aforeſaid, upon any Contract to be made after the ſaid Firſt Day of Auguſt, One thouſand ſeven hundred and ſeventy-four, take, accept, and receive, by

Way or Means of any corrupt Bargain, Loan, Exchange, Shift, or Intereſt, of any Wares, Merchandiſes, or other Thing or Things whatſoever, or by any deceitful Way or Mean, or by any Covin, Engine, or deceitful Conveyance, for the forbearing or giving Day of Payment for One whole Year, of and for their Money or other Thing, above the Sum of Twelve Pounds for the forbearing of One hundred Pounds for a Year, and ſo after that Rate for a greater or leſſer Sum, or for a longer or ſhorter Term, ſhall forfeit and loſe, for every ſuch Offence, Treble the Value of the Monies, Wares, Merchandiſes, and other Things ſo lent, bargained, exchanged, or ſhifted, with Coſts of Suit, One Moiety whereof ſhall be to the ſaid United Company, and the other Moiety to him or them who will ſue for the ſame in the ſaid Supreme Court of Judicature at Fort William in Calcutta, or in the Mayor's Court in any other of the ſaid United Company's Settlements where ſuch Offence ſhall have been committed, by Action of Debt, Bill, Plaint, or Information, in which no Eſſoin, Wager of Law, or Protection, ſhall be allowed; and in caſe no ſuch Action, Bill, Plaint, or Information, ſhall have been brought and proſecuted with Effect within Three Years, that then it ſhall and may be lawful to and for the Party aggrieved to ſue and proſecute for Recovery of all Sums of Money paid over and above ſuch Rate of Intereſt.

for every Offence, Treble the Value;

One Moiety to go to the Company, and the other to the Proſecutor.

XXXI. And be it further enacted, That no Informer or Plaintiff ſhall or may compound or agree with any Perſon or Perſons that ſhall offend, or ſhall be ſurmiſed to offend, againſt this Act, for any Offence committed, or pretended to be committed, before Anſwer made in the ſaid Supreme Court, unto the Information or Suit in that Behalf exhibited or proſecuted, nor after Anſwer, but by the Order or Conſent of the ſaid Court, on Pain, that if any Perſon or Perſons ſhall offend in making of any Compoſition or Agreement contrary to the true Intent and Meaning of this Act, or ſhall, by Colour or Pretence of Proceſs, or without Proceſs, upon Colour or Pretence of any Matter of Offence againſt this Act, make any Compoſition, or take any Money, Reward, or Promiſe of Reward, for himſelf, or to the Uſe of any other, without Order or Conſent of the ſaid Court; that then, he or they ſo offending, being thereof lawfully convicted, ſhall, for every ſuch Offence, be liable to be fined and impriſoned at the Diſcretion of the ſaid Court.

Perſons making Compoſitions contrary to the Meaning of the Act,

liable to be impriſoned at the Diſcretion of the Court.

XXXII. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of Auguſt, One thouſand ſeven hundred and ſeventy-four, it ſhall not be lawful for any Perſon or Perſons whatſoever, who ſhall have been diſmiſſed from, or ſhall have voluntarily reſigned, the Service of the ſaid United Company, or for any free Merchant, free Mariner, or other Perſon, whoſe Covenants or Agreements with the ſaid United Company for reſiding or trading in India ſhall be expired, from thenceforth to carry on or be in any-wiſe concerned in any Trade, Traffick, Merchandiſe, or Commerce whatſoever, in the Eaſt Indies, other than for the Diſpoſal of his or their Stock in Hand, without the Licence of the ſaid United Company, or the Governor-general and Council of the Preſidency of Fort William in Bengal, or the Preſident and Council at the Place or Settlement where ſuch Perſon or Perſons ſhall reſide for that Purpoſe, firſt had and obtained.

Perſons who may be diſmiſſed the Service, or reſign, *&c.*

not to be concerned in any Traffick, other than for Diſpoſal of Stock in Hand.

XXXIII. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of Auguſt, One thouſand ſeven hundred and ſeventy-four, if any of His Majeſty's Subjects in India, employed by or in the actual Service of the ſaid United Company, ſhall be charged with and proſecuted for any Breach of publick Truſt, or for Embezzlement of publick Money or Stores, or for defrauding the ſaid United Company; every ſuch Offender, being convicted thereof in the ſaid Supreme Court of Judicature, or in any Court of Judicature in any other Preſidency or Settlement in India, may be fined and impriſoned, and adjudged to be for ever after incapable of ſerving the ſaid United Company, at the Diſcretion of the Court before which he ſhall be tried; and immediately after the Sentence of ſuch Court ſhall have been executed and inflicted, ſhall and may be ſent over to England, by ſuch Order, and in ſuch Manner, as is hereinbefore mentioned and directed, unleſs he ſhall remove himſelf within Twelve Months, and in the mean Time give ſufficient Security ſo to do.

Servants of the Company proſecuted for Breaches of Truſt, on Conviction, to be fined or impriſoned at the Diſcretion of the Court.

XXXIV. And be it further enacted by the Authority aforeſaid, That all Offences and Miſdemeanours which ſhall be laid, tried, and enquired of in the ſaid Supreme Court, ſhall be tried by a Jury of Britiſh Subjects reſident in the Town of Calcutta, and not otherwiſe.

Offences to be tried by a Jury of *Britiſh* Subjects.

XXXV. And be it further enacted by the Authority aforeſaid, That after any Judgement of the ſaid Supreme Court of Judicature, or of any Court of Judicature at any of the ſaid United Company's Settlements, againſt any of the ſaid United Company's Servants, Civil or Military, for any Debt or Penalty, due or belonging to the ſaid United Company, ſhall be made known to the Court of Directors for the Time being of the ſaid United Company, it ſhall not be lawful to releaſe or compound ſuch Sentence or Judgement, or to releaſe, diſcharge, or put a Stop to any Proſecution, Suit, or Action, commenced, or to be commenced, for carrying on any illicit Trade, or for any Debt or Penalty due to the ſaid United Company, or to reſtore any Servant or Servants whatever of the ſaid Company, who ſhall have been removed or diſmiſſed from his or their Office or Employment, for or upon Account of any Miſbehaviour, without the Conſent of Three Parts in Four of the ſaid Court of Directors, to be taken by Ballot, and alſo the Conſent of Three Parts in Four in Number of the Proprietors of the ſaid United Company, who ſhall be preſent, and give their Votes by Ballot, to be taken at a general Court to be ſpecially called for that Purpoſe, and of which Fourteen Days publick Notice, at the leaſt, ſhall be given before the holding the ſame, and of the particular Occaſion for which ſuch General Court ſhall be called.

The Company may compound or diſcharge Sentences of the Supreme Court, *&c.*

XXXVI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Governor-general and Council of the ſaid United Company's Settlement at Fort William in Bengal, from Time to Time, to make and iſſue ſuch Rules, Ordinances, and Regulations, for the good Order and Civil Government of the ſaid United Company's Settlement at Fort William aforeſaid, and other Factories and Places ſub-

Governor-general and Council may make ſuch Regulations as may appear juſt;

which ſhall not be valid until duly regiſtered in the Supreme Court.

Appeals may be made to the King in Council, who may repeal ſuch Rules;

and a Copy of all Regulations to be affixed in the *India Houſe*.

ordinate, or to be ſubordinate thereto, as ſhall be deemed juſt and reaſonable, (ſuch Rules Ordinances, and Regulations, not being repugnant to the Laws of the Realm), and to ſet, impoſe, inflict, and levy reaſonable Fines and Forfeitures for the Breach or Non-obſervance of ſuch Rules, Ordinances, and Regulations; but nevertheleſs the ſame, or any of them, ſhall not be valid, or of any Force or Effect, until the ſame ſhall be duly regiſtered and publiſhed in the ſaid Supreme Court of Judicature, which ſhall be by the ſaid new Charter eſtabliſhed, with the Conſent and Approbation of the ſaid Court, which Regiſtry ſhall not be made until the Expiration of Twenty Days after the ſame ſhall be openly publiſhed, and a Copy thereof affixed in ſome conſpicuous Part of the Court-houſe or Place where the ſaid Supreme Court ſhall be held; and from and immediately after ſuch Regiſtry as aforeſaid, the ſame ſhall be good and valid in Law; but, nevertheleſs, it ſhall be lawful for any Perſon or Perſons in India to appeal therefrom to His Majeſty, His Heirs or Succeſſors, in Council, who are hereby impowered, if they think fit, to ſet aſide and repeal any ſuch Rules, Ordinances, and Regulations reſpectively, ſo as ſuch Appeal, or Notice thereof, be lodged in the ſaid new Court of Judicature, within the Space of Sixty Days after the Time of the regiſtering and publiſhing the ſame; and it ſhall be lawful for any Perſon or Perſons in England to appeal therefrom in like Manner, within Sixty Days after the publiſhing the ſame in England; and it is hereby directed and required, that a Copy of all ſuch Rules, Ordinances, and Regulations, from Time to Time, as the ſame ſhall be ſo received, ſhall be affixed in ſome conſpicuous and publick Place in the India Houſe, there to remain and be reſorted to as Occaſion ſhall require; yet nevertheleſs, ſuch Appeal ſhall not obſtruct, impede, or hinder, the immediate Execution of any Rule, Ordinance, or Regulation, ſo made and regiſtered as aforeſaid, until the ſame ſhall appear to have been ſet aſide or repealed, upon the Hearing and Determination of ſuch Appeal.

Governor general and Council to tranſmit Copies of their Rules to One of the Secretaries of State; which, if His Majeſty does not ſignify His Diſallowace of, all have full Force.

XXXVII. Provided always, and be it enacted by the Authority aforeſaid, That the ſaid Governor-general and Council ſhall, and they are hereby required, from Time to Time, to tranſmit Copies of all ſuch Rules, Ordinances, and Regulations, as they ſhall make and iſſue, to One of His Majeſty's principal Secretaries of State for the Time being; and that it ſhall and may be lawful to and for His Majeſty, His Heirs and Succeſſors, from Time to Time, as they ſhall think neceſſary, to ſignify to the ſaid United Company, under His or Their Sign Manual, His or Their Diſapprobation and Diſallowance of all ſuch Rules, Ordinances, and Regulations; and that from and immediately after the Time that ſuch Diſapprobation ſhall be duly regiſtered and publiſhed in the ſaid Supreme Court of Judicature at Fort William in Bengal, all ſuch Rules, Ordinances, and Regulations, ſhall be null and void; but in caſe His Majeſty, His Heirs and Succeſſors, ſhall not, within the Space of Two Years from the making of ſuch Rules, Ordinances, and Regulations, ſignify His or Their Diſapprobation or Diſallowance thereof, as aforeſaid, that then, and in that Caſe, all ſuch Rules, Ordinances, and Regulations, ſhall be valid and effectual, and have full Force.

Governor-general and Council to act as Juſtices of Peace.

XXXVIII. And be it further enacted by the Authority aforeſaid, That the Governor-general and Council for the Time being of the ſaid United Company's Settlement at Fort William aforeſaid, and the Chief Juſtice and other Judges of the ſaid Supreme Court of Judicature, ſhall and may, and they are hereby reſpectively declared to be, and to have full Power and Authority to act as Juſtices of the Peace for the ſaid Settlement, and for the ſeveral Settlements and Factories ſubordinate thereto; and to do and tranſact all Matters and Things which to the Office of a Juſtice or Juſtices of the Peace do belong and appertain; and for that Purpoſe the ſaid Governor-general and Council are hereby authoriſed and impowered to hold Quarter Seſſions within the ſaid Settlement of Fort William aforeſaid, Four Times in every Year, and the ſame ſhall be at all Times a Court of Record.

If the Governor-general, Preſident, *&c.* commit Offences, the ſame may be tried and determined in the Court of *King's Bench*.

XXXIX. And be it further enacted by the Authority aforeſaid, That if any Governor-general, Preſident, or Governor, or Council, of any of the ſaid Company's Principal or other Settlements in India, or the Chief Juſtice, or any of the Judges of the ſaid Supreme Court of Judicature, to be by the ſaid new Charter eſtabliſhed, or of any other Court in any of the ſaid United Company's Settlements, or any other Perſon or Perſons who now are, or heretofore have been employed by or in the Service of the ſaid United Company, in any Civil or Military Station, Office, or Capacity, or who have or claim, or heretofore have had or claimed, any Power or Authority, or Juriſdiction, by or from the ſaid United Company, or any of His Majeſty's Subjects reſiding in India, ſhall commit any Offence againſt this Act, or ſhall have been, or ſhall be guilty of, any Crime, Miſdemeanour, or Offence, committed againſt any of His Majeſty's Subjects, or any of the Inhabitants of India, within their reſpective Juriſdictions, all ſuch Crimes, Offences, and Miſdemeanours, may be reſpectively enquired of, heard, tried, and determined, in His Majeſty'a Court of King's Bench; and all ſuch Perſons ſo offending, and not having been before tried for the ſame Offence in India, ſhall, on Conviction, in any ſuch Caſe as is not otherwiſe ſpecially provided for by this Act, be liable to ſuch Fine or Corporal Puniſhment as the ſaid Court ſhall think fit; and, moreover, ſhall be liable, at the Diſcretion of the ſaid Court, to be adjudged to be incapable of ſerving the ſaid United Company in any Office, Civil or Military; and all and every ſuch Crimes, Offences, and Miſdemeanours, as aforeſaid, may be alleged to be committed, and may be laid, enquired of, and tried in the Connty of Middleſex.

Manner of Procedure in Caſes of Indictments and Informations laid in the *King's Bench*.

XL. And whereas the Proviſions made by former Laws for the hearing and determining in *England* Offences committed in *India* have been found ineffectual, by reaſon of the Difficulty of proving in this Kingdom Matters done there; be it further enacted by the Authority aforeſaid, That in all Caſes of Indictments or Informations, laid or exhibited in the ſaid Court of King's Bench, for Miſdemeanours or Offences committed in India, it ſhall and may be lawful for His Majeſty's ſaid Court, upon Motion to be made on Behalf of the Proſecutor, or of the Defendant or Defendants, to award a Writ or

Writs of Mandamus, requiring the Chief Juſtice and Judges of the ſaid Supreme Court of Judicature for the Time being, or the Judges of the Mayor's Court at Madraſs, Bombay, or Bencoolen, as the Caſe may require, who are hereby reſpectively authoriſed and required accordingly to hold a Court, with all convenient Speed, for the Examination of Witneſſes, and receiving other Proofs concerning the Matters charged in ſuch Indictments or Informations reſpectively; and, in the mean Time, to cauſe ſuch publick Notice to be given of the holding the ſaid Court, and to iſſue ſuch Summons or other Proceſs, as may be requiſite for the Attendance of Witneſſes, and of the Agents or Counſel, of all or any of the Parties reſpectively, and to adjourn, from Time to Time, as Occaſion may require; and ſuch Examination as aforeſaid ſhall be then and there openly and publickly taken viva voce in the ſaid Court, upon the reſpective Oaths of Witneſſes, and the Oaths of ſkilful Interpreters, adminiſtered according to the Forms of their ſeveral Religions; and ſhall, by ſome ſworn Officer of ſuch Court, be reduced into One or more Writing or Writings, on Parchment, in caſe any Duplicate or Duplicates ſhould be required by or on Behalf of any of the Parties intereſted, and ſhall be ſent to His Majeſty, in His Court of King's Bench, cloſed up, and under the Seals of Two or more of the Judges of the ſaid Court, and One or more of the ſaid Judges ſhall deliver the ſame to the Agent or Agents of the Party or Parties requiring the ſame; which ſaid Agent or Agents, (or, in caſe of his or their Death, the Perſon into whoſe Hands the ſame ſhall come), ſhall deliver the ſame to One of the Clerks in Court of His Majeſty's Court of King's Bench, in the publick Office, and make Oath that he received the ſame from the Hands of One or more of the Judges of ſuch Court in India, (or if ſuch Agent be dead, in what Manner the ſame came into his Hands); and that the ſame has not been opened, or altered, ſince he ſo received it, (which ſaid Oath ſuch Clerk in Court is hereby authoriſed and required to adminiſter): And ſuch Depoſitions, being duly taken and returned, according to the true Intent and Meaning of this Act, ſhall be allowed and read, and ſhall be deemed as good and competent Evidence as if ſuch Witneſs had been preſent, and ſworn and examined viva voce at any Trial for ſuch Crimes or Miſdemeanors, as aforeſaid, in His Majeſty's ſaid Court of King's Bench, any Law or Uſage to the Contrary notwithſtanding; and all Parties concerned ſhall be intitled to take Copies of ſuch Depoſitions at their own Coſts and Charges.

Offences againſt this Act committed by the Chief Juſtices or Judges to be determined by the Court of *King's Bench*.

XLI. And be it further enacted by the Authority aforeſaid, That in caſe the ſaid Chief Juſtice or Judges of the ſaid Supreme Court of Judicature, or any of them for the Time being, ſhall commit any Offence againſt this Act, or be guilty of any corrupt Practice, or other Crime, Offence, or Miſdemeanour, in the Execution of their reſpective Offices, it ſhall and may be lawful for His Majeſty's ſaid Court of King's Bench in England, upon an Information or Indictment laid or exhibited in the ſaid Court for ſuch Crime, Offence, or Miſdemeanour, upon Motion to be made in the ſaid Court, to award ſuch Writ or Writs of Mandamus, as aforeſaid, requiring the Governor-general and Council of the ſaid United Company's Settlement at Fort William aforeſaid, who are hereby reſpectively authoriſed and required accordingly to aſſemble themſelves in a reaſonable Time, and to cauſe all ſuch Proceedings to be had and made as are herein-before reſpectively directed and preſcribed concerning the Examination of Witneſſes; and ſuch Examination, ſo taken, ſhall be returned and proceeded upon in the ſame Manner, in all Reſpects, as if the ſeveral Directions herein-before preſcribed and enacted in that Behalf were again repeated.

The Chancellor, or Speaker of the Houſe of Commons, may iſſue Warrants for the Examination of Witneſſes in *India*, which ſhall be deemed competent Evidence to both Houſes of Parliament.

XLII. And be it further enacted by the Authority aforeſaid, That in all Caſes of Proceedings in Parliament, touching any Offences againſt this Act, or any other Offences committed in India, it ſhall and may be lawful for the Lord High Chancellor, or Speaker of the Houſe of Lords, and alſo for the Speaker of the Houſe of Commons, for the Time being, in like Manner, to iſſue his or their Warrant or Warrants to the Governor-general and Council of the ſaid United Company's Preſidency of Fort William, and to the Chief Juſtice and Judges of the ſaid Supreme Court of Judicature, or the Judges of the Mayor's Court at Madraſs, Bombay, or Bencoolen, as the Caſe may require, for the Examination of Witneſſes; and ſuch Examination ſhall be returned to the ſaid Lord High Chancellor, or Speaker of the Houſe of Lords, or to the Speaker of the Houſe of Commons reſpectively, and proceeded upon in the ſame Manner, in all Reſpects, as if the ſeveral Directions herein-before preſcribed and enacted in that Behalf were again particularly repeated; and every ſuch Examination, returned either to the Lord Chancellor, or Speaker of the Houſe of Lords, or to the Speaker of the Houſe of Commons, as aforeſaid, ſhall be deemed good and competent Evidence, and ſhall be allowed and read in both Houſes of Parliament, or either of them reſpectively, as Occaſion may require; any Law or Uſage to the Contrary notwithſtanding.

No Proceedings in Parliament touching Offences in *India*, to be diſcontinued by any Prorogation.

XLIII. And whereas, by the Uſage and Cuſtom of Parliament, no Proceedings by Bill in Parliament have Continuance from One Seſſion to another: And whereas it would be impracticable that the Examination, taken upon ſuch Warrant as aforeſaid, could ever be returned within the ordinary Length of a Seſſion of Parliament; be it enacted by the Authority aforeſaid, That from and after the Firſt Day of November, One thouſand ſeven hundred and ſeventy-three, no Proceedings in Parliament touching any Offence committed, or to be committed, in India, wherein ſuch Warrant as aforeſaid ſhall have been iſſued, ſhall be diſcontinued by any Prorogation or Diſſolution of the Parliament, but that ſuch Proceedings may be reſumed and proceeded upon in a ſubſequent Seſſion, or in a ſubſequent Parliament, in either Houſe of Parliament, in like Manner, to all Intents and Purpoſes, as they might have been in the Courſe of One and the ſame Seſſion; any Law, Uſage, or Cuſtom, to the Contrary notwithſtanding.

Writs of *Mandamus* may be awarded by the Courts at *Weſtminſter*, when the Company commence Suits in Law or Equity there.

XLIV. And whereas His Majeſty's Subjects are liable to be defeated of their ſeveral Rights, Titles, Debts, Dues, Demands, or Suits, for which they have Cauſe ariſing in *India* againſt other Subjects of His Majeſty; now, for preventing ſuch Failure of Juſtice, be it further enacted by the Authority aforeſaid, That when and as often as the ſaid United Company, or any Perſon or Perſons whatſoever, ſhall commence and proſecute any Action or Suit, in Law or Equity, for which Cauſe hath ariſen, or ſhall hereafter ariſe in India, againſt any other Perſon or Perſons whatever, in any of His Majeſty's Courts at Weſtminſter, it ſhall and may be lawful for ſuch Court reſpectively, upon Motion there to be made, to provide and award ſuch Writ or Writs, in the Nature of a Mandamus, or Commiſſion, as aforeſaid, to the Chief Juſtice and Judges of the ſaid Supreme Court of Judicature for the Time being, or the Judges of the Mayor's Court at Madraſs, Bombay, or Bencoolen, as the Caſe may require, for the Examination of Witneſſes, as aforeſaid; and ſuch Examination, being duly returned, ſhall be allowed and read, and ſhall be deemed good and competent Evidence, at any Trial or Hearing between the Parties in ſuch Cauſe or Action, in the ſame Manner, in all Reſpects, as if the ſeveral Directions herein-before preſcribed and enacted in that Behalf were again repeated.

No Depoſitions returned to be Evidence in Caſes not proceeded againſt in Parliament.

XLV. Provided nevertheleſs, and be it enacted, That no ſuch Depoſitions, taken and returned as aforeſaid by virtue of this Act, ſhall be allowed or permitted to be given in Evidence in any capital Caſes, other than ſuch as ſhall be proceeded againſt in Parliament; any Thing in this Act contained to the Contrary notwithſtanding.

The Privileges of the Company, not hereby varied, ſhall remain in Force.

XLVI. And be it further enacted by the Authority aforeſaid, That all and every the Rights, Intereſts, Powers, Privileges, and Authorities, which are now veſted in the ſaid United Company of Merchants trading to the Eaſt Indies, and which are not hereby expreſsly taken away, altered, or varied, ſhall remain to, and continue in, the ſaid Company, in as full and ample a Manner, to all Intents and Purpoſes whatſoever, as if this Act had never been made.

Publick Act.

XLVII. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed and taken to be a Publick Act; of which Notice ſhall be judicially taken by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

C A P. LXIV.

An Act for granting to His Majeſty a Sum of Money to be raiſed by Exchequer Bills; and to be advanced and applied in the Manner, and upon the Terms therein mentioned, for the Relief of the United Company of Merchants of *England* trading to the *Eaſt Indies*.

Preamble.

WHEREAS the United Company of Merchants of *England* trading to the *Eaſt Indies*, do at preſent labour, and have, for ſome Time paſt, laboured under great and unuſual Difficulties in the carrying on of their Affairs, from which it greatly imports the Publick, as well as the ſaid United Company, that they ſhould, as ſpeedily as poſſible, be relieved: And whereas the ſaid Company, finding themſelves under the Neceſſity of applying to Parliament for Relief, did, by their Petition to the Houſe of Commons, make Application for the Loan of One million five hundred thouſand Pounds, or ſo much as ſhould be wanted to be advanced, and repaid in ſuch Manner, and to be attended with ſuch other Conditions and Proviſions as in their ſaid Petition is ſet forth; in conſequence whereof the Houſe of Commons came to ſeveral Reſolutions, ſpecifying the Terms upon which it might be expedient for the Publick to advance to the ſaid United Company the Sum of One million four hundred thouſand Pounds, and the ſeveral Limitations which ought to accompany ſuch Loan: And whereas the ſaid United Company did, by a ſubſequent Petition, declare their Determination to depend on the Laws of their Country, and ſubmit to the temporary Difficulties which may attend the preſent Situation of their Affairs, rather than receive the Loan offered to them upon the Conditions preſcribed: And whereas, in caſe the ſaid Company ſhould not be forthwith aſſiſted by the Publick with the Advance of a conſiderable Sum of Money, they would remain altogether unable to provide for the Payment of their Debts, ſome of which Debts being due to the Publick, and others to the Governor and Company of the Bank of *England*, the Payment thereof could not long be poſtponed without great Prejudice to the publick Service, and Diſadvantage to publick Credit, and yet could not be expedited or ſecured otherwiſe than by the Uſe of ſuch Methods, as muſt be attended with Conſequences the moſt fatal to the ſaid United Company; and foraſmuch as upon Conſideration of the ſeveral Matters before mentioned, it appears abſolutely neceſſary that immediate Proviſion ſhould be made by Parliament for giving Aſſiſtance to the ſaid Company, in ſuch Manner, and upon ſuch Terms, as may be beſt calculated for effecting the Preſervation of the ſaid United Company, and the Re-eſtabliſhment of their Affairs, without leaving it in the Power of the General Court of Proprietors, by withholding their Conſent to the Acceptance of ſuch Aſſiſtance, to expoſe, at once, each ſeparate Proprietor of *Eaſt India* Stock, the Company itſelf, the Creditors of the Company, and the Publick, to all the Miſchiefs which muſt attend the Want of ſuch Aſſiſtance, as aforeſaid: And whereas it hath been reſolved that a Sum, not exceeding One million four hundred thouſand Pounds, be granted to His Majeſty, to be applied for the Purpoſe of relieving the *Eaſt India Company*, and for ſecuring to the Creditors of the ſaid Company a more ſpeedy Satisfaction of their Demands: Now, to the End that no Want or Failure may happen or be made by Reaſon or Means of ſuch Grant, and the Application of the ſame, in the Aids granted, or to be granted, in this Seſſion of Parliament, for defraying the ſeveral publick Services, and for anſwering which the ſaid Aids were, or may be intended to be applied; and, for the better ſupplying the ſaid Sum of One million four hundred thouſand Pounds, and applying the ſame in the moſt effectual Manner for the Purpoſes above mentioned; we Your Majeſty's moſt dutiful and loyal Subjects, the Commons of *Great Britain*, in Parliament aſſembled, do moſt humbly beſeech Your Majeſty that it may be enacted; and be it enacted by the King's

moſt

Commiſſioners of the Treaſury, before *Oct.* 1, 1773, are to cauſe Exchequer Bills, for 1,400,000 *l.* to be applied for Relief of the *Eaſt India Company.*

moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the Commiſſioners of His Majeſty's Treaſury, now and for the Time being, or any Three or more of them, or for the High Treaſurer for the Time being, and he and they reſpectively are hereby authoriſed and impowered, at any Time or Times before the Firſt Day of October, One thouſand ſeven hundred and ſeventy-three, by his or their Warrant or Warrants, to direct, or cauſe to be prepared and made, at the Receipt of His Majeſty's Exchequer, any Number of Exchequer Bills for ſuch Sum or Sums of Money as he or they ſhall think moſt proper and convenient, ſo as all the principal Monies to be contained in the Bills ſo to be made forth by virtue of this Act do not exceed in the Whole the ſaid Sum of One million four hundred thouſand Pounds, (excluſive of any Exchequer Bills that are or may be made forth by virtue of any other Act or Acts paſſed in this Seſſion of Parliament for the publick Service); and the ſaid Exchequer Bills, ſo to be made forth in purſuance of this Act, ſhall bear an Intereſt not exceeding the Rate of Four Pounds per Centum per Annum, and proportionably for any greater or leſs Sum to be contained therein, to be payable to the Bearers thereof reſpectively; which ſaid Exchequer Bills ſhall be made out in the like Manner, Form, and Order, and according to the ſame or like Rules and Directions, as in and by an Act of this preſent Seſſion of Parliament, intituled, An Act for continuing and granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thouſand ſeven hundred and ſeventy-three, are enacted and preſcribed concerning the Exchequer Bills authoriſed to be made forth in purſuance of the ſaid Act.

according to the Rules in the Malt-tax Act, 13 *Geo.* III.

Clauſes in the Malt-tax Act to extend to this Act.

II. And be it further enacted by the Authority aforeſaid, That all and every the Clauſes, Proviſoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Diſabilities, contained in the ſaid laſt-mentioned Act, relating to the Exchequer Bills authoriſed to be made out by the ſame Act, (except ſuch Clauſes as do charge the ſame on the Duties granted and continued by the ſame Act, and except ſuch Clauſes as limit the Rate of Intereſt to be paid for the Forbearance of the Money lent on the Credit of the ſaid Act, and alſo except as is herein-after mentioned), ſhall be applied and extended to the Exchequer Bills to be made forth in purſuance of this Act, as fully and effectually, to all Intents and Purpoſes, as if the ſame Exchequer Bills had been originally authoriſed by the ſaid laſt-mentioned Act, or as if the ſaid ſeveral Clauſes or Proviſoes had been particularly repeated and re-enacted in the Body of this Act.

The Exchequer Bills ſhall not be current till *April* 6, 1779;

nor be exchanged.

III. Provided always, and be it further enacted by the Authority aforeſaid, That no Exchequer Bill or Bills, to be made out by virtue of this Act, ſhall, after the ſame hath or have been iſſued at the Receipt of the Exchequer, be afterwards, at any Time before the Sixth Day of April, One thouſand ſeven hundred and ſeventy-nine, received or taken, or paſs or be current, to any Receiver or Collector in Great Britain, of the Cuſtoms, Exciſe, or any Revenue, Supply, Aid, or Tax whatſoever, due or payable to His Majeſty, His Heirs or Succeſſors, or at the Receipt of the Exchequer, from any ſuch Receiver or Collector, or from any other Perſon or Perſons, Bodies Politick or Corporate, otherwiſe or on any other Account than for the Diſcharge and cancelling of ſuch Bills, in caſe the ſame ſhall be in due Courſe or Order of Payment before the ſaid Sixth Day of April, One thouſand ſeven hundred and ſeventy-nine; nor ſhall any Receiver or Collector exchange, at any Time before the ſaid Sixth Day of April, One thouſand ſeven hundred and ſeventy-nine, for any Money of ſuch Revenues, Aids, Taxes, or Supplies, in his Hands, any Exchequer Bill or Bills which ſhall have been iſſued as aforeſaid, by virtue of this Act; nor ſhall any Action be maintained againſt any ſuch Receiver or Collector for neglecting or refuſing to exchange any ſuch Bill or Bills for ready Money, before the ſaid Sixth Day of April, One thouſand ſeven hundred and ſeventy-nine, any Thing in the ſaid Act made in this Seſſion of Parliament, intituled, An Act for continuing and granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thouſand ſeven hundred and ſeventy-three, or this Act, contained to the Contrary notwithſtanding.

The Exchequer Bills, with the Intereſt, *&c.* to be chargeable on the Monies to be paid into the Exchequer by the *Eaſt India Company.*

IV. And be it further enacted by the Authority aforeſaid, That all ſuch Exchequer Bills, together with the Intereſt, Premium, Rate, and Charges, incident to or attending the ſame, ſhall be, and are hereby charged and chargeable upon, and ſhall be repaid and borne by and out of the Monies to be paid into the Receipt of His Majeſty's Exchequer by the United Company of Merchants of England trading to the Eaſt Indies, in the Manner, and at the Times, herein-after directed and appointed: And in caſe ſuch Monies, ſo to be paid into the ſaid Receipt of the Exchequer, ſhall not be ſufficient to ſatisfy and diſcharge all the principal Monies contained in ſuch Exchequer Bills, together with all the Intereſt, Premium, Rate, and Charges, incident to and attending the ſame, and that ſhall incur and grow due thereupon before the ſaid Sixth Day of April, One thouſand ſeven hundred and ſeventy-nine; then, and in ſuch Caſe, the ſaid Exchequer Bills, or ſuch Part thereof as ſhall remain unſatisfied and uncancelled, together with all the Intereſt due, or to grow due thereupon, and all other Charges and Expences incurred, or to be incurred, in reſpect of the ſame Exchequer Bills, ſhall be charged and chargeable upon, and payable out of, all or any the Aids or Supplies that ſhall or may be granted by Parliament, for the Service of the Year One thouſand ſeven hundred and ſeventy-nine: And, in caſe ſufficient Aids or Supplies for that Purpoſe ſhall not be granted before the Fifth Day of July, One thouſand ſeven hundred and ſeventy-nine, then all the ſaid Exchequer Bills, with the Intereſt, Premium, Rate, and Charges, incident to or attending the ſame, ſhall be, and are hereby charged and chargeable upon ſuch Monies as at any Time or Times at or after the ſaid Fifth Day of July, One thouſand ſeven hundred and ſeventy-nine, ſhall be or remain in the Receipt of the Exchequer, of the Surpluſſes, Exceſſes, Overplus Monies, and other Revenues compoſing the Fund commonly called The Sinking Fund, (except ſuch Monies of the ſaid Sinking Fund as are appropriated to any particular Uſe or Uſes by any Act or Acts of Parliament in that Behalf); and ſuch Monies of the ſaid Sinking Fund ſhall and may be iſſued and applied, as ſoon as the ſame can be regularly ſtated and aſcertained, for and towards paying off, cancelling, and diſcharging, ſuch Exchequer Bills ſo remaining uncancelled and unpaid, together with the Intereſt, Premium, Rate, and Charges, until the Whole of them ſhall be paid off, cancelled, and diſcharged, or Money ſufficient for that Purpoſe be kept and reſerved in the Exchequer, to be payable, on Demand, to the reſpective Proprietors thereof.

Monies iſſued out of the Sinking Fund to be replaced by the firſt Aids granted.

V. Provided always, and be it enacted by the Authority aforeſaid, That whatever Monies ſhall be ſo iſſued out of the ſaid Surpluſſes, Exceſſes, Overplus Monies, and other Revenues compoſing the ſaid Sinking Fund, ſhall, from Time to Time, be replaced by and out of the firſt Aids or Supplies to be then after granted in Parliament.

Governor of the Bank of *England* may advance the Sum of 1,400,000*l.* at the Receipt of Exchequer.

VI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Governor and Company of the Bank of England to advance or lend to His Majeſty, at the Receipt of the Exchequer, upon the Credit of the Exchequer Bills directed to be made forth by virtue of this Act, any Sum or Sums of Money, not exceeding in the Whole the Sum of One million four hundred thouſand Pounds; any Thing in an Act, made in the Fifth and Sixth Years of the Reign of King William and Queen Mary, intituled, An Act for granting to Their Majeſties ſeveral Rates and Duties upon Tonage of Ships and Veſſels, and upon Beer, Ale, and other Liquors, for ſecuring certain Recompences and Advantages in the ſaid Act mentioned to ſuch Perſons as ſhall voluntarily advance the Sum of One million five hundred thouſand Pounds, towards carrying on the War againſt *France*, to the Contrary thereof in any-wiſe notwithſtanding.

Manner in which the Treaſury may iſſue the ſaid Sum for defraying the Debts of the Company.

VII. And foraſmuch as it is moſt immediately neceſſary, as well for the Relief of the ſaid Company as for the Benefit of the publick Service, that certain Debts due from the ſaid Company to the Publick, and certain other Debts due from the ſaid Company to the Governor and Company of the Bank of *England*, ſhould be without Delay diſcharged; it is hereby enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners of the Treaſury now and for the Time being, or any Three or more of them, or the High Treaſurer for the Time being, and he and they is and are hereby authoriſed, directed, and required, to iſſue and apply, or cauſe to be iſſued, paid, and applied, at the Receipt of the Exchequer, the ſaid Sum of One million four hundred thouſand Pounds, (directed by this Act to be raiſed by making forth Exchequer Bills), ſo far as the ſame will extend towards ſatisfying, paying, and diſcharging, ſuch Debts of the ſaid Company, in Manner following; (that is to ſay), That, out of the ſaid Sum of One million four hundred thouſand Pounds, there ſhall, in the Firſt Place, be iſſued and paid to the Receiver-general of His Majeſty's Cuſtoms all ſuch Sum or Sums of Money as are now due and payable to His Majeſty for any Cuſtom-duties, Subſidies, or Impoſitions whatſoever, and ſhall be remaining unpaid by the ſaid United Company; and, in the next Place, there ſhall be iſſued and paid out of the ſaid Sum of One million four hundred thouſand Pounds, the Sum of One hundred and ſeventeen thouſand three hundred and fourteen Pounds, One Shilling and Three-pence, and Seven-twentieth Parts of a Penny, to ſuch Perſon or Perſons as the ſaid Commiſſioners of the Treaſury now or for the Time being, or any Three or more of them, or the High Treaſurer for the Time being, ſhall, by his or their Warrant or Warrants, authoriſe and direct to receive the ſame; which Sum of One hundred and ſeventeen thouſand three hundred and fourteen Pounds, One Shilling and Three-pence, and Seven-twentieth Parts of a Penny, by an Act of the laſt Seſſion of Parliament, was directed to be paid by the ſaid United Company into the Receipt of the Exchequer on or before the Fifth Day of July, One thouſand ſeven hundred and ſeventy-two, to complete the whole of the Monies due to the Publick for making good to the Publick the Deficiency of the Duties on Tea for Four Years, ended the Fifth Day of July, One thouſand ſeven hundred and ſeventy-one; and alſo there ſhall be iſſued and paid unto the ſame Perſon or Perſons the further Sum of Eighty-four thouſand eight hundred and forty-two Pounds, Eight Shillings, and Seven-pence, and Two-fifth Parts of a Penny, to ſatisfy and make good to the Publick the Deficiency of the Duties on Tea on the Fifth Day of July, One thouſand ſeven hundred and ſeventy-two, according to an Account made up and delivered to the Chairman of the ſaid United Company, purſuant to the Directions of the ſaid laſt-mentioned Act; which ſaid Sums of One hundred and ſeventeen thouſand three hundred and fourteen Pounds, One Shilling and Three-pence, and Seven-twentieth Parts of a Penny, and Eighty-four thouſand eight hundred and forty-two Pounds, Eight Shillings and Seven-pence, and Two-fifth Parts of a Penny, making together Two hundred and two thouſand one hundred and fifty-ſix Pounds, Nine Shillings and Ten-pence Three Farthings, are intended to be and ſhall immediately be paid back into the ſaid Receipt of the Exchequer, and ſhall be applied to the ſame Uſes and Purpoſes to which the Duties on Tea paid in there are applicable; which Warrant or Warrants the ſaid Commiſſioners of the Treaſury now or for the Time being, or any Three or more of them, or the High Treaſurer for the Time being, is and are hereby authoriſed and required to make out accordingly.

Manner in which the Remainder of the Sum granted ſhall be applied.

VIII. And whereas there is due and payable from the ſaid United Company to the Publick the further Sum of Two hundred thouſand Pounds, and One hundred and ſixty-nine thouſand three hundred and ninety-eight Pounds, Eighteen Shillings and Two-pence, making together the Sum of Three hundred and ſixty-nine thouſand three hundred and ninety-eight Pounds, Eighteen Shillings and Two-pence, purſuant to an Act, made in the Ninth Year of the Reign of His preſent Majeſty, *For carrying into Execution certain Propoſals made by the Eaſt India Company*, and the ſaid Company being alſo greatly indebted to the Governor and Company of the Bank of *England* for Monies borrowed for the Service of the ſaid United Company; be it therefore enacted by the Authority aforeſaid, That ſo much of the ſaid Sum of One million four hundred thouſand Pounds, as ſhall remain after the full Satiſfaction and Payment of the Monies due and payable to His Majeſty, for the Duties of Cuſtoms, Subſidies, and Impoſitions aforeſaid, and of the ſeveral Sums of One hundred

dred and ſeventeen thouſand three hundred and fourteen Pounds, One Shilling and Three-pence, and Seven-twentieth Parts of a Penny, and Eighty-four thouſand eight hundred and forty-two Pounds, Eight Shillings and Seven-pence, and Two-fifth Parts of a Penny, alſo due from the ſaid Company, to make good the Deficiency of the Duties on Tea, as aforeſaid, ſhall be applied in Manner following; that is to ſay, There ſhall be iſſued and paid to the Governor and Company of the Bank of England the Sum of Six hundred thouſand Pounds, in Part of the Monies due and owing from the ſaid United Company to the ſaid Governor and Company of the Bank of England, and all the Reſt, Reſidue, and Remainder, of the ſaid Sum of One million four hundred thouſand Pounds, after ſatisfying and paying all and every the Sums herein-before directed to be paid thereout, ſhall remain in the Receipt of the Exchequer, for ſupplying the before-mentioned Sums of Two hundred thouſand Pounds, and One hundred and ſixty-nine thouſand three hundred and ninety-eight Pounds, Eighteen Shillings and Two-pence, making together the Sum of Three hundred and ſixty-nine thouſand three hundred and ninety-eight Pounds, Eighteen Shillings and Two-pence, due and payable from the ſaid United Company to the Publick, purſuant to the ſaid Act of the Ninth Year of the Reign of His preſent Majeſty, and ſhall be iſſued, paid, and applied, for and towards ſuch of the publick Services as the ſaid Sums of Two hundred thouſand Pounds, and One hundred and ſixty-nine thouſand three hundred and ninety-eight Pounds, Eighteen Shillings and Two-pence, are or may be applicable to, in the ſame Manner as if ſuch Monies had been actually paid into the ſaid Receipt of the Exchequer by the ſaid United Company, at the Times, and in the Manner, preſcribed and directed by the ſaid Act of the Ninth Year of the Reign of His preſent Majeſty; which ſeveral Sums, ſo payable at the Exchequer purſuant to this Act, ſhall be paid, clear of all Fees, Charges, or Gratuities whatſoever.

How Difficulties are to be prevented in diſcharging the Company of their ſaid Debts.

IX. And be it further enacted by the Authority aforeſaid, That the ſaid United Company of Merchants of England trading to the Eaſt Indies, and their Succeſſors, ſhall, upon the Payment of the ſeveral Sums herein-before directed to be made to the Receiver-general of His Majeſty's Cuſtoms, and into the Receipt of His Majeſty's Exchequer, be fully exonerated, acquitted, and diſcharged, againſt His Majeſty, His Heirs and Succeſſors, for and in reſpect of all and every the Sums herein directed to be paid, and that ſhall be paid purſuant thereto, and from all Writs, Actions, Suits, and Proceedings, for or on account of ſuch Debts, or ſo much of the ſame as ſhall be ſatisfied by ſuch Payments; and alſo of the Sum or Sums hereby intended to be paid at the Receipt of the Exchequer to the Bank of England, in reſpect of the Whole or ſuch Part of the ſaid United Company's Debts as ſhall be ſo diſcharged; and that no Diſpute or Difficulty may ariſe, for or on account of the Monies that ſhall or may be paid to the Bank of England at the Receipt of the Exchequer, in purſuance of this Act, a Certificate ſhall be made forth, aſcertaining the Amount of the Sum or Sums ſo paid, and the Day of Payment of the ſame, which ſhall be ſigned by the Auditor of the ſaid Receipt of the Exchequer, the Clerk of the Pells, and the Teller or Tellers who paid the ſame; and in the Abſence of thoſe Officers, or either of them, by the Deputy or Deputies of ſuch abſent Officer or Officers attending at the ſaid Receipt at the Time of Payment of ſuch Monies; and ſuch Certificate ſhall be made forth and ſigned without Fee or Charge, and ſhall be good and ſufficient Evidence in Law againſt the ſaid Governor and Company of the Bank of England, for and in reſpect of ſuch Sum or Sums ſo paid in Satiſfaction or Diminution of the Debt or Debts due to the Bank of England from the ſaid United Company.

Act 7 Geo. III.

Act 9 Geo. III.

X. And whereas by an Act, paſſed in the Seventh Year of His preſent Majeſty's Reign, intituled, *An Act for taking off the Inland Duty of One Shilling* per *Pound Weight on all Black and Singlo Teas conſumed in* Great Britain; *and for granting a Drawback upon the Exportation of Teas to* Ireland, *and the* Britiſh *Dominions in* America, *for a limited Time, upon ſuch Indemnification to be made in reſpect thereof by the* Eaſt India Company *as is therein mentioned; for permitting the Exportation of Teas in ſmaller Quantities than One Lot to* Ireland, *or the ſaid Dominions in* America; *and for preventing Teas ſeized and condemned from being conſumed in* Great Britain; it is enacted, That in caſe the ſaid United Company, or their Succeſſors, ſhould make Failure in any of the Payments directed by the ſaid Act to be made into the Receipt of His Majeſty's Exchequer, in the Manner, or on or before the reſpective Times therein limited for that Purpoſe; that then, as often as the Caſe ſhould happen, the Money, whereof ſuch Failure in Payment ſhould be made, ſhould be recovered to His Majeſty's Uſe, in the Manner therein mentioned; and that there ſhould be further recovered to His Majeſty's Uſe, againſt the ſaid United Company, Damages after the Rate of Twelve Pounds *per Centum per Annum*, for the reſpective Monies ſo unpaid contrary to the ſaid Act, with full Coſts of Suit; and the ſaid United Company, and their Succeſſors, and all their Stock, Funds, and all other their Eſtate and Property whatſoever and whereſoever, are thereby made ſubject and liable to the Payment of ſuch Monies, Damages, and Coſts: And whereas by another Act of Parliament, paſſed in the Ninth Year of the Reign of His preſent Majeſty, intituled, *An Act for carrying into Execution certain Propoſals made by the* Eaſt India Company *for the Payment of the annual Sum of Four hundred thouſand Pounds for a limited Time, in reſpect of the Territorial Acquiſitions and Revenues lately obtained in the* Eaſt Indies, it is enacted, That the United Company of Merchants of *England* trading to the *Eaſt Indies*, and their Succeſſors, ſhould advance and pay into the Receipt of His Majeſty's Exchequer, for His Majeſty's Uſe, the Sum of Four hundred thouſand Pounds *per Annum*, for and during the Term of Five Years, to be computed from the Firſt Day of *February*, One thouſand ſeven hundred and ſixty-nine, by Half-yearly Payments of Two hundred thouſand Pounds each, which Payments are directed to be paid at the Times therein mentioned; and in caſe the ſaid United Company ſhould make Failure in any of the ſaid Payments thereby directed to be made into the Receipt of His Majeſty's Exchequer, on or before the reſpective Times therein limited; that then, and as often as the Caſe ſhould happen, the Money, whereof ſuch Failure in Payment ſhould be made, ſhould and might be recovered to His Majeſty's Uſe, in the Manner therein mentioned; and that there ſhould be further recovered, to His Majeſty's Uſe, againſt the ſaid United Company, Damages after the Rate of Fifteen Pounds *per Centum per Annum*, for the Monies ſo unpaid, contrary to the ſaid Act, together with Full Coſts of Suit; and the ſaid United Company, and their Succeſſors, and all their Stock, Funds, and all other their Eſtates and Property whatſoever, are thereby made liable to the Payment of all ſuch Monies, Damages, and Coſts: And whereas the ſeveral Deficiencies of the Duties upon Tea, and alſo of the ſaid annual Sum of Four hundred thouſand Pounds, whereof any Failure of Payment hath been made by the ſaid United Company, will be paid and made good to the Publick, under the Proviſions of this preſent Act; and it is expedient, in the preſent Situation of the ſaid United Company's Affairs, that they ſhould be indemnified againſt all Damages which may have been incurred, or which may be recoverable againſt them, under either of the ſaid laſt-recited Acts, by Means of their Failure in making ſuch Payments at the Times therein reſpectively preſcribed and directed; be it therefore enacted by the Authority aforeſaid, That from and after the Payment into the Receipt of His Majeſty's Exchequer of the ſeveral Sums of Money herein-before directed to be paid, in Diſcharge of the ſeveral principal Sums due from the ſaid United Company, under the ſaid recited Acts, or either of them, the ſaid United Company, and their Succeſſors, ſhall be, and they are hereby declared to be, from thenceforth fully and abſolutely freed, exonerated, and diſcharged, of and from all Damages and Coſts which they the ſaid United Company may have incurred, or which may be recoverable againſt them, by means or on account of any Failure in Payment of any of the ſaid principal Sums reſpectively, by the ſaid recited Acts, or either of them, directed to be paid, as therein mentioned.

After Payment of the Sum mentioned, the Company ſhall be indemnified againſt Damages in the ſaid Acts.

Application of the Revenues of the Company till their Debt be reduced.

XI. And whereas, in the preſent Circumſtances of the *Eaſt India Company*, it will not be in their Power to provide for the Repayment of ſuch Loan as aforeſaid, and for eſtabliſhing their Affairs upon a more ſecure Foundation for the Time to come, unleſs the Publick ſhould agree to forego, for the preſent, all Participation in the Profits ariſing from the Territorial Acquiſitions and Revenues lately obtained in the *Eaſt Indies*, in order that Proviſion be made by Parliament for applying as well the whole of the Profits ariſing from the ſaid Territorial Acquiſitions and Revenues, as all the Revenue and Profits of the Company, after providing for certain neceſſary Payments and Deductions to be made thereout, to the Repayment of the ſaid Sum of One million four hundred thouſand Pounds, and to the Reduction of the Company's Bond Debt; be it therefore enacted by the Authority aforeſaid, That until the ſaid Sum of One million four hundred thouſand Pounds ſhall have been repaid, and the Bond Debt of the ſaid Company be reduced to the Sum of One million five hundred thouſand Pounds, the whole clear Profits ariſing from the ſaid Territorial Acquiſitions and Revenues, after defraying the Charges and Expences attending the ſame, together with all the clear Revenue and Profits of the ſaid Company, after providing for the current Payments of Intereſt, and other Outgoings, Charges, and Expences, of the ſaid Company, ſhall, from Time to Time, be diſpoſed of and applied in Manner following; that is to ſay, Until the Whole of the Money ſo advanced and applied as aforeſaid ſhall have been repaid, it ſhall and may be lawful, out of the ſaid clear Revenues and Profits, to ſet apart and apply, in the Firſt Place, ſuch Sum as may be ſufficient for anſwering a Dividend to the Proprietors of the Stock of the ſaid Company, not exceeding the Rate of Six Pounds per Centum per Annum, upon the Capital Stock of the ſaid Company, and all the Surplus of the ſaid clear Revenues and Profits ſhall be applied in Diminution of the ſaid Sum of One million four hundred thouſand Pounds, or ſuch Part thereof as ſhall be remaining unpaid, and for defraying the Charges incurred in reſpect thereof; and after the Repayment of the Whole of the Money ſo advanced and applied as aforeſaid, and until the Bond Debt of the ſaid Company ſhall be reduced to the Sum of One million five hundred thouſand Pounds, it ſhall and may be lawful, in the like Manner, to ſet apart and apply, in the Firſt Place, out of the ſaid clear Revenues and Profits, ſuch Sum as may be ſufficient for anſwering a Dividend not exceeding the Rate of Seven Pounds per Centum per Annum upon the Capital Stock of the ſaid Company; after which, all the Surplus of the ſaid clear Revenues and Profits ſhall be applied in reducing the Bond Debt of the ſaid Company.

Surplus of their clear Revenue to be applied in Diminution of their Debt.

XII. And be it further enacted by the Authority aforeſaid, That until the ſaid Sum of One million four hundred thouſand Pounds, ſo advanced as aforeſaid, ſhall have been repaid, the ſaid United Company ſhall, from Time to Time, pay, or cauſe to be paid, into the Receipt of His Majeſty's Exchequer, by Half-yearly Payments, ſuch Surplus of the clear Revenue and Profits of the Company as is herein-before directed to be applied in Diminution of the ſaid Sum of One million four hundred thouſand Pounds, or ſuch Part thereof as ſhall be remaining unpaid, and for defraying the Charges incurred in reſpect thereof, to be applied, in the Firſt Place, for anſwering and paying all ſuch Intereſt, Premium, Rate, and Charges, as ſhall have grown due in reſpect of the Exchequer Bills made out, iſſued, and circulated, as aforeſaid; and, in the next Place, as far as the ſame will extend, for paying off, cancelling, and diſcharging, ſuch of the ſaid Exchequer Bills as ſhall then remain uncancelled.

Statements of the Company's Debts to be made up every Half Year.

XIII. And be it further enacted by the Authority aforeſaid, That, during the Continuance of this Act, the ſaid United Company do, and they are hereby directed and required, to cauſe to be made up, Half-yearly, with as much Accuracy as the Nature of the Caſe will admit, a Statement or Account of the Profit and Loſs upon the Whole of the Trade and Revenues of the ſaid Company, together with a State of the Debts of the ſaid Company in England, excluſive of their Bond Debt, to the Firſt Day of March and the Firſt Day of September, in every Year; the Firſt of ſuch Statements or Accounts to be made up from the Firſt Day of September, One thouſand ſeven hundred and ſeventy-three, to the Firſt Day of March, One thouſand ſeven hundred and ſeventy-four; and to tranſmit ſuch Statement or Account, fairly written, and ſigned by Two or more of the Directors of the ſaid United Company, within Twenty-one Days after the

Day to which ſuch Statement or Account ſhall be made up reſpectively, to the Commiſſioners of His Majeſty's Treaſury, or the High Treaſurer for the Time being.

Company ſhall not bind themſelves with Bills of Exchange, without the Conſent of the Treaſury.

XIV. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, and until the ſaid Sum of One million four hundred thouſand Pounds ſhall be repaid, it ſhall not be lawful for the ſaid United Company, or their Succeſſors, or any of their Officers or Servants on their Account, to accept, or otherwiſe bind the ſaid Company, or their Succeſſors, for the Payment of any Bill or Bills of Exchange drawn by any of their Officers or Servants at any of their Preſidencies in the Eaſt Indies, for any Sum exceeding the Sum of Three hundred thouſand Pounds, excluſive of Certificates to the Amount of Five thouſand Pounds to the Commanders and Officers of each of the Company's Ships, in the Space of any One Year, without the Conſent or Order firſt had and obtained of the Commiſſioners of His Majeſty's Treaſury now and for the Time being, or any Three or more of them, or of the High Treaſurer for the Time being, who are hereby reſpectively authoriſed to give ſuch Conſent, or to make ſuch Order thereon, as they ſhall judge expedient; and every Acceptance or Engagement made, contrary to the true Intent and Meaning of this Act, ſhall be null and void to all Intents and Purpoſes.

Amount of Merchandiſe which ſhall be exported yearly by the Company.

Security to be given to the Treaſury for the due Exportation thereof.

XV. And be it further enacted by the Authority aforeſaid, That, during the Term of Two Years, to be computed from the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-three, the ſaid United Company, or their Succeſſors, ſhall, and are hereby required, to export from Great Britain, in each and every Year, during ſuch Term, to the Britiſh Settlements, within the Limits preſcribed by the ſaid Company's Charter for their carrying on an excluſive Trade in the Eaſt Indies, or elſewhere, upon the Account of the ſaid Company, or their Succeſſors, in their Courſe of Trade, excluſive of what may be exported by their Servants or private Traders, licenſed by the ſaid Company, or their Succeſſors, ſuch Goods and Merchandiſes of the Growth, Produce, or Manufacture, of Great Britain, as ſhall amount in Value to the Sum of Three hundred and eighty thouſand eight hundred and thirty-ſeven Pounds, in each and every ſuch Year; but the Amount of the Value of the Military and Naval Stores ſo exported ſhall not be eſteemed or reckoned as Part of the ſaid Sum of Three hundred eighty thouſand eight hundred and thirty-ſeven Pounds per Annum; and the ſaid Company, or their Succeſſors, ſhall, on or before the Firſt Day of June, One thouſand ſeven hundred and ſeventy-four, and on or before the Firſt Day of June, One thouſand ſeven hundred and ſeventy-five, give Security, by Bond, to His Majeſty, His Heirs and Succeſſors, under the Common Seal of the ſaid Company, or of their Succeſſors, in the penal Sum of Double the ſaid Sum of Three hundred eighty thouſand eight hundred and thirty-ſeven Pounds, for the due Exportation of the ſaid Goods and Merchandiſes annually, to the Amount of the ſaid Sum of Three hundred eighty thouſand eight hundred and thirty-ſeven Pounds, according to the real Value of ſuch Goods and Merchandiſes in this Kingdom at the Time of ſuch Exportation, or of the Purchaſe thereof, by or on the Behalf of the ſaid Company, or their Succeſſors; which Security the High Treaſurer, or the Commiſſioners of His Majeſty's Treaſury for the Time being, or any Three or more of ſuch Commiſſioners, is or are hereby authoriſed to take; and the ſaid Company, or their Succeſſors, ſhall, on or before the Thirty-firſt Day of October, One thouſand ſeven hundred and ſeventy-four, and on or before the Thirty-firſt Day of October, One thouſand ſeven hundred and ſeventy-five, deliver to the ſaid High Treaſurer, or Commiſſioners, an Account, in Writing, ſigned by Two or more of the Directors of the ſaid Company for the Time being, ſpecifying the particular Goods and Merchandiſes which ſhall have been ſo exported in every ſuch Year, in purſuance of and according to the true Intent and Meaning of this Act, with the ſaid true and real Values of ſuch Goods and Merchandiſes, with the Names of the Ships in which the ſame were reſpectively ſo exported; and which Account ſhall be verified, on Oath, made before any One Juſtice of the Peace, (which Oath ſuch Juſtice is hereby authoriſed and required to adminiſter), by the proper Officers or Servants of the ſaid Company, or their Succeſſors, who ſhall keep their Books for the Entry of Goods outwards, to the beſt of their Knowledge; and if it ſhall appear, to the Satisfaction of the ſaid High Treaſurer, or Commiſſioners, that Goods and Merchandiſes ſhall have been, agreeably to the Directions of this Act, exported as aforeſaid in the reſpective Year, in relation whereto each Bond ſhall have been ſo given, then, in each and every ſuch Caſe, the ſaid High Treaſurer, or Commiſſioners, ſhall cauſe ſuch Bond to be delivered up; but in caſe no ſuch Account ſhall be delivered as herein-before mentioned, or if it ſhall appear that the ſaid Goods and Merchandiſes exported within the Term mentioned in any ſuch Bond ſhall not have amounted to ſuch Value as aforeſaid, or that any ſuch Account ſhall appear not to be truly made, it ſhall and may be lawful for the ſaid High Treaſurer, or Commiſſioners, to cauſe each and every ſuch Bond to be proſecuted according to Law, unleſs he or they ſhall find ſufficient Cauſe to forbear the ſame.

Exceſs in One to be allowed in the ſucceeding Year.

XVI. Provided always, and be it enacted by the Authority aforeſaid, That in caſe the ſaid Company, or their Succeſſors, ſhall, in any One of the ſaid Two Years export, or cauſe to be exported, ſuch Goods and Merchandiſes, of the Growth, Produce, or Manufacture of Great Britain, exceeding in Value the Sum of Three hundred eighty thouſand eight hundred and thirty-ſeven Pounds; then, and in ſuch Caſe, the ſaid Exceſs ſhall, from Time to Time, be taken into the Account of the Exports of ſuch Goods and Merchandiſes by the ſaid Company, or their Succeſſors, in and for the next ſucceeding Year, and ſhall be allowed and conſidered as Part thereof.

CAP. LXV.

An Act for explaining Two Acts, made in the Eleventh Year of the Reign of King *George* the Firſt, and the Thirtieth Year of the Reign of His late Majeſty, in relation to the Stamp-duties upon News-papers.

Preamble. Act 11 *Geo.* I. and Act 30 *Geo.* II. recited.

WHEREAS by an Act of Parliament, made in the Eleventh Year of the Reign of His Majeſty King *George* the Firſt, after reciting, amongſt other Things, that the Authors or Printers of ſeveral Journals, Mercuries, and other News-papers, did, with an Intent to defeat the Payments of the Duties therein mentioned, and in Defraud of the Crown, ſo contrive as to print their ſaid Journals and News-papers on One Sheet and a Half Sheet of Paper each, and by that Means they did neither pay the Duties of One Penny for each Sheet, nor a Halfpenny for the Half Sheet, as by Law they ought to have done, but entered them as Pamphlets, and paid only Three Shillings for each Impreſſion thereof, whereby His Majeſty had been much injured in His Revenue, and the Printers of other News-papers, who did regularly pay the ſaid Duties, were great Sufferers; it was enacted and declared, That ſuch Journals, Mercuries, and News-papers, ſo printed on One Sheet and Half Sheet of Paper, ſhould not, for the future, be deemed or taken as Pamphlets to be entered, and to pay only Three Shillings for each Impreſſion thereof: And it was alſo further enacted, That, from and after the Twenty-fifth Day of *April*, One thouſand ſeven hundred and twenty-five, the following Duties ſhould be paid to His Majeſty, His Heirs and Succeſſors, upon every Journal, Mercury, or other publick News-papers, which ſhould be printed and publiſhed in *Great Britain*; that is to ſay, For every Sheet of Paper on which any Journal, Mercury, or other News-papers whatſoever, ſhould be printed, a Duty of One Penny Sterling; and for every Half Sheet thereof the Sum of One Halfpenny Sterling; as by the ſaid recited Act, relation being thereunto had, may more fully and at large appear: And whereas by another Act of Parliament, made in the Thirtieth Year of the Reign of His late Majeſty King *George* the Second, an additional Duty of One Halfpenny was impoſed upon every News-paper, or Paper containing publick News, Intelligence, or Occurrences, printed in *Great Britain*, to be diſperſed and made publick, whether the ſame be contained in Half a Sheet, or any leſs Piece of Paper, or in any Paper larger than Half a Sheet, and not exceeding One whole Sheet, over and above all other Rates and Duties: And whereas Doubts have ariſen whether Journals, Mercuries, Chronicles, or other News-papers, printed on more than on One Sheet and a Half of Paper might not be entered as Pamphlets, and pay only Three Shillings for each Impreſſion thereof, inſtead of the Duty chargeable on every Sheet of each Copy thereof; and certain Printers and Publiſhers of Journals, Mercuries, Chronicles, and other News-papers, have increaſed the Number of Sheets on which the ſame have been printed, with an Intent to evade the Payment of the ſaid Duties, and in Fraud of His Majeſty's Revenue: For Remedy whereof, **be it enacted and declared by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That**

Duties of the before-recited Acts continued by this Act.

the ſaid herein-before recited Acts of Parliament, and the Duties thereby granted on Journals, Mercuries, and other publick News-papers, were meant and intended, and do accordingly extend to, and charge with, the ſaid Duties reſpectively, every Sheet, and every Half Sheet of Paper, on which any Journal, Mercury, Chronicle, or other publick News-paper, or Paper containing publick News, Intelligence, or Occurences, were or ſhall be printed, whether ſuch Journals, Mercuries, Chronicles, or other publick News-papers, or Papers containing publick News, Intelligence, or Occurences, were or ſhall be contained in a greater or leſs Number of Sheets or Half Sheets of Paper; any Thing in the ſaid recited Acts, or any other Act of Parliament, to the Contrary thereof in any-wiſe notwithſtanding.

CAP. LXVI.

An Act for raiſing a certain Sum of Money by Loans, or Exchequer Bills, for the Service of the Year One thouſand ſeven hundred and ſeventy-three.

CAP. LXVII.

An Act for laying an additional Duty on Paper printed, painted, or ſtained, in foreign Parts, imported into this Kingdom.

Preamble. Act 3 *Ed.* IV.

Act 1 *Ric.* III.

WHEREAS by an Act of Parliament, made in the Third Year of the Reign of King *Edward* the Fourth, (intituled, *Certain Merchandiſes not lawful to be brought ready-wrought into this Realm)*, amongſt ſeveral other Articles therein mentioned, any painted Wares are prohibited to be brought into this Realm, to be uttered and ſold within the ſame; and by another Act, made in the Firſt Year of the Reign of King *Richard* the Third, (intituled, *Certain Merchandiſes prohibited to be brought ready-wrought into this Realm)*; it is, amongſt other Things, ordained and provided, That no Merchant Stranger ſhall bring into this Realm to be ſold any Manner of painted Papers: And whereas, notwithſtanding the ſaid recited Acts, great Quantities of Paper painted in foreign Parts have been clandeſtinely brought and imported into this Kingdom, and privately run on Shore and ſold here; and there is great Reaſon to believe that ſeveral Parcels of ſuch painted Paper, which, upon Importation, have been entered for private Uſe, and paid the Duties impoſed by Law upon painted Paper ſo imported, have nevertheleſs afterwards been ſold and diſpoſed of in this Kingdom, to the great Prejudice of the Paper Stainers and Artificers in that Branch of Buſineſs here: And whereas all Paper, printed, painted, or ſtained, in *Great Britain*, is liable to an additional Duty of One Penny Halfpenny for every Yard Square, which Duty is not chargeable upon the Importation of Paper, printed, painted, or ſtained, in foreign Parts; and it may tend to diſcourage the clandeſtine and illegal Importation and Sale of foreign painted Paper, and to encourage the Manufacture of painted Paper in this Kingdom, if the Importation of ſuch Paper to be ſold here was permitted, ſubject to the like additional Duty as is charged upon ſuch Paper, printed, painted, or ſtained, in this Kingdom; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of Auguſt, One thouſand ſeven hundred and ſeventy-three, it ſhall and may be lawful for any Perſon or Perſons whatſoever, to import into this Kingdom, by way of Merchandiſe, and to utter and ſell the ſame here, any Sort of Paper, printed, painted, or ſtained, in foreign Parts; any Thing in the before-recited Acts, or any other Act or Acts to the Contrary notwithſtanding.

After *Auguſt* 1, 1773, Paper printed or ſtained may be imported and ſold.

II. And it is hereby further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of Auguſt, One thouſand ſeven hundred and ſeventy-three, all Paper, printed, painted, or ſtained, in foreign Parts, and imported into this Kingdom, over and above the Cuſtoms, Subſidies, and Duties, already impoſed thereupon, ſhall be charged with and liable to pay a further Duty of One Penny Halfpenny for every Yard Square thereof, and in that Proportion for any greater or leſs Quantity of ſuch Paper; which ſaid additional Duty ſhall be raiſed, levied, and recovered, and paid, by the ſame Rules and Regulations, and under ſuch Penalties and Forfeitures, as the former Duties payable upon the Importation of ſuch Paper are by any Law now in Force, raiſed, levied, recovered, and paid; and the ſame ſhall be applied and appropriated to the ſame Uſes and Purpoſes, and in the ſame Proportions, as the new Duties impoſed upon painted Paper imported into this Kingdom, by Two Acts of Parliament, made in the Tenth and Twelfth Years of the Reign of Queen Anne, are applied and appropriated.

Duty of One Penny Halfpenny to be impoſed *per* Yard on all Paper imported.

III. Provided always, and it is hereby further enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to charge any Paper with the additional Duty by this Act granted, which ſhall be printed, painted, or ſtained, in the Eaſt Indies, and imported from thence by the United Company of Merchants of England trading thither, or Perſons licenſed by them; any Thing herein-before contained to the Contrary notwithſtanding.

Not to extend to affect the *Eaſt India Company*.

CAP. LXVIII.

An Act to impower the Magiſtrates therein mentioned to ſettle and regulate the Wages of Perſons employed in the Silk Manufacture within their reſpective Juriſdictions.

Preamble.

WHEREAS it would be for the Benefit of Perſons employed in the Silk Manufacture, if the Magiſtrates were impowered to ſettle, between the Maſter Weavers and their Journeymen, the Price of Labour in the ſeveral Branches of the ſaid Manufacture, be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of July, One thouſand ſeven hundred and ſeventy-three, the Wages and Prices for Work of the Journeymen Weavers within the City of London ſhall be ſettled, regulated, and declared, by the Lord Mayor, Recorder, and Aldermen, of the ſaid City; and in all Places in the County of Middleſex, by the Juſtices of the Peace for the ſaid County; and in all Places within the City and Liberty of Weſtminſter, at the General Quarter Seſſions of the Peace holden in and for the ſaid City and Liberty; and in all Places within the Liberty of the Tower of London, at the General Quarter Seſſions of the Peace holden in and for the ſaid Liberty, at their General Quarter Seſſions of the Peace reſpectively; and the Lord Mayor, Recorder, and Aldermen, of the City of London, and the ſaid Juſtices of the Peace, are hereby reſpectively authoriſed and impowered, from Time to Time, upon Application being made to them for that Purpoſe, to ſettle, regulate, order, and declare, the Wages and Prices of Work of the Journeymen Weavers working within their reſpective Juriſdictions, as aforeſaid; and ſhall and may, within the Space of Fourteen Days next after the making every ſuch Order, cauſe the ſame to be printed and publiſhed, at the reaſonable Expence of the Perſon or Perſons applying for the ſame, Three Times, in any Two daily News-papers publiſhed in London, or Weſtminſter; which Publication ſhall be deemed and allowed to be ſufficient Notice and Publication thereof; and from and after Publication thereof, all Weavers, and their Journeymen, are hereby ſtrictly required to obſerve the ſame.

After *July* 1, 1773, the Wages of Journeymen Weavers within *London* to be ſettled by the Lord Mayor, *&c.*;

and in *Middleſex* and *Weſtminſter*, &c. by the Juſtices of the Peace.

Orders to be publiſhed in Two News-papers Three Times, at the Expence of Perſons applying for the ſame.

II. And be it further enacted, That if, after the ſaid Firſt Day of July, One thouſand ſeven hundred and ſeventy-three, any Maſter Weaver within either of the aforeſaid Diſtricts ſhall give more or leſs Wages, or pay larger or leſs Prices, to any of the Journeymen Weavers aforeſaid, for their Work, than ſhall be ſettled or allowed as aforeſaid, and ſhall be convicted of the ſaid Offences before any Two of His Majeſty's Juſtices of the Peace within either of the Diſtricts or Juriſdictions aforeſaid where the ſaid Offence ſhall be committed, on the Oath or Oaths of One or more credible Witneſs or Witneſſes, he ſhall forfeit the Sum of Fifty Pounds; to be levied by Diſtreſs and Sale of the Offender's Goods; and the ſaid Penalty, when recovered, ſhall be paid into the Hands of the Maſter of the Weavers Company, firſt deducting the Expence of ſuch Proſecution, to be diſtributed by him, in Conjunction with the Wardens of the ſaid Company, to any diſtreſſed Journeymen Weavers, or their Families, who ſhall have been laſt employed in either of the aforeſaid Juriſdictions, at their Diſcretion.

Maſter Weavers giving more or leſs Wages than ſhall be ſettled, on Conviction, to forfeit 50*l*.

Penalty how to be applied.

III. And be it further enacted, That if any Journeyman Weaver or Weavers within the Diſtricts aforeſaid ſhall aſk, receive, or take, more or leſs Wages, or larger or leſs Prices for their Work, than ſhall be ſettled by the reſpective Quarter Seſſions, as aforeſaid; or ſhall enter into any Combination to raiſe the Wages or Prices of the ſaid Work, or for this Purpoſe ſhall decoy, ſolicit, or intimidate, any Journeyman or Jour-

Journeymen Weavers taking more or leſs Wages than ſhall be ſettled, or entering into Combinations, *&c.* ſhall forfeit 40*s*.

neymen Weavers within the Diſtricts aforeſaid, ſo that he or they quit their Maſters, for whom they ſhall then be employed; or ſhall aſſemble themſelves in any Numbers exceeding the Number of Ten, in order to frame or deliver Petitions or other Repreſentations, touching their Wages or Prices of Work, except to the ſaid Juſtices of the Peace, or to the Lord Mayor, Recorder, and Aldermen, of the City of London, at their reſpective Quarter Seſſions, and ſhall be convicted of any of the ſaid Offences, on the Oath or Oaths of One or more credible Witneſs or Witneſſes, before any Two or more of His Majeſty's Juſtices of the Peace, within either of the Diſtricts or Juriſdictions aforeſaid where the Offence ſhall be committed, ſhall forfeit a Sum not exceeding Forty Shillings: And if the ſaid Forfeiture be not immediately paid, it ſhall and may be lawful for the ſaid Juſtices to commit the ſaid Offender to the Houſe of Correction, to hard Labour, for any Time not exceeding Three Months; the ſaid Forfeiture, when recovered, to be applied in the ſame Manner as the Forfeiture of Fifty Pounds afore mentioned.

Penalties not being immediately paid, Offenders to be committed.

Juſtices, on Suſpicion of Offences committed, may iſſue Summonſes neceſſary for Evidence.

Perſons refuſing to attend, Juſtices may iſſue their Warrant;

or attending and refuſing to be examined, may be committed.

IV. And be it further enacted, That it ſhall and may be lawful for any Two Juſtices of the Peace, within the Limits and Juriſdictions aforeſaid, on Information upon Oath made before them by any Perſon or Perſons whatſoever, that there is reaſon to ſuſpect that any Maſter or Journeyman Weaver, within the Diſtricts or Juriſdictions aforeſaid, hath been guilty of any of the Offences aforeſaid, at Requeſt of ſuch Information, to iſſue their Summons, in Writing, ſigned by any ſuch Two Juſtices, requiring any Clerk, Foreman, Apprentice, Servant, or other Perſon or Perſons employed or retained by ſuch Perſon ſo ſuſpected to have offended, or any other Perſon or Perſons whatſoever, whoſe Attendance ſhall appear neceſſary for the Purpoſe of giving Evidence in the Premiſes, to attend and teſtify concerning the Premiſes: And if any Perſon ſo ſummoned ſhall not attend, and Proof ſhall be made of the Service of ſuch Summons, either perſonally, or by leaving the ſame at the laſt or uſual Place of Abode of ſuch Perſon, it ſhall be lawful for ſuch Two Juſtices, or any other Two Juſtices of the Peace acting for ſuch County or Place, and they are hereby required (unleſs a reaſonable Excuſe be made for ſuch Nonattendance to the Satiſfaction of ſuch Juſtices) to iſſue their Warrant, under their Hands and Seals, for the apprehending and bringing him or her before them, or ſome other Two or more Juſtices of the Peace acting for ſuch County or Place, to be examined touching the Premiſes; and if any ſuch Perſon ſo attending, or being brought before ſuch Juſtices, ſhall refuſe to be examined or give their Teſtimony touching the Premiſes, ſuch Perſon ſhall by the ſaid Juſtices be committed to the Houſe of Correction for One Month, there to remain, unleſs he or ſhe ſhall ſooner ſubmit to be examined and give Teſtimony, as the Law requires.

Maſter Weavers within the Limits employing Journeymen beyond the Limits, with Deſign to elude this Act, &c. to forfeit 50*l.*

Forfeitures how to be applied.

V. And be it further enacted, That if any Maſter Weaver, reſiding within the Limits aforeſaid, ſhall, directly or indirectly, in any Manner whatſoever, retain or employ any Journeyman Weaver out of or beyond the Limits aforeſaid, with Intent or Deſign to elude or evade this Act, or ſhall give, allow, or pay, or cauſe to be given, allowed, or paid, to ſuch Journeyman, any more or leſs Wages than ſhall be ſettled, as aforeſaid, every ſuch Perſon ſhall, for every ſuch Offence, forfeit Fifty Pounds; to be ſued for by Action of Debt, in any of His Majeſty's Courts of Record at Weſtminſter, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed, and wherein the ordinary Coſts of the Suit ſhall be paid; One Moiety of which ſaid Forfeiture, when recovered, ſhall belong and be paid to His Majeſty and His Succeſſors, and the other Moiety to the Perſon who ſhall ſue for the ſame.

Not to fix the Wages of Foremen.

VI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to fix, controul, or regulate, the Wages or Allowances to be paid to Servants in the ſaid Buſineſs of a Weaver, bona fide retained and employed as Foremen.

No Silk Weavers reſiding within the Diſtricts aforeſaid to have more than Two Apprentices at One Time, under Penalty of 20*l.*

Penalty to be applied as aforeſaid.

VII. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, no Perſon or Perſons, being Silk Weavers, reſiding within the Diſtricts aforeſaid, ſhall have in his or their Service at any One Time more than Two Apprentices, upon Pain of forfeiting for every Offence the Sum of Twenty Pounds; to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, upon Conviction, on the Oath or Oaths of One or more credible Witneſs or Witneſſes before Two Juſtices of the Peace within either of the Juriſdictions aforeſaid where the ſaid Offence ſhall be committed; and the ſaid Penalty, when recovered, ſhall be paid into the Hands of the Maſter of the Weavers Company, to be applied by him, as aforeſaid; and the ſaid Juſtices are hereby authoriſed and required to diſcharge every ſuch Apprentice or Apprentices exceeding the Number of Two.

Perſons convicted before Two Juſtices, may appeal to the Quarter Seſſions.

Determination of Juſtices ſhall be final.

Conviction affirmed at Quarter Seſſions, Appellant may be committed.

VIII. Provided alſo, and be it further enacted, That it ſhall and may be lawful for any Perſon convicted before any Two Juſtices of the Peace, as before mentioned, to appeal to the Juſtices of the Peace aſſembled at the next General Quarter Seſſions, or General Seſſions, to be held for the County, City, or Place, wherein ſuch Conviction ſhall be made, giving immediate Notice of ſuch Appeal, and finding ſufficient Security to the Satiſfaction of ſuch Juſtices for being perſonally preſent at ſuch ſuch General Quarter Seſſions, or General Seſſions, and for proſecuting the ſaid Appeal with Effect, and abiding the Judgement of the Court; and ſuch Juſtices, in ſuch General Quarter Seſſions, or General Seſſions, ſhall finally hear and determine the Matter, and ſhall have Power to award reaſonable Coſts to either Party as to them ſhall ſeem juſt; and if ſuch Conviction ſhall be affirmed at ſuch General Quarter Seſſions, or Geneal Seſſions, ſuch Appellant ſhall be committed to Priſon for the Time ſpecified in the ſaid Conviction, and until Payment of the Coſts ſo to be awarded.

Limitation of Actions.

IX. Provided alſo, and be it further enacted by the Authority aforeſaid, That no Action ſhall be brought againſt any Juſtice of the Peace, Conſtable, Headborough, or other Officer, or againſt any other Perſon or Perſons whomſoever, for any Matter or Thing whatſoever done or committed, under, by virtue, or in the Execution of this Act, unleſs ſuch Action ſhall be brought within Six Calendar Months next after the doing or committing of ſuch Matter or Thing.

X. Provided alſo, That if any Action or Suit ſhall hereafter be commenced or proſecuted againſt any Perſon or Perſons for any Thing done under, by virtue, or in the Execution of this Act, ſuch Perſon or Perſons may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence; and if the Plaintiff ſhall become nonſuited, or ſuffer Diſcontinuance, or forbear further Proſecution, or if Judgement ſhall be given for the Defendant or Defendants, ſuch Defendant or Defendants ſhall recover his, her, or their full Coſts, for which he, ſhe, or they, ſhall have like Remedy as in Caſes where Coſts by Law are given to Defendants.

General Iſſue.

Full Coſts.

XI. And be it further enacted, That this Act ſhall be taken and allowed to be a Publick Act in all Courts within this Kingdom; and all Judges and Juſtices of the Peace are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

Publick Act.

C A P. LXIX.

An Act for further continuing an Act, made in the Fourth Year of the Reign of His preſent Majeſty, for importing Salt from *Europe* into the Province of *Quebec* in *America*, for a limited Time.

WHEREAS the Law herein-after mentioned, which hath, by Experience, been found uſeful and beneficial, is near expiring: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That an Act, made in the Fourth Year of the Reign of His preſent Majeſty, for importing Salt from Europe into the Province of Quebec in America, for a limited Time, which was to continue in Force from the Twenty-fourth Day of June, One thouſand ſeven hundred and ſixty-four, for the Term of One Year, and from thence to the End of the then next Seſſion of Parliament, and which, by an Act, made in the Sixth Year of the Reign of His preſent Majeſty, was further continued, from the Expiration thereof, until the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-three, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and the ſame is hereby further continued, from the Expiration thereof, until the Twenty-fourth Day of June, One thouſand ſeven hundred and eighty, and from thence to the End of the then next Seſſion of Parliament.

Preamble.

Act 4 *Geo.* III.

and Act 6 *Geo.* III. further continued, from the Expiration thereof, till *June* 24, 1780.

C A P. LXX.

An Act to continue an Act, made in the Thirty-firſt Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the Encouragement of the Exportation of Culm to* Liſbon, *in the Kingdom of* Portugal; and for charging a higher Duty upon Culm exported thither in Foreign Shipping.

WHEREAS by an Act, made in the Thirty-firſt Year of the Reign of His late Majeſty King *George* the Second, (intituled, *An Act for the Encouragement of the Exportation of Culm to* Liſbon, *in the Kingdom of* Portugal), it is enacted, That from and after the Twenty-fifth Day of *March*, One thouſand ſeven hundred and fifty-eight, it ſhall be lawful for any Perſon or Perſons, for and during the Term of Fifteen Years, and from thence to the End of the then next Seſſion of Parliament, to export any Quantity of Culm to the City of *Liſbon*, in the Kingdom of *Portugal*, upon Payment of a Duty of One Shilling for every Chalder, *Newcaſtle* Meaſure, of Culm, ſo exported under the Regulations in the ſaid Act mentioned: And whereas it is expedient that the ſaid Encouragement ſhould be further continued to any Perſons exporting ſuch Culm, as aforeſaid, in *Britiſh* Shipping, but that a larger Duty ſhould be paid for Culm ſo exported in Foreign Shipping; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act ſhall be, and the ſame is hereby further continued, from the Expiration thereof, until the Twenty-fifth Day of March, One thouſand ſeven hundred and ninety-three, and from thence to the End of the then next Seſſion of Parliament, for, and in reſpect to all Culm which ſhall be exported under the Regulations and Reſtrictions in the ſaid Act mentioned, in Britiſh-built Shipping, navigated according to Law.

Preamble.

Act 31 *Geo.* II. recited,

and further continued, from the Expiration thereof, till *March* 25, 1793.

II. And it is hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon or Perſons whatſoever, from and after the paſſing this Act, and during the Continuance thereof, to export any Quantity of Culm to the ſaid City of Liſbon, in any Foreign Ship or Veſſel, upon Payment of a Duty of One Shilling and Sixpence for every Chalder, Newcaſtle Meaſure; which Culm ſhall be exported in all other Reſpects under the like Rules and Regulations, and ſubject to the ſame Securities, Penalties, and Forfeitures; and the ſaid Duty of One Shilling and Sixpence ſhall be raiſed, levied, collected, recovered, paid, and applied, in the ſame Manner, and by the ſame Methods, as are preſcribed in and by the ſaid recited Act for Culm exported in purſuance thereof; any Thing in the ſaid recited Act, or any other Act, to the Contrary notwithſtanding.

Any Perſon whatever, during the Continuance of this Act, may export Culm to *Liſbon*, on Payment of 1 *s.* 6 *d. per* Chalder

C A P. LXXI.

An Act for the better preventing the counterfeiting, clipping, and other diminiſhing the Gold Coin of this Kingdom.

WHEREAS the preventing the Currency of clipped and unlawfully diminiſhed and counterfeit Money is a more effectual Means to preſerve the Coin of this Kingdom entire and pure than the moſt rigorous Laws for the Puniſhment of ſuch as diminiſh or counterfeit the ſame: And whereas, by the known Laws of this Kingdom, no Perſon ought to

Preamble.

pay, or knowingly tender in Payment, any counterfeit or unlawfully diminiſhed Money, and all Perſons may not only refuſe the ſame, but may, and, by the ancient Statutes and Ordinances of this Kingdom, have been required to deſtroy and deface the ſame, and more particularly the Tellers in the Receipt of the Exchequer, by their Duty and Oath of Office, are required to receive no Money but good and true; and to the End the ſame might be the better diſcerned and known by the ancient Courſe of the ſaid Receipt of the Exchequer, all Money ought to be received there by Weight as well as Tale: And whereas by an Act, paſſed in the Ninth and Tenth Years of the Reign of the late King *William* the Third, (intituled, *An Act for the better preventing the counterfeiting, clipping, and other diminiſhing the Coin of this Kingdom)*, Proviſions are made for preventing the Currency of clipped and counterfeit Silver Money, but reſpecting the Gold Money no Proviſion is thereby made; be it declared and enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it is and ſhall be lawful to and for any Perſon to whom any Gold Money ſhall be tendered, any Piece or Pieces whereof ſhall be diminiſhed otherwiſe than by reaſonable wearing, or that by the Stamp, Impreſſion, Colour, or Weight thereof, he ſhall ſuſpect to be counterfeit, to cut, break, or deface, ſuch Piece or Pieces; and if any Piece ſo cut, broken, or defaced, ſhall appear to be diminiſhed (otherwiſe than by reaſonable wearing) or counterfeit, the Perſon tendering the ſame ſhall bear the Loſs thereof; but if the ſame ſhall be of due Weight, and appear to be lawful Money, the Perſon that cut, broke, or defaced the ſame, ſhall, and is hereby required to take and receive the ſame at the Rate it was coined for; and if any Queſtion or Diſpute ſhall ariſe, whether the Piece ſo cut be counterfeit or diminiſhed, in Manner aforeſaid, it ſhall be heard and finally determined by the Mayor, Bailiff or Bailiffs, or other Chief Officer, of any City or Town Corporate, where ſuch Tender ſhall be made; and if ſuch Tender ſhall be made out of any City or Town Corporate, then by ſome Juſtice of the Peace of the County inhabiting or being near the Place where ſuch Tender ſhall be made; and the ſaid Mayor, or other Chief Officer, and Juſtice of the Peace, ſhall have full Power and Authority to adminiſter an Oath, as he ſhall ſee convenient, to any Perſon, for the determining any Queſtions relating to the ſaid Piece.

Act 9 & 10 *Gul.* III.

Perſons tendering diminiſhed Gold, otherwiſe than by reaſonable wearing, &c. liable to have it cut or defaced.

Diſputes to be finally determined by Mayors, &c.

who may adminiſter Oaths.

Tellers of the Exchequer are to cut or deface Gold Money unlawfully diminiſhed.

II. And be it further enacted by the Authority aforeſaid, That the Tellers at the Receipt of His Majeſty's Exchequer, and their Deputies and Clerks, ſhall, and they are hereby required, to cut, break, or deface, or cauſe to be cut, broken, or defaced, every Piece of counterfeit or unlawfully diminiſhed Gold Money that ſhall be tendered in Payment to them, to the Uſe of His Majeſty, His Heirs or Succeſſors, or for or in reſpect of any Part of the Revenue, Aids, Impoſitions, Duties, or Taxes, of His Majeſty, His Heirs or Succeſſors: And the better to diſcover Gold Money that is counterfeit, or unlawfully diminiſhed, from that which is good and true, the ſaid Tellers, and their reſpective Deputies and Clerks, ſhall weigh in whole Sums, or otherwiſe, all Gold Money by them received; and if the ſame, or any Piece thereof, ſhall, by the Weight, or otherwiſe, appear to be counterfeit, or unlawfully diminiſhed, the ſame ſhall not be received by or from them in the ſaid Receipt of the Exchequer, nor be allowed them upon their reſpective Accounts.

C A P. LXXII.

An Act to permit the free Importation of Cod Fiſh, Ling, and Hake, caught and cured in *Chaleur Bay*, or any other Part of the Gulph of *Saint Lawrence*, or on the Coaſt of *Labrador*.

Preamble.

Act 2 & 3 *Annæ.*

WHEREAS by an Act, made in the Second and Third Years of the Reign of Her late Majeſty Queen *Anne*, (intituled, *An Act for the better ſecuring and regulating the Duties upon Salt)*, Cod Fiſh, Ling, or Hake, caught and cured at *Newfoundland*, or *Iceland*, are permitted to be imported, brought in, or landed, under certain Reſtrictions and Regulations therein particularly mentioned: And whereas it may tend to the Increaſe of the Trade and Navigation of this Kingdom, if the like Permiſſion were granted of importing and bringing in Cod Fiſh, Ling, or Hake, caught and cured in *Chaleur Bay*, or any other Part of the Gulph of *Saint Lawrence*, or on the Coaſt of *Labrador*; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, it ſhall and may be lawful to import, bring in, in Britiſh-built Veſſels, navigated according to Law, and ſubject to the Rules preſcribed in an Act of the Tenth and Eleventh Years of the Reign of His late Majeſty King William the Third, (intituled, An Act to encourage the Trade to *Newfoundland*), and to land in Great Britain, all Cod Fiſh, Ling, and Hake, caught and cured in Chaleur Bay, or any other Part of the Gulph of Saint Lawrence, on on the Coaſt of Labrador, ſo as Oath be firſt made before the Landing thereof, by the Owner or Proprietor of ſuch Fiſh, or the Maſter of the Veſſel bringing the ſame, before the Officer for the Duties on Salt, in the Port or Place where ſuch Fiſh ſhall be imported or brought in, (who is hereby required to adminiſter the ſame without Fee or Charge), that all the Fiſh ſo imported or brought in came from the Gulph of Saint Lawrence, or the Coaſt of Labrador, and were caught and cured there; and ſo as the ſaid Fiſh be, at the Landing thereof, and before the ſame be removed from the Shore, tendered to the Officer of the Port or Place for the ſaid Duties, to have Part of the Tail of every ſuch Cod Fiſh, Ling, or Hake, cut off, that no Allowance for ſuch Fiſh may be obtained upon Exportation; and that the ſaid Officer is hereby impowered and required to cut off Part of the Tail of all ſuch Fiſh on the Landing thereof: And in caſe any ſuch Fiſh ſhall be landed or removed from the Shore before the ſame ſhall be tendered to the

After paſſing this Act, all Cod Fiſh, Ling, and Hake, caught in *Chaleur Bay*, &c. may be imported, ſubject to the Rules in Act 10 & 11 *Gul.* III. Oath being made by the Maſter of the Veſſel, that the Fiſh brought in came from the Gulph of *St. Lawrence*, &c.

Penalty on removing Fiſh from the Shore before tendered to the Officer.

the Officer, to have Part of the Tail cut, as aforeſaid, all the Fiſh ſo imported and landed ſhall be forfeited, and Double the Value thereof, to be recovered of the Importer, Proprietor, or Maſter of the Veſſel.

The Maſter of every Veſſel with Fiſh coming from *Newfoundland*, &c. to deſtroy all the foul Salt on board, in the Preſence of a Salt Officer.

II. And whereas, in the curing of Cod Fiſh, Ling, and Hake, conſiderable Quanties of Salt are neceſſarily thrown over them, when ſhipped, to preſerve them from ſpoiling, and a great Part thereof falls off in unloading the Veſſel, and it hath been too common a Practice for the Owner or Maſter of the Veſſel, and People belonging thereto, to collect ſuch looſe and foul Salt together, and clandeſtinely convey it on Shore, and ſell it at an under Price, whereby His Majeſty's Revenue has been conſiderably injured; be it therefore enacted, That from and after the paſſing of this Act, the Maſter of every Veſſel laden with Cod Fiſh, Ling, or Hake, either coming from Newfoundland, the North Seas, or Iceland, or the Gulph of Saint Lawrence, or the Coaſt of Labrador, into any Port or Place in Great Britain, ſhall, and is hereby required to throw, or cauſe to be thrown, overboard, and deſtroyed, all the Salt that ſhall ſo fall off, or be in the Veſſel, at the Time of the unloading or landing of all or any Part of her Cargo, in the Preſence of an Officer for the Duties on Salt; and if the Maſter of ſuch Veſſel ſhall neglect or refuſe ſo to do, it ſhall and may be lawful to and for the Salt Officer on Board, by himſelf, or with ſuch Aſſiſtance as may be neceſſary, to throw all and every Part thereof overboard, or otherwiſe deſtroy the ſame, and the Maſter, for ſuch Neglect or Refuſal, ſhall forfeit the Sum of Twenty Pounds, and Coſts; and if any ſuch Salt ſhall be landed or run on Shore, the ſame, and every Part thereof, ſhall be forfeited, and Treble the Value thereof; and all and every Perſon and Perſons in whoſe Cuſtody the ſame ſhall be found, and all and every Perſon and Perſons, who is, are, or ſhall be aiding or aſſiſting in the Landing or Running thereof, ſhall forfeit the like Sum of Twenty Pounds, and Coſts; One Moiety of all which Forfeitures ſhall be to the Uſe of His Majeſty, His Heirs and Succeſſors, and the other Moiety to ſuch Officer or Officers who ſhall ſeize, proſecute, or inform for the ſame; to be recovered and levied in ſuch Manner and Form, and with ſuch Power of Mitigation, as any Fine, Forfeiture, or Penalty, is or may be recovered by any Law or Laws of Exciſe, or by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or in the Court of Exchequer in Scotland, wherein no Eſſoin, Protection, or Privilege, Wager of Law, or more than One Imparlance, ſhall be allowed.

Penalty on Refuſal or Neglect, 20 *l.*

Perſons in whoſe Cuſtody ſuch Salt, is found, &c. to forfeit 20 *l.*

Forfeitures how to be applied.

CAP. LXXIII.

An Act to continue and amend an Act, made in the Sixth Year of the Reign of His preſent Majeſty, intituled, *An Act for opening and eſtabliſhing certain Ports in the Iſlands of* Jamaica *and* Dominica, *for the more free Importation and Exportation of certain Goods and Merchandiſes; for granting certain Duties to defray the Expences of opening, maintaining, ſecuring, and improving, ſuch Ports; for aſcertaining the Duties to be paid upon the Importation of Goods from the ſaid Iſland of* Dominica *into this Kingdom; and for ſecuring the Duties upon Goods imported from the ſaid Iſland into any other* Britiſh *Colony*; and for allowing Timber and Wood to be exported from the ſaid Iſland of *Dominica* into any other of the *Britiſh* Iſlands, Colonies, or Plantations in *America*, for a limited Time.

Preamble.

Act 6 *Geo.* III.

WHEREAS an Act, made in the Sixth Year of the Reign of His preſent Majeſty, (intituled, *An Act for opening and eſtabliſhing certain Ports in the Iſlands of* Jamaica *and* Dominica, *for the more free Importation and Exportation of certain Goods and Merchandiſes; for granting certain Duties to defray the Expences of opening, maintaining, ſecuring, and improving, ſuch Ports; for aſcertaining the Duties to be paid upon the Importation of Goods from the ſaid Iſland of* Dominica *into this Kingdom; and for ſecuring the Duties upon Goods imported from the ſaid Iſland into any other* Britiſh *Colony*), which was to continue in Force until the Firſt Day of *November*, One thouſand ſeven hundred and ſeventy-three, and from thence to the End of the then next Seſſion of Parliament, hath been found uſeful and beneficial, and would become more ſo if it was continued, altered, and amended; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act, and every Thing therein contained, (except ſo much thereof as is by this Act altered and amended), ſhall be, and the ſame is hereby further continued until the Firſt Day of November, which ſhall be in the Year of our Lord One thouſand ſeven hundred and eighty, and from thence to the End of the then next Seſſion of Parliament, (except what relates to the ſaid Iſland of Jamaica), which ſhall have Continuance only until the Firſt Day of November, One thouſand ſeven hundred and ſeventy-four, and from thence to the End of the then next Seſſion of Parliament.

further continued till *Nov.* 1, 1780, except what relates to *Jamaica*, which ſhall continue only till *Nov.* 1, 1774.

II. And be it further enacted by the Authority aforeſaid, That from and after the Firſt Day of November, in the preſent Year One thouſand ſeven hundred and ſeventy-three, any Cocoa and Coffee, either in or out of the Huſk, being the Growth and Produce of the ſaid Iſland of Dominica, may be imported into Great Britain under Certificate, in like Manner, and under ſuch Securities, Regulations, and Reſtrictions, and ſubject to ſuch Penalties and Forfeitures, as Sugar and Rum, the Growth and Produce of the ſaid Iſland, are allowed by the ſaid Act to be imported into Great Britain; and that from and after the ſaid Firſt Day of November, One thouſand ſeven hundred and ſeventy-three, any Coffee in the Huſk, being of the Growth and Produce of any other of His Majeſty's Colonies or Plantations in America, may be imported into Great Britain in Britiſh-built Ships, navigated according to Law, from any of the ſaid Colonies or Plantations.

After *Nov.* 1, 1773, Cocoa and Coffee, o the Produce of *Dominica*, &c. may be imported under ſuch Regulations as Sugar and Rum from the ſaid Iſland.

An Allowance of One-ſeventh in the 100 lb. Weight to be made from all Coffee in the Huſk imported, Duty-free.

III. Provided always, and be it enacted by the Authority aforeſaid, That a Deduction or Allowance of One-ſeventh Part ſhall be made from and upon every One hundred Pounds Weight of all Coffee in the Huſk, of the Growth and Produce of the ſaid Iſland of Dominica, or of any other Britiſh Colony or Plantation in America, which ſhall be from thence imported into Great Britain; for which Quantity, ſo deducted as aforeſaid, no Cuſtom or Duty of Exciſe ſhall be paid by the Importer or Proprietor thereof.

Duties payable on the Importation and Exportation of Negroes to and from *Dominica* and *Jamaica*.

IV. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of November, in the preſent Year One thouſand ſeven hundred and ſeventy-three, the Duty of One Pound Ten Shillings, payable by the ſaid Act of the Sixth Year of the Reign of His preſent Majeſty, for and upon every Negroe imported into the ſaid Iſland of Dominica, and upon every Negroe exported from the ſaid Iſland of Jamaica, ſhall ceaſe, determine, and be no longer paid or payable; and that, inſtead and in lieu of the ſaid Duties, there ſhall be raiſed, levied, collected, and paid, unto His Majeſty, His Heirs and Succeſſors, a Duty of Two Shillings and Sixpence for and upon every Negroe which ſhall be imported into the ſaid Iſland of Dominica, or which ſhall be brought into any Port, Harbour, or River, belonging to the ſaid Iſland, with an Intent to be landed, ſold, or reſhipped on Board any other Veſſel there, in order to be carried into any other Colony or Place whatſoever; and alſo a Duty of Two Shillings and Sixpence upon every Negroe which ſhall be exported from the ſaid Iſland of Jamaica; which ſaid reſpective Duties ſhall be deemed and taken to be Sterling Money of Great Britain, and ſhall be reſpectively received, raiſed, levied, collected, paid, and recovered, and ſhall be applied and diſpoſed of in ſuch and the ſame Manner, to all Intents and Purpoſes, as the Duties hereby repealed and taken off are by the ſaid recited Act directed to be received, raiſed, levied, collected, paid, and recovered, applied, and diſpoſed of.

Timber of the Growth of *Dominica* may be exported and imported into *America*, ſubject to the Penalties in Act 12 *Car.* II.

V. And whereas there are growing in the ſaid Iſland of *Dominica* great Quantities of Timber and Wood fit for building Sugar Mills and other Purpoſes: And whereas thoſe Articles are frequently purchaſed by the Inhabitants of the other *Britiſh* Iſlands, Colonies, and Plantations in *America*, from Foreigners, at a great Expence; be it therefore further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of November, in the preſent Year One thouſand ſeven hundred and ſeventy-three, any Timber or Wood of the Growth or Produce of the ſaid Iſland of Dominica may be exported therefrom, and imported into, any other of His Majeſty's Iſlands, Colonies, or Plantations, in America, in any Ship or Veſſel, Britiſh-built, not having more than one Deck, and navigated according to Law, and landed therein, under ſuch Securities, Regulations, and Reſtrictions, and ſubject to the ſame Penalties and Forfeitures, as are mentioned in an Act, made in the Twelfth Year of King Charles the Second, (intituled, An Act for encouraging and increaſing of Shipping and Navigation), until the Firſt Day of November, One thouſand ſeven hundred and ſeventy-ſix, and from thence to the End of the then next Seſſion of Parliament; the ſaid herein firſt-recited Act, or any other Act, Law, or Uſage, to the Contrary notwithſtanding.

CAP. LXXIV.

An Act for the better aſcertaining the Tonage and Burthen of Ships and Veſſels importing and exporting Goods into and from this Kingdom, or hovering upon the Coaſts thereof; for amending ſo much of an Act, made in the laſt Seſſion of Parliament, for lowering the Duty payable upon the Importation of Oak Bark, as relates to the ſuing for the Penalties and Forfeitures thereby inflicted in the Court of Exchequer in *Scotland*; for appropriating the Duty on Oak Bark, granted by the ſaid Act; and for obviating Doubts which have ariſen with reſpect to the allowing the Drawback upon certain Callicoes; and the Bounty upon *Britiſh*-made Cordage exported to the Iſlands of *Madeira*, the *Canary* Iſlands, and the *Azores* or Weſtern Iſlands.

Preamble.

Act 6 *Geo.* I.

WHEREAS by an Act of Parliament, made in the Sixth Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act for preventing Frauds and Abuſes in the publick Revenues of Exciſe, Cuſtoms, Stamp-duties, Poſt Office, and Houſe Money*, and by ſeveral ſubſequent Acts of Parliament, a Rule is preſcribed for admeaſuring of Ships and Veſſels importing Brandy and other Spirits, and hovering upon the Coaſts of this Kingdom with various Goods prohibited to be imported here; but no Rule being preſcribed by Law for the admeaſuring of Ships or Veſſels exporting Spirits from *Great Britain* into foreign Parts, and in various other Caſes where the Tonage and Burthen of Ships or Veſſels, trading to and from this Kingdom is neceſſary to be known and aſcertained; and it being expedient that One certain Rule for this Purpoſe ſhould be ſettled and eſtabliſhed in all Caſes, to prevent any Diſputes that may ariſe concerning the Tonage and Burthen of ſuch Ships or Veſſels; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame,

Rule by which Ships are to be meaſured for aſcertaining the Tonage.

That from and after the Firſt Day of Auguſt, One thouſand ſeven hundred and ſeventy-three, the Tonage and Burthen of any Ship or Veſſel importing or exporting Brandy, or other Spirituous Liquors, or any other Goods whatſoever, into or from this Kingdom, or hovering upon the Coaſts thereof, and where the Owner or Proprietor, or other Perſon, ſhall be intitled to any Bounty or Allowance, according to the Tonage of any Ship or Veſſel, and in all other Caſes whatſoever where the Tonage and Burthen of any Ship or Veſſel ſhall be neceſſary to be aſcertained and known by any Act or Acts of Parliament made, or hereafter to be made, concerning the Revenues of Cuſtoms, Exciſe, or Salt Duty, the Rule for admeaſuring ſuch Ships or Veſſels ſhall be as follows; that is to ſay, The Length ſhall be taken on a ſtreight Line along the Rabbet of the Keel of the Ship, from the Back of the Main Stern

Poſt to a perpendicular Line from the Forepart of the Main Stem under the Bowſprit, from which ſubſtracting Three-fifths of the Breadth, the Remainder ſhall be eſteemed the juſt Length of the Keel to find the Tonage; and the Breadth ſhall be taken from the Outſide of the outſide Plank, in the broadeſt Place of the Ship, be it either above or below the Main Whales, excluſive of all Manner of doubling Planks that may be wrought upon the Sides of the Ship, then multiplying the Length of the Keel by the Breadth ſo taken, and that Product by Half the Breadth, and dividing the Whole by Ninety-four, the Quotient ſhall be deemed the true Contents of the Tonage; according to which Rule the Tonage of all ſuch Ships and Veſſels ſhall be meaſured and aſcertained, any Thing in the ſaid recited Act of the Sixth of King George the First, or any other Act or Acts of Parliament to the Contrary notwithſtanding.

II. Provided always, and it is hereby further enacted by the Authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to make any Alteration in the Method of admeaſuring Keels, Boats, and other Veſſels, uſed in carrying Coals, purſuant to an Act, made in the Sixth and Seventh Years of the Reign of King William the Third, intituled, An Act for the better Admeaſurement of Keels and Keel Boats in the Port of *Newcaſtle*, and the Members thereto belonging: Provided alſo, that nothing herein contained ſhall extend, or be conſtrued to extend, to make any Alteration in the Method of admeaſuring any Buſs or Veſſel uſed in carrying on the White Herring Fiſhery, purſuant to the ſeveral Acts made for the Encouragement of the British White Herring Fiſhery.

Not to alter the Method of admeaſuring Coal Veſſels;

nor of Veſſels employed in the White Herring Fiſhery.

III. And whereas Doubts have ariſen upon the Conſtruction of an Act, made in the laſt Seſſion of Parliament, intituled, *An Act for encouraging the Manufacture of Leather, by lowering the Duty payable upon the Importation of Oak Bark, when the Price of ſuch Bark ſhall exceed a certain Rate, for a limited Time*, whether Oak Bark, ſeized and condemned within that Part of *Great Britain* called *Scotland*, in purſuance of the ſaid recited Act, and the Penalties and Forfeitures thereby inflicted, may be ſued for, proſecuted, and recovered, in the Court of Exchequer in *Scotland*; and by reaſon of ſuch Doubts great Frauds and Abuſes may be committed: Now, for removing and putting an End to the ſame; be it enacted by the Authority aforeſaid, That all ſuch Oak Bark which ſhall be ſeized and condemned within that Part of Great Britain called Scotland, in purſuance of the ſaid recited Act, and all Offences againſt the ſame, and all Penalties and Forfeitures whatſoever thereby inflicted, ſhall and may be reſpectively ſued for, proſecuted, recovered, and applied, in the Court of Exchequer in Scotland, by ſuch Perſons reſpectively, and in the ſame Manner, as fully and amply, to all Intents and Purpoſes, as they might in any of His Majeſty's Courts of Record at Weſtminſter, in like Caſes happening in that Part of Great Britain called England.

Act 12 *Geo.* III.

Penalties for Oak Bark ſeized and condemned in *Scotland* may be recovered in the Court of Exchequer there, as in Courts of Record at *Weſtminſter*.

IV. And whereas the Duty of One Penny *per* Hundred Weight upon Oak Bark imported into this Kingdom, which was granted by the ſaid recited Act, is not appropriated by Parliament; be it therefore further enacted by the Authority aforeſaid, That all the Monies ariſing by the ſaid Duty on Oak Bark, which was granted by the ſaid recited Act, ſhall be accounted for by the ſeveral Officers of His Majeſty's Cuſtoms, who ſhall collect and receive the ſame, to that Branch of the Cuſtoms which is called The Old Subſidy, and ſhall be applied and appropriated to the ſame Uſes and Purpoſes as other Monies ariſing by the ſaid Branch of Cuſtoms are applied and appropriated by virtue of any Act of Parliament now in Force.

How the Duty of 1 *d. per* Hundred Weight upon Oak Bark imported into this Kingdom is to be applied.

V. And whereas by an Act of Parliament, made in the Sixth Year of the Reign of His preſent Majeſty, intituled, *An Act for repealing certain Duties in the* Britiſh *Colonies and Plantations, granted by ſeveral Acts of Parliament; and alſo the Duties impoſed by an Act, made in the laſt Seſſion of Parliament, upon certain* Eaſt India *Goods exported from* Great Britain, *and for granting other Duties inſtead thereof; and for further encouraging, regulating, and ſecuring, ſeveral Branches of the Trade of this Kingdom, and the* Britiſh *Dominions in* America, it is, amongſt other Things, enacted, That a Drawback or Allowance of the Duty paid in purſuance of that Act ſhall be repaid, according to the reſpective Rates and Values therein expreſſed, upon the Exportation from this Kingdom to *Africa* of certain printed Callicoes of the Manufacture of *Perſia*, *China*, or *Eaſt India*, in the ſaid Act particularly enumerated: And whereas by another Act of Parliament, made in the Twelfth Year of His ſaid Majeſty's Reign, intituled, *An Act for granting a Drawback of Part of the Cuſtoms upon the Exportation of Tea to* Ireland, *and the* Britiſh *Dominions in* America; *for altering the Drawback upon Foreign Sugars exported from* Great Britain *to* Ireland; *for continuing the Bounty on the Exportation of* Britiſh-*made Cordage; for allowing the Importation of Rice from the* Britiſh *Plantations into the Ports of* Briſtol, Liverpoole, Lancaſter, *and* Whitehaven, *for immediate Exportation to Foreign Parts; and to impower the Chief Magiſtrate of any Corporation to adminiſter the Oath, and grant the Certificate required by Law, upon the Removal of certain Goods to* London, *which have been ſent into the Country for Sale*, it is, amongſt other Things, enacted, That no Bounty ſhall be allowed for any Cordage which ſhall be, exported, or entered for Exportation, to any Part of *Aſia*, *Africa*, or *America*, the *Iſle of Man*, or the Iſlands of *Faro* or *Ferro*: And whereas Doubts have ariſen, whether the Iſlands of *Madeira*, and the *Azores* or Weſtern Iſlands, are to be deemed Part of *Africa*, within the Intention of theſe Acts; and there is Reaſon to believe that ſuch Callicoes have been, and may be entered for Exportation from this Kingdom to the ſaid Iſlands of *Madeira*, as well as to the *Canary* Iſlands, and the *Azores* or Weſtern Iſlands, and afterwards clandeſtinely landed in the *Britiſh* Plantations in *America*; and that *Britiſh*-made Cordage entered for Exportation from this Kingdom to the ſaid *Madeira* Iſlands, and the *Azores* or Weſtern Iſlands, may be afterwards clandeſtinely landed in ſome Parts of *Aſia*, *Africa*, or *America*, whereby the good Purpoſes intended by the ſaid recited Acts may be fruſtrated: For Remedy whereof, be it enacted by the Authority aforeſaid, That from and after the First Day of Auguſt, One thouſand ſeven hundred and ſeventy-three, the Drawback, granted by the First recited Act, made in the Sixth Year of His Majeſty's Reign, upon

Act 6 *Geo.* III.

and Act 12 *Geo.* III. recited.

After *Aug.* 1, 1773, the Drawback and Bounty granted by the before recited Acts upon certain Goods therein mentioned not to be allowed on ſaid Goods exported to *Maderia*, the *Canary* Iſlands, *&c.*

upon the Exportation of the printed Callicoes therein mentioned; and the Bounty by the laſt recited Act, made in the Twelfth Year of His Majeſty's Reign, or by any other Act of Parliament upon the Exportation of Britiſh-made Cordage, ſhall not be paid or allowed upon the Exportation of ſuch Goods reſpectively from this Kingdom to the ſaid Iſlands of Madeira, the Canary Iſlands, the Azores or Weſtern Iſlands, or to any or either of them; any Thing in the ſaid recited Acts, or any other Act, Uſage, or Cuſtom, to the Contrary notwithſtanding.

Penalty for entering Callicoes and Cordage to other foreign Parts and landing them on ſaid Iſlands.

VI. And be it further enacted by the Authority aforeſaid, That if any Merchant or other Perſon ſhall enter any ſuch Callicoes or Cordage for Exportation to foreign Parts, other than to the ſaid Iſlands, in order to obtain the Drawback or Bounty for the ſame, and ſuch Goods ſhall nevertheleſs be carried to the ſaid Iſlands, or either of them, and landed there, contrary to the true Intent and Meaning of this Act; that then, and in every ſuch Caſe, the Drawback or Bounty paid, or to be paid, for the ſame ſhall be forfeited, and the Exporter of ſuch Goods, and the Maſter of the Ship or Veſſel on Board which ſuch Goods were loaden and exported, and every Perſon concerned or aſſiſting in the Exportation or Landing thereof, ſhall forfeit Treble the Value of ſuch Goods, and the Ship or Veſſel on Board which ſuch Goods were loaden and exported, with all her Tackle, Furniture, and Apparel, ſhall alſo be forfeited, and ſhall and may be ſeized and proſecuted by any Officer or Officers of the Cuſtoms in Great Britain; and the ſeveral Penalties and Forfeitures herein-before mentioned ſhall and may be ſued for and recovered, in ſuch and the like Manner as any Forfeiture incurred by any Law of the Revenue of Cuſtoms may be ſued for and recovered in this Kingdom; One Moiety of which Penalties and Forfeitures, after deducting the Charges of Proſecution, ſhall be to the Uſe of His Majeſty, His Heirs and Succeſſors, and the other Moiety to ſuch Officer or Officers of the Cuſtoms as ſhall ſue or proſecute for the ſame.

After *Aug.* 1. 1773, the Iſlands of *Maderia, &c.* to be added to the Oath upon Debentures for Callicoes and Cordage exported.

VII. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of Auguſt, One thouſand ſeven hundred and ſeventy-three, the ſaid Iſlands of Madeira, the Canary Iſlands, and the Azores or Weſtern Iſlands, ſhall be added to, and included in, the Oath upon all Debentures for ſuch Callicoes and Cordage exported, whereon the Exporter is to ſwear that the ſame are not landed, or intended to be landed, in Great Britain or Ireland.

CAP. LXXV.

An Act for enabling *John*, *Robert*, *James*, and *William Adam*, to diſpoſe of ſeveral Houſes and Buildings in the Pariſhes of *Saint Martin in the Fields*, and *Saint Mary le Bon*, in the County of *Middleſex*, and other their Effects, by Way of Chance, in ſuch Manner as may be moſt for the Benefit of themſelves and Creditors.

CAP. LXXVI.

An Act to indemnify Juſtices of the Peace, Deputy Lieutenants, and Officers of the Militia, or others, who have omitted to regiſter or deliver in their Qualifications within the Time limited by Law; and for giving further Time for thoſe Purpoſes.

Preamble.

Act 18 *Geo.* II.

Act 2 *Geo.* III.

Act 9 *Geo.* III.

WHEREAS divers Juſtices of the Peace, Deputy Lieutenants, and Officers of Militia, or others, who ought to have regiſtered or delivered in their Qualifications, according to an Act, made in the Eighteenth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act to amend and render more effectual an Act, paſſed in the Fifth Year of His preſent Majeſty's Reign*, intituled, *An Act for the further Qualification of Juſtices of the Peace*; or according to another Act, made in the Second Year of the Reign of His preſent Majeſty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the ſeveral Laws now in being, relating to the raiſing and training the Militia within that Part of* Great Britain *called* England; or according to another Act, made in the Ninth Year of His preſent Majeſty, intituled, *An Act for explaining, amending, and continuing an Act, made in the Second Year of the Reign of His preſent Majeſty*, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the ſeveral Laws now in being, relating to the raiſing and training the Militia within that Part of* Great Britain *called* England, have, through Ignorance or the Law, Abſence, or ſome unavoidable Accident, omitted to regiſter, or deliver in their Qualifications as aforeſaid, within ſuch Time, and in ſuch Manner, as in and by the ſaid Acts reſpectively, or any by other Act of Parliament in that Behalf made, is required, whereby they have incurred, or may be in Danger of incurring, divers Penalties and Diſabilities: For quieting the Minds of His Majeſty's Subjects, and for preventing any Inconveniencies that might otherwiſe happen by Means of ſuch Omiſſions; be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and every Juſtice or Juſtices of the Peace, Deputy Lieutenants, and Officers of the Militia, or others, who, at the Time of the paſſing of this Act, ſhall have omitted to regiſter or deliver in their Qualifications, within ſuch Time, and in ſuch Manner, as in and by the ſaid Act, or any of them, or by any other Act of Parliament in that Behalf is required, and who hath or have, or who ſhall, on or before the Twenty-fifth Day of December, One thouſand ſeven hundred and ſeventy-three, regiſter his or their Qualification, in Manner and Form as in and by the ſaid in-part recited Acts, or any of them, are required, ſhall be, and are hereby indemnified, freed, and diſcharged, from and againſt all Penalties, Forfeitures, Incapacities, and Diſabilities, incurred, or to be incurred, for or by Reaſon of any Neglect or Omiſſion previous to the paſſing of this Act, for not regiſtering his or their Qualification, according to the above-mentioned Acts, or any of them, or any other Act or Acts; and ſuch Perſon and Perſons is and are, and ſhall be fully and actually recapacitated and reſtored to the ſame State and Condition as he or they were in before ſuch Neglect or Omiſſion; and ſhall be deemed and adjudged to have duly qualified

All Juſtices, Deputy Lieutenants, *&c.* who ſhall have omitted to regiſter their Qualifications, and before *Dec.* 25 1773, ſhall regiſter in Manner required, ſhall be freed from Penalties for Omiſſion.

him or themſelves, according to the above-mentioned Acts, and every of them; and that all Acts done, or to be done, by any ſuch Perſon or Perſons, or by Authority derived from him or them, are and ſhall be of the ſame Force and Validity as the ſame, or any of them, would have been, if ſuch Perſon or Perſons reſpectively had regiſtered his or their Qualification according to the Direction of the ſaid Acts, and every or any of them; any Thing in the ſaid in-part recited Acts, or any of them, to the Contrary in any-wiſe notwithſtanding.

Not to extend to indemnify any Perſon againſt whom final Judgement ſhall have been given.

II. Provided always, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to indemnify any Perſon againſt whom final Judgement ſhall have been given in any Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, for any Penalty incurred, by having neglected to qualify himſelf within the Time limited by Law.

CAP. LXXVII.

An Act for granting to His Majeſty a certain Sum of Money out of the Sinking Fund; and for applying certain Monies therein mentioned for the Service of the Year One thouſand ſeven hundred and ſeventy-three; and for further appropriating the Supplies granted in this Seſſion of Parliament; and for paying to *John Harriſon* a further Reward for his Invention or a Time-keeper for aſcertaining the Longitude at Sea, and his Diſcovery of the Principals upon which the ſame was conſtrued. E X P.

CAP. LXXVIII.

An Act to explain, amend, and reduce into One Act of Parliament, the Statutes now in being, for the Amendment and Preſervation of the Publick Highways within that Part of *Great Britain* called *England*, and for other Purpoſes.

Preamble.

WHEREAS the Laws now in being for the Amendment and Preſervation of the Highways of that Part of *Great Britain* called *England* require ſome Explanation and Amendment; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from henceforth, upon the Twenty-ſecond Day of September, in every Year, unleſs that Day ſhall be Sunday, and then on the Day following, the Conſtables, Headboroughs, Tithingmen, Churchwardens, Surveyor of the Highways, and Houſeholders, being aſſeſſed to any Parochial or Publick Rate of every Pariſh, Townſhip, or Place, ſhall aſſemble together at the Church or Chapel of ſuch Pariſh, Townſhip, or Place, or if there ſhall be no Church or Chapel, then at the uſual Place of publick Meetings for ſuch Pariſh, Townſhip, or Place, at the Hour of Eleven in the Forenoon: And the major Part of them, ſo aſſembled, ſhall make a Liſt of the Names of at leaſt Ten Perſons living within ſuch reſpective Pariſhes, Townſhips, or Places, who each of them have an Eſtate in Lands, Tenements, or Hereditaments, lying within ſuch reſpective Pariſh, Townſhip, or Place, in their own Right, or in the Right of their Wives, of the Value of Ten Pounds by the Year; or a perſonal Eſtate of the Value of One hundred Pounds; or are Occupiers or Tenants of Houſes, Lands, Tenements, or Hereditaments, of the yearly Value of Thirty Pounds: And if there ſhall not be Ten Perſons having ſuch Qualifications as aforeſaid, then they ſhall inſert in ſuch Liſt the Names of ſo many of ſuch Perſons as are ſo qualified, as above required, together with the Names of ſo many of the moſt ſufficient and able Inhabitants of ſuch Pariſh, Townſhip, or Place, not ſo qualified, as ſhall make up the Number Ten, if ſo many can be found; if not, ſo many as ſhall be there reſident, to ſerve the Office of Surveyor of the Highways: And the Conſtable, Headborough, or Tithingman, of ſuch Pariſh, Townſhip, or Place, ſhall, within Three Days after ſuch Meeting, tranſmit a Duplicate of ſuch Liſt to One of the Juſtices of the Peace within the Limit of the County, Riding, Diviſion, Hundred, City, Corporation, Precinct, or Liberty, where ſuch Pariſh, Townſhip, or Place, ſhall lie, living in or near the ſame; and ſhall alſo return and deliver the original Liſt, made and agreed upon at ſuch Meeting, to the Juſtices of the Peace, at their Special Seſſions to be held for the Highways within that Limit, in the Week next after the Michaelmas General Quarter Seſſions of the Peace in every Year; and ſhall alſo, within Three Days after making the ſaid Liſt, give perſonal Notices to, or cauſe Notices in Writing to be left at, the Places of Abode of the ſeveral Perſons contained in ſuch Liſt, informing them of their being ſo named, to the Intent that they may ſeverally appear before the Juſtices at the ſaid Special Seſſions to accept ſuch Office, if they ſhall be appointed thereto, or to ſhew Cauſe, if they have any, againſt their being appointed: And the ſaid Juſtices are hereby authoriſed and required to hold ſuch Special Seſſions at ſuch convenient Place or Places within their reſpective Limits as they in their Diſcretion ſhall judge proper; and to give Notice of the Time and Place where they intend to hold the ſame to the Conſtables, Headboroughs, or Tithingmen, of every ſuch Pariſh, Townſhip, or Place, at leaſt Ten Days before the holding of the ſaid Seſſion; and the ſaid Juſtices, then and there, from the ſaid Liſts, according to their Diſcretion, and the Largeneſs of the Pariſh, Townſhip, or Place reſpectively, by Warrant under their Hands and Seals, ſhall appoint One, Two, or more, of ſuch Perſons, as aforeſaid, if he or they ſhall, in the Opinion of ſuch Juſtices, be qualified for the Office of Surveyor, if not, One, Two, or more, of the other ſubſtantial Inhabitants or Occupiers of Lands, Tenements, Woods, Tithes, or Hereditaments, within ſuch Pariſh, Townſhip, or Place, living within Three Miles thereof, and within the ſame County, fit and proper to ſerve the Office of Surveyor of the Highways for ſuch Pariſh, Townſhip, or Place, if any ſuch can be found; which Appointment ſhall, by the Conſtables, Headboroughs, or Tithingmen, aforeſaid, be notified to every Perſon ſo appointed by the ſaid Juſtices, within Three Days after ſuch Appointment, by ſerving him with the ſaid

On *Sept.* 22, yearly, a Liſt is to be made of a leaſt Ten Perſons, by the Conſtables, *&c.* at the uſual Place of publiek Meetings.

Qualification of Surveyors.

A Duplicate of ſuch Liſt ſhall be tranſmitted to One of the Juſtices, and the original Liſt to the Special Seſſions, by the Conſtable, *&c.*

Notices to the Perſons contained in the Liſt.

The Juſtices are to give 10 Days Notice of holding Special Seſſions to the Conſtables, *&c.* and may appoint from the Liſts ſuch Number of Surveyors as they ſhall judge fit, if they ſhall, in the Opinion of the Juſtices, be qualified for the Office; if not, other Inhabitants or Occupiers, *&c.*

which Appointment ſhall be notified to the Perſons named by the Conſtables, *&c.*

and the Surveyor ſhall hold his Office for One Year.

Juſtices to give a Charge for the Performance of Surveyor's Duty.

Perſons appointed from the Liſt refuſing to ſerve ſhall forfeit 5 l. and thoſe not in the Liſt, on Refuſal, ſhall forfeit 50 s.

No Perſon who hath ſerved One Year is to be again appointed for the ſame Place within Three Years after, without his Conſent.

If no ſuch Liſt be made, or the Perſon appointed refuſes to ſerve, another Perſon may be appointed, at a ſubſequent Special Seſſions, and a Salary fixed, not exceeding 1-8th Part of a 6 d. Aſſeſſment.

ſaid Warrent, or by leaving the ſame, or a true Copy thereof, at his Houſe, or uſual Place of Abode; and every Perſon ſo appointed, if he accepts the ſaid Office, ſhall be Surveyor of the Highways for the ſaid Pariſh, Townſhip, or Place, for the Year enſuing, and ſhall take upon him and duly execute the Office aforeſaid; and the ſaid Juſtices ſhall then and there give ſuch of the ſaid Surveyors as ſhall perſonally appear before them a Charge, for the better Performance of their Duty, according to the Directions of this Act: And if any of the ſaid Perſons, ſo appointed, whoſe Names were contained in ſuch Liſt, and who were ſerved with the ſaid Notice, ſhall refuſe or neglect to appear at the ſaid Special Seſſions, and accept the ſaid Office, if appointed thereto, in Manner aforeſaid, or ſhall not, within Six Days after being ſerved with ſuch Warrant of Appointment, ſignify his Acceptance thereof, either in Perſon, or by Writing, to One of the ſaid Juſtices, he ſhall forfeit the Sum of Five Pounds; and in caſe any Perſon ſo appointed by the ſaid Juſtices, whoſe Name was not contained in ſuch Liſt, ſhall refuſe or neglect to accept the ſaid Office, or ſhall not, within Six Days after being ſerved with ſuch Appointment, ſhew to One of the Juſtices ſigning ſuch Appointment, ſufficient Cauſe why he ſhould not ſerve ſuch Office, he ſhall forfeit the Sum of Fifty Shillings: Provided that no Perſon who hath been appointed and ſerved the Office of Surveyor for One Year, ſhall be liable to be appointed Surveyor for the ſame Pariſh, Townſhip, or Place, within Three Years from the Time of ſuch Firſt Appointment and Service, unleſs he ſhall conſent thereto; but if no ſuch Liſt ſhall be made and returned, or if the ſaid Juſtices ſhall make ſuch Appointment, as aforeſaid, and the Perſon or Perſons ſo appointed ſhall refuſe to ſerve the ſaid Office, the ſaid Juſtices, or any Two of them, ſhall and may, and are hereby required, at the ſaid Special Seſſions, or at ſome ſubſequent Special Seſſions, to be held within One Month after, to nominate and appoint ſome other Perſon or Perſons to be Surveyor of ſuch Pariſh, Townſhip, or Place, whom they ſhall judge proper to execute that Office, and ſhall and may fix ſuch Salary to be paid to ſuch Surveyor, to be appointed as herein laſt before mentioned, out of the ſaid Forfeitures, and all other Forfeitures, Fines, Penalties, Aſſeſſments, and Compoſitions, to be paid, levied, and raiſed, under the Authority of this Act, within ſuch Pariſh, Townſhip, or Place reſpectively, as ſuch Juſtices ſhall think fit, not exceeding One-eighth Part of what ſhall have been raiſed by an Aſſeſſment of Sixpence in the Pound, for the Uſe of the Highways within ſuch Pariſh, Townſhip, or Place, where any ſuch Aſſeſſment ſhall have been raiſed, and obſerving the ſame Reſtriction as near as they can, from the beſt Information they ſhall be able to get, of the probable Amount of ſuch an Aſſeſſment, where none hath been already made; and the ſaid Juſtices ſhall and may, if they think fit, require the Conſtables, Headboroughs, Tithingmen, and Surveyor, of every ſuch Pariſh, Townſhip, and Place, or any of them, to return to them, at ſuch Time and Place as they ſhall appoint, an Account, in Writing, of the Sum which ſuch Aſſeſſment of Sixpence in the Pound hath raiſed, or will, in his or their Opinion, raiſe, within ſuch Pariſh, Townſhip, or Place: And if the Conſtables, Headboroughs, Tithingmen, Churchwardens, Surveyors of the Highways, and ſuch Houſeholders as aforeſaid, of any Pariſh, Townſhip, or Place, ſhall neglect or refuſe to make ſuch Liſt as aforeſaid; or if the Conſtable, Headborough, or Tithingman, of any Pariſh, Townſhip, or Place, ſhall not return the ſaid Liſt of Names when made, and ſuch Duplicate thereof, as aforeſaid, and give ſuch Notice or Notices, and ſerve ſuch Warrant or Warrants, as in this Act is directed; or if the ſaid Conſtable, Headborough, Tithingman, and Surveyor, or any of them, ſhall neglect to return ſuch Account of the Amount of ſuch Aſſeſſment, as aforeſaid, when ſo required as aforeſaid; every Conſtable, Headborough, Tithingman, Churchwarden, or Surveyor, ſo neglecting or refuſing, in any of the ſaid Caſes, ſhall, for every ſuch Default reſpectively, forfeit the Sum of Forty Shillings.

Where the Juſtices, upon ſuch Refuſal, ſhall appoint another Perſon, they are to appoint One ſubſtantial Inhabitant for his Aſſiſtant; and, on his Refuſal to accept that Office, he ſhall forfeit 50 s. and the Juſtices may in that Caſe appoint another, who, on Refuſal, ſhall alſo forfeit 50 s.

II. And be it further enacted, That in all Caſes where the ſaid Juſtices, upon Neglect or Refuſal of the Perſon ſo nominated Surveyor as aforeſaid to accept the ſaid Office, ſhall appoint any other Perſon for ſuch Surveyor, with a Salary as aforeſaid, the ſaid Juſtices ſhall, and are hereby required to appoint One ſubſtantial Inhabitant of ſuch Pariſh, Townſhip, or Place, for Aſſiſtant to ſuch Surveyor in the ſeveral Matters, and for the ſeveral Purpoſes hereafter mentioned, until the next annual Appointment of Surveyors, according to the Directions of this Act; and if the Perſon ſo appointed Aſſiſtant ſhall, upon Notice of ſuch Appointment, refuſe to accept that Office, he ſhall forfeit the Sum of Fifty Shillings; and in that Caſe, it ſhall and may be lawful for ſuch Juſtices to appoint any other ſubſtantial Inhabitant of ſuch Pariſh, Townſhip, or Place, for Aſſiſtant to ſuch Surveyor, in Manner and for the Time aforeſaid; and if ſuch Second appointed Aſſiſtant ſhall decline or refuſe to accept the ſaid Office, he ſhall, in like Manner, forfeit the Sum of Fifty Shillings; and the ſaid Juſtices ſhall and may appoint any other Perſon, inhabiting in ſuch Pariſh, Townſhip, or Place, Aſſiſtant to ſuch Surveyor, who ſhall be intitled to the ſaid Forfeitures herein laſt before mentioned, and alſo to ſome further Allowance by way of Salary, (to be paid as the Surveyor's Salary is hereby directed to be paid), if the ſaid Juſtices ſhall think any ſuch Salary neceſſary, and ſhall order the ſame, which they are hereby authoriſed to do: Provided that no Perſon ſo appointed Aſſiſtant for One Year ſhall be liable to be appointed Aſſiſtant for the ſame Pariſh, Townſhip, or Place, within Three Years next following ſuch Firſt Appointment, without his Conſent.

Bond to be given by the Surveyor appointed with a Salary, to account for the Money which ſhall come to his Hands.

III. And be it further enacted, That the Surveyor of every Pariſh, Townſhip, and Place, who ſhall not reſide therein, but ſhall be appointed with ſuch Salary as aforeſaid, ſhall, if required by the Churchwarden, Overſeer of the Poor, or any principal Inhabitant of the Pariſh, Townſhip, or Place, for which he ſhall be ſo appointed Surveyor, at the Time of his Appointment, or within Fourteen Days after, give a Bond upon Paper, without Stamp thereupon, to ſome proper Perſon within ſuch Pariſh, Townſhip, or Place, to be nominated by the ſaid Juſtices, with ſufficient Surety, to account for the

Money which ſhall come to his Hands as Surveyor, according to the Directions of this Act; which Bond ſhall be good and effectual in Law.

IV. And be it further enacted, That the Aſſiſtant, ſo to be nominated and appointed, ſhall, and is hereby required, to the beſt of his Skill and Judgement, to aſſiſt the ſaid Surveyor, whenever requeſted by him, in calling in and attending the Performance of the Statute Duty; in collecting the Compoſitions, Fines, Penalties, and Forfeitures; in making and collecting the Aſſeſſments; in making out and ſerving the Notices authoriſed by this Act; and in ſuch other Matters and Things as ſhall be reaſonably required of him by the Surveyor, in the Execution of his Office as Surveyor, purſuant to this Act: And the ſaid Aſſiſtant ſhall juſtly and truly account with, and pay to, the ſaid Surveyor, or to his Order, from Time to Time, according to the Directions of this Act, all the Money which ſhall come to his Hands as Aſſiſtant, by the Means aforeſaid; and, in Default thereof, he ſhall forfeit Double the Value of the Money by him ſo received, and not ſo paid and accounted for; and if the ſaid Aſſiſtant ſhall wilfully neglect or make Default in the Performance of any of the Duty required from him by this Act, he ſhall forfeit, for every ſuch Offence, any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, at the Diſcretion of the Juſtice or Juſtices of the Limit within which ſuch Aſſiſtant ſhall be appointed: And the ſaid Surveyor ſhall, and is hereby required to ſend Orders, in Writing, upon the ſaid Aſſiſtant, for the Payment of all Sums due to any Perſon or Perſons, for Work or Materials, by virtue of this Act, which amount to Forty Shillings, or upwards; and the ſaid Surveyor ſhall not be reſponſible for any Sum or Sums of Money which ſhall be received by the ſaid Aſſiſtant, and ſhall not be actually paid to ſuch Surveyor, or to his Order, as aforeſaid.

Duty of the Aſſiſtant Surveyor.

Forfeitures for the Neglect of his Duty.

Surveyors to ſend Orders upon the Aſſiſtant for Payment of all Sums amounting to 40*s.* or upwards.

V. Provided always, and be it further enacted, That if Two Parts out of Three of thoſe ſo to be aſſembled in any ſuch Pariſh, Townſhip, or Place, for the Nomination of Surveyors, as aforeſaid, ſhall agree in the Choice of any particular Perſon of Skill and Experience, to ſerve the ſaid Office of Surveyor for ſuch Pariſh, Townſhip, or Place, and in the ſettling of a certain Salary for his Trouble therein, and ſhall return the Name of ſuch Perſon, together with the Liſt herein-before directed, to the Juſtices of the Peace at their ſaid Seſſions, to be held in the Week next after the Michaelmas Quarter Seſſions; that then, and in every ſuch Caſe, it ſhall and may be lawful for the ſaid Juſtices, if they ſhall think proper to appoint ſuch Perſon to be Surveyor for ſuch Pariſh, Townſhip, or Place, and allow him the Salary mentioned in ſuch Agreement, which ſhall be raiſed and paid in the ſame Manner as the Salary herein-before mentioned is directed to be raiſed and paid; and in caſe any Surveyor to be appointed under the Authority of this Act ſhall die, or become incapable of executing that Office, before ſuch next Special Seſſions for appointing Surveyors, the ſaid Juſtices, or any Two of them, ſhall and may, at ſome Special Seſſions, nominate and appoint ſuch Perſon or Perſons as they ſhall think proper, to execute the ſaid Office, until ſuch next Special Seſſions for appointing Surveyors as aforeſaid; and if ſuch deceaſed Surveyor had a Salary, they may allow the ſame Salary to his Succeſſor, in Proportion to the Time he ſhall ſerve the ſaid Office; and if the ſaid Juſtices of the Peace, at their ſaid Special Seſſions, or at any Time afterwards, purſuant to the Powers of this Act, ſhall appoint more than One Perſon for Surveyor of any Pariſh, Townſhip, or Place, all and every Perſon or Perſons ſo appointed ſhall be comprehended under the Word Surveyor, in every Part of this Act.

If Two Parts out of Three of thoſe aſſembled in any Pariſh, *&c.* ſhall agree in the Choice of a Perſon of Skill to ſerve the Office of Surveyor, and in ſettling his Salary, Juſtices may appoint ſuch Perſon, and allow him the ſaid Salary; and if any Surveyor ſhall die, or become incapable of executing the Office, the Juſtices may appoint another Perſon, and allow him the Salary. If more Surveyors than One ſhall be appointed, they are all comprehended under the Word *Surveyor*.

VI. And be it further enacted, That no Tree, Buſh, or Shrub, ſhall be permitted to ſtand or grow in any Highways within the Diſtance of Fifteen Feet from the Centre thereof, (except for Ornament or Shelter to the Houſe, Building, or Court-yard, of the Owner thereof), or hereafter to be planted within the Diſtance aforeſaid; but the ſame ſhall reſpectively be cut down, grubbed up, and carried away, by the Owner or Occupier of the Land or Soil where the ſame doth or ſhall ſtand or grow, within Ten Days after Notice to him, her, or them, or his, her, or their Steward or Agent, given by the ſaid Surveyors, or any of them, on Pain of forfeiting for every Neglect the Sum of Ten Shillings.

No Tree, Buſh, or Shrub, allowed to grow or ſtand within 15 Feet of the Centre of the Highway, on Forfeiture of 10*s.* by the Owners.

VII. And be it further enacted, That the Poſſeſſors of the Land next adjoining to every Highway ſhall cut, prune, and plaſh their Hedges, and alſo cut down or prune and lop the Trees growing in or near ſuch Hedges, or other Fences, (except thoſe Trees planted for Ornament or Shelter, as aforeſaid), in ſuch Manner that the Highways ſhall not be prejudiced by the Shade thereof reſpectively, and that the Sun and Wind may not be excluded from ſuch Highway to the Damage thereof; and that if ſuch Poſſeſſor ſhall not, within Ten Days after Notice given by the Surveyor for that Purpoſe, cut, prune, and plaſh, ſuch Hedges, and cut down or prune and lop ſuch Trees, in Manner aforeſaid, it ſhall and may be lawful for the Surveyor, and he is hereby required, to make Complaint thereof to ſome Juſtice of the Peace of the Limit where ſuch Highway ſhall be, who ſhall ſummon the Poſſeſſor of the ſaid Lands to appear before the Juſtices at ſome Special Seſſions for that Limit, to anſwer to the ſaid Complaint; and if it ſhall appear to the Juſtices, at ſuch Special Seſſions, that ſuch Poſſeſſor had not complied with the Requiſites of this Act, it ſhall and may be lawful for the ſaid Juſtices, upon hearing the Surveyor and the Poſſeſſor of ſuch Land, or his Agent, (or in Default of his Appearance, upon having due Proof of the Service of ſuch Summons), and conſidering the Circumſtances of the Caſe, to order ſuch Hedges to be cut, plaſhed, and pruned, and ſuch Trees to be cut down, or pruned, in ſuch Manner as may beſt anſwer the Purpoſes aforeſaid; and if the Poſſeſſor of ſuch Lands ſhall not obey ſuch Order, within Ten Days after it ſhall have been made, and he ſhall have had due Notice thereof, he ſhall forfeit the Sum of Two Shillings for every Twenty-four Feet in Length of ſuch Hedge which ſhall be ſo neglected to be cut and plaſhed, and the Sum of Two Shillings for every Tree which ſhall be ſo neglected to be cut down or pruned, and lopped; and the Surveyor, in caſe of ſuch Default made by the Poſſeſſor, ſhall, and is hereby required

Hedges and Trees adjoining to Highways, by whom, and in what Manner, to be cut and pruned.

to cut, prune, and plaſh, ſuch Hedges, and to cut down or prune and lop ſuch Trees, in the Manner directed by ſuch Order; and ſuch Poſſeſſor ſhall be charged with, and pay, over and above the ſaid Penalties, the Charges and Expences of doing the ſame; or, in Default thereof, ſuch Charges and Expences ſhall be levied, together with the ſaid Forfeitures, upon his or her Goods and Chattels by Warrant from a Juſtice of Peace, in ſuch Manner as is authoriſed for Forfeitures incurred by virtue of this Act.

Occupiers of Lands ſhall make ſufficient Ditches, Drains, or Watercourſes, and lay ſufficient Trunks, Plats, or Bridges, where Cartways, &c. lead out of Highways into ſuch Lands:

They ſhall forfeit, for every Offence, 10s.

VIII. And be it further enacted, That Ditches, Drains, or Watercourſes, of a ſufficient Depth and Breadth, for the keeping all Highways dry, and conveying the Water from the ſame, ſhall be made, ſcoured, cleanſed, and kept open, and ſufficient Trunks, Tunnels, Plats, or Bridges, ſhall be made and laid where any Cartways, Horſeways, or Footways, lead out of the ſaid Highways into the Lands or Grounds adjoining thereto, by the Occupier or Occupiers of ſuch Lands or Grounds; and every Perſon or Perſons who ſhall occupy any Lands or Grounds adjoining to, or lying near ſuch Highway through which the Water hath uſed to paſs from the ſaid Highway, ſhall, and is hereby required, from Time to Time, as often as Occaſion ſhall be, to open, cleanſe, and ſcour, the Ditches, Watercourſes, or Drains, for ſuch Water to paſs without Obſtruction; and that every Perſon making Default in any of the Matters or Things aforeſaid, after Ten Days Notice to him, her, or them, given of the ſame, by the ſaid Surveyor, ſhall, for every ſuch Offence, forfeit the Sum of Ten Shillings.

Perſons laying Stone, Timber, Straw, &c. in any Highway, or Soil out of Ditches, &c. ſhall, for every Offence, forfeit 10s.

IX. And be it further enacted, That if any Perſon or Perſons ſhall lay in any Highway any Stone, Timber, Straw, Dung, or other Matter, or in making, ſcouring, or cleanſing, the Ditches or Watercourſes, ſhall permit the Soil or Earth, dug out of ſuch Ditches, Drains, or Watercourſes, to remain in ſuch Highway, in ſuch Manner as to obſtruct or prejudice the ſame, for the Space of Five Days after Notice thereof given by the Surveyor of the Highways; every Perſon or Perſons offending in any of the ſaid Caſes, ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings.

Stone, Timber, Hay, Straw, &c. laid within 15 Feet of the Centre of the Highway, and not removed in Five Days after Notice given, the Owner of the adjacent Lands may remove and diſpoſe of the ſame to his own Uſe.

X. And be it further enacted, That if any Stone or Timber, or any Hay, Straw, Stubble, or other Matter, for the making of Manure, or on any other Pretence whatſoever, not tolerated by this Act, ſhall be laid in any Highway within the Diſtance of Fifteen Feet from the Centre thereof, and ſhall not, within Five Days after Notice given by the Surveyor, or ſome Perſon aggrieved thereby, be removed, it ſhall and may be lawful for the Owner or Poſſeſſor of the Lands adjacent, or any other Perſon or Perſons whomſoever, by Order from ſome Juſtice of Peace, to clear the ſaid Highways, by removing the ſaid Stone, Timber, Hay, Straw, Dung, or other Matter, and to have, take, and diſpoſe of the ſame, to his and their own Uſe.

Obſtructions in the Highways by Carriages or Implements of Huſbandry, makes the Offender forfeit 10s.

XI. And, for preventing Obſtructions in the ſaid Highways, be it enacted, That if any Perſon ſhall wilfully ſet, place, or leave, any Waggon, Cart, or other Carriage, or any Plough or Inſtrument of Huſbandry, in any of the ſaid Highways, (except only with reſpect to ſuch Waggon, Cart, or Carriage, during ſuch reaſonable Time as the ſame ſhall be loading or unloading, and ſtanding as near the Side of ſuch Highway as conveniently may be), ſo as to interrupt or hinder the free Paſſage of any other Carriage, or of His Majeſty's Subjects; every Perſon ſo offending ſhall forfeit the Sum of Ten Shillings for every ſuch Offence.

Surveyors Duty on taking a View of the Condition of the Highways, &c. within the Diſtrict in reſpect of Nuiſances, Obſtructions, &c.

If the Offender does not remove ſuch Nuiſances, &c. after Notice,

the Surveyor ſhall do it,

and the Offender ſhall pay the Charges thereof.

XII. And be it further enacted, That the Surveyors of the Highways, to be appointed by virtue of this Act, ſhall, at all ſuch Times and Seaſons as they ſhall judge proper, view all the common Highways, Trunks, Tunnels, Plats, Hedges, Ditches, Banks, Bridges, Cauſeways, and Pavements, within the Pariſh, Townſhip, or Place, for which they ſhall be appointed Surveyors; and in caſe they ſhall obſerve any Nuiſances, Incroachments, Obſtructions, or Annoyances, made, committed, or permitted, in, upon, or to the Prejudice of them, or any of them, contrary to the Directions of this Act, they ſhall, from Time to Time, as ſoon as conveniently may be, give, or cauſe to be given, to any Perſon or Perſons doing, committing, or permitting the ſame, perſonal Notice, or Notice in Writing, to be left at his, her, or their uſual Place or Places of Abode, ſpecifying the Particulars wherein ſuch Nuiſances, Defaults, Obſtructions, or Annoyances, conſiſt; and if ſuch Nuiſances, Obſtructions, or Annoyances, ſhall not be removed, and the Ditches, Drains, Gutters, and Watercourſes aforeſaid, effectually made, ſcoured, cleanſed, and opened, and ſuch Trunks, Tunnels, Plats, and Bridges, made and laid, and ſuch Hedges properly cut and pruned, within Twenty Days after ſuch Notice of the ſame reſpectively given as aforeſaid, then the ſaid Surveyors ſhall be, and they are hereby fully authoriſed and impowered, forthwith to remove ſuch Nuiſances, Obſtructions, or Annoyances, and open, cleanſe, and ſcour, ſuch Ditches, Gutters, and Watercourſes, and make or amend ſuch Trunks, Tunnels, Plats, or Bridges, and cut and prune ſuch Hedges, for the Benefit and Improvement of the ſaid Highways, to the beſt of their Skill and Judgement, and according to the true Intent and Meaning of this Act; and the Perſon or Perſons ſo neglecting to make, or open and cleanſe ſuch Ditches, Gutters, or Watercourſes, or to cut or prune ſuch Hedges, during the Time aforeſaid, after ſuch Notice given, ſhall forfeit for every Foot in Length which ſhall be ſo neglected, the Sum of One Penny; and the ſaid Surveyors ſhall be reimburſed what Charges and Expences they ſhall be at in removing ſuch Nuiſances, Obſtructions, or Annoyances, and making or opening, cleanſing and ſcouring, ſuch Ditches, Gutters, and Watercourſes, and in making or amending ſuch Trunks, Tunnels, Plats, or Bridges, and in cutting and pruning ſuch Hedges reſpectively, by the Perſon or Perſons who ought to have done the ſame, over and above the ſaid Forfeiture; and in caſe ſuch Perſon or Perſons ſhall, upon Demand, refuſe or neglect to pay the ſaid Surveyor his Charges and Expences occaſioned thereby reſpectively, and alſo the ſaid Forfeiture of One Penny per Foot, then the ſaid Surveyor ſhall apply to any Juſtice of the Peace; and, upon making Oath before him of Notice being given to the Defaulter in Manner aforeſaid, and of the ſaid Work being done by ſuch Surveyor, and of the Expences attending the ſame, the ſaid Surveyor ſhall be repaid by ſuch Perſon or Perſons all ſuch his ſaid Charges as ſhall be allowed to be reaſonable by the ſaid Juſtice; or in Default of Payment thereof on Demand, the ſame ſhall be levied in ſuch Manner as the Penalties and Forfeitures hereby inflicted are directed to be levied.

XIII. Provided nevertheleſs, That no Perſon or Perſons ſhall be compelled, nor any Surveyor permitted, by virtue of this Act, to cut or prune any Hedge at any other Time than between the laſt Day of September and the laſt Day of March; and that nothing herein contained ſhall extend, or be conſtrued to oblige any Perſon or Perſons to fell any Timber Trees growing in Hedges at any Time whatſoever, except where the Highways ſhall be ordered to be enlarged, as herein-after mentioned, or to cut down or grub up any Oak Trees growing within ſuch Highway, or in ſuch Hedges, except in the Months of April, May, or June, or any Aſh, Elm, or other Trees, in any other Months than in the Months of December, January, February, or March.

Times of cutting Hedges, and of felling Trees, &c. growing in the Highways.

XIV. And be it further enacted, That where the Ditches, Gutters, or Watercourſes, which have been uſually made, or which are herein-before directed to be made, cleanſed, and kept open, ſhall not be ſufficient to carry off the Water which ſhall lie upon and annoy the Highways; that then, and in every ſuch Caſe, it ſhall and may be lawful for the ſaid Surveyors, by the Order of any One or more of the ſaid Juſtices, to make new Ditches and Drains in and through the ſaid Lands and Grounds adjoining, or lying near to ſuch Highways, or in and through any other Lands or Grounds, if it ſhall be neceſſary, for the more eaſy and effectually carrying off ſuch Water from the ſaid Highways, and alſo to keep ſuch Ditches, Gutters, or Watercourſes, ſcoured, cleanſed, and opened, and the ſaid Surveyors, and their Workmen, are hereby authoriſed to go upon the ſaid Lands for the Purpoſes aforeſaid: Provided, that the ſaid Surveyors make proper Trunks, Tunnels, Plats, Bridges, or Arches, over ſuch Ditches, Gutters, or Watercourſes, where the ſame ſhall be neceſſary, for the convenient Uſe and Enjoyment of the Lands or Grounds through which the ſame ſhall be made, and from Time to Time keep the ſame in Repair; and do alſo make Satiſfaction to the Owner or Occupier of ſuch Lands which are not Waſte or Common, for the Damages which he, ſhe, or they, ſhall ſuſtain thereby; to be ſettled and paid in ſuch Manner as the Damages for getting Materials in ſeveral or incloſed Lands or Grounds are hereafter directed to be ſettled and paid.

Where the old Ditches, Gutters, or Watercourſes are inſufficient, new ones may be made.

XV. And be it further enacted, That the ſaid Surveyors of the Highway ſhall, and they are hereby required to make, ſupport, and maintain, or cauſe to be made, ſupported, and maintained, every publick Cartway leading to any Market Town, Twenty Feet wide at the leaſt; and every publick Horſeway or Driftway, Eight Feet wide at the leaſt, if the Ground between the Fences incloſing the ſame will admit thereof.

Cartways to Market Towns are to be made 20 Feet wide, and Horſeways or Driftways 8 Feet wide.

XVI. Provided always, and be it further enacted, That where it ſhall appear, upon the View of any Two or more of the ſaid Juſtices of the Peace, that the Ground or Soil of any Highway between the Fences thereof is not of ſufficient Breadth, and may be conveniently widened and enlarged, or that the ſame cannot be conveniently enlarged, and made commodious for Travellers, without diverting and turning the ſame; ſuch Juſtices ſhall, and they are hereby impowered, within their reſpective Juriſdictions, to order ſuch Highways reſpectively to be widened and enlarged, or diverted and turned, in ſuch Manner as they ſhall think fit, ſo that the ſaid Highways, when enlarged and diverted, ſhall not exceed Thirty Feet in Breadth; and that neither of the ſaid Powers do extend to pull down any Houſe or Building, or to take away the Ground of any Garden, Park, Paddock, Court, or Yard; and for the Satiſfaction of the Perſon or Perſons, Bodies Politick or Corporate, who are ſeiſed or poſſeſſed of, or intereſted in their own Right, or in Truſt for any other Perſon or Perſons, in the ſaid Ground that ſhall be laid into the ſaid Highways reſpectively, ſo to be enlarged, or through which ſuch Highway, ſo to be diverted and turned, ſhall go, the ſaid Surveyor, under the Direction, and with the Approbation of the ſaid Juſtices, ſhall, and is hereby impowered to make an Agreement with him, her, or them, for the Recompence to be made for ſuch Ground, and for the making ſuch new Ditches and Fences as ſhall be neceſſary, according and in Proportion to their ſeveral and reſpective Intereſts therein, and alſo with any other Perſon or Perſons, Bodies Politick or Corporate, that may be injured by the enlarging, altering, or diverting ſuch Highways reſpectively, for the Satiſfaction to be made to him, her, or them reſpectively, as aforeſaid: And if the ſaid Surveyor, under the Direction, and with the Approbation, of the ſaid Juſtices, cannot agree with the ſaid Perſon or Perſons, Bodies Politick or Corporate, or if he, ſhe, or they, cannot be found, or ſhall refuſe to treat, or take ſuch Recompence or Satiſfaction as ſhall be offered to them reſpectively by ſuch Surveyor; then the Juſtices of the Peace, at any General Quarter Seſſions to be holden for the Limit wherein ſuch Ground ſhall lie, upon Certificate in Writing, ſigned by the Juſtices making ſuch View as aforeſaid, of their Proceedings in the Premiſes, and upon Proof of Fourteen Days Notice in Writing having been given by the Surveyor of ſuch Pariſh, Townſhip, or Place, to the Owner, Occupier, or other Perſon or Perſons, Bodies Politick or Corporate, intereſted in ſuch Ground, or to his, her, or their Guardian, Truſtee, Clerk, or Agent, ſignifying an Intention to apply to ſuch Quarter Seſſions for the Purpoſe of taking ſuch Ground, ſhall impanel a Jury of Twelve diſintereſted Men out of the Perſons returned to ſerve as Jurymen at ſuch Quarter Seſſions; and the ſaid Jury ſhall, upon their Oaths, to the beſt of their Judgement, aſſeſs the Damages to be given, and Recompence to be made, to the Owners and others intereſted as aforeſaid in the ſaid Ground, for their reſpective Intereſts, as they ſhall think reaſonable, not exceeding Forty Years Purchaſe, for the clear yearly Value of the Ground ſo laid out, and likewiſe ſuch Recompence as they ſhall think reaſonable, for the making of new Ditches and Fences on the Side or Sides of the ſaid Highways that ſhall be ſo enlarged or diverted, and alſo Satiſfaction to any Perſon or Perſons, Bodies Politick or Corporate, that may

Juſtices may order narrow Roads to be widened,

or diverted and turned.

Surveyors to agree with Owners of Lands for Recompence;

and if they cannot agree,

the ſame may be aſſeſſed by a Jury at the Quarter Seſſions.

On Payment of Money aſſeſſed, Ground to be deemed a publick Highway.

Where there is not Money ſufficient, Aſſeſſments may be raiſed by Order of the Juſtices at their Quarter Seſſions.

not exceeding 6d in the Pound.

be otherwiſe injured by the enlarging or diverting the ſaid Highways reſpectively: And, upon Payment or Tender of the Money ſo to be awarded and aſſeſſed to the Perſon or Perſons, Bodies Politick or Corporate, intitled to receive the ſame, or leaving it in the Hands of the Clerk of the Peace of ſuch Limit, in caſe ſuch Perſon or Perſons, Bodies Politick or Corporate, cannot be found, or ſhall refuſe to accept the ſame, for the Uſe of the Owner of, or others intereſted in, the ſaid Ground, the Intereſt of the ſaid Perſon or Perſons, Bodies Politick or Corporate, in the ſaid Ground, ſhall be for ever diveſted out of them, and the ſaid Ground, after ſuch Agreement or Verdict as aforeſaid, ſhall be eſteemed and taken to be a publick Highway, to all Intents and Purpoſes whatſoever; ſaving nevertheleſs to the Owner or Owners of ſuch Ground all Mines, Minerals, and Foſſils, lying under the ſame, which can or may be got without breaking the Surface of the ſaid Highway; and alſo all Timber and Wood growing upon ſuch Ground, to be fallen and taken by ſuch Owner or Owners within One Month after ſuch Order ſhall have been made, or in Default thereof, to be fallen by the ſaid Surveyor or Surveyors within the reſpective Months aforeſaid, and laid upon the Land adjoining, for the Benefit of the ſaid Owner or Owners: And where there ſhall not appear ſufficient Money in the Hands of the Surveyor or Surveyors, for the Purpoſes aforeſaid, then the ſaid Two Juſtices, in caſe of Agreement, or the ſaid Court of Quarter Seſſions, after ſuch Verdict as aforeſaid, ſhall order an equal Aſſeſſment to be made, levied, and collected, upon all and every the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, in the reſpective Pariſhes, Townſhips, or Places, where ſuch Highways ſhall lie, and direct the Money to be paid to the Perſon or Perſons, Bodies Politick or Corporate, ſo intereſted, in ſuch Manner as the ſaid Juſtices, or Court of Quarter Seſſions reſpectively, ſhall direct and appoint: And the Money thereby raiſed ſhall be employed and accounted for, according to the Order and Direction of the ſaid Juſtices, or Court of Quarter Seſſions reſpectively, for and towards the purchaſing the Land to enlarge or divert the ſaid Highways, and for the making the ſaid Ditches and Fences, and alſo Satisfaction for the Damages ſuſtained thereby; and the ſaid Aſſeſſment, if not paid within Ten Days after Demand, ſhall, by Order of the ſaid Juſtices, or Court of Quarter Seſſions reſpectively, be levied by the ſaid Surveyor, in the Manner herein-after mentioned: Provided that no ſuch Aſſeſſment to be made in any One Year ſhall exceed the Rate of Sixpence in the Pound of the yearly Value of the Lands, Tenements, Woods, Tithes, and Hereditaments, ſo aſſeſſed.

Old Highway and Soil may be ſold by the Surveyor.

ſubject to ancient Right of Way and Paſſage.

Mines and Minerals reſerved to the Owners.

XVII. And be it further enacted, That when any ſuch new Highways ſhall be made as aforeſaid, the old Highway ſhall be ſtopped up, and the Land and Soil thereof ſhall be ſold by the ſaid Surveyor, with the Approbation of the ſaid Juſtices, to ſome Perſon or Perſons whoſe Lands adjoin thereto, if he, ſhe, or they, ſhall be willing to purchaſe the ſame, if not, to ſome other Perſon or Perſons, for the full Value thereof: But if ſuch old Road ſhall lead to any Lands, Houſe, or Place, which cannot in the Opinion of ſuch Juſtices reſpectively be accommodated with a convenient Way and Paſſage from ſuch new Highway, which they are hereby authoriſed to order and lay out, if they find it neceſſary; then, and in ſuch Caſe, the ſaid old Highway ſhall only be ſold ſubject to the Right of Way and Paſſage to ſuch Lands, Houſe, or Place reſpectively, according to the ancient Uſage in that Reſpect; and the Money ariſing from ſuch Sale, in either of the ſaid Caſes, ſhall be applied towards the Purchaſe of the Land where ſuch new Highway ſhall be made: And upon Payment or Tender of the Money ſo to be agreed for as aforeſaid, and upon a Certificate being ſigned by the ſaid Two Juſtices, or by the Chairman of the ſaid Court of Quarter Seſſions, in caſe the ſame ſhall be determined there, deſcribing the Lands ſo ſold, and expreſſing the Sum ſo agreed for, and directing to whom the ſame ſhall be paid; and upon the Purchaſer's taking a Receipt for ſuch Purchaſe-money from the Perſon intitled to receive the ſame, by an Indorſement on the Back of ſuch Certificate, the Soil of ſuch old Highway ſhall become veſted in ſuch Purchaſer and his Heirs; but all Mines, Minerals, and Foſſils, lying under the ſame, ſhall continue to be the Property of the Perſon or Perſons who would from Time to Time have been intitled to the ſame, if ſuch old Highway had continued there.

Coſts of Proceedings by whom payable.

XVIII. And be it further enacted, That in caſe ſuch Jury ſhall give in and deliver a Verdict for more Monies, as a Recompence for the Right, Intereſt, or Property, of any Perſon or Perſons, Bodies Politick or Corporate, in ſuch Lands or Grounds, or for the making ſuch Fence, or for ſuch Damage or Injury to be ſuſtained by him, her, or them reſpectively, as aforeſaid, than what ſhall have been propoſed and offered by the ſaid Surveyor, before ſuch Application to the ſaid Court of Quarter Seſſions, as aforeſaid; that then, and in ſuch Caſe, the Coſts and Expences attending the ſaid ſeveral Proceedings ſhall be borne and paid by the Surveyor of the ſaid Highway, out of the Monies in his or their Hands, or to be aſſeſſed and levied by virtue and under the Powers of this Act; but if ſuch Jury ſhall give and deliver a Verdict for no more or for leſs Monies than ſhall have been ſo offered and propoſed by the ſaid Surveyor, before ſuch Application to the ſaid Court of Quarter Seſſions; that then the ſaid Coſts and Expences ſhall be borne and paid by the Perſon or Perſons, Bodies Politick or Corporate, who ſhall have refuſed to accept the Recompence and Satisfaction ſo offered to him, her, or them, as aforeſaid.

Highways, Bridleways, and Footways, may be turned by the Juſtices at their Special Seſſions, with the Conſent of the Owners of the Lands, if they are nearer or more convenient to the

XIX. And be it further enacted, That when it ſhall appear, upon the View of any Two or more of the ſaid Juſtices of the Peace, that any publick Highway, not in the Situation herein-before deſcribed, or publick Bridleway, or Footway, may be diverted, ſo as to make the ſame nearer or more commodious to the Publick, and the Owner or Owners of the Lands and Grounds through which ſuch new Highway, Bridleway, or Footway, is propoſed to be made, ſhall conſent thereto, by Writing under his or their Hand and Seal, or Hands and Seals, it ſhall and may be lawful, by Order of ſuch Juſtices, at ſome Special Seſſions, to divert and turn, and to ſtop up ſuch Footway, and to divert, turn, and ſtop up and incloſe, ſell, and diſpoſe of ſuch old Highway

way or Bridleway, and to purchaſe the Ground and Soil for ſuch new Highway, Bridleway, or Footway, by ſuch Ways and Means, and ſubject to ſuch Exceptions and Conditions, in all Reſpects, as herein-before mentioned with regard to Highways to be widened or diverted; and where any ſuch Highway, Bridleway, or Footway, herein laſt before deſcribed, ſhall be ſo ordered to be ſtopped up or incloſed, and ſuch new Highway, Bridleway, or Footway, ſet out and appropriated in lieu thereof, as aforeſaid, it ſhall and may be lawful for any Perſon or Perſons injured or aggrieved by any ſuch Order or Proceeding, or by the Incloſure of any Road or Highway, by virtue of any Inquiſition taken upon any Writ of Ad quod damnum, to make his or their Complaint thereof, by Appeal, to the Juſtices of the Peace at the next General Quarter Seſſions, which ſhall be holden within the Limit where the ſame ſhall lie, after ſuch Order made or Proceeding had, as aforeſaid, upon giving Ten Days Notice in Writing of ſuch Appeal to the Surveyor and Party intereſted in ſuch Incloſure, if there ſhall be ſufficient Time for that Purpoſe; if not, ſuch Appeal may be made upon the like Notice to the next ſubſequent Quarter Seſſions of the Peace, which Courts of Quarter Seſſions are hereby reſpectively authoriſed and impowered to hear and finally determine ſuch Appeal; and if no ſuch Appeal be made, or, being made, ſuch Order and Proceedings ſhall be confirmed by the ſaid Court, the ſaid Incloſures may be made, and the ſaid Ways ſtopped, and the Proceedings thereupon ſhall be binding and concluſive to all Perſons whomſoever; and the new Highway, Bridleway, or Footway, ſo to be appropriated and ſet out, ſhall be, and for ever after continue, a publick Highway, Bridleway, or Footway, to all Intents and Purpoſes whatſoever; but no Incloſures of ſuch old Highways or Bridleway, or Stoppage of ſuch Footway, ſhall be made, until ſuch new Highways, Bridleway, or Footway, ſhall be compleated, and put into good Condition and Repair, and ſo certified by Two Juſtices of the Peace, upon View thereof; which Certificate ſhall be returned to the Clerk of the Peace, and by him inrolled amongſt the Records of the ſaid Court of Quarter Seſſions; but from and after ſuch Certificate, ſuch old Highways, Bridleway, or Footway, ſhall and may be ſtopped up, and the Soil of ſuch old Highways or Bridleway ſold, in the Manner, and ſubject to the Reſervations and Reſtrictions herein-before mentioned with reſpect to Highways to be enlarged or diverted by virtue of this Act: And where any Highway, Bridleway, or Footway, hath been diverted and turned above Twelve Months, either from Neceſſity, where the ſame have been deſtroyed by Floods, or Slips of the Ground on which they were made, or from other Cauſes and Motives, if new Highways, Bridleways, or Footways, have been made in lieu thereof, nearer or more commodious to the Publick, and the ſame have been acquieſed in, and no Suit or Proſecution hath been commenced for the diverting or turning the ſame, every new Highway, Bridleway, or Footway, ſet out and uſed in the Place of that ſo diverted and turned, ſhall from henceforth be the publick Highway, Bridleway, or Footway, to all Intents and Purpoſes whatſoever; and all Perſons liable to the Repair of any ſuch old Highways, Bridleway, or Footway, ſo diverted and turned, or to be diverted and turned, as aforeſaid, ſhall, in the ſame Manner, be and continue liable to the Repair of ſuch new Highways, Bridleway, or Footway, except where any Agreement ſhall have been made relative to ſuch Repairs between the Parties intereſted therein, which hath laid the Burthen thereof, or of any Part thereof, upon any other Perſon or Perſons, in which Caſe the ſame ſhall be obſerved.

Publick, and the old ones may be ſtopped up and incloſed.

Appeal may be made to the Quarter Seſſions to Proceedings by Writ of *Ad quod damnum*, or otherwiſe.

No ſuch Incloſures to be made until the new Highways, &c. ſhall be compleated, and Certificate thereof returned to the Clerk of the Peace.

Concerning thoſe which have been turned above 12 Months and no Proſecution commenced.

In what Caſes, and in what Manner, and upon what Terms, the old Highways, or the Lands lying between the Fences incloſing the ſame, ſhall be diſpoſed of.

XX. Provided nevertheleſs, and be it further enacted, That no common Land, lying between the Fences of any old Highway to be ſtopped up or incloſed by virtue of this Act, ſhall be incloſed; and where the Land lying between the Fences of ſuch Highway, not being common Land, ſhall, upon a Medium, exceed Thirty Feet in Breadth, and not extend to Fifty Feet in Breadth, the ſame ſhall not be ſtopped up or incloſed, until Satiſfaction ſhall be made to the Owner of ſuch Land, for ſo much thereof as ſhall exceed the ſaid Breadth of Thirty Feet; and if the Parties cannot agree in the Satiſfaction ſo to be made, the ſame ſhall be adjuſted by the ſaid Juſtices, or the Jury, if a Jury ſhall be impanelled; and if the Land between the Fences incloſing ſuch Highways, not being common Land, ſhall exceed Fifty Feet in Breadth upon a Medium, or if the ſaid old Road, ſo to be diverted or turned ſhall lie through the open Field or Ground belonging to any particular Perſon or Perſons, ſuch Perſon or Perſons, and alſo the Perſon or Perſons intitled to the Land between the Fences on the Side of ſuch Highway, ſhall reſpectively hold and enjoy the Land and Soil of ſuch old Highway, and pay to the Surveyor, for the Uſe of the Highways, ſo much Money as ſhall be agreed upon between the Parties; or if they cannot agree, ſo much as ſhall be deemed and adjudged by the ſaid Juſtices, or Jury, if ſuch Jury ſhall be impanelled, as aforeſaid, to be adequate to the Purchaſe of it, eſtimating ſuch Highway at Thirty Feet in Breadth, upon an Average.

When old Footways are ſtopped up, and new ones laid out, in what Manner the Owners of Lands ſhall make and receive Satiſfaction.

XXI. And be it further enacted, That where any Footway ſhall be diverted by virtue of this Act, through the Land belonging to the ſame Perſon who owned the Land through which ſuch old Footway lay, the ſame ſhall be adjudged and deemed an Exchange only, and no Satiſfaction or Compenſation ſhall be made, unleſs the Land to be uſed for ſuch new Footway ſhall be of greater Length, and of greater Value, than the Land uſed for ſuch old Footway; and where the ſaid Footway ſhall not be turned through the Lands belonging to the ſame Perſon, the Damage occaſioned by ſuch old Footway to the Lands through which it lay, if the Parties intereſted ſhall not agree in adjuſting the ſame, ſhall be adjudged by Two indifferent Perſons, the One to be named by the Owner of the Land, and the other by the ſaid Two Juſtices; and if the Perſons ſo to be nominated cannot agree therein, they ſhall chuſe ſome Third Perſon to adjudge the ſame, whoſe Determination ſhall be final; and the Money at which ſuch Damages ſhall be aſſeſſed ſhall be applied in making Satiſfaction to the Owner or Owners of the Land through which ſuch new Footway ſhall be made.

Juſtices to order unneceſſary Highways to be ſtopped up.

XXII. And be it further enacted, That if in any Pariſh, Townſhip, or Place, where any Highway ſhall be diverted and turned by virtue of this Act, it ſhall appear to the Juſtices who are hereby authoriſed to view or inquire into the ſame, that there are other Highways within ſuch Pariſh, Townſhip, or Place, beſides that ſo to be diverted and turned, which may, without Inconvenience to the Publick, be diverted into ſuch new Highway hereby authoriſed to be made, or into any other Highway or Highways within ſuch Pariſh, Townſhip, or Place, and the Charge of repairing ſuch Highway or Highways may be thereby ſaved to ſuch Pariſh, Townſhip, or Place, it ſhall and may be lawful for ſuch Juſtices to order ſuch Highway or Highways, which ſhall appear to them unneceſſary, to be ſtopped up, and the Soil thereof ſold, in ſuch Manner, and ſubject to ſuch Reſtrictions, and ſuch Right of Appeal to the Party or Parties aggrieved thereby, as are herein-before reſpectively directed and given concerning the Highways to be ſtopped up or incloſed.

Juſtices on Information of Surveyor may order Highways, liable to be repaired by Tenure, *&c.* to be repaired within a limited Time; and if not repaired within that Time may preſent them.

XXIII. And be it further enacted, That every Surveyor ſhall and may, from Time to Time, give Information upon Oath to the ſaid Juſtices, or any Two or more of them, of all ſuch Highways, and of all Bridges, Cauſeways, or Pavements, upon ſuch Highways, as are out of Repair, and ought to be repaired by any Perſon or Perſons, Bodies Politick or Corporate, by reaſon of any Grant, Tenure, Limitation, or Appointment, of any charitable Gift, or otherwiſe howſoever; and the ſaid Juſtices ſhall limit a Time for repairing the ſame, of which Notice ſhall be given by the ſaid Surveyor to the Occupier or Occupiers of the Lands or Tenements liable to the Burthen of ſuch Repairs, or to ſuch other Perſon or Perſons, Bodies Politick or Corporate, as are chargeable with the ſame; and if ſuch Repairs ſhall not be effectually made within the Time ſo limited, the ſaid Juſtices ſhall, and are hereby required to preſent ſuch Highways, Bridges, Cauſeways, or Pavements, ſo out of Repair, together with the Perſon or Perſons, Bodies Politick or Corporate, liable to repair the ſame, at the next General Quarter Seſſions of the Peace for the Limit wherein ſuch Highway ſhall lie, and the Juſtices at ſuch Quarter Seſſions may, if they ſee juſt Cauſe, direct the Proſecution to be carried on at the general Expence of ſuch Limit, and to be paid out of the general Rates within the ſame.

Juſtices of Aſſize and of the Peace, *&c.* to make Preſentments of Highways, *&c.* out of Repair.

XXIV. And be it further enacted, That every Juſtice of Aſſize, Juſtices of the Counties Palatine of Cheſter, Lancaſter, and Durham, and of the Great Seſſions in Wales, ſhall have Authority by this Statute, upon his or their own View, and every Juſtice of the Peace, either upon his own View, or upon Information upon Oath to him given by any Surveyor of the Highways, to make Preſentment, at their reſpective Aſſizes or Great Seſſions, or in the open General Quarter Seſſions, of ſuch reſpective Limit of any Highway, Cauſeway, or Bridge, not well and ſufficiently repaired and amended, or of any other Default or Offence committed and done contrary to the Proviſion and Intent of this Statute; and that all Defects in the Repair thereof ſhall be preſented in ſuch Juriſdiction where the ſame do lie, and not elſewhere; and that no ſuch Preſentment, nor any Indictment for any ſuch Default or Offence, ſhall be removed by Certiorari, or otherwiſe, out of ſuch Juriſdiction, till ſuch Indictment or Preſentment be traverſed, and Judgement thereupon given, except where the Duty or Obligation of repairing the ſaid Highways, Cauſeways, or Bridges, may come in Queſtion; and that every ſuch Preſentment made by any ſuch Juſtice of Aſſize, Counties Palatine, Great Seſſions, or of the Peace, upon his own View, or upon ſuch Information having been given to ſuch Juſtice of the Peace, upon the Oath of ſuch Surveyor of the Highways, as aforeſaid, ſhall be as good, and of the ſame Force, Strength, and Effect, in the Law, as if the ſame had been preſented and found by the Oaths of Twelve Men; and that for every ſuch Default or Offence ſo preſented, as aforeſaid, the Juſtices of Aſſize, Counties Palatine, and Great Seſſions, at their reſpective Courts, and the Juſtices of the Peace, at their General Quarter Seſſions, ſhall have Authority to aſſeſs ſuch Fines as to them ſhall be thought meet: Saving to every Perſon and Perſons that ſhall be affected by any ſuch Preſentment, his, her, or their lawful Traverſe to the ſame Preſentment, as well with reſpect to the Fact of Nonrepair as to the Duty or Obligation of repairing the ſaid Highways, as they might have had upon any Indictment of the ſame, preſented and found by a Grand Jury; and the Juſtices of the Peace, at their General Quarter Seſſions, or the major Part of them, may, if they ſee juſt Cauſe, direct the Proſecutions upon ſuch Preſentments as ſhall be made at the Quarter Seſſions, as aforeſaid, to be carried on at the general Expence of ſuch Limit, and to be paid out of the general Rates within the ſame.

Juſtices may order what Highway ſhall be firſt repaired.

XXV. And be it further enacted, That the ſaid Juſtices of the Peace, at any Special Seſſions to be by held virtue of this Act, may, by Writing under their Hands and Seals, order and appoint thoſe Highways, (not being Turnpike Road), which in their Opinion do moſt want Repair within their Juriſdiction, to be firſt amended, and at what Time, and in what Manner, the ſame ſhall be amended; according to which Order, if ſuch there be, all and ſingular the reſpective Surveyors of the ſaid Highways are hereby required to proceed within their reſpective Liberties.

Direction Poſts where and how to be erected.

XXVI. And, for the better Convenience of Travellers, where ſeveral Highways meet, be it further enacted, That the ſaid Juſtices, at ſome Special Seſſions to be held for the Purpoſes of this Act, ſhall iſſue their Precept to the Surveyor of the Highways for any Pariſh, Townſhip, or Place, where ſeveral Highways meet, and there is no proper or ſufficient Direction Poſt, or Stone, already fixed or erected, requiring him forthwith to cauſe to be erected or fixed, in the moſt convenient Place where ſuch Ways meet, a Stone or Poſt, with Inſcriptions thereon, in large legible Letters, painted on each Side thereof, containing the Name or Names of the next Market Town or Towns, or other conſiderable Place or Places, to which the ſaid Highways reſpectively lead; and alſo at the ſeveral Approaches or Entrances to ſuch Parts of any Highways as are ſubject to deep or dangerous Floods, graduated Stones or Poſts, denoting the Depth of Water in the deepeſt Part of the ſame, and likewiſe ſuch Direction Poſts or Stones, as the ſaid Juſtices ſhall judge to be neceſſary, for the guiding of Travellers in the beſt and ſafeſt Track through the ſaid Floods or Waters; and the ſaid Surveyor ſhall be reimburſed the Expences of providing and erecting the ſame reſpectively out of the Monies which ſhall be received by him or them, purſuant to the Directions of this Act; and in caſe any Surveyors ſhall, by the Space of Three Months after ſuch Precept to him directed and delivered, neglect or refuſe to cauſe ſuch Stones or Poſts to be fixed, as aforeſaid, every ſuch Offender ſhall forfeit the Sum of Twenty Shillings.

Materials, where and in what Manner to be taken by Surveyors,

XXVII. And for the better repairing, and keeping in Repair, the ſaid Highways, and providing of Materials for that Purpoſe, be it enacted, That it ſhall and may be lawful to and for every Surveyor, to be appointed as aforeſaid, to take and carry away, or cauſe to be taken and carried away, ſo much of the Rubbiſh or Refuſe Stones of any Quarry or Quarries, lying and being within the Pariſh, Townſhip, or Place, where he ſhall be Surveyor, (except ſuch as ſhall have been got by the Surveyor of any Turnpike Road), without the Licence of the Owner or Owners of ſuch Quarries, as they ſhall judge neceſſary, for the Amendment of the ſaid Highways, but not to dig or get Stone in ſuch Quarry without Leave of the Owner thereof; and alſo that it ſhall and may be lawful for every ſuch Surveyor, for the Uſe aforeſaid, in any waſte Land or common Ground, River, or Brook, within the Pariſh, Townſhip, or Place, for which he ſhall be Surveyor, or within any other Pariſh, Townſhip, or Place, wherein Gravel, Sand, Chalk, Stone, or other Materials, are reſpectively likely to be found, (in caſe ſufficient cannot be conveniently had within the Pariſh, Townſhip, or Place, where the ſame are to be employed, and ſufficient ſhall be left for the Uſe of the Roads in ſuch other Pariſh, Townſhip, or Place), to ſearch for, dig, get, and carry away the ſame, ſo that the ſaid Surveyor doth not thereby divert or interrupt the Courſe of ſuch River or Brook, or prejudice or damage any Building, Highway, or Ford, nor dig or get the ſame out of any River or Brook within the Diſtance of One hundred Feet above or below any Bridge, nor within the like Diſtance of any Dam or Wear; and likewiſe to gather Stones lying upon any Lands or Grounds within the Pariſh, Townſhip, or Place, where ſuch Highway ſhall be, for ſuch Service and Purpoſe, and to take and carry away ſo much of the ſaid Materials as by the Diſcretion of the ſaid Surveyor ſhall be thought neceſſary to be employed in the Amendment of the ſaid Highways, without making any Satisfaction for the ſaid Materials; but Satisfaction ſhall be made for all Damages done to the Lands or Grounds of any Perſon or Perſons, by carrying away the ſame, in the Manner herein-after directed for getting and carrying Materials in incloſed Lands or Grounds; but no ſuch Stones ſhall be gathered without the Conſent of the Occupier of ſuch Lands or Grounds, or a Licence from a Juſtice of Peace for that Purpoſe, after having ſummoned ſuch Occupier to come before him, and heard his Reaſons, if he ſhall appear and give any, for refuſing his Conſent.

without making Satiſfaction;

but Satiſfaction to be made for Damages done by carrying them away.

Not to extend to Stones thrown up by the Sea, called *Beach*.

XXVIII. Provided always, and be it further enacted by the Authority aforeſaid, That nothing in this Act contained, relative to the gathering or getting of Stones, ſhall extend to any Quantity of Land, (being private Property), covered with Stones thrown up by the Sea, commonly called Beach.

If ſufficient Materials cannot be found in waſte Lands, &c. the Surveyor may take them from ſeveral or incloſed Lands or Grounds,

XXIX. And be it further enacted, That it ſhall and may be lawful for every ſuch Surveyor, for the Uſe aforeſaid, to ſearch for, dig, and get Sand, Gravel, Chalk, Stone, or other Materials, if ſufficient cannot conveniently be had within ſuch waſte Lands, common Grounds, Rivers, or Brooks, in and through any of the ſeveral or incloſed Lands or Grounds of any Perſon or Perſons whomſoever, within the Pariſh, Townſhip, or Place, where the ſame ſhall be wanted, or by Licence from Two Juſtices of the Peace, at a Special Seſſions within any other Pariſh, Townſhip, or Place, adjoining or lying near to the Highway for which ſuch Materials ſhall be required, if it ſhall appear to ſuch Juſtices that ſufficient Materials cannot be conveniently had in the Pariſh, Townſhip, or Place, where ſuch Highways lie, or in the waſte Lands or common Grounds, Rivers, or Brooks, of ſuch adjacent Pariſh, Townſhip, or Place, and that a ſufficient Quantity of Materials will be left for the Uſe of the Pariſh, Townſhip, or Place, where the ſame ſhall be, (ſuch Lands or Grounds not being a Garden, Yard, Avenue to a Houſe, Lawn, Park, Paddock, or incloſed Plantation), and to take and carry away ſo much of the ſaid Materials as by the Diſcretion of the ſaid Surveyor ſhall be thought neceſſary to be employed in the Amendment of the ſaid Highways; the ſaid Surveyor making ſuch Satisfaction for the Damage to be done to ſuch Lands or Grounds by the getting and carrying away the ſame, as ſhall be agreed upon between him and the Owner, Occupier, or other Perſon intereſted in ſuch Lands or Ground reſpectively, in the Preſence and with the Approbation of Two or more ſubſtantial Inhabitants of ſuch Pariſh, Townſhip, or Place; and in caſe they cannot agree, then ſuch Satisfaction and Recompence ſhall be ſettled and aſcertained by Order of One or more Juſtice or Juſtices of the Peace of the Limit where ſuch Land or Ground ſhall lie: And in ſuch Places, where, from the want of other Materials, burnt Clay may be ſubſtituted in the Place thereof, it ſhall and may be lawful for the Surveyor to dig Clay in ſuch Places as he is hereby authoriſed to dig Chalk or Gravel, and to dry the ſame upon the Lands adjoining, and to burn the ſame upon any waſte Lands or common Grounds, and to carry ſuch Clay in ſuch Manner as other Materials are allowed to be carried by this Act, upon making ſuch Satisfaction for the Damages within the ſeveral incloſed Lands or Grounds where ſuch Clay ſhall be placed or carried, as herein directed with regard to other Materials: Provided, that when the Owner of any ſuch incloſed Lands ſhall have Occaſion for any ſuch Materials lying within the ſame, for the Repair of any Highway, or other Roads or Ways upon his Eſtate, or which he ſhall be under Obligation to repair, and ſhall give Notice to ſuch Surveyor that he apprehends there will not be ſufficient for thoſe Purpoſes, and alſo for the Uſe of the publick Highways; then, and in every ſuch Caſe, the Surveyor ſhall not be permitted to dig or take ſuch Materials without the Conſent of ſuch Owner, or an

making Satiſfaction to the Owners.

In what Manner Satiſfaction is to be ſettled.

Clay may be got and burnt into Materials for repairing the Highways.

Order of Two Juſtices of the Peace, after having ſummoned and heard the ſaid Owner or Occupier, or his Steward or Agent; which Juſtices are hereby authoriſed to inquire into the Nature and Circumſtances of the Caſe, and to permit or reſtrain ſuch Power, in ſuch Manner, and under ſuch Directions, as to them ſhall ſeem juſt.

Expences incurred for buying Materials, making Satisfaction for Damages, &c.

on Application to Juſtices, at a Special Seſſions, may be raiſed by an Aſſeſſment.

not exceeding 6 *d.* in the Pound.

XXX. And whereas in ſome Pariſhes, Townſhips, or Places, there may not be ſufficient Materials for the Repair of the Highways within the ſame, nor within the waſte Lands, common Grounds, Rivers, or Brooks, of any other Pariſh, Townſhip, or Place, lying within a convenient Diſtance from ſuch Highway, by reaſon whereof the Surveyor of ſuch Highway may be forced to buy ſuch Materials, and to make Recompence and Satisfaction to the Owner or Occupier of incloſed Lands for Damage which may be done by getting and carrying thereof: And whereas no Proviſion is made for raiſing a Fund to reimburſe the Expences thereof, and alſo ſuch Expences as the ſaid Surveyors may incur, by erecting Guide-poſts, or other Poſts or Stones, and by making or repairing ſuch Trunks, Tunnels, Plats, Bridges, or Arches, as aforeſaid, and by rendering Satisfaction for Damages done to Lands by the making of new Ditches or Drains, nor for the Salary to be paid by ſuch Pariſh, Townſhip, or Place, to ſuch Surveyor as aforeſaid; be it therefore enacted, That upon Application by ſuch Surveyor to the Juſtices of the Peace at their Special Seſſions, and Oath made of the Sum or Sums of Money which he hath bona fide laid out and expended, or which will be required for the Purpoſes aforeſaid, the ſaid Juſtices, or any Two or more of them, ſhall, and they are hereby impowered, by Warrant under their Hands and Seals, to cauſe an equal Aſſeſſment to be made for the Purpoſes aforeſaid, upon all Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within ſuch Pariſh, Townſhip, or Place, where ſuch Money ſhall be ſo expended or laid out; and the ſame ſhall be made and collected by ſuch Perſon or Perſons, and allowed in ſuch Manner, as the ſaid Juſtices, by their Order at ſuch Seſſions ſhall direct and appoint in that Behalf; and the Money thereby raiſed ſhall be employed and accounted for according to the Direction of the ſaid Juſtices, for the Purpoſes aforeſaid; and the ſaid Aſſeſſment ſhall be levied in ſuch Manner as herein-after mentioned: Provided nevertheleſs, That no ſuch Aſſeſſment to be made for thoſe or any of thoſe Purpoſes, in any One Year, ſhall exceed the Rate of Sixpence in the Pound of the yearly Value of the Lands, Tenements, Woods, Tithes, and Hereditaments, ſo to be aſſeſſed.

If Pits or Holes are made in getting Materials, the Surveyor ſhall cauſe them to be filled up or fenced off,

or forfeit 10 *s.* for every Neglect;

and for every Neglect after Notice given,

a Sum not exceeding 10 *l.* nor leſs than 40 *s.*

XXXI. And be it further enacted, That if any Surveyor, or Perſon employed by him, ſhall, by reaſon of the ſearching for, digging, or getting any Gravel, Sand, Stones, Chalk, Clay, or other Materials for repairing any Highways, make, or cauſe to be made, any Pit or Hole in any ſuch Lands or Grounds, Rivers or Brooks, as aforeſaid, wherein ſuch Materials ſhall be found, ſuch Surveyor, Perſon or Perſons, ſhall forthwith cauſe the ſame to be ſufficiently fenced off, and ſuch Fence ſupported and repaired, during ſuch Time as the ſaid Pit or Hole ſhall continue open, and ſhall, within Three Days after ſuch Pit or Hole ſhall be opened or made, where no Gravel, Stones, or Materials ſhall be found, cauſe the ſame to be forthwith filled up, levelled, and covered with the Turf or Clod which was dug out of the ſame; and where any ſuch Materials ſhall be found, within Fourteen Days after having dug up ſufficient Materials in ſuch Pit or Hole, cauſe the ſame to be filled up, ſloped down, or fenced off, and ſo continued; and every Surveyor ſhall, within Twenty Days after he ſhall be appointed to that Office, cauſe all the ſaid Pits and Holes which ſhall then be open, and not likely to be further uſeful, to be filled up or ſloped down, in Manner aforeſaid; and if they are likely to be further uſeful, he ſhall ſecure the ſame by Poſts and Rails, or other Fences, to prevent Accidents to Perſons or Cattle; and in caſe ſuch Surveyor, Perſon or Perſons, ſhall neglect to fill up, ſlope down, or fence off, ſuch Pit or Hole, in Manner and within the Time aforeſaid, he or they ſhall forfeit the Sum of Ten Shillings for every ſuch Default: And in caſe ſuch Surveyor, Perſon or Perſons, ſhall neglect to fence off ſuch Pit or Hole, or to ſlope down the ſame, as herein-before directed, for the Space of Six Days after he or they ſhall have received Notice for either of thoſe Purpoſes from any Juſtice of the Peace, or from the Owner or Occupier of ſuch ſeveral Ground, River, or Brook, or any Perſon having Right of Common within ſuch common or waſte Lands, as aforeſaid, and ſuch Neglect and Notice ſhall be proved upon Oath before One or more of the ſaid Juſtices of the Peace, ſuch Surveyor, Perſon or Perſons, ſhall forfeit and pay any Sum not exceeding Ten Pounds, nor leſs than Forty Shillings, for every ſuch Neglect; to be determined and adjudged by ſuch Juſtice or Juſtices, and to be laid out and applied in the fencing off, filling up, or ſloping down, ſuch Pit or Hole, and toward the Repair of the Roads in the Pariſh, Townſhip, or Place, where the Offence ſhall be committed, in ſuch Manner as the ſaid Juſtice or Juſtices ſhall direct and appoint; which Forfeiture, in caſe the ſame be not forthwith paid, ſhall be levied as other Forfeitures are herein-after directed to be levied.

Materials dug for the Uſe of any other Pariſh to be removed in Summer, or hard Froſt.

XXXII. Provided always, and be it further enacted, That no Stone, Gravel, or Materials, to be dug for the Uſe of any other Pariſh, Townſhip, or Place, than that wherein the ſame are found, ſhall be removed or carried from the Place where they ſhall be ſo dug at any other Time than between the Firſt Day of April and the Firſt Day of November, or in the Time of hard Froſt in the Winter Seaſon.

Perſons damaging Mills, Buildings, Dams, &c. by digging Materials, forfeit not exceeding 5 *l.* nor leſs than 20 *s.*

XXXIII. And be it further enacted, That if any Perſon ſhall dig, or cauſe to be dug, Materials for the Highways, contrary to the Direction of this Act, whereby any Bridge, Mill, Building, Dam, Highway, Ford, Mines, or Tin-works, may be damaged or endangered; every Offender therein ſhall forfeit, for every ſuch Offence, any Sum not exceeding Five Pounds, nor leſs than Twenty Shillings, at the Diſcretion of the Court or Juſtices before whom Complaint thereof ſhall be made.

Statute duty, in reſpect of keeping a Team or occupying Lands, &c.

XXXIV. And be it further enacted, That the ſaid Surveyor, to be appointed as aforeſaid, together with the Inhabitants and Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within each Pariſh, Townſhip, or Place, ſhall, at proper Seaſons in every Year, uſe their Endeavours for the Repair of the Highways, and ſhall be chargeable thereunto, as followeth; that is to ſay, Every Perſon keeping a

Waggon, Cart, Wain, Plough, or Tumbrel, and Three or more Horſes or Beaſts of Draught uſed to draw the ſame, ſhall be deemed to keep a Team, Draught, or Plough, and be liable to perform Statute-duty with the ſame, in the Pariſh, Townſhip, or Place, where he reſides, and ſhall, Six Days in every Year, (if ſo many Days ſhall be found neceſſary), to be computed from Michaelmas to Michaelmas, ſend on every Day, and at every Place, to be appointed by the Surveyor for the amending the Highways in ſuch Pariſh, Townſhip, or Place, One Wain, Cart, or Carriage, furniſhed after the Cuſtom of the Country, with Oxen, Horſes, or other Cattle, and all other Neceſſaries fit to carry Things for that Purpoſe, and alſo Two able Men with ſuch Wain, Cart, or Carriage; which Duty ſo performed ſhall excuſe every ſuch Perſon from his Duty in ſuch Pariſh, Townſhip, or Place, in reſpect of all Lands, Tenements, Woods, Tithes, or Hereditaments, not exceeding the annual Value of Fifty Pounds, which he ſhall occupy therein: And every Perſon keeping ſuch Team, Draught, or Plough, and occupying in the ſame Pariſh, Townſhip, or Place, Lands, Tenements, Woods, Tithes, or Hereditaments, of the yearly Value of Fifty Pounds, over and beyond the ſaid yearly Value of Fifty Pounds in reſpect whereof ſuch Team-duty ſhall be performed, and every ſuch Perſon occupying Lands, Tenements, Woods, Tithes, or Hereditaments, of the yearly Value of Fifty Pounds, in any other Pariſh, Townſhip, or Place, beſides that wherein he reſides, and every other Perſon not keeping a Team, Draught, or Plough, but occupying Lands, Tenements, Woods, Tithes, or Hereditaments, of the yearly Value of Fifty Pounds, in any Pariſh, Townſhip, or Place, ſhall, in like Manner reſpectively, and for the ſame Number of Days, find and ſend One Wain, Cart, or Carriage, furniſhed with not leſs than Three Horſes, or Four Oxen and One Horſe, or Two Oxen and Two Horſes, and Two able Men to each Wain, Cart, or Carriage; and, in like Manner, for every Fifty Pounds per Annum reſpectively which every ſuch Perſon ſhall further occupy, in any ſuch Pariſh, Townſhip, or Place reſpectively, ſuch Wains, Carts, or Carriages, to be employed by the Surveyor in the repairing and amending the Highways within the Pariſh, Townſhip, or Place, where ſuch Lands, Tenements, Woods, Tithes, or Hereditaments, ſhall reſpectively lie; and every Perſon who ſhall not keep a Team, Draught, or Plough, but ſhall occupy Lands, Tenements, Woods, Tithes, or Hereditaments, under the yearly Value of Fifty Pounds, in the Pariſh, Townſhip, or Place, where he reſides, or in any other Pariſh, Townſhip, or Place, and every Perſon keeping a Team, Draught, or Plough, and occupying Lands, Tenements, Woods, Tithes, or Hereditaments, under the yearly Value of Fifty Pounds, in any other Pariſh, Townſhip, or Place, than that wherein he reſides, ſhall reſpectively contribute to the Repair of the Highways, and pay to the Surveyor of ſuch Pariſh, Townſhip, or Place reſpectively, in lieu of ſuch Duty, the Sums following; videlicet, For every Twenty Shillings of the annual Value of ſuch Lands, Tenements, Woods, Tithes, or Hereditaments reſpectively, the Sum of One Penny for every Day's Statute-duty which ſhall be required and called for by the Surveyor of ſuch Pariſh or Place reſpectively, in every Year, not exceeding Six Days Duty in the Whole, as aforeſaid; and every ſuch Perſon reſpectively ſhall, in like Manner, pay the Sum of One Penny for every Twenty Shillings of the annual Value of the Lands, Tenements, Woods, Tithes, and Hereditaments, which he ſhall occupy in any ſuch Pariſh, Townſhip, or Place reſpectively, above the annual Value of Fifty Pounds, and leſs than One hundred Pounds, and ſo for every Twenty Shillings that each progreſſive and intermediate annual Value of Twenty Shillings, of the Lands, Tenements, Woods, Tithes, and Hereditaments, which he ſhall ſo occupy, ſhall fall ſhort of the further Increaſe of Fifty Pounds, in every Pariſh, Townſhip, or Place, where ſuch Lands, Tenements, Woods, Tithes, and Hereditaments, ſhall reſpectively lie, for every Day's Statute-duty ſo to be required as aforeſaid; which ſaid ſeveral Sums ſhall be conſidered as Compoſitions, and ſhall be paid to the Surveyor of the Pariſh, Townſhip, or Place, in which they are charged, for the Uſe of the Highways therein, at the Time ſuch Compoſitions are to be paid under the Authority of this Act, or within Ten Days after; or, in Default of ſuch Payments, ſuch Money ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons refuſing to pay the ſame, in ſuch Manner as the Forfeitures for the Neglect in performing the Statute-duty are hereby authoriſed to be levied and raiſed: Provided, that no Perſon keeping ſuch Team, Draught, or Plough, and performing Duty with the ſame, as aforeſaid, in the Pariſh, Townſhip, or Place, where he reſides, and not occupying Lands, Tenements, Woods, Tithes, or Hereditaments, within the ſame, of the yearly Value of Thirty Pounds, ſhall be obliged to ſend more than One Labourer with ſuch Team, Draught, or Plough.

Contribution in Money.

How theſe Contributions in Money are to be recovered.

The Duty required from Perſons who do not keep a Team, but keep One or Two Horſes uſed to draw, or who keep a Coach, Poſt-chaiſe, &c.

XXXV. And be it further enacted, That every Perſon who ſhall not keep a Team, Draught, or Plough, but ſhall keep One or more Cart or Carts, and One or Two Horſes or Beaſts of Draught only, uſed to draw in each of ſuch Carts upon the Highways, ſhall be obliged to perform his Statute-duty for the like Number of Days with ſuch Cart or Carts, and Horſe or Horſes, or Beaſt of Draught, and One Labourer to attend each Cart, or to pay for the Lands, Tenements, Woods, Tithes, and Hereditaments, which he ſhall occupy, according to the Rate aforeſaid, at the Option of the Surveyor; and every Perſon who ſhall keep a Coach, Poſt-chaiſe, Chair, or other Wheel-carriage, and not keep a Team, Draught, or Plough, nor occupy Lands, Tenements, Woods, Tithes, or Hereditaments, of the annual Value of Fifty Pounds, in the Pariſh, Townſhip, or Place, where he ſhall reſide, ſhall pay to the Surveyor One Shilling in reſpect of every ſuch Day's Statute-duty, for every Horſe which he ſhall draw in any ſuch Carriage, or ſhall pay according to the Value of the Lands, Tenements, or Hereditaments, which he ſhall occupy, according to the Rate aforeſaid, at the Option of the Surveyor; and alſo every Man inhabiting in any Pariſh, Townſhip, or Place, and being of the Age of Eighteen, and under the Age of Sixty Years, not chargeable in

Perſonal Labour required from Inhabitants or thoſe who occupy leſs than 4 *l. per Annum*.

Three Men to be ſent in lieu of a Team, if required,

or 4s. 6d. in Money.

During what Hours, and under what Regulation, the Duty ſhall be performed.

in any of the Reſpects aforeſaid for Lands, Tenements, Woods, Tithes, or Hereditaments, of the yearly Value of Four Pounds, or upwards, and not being bona fide an Apprentice or menial Servant, nor having performed the ſaid Duty, or paid the Compoſition for the ſame, in any other Pariſh, Townſhip, or Place, for that Year, ſhall, by themſelves, or One ſufficient Labourer for every of them, upon every of the ſaid Days on which they ſhall be called forth by the ſaid Surveyor, together with the ſaid other Labourers, work and labour in the Amendment of the ſaid Highways, as they ſhall be directed by ſuch Surveyor; and if the ſaid Teams, Draughts, or Ploughs, or any of them, ſhall not be thought needful by the Surveyor, on any of the ſaid Days, then every ſuch Perſon who ſhould have ſent any ſuch Team, Draught, or Plough, according to the Directions aforeſaid, ſhall, according to the Notice to be given, as herein-after directed, ſend unto the ſaid Work, for every One ſo ſpared, Three able Men, there to labour as aforeſaid, or to pay to the ſaid Surveyor the Sum of Four Shillings and Sixpence in lieu thereof; and all ſuch Perſons as aforeſaid ſhall reſpectively have and bring with them ſuch Shovels, Spades, Picks, Mattocks, and other Tools and Inſtruments as are uſeful and proper for the Purpoſes aforeſaid; and all the ſaid Perſons and Carriages ſhall diligently perform the Work and Labour to which they ſhall be appointed by ſuch Surveyor for Eight Hours in every of the ſaid Days, within ſuch Pariſh, Townſhip, or Place, or in getting and carrying Materials in and from any other Pariſh, Townſhip, or Place, to be employed in the Repair of the Highways of the Pariſh, Townſhip, or Place, for which they ſhall be required to perform ſuch Duty and Labour as aforeſaid: And if any Perſon ſending a Team, as aforeſaid, ſhall not ſend a ſufficient Labourer beſides the Driver, (except as herein-before mentioned); or if any ſuch Labourer, or Driver, or any other Labourer, or the Driver of any Cart, required by this Act to perform Statute-duty as aforeſaid, ſhall refuſe to work and labour during the Time above mentioned, according to the Direction of the Surveyor; or if any Driver ſhall refuſe to carry proper and ſufficient Loads; it ſhall and may be lawful for ſuch Surveyor to diſcharge every ſuch Team, Cart, or Labourer, and to recover from the Owner of every ſuch Team or Cart the Forfeiture which every ſuch Perſon or Perſons would have incurred by virtue of this Act, in caſe no ſuch Team, Cart, or Labourer reſpectively, had been ſent.

The Surveyor may call for Part of a Team where he thinks it neceſſary.

XXXVI. And be it further enacted, That it ſhall and may be lawful for the Surveyor, where the Employment for Teams is of ſuch Sort that Two Horſes will be ſufficient for One Cart, or where a Stand Cart with One Horſe ſhall be neceſſary, to call upon any Perſon liable to ſend a Team, Draught, or Plough, by virtue of this Act, who keeps One or more Cart or Carts, and Three or more Horſes, to ſend ſuch Cart or Carts, Horſe or Horſes, to perform his Statute-duty, as the Surveyor ſhall find moſt convenient, and ſhall direct; and the Surveyor ſhall allow every ſuch Stand Cart and One Horſe as Half a Team, and every Cart and Two Horſes as Two-thirds of a Team; and if a Waggon ſhall be found neceſſary for any particular Buſineſs, the Surveyor may require the Duty, or any Part thereof, to be performed with ſuch Waggon, by any Perſon who keeps One; which Directions of the Surveyor ſhall be obſerved, or the Perſon liable to perform ſuch Duty ſhall forfeit ſuch Sum as the Duty ſo required of him ſhall bear, in proportion to the Forfeiture hereby inflicted for every Neglect in performing Duty with a Team, Draught, or Plough.

What Notice to be given for performing the Duty.

Forfeitures for every Default or Neglect.

Application of the Forfeitures.

The Surveyor to call forth the Duty fairly and equally.

XXXVII. And be it further enacted, That every ſuch Surveyor ſhall, from Time to Time, give to, or cauſe to be left at the Houſe, or uſual Place of Abode of every Perſon or Perſons ſo liable to perform ſuch Duty or Labour, as in this Act directed, Four Days Notice at the leaſt of the Day, Hour, and Place, upon which each of the ſaid Days Duty ſhall be required to be performed; and every Perſon or Perſons making Default in finding and ſending each Wain, Cart, or Carriage, furniſhed as aforeſaid, and ſuch able Men with the ſame, as herein required, or in performing the ſaid Duty at the Time and Place, and in the Manner, by this Act directed, ſhall, for every ſuch Default or Neglect in ſending ſuch Wain, Cart, or Carriage, with ſuch Men as aforeſaid, forfeit the Sum of Ten Shillings; and for every Default in ſending every Cart with One Horſe and One Man, Three Shillings; and for not ſending every Cart with Two Horſes and One Man, Five Shillings: And every Perſon or Perſons making Default in ſending any ſuch Labourer, and every Perſon making Default in performing ſuch Labour, at the Time and Place, and in the Manner, directed by this Act, or in paying ſuch Compoſition-money for the ſame, as herein mentioned, ſhall, for every ſuch Neglect, forfeit the Sum of One Shilling and Sixpence; all which Forfeitures ſhall be applied for the Uſe of the Highways within the Pariſh, Townſhip, or Place, where the ſame ſhall ariſe; and the ſaid Surveyor ſhall fairly and equally demand and require ſuch Duty and Labour from every Perſon or Perſons liable to perform the ſame according to the Directions of this Act, without Favour or Partiality to any Perſon or Perſons whomſoever: And if in any Pariſh, Townſhip, or Place, it ſhall not be neceſſary to call forth the whole Duty in any Year, it ſhall be abated in a juſt and equal Proportion amongſt all Perſons liable to the ſame; and the ſaid Surveyor may and ſhall, and he is hereby required, with all convenient Speed, after Default made in Performance of ſuch Duty or Labour as aforeſaid, to proceed for the Recovery of the Penalties or Forfeitures hereby inflicted for the ſame reſpectively, in Manner herein-after directed, ſo that the ſame may be recovered before he makes up his Accounts in the Manner directed by this Act.

Perſons may compound for Statute-work.

XXXVIII. Provided always, and be it further enacted, That any Perſon or Perſons liable to perform the ſaid Duty, by ſending One or more Team or Teams, Draught or Draughts, Plough or Ploughs, with Men, Horſes, or Oxen, in Manner aforeſaid, ſhall and may compound for the ſame, if he, ſhe, or they, ſhall think fit, by paying to the ſaid Surveyor, at the Time, and in the Manner, herein-after mentioned, ſuch Sum or Sums of Money as the Juſtices of the Peace for the Limit wherein ſuch Pariſh, Townſhip, or Place, ſhall be, or the major Part of them, at their ſaid Special Seſſions, Compoſitions fixed.

to be held in the Firſt Week after Michaelmas Quarter Seſſions in every Year, ſhall adjudge and declare to be reaſonable, not exceeding Six Shillings, nor leſs than Three Shillings, for each Team, Draught, or Plough, for each Day; and in Default of their adjudging and declaring the ſame, the Sum of Four Shillings and Sixpence for and in lieu of every ſuch Day's Duty for each Team, Draught, or Plough; and for every Cart and One Horſe or Beaſt of Draught, Two Shillings; and for every Cart with Two Horſes or Beaſts of Draught, Three Shillings, for and in lieu of every Day's Duty; and every Inhabitant liable to perform ſuch Duty or Labour, as aforeſaid, and not chargeable in any other reſpect, as aforeſaid, ſhall and may compound for the ſame, if he, ſhe, or they, ſhall think fit, by paying to the Surveyor the Sum of Four-pence for and in lieu of every ſuch Day's Duty or Labour reſpectively, at the Time, and in the Manner herein-after directed for the Payment of Compoſition-money.

Juſtices may direct the Performance of Team Duty or Labour in Kind in any particular Pariſh, &c. where they find extravagant Prices required.

XXXIX. Provided always, and be it further enacted, That if it ſhall appear to the Juſtices, at their Special Seſſions, to be held in the Week next after Michaelmas Quarter Seſſions, that, from the Directions herein-before given for the performing and compounding the Statute-duty, there will be Difficulty in procuring the neceſſary Carriage, or a ſufficient Number of Labourers for the Repair of the Highways, in any particular Pariſh, Townſhip, or Place, within their reſpective Limits, without paying high and extravagant Prices for the ſame, it ſhall and may be lawful for ſuch Juſtices to order and direct the Team-duty hereby required, or ſo much thereof as they ſhall think fit, to be performed in Kind, within every ſuch Pariſh, Townſhip, or Place, except in reſpect of ſuch Teams as belong to Perſons who do not occupy Lands, Tenements, Woods, Tithes, or Hereditaments, of the annual Value of Thirty Pounds, within the ſame; and alſo to order the Labourers, liable by this Act to perform or compound for Statute-duty, or ſuch Part of them as they ſhall think fit, to perform Six Days Labour upon ſuch Highways in Kind, in caſe ſo many Days Duty ſhall be required, upon being paid for ſuch Labour the uſual and cuſtomary Wages given to Labourers in ſuch Pariſh, Townſhip, or Place, deducting thereout the Sum of Four-pence for each Day's Duty ſo performed, being the Compoſition hereby allowed for Labourers: Provided, that if Part of ſuch Teams or Labourers only are required, it ſhall be directed by the ſaid Order of the Juſtices in ſome given Proportion, as One Half, Third, or Fourth, Part thereof; and the Surveyor ſhall, in that Caſe, at a publick Veſtry for ſuch Pariſh, Townſhip, or Place, put the Names of all the Perſons liable by this Act to ſend ſuch Teams into One Hat or Box, and the Names of all the Perſons liable to perform ſuch Labour into another Hat or Box, and ſome Inhabitant then preſent ſhall draw out ſuch Number from each as ſhall be equal to the Proportion ſo ordered by the ſaid Juſtices, and the Perſons ſo drawn ſhall perform ſuch Duty in Kind for that Year; and that if any ſuch Order ſhall be made or continued in the ſubſequent Year, the ſame Method ſhall be obſerved, but the Names drawn in the preceding Year ſhall not be put into ſuch Hat or Box; and in every ſucceeding Year ſuch Method and Regulation ſhall be obſerved by ſuch Surveyor, as to render the Duty ſo required to be performed in Kind as equal amongſt the ſeveral Perſons liable thereto as may be: Which Order of the ſaid Juſtices, ſo far as the ſame ſhall be extended, ſhall ſuperſede the ſaid Power or Liberty of compounding, and ſhall be binding and effectual, to all Intents and Purpoſes whatſoever, and ſhall continue in Force until it ſhall be diſcharged or varied by the Juſtices at ſome ſubſequent Special Seſſions for the Highways within ſuch Limit, to be held in the Week next after Michaelmas Quarter Seſſions; any Thing herein contained to the Contrary thereof in any-wiſe notwithſtanding.

Juſtices may mitigate the Compoſition where a Perſon maintains his Team partly from Lands in another Pariſh.

XL. Provided always, and be it further enacted, That if any Perſon or Perſons who ſhall keep a Team, Draught, or Plough, and ſhall not occupy Lands, Tenements, Woods, Tithes, or Hereditaments, to the Value of Thirty Pounds per Annum, in the Pariſh, Townſhip, or Place, where he ſhall reſide, but ſhall in Part maintain his Horſes and Beaſts of Draught uſed in ſuch Team upon or from Lands which he ſhall occupy in One or more adjacent Pariſh or Pariſhes, it ſhall and may be lawful for the ſaid Juſtices, at ſome Special Seſſions, to mitigate and reduce the Duty or Compoſition ſo required to be performed or paid by ſuch Perſon or Perſons, in ſuch Manner, and to ſuch Sum, as they ſhall think juſt and reaſonable.

Surveyors to give Notice of the Time and Place for compounding.

XLI. Provided alſo, and be it further enacted, That the ſaid Surveyor of every Pariſh, Townſhip, or Place, ſhall, on ſome Sunday in November in every Year, cauſe Ten Days Notice at the leaſt to be given in the Church or Chapel of ſuch Pariſh, Townſhip, or Place, and if there be no Church or Chapel, or no Service performed therein, then at the moſt publick Place there, and repeat the like Notice in ſuch Church, Chapel, or Place, on the next ſucceeding Sunday, of the Time and Place when and where the Perſons permitted under the Authority of this Act, and inclined to compound for the ſaid Duty, in Manner aforeſaid, may ſignify to ſuch Surveyor their Intention to compound; and all and every Perſon or Perſons ſignifying the ſame, who ſhall then, or within the Space of One Calendar Month afterwards, pay to ſuch Surveyor the Compoſition authoriſed and allowed by this Act, ſhall be diſcharged from the Performance of ſuch Duty, which Compoſition-money ſhall be employed by the Surveyor for the Uſe of the Highways; and that no Compoſition ſhall be permitted, unleſs the ſame ſhall be paid at the Day, or within the Time aforeſaid; but in Caſes where the Occupation of any Lands, Tenements, Woods, Tithes, or Hereditaments, ſhall be changed, or any new Occupant or Inhabitant ſhall come to reſide in ſuch Pariſh, Townſhip, or Place, after the Time appointed for ſuch Compoſition, then the Perſon or Perſons occupying ſuch Lands, Tenements, Woods, Tithes, or Hereditaments, or ſo reſiding in ſuch Pariſh, Townſhip, or Place, ſhall be allowed to compound in Manner aforeſaid: Provided he, ſhe, or they, ſhall pay the ſaid Compoſition-money to the ſaid Surveyor within Fourteen Days after he, ſhe, or they, ſhall enter upon ſuch Lands, Tenements, or Hereditaments, or ſhall come to reſide in ſuch Pariſh, Town-

How the Compoſition-money ſhall be paid and employed.

ſhip or Place; and every Tenant or Occupier of any Lands, Tenements, Woods, Tithes, or Hereditaments, who intends to quit the Poſſeſſion thereof within Six Calendar Months from the Time fixed for making ſuch Compoſition, ſhall and may compound for Half the Duty hereby required, and the ſucceeding Tenant or Occupier ſhall and may, in that Caſe, compound or perform the Duty in Kind for the other Half thereof; and if the Surveyor ſhall receive from any Perſon or Perſons a Compoſition for more Duty than ſhall be required from the other Inhabitants and Occupiers within the ſame Pariſh, Townſhip, or Place, for the ſame Year, he ſhall repay ſuch extraordinary Compoſition-money to ſuch Perſon or Perſons, ſo as to bring the Duty to an Equality amongſt all ſuch Inhabitants and Occupiers.

Perſons keeping a Draught or Plough, and no Carriage, to pay for the Horſes or Oxen drawing them.

XLII. Provided always, and be it further enacted, That in ever Pariſh, Townſhip, or Place, where any Perſon ſhall keep a Draught or Plough, and no Carriage, he ſhall pay to the Surveyor the Sum of One Shilling for every Horſe, or Pair of Oxen or Neat Cattle, uſed in ſuch Draught or Plough, for every Day's Statute-duty on the Day ſuch Duty is required to be performed, or pay according to the Rate aforeſaid for the Lands, Tenements, Woods, Tithes, and Hereditaments, which he ſhall occupy in ſuch Pariſh, Townſhip, or Place, at the Option of the Surveyor.

Inhabitants may fix certain Times when the Statute-duty ſhall not be called forth.

XLIII. And, in order to prevent as much as poſſible any Inconvenience to the Perſons liable to perform Statute-duty, be it enacted, That it ſhall and may be lawful for the Inhabitants of every Pariſh, Townſhip, or Place, at ſome Veſtry, or other publick Meeting or Meetings, to be held purſuant to this Act, to appoint Three Months in every Year, within which no Statute-duty ſhall be performed; videlicet, One Month in the Spring, to be called The Seed Month; One Month in the Summer, for the Hay Harveſt; and One other Month in the Summer, for the Corn Harveſt: Provided, that Notice, in Writing, be given of the Times ſo appointed to the Surveyor of ſuch Pariſh, Townſhip, or Place reſpectively, and alſo to the Surveyor of every Turnpike Road lying within the ſame, within Three Days after every ſuch Meeting, and Fourteen Days at leaſt before the Beginning of each of ſuch Months.

Where the Surveyor receives Compoſition-money due to the Turnpike Roads, he ſhall pay it to the Treaſurer,

to be laid out for the Uſe of the Turnpike Road within the Pariſh, *&c.* where it is collected.

XLIV. And whereas, by ſeveral Acts of Parliament concerning Turnpike Roads, a certain Part of the Duty called *Statute-duty* is or may be directed to be performed on ſuch Roads, and it may happen in ſome Places that the ſeveral Perſons liable thereto may have compounded for the ſame; be it therefore further enacted, That in all ſuch Caſes, the Surveyor of the Highways of the Pariſh, Townſhip, or Place, where ſuch Compoſition ſhall have been made, ſhall pay to the Treaſurer or Surveyor of ſuch Turnpike Roads a certain Part of the Compoſiton-money ſo received, to be proportioned according to the Number of Days Duty which ſuch Perſon or Perſons was or were liable to perform on ſuch Turnpike Road; which Money ſhall be laid out and expended on ſuch Part of the ſaid Turnpike Road as lies within the Pariſh, Townſhip, or Place, from which it was received, and not elſewhere; and if ſuch Surveyor of the Highways ſhall refuſe or neglect to pay to the Treaſurer or Surveyor of ſuch Turnpike Road ſuch Part of the ſaid Compoſition-money ſo received by him, within Twenty Days after he ſhall have received the ſame, upon Demand made by ſuch Treaſurer or Surveyor, the ſame ſhall and may be levied upon the Goods and Chattels of ſuch Surveyor, in ſuch Manner as Penalties and Forfeitures are by this Act authoriſed to be levied.

If the Duty and the Money before authoriſed to be raiſed ſhall not be ſufficient, the Juſtices may order an Aſſeſſment:

XLV. And be it further enacted, That if upon Application of the Surveyor of the Highways for any Pariſh, Townſhip, or Place, to the Juſtices of the Peace for the Limit wherein ſuch Pariſh, Townſhip, or Place, lieth, at their General or Quarter Seſſions of the Peace, or at ſome Special Seſſions for the Highways, the ſaid Juſtices ſhall be fully ſatisfied, by Proof upon Oath, that the Duty hereby directed to be performed, and the Money hereby authoriſed to be collected and received, has been performed, applied, and expended, according to the Directions of this Act, or ſhall be fully ſatisfied that the common Highways, Bridges, Cauſeways, Streets, or Pavements, belonging to ſuch Pariſh, Townſhip, or Place, are ſo far out of Order that they cannot be ſufficiently amended and repaired, paved, cleanſed, and ſupported, by the Means herein-before preſcribed, (Notice being firſt given of ſuch intended Application at the Church or Chapel of ſuch Pariſh, Townſhip, or Place, on ſome Sunday preceeding ſuch Quarter or Special Seſſions; or if the Place be extraparochial, Notice, in Writing, being firſt given of ſuch intended Application to ſome of the principal Inhabitants reſiding in ſuch extraparochial Place, a Week at leaſt before ſuch General or Special Seſſions); that then, and in any of the ſaid Caſes, an equal Aſſeſſment upon all and every the Occupier of Lands, Tenements, Woods, Tithes, and Hereditaments, within any ſuch Pariſh, Townſhip, or Place, ſhall or may be made and collected by ſuch Perſon and Perſons, and allowed in ſuch Manner, as the ſaid Juſtices, by their Order, at ſuch General or Special Seſſions, ſhall direct and appoint in that Behalf; and the Money thereby raiſed ſhall be employed and accounted for, according to the Orders and Directions of the ſaid Juſtices, for and towards the amending, repairing, paving, cleanſing, and ſupporting, ſuch Highways, Cauſeways, Streets, Pavements, and Bridges, from Time to Time, as Need ſhall require.

But ſuch Aſſeſſment, with the other, for buying Materials, *&c.* not to exceed 9*d.* in the Pound in any One Year.

XLVI. Provided nevertheleſs, That the Aſſeſſment herein laſt before authoriſed, and the Aſſeſſment herein-before authoriſed, for buying Materials, making Satisfaction for Damages, erecting Guide-poſts, and paying the Surveyor's Salary, ſhall not together, in any One Year, exceed the Rate of Nine-pence in the Pound of the yearly Value of the Lands, Tenements, Woods, Tithes, and Hereditaments, ſo to be aſſeſſed.

Fines, Penalties, and Forfeitures, how to be levied and applied.

XLVII. And be it further enacted, That no Fine, Iſſue, Penalty, or Forfeiture, for not repairing the Highways, or not appearing to any Indictment or Preſentment for not repairing the ſame, ſhall hereafter be returned into the Court of Exchequer, or other Court, but ſhall be levied by and paid into the Hands of ſuch Perſon or Perſons reſiding in or near the Pariſh, Townſhip, or Place, where the Road ſhall lie, as the Court impoſing ſuch Fines, Iſſues, Penalties, or Forfeitures, ſhall order and direct, to be applied towards the Repair and Amendment of ſuch Highways; and the Perſon or Perſons ſo ordered to receive ſuch Fine ſhall, and is hereby required to receive, apply, and account for the ſame, according to the Direction of ſuch Court, or in Default thereof ſhall forfeit Double the Sum received; and if any Fine, Iſſue, Penalty, or Forfeiture, to be impoſed on any ſuch Pariſh, Townſhip, or Place, for not repairing the Highways, or not appearing as aforeſaid, ſhall hereafter be levied on any One or more of the Inhabitants of ſuch Pariſh, Townſhip, or Place, that then ſuch Inhabitant or Inhabitants ſhall and may make his or their Complaint to the Juſtices of the Peace, at their Special Seſſions; and the ſaid Juſtices are hereby impowered and authoriſed, by Warrant under their Hands and Seals, to cauſe a Rate to be made, according to the Form and Manner herein laſt before preſcribed, for the reimburſing ſuch Inhabitant or Inhabitants the Monies ſo levied on him or them as aforeſaid; which Rate ſo made, and confirmed by any Two Juſtices, ſhall be collected and levied by the Surveyor of the Highways of ſuch Pariſh, Townſhip, or Place, ſo preſented or indicted, as aforeſaid; and the ſaid Surveyor ſhall, within One Month next after the making and confirming the Rate aforeſaid, collect, levy, and pay unto ſuch Inhabitant or Inhabitants the Money ſo levied on him or them as aforeſaid.

XLVIII. And be it further enacted, That the Surveyor of the Highways for every Pariſh, Townſhip, or Place, ſhall carefully and diligently collect, or cauſe to be collected, the ſeveral Aſſeſſments, Forfeitures, Penalties, Sums of Money, and Compoſitions, directed and allowed to be received and taken within the ſame by virtue of this Act, within the Year for which he is appointed Surveyor, and ſhall keep One or more Book or Books, in which he ſhall fairly enter a juſt, true, and fair Account of all ſuch Money as ſhall have come to his Hands, or to the Hands of the ſaid Aſſiſtant, in reſpect of ſuch Pariſh, Townſhip, or Place, by virtue and for the Purpoſes of this Act, and to whom, and on what Occaſion, he ſhall have paid or applied the ſame; and ſhall alſo enter in ſuch Book or Books a Liſt or Liſts of all ſuch Sums of Money as ſhall then remain due and owing from any Perſon or Perſons, in reſpect of the Payments, Compoſitions, Aſſeſſments, Penalties, or Forfeitures, to be collected, received, or taken, for and in reſpect of the ſaid Highways, by virtue of this Act; and the ſaid Surveyor ſhall alſo enter in the ſaid Book or Books an Account of all Tools, Materials, Implements, and other Things provided, or to be provided, by Order of the Inhabitants, at a Veſtry or other publick Meeting for the Repair of the ſaid Highways, at the publick Expence of ſuch Pariſh, Townſhip, or Place; and ſhall produce ſuch Books, and the Aſſeſſments made within that Year for the Purpoſes of this Act, unto the Inhabitants of the Pariſh, Townſhip, or Place, to which they belong, at a Veſtry or other publick Meeting to be held for that Purpoſe, within Fifteen Days before the ſaid Special Seſſions ſo to be held in the Week next after Michaelmas Quarter Seſſions, as aforeſaid, to the Intent that the ſaid Accounts, Aſſeſſments, and Liſts, may be inſpected by the Inhabitants of ſuch Pariſh, Townſhip, or Place reſpectively; and every ſuch Surveyor ſhall, after the ſaid Books and Aſſeſſments ſhall have been produced at ſuch Meeting, take the ſame to ſuch Juſtice of the Peace for the Limit wherein ſuch Pariſh, Townſhip, or Place, doth lie, and on ſuch Day, and at ſuch Hour as ſhall be agreed upon at ſuch Meeting, ſome Day after the ſaid Meeting of the Inhabitants, and before ſuch laſt-mentioned Special Seſſions, and then and there verify ſuch Account, or any Part thereof, upon Oath, if required; and ſuch Juſtice may allow ſuch Account, if he finds it juſt, or poſtpone it until ſuch Special Seſſions, if he finds Cauſe for ſo doing, in which Caſe it may be ſettled and allowed at ſuch Special Seſſions, after the Parts objected to by ſuch Juſtice ſhall have been explained and verified by proper Evidence, to the Satiſfaction of the Juſtices at ſuch Special Seſſions; and in caſe any Articles contained in ſuch Accounts ſhall not be explained and proved to the Satiſfaction of ſuch Juſtices, they may diſallow the ſame; and whenever the ſaid Accounts ſhall be ſo ſettled and allowed, or diſallowed, as aforeſaid, all ſuch Books and Aſſeſſments ſhall be tranſmitted to the Churchwarden or Overſeer of the Poor for ſuch Pariſh, Townſhip, or Place reſpectively, or, if the Place be extraparochial, then to ſome principal Inhabitant thereof, to be kept for the Uſe of ſuch Pariſh, Townſhip, or Place; and the ſaid Surveyor ſhall forthwith deliver a Duplicate of ſuch Book and Account, together with all Sums of Money as ſhall remain in his Hands, and likewiſe all Tools, Materials, Implements, and other Things, as aforeſaid, to the ſucceeding Surveyor for ſuch Pariſh, Townſhip, or Place, in caſe any new Surveyor ſhall be appointed, or retain the ſame in his Hands, and account for them in his next Account, if he ſhall be continued Surveyor for ſuch Pariſh, Townſhip, or Place, in the ſucceeding Year; and it ſhall and may be lawful for the ſucceeding Surveyor, and he is hereby authoriſed and required, to recover, collect, and receive all ſuch Sums of Money which ſhall be due and owing as aforeſaid, by all ſuch Ways and Means, as fully and effectually to all Intents and Purpoſes, as the preceding Surveyor could, might, or ought to have recovered, collected, or received the ſame: And in caſe ſuch Surveyor ſhall neglect to provide ſuch Book or Books, or to enter ſuch reſpective Accounts and Liſts therein, or to deliver the ſaid Book or Books, and ſuch Duplicate thereof, and ſuch Aſſeſſments, Tools, Materials, Implements, and other Things, in Manner aforeſaid, he ſhall, for every ſuch Offence, forfeit any Sum not exceeding Five Pounds, nor leſs than Forty Shillings; and in caſe he ſhall make Default in the paying or accounting for the Money ſo remaining in his Hands, within the Time, and according to the Directions aforeſaid, he ſhall forfeit Double the Value of the Money which ſhall be adjudged by the ſaid Juſtices to be in his Hands; and in caſe any ſuch Surveyor ſhall die before ſuch reſpective Accounts and Liſts ſhall be made out, or ſuch Monies, Books, Aſſeſſments, Tools, Materials, and Implements, ſhall be ſo delivered and paid, the Executors or Adminiſtrators of ſuch Surveyor ſhall make out, pay, and deliver the ſame, in like Manner, and under the like Penalty, as ſuch Surveyor is hereby required and made ſubject and liable to; and every Surveyor ſhall pay to the Juſtices Clerks, for the

The Surveyor's Duty is to keep Books, and enter the Accounts of all Money paid and received;

and alſo of all Money remaining due;

alſo of all Tools, Materials, &c.

and ſhall produce his Accounts at a Veſtry Meeting,

and afterwards before a Juſtice of Peace, who may allow them;

or they may be further examined and allowed, or diſallowed, at the Special Seſſions.

Books, Materials, Tools, &c. to be delivered to the ſucceeding Surveyor.

New Surveyor authoriſed to collect the Arrears, &c.

The Surveyor liable to Forfeitures for Neglect of Duty.

If Surveyor dies, his Executors, &c. ſhall account in the ſame Manner.

Fees to be paid to the Juſtices Clerks.

the Appointment and Charge, the Sum of One Shilling; for the Bond Sixpence; and for the Account ſo to be examined and taken, and for the Oath ſo to be adminiſtered, the Sum of One Shilling, and no more; and if any Perſon or Perſons ſhall receive any greater Sum or Fee for the Buſineſs aforeſaid than herein-before mentioned, he ſhall forfeit the Sum of Ten Pounds for every Offence.

Surveyor may contract for getting and carrying Materials, at a publick Meeting.

If the Surveyor has a Share in any Contract, or ſhall let to hire any Team, or ſell or diſpoſe of any Timber, Stones, &c. without Licence from a Juſtice of Peace, he ſhall forfeit 10 l. and be incapable of being Surveyor with a Salary.

XLIX. And be it further enacted, That in every Pariſh, Townſhip, or Place, where a ſufficient Quantity of Stone, Gravel, Chalk, or other Materials, cannot be provided and carried by the Labourers and Teams required by this Act to perform Statute-duty within ſuch Pariſh, Townſhip, or Place, the ſaid Surveyor ſhall, and is hereby required to contract for the getting and carrying thereof, (in the Preſence of the ſaid Aſſiſtant, if any ſuch ſhall be appointed), at a Meeting to be held for that Purpoſe, of which Ten Days Notice in Writing ſhall be given, by fixing the ſame upon the Door of the Church or Chapel of ſuch Pariſh, Townſhip, or Place, or if there be no Church or Chapel, at the moſt publick Place there; which Notice ſhall ſpecify the Work to be done, and the Time and Place for letting thereof; and if any Surveyor ſhall have any Part, Share, or Intereſt, directly or indirectly, in any ſuch Contract, or in any other Contract or Bargain for Work or Materials to be made, done, or provided, upon, for, or on account of any of the Highways, Roads, Bridges, or other Works whatſoever, under his Care or Management, or ſhall, upon his own Account, directly or indirectly, let to hire any Team, or ſell or diſpoſe of any Timber, Stone, or other Materials, to be uſed or employed in making or repairing ſuch Roads, Bridges, or other Works, as aforeſaid, (unleſs a Licence, in Writing, for the Sale of any ſuch Materials, or to let to hire any ſuch Team, be firſt obtained from ſome Juſtice of the Peace within that Limit), he ſhall forfeit, for every ſuch Offence, the Sum of Ten Pounds, and be for ever after incapable of being employed as a Surveyor with a Salary, under the Authority of this Act.

Surveyor for every Neglect of Duty ſhall forfeit 5 l. when no particular Penalty is impoſed.

L. And be it further enacted, That if any Surveyor of the Highways, after his Acceptance of the ſaid Office, ſhall neglect his Duty in any Thing required of him by this Act, for which no particular Penalty is impoſed, he ſhall forfeit, for every ſuch Offence, any Sum not exceeding Five Pounds, nor leſs than Ten Shillings, at the Diſcretion of the Juſtice or Juſtices having Juriſdiction therein.

Perſons enfeoffed with Lands for the Maintenance of Cauſeways, Highways, and Bridges, ſhall let them to farm at the moſt improved Value.

LI. And be it further enacted, That where any Lands have been, or ſhall be given, for the Maintenance of Cauſeways, Pavements, Highways, and Bridges, all ſuch Perſons who are or ſhall be enfeoffed or truſted with any ſuch Lands, ſhall let them to farm at the moſt improved yearly Value without Fine; and that the Juſtices of the Peace, in their open Seſſions, ſhall and may inquire, by ſuch Ways and Means as they ſhall think fitting, into the Value of all ſuch Lands ſo given, or to be given, and order the Improvement and Employment of the Rents and Profits thereof according to the Will and Direction of the Donor of ſuch Lands, if they find that the Perſons ſo intruſted have been negligent or faulty in the Performance or Truſt, (except ſuch Lands have been given for the Uſes aforeſaid to any College or Hall in either of the Univerſities of this Kingdom, which have Viſitors of their own); any Law, Statute, Uſage, or Cuſtom, to the Contrary notwithſtanding.

Penalty on Perſons damaging Banks, Cauſeways, Direction Poſts, Mile Stones, Battlements of Bridges, &c.

LII. And whereas in ſome Places it hath been and may be found neceſſary, and the Surveyors are hereby authoriſed and required, to ſecure Horſe Cauſeways and Foot Cauſeways, by Poſts, Blocks, or great Stones, fixed in the Ground, or by Banks of Earth caſt up, or otherwiſe, from being broken up and ſpoiled with Waggons, Wains, Carts, or Carriages; and foraſmuch as ſeveral evil-diſpoſed Perſons do or may wilfully or wantonly pull up, cut down, and remove or damage the ſaid Poſts, Blocks, and great Stones, ſo fixed, or to be fixed, as aforeſaid, and drive Carriages upon ſuch Banks and Cauſeways, or againſt the Sides thereof, and alſo dig or caſt down the ſaid Banks, which are the Securities and Defence of the ſaid Cauſeways, whereby the Cauſeways or Banks are often ruined and deſtroyed; and ſuch evil-diſpoſed Perſons do or may break, damage, or throw down the Stones, Bricks, or Wood, fixed upon the Parapets or Battlements of Bridges, and do or may pull down, deſtroy, obliterate, or deface, any Mile Stone or Poſt, Graduated or Direction Poſt or Stone, erected or to be erected upon any Highway: For prevention thereof, be it enacted, That every Perſon who ſhall be guilty of any ſuch Offence, ſhall, upon Complaint thereof made to any Juſtice of the Peace of the Limit where the ſame ſhall be proved to be done, by the Oath of any One credible Witneſs, or upon View of the Juſtice himſelf, forfeit for every of the ſaid Offences any Sum not exceeding Five Pounds, nor leſs than Ten Shillings; and in Default of Payment thereof, ſhall be committed to the Houſe of Correction of ſuch Limit, there to be whipped, and kept to hard Labour for any Time not exceeding One Calendar Month, nor leſs than Seven Days, at the Diſcretion of ſuch Juſtice.

Juſtices of Cities, &c. to put the Act into Execution.

LIII. And be it further enacted, That the Juſtices of the Peace of all Cities, Corporations, Boroughs, and other Places, are hereby required to put in Execution every Part of this Act within their reſpective Juriſdictions.

Juſtices of Cities or Boroughs not to allow Salaries to Surveyors, except ſuch as ſhall be agreed upon at the Meeting of the Houſeholders.

LIV. Provided always, and be it further enacted, That nothing in this Act contained ſhall authoriſe or impower, or be deemed, conſtrued, or taken to authoriſe and impower, any Juſtice or Juſtices of the Peace, for any City, Town Corporate, or Borough, to fix or allow any Salary to or for any Surveyor to be appointed by any ſuch Juſtice or Juſtices, other than and except ſuch Salary as ſhall be ſettled and agreed upon by Two Parts out of Three of the Perſons aſſembled in the Pariſh, Townſhip, or Place, within ſuch City, Town Corporate, or Borough, for which ſuch Surveyor ſhall be appointed, purſuant to the Directions of this Act.

Limitation of the Number of Horſes for the Waggons and Carts with different Wheels.

LV. And whereas the Highways not being Turnpike Roads are much prejudiced by the Narrowneſs of the Wheels of the ſeveral Carriages travelling thereon, and by the exceſſive Burthens loaded in ſuch Carriages; be it enacted, That no Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, ſhall go or be drawn with more than Eight Horſes; and that no Cart, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches, ſhall go or be drawn with more than Five Horſes; and that no Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, and rolling on each Side a Surface of Nine Inches, ſhall go or be drawn with more than Seven Horſes; and that no ſuch Waggon rolling a Surface of Six Inches only, ſhall go or be drawn with more than Six Horſes; and that no Cart, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, ſhall go or be drawn with more than Four Horſes; and that no Waggon having the Sole or Bottom of the Fellies of the Wheels of leſs Breadth than Six Inches, ſhall go or be drawn with more than Five Horſes; and that no Cart having the Sole or Bottom of the Fellies of the Wheels of leſs Breadth than Six Inches, ſhall go or be drawn with more than Three Horſes upon ſuch Highways, under the Pains, Penalties, and Forfeitures herein-after mentioned; (that is to ſay), That the Owner of ſuch Waggon or Cart reſpectively ſhall forfeit the Sum of Five Pounds, and the Driver not being the Owner, the Sum of Ten Shillings, for every Horſe or Beaſt which ſhall be ſo drawing above the Number hereby ſo reſpectively limited as aforeſaid, to the ſole Uſe and Benefit of the Informer; but Carriages moving upon Wheels or Rollers, of the Breadth of Sixteen Inches on each Side thereof, with flat Surfaces, are hereby allowed to be drawn with any Number of Horſes, or other Cattle.

The Owner offending forfeits 5 *l.* and the Driver 10 *s.* for every Horſe above the Number allowed.

Sixteen Inch Rollers not reſtrained in the Number of Horſes.

LVI. Provided always, and be it enacted, That no Proſecution ſhall be commenced before a Juſtice of Peace, by way of Information, for any Forfeiture incurred by the Owner or Driver of any Carriage, having a greater Number of Horſes therein than are allowed by this Act, unleſs ſuch Information be laid within Three Days after the Offence committed; and that no Action ſhall be commenced for any ſuch Offence, unleſs the ſame be commenced within One Calendar Month after the Offence committed; and that neither ſuch Information or Action ſhall be laid or commenced, unleſs Notice ſhall be given by the Informer to the Driver of every ſuch Carriage, on the Day upon which the Offence ſhall be committed, of an Intention to complain of ſuch Offence; and if it ſhall appear to the Juſtice before whom ſuch Complaint ſhall be made, that the Offender lives ſo remote as to make it inconvenient to ſummon him to appear before ſuch Juſtice, the Juſtice may diſmiſs the Complaint, and leave the Informer to his Remedy by Action at Law.

Proſecutions for ſuch additional Number of Horſes, how and in what Manner to be carried on.

LVII. Provided always, and be it further enacted, That it ſhall and may be lawful for the Juſtices of the Peace, at their reſpective General Quarter Seſſions of the Peace, to be held in the Week after Michaelmas, to licenſe, in ſuch Manner, and for ſuch Time as they ſhall think fit, an Increaſe of the Number of Horſes to be drawn in Carriages up any ſteep Hill, or on any Road not Turnpike, within their reſpective Juriſdictions, over and above the Number herein-before limited, if, upon Inquiry into the State and Condition of ſuch Roads, they ſhall find any additional Number of Horſes neceſſary; and, from Time to Time, at any Michaelmas Quarter Seſſions, to revoke, alter, or vary the ſame, as they ſhall think fit.

Juſtices of Peace, at their *Michaelmas* Quarter Seſſions, may licenſe an Increaſe of the Number of Horſes.

LVIII. Provided always, and be it further enacted, That if it ſhall appear upon the Oaths of credible Witneſſes, to the Satisfaction of any Juſtice or Juſtices of the Peace, or of any Court of Juſtice authoriſed to enforce the Execution of this Act, that any Waggon, Cart, or Carriage, could not, by reaſon of deep Snow or Ice, be drawn by the Number of Horſes or Beaſts of Draught hereby reſpectively allowed; then, and in every ſuch Caſe, it ſhall and may be lawful for ſuch Juſtice or Juſtices of the Peace, or Court reſpectively, and they are hereby reſpectively required, to ſtop all Proceedings before them reſpectively for the Recovery of any Penalty or Forfeiture which may have been incurred by drawing with a greater Number of Horſes, or Beaſts of Draught, than are hereby allowed; any Thing herein contained to the Contrary notwithſtanding: Provided alſo, That the Regulations herein-before mentioned, concerning the Number of Horſes, and Wheels of Carriages, ſhall not be deemed or conſtrued to extend to Carts, Waggons, or other Carriages, employed only in carrying any One Stone, Block of Marble, Cable Rope, or Piece of Metal, or Piece of Timber, or to ſuch Ammunition or Artillery as ſhall be for His Majeſty's Service; and that Two Oxen or Horned Cattle ſhall, for all the Purpoſes of this Act, be conſidered as One Horſe.

Juſtices may ſtop Proceedings for Forfeitures in reſpect of additional Horſes, when, from Ice or deep Snow, they were neceſſary.

Carriages excepted out of this Act.

Two Oxen to be conſidered as One Horſe.

LIX. And, for the better Diſcovery of Offenders againſt this preſent Act, be it enacted, That the Owner of every Waggon, Wain, or Cart, and alſo of every Coach, Poſt Chaiſe, or other Carriage let to Hire, ſhall paint, or cauſe to be painted, upon ſome conſpicuous Part of his Waggon, Wain, or Cart, and upon the Pannels of the Doors of all ſuch Coaches, Poſt Chaiſes, or other Carriages, before the ſame ſhall be uſed upon any publick Highway, his or her Chriſtian and Surname, and the Place of his or her Abode, in large legible Letters, and continue the ſame thereupon ſo long as ſuch Waggon, Cart, Coach, Poſt Chaiſe, or other Carriage, ſhall be uſed upon any ſuch Highway; and the Owner of every Common Stage Waggon or Cart, employed as Travelling Stages from Town to Town, ſhall, over and above his or her Chriſtian and Surname, paint, or cauſe to be painted, on the Part, and in the Manner aforeſaid, the following Words, Common Stage Waggon, or Cart, as the Caſe may be; and every Perſon uſing any ſuch Carriage as aforeſaid upon any Highway, without the Names and Deſcriptions painted thereon reſpectively, as aforeſaid, or who ſhall paint, or cauſe to be painted, any falſe or fictitious Name or Place of Abode, on ſuch Waggon, Wain, Cart, Coach, Poſt Chaiſe, or other Carriage, ſhall forfeit, for every ſuch Offence, a Sum not exceeding Five Pounds, nor leſs than Twenty Shillings.

The Owner's Name, *&c.* to be painted on all Waggons and Carts, alſo on Coaches, Poſt Chaiſes, *&c.* let to Hire.

LX. And whereas many bad Accidents happen, and great Miſchiefs are frequently done upon the Streets and Highways, by the Negligence or wilful Miſbehaviour of Perſons driving Carriages thereon; be it therefore further enacted, That if the Driver of any Cart, Car, Dray, or Waggon, ſhall ride upon any ſuch Carriage in any Street or Highway, not having ſome other Perſon on Foot, or on Horſeback, to guide the ſame, (ſuch Carriages as are conducted by ſome Perſon holding the Reins of the Horſe or

Drivers of Carriages puniſhable for Miſbehaviour or Negligence, in order to prevent Accidents.

Horſes drawing the ſame excepted); or if the Driver of any Carriage whatſoever on any Part of any Street or Highway ſhall, by Negligence, or wilful Miſbehaviour, cauſe any Hurt or Damage to any Perſon or Carriage paſſing or being upon ſuch Street or Highway, or ſhall quit the Highway, and go on the other Side the Hedge or Fence incloſing the ſame; or wilfully be at ſuch Diſtance from ſuch Carriage, whilſt it ſhall be paſſing upon ſuch Highway, that he cannot have the Direction and Government of the Horſes or Cattle drawing the ſame; or ſhall, by Negligence or wilful Miſbehaviour, prevent, hinder, or interrupt the free Paſſage of any other Carriage, or of His Majeſty's Subjects, on the ſaid Highways; or if the Driver of any empty or unloaded Waggon, Cart, or other Carriage, ſhall refuſe or neglect to turn aſide and make Way for any Coach, Chariot, Chaiſe, loaded Waggon, Cart, or other loaded Carriage; or if any Perſon ſhall drive, or act as the Driver, of any ſuch Coach, Poſt Chaiſe, or other Carriage, let for Hire, or Waggon, Wain, or Cart, not having the Owner's Name, as before required, painted thereon, or ſhall refuſe to diſcover the true Chriſtian and Surname of the Owner of ſuch reſpective Carriages; every ſuch Driver ſo offending in any of the Caſes aforeſaid, and being convicted of any ſuch Offence, either by his own Confeſſion, the View of a Juſtice of Peace, or by the Oath of One or more credible Witneſs or Witneſſes, before any Juſtice of the Peace of the Limit where ſuch Offence ſhall be committed, ſhall, for every ſuch Offence, forfeit any Sum not exceeding Ten Shillings, in caſe ſuch Driver ſhall not be the Owner of ſuch Carriage; and in caſe the Offender be Owner of ſuch Carriage, then any Sum not exceeding Twenty Shillings: And in either of the ſaid Caſes, ſhall, in Default of Payment, be committed to the Houſe of Correction, for any Time not exceeding One Month, unleſs the ſame ſhall be ſooner paid; and every ſuch Driver, offending in either of the ſaid Caſes, ſhall and may, by Authority of this Act, with or without any Warrant, be apprehended by any Perſon or Perſons who ſhall ſee ſuch Offence committed, and ſhall be immediately conveyed or delivered to a Conſtable or other Peace Officer, in order to be conveyed before ſome Juſtice of the Peace, to be dealt with according to Law: And if any ſuch Driver, in any of the Caſes aforeſaid, ſhall refuſe to diſcover his Name, it ſhall and may be lawful for the Juſtice of the Peace before whom he ſhall be taken, or to whom any ſuch Complaint ſhall be made, to commit him to the Houſe of Correction for any Time not exceeding Three Months, or to proceed againſt him for the Penalty aforeſaid, by a Deſcription of his Perſon and the Offence, and expreſſing in ſuch Proceedings that he refuſed to diſcover his Name.

Juſtices may hold and adjourn Special Seſſions whenever they think fit, upon giving Notice to the other Juſtices.

LXI. And be it further enacted, That it ſhall and may be lawful for any Two or more Juſtices of the Peace within their reſpective Limits, and they are hereby impowered, from Time to Time, whenever they ſhall judge proper, to hold any Special Seſſions, beſides that which is herein-before directed, for executing the Purpoſes of this Act; and to adjourn the ſame from Time to Time, as they ſhall think fit, cauſing Notice to be given of the Time and Place of holding ſuch Special Seſſions, and of the Adjournments thereof, to the ſeveral Juſtices acting and reſiding within ſuch Limits, by the High Conſtable, or other proper Officer within the ſame.

In order to prevent Obſtructions, Alehouſes,&c. not ſuffered to be kept on Bridges where Tolls are taken.

LXII. And, for preventing Obſtructions, which frequently happen by ſtopping of Carriages on or near publick Bridges, be it further enacted, That if any Perſon or Perſons collecting any Tolls payable for paſſing over any publick Bridge with Carriages or Cattle of any Kind ſhall keep any Victualling-houſe, Alehouſe, or other Place of publick Entertainment, or ſhall ſell, or permit to be ſold therein, any Wine, Beer, Ale, Cyder, Spirituous Liquors, or other Strong Liquors, by Retail, he, ſhe, or they, being lawfully convicted of ſuch Offence by the Oath of One or more credible Witneſs or Witneſſes, or by his own Confeſſion, before any Juſtice of the Peace of the Limit wherein ſuch Offence ſhall be committed, ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds.

Penalty for incroaching on Highways.

LXIII. And whereas Inconveniencies have ariſen from making Hedges or other Fences, and from ploughing or breaking up the Soil of Lands or Grounds near the Middle or Centre of Highways: For Remedy thereof, be it enacted, That if any Perſon ſhall incroach, by making, or cauſing to be made, any Hedge, Ditch, or other Fence, on any Highway, not being Turnpike Road, within the Diſtance of Fifteen Feet from the Middle or Centre thereof; or ſhall plough, harrow, or break up the Soil of any Land or Ground, or in ploughing or harrowing the adjacent Lands, ſhall turn his Plough in or upon any Land or Ground within the Diſtance of Fifteen Feet from the Middle or Centre of any Highway, where the Breadth of ſuch Highway is formed and marked, or deſcribed with Certainty, and does not exceed in Breadth Thirty Feet, every Perſon ſo offending ſhall forfeit, for every ſuch Offence Forty Shillings, to ſuch Perſon who ſhall make Information of the ſame; and it ſhall be lawful for the Surveyor who hath the Care of any ſuch Road to cauſe ſuch Hedge, Ditch, or Fence, to be taken down, or filled up, at the Expence of the Perſon or Perſons to whom the ſame ſhall belong: And it ſhall and may be lawful for any One or more Juſtice or Juſtices of the Peace of the Limit where ſuch Offence ſhall be committed, upon Proof to him or them made upon Oath, to levy as well the Expences of taking down ſuch Hedges as aforeſaid, as the ſeveral and reſpective Penalties hereby impoſed, by Diſtreſs and Sale of the Offender's Goods and Chattels, in ſuch Manner as Diſtreſſes and Sales for Forfeitures are authoriſed and directed to be levied by virtue of this Act.

Incroachment to be taken down by the Surveyor.

Court may award Coſts to the Proſecutor or Defendant upon an Indictment or Preſentment.

LXIV. And be it further enacted, That it ſhall and may be lawful for the Court before whom any Indictment or Preſentment ſhall be tried for not repairing Highways, to award Coſts to the Proſecutor, to be paid by the Perſon or Perſons ſo indicted or preſented, if it ſhall appear to the ſaid Court that the Defence made to ſuch Indictment or Preſentment was frivolous; or to award Coſts to the Perſon indicted or preſented, to be paid by the Proſecutor, if it ſhall appear to the ſaid Court that ſuch Proſecution was vexatious.

LXV. And

Expences for carrying on or defending Proſecutions, agreed upon at a Veſtry Meeting, how to be paid.

LXV. And be it further enacted, That if the Inhabitants of any Pariſh, Townſhip, or Place, ſhall agree, at a Veſtry or publick Meeting, to proſecute any Perſon by Indictment for not repairing any Highway within ſuch Pariſh, Townſhip, or Place, which they apprehend ſuch Perſon was obliged by Law to repair, or for committing any Nuiſance upon any Highways, or ſhall agree at ſuch Veſtry Meeting to defend any Indictment or Preſentment preferred againſt any ſuch Pariſh, Townſhip, or Place, it ſhall and may be lawful for the Surveyor of ſuch Pariſh, Townſhip, or Place, to charge in his Account the reaſonable Expences incurred in carrying on or defending ſuch reſpective Proſecutions, after the ſame ſhall have been agreed to by ſuch Inhabitants at a Veſtry or publick Meeting, or allowed by a Juſtice of the Peace within the Limit where ſuch Highway ſhall be; which Expences, when ſo agreed to, or allowed, ſhall be paid by ſuch Pariſh, Townſhip, or Place, out of the Fines, Forfeitures, Compoſitions, Payments, and Aſſeſſments, authoriſed to be collected and raiſed by virtue of this Act.

The Notice required for holding Veſtries or publick Meetings.

LXVI. And be it further enacted, That in all Caſes where a Veſtry or publick Meeting of the Inhabitants of any Pariſh, Townſhip, or Place, is authoriſed or directed by this Act, there ſhall be publick Notice given of the Day, Hour, and Place, of holding the ſaid Meeting, at the Church or Chapel of ſuch Pariſh, Townſhip, or Place, on the Sunday next preceding ſuch Meeting, and alſo Notice thereof in Writing, ſpecifying the Purpoſe of ſuch Meeting, fixed at the ſame Time upon the Door of ſuch Church or Chapel, and the ſame ſhall not be held till Three Days at leaſt after ſuch Notice given; and if there be no Church or Chapel, the like Notice of ſuch Meeting ſhall be given in Writing, and put up at the moſt publick Place therein, Three Days at leaſt before ſuch Meeting.

Sums aſſeſſed may be levied by Diſtreſs and Sale of the Offenders Goods.

LXVII. And be it further enacted, That if any Perſon ſhall refuſe or neglect to pay the Sum or Sums aſſeſſed upon him, by any Aſſeſſment to be made in purſuance of this Act, within Ten Days after Demand thereof made, the ſame ſhall and may be levied by the Surveyor, or any other Perſon or Perſons authoriſed, by Warrant under the Hand and Seal of One Juſtice of the Peace, having Juriſdiction therein, by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo refuſing or neglecting, rendering the Overplus to the Owner or Owners thereof, the neceſſary Charges of making ſuch Diſtreſs and Sale being firſt deducted; and in Default of ſuch Diſtreſs, it ſhall be lawful for any ſuch Juſtice to commit the Perſon ſo refuſing or neglecting to the common Gaol, there to remain until he ſhall have paid the Sum ſo aſſeſſed, and the Coſts and Charges occaſioned by ſuch Neglect or Refuſal.

Surveyor may be a competent Witneſs.

LXVIII. And be it further enacted, That the Surveyor of any Pariſh, Townſhip, or Place, ſhall be deemed, in all Caſes, a competent Witneſs, in all Matters relative to the Execution of this Act, notwithſtanding his Salary may ariſe in Part from the Forfeitures and Penalties hereby inflicted.

Concerning the Forms of Proceedings.

LXIX. And be it further enacted, That the Forms of Proceedings relative to the ſeveral Matters contained in this Act, which are ſet forth and expreſſed in the Schedule hereunto annexed, ſhall be uſed, upon all Occaſions, with ſuch Additions or Variations only as may be neceſſary to adapt them to the particular Exigencies of the Caſe; and that no Objection ſhall be made, or Advantage taken, for want of Form in any ſuch Proceedings, by any Perſon or Perſons whomſoever.

Printed Abſtracts to be given to Surveyors:

LXX. And in order to have the Contents of this Act more generally communicated and known, be it further enacted, That the Juſtices of the Peace within their reſpective Limits, ſhall, at every Special Seſſions to be held in the Week next after the Michaelmas General Quarter Seſſions of the Peace, procure and deliver, or cauſe to be procured and delivered, a printed Abſtract of the moſt material Parts of this Act to every Surveyor, to be then appointed by them reſpectively, as the Charge hereby directed to be given; and ſhall alſo, at their ſaid Special Seſſions, to be held in the Year One thouſand ſeven hundred and ſeventy-three, deliver, or cauſe to be delivered, to every of the ſaid Surveyors, One other of the ſaid printed Abſtracts of this Act, for the Uſe of the Pariſh, Townſhip, or Place, for which the ſaid Surveyor ſhall be appointed; which laſt-mentioned Abſtract the ſaid Surveyors are hereby reſpectively ordered and required to fix on the Church or Chapel Door, or other publick Place, within their reſpective Liberties, on the next Sunday after they ſhall ſo receive the ſame; and the ſaid Surveyors ſhall ſeverally pay to the ſaid Juſtices Clerks the Sum of Sixpence for each of the ſaid laſt-mentioned printed Abſtracts.

One to be fixed on the Church Door.

Perſons reſiſting the Execution of this Act, or Conſtables refuſing to obey the Warrant of a Juſtice of Peace, to forfeit not exceeding 10*l.* nor leſs than 40*s.*

LXXI. And be it further enacted, That in caſe any Perſon or Perſons ſhall reſiſt or make forcible Oppoſition againſt any Perſon or Perſons employed in the due Execution of this Act, or make any Reſcue of the Cattle or other Goods diſtrained by virtue of this Act; or if any Conſtable, Headborough, or Tithingman, ſhall refuſe or neglect to execute or obey any Warrant or Precept granted by any Juſtice of the Peace, purſuant to the Directions of this Act; every ſuch Perſon offending therein, and being convicted thereof by a Juſtice of the Peace, ſhall, for every ſuch Offence, forfeit any Sum not exceeding Ten Pounds, nor leſs than Forty Shillings, at the Diſcretion of the Juſtice before whom he or ſhe ſhall be ſo convicted; to be paid to the Surveyor of the Highways for the Pariſh, Townſhip, or Place, where the Offence was committed, to be laid out in the Repair of the Highways: And in caſe he or ſhe do not forthwith pay, or ſecure to be paid, the ſaid Forfeiture after ſuch Conviction, then it ſhall and may be lawful for ſuch Juſtice of the Peace to commit ſuch Perſon or Perſons to the common Gaol, or Houſe of Correction, of the Limit where ſuch Offence ſhall be committed, there to remain for any Time not exceeding Three Months, unleſs the ſaid Forfeiture ſhall be ſooner paid.

Forfeitures, Coſts, and Charges, may be levied by Diſtreſs and Sale of the Offender's Goods:

LXXII. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed for any Offence againſt the ſame, and all Coſts and Charges to be allowed and ordered by the Authority of this Act, (the Manner of levying and recovering of which is not hereby otherwiſe particularly directed), ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender, or Perſon liable or ordered to pay the ſame reſpectively, by Warrant under the Hand and Seal of ſome Juſtice of the Peace for the Limit where ſuch Offence, Neglect, or Default, ſhall happen, or ſuch Order for Payment of ſuch Coſts or Charges ſhall be made, rendering the Overplus of ſuch Diſtreſs (if any be) to the Party or Parties, after deducting the Charges of making the ſame; which Warrant ſuch Juſtice is hereby impowered and required to grant, upon Conviction of the Offender, by Confeſſion, or upon the Oath of One or more credible Witneſs or Witneſſes, or upon Order made as aforeſaid; and the Penalties and Forfeitures, when ſo levied, ſhall be paid, the One Half to the Informer, and the other Half to the Surveyor of the Highway where ſuch Offence, Neglect, or Default, ſhall happen; to be applied towards the Repair thereof, unleſs otherwiſe directed by this Act; but in caſe the Surveyor ſhall be the Informer, then the Whole ſhall be employed towards the Repair of ſuch Highway: And in caſe ſuch Diſtreſs cannot be found, and ſuch Penalties and Forfeitures, or the ſaid Coſts and Charges, ſhall not be forthwith paid, it ſhall and may be lawful for ſuch Juſtice, and he is hereby authoriſed and required, by Warrant under his Hand and Seal, to commit ſuch Offender or Offenders, or Perſon or Perſons liable to pay the ſame reſpectively, to the common Gaol, or Houſe of Correction, of the Limit where the Offence ſhall be committed, or ſuch Order as aforeſaid ſhall be made, for any Time not exceeding Three Months, unleſs the ſaid Penalty, Forfeiture, Coſts, and Charges, ſhall reſpectively be ſooner paid: And if ſuch Offender or Offenders, or Perſon or Perſons, liable or ordered to pay the ſame reſpectively, ſhall live out of the Juriſdiction of the Juſtice hereby authoriſed to grant ſuch Warrant, it ſhall and may be lawful for any Juſtice of the Peace of the Limit wherein ſuch Perſon ſhall inhabit, and every ſuch Juſtice is hereby required, upon Requeſt to him for that Purpoſe made, and upon a true Copy of the Conviction whereby ſuch Forfeiture or Penalty was incurred, and of the Order for the Payment of ſuch Coſts and Charges, produced and proved by a credible Witneſs upon Oath, by Warrant under his Hand and Seal, to cauſe the Penalty or Forfeiture mentioned in ſuch Conviction, and the Coſts and Charges mentioned in ſuch Order, or ſo much thereof as ſhall not have been paid, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Offender or Offenders, or Perſon or Perſons, liable or ordered to pay the ſame reſpectively, as aforeſaid; and if no ſufficient Diſtreſs can be had, to commit ſuch Offender or Offenders, or Perſon or Perſons, liable as aforeſaid, to the common Gaol, or Houſe of Correction, of ſuch Limit, for the Time, and in Manner aforeſaid.

In what Manner to be applied.

How to proceed when the Offender lives within another Juriſdiction.

Warrant of Diſtreſs when to be iſſued.

LXXIII. Provided nevertheleſs, That no Warrant of Diſtreſs, unleſs otherwiſe directed by this Act, ſhall be iſſued for levying any Penalty or Forfeiture, Coſts or Charges, until Six Days after the Offender ſhall have been convicted, and an Order made and ſerved upon him or her for Payment thereof.

The Proſecutor has his Option to proceed for the Forfeiture by Information before a Juſtice, or by Action at Law, if it amount to 40 s.

LXXIV. Provided alſo, and be it further enacted, That every Proſecutor or Informer may, at his Election, ſue for and recover any Forfeiture or Penalty impoſed by this Act, which ſhall amount to the Sum of Forty Shillings or upwards, (the Manner of Recovery thereof not being particularly directed by this Act), either in the Manner herein-before directed, or by Action at Law, to be brought by ſuch Informer or Proſecutor in any of His Majeſty's Courts of Record, in Manner following; (that is to ſay), Where any Perſon ſhall be liable to any ſuch pecuniary Penalty, it ſhall and may be lawful to ſue for and recover the ſame by Action of Debt, in which it ſhall be ſufficient to declare, that the Defendant is indebted to the Plaintiff in the Sum of   being forfeited by an Act, paſſed in the Thirteenth Year of the Reign of His preſent Majeſty, intituled, An Act to explain, amend, and reduce into One Act of Parliament, the Statutes now in being for the Amendment and Preſervation of the publick Highways within that Part of *Great Britain* called *England*, and for other urpoſes; and the Plaintiff, if he recovers in any ſuch Actions, ſhall have Double Coſts.

Within what Time Actions are to be commenced, and what Notice is to be given.

LXXV. Provided, That there ſhall not be more than One Recovery for the ſame Offence; and that Ten Days Notice, in Writing, be given to the Party offending previous to the Commencement of ſuch Action; and that the ſame be brought and commenced within One Calendar Month after the Offence for which ſuch Action is brought ſhall have been committed.

Convictions how to be made.

LXXVI. Provided alſo, and be it further enacted, That no Conviction ſhall be had or made by virtue of this Act, unleſs upon Confeſſion the Party accuſed, or upon the Oath of One or more credible Witneſs or Witneſſes, or upon the View of a Juſtice of Peace, in the Caſes before mentioned; and that any Inhabitant of any Pariſh, Townſhip, or Place, in which any Offence ſhall be committed contrary to this Act, ſhall be deemed a competent Witneſs, notwithſtanding his or her being an Inhabitant of ſuch Pariſh, Townſhip, or Place.

Inhabitant of a Pariſh a good Witneſs.

Juſtices may adminiſter Oaths.

LXXVII. And be it further enacted, That it ſhall and may be lawful for any Juſtice of the Peace to adminiſter an Oath to any Witneſs or Witneſſes, or other Perſon or Perſons, for the better Diſcovery and Execution of the ſeveral Matters or Things herein-before authoriſed or directed to be examined, enquired into, or performed, by ſuch Juſtice.

Satisfaction recoverable for Special Damage; but Diſtreſs not unlawful for want of Form in the Proceedings.

LXXVIII. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Default or want of Form in any Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satiſfaction for the Special Damage in an Action on the Caſe.

Plaintiffs not to recover for Irregularity, if Tender of Amends be made.

LXXIX. Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for any Irregularity, Treſpaſs, or wrongful Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, any ſuch Irregularity, Treſpaſs, or wrongful Proceedings, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall ſee fit, whereupon ſuch Proceedings or Orders, and Judgement, ſhall be had, made, and given, in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Appeal may be made to Quarter Seſſions by the Perſons aggrieved by any Thing done in the Execution of this Act.

LXXX. Provided alſo, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done by any Juſtice or Juſtices of the Peace, or other Perſon, in the Execution of any of the Powers given by this Act, and for which no particular Method of Relief hath been already appointed, every ſuch Perſon may appeal to the Juſtices of the Peace, at any General Quarter Seſſions of the Peace to be held for the Limit wherein the Cauſe of ſuch Complaint ſhall ariſe, ſuch Appellant giving, or cauſing to be given, Notice in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Juſtice or other Perſon or Perſons againſt whom ſuch Complaint ſhall be made, within Six Days after the Cauſe of ſuch Complaint aroſe, and within Four Days after ſuch Notice entering into Recognizance before ſome Juſtice of the Peace within ſuch Limit, with One ſufficient Surety, conditioned to try ſuch Appeal at, and abide the Order of, and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſion; and every Juſtice of the Peace, and other Perſon, having received Notice of ſuch Appeal, as aforeſaid, ſhall return all Proceedings whatſoever had before them reſpectively, touching the Matter of ſuch Appeal, to the ſaid Juſtices, at their General Quarter Seſſions aforeſaid, on Pain of forfeiting Five Pounds for every ſuch Neglect; and the ſaid Juſtices at ſuch Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper; to be levied and recovered as herein-before directed; and the Determination of ſuch Quarter Seſſion ſhall be final and concluſive to all Intents and Purpoſes; and that no Proceedings to be had or taken in purſuance of this Act ſhall be quaſhed or vacated for want of Form, or removed by Certiorari, or any other Writ or Proceſs whatſoever, (except as herein-before mentioned), into any of His Majeſty's Courts of Record at Weſtminſter, any Law or Statute to the Contrary notwithſtanding: Provided, that no ſuch Appeal ſhall be made againſt any Conviction for any Penalty or Forfeiture incurred by virtue of this Act, unleſs the Perſon convicted ſhall, at the Time of ſuch Conviction, if he or ſhe ſhall be then preſent, if not, within Six Days after, give Notice of his or her Intention to appeal, and at the ſame Time enter into Recognizance with ſufficient Sureties to pay ſuch Penalty or Forfeiture, in caſe ſuch Conviction ſhall be affirmed upon ſuch Appeal; and upon his or her giving ſuch Security, the further Proceeding for ſuch Penalty or Forfeiture ſhall be ſuſpended until ſuch Appeal ſhall be heard and determined.

Proceedings not to be quaſhed for want of Form, nor removed by *Certiorari.*

Limitation of Actions.

LXXXI. And be it further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done or acted in purſuance of this Act; then, and in every ſuch Caſe, ſuch Action or Suit ſhall be commenced or proſecuted within Three Calendar Months after the Fact committed, and not afterwards; and the ſame, and every ſuch Action or Suit, ſhall be brought within the County where the Fact was committed, and not elſewhere; and the Defendant or Defendants, in every ſuch Action or Suit, ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this preſent Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time limited for bringing the ſame, or be brought or laid in any other Place than as aforementioned, then the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their Action, after the Defendant or Defendants ſhall have appeared, or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for Recovery thereof, as any Defendant or Defendants hath or have in any other Caſes by Law.

General Iſſue.

Treble Coſts.

When the Act commences.

LXXXII. And be it further enacted, That this Act ſhall commence and take place, with reſpect to the aſſembling of the Houſeholders and others, and the making and delivering of Liſts of Perſons qualified to ſerve the Office of Surveyor, and the giving Notices to the Perſons contained in ſuch Liſts, upon the Twenty-firſt Day of September, One thouſand ſeven hundred and ſeventy-three; and, with reſpect to all the other Matters and Things herein contained, on the Eleventh Day of October, One thouſand ſeven hundred and ſeventy-three.

Act 7 *Geo.* III repealed.

LXXXIII. And, to the Intent that there may be only One Law ſubſiſting for the ſeveral Purpoſes aforeſaid, be it further enacted and declared, That from and after the Tenth Day of October, One thouſand ſeven hundred and ſeventy-three, an Act, paſſed in the Seventh Year of the Reign of His preſent Majeſty, intituled, An Act to explain, amend, and reduce into One Act of Parliament, the ſeveral Statutes now in being for the Amendment and Preſervation of the publick Highways of this Kingdom, and for other Purpoſes therein mentioned, (except ſo much thereof as repeals the ſeveral Acts, and Parts of Acts, therein mentioned,) which are not revived by an Act, paſſed in the Eighth Year of the Reign of His preſent Majeſty, intituled, An Act to explain, amend, and render more effectual an Act, paſſed in the Seventh Year of His preſent Majeſty's Reign, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the ſeveral Statutes now in being for the Amendment and Preſervation of the publick Highways of this Kingdom, and for other Purpoſes therein mentioned,* ſhall be, and the ſame is hereby repealed.

Surveyors appointed under 7 *Geo.* III. to paſs their Accounts at Special Seſſions after *Michaelmas* next.

LXXXIV. Provided nevertheleſs, That the ſeveral Surveyors appointed under the Authority of the ſaid Act, paſſed in the Seventh Year of the Reign of His preſent Majeſty, ſhall produce ſuch Books and Liſts, and paſs their Accounts, before the Juſtices at their reſpective Special Seſſions, to be holden within their reſpective Limits, in the Week next after the Michaelmas Quarter Seſſions, in the Year One thouſand ſeven hundred and ſeventy-three, and pay the Balances thereof, in ſuch Manner as they ought to have done at the Special Seſſions, which was by the ſaid Act to have been held on the Firſt Monday in October, or within Fifteen Days after; and if the Juſtices ſhall appoint any Surveyor or Surveyors under the Authority of the ſaid Act, ſuch Appointment ſhall be void, and of no Effect.

Exceptions relative to *Briſtol*;

LXXXV. Provided always, and be it further enacted by the Authority aforeſaid, That nothing in this Act contained, touching the making and returning Liſts of Perſons qualified to be Surveyors of the Highways, and the Appointment of ſuch Surveyors, nor the Repeal of Part of an Act, made in the Third Year of King William and Queen Mary, relating to ſuch Surveyors, ſhall extend, or be conſtrued, deemed, or taken to extend, to the City of Briſtol; but that the ſeveral Acts of Parliament which have been paſſed previous to this Act, relative to Surveyors of the Highways, and to cleanſing, paving, lighting, and regulating the Streets and other Places within the ſaid City, ſhall remain in full Force, and be executed in as full and ample Manner and Form, to all Intents and Purpoſes, as the ſame might or ought to have been, if this Act had never been made.

and *Saint Mary Matfelon* &c.

LXXXVI. Provided alſo, That nothing in this Act contained ſhall extend, or be deemed or conſtrued to extend, to the Pariſh of Saint Mary Matfelon otherwiſe White-chapel, and Saint John of Wapping, in the County of Middelſex, or either of them.

Powers of Commiſſioners of Sewers not abridged.

LXXXVII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be deemed or conſtrued to extend, to alter, reſtrain, or abridge, the Powers or Authorities given to the Commiſſioners of Sewers by any Act or Acts of Parliament whatſoever, or to vary or alter any of the Proviſions or Regulations thereby made, directed, or provided; any Thing herein contained to the Contrary thereof in any-wiſe notwithſtanding.

THE

SCHEDULE,

(Stating the Forms) to which this Act refers.

N°. I.

Warrant for calling the Meeting of the Houſeholders, &c. *and for fixing that of the Juſtices for appointing Surveyors.*

Middleſex. *To the Conſtables, Headboroughs, and Tithingmen, within the* (Hundred) Riding) Diviſion) Liberty) *or* Precinct) *(as the Caſe ſhall be) of* *in the ſaid County.*

IN order to carry into Execution an Act, made in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, *for the Amendment and Preſervation of the Publick Highways*, you are hereby ſeverally required forthwith to give publick Notice to the Churchwardens, Surveyors of the Highways, and Houſeholders, being aſſeſſed to any parochial or publick Rate within your reſpective Liberties, that they do aſſemble on the Twenty-ſecond Day of *September* next, at the Church or Chapel, or if there ſhall be no Church or Chapel, then at the uſual Place of publick Meetings within their reſpective Liberties, at the Hour of Eleven in the Forenoon; and that the major Part of them ſo aſſembled do make a Liſt of the Names of at leaſt Ten Perſons living therein, who each of them have an Eſtate in Lands, Tenements, or Hereditaments, lying within the ſame, in their own Right, or in Right of their Wives, of the Value of Ten Pounds by the Year; or a perſonal Eſtate of the Value of One hundred Pounds; or are Occupiers or Tenants of Houſes, Lands, Tenements, or Hereditaments, of the yearly Value of Thirty Pounds: And if there ſhall not be Ten Perſons having ſuch Qualifications, then that they do inſert in ſuch Liſt the Names of ſo many of ſuch Perſons as are ſo qualified, together with the Names of the moſt ſufficient and able Inhabitants not ſo qualified, as ſhall make up the Number Ten, if ſo many can be found, if not, ſo many as ſhall be there reſident, to ſerve the Office of Surveyor of the Highways: And you are alſo ſeverally required, within Three Days after making the ſaid Liſt, to deliver a Copy thereof to One of the Juſtices of Peace of the ſaid *(Hundred) Riding) Diviſion*, &c.) *(as the Caſe ſhall be)* living in or near the ſame (*Pariſh*, &c.); and alſo to give perſonal Notices to, or cauſe Notices in Writing to be left at the Places of Abode of the ſeveral Perſons contained in ſuch Liſt, informing them of their being ſo named, to the Intent that they may ſeverally appear before the ſaid Juſtices at their Special Seſſions to be holden at within the ſaid (*Hundred*, &c.) on the Day of now next enſuing, at the Hour of in the Forenoon of the ſame Day, to accept ſuch Office, if they ſhall be appointed thereto, or to ſhew Cauſe, if they have any, againſt their being appointed; and you are likewiſe to give Notice to the preſent Surveyors of the Highways, within your reſpective Liberties, to appear at the ſame Time and Place, and produce ſuch Accounts and

Liſts before the ſaid Juſtices as are required by the ſaid Act; and you, and each of you, are perſonally to appear before the ſaid Juſtices, at their ſaid Special Seſſions, and then and there ſeverally deliver to the ſaid Juſtices the ſaid original Liſt or Liſts taken within your reſpective Liberties, and give an Account of the Execution of this our Precept.

Given under our Hands and Seals, the
Day of in the Year of our
Lord 17

N°. II.

Liſt of Perſons to be returned to the Juſtices.

A Liſt of the ſeveral Perſons named for Surveyors of the Highways for the (inſert the Name of the Pariſh, Townſhip, or Place) *at a Meeting held at in the ſaid* (Pariſh, *&c.*) *the Day of* 17

A. B.
C. D. *&c.*

This to be added when a particular Perſon is recommended.

WE whoſe Names are ſubſcribed, being Two Parts in Three of the Perſons aſſembled at the Meeting aforeſaid, do agree in the Choice of *A. B.* as a fit Perſon to ſerve the Office of Surveyor for the (*Inſert the Pariſh*, &c.) aforeſaid, and in the Allowance to him of for his Trouble in executing the ſame for the Year enſuing; and we do recommend the ſaid *A. B.* to the Juſtices for their Appointment accordingly.

N°. III.

Notice to the Perſons contained in the Liſt.

A. B. take Notice, That you was at a Meeting, held at (*Inſert the Name of the Pariſh*, &c.) on the Day of named as One of the Perſons to be returned to the Juſtices as fit to ſerve the Office of Surveyor for the ſaid (*Pariſh, &c.*) for the Year enſuing; and if you have any Cauſe to ſhew why you ſhould not be appointed to ſerve ſuch Office, you muſt make the ſame appear before the Juſtices, at their Special Seſſions, to be holden at on the Day of next.

A. B. {Conſtable,
Headborough, *or*
Tithingman,
(*as the Caſe ſhall be.*)

N°. IV.

Order to the (Conſtable, *&c.*) *to return to the Juſtices the Amount of a Sixpenny Aſſeſſment.*

Middleſex. *To the* (Conſtable, *&c.*) *of*

YOU are hereby required to return to us, and the other Juſtices, to be aſſembled at the Special Seſſions to be held at for the (*Hundred, &c.*) of in the ſaid County, on the Day of next, the Amount of the laſt Aſſeſſment of Sixpence in the Pound, for the Uſe of the Highways within your Liberty, if any ſuch has been raiſed; if not, what you apprehend, from the beſt Information you can get, an equal Aſſeſſment of Sixpence in the Pound upon all and every the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within the ſaid Liberty, according to their yearly Value, will amount to.

Given under our Hands this
Day of 17

N°. V.

Return to the Juſtices of the Amount of a Sixpenny Aſſeſſment.

To the Juſtices, aſſembled at their Special Seſſions at the Day of 17

IN Obedience to your Order, I do return and certify, that the laſt Aſſeſſment of Sixpence in the Pound, for the Uſe of the Highways within the Liberty of amounted to the Sum of

(*If no Aſſeſſment of Sixpence in the Pound hath been made, then as under.*)

IN Obedience to your Order, I do return and certify, That no Aſſeſſment hath been made of Sixpence in the Pound for the Uſe of the Highways within the Liberty of but I apprehend, from the beſt Information which I have been able to get, that an equal Aſſeſſment of Sixpence in the Pound, upon all the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within the ſaid Liberty, will amount to the Sum of

A. B. (Conſtable, *&c.*)

N°. VI. *Appointment of a Surveyor.*

Middleſex. *At a Special Seſſions, held at*
in the Hundred of
by Juſtices of the Peace for the ſaid County, acting within the ſaid Hundred, on the Day of 17

This to be inſerted when a Surveyor is appointed with a Salary.

WE do hereby nominate and appoint *A. B.* &c. of [*Inſert the Name of the Pariſh*, &c. *where he lives*] in the ſaid Hundred, Surveyor (or *Surveyors*) of the Highways within the ſaid (*Pariſh, &c.*) for the Year enſuing; (and we do allow the ſaid *A. B.* the Salary of for his Trouble): And you the ſaid *A. B.* are faithfully and truly to execute the ſaid Office of Surveyor, according to the Directions of the Statute paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways," an Abſtract of the material Parts of which Statute is hereunto annexed.

Given under our Hands and Seals, the Day and Year above mentioned.

N°. VII. *Bond from the Surveyor.*

WE *A. B.* Surveyor of the Highways for the (*Pariſh, Townſhip, &c.*) of and *C. D.* of are bound to *E. F.* of aforeſaid, in the Sum of Pounds, to be paid to the ſaid *E. F.* his Executors, Adminiſtrators, or Aſſigns; for which Payment we hereby bind ourſelves ſeverally, and each of our Heirs, Executors, and Adminiſtrators.

Dated the Day of 17

The Condition of this Bond is ſuch, that if the ſaid *A. B.* his Executors or Adminiſtrators, ſhall duly and faithfully account for, apply, and pay, all and every the Sum and Sums of Money which ſhall come to his Hands, as Surveyor of the Highways for the (*Pariſh, &c.*) according to the Direction and true Intent and Meaning of the Statute made in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways," then this Bond to be void, or elſe to remain in full Force.

N°. VIII.

Appointment of an Aſſiſtant to the Surveyor.

Middleſex. *At a Special Seſſions, held at*
in the Hundred of
by Juſtices of the Peace for the ſaid County, acting within the ſaid Hundred, on the
Day of 17

WE do hereby nominate and appoint C. D. a ſubſtantial Inhabitant of the (*Pariſh, &c.*) of in the ſaid Hundred, Aſſiſtant to A. B. whom we have appointed Surveyor of the Highways for the ſaid (*Pariſh, &c.*); and you the ſaid C. D. are, to the beſt of your Skill and Judgement, to aſſiſt the ſaid Surveyor, whenever requeſted by him, in calling in and attending the Performance of the Statute-duty, in collecting the Compoſitions, Fines, Penalties, and Forfeitures; and in making and collecting the Aſſeſſments, and in making out, and ſerving, the Notices authoriſed by the Act, paſſed in the Thirteenth Year of the

Reign of His Majeſty King *George* the Third, “ For the Amendment and Preſervation of the “ Highways,” and in ſuch other Matters and Things as ſhall be reaſonably required of you by the ſaid Surveyor, in the Execution of his Office of Surveyor, purſuant to the ſaid Act; and you are juſtly and truly to account with, and pay to, the ſaid Surveyor, or to his Order, the Money which ſhall come to your Hands by the Means aforeſaid,

Given under our Hands and Seals, the Day and Year above mentioned.

N°. IX.

Oath to be adminiſtered to the Surveyor upon paſſing his Accounts.

I *A. B.* do ſwear, That the Accounts now produced and delivered by me, as Surveyor of the Highways for the (*Pariſh*, *&c.*) of for the laſt Year, are juſt and true, to the beſt of my Knowledge.

So help me GOD.

N°. X. *Allowance of the Accounts.*

October, 17

THESE Accounts were examined and allowed before

N°. XI.

Notice from the Surveyor to remove Nuiſances and Obſtructions, and to cut Hedges, &c.

To C. D. *of*

To remove Nuiſances and Obſtructions.

To cut and prune Hedges, and to cut or prune Trees, and to open and ſcour Ditches and Watercourſes.

IN purſuance of the Directions given by the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, “ For the “ Amendment and Preſervation of the Highways,” I *A. B.* Surveyor of the Highways for the (*Pariſh*, *&c.*) of do hereby give you Notice, forthwith to remove the (*Dung*) *Timber*) *Stone*, *&c.*) placed by you in a certain Part of the King’s Highway, lying between and in the (*Pariſh*, *&c.*) of to the Obſtruction and Annoyance of the ſaid Highway: *Or*, (forthwith to cut, prune, and plaſh the Hedges, and cut or prune the Trees, and to open, cleanſe, and ſcour, the ſeveral Ditches and Watercourſes belonging to you) in or near the Highway, lying between and to the Intent that the Water may be drained from the ſaid Highway, and that the Sun and Wind may not be excluded from ſuch Highway, to the Prejudice thereof.

Dated this Day of 17

A. B.

N°. XII.

Allowance of Charges and Expences paid by Surveyors, which are to be repaid by the Poſſeſſors of the Lands, &c. *and Order of the Juſtice for that Purpoſe.*

Middleſex. WHEREAS Complaint hath been made unto me *A. B.* Eſquire, One of His Majeſty’s Juſtices of the Peace for the ſaid County, by the Oath of Surveyor of the Highways for the Pariſh of in the ſaid County, that *C. D.* of having had due Notice to cut and prune his Hedges, and cleanſe and ſcour his Ditches and Watercourſes, within or adjoining to the publick Highway, between and in the ſaid Pariſh of hath neglected to do the ſame within the Time required by ſuch Notice; and that the ſaid hath cauſed the ſame reſpectively to be cut, pruned, cleanſed, and ſcoured, purſuant to the Directions of the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, “ For the Amendment and Preſervation of the “ Highways,” and hath expended therein the Sum of as appears by an Account now produced to me, which I think a reaſonable Charge, and do therefore allow the ſame, and hereby order the ſaid *C. D.* to pay the ſaid Sum of to the ſaid within Six Days from the Time of his being ſerved with this Order.

Given under my Hand and Seal, this Day of 17

N°. XIII.

Order of a Juſtice of Peace to make new Drains.

Middleſex. *To* C. D. *of* Surveyor *of the Highways for the* (Pariſh, *&c.*) of

WHEREAS Complaint hath been made to me *A. B.* Eſquire, One of His Majeſty’s Juſtices of the Peace for the ſaid County, that the Ditch, Gutter, or Watercourſe, for conveying the Water from the Highway at in the (*Pariſh*, *&c.*) of in the ſaid County, is not ſufficient for that Purpoſe, and that the cleanſing and opening the ſame will not effectually carry off the ſaid Water, but that the ſaid Highway may be effectually drained, and the Water carried off, by making a new Ditch or Drain through the Lands or Grounds of lying near the ſame, for the Length of Yards, and the Breadth of Feet; and the ſaid having been duly ſummoned to appear before me, to ſhew Cauſe, if he had any, why the ſaid Ditch or Drain ſhould not be made, and the ſaid not appearing, (or not ſhewing ſufficient Cauſe againſt the ſame), and it appearing to me that ſuch Ditch or Drain is neceſſary, I do hereby order and require you to enter into and upon the ſaid Lands of the ſaid and there make, or cauſe to be made, a new Ditch or Drain, of the Length and Breadth aforeſaid, and of a convenient Depth, making or tendering ſufficient Satisfaction to the ſaid for the Damages to be done thereby, within One Calendar Month after the ſame ſhall be ſo made; ſuch Damages to be ſettled and aſcertained in Manner directed by the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, “ For the Amendment and Preſervation “ of the Highways.”

Given under may Hand, this Day of 17

N°. XIV.

Notice of Application to be made for an Aſſeſſment.

Middleſex. NOTICE is hereby given, that Application will be made to the Juſtices of the Peace acting for the (*Hundred*) of in the ſaid County, at their Special Seſſions, to be held at in the ſaid (*Hundred*), on the Day of 17 for an equal Aſſeſſment to be made, not exceeding in the Pound, upon all and every the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within the (*Pariſh*, *&c.*) of for the Uſe and Benefit of the Highways, within the ſaid (*Pariſh*, *&c.*)

Dated this Day of 17

A. B. Surveyor.

N°. XV.

Order at Special Seſſions for an Aſſeſſment of Sixpence in the Pound.

Middleſex. *At a Special Seſſions for the Highways, held at in the Hundred of in the ſaid County, the Day of* 17 *by Juſtices of Peace for the ſaid County acting within the ſaid Hundred.*

UPON Application made to us by the Surveyor of the Highways for the (*Pariſh*, *&c.* of and upon Evidence given upon Oath before us, (that the Duty directed to be performed, and the Money authoriſed to be collected and received, by an Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, “ For the Amendment and Preſervation of “ the Highways,” have been performed, applied, and expended, according to the Directions of the ſaid Act:) *Or*, (We are fully ſatisfied, that the common Highways, Bridges, Cauſeways, Streets, and Pavements, belonging to the (*Pariſh*, *&c.*) of are ſo far out of Order, that

If no Aſſeſſment has been made for buying Materials, &c. this may amount to Ninepence in the Pound; but if a Sixpence Aſſeſſment had been made before, it muſt be only Threepence.

These latter Words may be added here, if there has been no former Aſſeſſment for thoſe Purpoſes.

they cannot be ſufficiently amended and repaired, paved, cleanſed, and ſupported, by the Means preſcribed by the ſaid Act:) And it appearing to us, that Notice has been duly given of ſuch intended Application, according to the Direction of the ſaid Act, we do hereby order, direct, and appoint, that an equal Aſſeſſment, not exceeding the Sum of   in the Pound, upon all and every the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within the ſaid (*Pariſh, &c.*) of   ſhall be forthwith made by the ſaid Surveyor, and ſhall be allowed by One Juſtice of the Peace for the ſaid Hundred, and ſhall be collected by the ſaid Surveyor; and that the Money ſo to be aſſeſſed and collected ſhall be applied for and towards the amending, repairing, paving, cleanſing, and ſupporting ſuch Highways, Cauſeways, Streets, Pavements, and Bridges, (*and for buying Materials, making Satisfaction for Damages, erecting Guide-poſts, and paying the Surveyor's Salary*), according to the Direction and true Intent and Meaning of the ſaid Act.

A. B.
C. D.

N°. XVI.

Order of Two Juſtices for* (widening) *or* (diverting and turning) *a Highway.

(When it is only to be widened, leave out the Words in Italick, and inſert,) *But may be conveniently enlarged and widened, by adding thereto from*

or, widened and enlarged.

Middleſex. WE,   Two of His Majeſty's Juſtices of the Peace for the ſaid County, acting within the (*Hundred, &c.*) of   within the ſaid County, having, upon View, found, that a certain Part of the Highway between   and   in the (*Pariſh, &c.*) of   in the ſaid (*Hundred*), for the Length of   Yards, or thereabouts, and particularly deſcribed in the Plan hereunto annexed, is, for the greateſt Part thereof, narrow, *and cannot be conveniently enlarged and made commodious for Travellers, without diverting and turning the ſame; and having viewed a Courſe propoſed for the ſaid new Highway, through* the Lands and Grounds of   and   of the Length of   Yards, or thereabouts, and of the Breadth of   Feet, or thereabouts, particularly deſcribed in the Plan hereunto annexed, which we think will be much more commodious to the Publick; we do hereby order, that the ſaid Highway be *diverted and turned* through the Lands aforeſaid; and that the Surveyor of the Highways for the (*Pariſh, &c.*) of   where the ſaid old Highway lies, do forthwith proceed to treat and make Agreement with the ſaid   and   for the Recompence to be made for the ſaid Ground, and for the making ſuch Ditches and Fences as ſhall be neceſſary, in ſuch Manner, with ſuch Approbation, and by purſuing ſuch Meaſures and Directions in all Reſpects, as are warranted and preſcribed by the Statute, made in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways:" And in caſe ſuch Agreement ſhall be made as aforeſaid, we do order an equal Aſſeſſment, not exceeding the Rate of Sixpence in the Pound, to be made, levied, and collected, upon all and every the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, in the ſaid (*Pariſh, &c.*) of   and that the Money ariſing thereupon be paid and applied in making ſuch Recompence and Satiſfaction, as aforeſaid, purſuant to the Directions of the ſaid Act.

A. B.
C. D.

N°. XVII.

Certificate from the ſaid Juſtices to the Court of Quarter Seſſions.

This is to be wrote upon the above Order, when no Agreement can be made.

To the Juſtices of the Peace, at their General Quarter Seſſions, to be held at   in the ſaid County, the   Day of   17

WE the within named *A. B.* and *C. D.* do hereby certify to the ſaid Court of Quarter Seſſions, that we made and ſigned the within Order; and that with our Approbation, and by our Direction, the ſaid Surveyor hath treated with the ſaid   and   for the ſaid Lands required for the Purpoſes aforeſaid, but was not able to make any Agreement for that Purpoſe with them, or either of them; and that he tendered to the ſaid   the Sum of   and to the ſaid   the Sum of   as a Recompence for the ſaid Ground, and for the making the ſaid Ditches and Fences, which they, and each of them, refuſed to receive.

A. B.
C. D.

N°. XVIII.

Order for ſtopping up the old Highway, and ſelling the Land and Soil thereof.

If there are more Highways than One to be ſtopped up, there ſhould be a ſeparate Order for each.

This to be inſerted where neceſſary, and to be varied as the Circumſtances of the Caſe may require.

WE whoſe Names are ſubſcribed, being the Juſtices of the Peace who have viewed the ſeveral Highways deſcribed in the Plans hereunto annexed, and made an Order for diverting the old Highway; and being ſatisfied that the new Highway therein deſcribed is properly made, and fit for the Reception of Travellers, do hereby order the ſaid old Highway, being of the Length of   Yards, and of the Breadth of   Feet, upon a Medium, as appears by the ſaid Plan, to be ſtopped up, and the Land and Soil thereof to be ſold by the ſaid Surveyor to   whoſe Land adjoins thereto, if he ſhall be willing to purchaſe the ſame, for the full Value thereof, if not, to ſome other Perſon or Perſons, for the full Value thereof: (Reſerving nevertheleſs to   a free Paſſage for Perſons, Horſes, Cattle, and Carriages, through the Land and Soil of the ſaid old Highway to and from the (*Land, &c.*) belonging to him, called   according to his ancient Uſage thereof).

N°. XIX.

Certificate to be wrote under the Order above mentioned.

WE the above-named Juſtices do certify, That the old Highway, herein-before mentioned and deſcribed, was ſold by the ſaid Surveyor to   with our Approbation, for the Sum of   which Sum we do order the ſaid   to pay to the ſaid Surveyor, to be applied in purchaſing the Land, and making the ſaid new Highway; and if any Surplus remains, we do order, that the ſame ſhall be applied for the Uſe of the Highways within the ſaid (*Pariſh, &c.*) of

N°. XX.

Receipt for the Purchaſe-money, to be indorſed upon, or wrote under, the Certificate above mentioned.

REceived the   Day of   from the ſaid   the Sum of   being the full Conſideration-money for the Purchaſe of the ſaid old Highway herein-before deſcribed, purſuant to the ſaid Orders and Certificate.

N°. XXI.

Order of Two Juſtices for diverting and turning a (publick Highway, Bridleway, *or* Footway, as the Caſe ſhall be) *through the Lands of any Perſon who conſents thereto.*

Middleſex. WE   and   Eſquires, Two of His Majeſty's Juſtices of Peace for the ſaid County, at a Special Seſſions, held at   in the (*Hundred*) of   in the ſaid County, on the   Day of   17   having, upon View, found, that a certain Part of a (*Highway, &c.*) within the (*Pariſh, &c.*) of   in the ſaid Hundred, lying between   and   for the Length of   Yards, or thereabouts, and particularly deſcribed in the Plan hereunto annexed, may be diverted and turned ſo as to make the ſame nearer (or *more commodious*) to the Publick; and having viewed a Courſe, propoſed for the new Highway, in lieu thereof, through the Lands and Grounds of of the Length of Yards, or thereabouts, and of the Breadth of Feet, or thereabout, particularly deſcribed in the Plan hereunto annexed, and having received Evidence of the Conſent of the ſaid to the ſaid new Highway being made through his Lands herein-before deſcribed, by Writing under his Hand and Seal, we do hereby order that the ſaid Highway be diverted and turned through the Lands aforeſaid; and we do order an equal Aſſeſſment, *&c.* (*in the ſame Form as before mentioned.*)

N°. XXII.

Conſent from the Owners of the Land through which a new Highway is propoſed to be made.

I *A. B.* of in the County of being Owner of the Lands deſcribed in the Plan hereunto annexed, through which Part of a certain Highway, lying between and is intended to be diverted and turned, (in conſideration of the Sum of to be paid to me for the ſaid Land, and the Soil thereof); *or*, (in conſideration of ſaid old Highway being ſold, exchanged, and to be veſted in me, and alſo of the Sum of to be paid to me,) (*as the Caſe may be*), do hereby conſent to the making and continuing ſuch new Highway through my ſaid Lands.

Given under my Hand and Seal, this
Day of 17

N°. XXIII.

Licence from Juſtices of Peace, at a Special Seſſions, to get Materials for the Repair of the Highways in another Pariſh, beſides that wherein ſuch Materials are to be employed.

Middleſex. *At a Special Seſſions, held at for the* (Hundred) *of in the ſaid County, by Juſtices of the Peace for the ſaid County acting within the ſaid* (Hundred) *on the Day of* 17

IT appearing to us, upon Evidence, this Day received, that ſufficient Materials cannot conveniently be had within the waſte Lands, common Grounds, Rivers, or Brooks, nor in the incloſed Lands or Grounds lying within the (*Pariſh, &c.*) of *A.* in the ſaid (*Hundred*), for the Repair of the Highways within the ſaid (*Pariſh, &c.*) nor in the waſte Lands, common Grounds, Rivers, or Brooks, within the (*Pariſh,*) of *B.* adjoining to the ſaid (*Pariſh, &c.*) of *A.* we do hereby give our Licence to the Surveyor for the ſaid (*Pariſh*), of *A.* to ſearch for, dig, get, and carry Sand, Gravel, Chalk, Stone, and other Materials, within the incloſed Lands or Grounds of *C. D.* within the ſaid (*Pariſh, &c.*) of *B.* to be employed in the Repair of the Highways within the ſaid (*Pariſh*) of *A.* it appearing from Evidence laid before us, that there are proper Materials within the ſaid Lands for the Purpoſes aforeſaid, lying convenient to the ſaid Highways; and that after ſuch Materials ſhall be ſo taken, there will be ſufficient left for the Uſe of the Highways within the ſaid (*Pariſh*) of *B.* upon the ſaid Surveyors making Satisfaction and Recompence for the ſame, in the Manner directed by the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways," ſubject to ſuch Reſtrictions as are therein contained.

Given under Our Hands and Seals, the Day and Year above written.
A. B.
C. D.

N°. XXIV.

Licence from a Juſtice of Peace, for a Surveyor to gather Stones upon incloſed Lands, for the Repair of the Highways.

Middleſex. *To the Surveyor of the Highways for the* (Pariſh) *of in the* (Hundred) *of in the ſaid County.*

WHEREAS, by an Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways," the Surveyors are authoriſed to gather Stones lying upon any Lands or Grounds within their Liberty, for the Uſe and Benefit of the Highways, but not without the Conſent of the Occupiers of ſuch Lands, or a Licence from a Juſtice of Peace for that Purpoſe: And whereas it appears to me, *E. F.* One of His Majeſty's Juſtices of the Peace for the ſaid County, and acting within the ſaid (*Hundred, &c.*) upon the Oath of the ſaid Surveyor, that he hath applied to *A. B.* of for his Conſent to gather Stones from the Lands, called or known by the Names of and in his Occupation, within the ſaid (*Pariſh, &c.*) for the Purpoſes aforeſaid, and that the ſaid Stones are neceſſary for the Repair of the ſaid Highways, and that the ſaid *A. B.* hath refuſed to permit the ſame to be gathered; and the ſaid *A. B.* having been duly ſummoned to appear before me, to ſhew Cauſe why ſuch Permiſſion ſhould not be granted, and (*having appeared before me accordingly*); or, (*having ſent his Steward or Agent*); or, (C. D. *on his Behalf, to attend me upon that Occaſion*); or, (*but not having appeared*), I have heard what has been alleged, and taken the ſaid Matter into Conſideration, and am of Opinion, that the ſaid Stones are neceſſary, and ought to be gathered and carried away for the Purpoſes aforeſaid; therefore I do hereby give my Licence to the ſaid Surveyor to take and carry away the ſame accordingly.

Given under my Hand and Seal, the
Day of 17

N°. XXV.

Notice to perform Statute-duty, (to be given Four Days before the Day on which the Duty is to be performed.)

A. B. you are hereby required to ſend a Team, with Two able Men, to within the (*Pariſh, &c.*) of on the and Days of next, at o'Clock in the Morning of each Day, in order to perform ſuch Duty upon the Highways within the ſaid as ſhall be required by the Surveyor, purſuant to the Direction of the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways." (*When perſonal Labour is required*), You are hereby required, by yourſelf, or a ſufficient Labourer, to attend, *&c.*

Dated this Day of 17

If he does not occupy Lands, *&c.* of the yearly Value of 20*l.* in ſuch Pariſh, *&c.* he is only to ſend One Man. If a Waggon, or a Cart with Two Horſes, or One Horſe only, is required, let it be expreſſed.

N°. XXVI.

Notice for Compoſitions.

NOtice is hereby given, That all Perſons who are inclined to compound for their Statute-duty within the (*Pariſh, &c.*) of are hereby required to ſignify their Intention to compound for the ſame to the Surveyor of the Highways for the ſaid (*Pariſh, &c.*) at the Houſe of of on the Day of this Inſtant *November*, between the Hours of and and they are hereby required, at the ſame Time, or within the Space of One Month after, to pay their Compoſition-money to the ſaid Surveyor; and alſo, that all Perſons who are liable to pay Money for the Lands, Tenements, Woods, Tithes, and Hereditaments, which they occupy, or, in lieu of their Duty within the (*Pariſh, &c.*) according to the Act made in the Thirteenth Year of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways," are required to pay the ſame to the ſaid Surveyor, on the Day, or within the Time aforeſaid.

Dated this Day of *November* 17
A. B. Surveyor.

N°. XXVII.

Order for Statute-duty to be performed in Kind.

Middleſex. *At a Special Seſſions, held at in the* (Hundred) *of in the ſaid County, the Day of 17 by Juſtices of the Peace for the ſaid County, acting within the ſaid* (Hundred.)

IT appearing to us, from the Information which we have received, that there will be Difficulty in procuring the neceſſary (*Carriage*), or, (*a ſufficient Number of Labourers*) (*as the Caſe ſhall be*) for the Repair of the Highways within the (*Pariſh, &c.*) of within the ſaid (*Hundred*), without paying high and extravagant Prices for the ſame, we do hereby order and direct the Team-duty within the ſaid (*Pariſh, &c.*) (except ſuch Teams where the Owners thereof do not occupy Lands, Tenements, Woods, Tithes, or Hereditaments, within the ſaid (*Pariſh, &c.*) of the annual Value of Thirty Pounds), or, (One Half of the Team-duty, *&c.*) or, (the Labourers liable to perform Statute-duty within the ſaid (*Pariſh, &c.*) (*as the Caſe ſhall be*), to perform Statute-duty in Kind within the ſaid (*Pariſh, &c.*) according to the Authority and Directions of the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment "and Preſervation of the Highways."

N°. XXVIII.

Notice to the Surveyor of the Times fixed by the Inhabitants for being excuſed from doing their Statute-duty.

To the Surveyor of the Highways for the (Pariſh, *&c.*) *of in the County of*

I *A. B.* (*Conſtable*) *Headborough*) *Tithingman*,) of the ſaid (*Pariſh*, &c.) do hereby give you Notice, That the Inhabitants of the ſaid (*Pariſh, &c.*) did, at a Veſtry, or publick Meeting, held on the Day of 17 agree to take the Benefit of the Indulgence of Three Months, for not performing their Statute-duty given by the Legiſlature, in the Act paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the "Highways," at the Times following; *videlicet*, That they ſhall not be called upon to perform ſuch Duty between the Day of and the Day of (which they conſider as the Seed Month), nor between the Day of and the Day of (which they conſider as the Hay Harveſt Month), nor between the Day of and the Day of (which they conſider as the Corn Harveſt Month): [*The like Notice to be given to the Surveyor or Surveyors of the Turnpike Roads, where there are any ſuch within the* (Pariſh, *&c.*)]

N°. XXIX.

Order of the Juſtices at their Special Seſſions, for the Repair of certain Highways which moſt want Repair.

Middleſex. *At a Special Seſſions, held at in the* (Hundred) *of in the ſaid County, the Day of 17 by Juſtices of the Peace for the ſaid County acting within the ſaid* (Hundred.)

To the Surveyors of the Highways for the (Pariſh, *&c.*) *of in the ſaid* (Hundred.)

IT appearing to us, That the Highway, lying between and within your Liberty, is very founderous, and in bad Repair; and being of great publick Uſe, we do hereby order, that you repair, or cauſe the ſame to be repaired, before the Day of next.

Given under our Hands and Seals, this Day of 17

N°. XXX.

A Precept for erecting Guide Poſts, &c.

Middleſex. *At a Special Seſſions, held at for the* (Hundred) *of in the ſaid County, before Juſtices of the Peace for the ſaid County, acting within the ſaid* (Hundred), *on the Day of 17*

To the Surveyor of the (Pariſh) *of in the ſaid* (Hundred).

YOU are hereby required forthwith to erect, or cauſe to be erected, in the moſt convenient Place upon the Highway lying between and within your Liberty, where the Roads croſs or branch out, a Guide-poſt, with proper Inſcriptions painted on both Sides thereof, in large legible Letters, denoting the Towns of and (*or other Places, as the Juſtices ſhall think moſt proper.*)

[*Where graduated Stones or Poſts are neceſſary to prevent Accidents from deep Waters, vary it as under*] (In the moſt convenient Place upon the Highway, at the Approach or Entrance on each Side of the Ford or Water called at within your (*Liberty*), graduated Poſts, denoting the Depth of Water in the deepeſt Part thereof, through which ſuch Highway paſſes; and you are allowed to charge the reaſonable Expences of providing and erecting the ſame in your Accounts.)

A. B.
C. D.

N°. XXXI.

Notice for holding a Veſtry, or other publick Meeting.

NOTICE is hereby given, That a Veſtry or publick Meeting will be held at on the Day of next, at the Hour of in the noon, in order to conſult about the Times when it will be moſt convenient for the Inhabitants of this (*Pariſh, &c.*) to be excuſed from being called forth to perform their Statute-duty, according to the Indulgence given them by the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment "and Preſervation of the Highways."

Dated the Day of 17
A. B. (Conſtable) (Headborough,) *&c.*

N°. XXXII.

Preſentment by a Juſtice of Peace.

Middleſex. AT the General Quarter Seſſions of the Peace of our Lord the King, held for the ſaid County at in the ſaid County, on (*Tueſday*) the Day of in the Year of the Reign of before Eſquires, and others, their Companions, Juſtices of our ſaid Lord the King, aſſigned to keep the Peace in the ſaid County, and alſo to hear and determine divers Felonies, Treſpaſſes, and other Miſdemeanours, in the ſaid County committed; *A. B.* Eſquire, One of the Juſtices of our ſaid Lord the King, aſſigned for the Purpoſes aforeſaid, by virtue of an Act, made in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways," (upon his own View), *or*, (upon Information, upon Oath, to him given by *C. D.* Surveyor of the Highways for the (*Pariſh, &c.*) of in the ſaid County,) doth preſent, that from the Time whereof the Memory of Man is not to the Contrary, there was, and yet is, a certain common and ancient King's Highway, leading from the Town of in the ſaid (*County, &c.*) towards and unto within the ſame (*County*),

This is to be inſerted where it is upon the Information of the Surveyor.

(*County*), uſed for all the King's Subjects, with their Horſes, Coaches, Carts, and Carriages, to go, return, and paſs at their Will; and that a certain Part of the ſame King's common Highway, commonly called ſituate, lying, and being in the (*Pariſh*, *&c.*) of in the ſame (*County*), containing in Length Yards, and in Breadth Feet, on the Day of in the Year of the Reign of and continually afterwards, until the preſent Day, was, and yet is, very ruinous, deep, broken, and in great Decay, for want of due Reparation and Amendment, ſo that the Subjects of the King through the ſame Way, with their Horſes, Coaches, Carts, and Carriages, could not, during the Time aforeſaid, nor yet can go, return, or paſs, as they ought and were wont to do, to the great Damage and common Nuiſance of all the King's Subjects through the ſame Highway, going, returning, or paſſing, and againſt the Peace of our ſaid Lord the King; and that the Inhabitants of the (*Pariſh*, *&c.*) of aforeſaid, in the (*County*) aforeſaid, the ſaid common Highway (ſo in Decay) ought to repair and amend, when and ſo often as it ſhall be neceſſary. In Teſtimony whereof, the ſaid *A. B.* to theſe Preſents hath ſet his Hand and Seal, this Day of in the Year aforeſaid.

N°. XXXIII.

Summons for any Perſon or Perſons to attend a Juſtice or Juſtices.

Middleſex. *To* A. B. *of*

WHEREAS Complaint and Information hath been made upon Oath before me *C. D.* One of His Majeſty's Juſtices of the Peace for the ſaid (*County*, *&c.*) by *E. F.* of That *&c.* [*Here ſtate the Nature and Circumſtances of the Caſe, as far as it ſhall be neceſſary to ſhew the Offence, and to bring it within the Authority of the Juſtice, and in doing that, follow the Words of the Act as near as may be*]. Theſe are therefore to require you perſonally to appear before me, (or the Juſtices, to be aſſembled at their Special Seſſions to be holden) at in the ſaid (*County*, *&c.*) on the Day of next, at the Hour of in the noon, to anſwer to the ſaid Complaint and Information, made by the ſaid *E. F.* who is likewiſe directed to be then and there preſent, to make good the ſame: Herein fail not.

Given under my Hand and Seal, this
Day of 17

N°. XXXIV. *Information.*

Middleſex. BE it remembered, That on the Day of 17 *A. B.* of in the ſaid County, informeth and maketh Oath before me One of His Majeſty's Juſtices of the Peace for the ſaid County, that of in the ſaid County, [*Here deſcribe the Offence, and if it is for Default in performing Statute-duty, ſtate the Duty required, and the Notice given for that Purpoſe, and the Neglect according to the Fact, and as near the Words of the Act as may be*], contrary to the Statute made in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways," which hath impoſed a Forfeiture of for the ſaid Offence.

A. B.

Taken and Sworn, the
Day of before me, }

N°. XXXV.

Form of a Conviction.

Middleſex. BE it remembered, That on the Day of in the Year of our Lord, 17 at in the County aforeſaid, *A. B.* came before me *C. D.* Eſquire, One of His Majeſty's Juſtices of the Peace for the ſaid County, and informed me, that *E. F.* of on the Day of now laſt paſt, at in the ſaid County, did [*Here ſet forth the Fact in the Manner deſcribed by the Statute*], whereupon the ſaid *E. F.* after being duly ſummoned to anſwer the ſaid Charge, appeared before me on the Day of at in the ſaid County, and having heard the Charge contained in the ſaid Information, declared, that he was not guilty of the ſaid Offence; but the ſame being fully proved upon the Oath of *G. H.* a credible Witneſs, it manifeſtly appears to me the ſaid Juſtice, that he the ſaid *E. F.* is guilty of the Offence charged upon him in the ſaid Information: It is therefore conſidered and adjudged by me, the ſaid Juſtice, that the ſaid *E. F.* be convicted, and I do hereby convict him of the Offence aforeſaid; and I do hereby declare and adjudge, that he the ſaid *E. F.* hath forfeited the Sum of of lawful Money of *Great Britain*, for the Offence aforeſaid, to be diſtributed as the Law directs, according to the Form of the Statute in that Caſe made and provided. Given, *&c.* *After the Words*, "Being duly ſummoned to anſwer to the ſaid Charge," *inſert*, (did not appear before me, purſuant to the ſaid Summons): *Or*, (did neglect and refuſe to make any Defence againſt the ſaid Charge; but the ſame being fully proved, *&c.*) *as before.*

This to be inſerted where the Party refuſes to appear upon the Summons.

After the Words, "contained in the ſaid Information," *inſert*, (acknowledged and voluntarily confeſſed the ſame to be true, and it manifeſtly appears to me the ſaid Juſtice, *&c.*) *as above.*

This to be inſerted when the Party accuſed confeſſes the Charge.

N°. XXXVI.

Warrant to diſtrain for the Forfeiture.

Middleſex. *To the* (Conſtable) Headborough) *or* Tithingman), *of*

WHEREAS *A. B.* of in the ſaid County, (*Yeoman*), is this Day convicted before me, *C. D.* Eſquire, One of His Majeſty's Juſtices of the Peace in and for the ſaid County, upon the Oath of *G. H.* a credible Witneſs, for that the ſaid *A. B.* hath, [*Here ſet forth the Offence, deſcribing it particularly in the Words of the Statute, as near as may be*], contrary to the Statute in that Caſe made and provided, by reaſon whereof the ſaid *A. B.* hath forfeited the Sum of to be diſtributed as herein is mentioned, which he hath refuſed to pay: Theſe are therefore, in His Majeſty's Name, to command you to levy the ſaid Sum of by Diſtreſs of the Goods and Chattels of him the ſaid *A. B.* and if within the Space of Four Days next after ſuch Diſtreſs by you taken, the ſaid Sum, together with the reaſonable Charges of taking and keeping the ſame, ſhall not be paid, that then you do ſell the ſaid Goods and Chattels ſo by you diſtrained, and out of the Money ariſing by ſuch Sale, that you do pay One Half of the ſaid Sum of to *E. F.* of who informed me of the ſaid Offence, and the other Half of the ſaid Sum of to *J. K.* the Surveyor of the Highways, for the (*Pariſh*,) *Townſhip*,) or *Place*) where the ſaid Offence, (*Neglect*, or *Default*,) happened, to be employed towards the Repair of the ſaid Highways, returning the Overplus, upon Demand, to him the ſaid *A. B.* (the reaſonable Charges of taking, keeping, and ſelling, the ſaid Diſtreſs, being firſt deducted); and if ſufficient Diſtreſs cannot be found of the Goods and Chattels of the ſaid *A. B.* whereon to levy the ſaid Sum of that then you certify the ſame to me, together with this Warrant.

This to be varied according to the Act, in each particular Caſe.

Given under my Hand and Seal the
Day of 17

C. D.

N°. XXXVII.

Return of the Conſtable to be made upon the Warrant of Diſtreſs, when there are no Effects.

I *A. B.* Conſtable of the (*Pariſh, etc.*) of in the (*County*) of do hereby certify and make Oath, That, by virtue of this Warrant, I have made diligent Search for the Goods of the within named and that I can find no ſufficient Goods whereon to levy the within Sum of as witneſs my Hand, the Day of 17

A. B.

Sworn before me the Day
and Year, *&c.* *C. D.*

N°. XXXVIII.

Warrant of Diſtreſs for Nonpayment of Money charged by an Aſſeſſment.

Middleſex. *To the* (Conſtable) Headborough) Tithingman) *of* *in the ſaid* County).

WHEREAS by an Aſſeſſment made upon the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within the (*Pariſh, &c.*) of in the ſaid (*County*), for the Purpoſes of, *&c.* [*As ſtated in the Juſtice's Order*], purſuant to an Order of Juſtices for that Purpoſe, according to the Directions of the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the "Amendment and Preſervation of the Highways," *A. B.* was charged the Sum of as his Share and Proportion of the ſaid Aſſeſſment, in reſpect of the Lands, Tenements, Woods, Tithes, and Hereditaments, which he occupied within the ſaid (*Pariſh, &c.*): And whereas it appears to me, upon the Oath of that the ſaid Sum of hath been duly demanded from the ſaid *A. B.* and that he hath refuſed to pay the ſame for the Space of Ten Days after ſuch Demand made, theſe are therefore, in His Majeſty's Name, to command you to levy the ſaid Sum of by Diſtreſs of the Goods and Chattels of the ſaid *A. B.* and if the ſame ſhall not be paid within the Space of Four Days next after ſuch Diſtreſs by you taken, together with the reaſonable Charges of taking and keeping the ſame, that you do then ſell the ſaid Goods and Chattels ſo by you diſtrained; and out of the Money ariſing by ſuch Sale, that you do pay unto *C. D.* the Surveyor of the Highways for the ſaid (*Pariſh, &c.*) of the ſaid Sum of to be employed for the Purpoſes aforeſaid; and that you do return the Surplus thereof to the ſaid *A. B.* (the reaſonable Charges of taking, keeping, and ſelling, the ſaid Diſtreſs being firſt deducted); and if ſufficient Diſtreſs cannot be found of the Goods and Chattels of the ſaid *A. B.* whereon to levy the ſaid Sum of that then you certify the ſame to me, together with this Warrant.

Given under my Hand and Seal, the
Day of 17

N°. XXXIX.

Commitment for want of Diſtreſs.

Middleſex. *To the* (Conſtable) *of* *in the ſaid County, and to the Keeper of the common Gaol,* (or, *the Houſe of Correction*) *at* *in the ſaid County.*

WHEREAS *A. B.* of in the ſaid County, (*Yeoman*), was, on the Day of convicted before me *C. D.* Eſq; One of His Majeſty's Juſtices of the Peace in and for the ſaid County, upon the Oath of *E. F.* a credible Witneſs, for that he, the ſaid *A. B.* [*Here ſet forth the Offence*], contrary to the Statute made in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the "Amendment and Preſervation of the Highways," by reaſon whereof the ſaid *A. B.* hath forfeited the Sum of And whereas, on the Day of in the Year aforeſaid, I did iſſue my Warrant to the (*Conſtable*) of to levy the ſaid Sum of by Diſtreſs and Sale of the Goods and Chattels of him the ſaid *A. B.* and to diſtribute the ſame according to the Directions of the ſaid Statute: And whereas it duly appears to me, upon the Oath of the ſaid (*Conſtable*), that the ſaid (*Conſtable*) hath uſed his beſt Endeavours to levy the ſaid Sum on the Goods and Chattels of the ſaid *A. B.* as aforeſaid, but that no ſufficient Diſtreſs can be had whereon to levy the ſame, theſe are therefore to command you, the ſaid (*Conſtable*) of aforeſaid, to apprehend the ſaid *A. B.* and him ſafely to convey to the common Gaol (or, *Houſe of Correction*) at in the ſaid County, and there deliver him to the Keeper thereof, together with this Precept; and I do hereby alſo command you, the ſaid Keeper, to receive and keep in your Cuſtody the ſaid *A. B.* for the Space of Three Months, unleſs the ſaid Sum ſhall be ſooner paid, purſuant to the ſaid Conviction and Warrant; and for ſo doing this ſhall be your ſufficient Warrant.

Given under my Hand and Seal, the
Day of in the Year of our Lord 17

C. D.

In the Caſe of a Commitment for the Want of Payment of Money due by an Aſſeſſment, it muſt be, (to receive, and keep in your Cuſtody, until he ſhall have paid the ſaid Sum of and the further Sum of being the Coſts and Charges occaſioned by his Neglect in paying the ſame).

N°. XL.

Notice of Appeal to the Quarter Seſſions.

A. B. take Notice, That I intend to appeal to the next General Quarter Seſſions of the Peace, to be holden for the (*County, &c.*) of againſt an Order, (*Conviction, or other Proceeding, as the Caſe may be, particularly ſpecifying the Purport of ſuch Order,* &c. *and aſſigning the Grievance, and Cauſe of Complaint*).

Dated the Day of 17

C. D.

CAP. LXXIX.

An Act for the more effectual preventing the forging of the Notes or Bills of the Governor and Company of the Bank of *England*; and for the preventing the obtaining a falſe Credit, by the Imitation of the Notes or Bills of the ſaid Governor and Company.

Preamble.

WHEREAS Frauds have lately been committed by forging the Notes and Bills of the Governor and Company of the Bank of *England*, notwithſtanding the Statutes now in Force for puniſhing and ſuppreſſing the ſame; for the more effectual preventing ſuch Practices, be it enacted, by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-ninth Day of September, which ſhall be in the Year of our Lord One thouſand ſeven hundred and ſeventy-three, if any Perſon or Perſons, (other than the Officers, Workmen, Servants, or Agents, for the Time being, of the ſaid Governor and Company, to be authoriſed and appointed for that Purpoſe by the ſaid Governor and Company, and for the Uſe of the ſaid Governor and Company only), ſhall make or uſe, or cauſe or procure to be made or uſed, or knowingly aid or aſſiſt in the making or uſing;

After *Sept.* 29, 1773, Perſons making Moulds, Frames, *&c.* for forging Paper Notes of the *Bank of England*, r having in their Cuſtody Moulds or Inſtruments for that Purpoſe,

or (without being authoriſed and appointed as aforeſaid) ſhall knowingly have in his, her, or their Cuſtody or Poſſeſſion, (without lawful Excuſe, the Proof whereof ſhall lie upon the Perſon accuſed), any Frame, Mould, or Inſtrument, for the making of Paper, with the Words Bank of England, viſible in the Subſtance of ſuch Paper; or ſhall make, or cauſe or procure to be made, or knowingly aid or aſſiſt in the making any Paper, in the Subſtance of which the ſaid Words, Bank of England, ſhall be viſible; or if any Perſon, (except as before excepted) after the ſaid Twenty-ninth Day of September, ſhall, by any Art, Myſtery, or Contrivance, cauſe or procure the ſaid Words, Bank of England, to appear viſible in the Subſtance of any Paper whatſoever, or knowingly aid or aſſiſt in cauſing the ſaid Words, Bank of England, to appear in the Subſtance of any Paper whatſoever; every Perſon ſo offending in any of the Caſes aforeſaid, and being thereof lawfully convicted, ſhall, for ſuch Offence, be deemed and adjudged a Felon, and ſhall ſuffer Death as in Caſes of Felony, without Benefit of Clergy.

to be adjudged guilty of Felony, and ſuffer Death.

Perſons engraving, cutting, or etching, in Mezzotinto, Notes to reſemble Inland Bills, Promiſſory Notes, Bills of Exchange, &c.

II. And whereas unwary and other Perſons have taken in Payment, and otherwiſe received, Notes, Inland Bills, and Bills of Exchange, with certain Words and Characters ſo nearly reſembling the Notes and Bills of the ſaid Governor and Company, as to appear to ſuch Perſons to be the Notes or Bills of the Bank of *England*, which, if continued to be done, will be to the great Prejudice of publick Credit; be it therefore enacted by the Authority aforeſaid, That from and after the ſaid Twenty-ninth Day of September, if any Perſon or Perſons, without being authoriſed and appointed as aforeſaid, ſhall engrave, cut, etch, or ſcrape in Mezzotinto, or ſhall cauſe or procure to be engraved, cut, etched, or ſcraped in Mezzotinto, or ſhall knowingly aid or aſſiſt in the engraving, cutting, etching, or ſcraping in Mezzotinto, in or upon any Plate of Copper, Braſs, Steel, Pewter, or of any other Metal or Mixture of Metals, or upon Wood, or any other Material, or any Plate whatſoever, any Promiſſory Note, Inland Bill, or Bill of Exchange, or Blank Promiſſary Note, Inland Bill, or Bill of Exchange, or Part of a Promiſſary Note, Inland Bill, or Bill of Exchange, containing the Words, Bank of England, or Bank Poſt Bill, or any Word or Words expreſſing the Sum or Amount, or any Part of the Sum or Amount, of ſuch Promiſſory Note, Inland Bill, or Bill of Exchange, in White Letters or Figures on a Black Ground; or ſhall uſe any ſuch Plate ſo engraved, cut, etched, or ſcraped in Mezzotinto, or ſhall uſe any other Inſtrument for the making or printing any ſuch Promiſſory Note, Inland Bill, or Bill of Exchange, or Blank Promiſſory Note, Inland Bill, or Bill of Exchange, or Part of a Promiſſary Note, Inland Bill, or Bill of Exchange; if any Perſon, without being authoriſed and appointed as aforeſaid, ſhall, after the Twenty-fifth Day of December, which ſhall be in the Year of our Lord One thouſand ſeven hundred and ſeventy-three, knowingly have in his, her, or their Cuſtody, any ſuch Plate or Inſtrument, or ſhall knowingly and wilfully utter or publiſh any ſuch Promiſſory Note, Inland Bill, or Bill of Exchange, Blank Promiſſory Note, Inland Bill, or Bill of Exchange; every ſuch Perſon ſo offending in any of the Caſes aforeſaid, and being convicted thereof according to Law, ſhall be committed to the common Gaol of the County or Place where the Offence ſhall be committed, for any Space not exceeding Six Months.

and after *Dec.* 25, ſhall wilfully publiſh ſuch Promiſſory Notes, Inland Bills, &c. ſhall be committed not exceeding Six Months.

This Act not to extend to Perſons poſſeſſed of ſuch Notes carrying the ſame for Payment.

III. Provided always, and it is hereby enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to ſuch Perſon or Perſons who, being at any Time hereafter poſſeſſed of any ſuch Note or Bill, ſhall only utter the ſame by carrying the ſame for Payment to the Iſſuer or Iſſuers, Drawer or Drawers, Accepter or Accepters, Indorſer or Indorſers thereof reſpectively, or uſing proper Means to compel the Payment of any ſuch Note or Bill.

CAP. LXXX.

An Act to repeal an Act, made in the Tenth Year of the Reign of His preſent Majeſty, intituled, *An Act for the better Preſervation of the Game within that Part of* Great Britain *called* England; and for making other Proviſions in lieu thereof.

Preamble.
Act 10 *Geo* III.

WHEREAS by an Act, paſſed in the Tenth Year of the Reign of His preſent Majeſty, intituled, *An Act for the better Preſervation of the Game in that Part of* Great Britain *called* England, certain Penalties and Puniſhments were inflicted on Perſons killing and deſtroying Game in the Night, between One Hour after Sun-ſet and One Hour before Sun-riſe: And whereas ſome Doubts have ariſen concerning the Conſtruction of ſome Parts of the ſaid Act, and ſome Inconveniencies have followed therefrom; therefore, for obviating ſuch Doubts, and for remedying ſuch Inconveniencies, may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-three, if any Perſon or Perſons ſhall knowingly and wilfully kill, take, or deſtroy, any Hare, Pheaſant, Partridge, Moor Game, or Heath Game, or uſe any Gun, Dog, Snare, Net, or other Engine, with Intent to kill, take, or deſtroy, any Hare, Pheaſant, Partridge, Moor Game, or Heath Game, in the Night, that is to ſay, between the Hours of Seven of the Clock at Night and Six in the Morning, from the Twelfth Day of October to the Twelfth Day of February, and between the Hours of Nine of the Clock at Night and Four in the Morning, from the Twelfth Day of February to the Twelfth Day of October, every ſuch Perſon, being convicted thereof, upon the Oath or Oaths of One or more credible Witneſs or Witneſſes, before One or more Juſtice or Juſtices of the Peace, acting for the County, Riding, or Place, where the Offence ſhall be committed, ſhall forfeit and pay, for the Firſt Offence, any Sum not exceeding Twenty Pounds, nor leſs than Ten Pounds; and for the Second Offence, any Sum not exceeding Thirty Pounds, nor leſs than Twenty Pounds: But in caſe any Information ſhall be made upon Oath, as aforeſaid, before any Juſtice or Juſtices, againſt any Perſon offending againſt this Act, and if it ſhall appear that ſuch Offender hath already been convicted of a

Rules to be obſerved, (after *June* 24, 1773,) by Perſons killing Hares, Pheaſants, Partridges, &c. or uſing a Gun, Dog, Net, or Engine.

How Offenders are to be puniſhed.

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firſt and ſecond Offence againſt this Act; then, and in ſuch Caſe, ſuch Juſtice or Juſtices ſhall and may commit ſuch Offender to the common Gaol, or Houſe of Correction, for the County, Riding, or Place, there to remain till the next General Quarter Seſſion of the Peace for the ſaid County, Riding, or Place, unleſs ſuch Offender ſhall have entered into a Recognizance, with Two ſufficient Securities, to appear at ſuch General Quarter Seſſion, then and there to be tried by Indictment for the ſaid Offence; and alſo ſhall and may bind over the Informer to proſecute the ſaid Offender by Indictment as aforeſaid: And the Juſtices, at their ſaid General or Quarter Seſſions, ſhall and may direct the ſaid Indictment to be tried accordingly; and if upon ſuch Indictment ſuch Offender ſhall be convicted, he ſhall forfeit and pay in Court the Sum of Fifty Pounds: And in caſe he ſhall neglect or refuſe to pay the ſaid Sum of Fifty Pounds, he ſhall be committed to the common Gaol, or Houſe of Correction, for ſuch County, Riding, or Place, for any Term not leſs than Six nor more than Twelve Calendar Months, unleſs ſuch Penalty ſhall be ſooner paid; and ſuch Offender ſhall, if the Juſtices think proper, be Once publickly whipped for ſuch Offence at the Expiration of ſuch Commitment, in the Town or Place where ſuch Gaol, or Houſe of Correction ſhall be, between the Hours of Twelve and One of the Clock in the Day.

II. And be it further enacted, That the Juſtice or Juſtices before whom any Offender ſhall be convicted as aforeſaid, ſhall cauſe the ſaid Conviction to be made out in the Manner and Form following; that is to ſay,

Form of Conviction.

BE it remembered, That on the Day of in the Year of our Lord A. B. is convicted before me One of His Majeſty's Juſtices of the Peace for the County of (*ſpecifying the Offence, with the Time and Place where the ſame was committed, and alſo ſpecifying that it was the Firſt or Second Offence againſt this Act, as the Caſe ſhall be*).

Given under my Hand and Seal, the Day and Year aforeſaid.

Which Conviction the ſaid Juſtice ſhall cauſe to be fairly wrote over upon Parchment, and returned to the next General Quarter Seſſion of the Peace for the County, Riding, or Place, where ſuch Conviction was made, to be filed by the Clerk of the Peace, and remain and be kept among the Records of the County.

Clerk to deliver a Copy of Conviction on Payment of 1s.

III. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Clerk of the Peace for any County, Riding, or Place, and he is hereby required, upon Application made to him by any Perſon or Perſons for that Purpoſe, to cauſe a Copy or Copies of any Conviction or Convictions, filed by him under the Directions of this Act, to be forthwith delivered to ſuch Perſon or Perſons, upon Payment of One Shilling for every ſuch Copy.

Penalties and Forfeitures how to be recovered.

IV. And be it further enacted by the Authority aforeſaid, That the pecuniary Penalties and Forfeitures hereby to be incurred and made payable upon any Conviction, for a Firſt and Second Offence againſt this Act, and alſo for a Third Offence, upon Conviction at the Quarter Seſſions, as aforeſaid, together with the Coſts and Charges previous to and attending ſuch Conviction, to be aſcertained by the Juſtice or Juſtices before whom any Offender ſhall be convicted, ſhall be forthwith paid by the Perſon convicted, One Moiety of the Forfeiture to the Informer, and the other Moiety to the Poor of the Pariſh or Place where the Offence ſhall be committed: And in caſe ſuch Perſon ſhall refuſe or neglect to pay the ſame, or to give Security for the Payment thereof, ſuch Juſtice or Juſtices ſhall, by Warrant under his or their Hand and Seal, or Hands and Seals, cauſe the ſame to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, together with all Coſts and Charges attending ſuch Diſtreſs and Sale, returning the Overplus (if any) to the Owner; and it ſhall and may be lawful for ſuch Juſtice or Juſtices to order ſuch Offender to be detained in ſafe Cuſtody, until Return may conveniently be had and made to ſuch Warrant of Diſtreſs, unleſs the Party ſo convicted ſhall give ſufficient Security, to the Satiſfaction of ſuch Juſtice or Juſtices, for his Appearance before the ſaid Juſtice or Juſtices, on ſuch Day as ſhall be appointed by the ſaid Juſtice or Juſtices for the Day of the Return of the ſaid Warrant of Diſtreſs, ſuch Day not exceeding Seven Days from the Time of taking ſuch Security; which Security the ſaid Juſtice or Juſtices are hereby impowered to take by way of Recognizance, or otherwiſe: But if upon ſuch Return no ſufficient Diſtreſs can be had; then, and in ſuch Caſe, the ſaid Juſtice or Juſtices ſhall and may commit ſuch Offender to the common Gaol, or Houſe of Correction, of the County, Riding, or Place, for the Space of Three Calendar Months unleſs the Money forfeited ſhall be ſooner paid, or until ſuch Offender, thinking him or herſelf aggrieved by ſuch Conviction, ſhall give Notice to the Informer, that he or ſhe intends to appeal to the Juſtices of the Peace, at the next General Quarter Seſſion of the Peace to be held for the County or Place wherein the Cauſe of Complaint ſhall ariſe, and ſhall enter into Recognizance before ſome Juſtice or Juſtices, with Two ſufficient Securities, conditioned to try ſuch Appeal, and to abide the Order of, and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; which Notice of Appeal being not leſs than Fourteen Days before the Trial thereof, ſuch Perſon ſo aggrieved is hereby impowered to give, and the ſaid Juſtices, at ſuch Seſſion, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear, and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be final, binding, and concluſive, to all Intents and Purpoſes whatſoever.

Proviſions of 10 *Geo.* III. repealed.

V. And be it further enacted, That all the Proviſions of the ſaid recited Act ſhall be, and are hereby declared to be, repealed.

Penalties for wilfully killing Game,

VI. And be it enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-three, if any or uſing a Gun, on a *Sunday* or *Chriſtmas Day*.

Perſon or Perſons ſhall, upon a Sunday, or on Chriſtmas Day, in the Day-time, knowingly and wilfully take, kill, or deſtroy, any Hare, Pheaſant, Partridge, Heath Game, or Moor Game, or ſhall, upon a Sunday, or on Chriſtmas Day, uſe any Gun, Dog, Net, or Engine, for taking, killing, or deſtroying, any Hare, Pheaſant, Partridge, Moor Game, or Heath Game; every ſuch Perſon being convicted thereof, in the Manner and Form preſcribed by this Act, ſhall be ſubject to the like Forfeitures and Penalties as are herein-before enacted to be inflicted for other Offences againſt this Act.

How Penalties for Offences committed are to be recovered.

VII. And be it further enacted, That in caſe any Perſon ſhall commit an Offence againſt this Act, whereby a Penalty or Puniſhment is incurred, and dwells in another County than in that in which the Offence was committed, the Juſtice or Juſtices, before whom ſuch Information or Indictment was had or made, may direct his or their Warrant of Apprehenſion, and of Diſtreſs and Sale, to any Conſtable within ſuch County, Riding, or Place, where the Offence was committed, to be by him carried to the Juſtice near reſiding to the Place where the Offender dwells in ſuch other County, Riding, or Place, to be ſigned by him on the Back of the ſaid Warrant, upon Proof on Oath of the Handwriting of the Juſtice who firſt granted the Warrant; which Indorſement ſhall be ſufficient Authority for the Conſtable of ſuch Pariſh or Townſhip where he dwells, or where his Goods and Chattels, or Diſtreſs, are to be had and found, or for ſuch Conſtable who ſhall bring the ſaid Warrant to be indorſed, to apprehend and convey ſuch Offender before the Juſtice who firſt granted the Warrant, or any other Juſtice or Juſtices of that County where the Offence was committed, or for ſuch Conſtable to levy ſuch Penalty, by Diſtreſs and Sale, in the ſame Manner, and with the ſame Powers, as might have been done if the Perſon had lived in the County, Riding, or Place, where the Offence was committed; and alſo, in caſe where no ſufficient Diſtreſs can be had or found, to convey the Offender before the Juſtice who firſt granted the Warrant of Diſtreſs, or any other Juſtice or Juſtices of that County where the Offence was committed, to be dealt with according to Law; and the Juſtice of ſuch other County who indorſed the Warrant of Diſtreſs or Apprehenſion ſhall direct ſuch Conſtable, or other Perſon taking and making ſuch Diſtreſs and Sale, to deliver over any Sums of Money for Penalties ariſing from ſuch Diſtreſs and Sale to the Juſtice of the County who firſt granted the Warrant, to be by him diſtributed according to the Meaning of this Act: And in caſe ſuch Conſtable or other Perſon ſhall neglect or refuſe to pay ſuch Sums of Money, or deliver over all Proceedings had upon ſuch Diſtreſs and Sale, or Warrant of Apprehenſion, ſuch Juſtice who firſt granted the Warrant, or the Juſtice who indorſed it, may commit ſuch Conſtable, or other Perſon ſo refuſing or neglecting to account for the Sums of Money received, or deliver over the Proceedings ſo had thereupon, to the common Gaol, or Houſe of Correction, for the Space of Six Months, or until the Money ſhall be paid, and the Proceedings delivered over to the Juſtice who firſt granted the Warrant; or in caſe of his Abſence or Death, to any other Juſtice of the ſame County, to be by him diſtributed according to the true Intent and Meaning of this Act: And that no Action of Treſpaſs, falſe Impriſonment, Information, or Indictment, or other Action or Appeal, ſhall be brought, ſued, commenced, or proſecuted, by any Perſon or Perſons whatſoever, againſt the Juſtice of ſuch other County who indorſed ſuch Warrant, for or by reaſon of his indorſing the ſame.

Proceedings not to be quaſhed for want of Form, nor removeable by *Certiorari*.

VIII. Provided always, and be it further enacted, That no Order made concerning any of the Matters aforeſaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders againſt this Act, ſhall be quaſhed for want of Form, or be removed by Writ of Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter.

No Perſon to be proceeded againſt till Information be made on Oath.

IX. Provided alſo, That no Perſon ſhall be proceeded againſt for any of the Offences againſt this Act, as aforeſaid, unleſs Information ſhall be made thereof upon Oath before ſome Juſtice of the Peace for the County, Riding, or Place, wherein ſuch Offence ſhall be committed, within One Calendar Month after ſuch Offence ſhall be committed.

CAP. LXXXI.

An Act for the better Cultivation, Improvement, and Regulation, of the Common Arable Fields, Waſtes, and Commons of Paſture, in this Kingdom.

Preamble.

WHEREAS there are, in ſeveral Pariſhes and Places in this Kingdom, ſeveral Waſtes and Commons, and ſeveral Open and Common Fields, which, by reaſon of the different Intereſts the ſeveral Land Owners and Occupiers, or Perſons having Right of Common, have in ſuch Waſtes, Commons, and Fields, cannot be improved, cultivated, or enjoyed, to ſuch great Advantage for the Owners and Occupiers thereof, and Perſons having Right of Common, as they might be, and are capable of, if an improved Courſe of Huſbandry was to be purſued, reſpecting ſuch Open and Common Fields, in each Pariſh reſpectively, and ſuch Waſtes, or Commons of Paſture, were to be properly drained, or otherwiſe amended; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That in every Pariſh or Place in this Kingdom, where there are Open or Common Field Lands, all the Tillage or Arable Lands lying in the ſaid Open or Common Fields ſhall be ordered, fenced, cultivated, and improved, in ſuch Manner, by the reſpective Occupiers thereof, and ſhall be kept, ordered, and continued, in ſuch Courſe of Huſbandry, and be cultivated under ſuch Rules, Regulations, and Reſtrictions, as Three-fourths in Number and Value of the Occupiers of ſuch Open or Common Field Lands in each Pariſh or Place,

How Arable Lands ſhall be fenced.

Place, cultivating and taking the Crops of the ſame, and having the Conſent of the Owners, in Manner herein-after mentioned, and likewiſe the Conſent of the Rector, Impropriator or Tithe Owner, or the Leſſee of either of them reſpectively, firſt had in Writing, ſhall, at a Meeting, (in purſuance of Notice for that Purpoſe in Writing, under the Hands of One-third of ſuch Occupiers, to be affixed on One of the principal Doors of the Pariſh Church, Chapel, or Place, where Meetings have been uſually held for ſuch Pariſh or Place reſpectively, Twenty-one Days, at leaſt, before ſuch Meeting, ſpecifying the Time and Place of ſuch Meeting), by Writing under their Hands, conſtitute, direct, and appoint; and which Notice any of ſuch Occupiers are hereby authoriſed and impowered to give.

Rules not to be longer binding than 6 Years.

II. Provided always, That the Rules, Regulations, and Reſtrictions, ſo agreed upon, ſhall not be in Force, or binding upon any of the Parties thereto, for any longer Term than Six Years, or Two Rounds, according to the ancient and eſtabliſhed Courſe of each Pariſh or Place reſpectively.

Field Maſter how to be appointed.

III. And be it further enacted by the Authority aforeſaid, That at every ſuch Meeting to be had as aforeſaid, it ſhall and may be lawful to and for the major Part in Number and Value of the Occupiers (then preſent) of ſuch Open or Common Field Lands, in each Pariſh or Place reſpectively, to elect and chuſe One or more proper Perſon or Perſons as Field Maſter or Field Reeve, Field Maſters or Field Reeves, to ſuperintend the ordering, fencing, cultivating, and improving, of ſuch Open and Common Fields, and to ſee that the ſame are kept, ordered, and continued, in ſuch a Courſe of Huſbandry, as ſhall be conſtituted, directed, and appointed, at ſuch Meeting, in Manner aforeſaid; and that ſuch Field Maſter or Field Reeve, ſo to be elected and choſen as aforeſaid, ſhall continue in the ſaid Office until the Twenty-firſt Day of May then next following, or within Three Days after, and no longer, unleſs he or they ſhall be thereto re-elected and choſen in Manner herein-after directed.

Expences how to be defrayed.

IV. And be it further enacted by the Authority aforeſaid, That all Coſts, Charges, and Expences, neceſſary for the carrying on any ſuch Plan of ordering, fencing, cultivating or improving, into Execution, as ſhall be agreed upon in Manner aforeſaid, and which ſhall, at any Meeting to be held after Six Days Notice having been given in Manner herein-before directed, by the major Part in Number and Value of the Occupiers aforeſaid then preſent, be deemed common Expences, and, for the general Benefit of the ſaid Occupiers, ſhall be borne, paid, and defrayed, proportionably by all the Occupiers of ſuch Open and Common Field Lands, according to the Value of the Lands and Grounds each Perſon or Perſons ſhall have in ſuch Open and Common Field Lands; and for the raiſing the ſame, One or more Aſſeſſment or Aſſeſſments, upon all and every the Occupiers of Common Field Lands in each Pariſh reſpectively, ſhall be made, levied and collected, by ſuch Perſon and Perſons, and allowed in ſuch Manner, as ſuch Majority of the Occupiers of ſuch Open and Common Field Lands, at ſuch Meeting to be had as aforeſaid, ſhall direct and appoint in that Behalf; and the Money thereby raiſed ſhall be employed and accounted for, according to the Orders and Directions of ſuch Majority of the Occupiers of ſuch Common Field Lands, for and towards the better Cultivation of the ſaid Common Field Lands, from Time to Time, as Need ſhall require; and the ſaid Aſſeſſments ſhall, by virtue of a Warrant under the Hand and Seal of One Juſtice of Peace of the County wherein ſuch Common Field Lands ſhall lie, be levied by Diſtreſs and Sale of the Goods and Chattels of every Perſon ſo aſſeſſed, and not paying the ſame, within Ten Days after Demand, rendering the Overplus of the Value of the Goods ſo diſtrained (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the Coſts and Charges of taking and making ſuch Diſtreſs and Sale.

Occupiers of Common Field Lands in every Pariſh how to aſſemble and elect Field Reeves.

V. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Occupiers of Open and Common Field Lands, in any Pariſh or Place where any Rules, Orders, or Regulations, ſhall have been agreed upon, for the ordering, fencing, cultivating, or improving, of ſuch Lands, in purſuance of this Act, and they are hereby required to meet and aſſemble at ſome convenient Place, yearly, and every Year, on the Twenty-firſt Day of May, or within Three Days after, in purſuance of Six Days Notice to be given of the Time and Place of ſuch Meeting by One-third of the Occupiers, in Manner aforeſaid, then and there to elect and chuſe One or more proper Perſon or Perſons to be the Field Maſter or Field Reeve, Field Maſters or Field Reeves, for the Year enſuing; and that ſuch Perſon or Perſons who ſhall, by the major Part of the Occupiers of the ſaid Lands, preſent at ſuch Meeting, be choſen Field Maſter or Field Reeve, Field Maſters or Field Reeves, to ſuperintend the ordering, fencing, cultivating, and improving of the ſaid Common Field Lands, and to ſee that the ſame are cultivated according to the Rules, Orders, and Regulations, agreed upon at the General Meeting for that Purpoſe, and ſhall continue in the ſaid Office for One whole Year, unleſs he ſhall die, or be removed by virtue of the Power and Authority herein-after given in that Behalf.

New Field Reeves to be appointed in place of thoſe who ſhall die, or refuſe to attend.

VI. Provided always, and be it enacted by the Authority aforeſaid, That if any Field Maſter or Field Reeve, ſo to be choſen in purſuance of this Act, ſhall, within the Year in which he ſhall be ſo choſen, refuſe or neglect to attend the ſaid Buſineſs, or ſhall die, or remove to an inconvenient Diſtance, or become Bankrupt, or have Execution againſt his Body or Goods, or by Sickneſs or otherwiſe be rendered incapable of executing his ſaid Office; that then, and in either of the ſaid Caſes, it ſhall and may be lawful to and for the Occupiers of the ſaid Lands, (after Six Days Notice for that Purpoſe to be given in Manner aforeſaid), to elect and chuſe, in Manner aforeſaid, One other fit and proper Perſon to be the Field Maſter or Field Reeve for the Remainder of that Year, in the Place and Stead of the former Field Maſter or Field Reeve falling under either of the Deſcriptions aforeſaid.

Occupiers at Meetings, to ſettle the Time of opening Common Field Lands.

VII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for Three-fourths in Number and Value of the Occupiers of Open and

Common Field Lands, preſent at any Meeting to be held in purſuance of Fourteen Days Notice at leaſt, previous to the uſual Time of opening ſuch Common Field Lands, to be given for that Purpoſe, in Manner aforeſaid, to poſtpone the opening ſuch Common Field Lands for ſuch reaſonable Time as at ſuch Meeting ſhall be thought neceſſary by ſuch Majority as aforeſaid, and to ſettle and determine how long ſuch Common Fields ſhall continue open, and to limit and ſettle the Number of Cattle each Occupier in ſuch Pariſh or Place ſhall reſpectively turn on ſuch Common Fields, in due Proportion to the Stint or eſtabliſhed Uſage in ſuch Pariſh or Place.

Cottagers not to be excluded having Right of Common.

VIII. Provided always, nevertheleſs, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall be conſtrued to extend to exclude any Cottager, or other Perſon or Perſons whomſoever, having Right of Common, and having no Land in any of the ſaid Common Fields, from having and enjoying his or their Right of Common, in as full and ample Manner as he could and might have enjoyed the ſame before the paſſing of this Act, unleſs ſuch Cottager, or other Perſon, ſhall, at any Meeting to be held by the Occupiers of ſuch Common Field Lands, in Manner aforeſaid, conſent or agree, in Writing, to a Compoſition for ſuch Right, by an annual Payment, or other annual Advantage or Compenſation, or to a Limitation thereof; in which Caſe ſuch Conſent and Agreement ſhall be binding and concluſive upon every ſuch Perſon ſo agreeing, his Heirs and Aſſigns, Tenants and Occupiers, until ſuch Time as the Rules, Orders, and Regulations, for the ordering, fencing, cultivating, and improving of the ſaid Common Field Lands, exiſting at the Time of giving ſuch Conſent, ſhall expire.

How Common Field Lands may be enjoyed differently by Occupiers.

IX. Provided always, nevertheleſs, and be it further enacted by the Authority aforeſaid, That if the Occupiers of the ſaid Common Field Lands ſhall, at Times when the ſaid Fields have been uſually enjoyed in Common, conſent and agree not to depaſture the ſame in Common, and ſhall allot and ſet apart what ſhall be deemed by a Majority of ſuch Cottagers who ſhall not have agreed to compound for or limit their Right of Common, as aforeſaid, a ſufficient and equivalent Common for ſuch Cottagers, and other Perſons, as aforeſaid, to be enjoyed excluſively by them; that then, and in ſuch Caſe, ſuch Cottagers and other Perſons ſhall not uſe, exerciſe, or enjoy their Right of Common, over ſuch Parts of the ſaid Common Field Lands as are not uſed in common by the Occupiers thereof, but only over ſuch Part thereof as ſhall for ſuch Time be allotted them for that Purpoſe, and ſet apart as aforeſaid; any Law, Uſage, or Statute, to the Contrary notwithſtanding.

Saving of Right to Perſons poſſeſſed of ſeparate Sheep Walks, &c.

X. Provided always, and be it enacted by the Authority aforeſaid, That nothing herein contained ſhall exclude any Perſon or Perſons ſeiſed or poſſeſſed of a ſeparate Sheep Walk, or Paſture of Cattle, in or over all or any of the Common Field Lands in any Pariſh or Place, or in or over any Part thereof, from uſing, exerciſing, and enjoying, ſuch Right, in as full and ample Manner, to all Intents and Purpoſes, as he might or could have enjoyed the ſame before the paſſing this Act, unleſs ſuch Perſon or Perſons, having ſuch Right as aforeſaid, ſhall conſent or agree in Writing, at any Meeting of Occupiers, to be held as aforeſaid, to a Compoſition for the ſame, or a Limitation thereof; in which Caſe, every ſuch Conſent and Agreement ſhall be binding and concluſive upon every Perſon ſo agreeing, and upon every other Perſon coming to the Poſſeſſion of ſuch Sheep Walk, or Paſture for Cattle, by Deſcent, or otherwiſe, until ſuch Time as the Rules, Orders, and Regulations, for the Cultivation of the ſaid Common Field Lands, exiſting at the Time of entering into ſuch Agreement, ſhall expire.

Balks, Slades, &c. with Conſent of the Lords of Manors, &c. may be ploughed.

XI. And whereas Balks, Slades, or Meers, which may be waſte, do often lie very inconveniently interſperſed amongſt the arable Lands in common Fields, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Perſon or Perſons whomſoever, having Land in any open or common Fields adjoining to any ſuch Balks, Slades, or Meers, being Waſte, with the Conſent of the Lord or Lords, Lady or Ladies, of the reſpective Manors wherein ſuch Balks, Slades, or Meers do lie, and likewiſe of the Perſon or Perſons who may have a ſeparate Sheep Walk in the ſaid Fields, and with the Conſent of Three-fourths in Number and Value of the Occupiers of ſuch Common Field Lands, to be ſignified at any Meeting to be held in Manner aforeſaid, to plough up any of the ſaid Balks, Slades, or Meers, and convert the ſame into Tillage, under the Regulations to be ſettled as aforeſaid.

Balks, &c. uſed as Roads, not to be ploughed.

XII. Provided always, nevertheleſs, and be it enacted, That no Balk or Meer that has heretofore been uſed as a publick Road, or as a private Road, by any Perſon or Perſons, to or from his or their own Houſe or Lands, be ſo ploughed up.

Regulations to be obſerved by Perſons having a Licence to plough Balks, &c.

XIII. Provided alſo, and be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons, who ſhall have Licence in Manner aforeſaid, to plough up and convert into Tillage, any Balk, Slade, or Meer, ſhall, before he or they begin to plough up the ſame, lay down, in an Huſband-like Manner, under the Direction of the Field Maſter or Field Reeve for the Time being, in a more convenient Part of the ſaid Field, as much of his or their own Land as ſhall be equal in Value to the Land he or they ſhall ſo have Licence to plough as aforeſaid; and that ſuch Land ſo laid down ſhall be Common Land, and ſo continue until the Regulations then exiſting for cultivating ſuch Common Field Lands ſhall expire.

Boundary Stones to aſcertain every Perſon's Property to be erected.

XIV. Provided alſo, and be it further enacted by the Authority aforeſaid, That the Perſon or Perſons ploughing any ſuch Balk, Slade, or Meer, ſhall, by proper Bound Stones, ſufficiently mark and diſtinguiſh the ſeveral Lands ploughed, and the ſeveral Lands laid down in lieu thereof, ſo that the Property thereof, and each Perſon's Right therein, may be clearly known and aſcertained.

Lords of Manors, &c. with Conſent of Three-fourths of Perſons having Right

XV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Lord or Lords, Lady or Ladies, of any Manor, with the Conſent of Three-fourths of the Perſons having Right of Common upon the Waſtes and Commons within his, her, or their Manor, at a Meeting to be held after Fourteen

Days

of Common, may leaſe a Twelfth Part of Waſtes, and the Net Rents to be applied for improving the Reſidue of ſuch Waſtes.

Days Notice, ſuch Notice to be given in Manner herein-before directed by the Lord or Lords, Lady or Ladies, of the Manor, or their Agent reſpectively, at any Time or Times, to demiſe or leaſe, for any Term or Number of Years, not exceeding Four Years, any Part of ſuch Waſtes and Commons, not exceeding a Twelfth Part thereof, for the beſt and moſt improved yearly Rent that can by publick Auction be got for the ſame; and that the clear Net Rents reſerved to the Lord or Lords, Lady or Ladies, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, by any Leaſe or Leaſes to be granted as aforeſaid, ſhall be by him, her, or them, and the major Part of his, her, or their Tenants, applied in the draining, fencing, or otherwiſe improving of the Reſidue of ſuch Waſtes and Commons.

Aſſeſſments to be levied for the improving of Waſtes where there are ſtinted Commons.

XVI. Provided always, nevertheleſs, and be it enacted by the Authority aforeſaid, That in every Manor where there are ſtinted Commons, in lieu of demiſing or leaſing Part thereof, One or more Aſſeſſment or Aſſeſſments upon the Lord or Lords, Lady or Ladies, of ſuch Manor, and the Perſons being Owners or Occupiers of ſuch Commons, or their Agents or Managers, ſhall or may, at their Option, be made, levied, and collected, by ſuch Perſon and Perſons, and allowed in ſuch Manner as the Lord or Lords, Lady or Ladies, of ſuch Manor, and the major Part in Number and Value of the Owners or Occupiers of ſuch Commons, preſent at a Meeting to be held within the ſaid Manor, in purſuance of Fourteen Days Notice to be given by the Lord or Lords, Lady or Ladies, or his, her, or their Agent, in Manner aforeſaid, of the Time and Place of Meeting for that Purpoſe, ſhall direct and appoint in that Behalf; and the Money thereby raiſed ſhall be employed and accounted for, according to the Orders and Directions of the ſaid Lord or Lords, Lady or Ladies, and ſuch Majority of the Owners or Occupiers, as aforeſaid, in the Improvement of ſuch Commons, from Time to Time, as Need ſhall require; and the ſaid Aſſeſſments ſhall, by virtue of a Warrant under the Hand and Seal of One Juſtice of the Peace, be levied by Diſtreſs and Sale of the Goods and Chattels of every Perſon ſo aſſeſſed, and not paying the ſame within Ten Days after being demanded, rendering the Overplus of the Value of the Goods ſo diſtrained (if any) to the Owner and Owners thereof, the neceſſary Charges of making ſuch Diſtreſs and Sale being firſt deducted.

Stinted Commons to be opened at a certain Time as Owners, *&c.* at a Meeting ſhall direct.

XVII. And whereas there are, in many Parts of this Kingdom, certain ſtinted Commons of Paſture which are never enjoyed in Severalty, but which are at certain Times ſhut up for the better Growth of the Paſture, and opened on certain fixed Days, from which, in particular Circumſtances and Seaſons, great Inconveniencies do and may ariſe; be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the major Part in Number and Value of the Owners and Occupiers of ſuch common Paſtures, preſent at a Meeting to be held after Six Days Notice at leaſt given, in Manner herein-before directed, with the Conſent of the Lord or Lords, Lady or Ladies, of the Manor, or his, her, or their Steward or Agent, to poſtpone the opening of the ſaid common Paſtures for a Time not exceeding Twenty-one Days.

Two-thirds of Commoners, with Conſent of the Lord of the Manor, *&c.* may direct the opening and ſhutting of Common Paſtures, *&c.*

XVIII. And whereas there are in many Places common Paſtures, with ſtinted or limited Rights of Common therein, which are open the whole Year, and it would be attended with great Advantages to the Commoners to ſhut up and unſtock the ſame at particular Seaſons; be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for Two-thirds in Number and Value of ſuch Commoners, at a Meeting to be holden after Fourteen Days Notice given in Manner herein-before directed, with the Conſent of the Lord or Lords, Lady or Ladies, of the Manor or Manors in which ſuch Commons are ſituated, his, her, or their Steward or Stewards, Agent or Agents, to direct, order, and fix, the Time when ſuch common Paſtures ſhall be broke or depaſtured, and when the ſame ſhall be ſhut up and unſtocked; ſuch Orders to continue in Force for One whole Year, and no longer.

Proviſo reſpecting Perſons not conſenting to the above Regulations.

XIX. Provided nevertheleſs, That a Portion of ſuch Common Paſtures ſhall be ſeparated and ſet apart for the Uſe of ſuch Commoners excluſively as ſhall not conſent to ſuch Regulation, and the Portion ſo ſet apart ſhall be adjudged by a Majority of ſuch Commoners, not conſenting as aforeſaid, an Equivalent for their Rights of Common.

Perſonshaving Right of Common may depaſture Sheep inſtead of other Cattle.

XX. And whereas many ſtinted Common Paſtures in this Kingdom are fed and depaſtured by Horſes, Beaſts, or Neat Cattle, and in many Inſtances it would tend to the Improvement of ſuch common Paſtures, and to the better Manuring and Cultivation of the Arable Lands in common Fields, or otherwiſe, to which ſuch common Paſtures may belong, if the ſame were fed with Sheep; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the major Part in Number and Value of the Perſons having Right of Common in ſuch common Paſtures, at any Meeting to be held in Purſuance of Notice, in Writing, under the Hands of a major Part of ſuch Owners and Occupiers of ſuch common Paſtures, or Perſons having Right of Common therein, to be affixed on the principal Door of the Pariſh Church of the Pariſh where ſuch common Paſtures ſhall lie, or of the neareſt Pariſh Church where ſuch Lands ſhall lie in an extraparochial Place, Ten Days at leaſt previous to ſuch Meeting, ſpecifying the Time and Place, and Intent of ſuch Meeting, by Writing under their Hands, to alter and change the Manner and Cuſtom of feeding and depaſturing ſuch common Paſtures, ſo far as inſtead of Horſes, Cows, and other Cattle, to allow the ſame to be fed and depaſtured with Sheep, at the Option of each Perſon reſpectivly having Right of Common; and to limit and ſtint the Number of Sheep each ſuch Perſon, having Right of Common in ſuch common Paſtures, ſhall reſpectively feed and depaſture thereon, in due Proportion to their reſpective Stints or Rights.

Rams not to remain upon Waſtes from *Aug.* 25, to *Nov.* 25.

XXI. And whereas the Improvement of the Breed of Sheep is a Matter of great national Importance, and the turning of Rams upon Waſtes and Open Common Fields at certain Times of the Year has been found to be very prejudicial; be it therefore enacted by the Authority aforeſaid, That no Ram ſhall be turned upon, or be ſuffered to remain upon, any Waſtes or common Fields, between the Twenty-fifth Day of Auguſt and the Twenty-fifth Day of November in every Year.

Perſons formerly under Diſability, under this Act may ſign Agreements.

XXII. And whereas ſeveral of the Owners and Proprietors of Waſtes, Commons, and Common Field Lands, may, at the Time of any Meeting to be held in purſuance of this Act, be incapable, through various Impediments, of entering into any of the Agreements hereby authoriſed to be made, for the better ordering, fencing, cultivating, and improving, of Common Arable Fields, Waſtes, and Commons of Paſture, in this Kingdom, without the Aid and Authority of Parliament; be it therefore further enacted, That it ſhall and may be lawful to and for the Huſbands, Guardians, Truſtees, Committees, or known Agent or Receiver of any Owner and Proprietor of Waſtes, Commons, and Common Field Lands, and of any Perſon having a Right or Intereſt therein, being under Coverture, Minors, Lunaticks, or beyond the Seas, and for every or any of them for the Time being; and alſo to and for all and every or any of the ſaid Owners and Occupiers, being Tenants in Tail, Tenants by the Courteſy of England, or Tenants for Life only, and to and for every or any of them reſpectively for the Time being, to enter into and ſign any Agreement to be made in purſuance of this Act.

Rectors or Tithe Owners not to receive Gratuity for letting Tithes other than by Half-yearly or yearly Payments.

XXIII. Provided alſo, and be it further enacted by the Authority aforeſaid, That no Rector or Tithe Owner, in Right of his Rectory, Vicarage, or Curacy, or the Leſſee of either of them reſpectively, who ſhall agree for or let his Tithes of the ſaid Common Field Lands, during the ſaid Term of Six Years, or any Part thereof, ſhall receive any Fine, Foregift, Gratuity, or Compenſation whatever, other than by equal half-yearly or yearly Payments.

All Agreements made to be valid in Law.

XXIV. And be it further enacted, That every Agreement ſo entered into in purſuance of this Act ſhall be good, valid, and effectual in the Law, for the Purpoſes thereby intended, notwithſtanding the want of legal Title in the ſaid Owner or Owners, or in the ſaid Huſbands, Guardians, Truſtees, Committees, Agents, or Receivers, or in the Perſons acting as ſuch, or in the ſaid Tenants in Tail, Tenants by the Courteſy of England, or Tenants for Life only, any Settlement or Settlements, Will or Wills, to the Contrary in any-wiſe notwithſtanding.

Conſent of Occupiers not to be valid, without a written Authority under the Hand of the Proprietor.

XXV. Provided always, and be it enacted by the Authority aforeſaid, That no Conſent of any Occupier of Lands in ſuch Common Arable Fields, or of a ſeparate Sheep Walk therein, to any ſuch Firſt Agreement, for the ordering, fencing cultivating and improving of ſuch Common Fields, to be made by the Authority of or in purſuance of this Act, ſhall be good and valid, unleſs ſuch Occupier ſhall, at the Time of entering into ſuch Agreement, produce a written Authority for that Purpoſe, under the Hand of the Owner or Proprietor, Guardian or Truſtee; or in caſe of ſuch Owner not being a Minor, and being in Parts beyond the Seas, of the known Agent of ſuch Owner.

Actions may be brought at *Weſtminſter.*

XXVI. And be it further enacted by the Authority aforeſaid, That if any Owner or Occupier of any Common Field Lands, or of any Part thereof, for the better Cultivation whereof any Rules and Regulations ſhall have been agreed upon, in purſuance of the Powers and Authorities given by this Act, ſhall not conform to ſuch Rules and Regulations, or ſhall wilfully deviate therefrom in any Reſpect whatſoever; that then, and in ſuch Caſe, it ſhall and may be lawful to and for any Owner or Owners, or Occupier or Occupiers, of any Part of ſuch Common Field Lands, who may have been damnified by a Breach of the Regulations aforeſaid, to bring One or more Action or Actions of Treſpaſs, or upon the Caſe, in any of His Majeſty's Courts of Record at Weſtminſter, againſt the Perſon or Perſons ſo offending; and if in any ſuch Action, ſo to be brought as aforeſaid, a Verdict ſhall be given for the Plaintiff, or he ſhall recover Judgement by Default; that then, and in ſuch Caſe, the Party or Parties ſo offending ſhall anſwer to the Party grieved all ſuch Damages as ſhall be recovered in ſuch Action, together with Double Coſts of Suit.

No Perſon is hereby prevented from incloſing his Lands for his own Uſe.

XXVII. Provided, That nothing in this Act contained ſhall prevent, or extend to prevent, any Perſon or Perſons from incloſing all or any Part or Parts of his, her, or their Land, to and for his, her, or their own Uſe or Benefit, ſuch Perſon or Perſons having full Power or Right ſo to do.

Saving all Rights to His Majeſty, Lords of Manors, *&c.*

XXVIII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every Lord or Lords, Lady or Ladies, of any Manor or Manors, and to all and every other Perſon and Perſons, Bodies Politick or Corporate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, (other than and except the reſpective Perſons, their Heirs, Succeſſors, Executors, and Adminiſtrators, who may, in Conſequence of this Act being duly carried into Execution, become ſubject to the Proviſions and Regulations thereby authoriſed to be made,) all ſuch Eſtate, Intereſt, and Rights, as they, every, or any of them, had or enjoyed in and over the ſaid Common Arable Fields, Waſtes, and Commons of Paſture, before the paſſing of this Act, or could or might have had and enjoyed in caſe the ſame had not been made.

C A P. LXXXII.

An Act for the better Regulation of Lying-in Hoſpitals, and other Places appropriated for the charitable Reception of pregnant Women; and alſo to provide for the Settlement of Baſtard Children born in ſuch Hoſpitals and Places.

Preamble.

WHEREAS, through the humane and benevolent Aſſiſtance of well-diſpoſed Perſons, many Hoſpitals and Places have been eſtabliſhed for the charitable Reception of pregnant Women, which have afforded great Relief in Times of the utmoſt Diſtreſs, and therefore merit every due Support and Encouragement; but ſome Inconveniencies having been found to ariſe from the Number of Baſtard Children born in ſuch Hoſpitals and Places, which have become heavy Burdens, and have occaſioned unreaſonable Charges upon thoſe Pariſhes wherein ſuch Hoſpitals and Places have been inſtituted, to their great and unjuſt Oppreſſion: And whereas it would tend, as well to promote the Intereſt of ſuch Hoſpitals and Places as to give a ſeaſonable Relief to ſuch Pariſhes, if a Law was made to regulate the Settlement of ſuch Baſtard Children; may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of November, One thouſand ſeven hundred and ſeventy-three, no Hoſpital or Place ſhall be eſtabliſhed, uſed, or appropriated, or continue to be uſed or appropriated, for the publick Reception of pregnant Women, under publick or private Support, Regulation, and Management, in any Pariſh within that Part of Great Britain called England, unleſs a Licence ſhall be firſt had and obtained, in Manner hereafter mentioned, from the Juſtices of the Peace, at ſome One of their General Quarter Seſſions to be held for the County, Riding, Diviſion, City, or Corporation, wherein ſuch Hoſpital or Place ſhall be ſituated; and ſuch Juſtices are hereby authoriſed and required to grant ſuch Licence to any Perſon or Perſons who ſhall apply for the ſame, ſuch Perſon or Perſons paying the Sum of Forty Shillings for every ſuch Licence to the Clerk of the Peace of ſuch County, Riding, or Diviſion, or to the Town-clerk of ſuch City or Corporation, as a Perquiſite for his Trouble, and as a Fund to defray the Expence of the Stamp and Parchment that ſhall be uſed for the Grant of ſuch Licence.

After *Nov.* 1, 1773, no Hoſpital to be eſtabliſhed for the Reception of pregnant Women, unleſs a Licence be obtained;

which Licence the Juſtices, at their Quarter Seſſions are impowered to grant.

II. And be it further enacted, That every ſuch Licence ſhall be written on Parchment, and ſtampt with a Five Shilling Stamp; and a Copy thereof ſhall be entered in a Book to be kept for that Purpoſe by ſuch Clerk of the Peace, or Town Clerk, and preſerved as a publick Regiſter amongſt the Records of the County, Riding, Diviſion, or of ſuch City or Corporation, as the Caſe may be, to be inſpected by any Perſon or Perſons on Payment of One Shilling; and every ſuch Licence ſhall be ſigned by Two or more ſuch Juſtices of the Peace at their General Quarter Seſſions, and ſhall intitle the Perſon or Perſons to whom ſuch Licence ſhall be granted to keep One Hoſpital, Houſe, or Place, and no more, for the publick or charitable Reception of pregnant Women.

Every Licence to be ſtamped with a 5s Stamp, and ſigned by the Juſtices.

III. And be it further enacted, That as well all Hoſpitals, Houſes, and Places, already eſtabliſhed, uſed, or appropriated, for the publick Reception of pregnant Women, and ſupported by charitable Contributions, or otherwiſe, for the Purpoſes of the Delivery or Lying-in of ſuch pregnant Women, as all other Hoſpitals, Houſes, or Places, that may hereafter be eſtabliſhed, uſed, and appropriated, in like Manner, for the like Purpoſes, ſhall be deemed and taken to be Hoſpitals and Places within the true Intent and Meaning of this Act.

Hoſpitals now, or hereafter to be eſtabliſhed for the Reception of pregnant Women deemed within the Intent of this Act.

IV. And, that it may be the more eaſily known what Hoſpitals, Houſes, or Places, ſhall have been licenſed purſuant to this Act, be it enacted, That there ſhall be fixed and kept up over the Door or publick Entrance of every ſuch Hoſpital, Houſe, or Place, an Inſcription; in large Letters, in the following Words; videlicet, LICENSED FOR THE PUBLICK RECEPTION OF PREGNANT WOMEN, PURSUANT TO AN ACT OF PARLIAMENT, PASSED IN THE THIRTEENTH YEAR OF THE REIGN OF KING GEORGE THE THIRD, and the affixing and keeping ſuch Inſcription ſhall be a Condition in every ſuch Licence; and in caſe ſuch Inſcription ſhall not be fixed and kept over the Door or publick Entrance of ſuch Hoſpital, Houſe, or Place, ſuch Licence ſhall become null and void.

Inſcription to be affixed over the Door of all Hoſpitals.

V. And be it further enacted by the Authority aforeſaid, That no Baſtard Child or Children, born in any ſuch Hoſpital, Houſe, or Place, as aforeſaid, ſhall be legally ſettled in, or ſhall be intitled to, any Relief as a Pariſhioner, from the Pariſh wherein ſuch Hoſpital, Houſe, or Place, ſhall be ſituated; but every ſuch Child or Children ſhall follow the Mother's Settlement, and ſhall immediately gain a Settlement in the Pariſh or Pariſhes reſpectively where his, her, or their Mother or Mothers were laſt legally ſettled; any Law, Statute, Uſage, or Cuſtom, to the Contrary thereof in any-wiſe notwithſtanding.

Baſtard Children born in ſuch Hoſpitals not to be intitled to Relief as a Pariſhioner.

VI. And be it further enacted by the Authority aforeſaid, That in caſe it ſhall become neceſſary to remove the Mother of the Child ſo born a Baſtard, and the Child ſo born a Baſtard, or either of them, from the Pariſh or Place in which ſuch Hoſpital, Houſe, or Place, ſhall be ſituated, to the Pariſh or Place to which ſuch Woman ſhall belong, or where ſhe ſhall have obtained her laſt legal Settlement, ſuch Pariſh or Place being within Twenty Miles of ſuch Hoſpital, Houſe, or Place, to which ſhe ſhall be ſo removed, ſhall be chargeable with, and liable to, the Payment of all Charges and Expences incident to or attending ſuch Removals; ſuch Charges and Expences to be allowed and ſettled by any Juſtice or Juſtices of the Peace, (who is and are hereby required to allow and ſettle the ſame), in and for the County, Riding, Diviſion, City, Corporation, or Place, in which the Pariſh or Place ſhall be ſituated, to which ſuch Mother and Child, or either of them, ſhall be removed as aforeſaid: And if ſuch Charges and Expences, after being allowed and ſettled as aforeſaid, and Demand thereof made in Writing, directed to the Churchwardens or Overſeers of the Poor of the Pariſh to which ſuch Mother and Child, or either of them, ſhall be removed, as aforeſaid, ſhall not be paid within Two Days after ſuch Demand; then, and in every ſuch Caſe, it ſhall and may be lawful to and for any One or more of His Majeſty's Juſtices of the Peace, in and for the County, Riding, Diviſion, City, Corporation, or Place, in which the Pariſh ſhall be ſituated, to which ſuch Mother and Child, or either of them, ſhall be removed, and he or they is and are hereby required, by Warrant under his or their Hand and Seal, or Hands and Seals, to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of the Churchwardens or Overſeers of the Poor making ſuch Refuſal, as aforeſaid, or on the Goods and Chattels of any or either of them.

On the Removal of the Mother or Child, the Churchwardens of the Pariſh are to pay all Expences.

Appeal may be made to Quarter Seſſions by Perſons aggrieved,

giving Fourteen Days Notice.

VII. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf or themſelves aggrieved by ſuch Removal or Diſtreſs had or made in purſuance of this Act, every ſuch Perſon may appeal to the Quarter Seſſion of the Peace to be holden for the County, Riding, Diviſion, City, Corporation, or Place, wherein he ſhall have ſuffered ſuch Grievance, within Four Months after the Fact done by which he ſhall think himſelf ſo aggrieved, ſuch Appellant firſt giving, or cauſing to be given, Fourteen Days Notice at the leaſt, in Writing, of the Intention to bring ſuch Appeal, and of the Matter thereof, to the Party or Parties againſt whom ſuch Appeal is intended to be brought, and within Two Days next after ſuch Notice given, entering into Recognizance, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and to abide the Order of, and to pay ſuch Coſts as ſhall be awarded by, the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices ſhall then hear and determine the Cauſes and Matters of Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt as they the ſaid Juſtices ſhall think proper, and the Determination of ſuch Juſtices ſo made ſhall be final, binding, and concluſive, to all Intents and Purpoſes whatſoever.

Pariſh Officers impowered to apprehend the Fathers of any Baſtards.

VIII. And be it further enacted, That all Officers belonging to the Pariſh wherein the Mother of ſuch Child ſo born a Baſtard ſhall have been laſt legally ſettled, and all Magiſtrates of the County, Riding, Diviſion, City, Corporation, or Place, wherein ſuch Pariſh ſhall be ſituated, ſhall have Power and Authority to apprehend the reputed Father of any ſuch Baſtard Child, to take Security for the Indemnity of the Pariſh, and to puniſh the Parents, and to do every other Matter or Thing relative to ſuch Caſe of Baſtardy, in the ſame Manner, and with the ſame Powers, as ſuch Magiſtrates or Officers might or would have had, in caſe ſuch Child had been born in ſuch Pariſh or Place; any Law or Statute to the Contrary thereof in any-wiſe notwithſtanding.

Proviſo.

IX. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to alter the Law as it now ſtands relative to the Settlement of any Baſtard Child ſo born as aforeſaid, in Caſes where the Mother's Settlement cannot be aſcertained and determined.

Owners or Maſters of Hoſpitals to take the Woman before admitted to be examined before a Juſtice.

X. And be it further enacted by the Authority aforeſaid, That the Owner, Keeper, Governor, Maſter, Secretary, Clerk, or other Perſon, who ſhall have, or to whom ſhall be intruſted, the Care, Conduct, or Management, of ſuch Hoſpital, Houſe, or Place, ſhall, and he, ſhe, or they, is and are hereby directed and required, before the Admiſſion of any pregnant Woman into ſuch Hoſpital, Houſe, or Place, forthwith (unleſs prevented by Sickneſs) to take, or cauſe to be taken, ſuch Woman before ſome Juſtice of the Peace in and for the County, Riding, Diviſion, City, Corporation, or Place, where ſuch Hoſpital, Houſe, or Place, is ſituated, which Juſtice is hereby directed and required to examine her upon Oath, whether ſhe is married or ſingle: And in caſe ſuch pregnant Woman ſhall not be able, at the Time of ſuch Admiſſion, to go before ſuch Juſtice, and be examined as aforeſaid; that then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Owner, Keeper, Governor, Maſter, Secretary, Clerk, or other Perſon, as aforeſaid, and he, ſhe, or they, is and are hereby directed and required, when and ſo ſoon as ſuch Woman ſhall be ſufficiently recovered, to take, or cauſe to be taken, ſuch Woman before ſuch Juſtice, to be by him examined as aforeſaid, any Law, Statute, Uſage, or Cuſtom, to the Contrary thereof in any-wiſe notwithſtanding: And all and every the Particulars of ſuch Examination, taken upon Oath as aforeſaid, ſhall be entered in a Book, to be provided and kept for that Purpoſe by the Owner, Keeper, Governor, Maſter, Secretary, Clerk, or other Perſon, as aforeſaid, and ſigned by the Juſtice of the Peace before whom ſuch Examination is taken, who is hereby directed and required to ſign the ſame.

If the Woman produce an Affidavit, that ſhe is married, or ſingle, ſhe is not liable to go before the Juſtice.

XI. Provided always, and be it enacted, That if any Woman, on Admiſſion into ſuch Hoſpital, Houſe, or Place, ſhall produce an Affidavit, ſworn by her before ſuch Juſtice of the Peace for the City of London, or for the County, Riding, Diviſion, City, Corporation, or Place, wherein ſuch Hoſpital, Houſe, or Place, ſhall be ſituated, that ſhe is a married or ſingle Woman, as the Caſe may be, which Affidavit ſhall be kept and filed at every ſuch Hoſpital, Houſe, or Place; then, and in every ſuch Caſe, ſuch Woman ſhall not be liable or compellable by this Act to go before any Juſtice of the Peace, or to be further examined on Oath as to her Marriage.

When any Woman ſhall be delivered of a Baſtard, the Owner of the Hoſpital is to give Four Days Notice [illegible]

XII. And be it further enacted, That if any Woman ſhall be delivered of a Baſtard Child in ſuch Hoſpital, Houſe, or Place, ſuch Owner, Keeper, Governor, Maſter, Secretary, Clerk, or other Perſon, as aforeſaid, ſhall, Four Days at the leaſt before any ſuch Woman ſhall be diſcharged, give, or cauſe to be given, a perſonal Notice, or Notice in Writing, of ſuch Delivery, to be left at the uſual Place of Abode of the Overſeer or Overſeers. Churchwarden or Churchwardens, of ſuch Pariſh or Place, wherein ſuch Hoſpital, Houſe, or Place, ſhall be ſituated; and ſuch Overſeer or Overſeers, Churchwarden or Churchwardens, or ſome or One of them, is and are hereby authoriſed and required, after ſuch Notice given, to attend at ſuch Hoſpital or Place, within the Time ſo notified as aforeſaid, and ſhall convey every ſuch Woman before ſome Juſtice of the Peace of the County, Riding, Diviſion, City, Corporation, or Place, where ſuch Birth or Births ſhall happen, who ſhall examine every ſuch Woman upon Oath relative to her laſt legal Settlement, and ſhall certify, in Writing, to ſuch Overſeer or Churchwarden the whole of ſuch Examination, who ſhall cauſe the ſame to be depoſited and kept amongſt the Books and Papers belonging to ſuch Pariſh or Place.

Overſeer attending, and being informed that ſuch Woman is not ſufficiently re-

XIII. And be it further enacted, That if at any Time ſuch Overſeer or Churchwarden ſhall, upon ſuch Attendance, be informed by ſuch Owner, Keeper, Governor, Maſter, Secretary, Clerk, or other Perſon, that any ſuch Woman is not ſufficiently recovered to be taken out and carried before ſuch Juſtice, ſuch Overſeer or Churchwarden ſhall wait till a further Notice ſhall, in like Manner, be given; and ſuch Notices, from Time to Time, ſhall be repeated as Occaſion may require; and every ſuch Overſeer and Churchwarden, who ſhall receive the ſame, is hereby required to pay due Attention thereto.

covered, ſhall wait till a further Notice be given.

XIV. Provided always, and be it further enacted, That it ſhall and may be lawful for every ſuch Owner, Keeper, Governor, Maſter, Secretary, Clerk, or other Perſon, to keep and detain in ſuch Hoſpital, Houſe, or Place, every ſuch Woman ſo delivered of a Baſtard Child, till ſhe ſhall be adjudged in a fit Condition to be diſcharged, and until ſhe ſhall have been examined before ſome Juſtice of the Peace, as aforeſaid, with reſpect to the Place of her laſt legal Settlement.

Every Woman may be kept in the Hoſpital till ſhe be in a fit Condition to be diſcharged, *&c.*

XV. Provided always, and be it further enacted, That nothing in this Act ſhall extend, or be conſtrued to extend, to authoriſe or impower any Perſon whatſoever to keep or detain in ſuch Hoſpital, Houſe, or Place, any Woman ſo delivered of a Baſtard Child for a longer Time than Six Weeks after the Birth of ſuch Child, unleſs it ſhall be done by her own free Conſent.

But not to extend to keep any Woman longer than Six Weeks, without her Conſent.

XVI. And be it further enacted, That every ſuch Owner, Keeper, Governor, Maſter, Secretary, Clerk, or other Perſon, as aforeſaid, who ſhall wilfully neglect or refuſe to comply with the Directions of this Act, ſhall forfeit and pay, for every ſuch Neglect or Refuſal, the Sum of Fifty Pounds; and every ſuch Overſeer or Churchwarden who ſhall in like Manner neglect or refuſe to comply with the Directions of this Act, ſhall, for every ſuch Neglect or Refuſal, forfeit and pay the Sum of Ten Pounds; which Penalties or Forfeitures ſhall be recovered, with full Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, by any Perſon or Perſons who ſhall ſue for the ſame; and ſuch Forfeitures and Penalties, when recovered, ſhall be applied, One Moiety to the Uſe of the Poor of the Pariſh where ſuch Offence ſhall have been committed, and the other Moiety to the Perſon or Perſons who ſhall ſue for and recover the ſame.

Owners, Governors, *&c.* not complying with the Directions of this Act to forfeit 50 *l.*; and Overſeers, *&c.* neglecting or refuſing, to forfeit 10 *l.*

How Penalties may be recovered and applied.

XVII. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing by him or them done or executed in purſuance of this Act, the Defendant or Defendants, in ſuch Action or Suit, ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if afterwards a Verdict ſhall paſs for the Defendant or Defendants, or the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Action or Proſecution, or Judgement ſhall be given againſt him, her, or them, upon Demurrer, or otherwiſe; then ſuch Defendant or Defendants ſhall have Treble Coſts awarded to him or them againſt ſuch Plaintiff or Plaintiffs.

General Iſſue.

Treble Coſts.

XVII. Provided always, That no ſuch Action or Suit ſhall be brought by virtue and in purſuance of this Act, unleſs the ſame be commenced within Six Calendar Months after the Offence committed.

Actions, when to be commenced.

XIX. And be it further enacted, That this Act ſhall be deemed a Publick Act; and as ſuch taken Notice of by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame.

Publick Act.

CAP. LXXXIII.

An Act for building a Bridge acroſs the River of *Thames*, from *Richmond*, in the County of *Surrey*, to the oppoſite Shore, in the County of *Middleſex*; and to enable His Majeſty to grant the Inheritance of the Ferry at *Richmond* to certain Perſons therein mentioned.

WHEREAS great Advantages would ariſe to the Inhabitants of the Counties of *Middleſex* and *Surrey*, and to the Publick in general, from having a Bridge acroſs the River *Thames*, between *Richmond*, in the County of *Surrey*, and the oppoſite Shore, in the ſaid County of *Middleſex*: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable Sir Fletcher Norton Knight, Speaker of the Honourable the Houſe of Commons; the Members in Parliament for the Counties of Middleſex and Surrey for the Time being, Sir Anthony Abdy, Sir Charles Aſgill, Baronets; Saint Allum, William Alder, George Arbuthnot, Eliſha Biſcoe, John Boddington, James Brookes, Launcelot Brown, Robert Brownell, John Baker, Solomon Brown, Henry Bell, Thomas Butler, the Right Honourable Frederick Cavendiſh, commonly called Lord Frederick Cavendiſh, the Right Honourable George Cavendiſh, commonly called Lord George Cavendiſh, the Right Honourable John Cavendiſh, commonly called Lord John Cavendiſh, the Honourable Charles Sloane Cadogan, Edward Collins, Richard Owen Cambridge, Sir James Cockburn Baronet, George Colman, Grey Cooper, James Crokatt, Richard Croftes, Richard Crop, Alexander Craufurd, Peregrine Cuſt, William Crank, John Chaſe, Robert Darell, William Ewer, Welbore Ellis, the Right Honourable Lord Viſcount Fitzwilliam, in the Kingdom of Ireland, the Honourable Thomas Fitzmaurice, the Honourable John Fitzwilliam, William Gardiner, David Garrick, Daniel Groſe, William Gumbrell, Daniel Giles, John Haverfield, Frederick Anthony Hindley, the Honourable Henry Hobart, Henry Holland, Phillip Laggatt, James Love, Henry Laſcelles, Daniel Leſeur, Henry Leeves, John Mackay, Philip Medows, William Mills, the Lord of the Manor of Peterſham for the Time being, the Right Honourable Hugh Percy, commonly called Earl Percy, Samuel Pechell, ——— Perin, Thomas Pownall, John Powell, William Price, George Patterſon, the Lord of the Manor of Richmond for the Time being, James Rees, Crofton Roſs, George Roſs, Joſhua Rowley, Jonathan Rowbotham, Thomas Roberts, William Robinſon, the Lord of the Manor of Sion for the Time being, the Right Honourable Earl Sefton of the Kingdom of Ireland, James Sayer, William Selwyn, Sir Charles Sheffield Baronet, Richard Sheppard, William Stallard, Philip Stephens, Lewis Shepheard, William Turner, Thomas Tunſtall, the

Preamble.

Commiſſioners Names.

Reverend———Tilſon, Gerard Vanneck, the Reverend———Wakefield, Albany Wallis, Mark Wayland, James Wilkes, Daniel Wray, William Waterman, Samuel Ward, George Walter, Gregory Way, the Honourable Horatio Walpole, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be, and they are hereby conſtituted Commiſſioners for building a Bridge acroſs the River Thames, between Richmond aforeſaid and the oppoſite Shore, and for repairing and ſupporting the ſame, and for executing the other Powers of this Act, according to the Directions herein-after mentioned.

Qualification of Commiſſioners.

II. And be it further enacted, That no Perſon ſhall be qualified to act as a Commiſſioner, unleſs he, in the Right of himſelf, or his Wife, ſhall be ſeiſed at Law, or in Equity, of an Eſtate of Inheritance, or for Term of Life, or ſhall have an Eſtate for a Term of Years determinable on One or more Life or Lives, or a certain Term originally created for Twenty-one Years, or more, in Lands or Tenements ſituate in the ſaid Counties of Surrey and Middleſex, or One of them, of the clear yearly Value of One hundred Pounds, or for a Term of Years in Lands or Tenements in the ſaid Counties, or One of them, of the clear yearly Value of One hundred and Fifty Pounds, above all Rents or Charges payable out of or affecting the ſame; or unleſs he ſhall be Heir-apparent to a Perſon ſeiſed at Law, or in Equity, of an Eſtate of Inheritance in Lands or Tenements within the ſaid Counties, or One of them, of the clear yearly Value of Five hundred Pounds above all ſuch Rents and Charges; or ſhall be poſſeſſed of a perſonal Eſtate of the Value of Two thouſand Pounds; and no Perſon ſhall be capable of acting as a Commiſſioner in any Caſe in which he ſhall be intereſted, or in any Manner whilſt he ſhall hold any Office, or in his private Capacity be concerned in any Contract or Agreement relative to the Execution of this Act: And if any Perſon ſhall act as a Commiſſioner, not having the requiſite Qualification of Eſtate, or being otherwiſe hereby diſqualified from acting, he ſhall, for every Offence, forfeit the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, ſhall be allowed; and every Commiſſioner proſecuted for acting without being qualified by Eſtate in Manner aforeſaid, ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Penalty on Proof of his having acted as a Commiſſioner.

Penalty on acting if not qualified.

Place of Commiſſioners Meeting.

III. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall meet for executing this Act in Manner following; that is to ſay, The ſaid Commiſſioners, or any Five or more of them, ſhall meet for the Firſt Time at the Charity School at Richmond, on the laſt Saturday in the Month of July, One thouſand ſeven hundred and ſeventy-three, and ſhall then, and at every ſubſequent Meeting, adjourn themſelves, from Time to Time, and Place to Place, as the ſaid Commiſſioners, or any Five or more of them, preſent at any ſuch Meeting, ſhall think convenient; and if Five Commiſſioners ſhall not attend at the Time and Place appointed for any ſuch Meeting, then the Clerk to the ſaid Commiſſioners, or any One Commiſſioner, ſhall and may adjourn the Meeting of the ſaid Commiſſioners to the ſame Place, and to the ſame Day Three Weeks next after the Day when their Meeting ought to have been held, and ſhall cauſe Fourteen Days Notice of ſuch Meeting to be given in the London Gazette; and alſo the ſaid Commiſſioners, or any Five of them, ſhall have Authority, as often as they ſhall think fit, to call an extraordinary Meeting, at ſuch Time and Place as they, by a previous Notice of Fourteen Days at leaſt, to be advertiſed in the London Gazette, ſhall appoint; and the ſaid Commiſſioners ſhall, at all their Meetings, pay their own Expences: And all their Orders and Proceedings at every Meeting ſhall be entered in a Book, to be kept for that Purpoſe by their Clerk, to be appointed in Manner herein-after mentioned, and ſhall be ſigned by the Commiſſioner who ſhall be Chairman at the Meeting, or by Two other Commiſſioners; and ſuch Entries ſhall be deemed original Orders and Proceedings, and may be read in Evidence in all Courts whatſoever.

Manner of adjourning.

Commiſſioners to defray their own Expences.

Proceedings to be entered in Books.

New Commiſſioners to be elected by Ballot.

IV. And be it further enacted by the Authority aforeſaid, That as often as any of the Commiſſioners of this Act ſhall die, or refuſe to act, or become, on any Account, incapable of acting, it ſhall be lawful for the ſurviving or other Commiſſioners, or any Five or more of them, at any Meeting whereof a previous Notice of Fourteen Days, with the Cauſe of Meeting, ſhall be advertiſed in the London Gazette, to elect, by Ballot, One or more fit Perſon or Perſons to be a Commiſſioner or Commiſſioners, in the Place of him or them ſo dying or refuſing to act, or incapable of acting; and the Perſon or Perſons ſo elected ſhall have the ſame Powers as the Commiſſioners herein named.

Commiſſioners may cauſe a Bridge to be built of Stone acroſs the River *Thames*, from *Richmond* to the oppoſite Shore.

V. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, to build, or cauſe to be built, with Stone, and other good and ſufficient Materials, a Bridge acroſs the ſaid River Thames, from Richmond, in the County of Surrey, to the oppoſite Shore in the County of Middleſex, at the Ferry, or as much lower down the River as the Commiſſioners can ſettle with the Conſent of ſuch Landholders, Leſſees, or Aſſignees, in the Towns of Richmond and Twickenham, whoſe Property may be materially affected thereby, in conſequence of its becoming neceſſary to make uſe of the ſame for the Purpoſes of this Act, according to ſuch Deſign, and in ſuch Manner, as they the ſaid Commiſſioners, or any Five or more of them, ſhall appoint; and alſo, for the Purpoſe aforeſaid, to deepen and widen the ſaid River, and cut the Banks thereof, and to dig up and remove any Shelves, Gravel, Sand, and Mud, Aytes, or other Obſtructions in the ſaid River, and (with ſuch Conſent as aforeſaid, and not otherwiſe) to make in or over the ſaid River, and the Lands adjoining thereto, any Trenches and Landing-places; and alſo to make any new Road for facilitating the Acceſs to the ſaid Bridge on the Surrey Side of the ſaid River Thames, from George Street, or any other Street in Richmond, by Embankment of any Part of the ſaid River Thames between ſuch Street and the ſaid Bridge, or near and adjoining thereto, or otherwiſe; and alſo to make Contracts, and do all other

Acts

ges neceſſary for building ſuch Bridge, and for maintaining, ſupporting, and improving the ſame, when built, and the ſaid new Roads leading thereto, from Richmond, they the ſaid Commiſſioners doing as little Damage as may be, and firſt making Satisfaction, in Manner herein-after directed, to the Owners and Occupiers of any Houſes, Lands, Tenements, or Hereditaments, which ſhall be pulled down, made uſe of, or prejudiced, in or by the Execution of any of the aforeſaid Powers.

Dimenſions of the Bridge.

VI. Provided always, and be it further enacted by the Authority aforeſaid, That the main or principal Arch of the ſaid Bridge, ſo to be built by the ſaid Commiſſioners, ſhall be at leaſt Twenty-five Feet high from Low-water Mark, and Sixty Feet wide; and the other Arches in Proportion: And that when the ſaid Bridge ſhall be built, there ſhall remain not leſs than Two hundred and fifty Feet for the Paſſage of the Water within the Banks of the ſaid River Thames; and alſo that the Way for Carriages and Horſes over the ſaid Bridge ſhall not be leſs than Twenty-four Feet in Width between the Parapets, including Footways.

Commiſſioners to make a Road through Twickenham Park.

VII. And whereas, in order to have a proper Acceſs to the ſaid Bridge on the *Middleſex* Side of the *Thames*, it will be neceſſary to make a new Road from the ſaid Bridge acroſs a certain Meadow called *Twickenham Park*, now belonging to her Grace the Ducheſs Dowager of *Newcaſtle*, to the Lane called *Ferry Lane*, leading from *Twickenham* to the preſent Ferry at *Richmond*; be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, to ſet out and make ſuch Road acroſs the ſaid Meadow, called Twickenham Park, in ſuch Manner as they, or any Five or more of them, ſhall think proper, they the ſaid Commiſſioners firſt making Satisfaction to the Owner or Owners of the ſaid Meadow, in Manner herein-after directed, in reſpect to the Owners of other Lands; and the ſaid Road, when made, ſhall be deemed a common Highway, and ſhall be repaired by the ſaid Commiſſioners, as they, or any Five or more of them, ſhall from Time to Time direct.

Dimenſions of the Road.

VIII. Provided always, and be it further enacted, That the ſaid Road through Twickenham Park ſhall not, without the Conſent of the Proprietor or Proprietors of the ſaid Meadow, called Twickenham Park, for the Time being, be more than Forty Feet wide; and that without ſuch Conſent, no Part thereof ſhall be carried further to the Northward than the Diſtance of One hundred and fifty Feet from a certain Stile now ſtanding between the ſaid Meadow and the ſaid Ferry Lane; and alſo, that without ſuch Conſent, the Junction of the ſaid Road with Ferry Lane ſhall not be more than Two hundred and Forty Feet from the ſaid River Thames, including the Breadth of the ſaid intended Road; and alſo that no Houſes or Sheds, or any other Buildings whatſoever, ſhall at any Time be erected or built upon any Part of the ſaid Road through Twickenham Meadow.

The Bridge to be free from Taxes, and not to be a County Bridge.

IX. And be it further enacted, That the ſaid Bridge ſhall not be rated or aſſeſſed for or towards the Payment of the Land Tax, or any other publick or parochial Rate or Tax whatſoever; and that the ſaid Bridge ſhall not be deemed a County Bridge, ſo as to ſubject the Counties of Surrey and Middleſex, or either of them, to the Repair or Support thereof.

Damaging the Bridge, &c. deemed Felony.

X. And, for preſerving the ſaid Bridge from wilful or malicious Damage, and preventing all Interruptions to the Building thereof, be it further enacted, That if any Perſon or Perſons ſhall wilfully or maliciouſly pull down, or otherwiſe deſtroy, or cauſe to be pulled down, or otherwiſe deſtroyed, the ſaid Bridge, or any Part thereof, or ſhall wilfully, maliciouſly, and without Authority from the ſaid Commiſſioners, or any Five or more of them, remove or take away, or cauſe to be removed or taken away, any Materials or Things belonging thereto, or ſhall unlawfully, wilfully, and maliciouſly do, or cauſe to be done, any Thing whereby the ſaid Bridge, or the Work or Materials thereof, during the building of the ſame, or afterwards, may be damaged; every ſuch Offender, being lawfully convicted thereof, ſhall be adjudged guilty of Felony, and ſhall be tranſported to One of His Majeſty's Colonies in America for the Space of Seven Years.

Damages done by Boats, &c. to be made good by the Owners.

XI. And, for better preventing Damage to the ſaid Bridge, and the Works thereof, by Perſons navigating Boats, Barges, Lighters, or other Veſſels, on the ſaid River *Thames*, be it further enacted, That the Owner or Owners of every Boat, Barge, Lighter, or other Veſſel, ſhall be reſponſible to the ſaid Commiſſioners for the Coſts of making good any Damage which ſhall be done to the ſaid Bridge, or any Part thereof, by his or their Boat, Barge, Lighter, or other Veſſel, or by the Boatmen, Bargemen, or other Perſon or Perſons navigating the ſame, and may be ſued accordingly by the ſaid Commiſſioners in any Court of Record whatſoever.

Bodies Corporate, &c. enabled to convey their Eſtates to the Commiſſioners.

XII. And be it further enacted, That it ſhall be lawful for all Bodies Corporate, and for Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees whatſoever, for and on the Behalf of themſelves, their Heirs and Succeſſors, Infants, Iſſue unborn, Lunaticks, Idiots, Femes-covert, or other Ceſtuique Truſts, and for all other Perſons whomſoever, who are or ſhall be ſeiſed or poſſeſſed of, or intereſted in, any Houſes, Buildings, Lands, Tenements, or Hereditaments, which the ſaid Commiſſioners ſhall deem neceſſary to be pulled down, or made uſe of, in Execution of the aforeſaid Powers, to contract and agree with the ſaid Commiſſioners for the Sale thereof, or of any Part thereof, or for their Intereſt therein, and to convey the ſame unto the ſaid Commiſſioners, or as they ſhall appoint; and ſuch Contracts, Agreements, and Sales, ſhall be valid to all Intents and Purpoſes; any Law, Statute, or other Matter or Thing whatſoever to the Contrary thereof in any-wiſe notwithſtanding; and all ſuch Perſons are hereby indemnified for making the ſame.

Lands, &c. if not agreed for, to be valued by a Jury of the County.

XIII. And be it further enacted, That if any ſuch Bodies Corporate, Truſtee or Truſtees, or other Perſon or Perſons intereſted in any ſuch Houſes, Buildings, Lands, Tenements, or Hereditaments, upon a Notice of Fourteen Days from the ſaid Commiſſioners given, or left in Writing, at the Dwelling-houſe of the Chief Officer belonging to any ſuch Body Corporate, or of any ſuch Perſon or Perſons as aforeſaid, or at the Houſe of the Tenant in Poſſeſſion, ſhall not agree with the ſaid Commiſſioners for the Sale of any ſuch Houſes, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, or for their Intereſt therein, or through Diſability, by reaſon of Nonage, Coverture, Entails, or other Impediment, cannot make any effectual Agreement, or by reaſon of Abſence ſhall be prevented from agreeing; then, and in every ſuch Caſe, the ſaid Commiſſioners, or any Five or more of them, ſhall inquire, by the Oaths of a Jury of Twelve indifferent Men, what Damages will be ſuſtained by, and what Recompence ought to be made to, any ſuch Perſon or Perſons intereſted in any ſuch Houſes, Buildings, Lands, or Hereditaments, and ſhall ſettle the ſame in Manner following; (that is to ſay), The ſaid Commiſſioners, or any Five or more of them, are hereby authoriſed, from Time to Time, to iſſue their Precept to the Sheriff of the County in which the Thing to be valued ſhall lie, thereby requiring him to impanel, ſummon, and return, a Number of Perſons, being Inhabitants of the particular County, and qualified to ſerve on Juries, not leſs than Forty-eight, nor more than Seventy-two, at the Time and Place in ſuch Precept mentioned, (at which Time and Place a written Notice of Fourteen Days ſhall be given to the Parties intereſted, in Manner aforeſaid); and out of ſuch of them as ſhall appear, a Jury of Twelve ſhall be drawn by the ſaid Commiſſioners, or any Five or more of them, or their Order, in the ſame Manner as Juries for the Trial of Iſſues joined in His Majeſty's Courts at Weſtminſter are, by an Act, paſſed in the Third Year of His late Majeſty, intituled, An Act for the better regulating of the Juries, directed to be drawn; and the ſaid Commiſſioners, or any Five or more of them, are hereby authoriſed to ſwear ſuch Jury, and, by the Oath of the ſaid Jury, ſhall cauſe to be enquired into, and aſcertained, the Value of any ſuch Houſes, Buildings, Lands, Tenements, and Hereditaments, as the ſaid Commiſſioners ſhall think neceſſary to be pulled down, or made uſe of, for the Purpoſes aforeſaid; and what Damage will be ſuſtained by, and what Recompence ought to be made to, the Owners and Occupiers for their reſpective Intereſts; and for that Purpoſe are hereby alſo authoriſed to ſummon before the ſaid Jury, and to examine on Oath the neceſſary Witneſſes, and ſhall, if they, or any Part intereſted ſhall judge it neceſſary, cauſe the ſaid Jury to view the Place in Queſtion, and ſhall uſe all other lawful Means for informing themſelves and ſuch Jury; and when ſuch Jury ſhall have ſettled the Recompence by their Verdict, the ſaid Commiſſioners, or any Five or more of them, ſhall adjudge the Sum of Money, found by the Verdict of ſuch Jury, to be a proper Recompence to be paid to the Parties intereſted according to ſuch Verdict; and a Tranſcript of ſuch Inquiſition, Verdict, and Judgement, ſhall be made on Parchment, and be ſigned by Five or more of the Commiſſioners preſent, and forthwith be tranſmitted to the Clerk of the Peace for the County in which ſuch Proceedings ſhall be, and ſhall be by him preſerved amongſt the County Records; and ſuch Inquiſition, Verdict, and Adjudication, ſhall be final and concluſive againſt all the Parties intereſted, whether Natural Perſons or Bodies Politick, Infants, Femes-covert, Lunaticks, Idiots, or Perſons under any other Diſability, and their reſpective Heirs, Executors, Adminiſtrators, and Succeſſors; and every ſuch Party intereſted ſhall, after Tender and Payment, in Manner herein-after directed, of the Money ſo found and adjudged for ſuch Party, be diveſted of all his or her Right to, and Intereſt in, the Premiſes in Queſtion, and the ſame ſhall veſt in the ſaid Commiſſioners and their Succeſſors, for the Purpoſes of this Act: And if any Perſon or Perſons ſhall be intitled in Remainder or Reverſion to any ſuch Premiſes, or to any future Intereſt therein, then the Money found and adjudged as a Satisfaction ſhall be ſettled under the Direction of the ſaid Commiſſioners, or any Five or more of them, to the ſame Uſes, unleſs ſuch Perſon or Perſons ſhall conſent to give up ſuch future Intereſt.

Jury to view the Place in Queſtion if neceſſary.

Verdict to be ſigned by Five Commiſſioners preſent, and to be tranſmitted to the Clerk of the Peace.

Where Perſons are intitled in Remainder, the Purchaſe-money to be ſettled accordingly.

XIV. And be it further enacted, That every Sum ſo found and adjudged as a Satiſfaction, ſhall, by Order of the ſaid Commiſſioners, or any Five or more of them, and out of the Money herein-after directed to be raiſed for the Purpoſes of this Act, be paid or tendered to the Party intitled, their Guardians, Huſbands, Committees, or other Truſtees, within One Month after ſuch Verdict and Adjudication; and if the ſame ſhall not be ſo paid or tendered, ſuch Verdict and Adjudication ſhall not be binding on any ſuch Party: But if any ſuch Party ſhall refuſe to accept ſuch Satiſfaction, or cannot be found; or if by reaſon of any Suit or Want of Evidence, or by reaſon of any other Thing, it ſhall not appear to the ſaid Commiſſioners what Perſon is intitled; or if any Mortgagee of any ſuch Premiſes ſhall refuſe to take his or her Mortgage-money; in every ſuch Caſe, the ſaid Commiſſioners, or any Five or more of them, may order the Sum ſo found and adjudged as a Satiſfaction, or due on any ſuch Mortgage, to be paid into the Bank of England, in the Name of their Treaſurer, for the Uſe of the Parties intereſted, there to remain till paid to them, according to their reſpective Intereſts, by Order of the ſaid Commiſſioners, or of any Five or more of them.

The Sum adjudged as a Satiſfaction to be paid, or tendered, in a Month after the Verdict, or the Adjudication to be void.

If the Sum adjudged be refuſed, &c. to be paid into the Bank of *England*, in the Name of the Treaſurer.

XV. And be it further enacted, That all Parties intereſted in any ſuch Houſes, Buildings, Lands, Tenements, and Hereditaments, as aforeſaid, ſhall have their lawful Challenges againſt any Perſons, when they come to be ſworn as Jurymen; and the ſaid Commiſſioners are hereby authoriſed, at any Time, to impoſe any reaſonable Fine, not exceeding Ten Pounds, for any One Offence, on the Sheriff of either of the aforeſaid Counties, or his Bailiffs or Deputies, for any Default in reſpect of the impanelling, ſummoning, and returning ſuch Jury, as aforeſaid, or any other Part of their Duty under this Act; or upon any Perſon or Perſons who ſhall be ſummoned and returned on any ſuch Jury, and ſhall not appear, or ſhall refuſe to be ſworn on ſuch Jury, or being ſworn, ſhall not give his or their Verdict, or ſhall, in any other Manner, wilfully neglect his Duty as a Juryman; and alſo upon any Perſon or Perſons who, being ſummoned to come and give Evidence before any ſuch Jury, ſhall wilfully neglect to come, or ſhall refuſe to be examined: And the ſaid

Commiſſioners

Right of challenging the Jury.

Commiſſioners may fine the Sheriff for Default in impanelling Jury,

and Jurymen or Witneſſes for not attending.

Fines to be levied by Diſtreſs, &c.

Commiſſioners, or any Five or more of them, ſhall and may, from Time to Time, levy any ſuch Fine by Diſtreſs and Sale of the Offenders Goods and Chattels, by Warrant under their Hands and Seals, to the Conſtable, or other Peace Officer of the Pariſh, Townſhip, or Place, where ſuch Offender ſhall reſide, who is hereby required to execute the ſame; and every ſuch Fine, when levied, ſhall be applied by the ſaid Commiſſioners for the Purpoſes of this Act, in the ſame Manner as is herein-after directed concerning the Tolls to be raiſed under this Act.

Richmond Ferry.

XVI. And whereas His Majeſty, in Right of His Crown, is ſeiſed of the Fee-ſimple of the Ferry for Carriages, Horſes, and Foot Paſſengers, over the River *Thames*, between *Richmond* aforeſaid and the oppoſite Shore: And whereas His late Majeſty King *George* the Second, by His Letters Patent, dated the Twentieth Day of *February*, in the Twenty-ninth Year of His Reign, did demiſe the ſaid Ferry, with all its Rights and Privileges, unto *William Windham* Eſquire, for a certain Term of Twenty-one Years, commencing from the Twentieth Day of *December*, One thouſand ſeven hundred and ſixty-five, at the yearly Rent of Three Pounds Thirteen Shillings and Four-pence; and His preſent Majeſty, by His Letters Patent, dated the Firſt Day of *September*, One thouſand ſeven hundred and ſixty-ſeven, did demiſe the ſaid Ferry, with its Rights and Privileges, unto the ſaid *William Windham*, for a certain further Term of Eleven Years and One Half Year, to commence and be computed from the Thirty-firſt Day of *December*, One thouſand ſeven hundred and eighty-ſix, at the like yearly Rent of Three Pounds Thirteen Shillings and Four-pence; and which ſaid Letters Patent, and the Premiſes thereby granted, have been aſſigned unto, and are now veſted in, *Henry Holland*, Gentleman, for all the Remainder of the ſeveral Terms by the ſaid Letters Patent, reſpectively demiſed as aforeſaid: And whereas the Profits of the ſaid Ferry will ceaſe in conſequence of a Bridge being built over the River *Thames* as aforeſaid, be it therefore enacted, That it ſhall not be lawful for the ſaid Commiſſioners to build the ſaid Bridge, or execute any of the Powers aforeſaid, until after obtaining a Grant of the Inheritance of the ſaid Ferry from His Majeſty, His Heirs or Succeſſors, according to the Power herein-after given for that Purpoſe; and alſo unleſs they do or ſhall firſt, and before they ſhall begin to build the ſaid Bridge, and on or before the Firſt Day of June, which will be in the Year of our Lord, One thouſand ſeven hundred and ſeventy-eight, purchaſe all the Eſtate, Right, Intereſt, and Claim, of the ſaid Henry Holland, his Executors, Adminiſtrators, or Aſſigns, of, in, and to, the ſaid Ferry, with all its Rights, Privileges, and Appurtenances: And in caſe the ſaid Commiſſioners cannot agree with the ſaid Henry Holland, his Executors, Adminiſtrators, or Aſſigns, for the Purchaſe of the ſaid Ferry, with all its Rights and Privileges as aforeſaid; then, and in ſuch caſe, it ſhall and may be lawful for the ſaid Parties to aſcertain and try the Value thereof in a feigned Iſſue or Iſſues, in His Majeſty's Court of King's Bench or Common Pleas, to be tried before the Chief Juſtice, or any other of the Judges of the ſaid Courts, by a Special Jury of the Freeholders of the Counties of Surrey and Middleſex, to be nominated in the uſual Manner of naming Special Juries, by the proper Officer of the Court wherein ſuch Iſſue ſhall be tried, out of the Sheriffs Books, of the Freeholders in the reſpective Counties aforeſaid, fit to ſerve on Special Juries, and to be ſummoned in the uſual Manner of ſummoning Special Juries, by the Sheriff for the Trial of Cauſes at Niſi Prius, in the ſaid Court of King's Bench and Common Pleas, One Half of which ſaid Jury ſhall be ſummoned and returned by the Sheriff, of and out of the County of Surrey, and the other Half of the ſaid Jury, to be named as aforeſaid, ſhall be ſummoned and returned by the Sheriff of the County of Middleſex; (that is to ſay), Twenty-four Jurymen ſhall be named out of each County, whereof the Plaintiff ſhall ſtrike out Six, and the Defendants other Six, of the Jurymen, ſo to be named out of each County as aforeſaid, and the Reſidue of the ſaid Jury ſhall be ſummoned and impanelled, and returned to try the Iſſue to be joined as aforeſaid; and if a ſufficient Number of Jurymen ſo to be ſummoned, (that is to ſay), Six of the County of Middleſex, and Six of the County of Surrey, ſo as to make a full and competent Jury of the Jurymen to be ſummoned to try the Iſſues aforeſaid, ſhall not attend to try the ſame, then ſuch and ſo many Taleſmen ſhall be taken to make a full and complete Jury, as the Judge who ſhall try the Iſſues ſhall think fit to order in that Behalf: And to the End and Purpoſe of trying the Matters aforeſaid, the ſaid Henry Holland ſhall be Plaintiff, and any Five or more of the ſaid Commiſſioners, acting under the Authority hereby veſted in them, ſhall be made Defendants, in ſuch Manner as ſhall be agreed between the ſaid Parties, or as by the ſaid Henry Holland, his Executors, Adminiſtrators, or Aſſigns, or his or their Counſel, ſhall be adviſed; and ſuch Iſſue or Iſſues ſhall be ſettled by the Court in which the ſame ſhall be tried, if the Parties ſhall differ in ſettling thereof; which Iſſue or Iſſues, when ſo tried, if the ſame ſhall be to the Satiſfaction of the Court, ſhall be final and concluſive upon all Parties; and ſuch Sum and Sums of Money as the ſaid Jury ſhall, upon their Oaths, find ought to be paid to the ſaid Henry Holland, as a Satiſfaction for his Right, Title, Intereſt, and Claim, in and to the ſaid Ferry, ſhall be indorſed upon the Poſtea, and ſhall be paid to the ſaid Henry Holland, with Coſts of the Trial to be taxed; and the ſaid Henry Holland, and the ſaid Commiſſioners, ſhall each of them have their lawful Challenges, and the Court wherein ſuch Action ſhall be tried ſhall give Judgement therein according to Law; which Judgement ſhall be recorded in the ſaid Court, and ſhall be finally binding and concluſive upon all Parties: And in caſe the ſaid Henry Holland, his Executors, Adminiſtrators, or Aſſigns, ſhall refuſe to commence an Action in His Majeſty's Court of King's Bench or Common Pleas, within Six Months after Notice ſhall be given to him or them by any Five of the ſaid Commiſſioners, by Writing under their Hands, ſignifying that they ſhall be willing to join in a feigned Iſſue, to aſcertain the Value of the Right and Intereſt of the ſaid Henry Holland, his Executors, Adminiſtrators, or Aſſigns, of and in the ſaid Ferry, under and by virtue of the aforeſaid Letters Patent, it ſhall and may be lawful for the ſaid Commiſſioners,

The Bridge not to be built until the Ferry be purchaſed by the Commiſſioners.

In caſe the Commiſſioners and Mr. *Holland* cannot agree, the Value to be tried by a Jury of *Surrey* and *Middleſex*.

In caſe no Action be brought in Six Months after Notice,

the Commiſſioners may ſummon a Jury to aſcertain the Value.

or any Five or more of them, to ſummon a common Jury to aſcertain the Value thereof, in ſuch and the ſame Manner as is herein-before provided for purchaſing the Eſtate and Inheritance of the Proprietors of Houſes and Lands.

His Majeſty enabled to grant the Inheritance of the Ferry.

XVII. And be it further enacted, That it ſhall be lawful for His Majeſty, His Heirs or Succeſſors, at any Time hereafter, by Letters Patent under the Great Seal, to grant the Fee-ſimple and Inheritance of the ſaid Ferry at Richmond, together with the yearly Rent now incident to the Reverſion thereof, unto the ſaid Commiſſioners, and their Succeſſors, at and under ſuch yearly Rent as is now payable to His Majeſty, or ſuch other yearly Rent as His Majeſty, His Heirs or Succeſſors, ſhall think fit to reſerve, any Statute or Law to the Contrary thereof in any-wiſe notwithſtanding; and the yearly Rent, ſo to be reſerved in the ſaid Letters Patent, ſhall be payable into the Receipt of the Exchequer, and be carried to and made Part of the General or Aggregate Fund, eſtabliſhed by an Act of the Firſt Year of the Reign of His late Majeſty King George the Firſt, and be applied to the ſame Uſes.

After obtaining a Grant from His Majeſty, *&c.* the Ferry to be under the Direction of the Commiſſioners.

XVIII. And be it further enacted, That after obtaining a Grant of the Inheritance from His Majeſty, His Heirs or Succeſſors, of the ſaid Ferry, and purchaſing the Eſtate and Term of Years of the ſaid Henry Holland, in Manner aforeſaid, the ſaid Ferry ſhall be carried on under the Direction of the ſaid Commiſſioners, or any Five or more of them, until the Building of the ſaid Bridge ſhall be completed, and there ſhall be a Paſſage over the ſame, and afterwards the ſaid Ferry ſhall be diſcontinued, and the Profits made thereof in the mean Time ſhall be applied in the ſame Manner as the Tolls herein-after mentioned are directed to be applied.

Commiſſioners may erect Toll-houſes, *&c.*

XIX. And, for defraying the Expence of Building the ſaid Bridge, and of executing the other Truſts of this Act, be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall cauſe to be erected a Toll-houſe and Toll-gate at the Surrey End of the ſaid Bridge, and a Toll-gate at the Middleſex End thereof; and there ſhall be paid to the Collector or Collectors, who ſhall be ſtationed at ſuch Toll-houſe and Toll-gates, by Appointment of the ſaid Commiſſioners, in Manner herein-after mentioned, for a Paſſage over the ſaid Bridge, ſuch Tolls or Sums of Money as the ſaid Commiſſioners, or any Nine or more of them, ſhall order and direct, not exceeding the Sums or Tolls following; (that is to ſay),

The Tolls.

For every Coach, Chariot, Landau, Berlin, Chaiſe, Chair, Calaſh, or other Vehicle, drawn by Six Horſes, or other Cattle, the Sum of Two Shillings and Sixpence.

For every Coach, Chariot, Landau, Berlin, Chaiſe, Chair, Calaſh, or other Vehicle, drawn by Four Horſes, or other Cattle, the Sum of One Shilling and Sixpence, and on Sundays, the Sum of Two Shillings.

For every Coach, Chariot, Landau, Berlin, Chaiſe, Chair, Calaſh, or other Vehicle, drawn by leſs than Four Horſes, or other Cattle, and more than One Horſe or other Beaſt, the Sum of One Shilling, and on Sundays, the Sum of One Shilling and Sixpence.

For every Chaiſe, Chair, or other Vehicle, drawn by One Horſe, or other Beaſt, the Sum of Eight-pence, and on Sundays, the Sum of One Shilling.

For every Waggon, Wain, Dray, Car, Cart, or other Carriage, drawn by more than Six Horſes, or other Cattle, the Sum of Two Shillings.

For every Waggon, Wain, Dray, Car, Cart, or other Carriage, drawn by Four and not more than Six Horſes, or other Cattle, the Sum of One Shilling and Sixpence; and by Two or three Horſes, or other Cattle, the Sum of One Shilling; and by One Horſe, or other Beaſt, the Sum of Eight-pence, (except Higlers and Bakers Carts drawn by One Horſe or Beaſt only.)

For every Higler's or Baker's Cart drawn by One Horſe or Beaſt only, the Sum of Sixpence.

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of Two-pence.

For every Foot Paſſenger whatſoever, One Halfpenny, and if with a Wheel-barrow, or ſuch like Carriage, One Penny.

For every Drove of Oxen or Neat Cattle, the Sum of Three Shillings and Fourpence per Score, and after that Rate for any greater or leſs Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Sixpence per Score, and after that Rate for any greater or leſs Number.

Tolls veſted in Commiſſioners.

Which ſaid reſpective Tolls are hereby veſted in the ſaid Commiſſioners, in the firſt Place, for defraying the Expence of obtaining and paſſing this Act, and afterwards for paying the Rent which ſhall be reſerved on the Grant of the Inheritance of the aforeſaid Ferry, and for defraying the Expence of building the ſaid Bridge, and executing the other Purpoſes herein expreſſed, and ſhall be accordingly, from Time to Time, applied as the ſaid Commiſſioners, or any Five or more of them, (ſubject to the ſpecial Proviſions herein-after made) ſhall direct; and it ſhall not be lawful for any Perſon to paſs over the ſaid Bridge, or through the Toll Gate or Gates thereon, till Payment of the Toll hereby made payable:

The Manner of enforcing the Payment of Tolls.

And if any Perſon or Perſons ſhall paſs the Toll Gate or Gates, or over the ſaid Bridge, without paying the Toll hereby made payable, the Collector or Collectors of the ſaid Commiſſioners ſhall and are hereby authorized to levy the Toll hereby made payable, and alſo Double the Value of the Toll, as a Penalty upon ſuch Perſon or Perſons, by Diſtreſs of any Horſe or Horſes, or other Cattle, or Goods, upon which ſuch Toll is hereby impoſed, or of any other Goods and Chattels of the Perſon or Perſons who ought to pay ſuch Toll; and if ſuch Toll and Penalty, with the Charges of the Diſtreſs, ſhall not be paid within Fourteen Days after the Diſtreſs, then to ſell the Cattle or other Goods diſtrained, and after deducting ſuch Toll and Penalty, and the Expence of diſtraining, and of keeping the Cattle or Goods diſtrained, and of ſelling the ſame, ſuch Collector or Collectors ſhall return the Overplus of the Money ariſing by the Sale to the Perſon or Perſons on whom ſuch Diſtreſs ſhall be made; and every ſuch Penalty, when levied, ſhall be applicable in the ſame Manner as the Tolls hereby made payable.

If the Bridge ſhall receive Damage, an occaſional Ferry may be [illegible]

XX. And whereas the ſaid Bridge may receive ſuch Damage by Tempeſts, or otherwiſe, that the Paſſage may at Times become dangerous or impracticable; be it therefore further enacted, That in every ſuch Caſe, the ſaid Commiſſioners, or any Five or more of them, may and ſhall, at their Diſcretion, ſet up a Ferry acroſs the ſaid River Thames, at any Place or Places, being as near to the ſaid Bridge as the repairing thereof will permit; and ſuch Ferry ſhall continue till the Paſſage over the ſaid Bridge ſhall be rendered ſafe, and the ſame Sums of Money ſhall be payable for a Paſſage by the ſaid Ferry, as are herein-before directed to be paid as Tolls for Paſſage over the ſaid Bridge, and ſhall be levied and applied in the ſame Manner.

Proviſo.

XXI. Provided always, nevertheleſs, That no Landing-place, Road, or Paſſage, from the ſaid Ferry, ſhall at any Time be made through, in, or upon, the ſaid Meadow called Twickenham Park, or any Part thereof, without the Conſent of the Proprietor or Proprietors of the ſame.

Power to borrow Money upon the Tolls.

XXII. And, in order that ſufficient Sums of Money may be raiſed for building the aforeſaid Bridge, and effecting the other Purpoſes of this Act, be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Eleven or more of them, from Time to Time, to borrow any Sum or Sums of Money, not exceeding together the Sum of Twenty-five thouſand Pounds, and, by any Writing under their Hands and Seals, to aſſign the Tolls hereby granted, or any Part thereof, to any Perſon or Perſons, as a Security for Repayment of the Sums of Money they ſhall advance to the ſaid Commiſſioners, with ſuch Intereſt for the ſame, not exceeding Five Pounds for each One hundred Pounds by the Year, as ſhall be agreed upon between the ſaid Commiſſioners and the Perſon or Perſons advancing ſuch Money; and all Securities, and all Aſſignments, ſhall be entered by the Clerk to the ſaid Commiſſioners without Fee or Reward, in a Book, to be kept for that Purpoſe, and ſhall be deemed perſonal Eſtate, and ſhall be aſſignable by any Writing or Writings; and ſuch Aſſignments ſhall alſo be entered in the ſame Manner as the original Securities, and after ſuch Entry, ſhall intitle the Aſſignee or Aſſignees, and his or their reſpective Executors and Adminiſtrators to the Benefit thereof; and all Perſons who ſhall be poſſeſſed of ſuch Securities ſhall be Creditors on the aforeſaid Tolls in equal Degree, without Regard to the Priority of their Securities; and the Principal and Intereſt which ſhall become due on ſuch Securities ſhall, from Time to Time, be paid by Order of the ſaid Commiſſioners, or any Five or more of them, out of the Monies ariſing from the Tolls hereby made payable, according to the Terms of the Agreements to be contained in ſuch Securities reſpectively.

Securities, &c. to be entered in a Book.

All Creditors to be deemed equal in Degree.

When Money borrowed and Intereſt ſhall be repaid, and 5000 *l.* veſted in the Funds for the Support of the Bridge, the Tolls to ceaſe.

XXIII. Provided always, and be it enacted, That when all the Sums of Money which the ſaid Commiſſioners are herein-before enabled to borrow upon the Credit of the aforeſaid Tolls, together with all Intereſt for the ſame, ſhall be paid, the ſaid Commiſſioners, or any Nine or more of them, ſhall, from Time to Time, as they ſhall think convenient, inveſt ſo much of the Monies ariſing from the ſaid Tolls as the Expence of ſupporting the ſaid Bridge, and the other incidental Expences of executing this Act, will, from Time to Time, permit, in the Purchaſe of Parliamentary Securities, or Government Funds, in the Names of them the ſaid Commiſſioners, and, in like Manner, ſhall apply the Intereſt ariſing from ſuch Securities or Funds; and ſuch Sums to be inveſted, ſhall be, from Time to Time, ſubject to the ſame Application as the Tolls hereby made payable, whenever the Execution of the Truſts hereby repoſed in the ſaid Commiſſioners ſhall ſo require; and if ſuch Sums of Money ſo to be inveſted ſhall at any One Time amount to the Sum of Five thouſand Pounds, then the Tolls hereby made payable ſhall ceaſe, and the ſaid Bridge ſhall become a free Bridge; and the ſaid Sum of Five thouſand Pounds, and the Intereſt thereof, ſhall, from thenceforth be a Fund, in the firſt Place, for paying the yearly Rent which ſhall be reſerved on the Grant of the Inheritance of the aforeſaid Ferry at Richmond, and ſubject thereto for the future Support of the ſaid Bridge, and the Approaches thereto, and defraying the other Expences of executing this Act, and ſhall be liable to Sale and Application by the ſaid Commiſſioners, in the ſame Manner as the ſaid Tolls: And if at any Time the ſaid Sum of Five thouſand Pounds, to be inveſted in Manner aforeſaid, ſhall, by Repairs of the ſaid Bridge, or Execution of the other Truſts of this Act, be reduced to the Sum of One thouſand Pounds; then, and in every ſuch Caſe, the ſaid Commiſſioners, or any Five or more of them, are hereby authoriſed to revive the aforeſaid Tolls, till ſuch Time as the ſame ſhall enable the ſaid Commiſſioners to have a Sum of Five thouſand Pounds placed out at Intereſt, and inveſted in Manner aforeſaid, for the future Purpoſes of this Act.

If the Fund be reduced to 1000 *l.* the Tolls to be revived.

Commiſſioners may appoint a Clerk, &c.

XXIV. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall and may appoint a Clerk and Treaſurer, and One or more Collector or Collectors of Tolls, and ſuch other Officers, and take ſuch Security from them, and alſo employ ſuch Artificers, Labourers, and other Perſons, in the Execution of this Act, as they the ſaid Commiſſioners ſhall think neceſſary, and ſhall, at their Pleaſure, remove any Officer, and appoint others in the Room of ſuch as ſhall die, or be removed; and ſhall, out of the Monies ariſing by this Act, pay ſuch Salaries and Allowances as they ſhall think proper to their Officers, and all others employed in the Execution thereof.

Collectors to account.

XXV. And be it further enacted, That the Perſon or Perſons who ſhall for the Time being be Collector or Collectors of the Tolls to the ſaid Commiſſioners, ſhall, monthly, or oftner, according to the Direction of the ſaid Commiſſioners, or any Five or more of them, pay the Monies received for Tolls unto the Treaſurer of the ſaid Commiſſioners, or to ſuch other Perſon or Perſons as they the ſaid Commiſſioners, or any

Five or more of them, ſhall appoint; and the Treaſurer to the ſaid Commiſſioners ſhall pay and apply the Monies received from the ſaid Collector or Collectors, or any other Perſons, for the Purpoſes of this Act, in ſuch Manner as the ſaid Commiſſioners, or any Five or more of them, ſhall, from Time to Time, appoint; and alſo ſhall enter in a Book or Books, to be provided for that Purpoſe, an Account of all Monies received by him under this Act, and of all Payments and Diſburſements out of the ſame, expreſſing the Times of receiving and paying ſuch Monies, the Names of the Perſons from whom the ſame were received, or to whom the ſame were diſburſed, and for what Purpoſes; and, Four Times at leaſt in every Year, namely, at Michaelmas, Chriſtmas, Lady-day, and Midſummer, or oftner, if the ſaid Commiſſioners, or any Five or more of them, ſhall require, the Accounts of the ſaid Collector or Collectors, and Treaſurers, ſhall be fairly drawn out, ſtated, and ſigned by them reſpectively, and be delivered to the Clerk of the ſaid Commiſſioners, or ſuch other Perſon or Perſons as they, or any Five or more of them, ſhall appoint; and ſuch Accounts ſhall be delivered by the ſaid Commiſſioners into each Houſe of Parliament Once in every Year, within One Month after the Opening of each Seſſion.

Accounts to be delivered yearly to Parliament.

Collectors refuſing to account, &c. for the Money in their Hand, the ſame may be levied by Diſtreſs and Sale of their Goods.

XXVI. And be it further enacted, That if the ſaid Collector or Collectors, or Treaſurer, or any other Officer of the ſaid Commiſſioners, ſhall refuſe or neglect to render an Account, in Writing, of the Monies received and paid by them, and of the other Things committed to their Charge, when the ſaid Commiſſioners, or any Five or more of them, ſhall appoint, or ſhall refuſe to verify ſuch Account on Oath, in caſe the ſaid Commiſſioners, or any Five or more of them, ſhall ſo require, (which Oath any One Commiſſioner is hereby authoriſed to adminiſter), or ſhall refuſe or neglect to pay the Monies in his or their Hands, or to deliver up all the Vouchers relative to ſuch Account, or any Books or other Things in his or their Cuſtody, as an Officer or Officers to the ſaid Commiſſioners, according to the Direction and Appointment of the ſaid Commiſſioners, or any Five or more of them; in every ſuch Caſe, any Two or more Juſtices of the Peace for the Counties of Middleſex and Surrey, or either of them, on Complaint made to them, by Order of the ſaid Commiſſioners, or any Five or more of them, ſhall iſſue a Summons, under their Hands and Seals, requiring every ſuch Officer to appear before them, at ſuch Time and Place as ſhall be appointed in ſuch Summons, and ſuch Summons ſhall be given to ſuch Officer, or left at his uſual Place of Abode; and upon ſuch Officer's appearing, or making Default, or if he cannot be found, then ſuch Juſtices ſhall hear and determine the Complaint in a ſummary Way, on the Oath of One or more Witneſs or Witneſſes; and if it ſhall appear to them that any Monies received under this Act ſhall be in the Hands of any Officer, ſuch Juſtices ſhall, upon Nonpayment thereof, grant a Warrant under their Hands and Seals for levying ſuch Monies by Diſtreſs and Sale of ſuch Officer's Goods and Chattels; and if his Goods and Chattels ſhall not be ſufficient to anſwer the ſame, and the Charges of the Diſtreſs and Sale, or if ſuch Officer ſhall perſiſt in refuſing to give his Account, in Writing, or to deliver up any ſuch Vouchers, Books, or other Things in his Cuſtody, as an Officer to the ſaid Commiſſioners, then the ſaid Juſtices ſhall commit ſuch Officer to the common Gaol of the County of Middleſex or Surrey, there to remain, without Bail or Mainprize, until he ſhall make ſuch Account and Payment as aforeſaid, and deliver up the Vouchers, Books, and other Things in his Cuſtody.

For want of ſufficient Diſtreſs, the Offender to be committed.

Bridge to be begun before *June* 1, 1778, and finiſhed before *June* 1, 1783.

XXVII. And be it further enacted and declared by the Authority aforeſaid, That unleſs the ſaid Commiſſioners ſhall begin to build the ſaid intended Bridge on or before the Firſt Day of June, One thouſand ſeven hundred and ſeventy-eight, and ſhall proceed in the building thereof, ſo as to finiſh and compleat the ſame, according to the true Intent and Meaning of this Act, on or before the Firſt Day of June, One thouſand ſeven hundred and eighty-three; then, and in either of the Caſes aforeſaid, the ſeveral Powers and Authorities granted by this Act for building the ſaid intended Bridge ſhall ceaſe, determine, and be abſolutely void.

This Act not to prejudice the Right of the Mayor, &c. of the City of *London*.

XXVIII. Provided always, and it is hereby further declared and enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to prejudice or take away any Right of Property or Juriſdiction of the Mayor, or of the Mayor, Commonalty, and Citizens, of the City of London, to, in, and upon the ſaid River of Thames aforeſaid, other than and except to remove any Shelves, Gravel, Sand, Mud, Aytes, or other Obſtructions, or to embank, deepen, or widen, the ſaid River, as aforeſaid, for making Roads or Landing-places, and for facilitating the Acceſs to the ſaid Bridge, and to do every other Matter or Thing which ſhall or may be neceſſary to be done and effected, for the erecting, maintaining, and ſupporting, the ſaid Bridge.

Limitation of Actions.

XXIX. And be it further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon for any Thing done in purſuance of this Act, without giving a previous Notice, in Writing, of Twenty-one Days to the Clerk or Treaſurer of the ſaid Commiſſioners, or after ſufficient Satiſfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; or if any ſuch Action ſhall be laid in any other Place than the County of Middleſex, or the County of Surrey, in every of the ſaid Caſes a Verdict ſhall be given for the Defendant; and to every Action brought for any Thing done in purſuance of this Act, the Defendant therein may plead the General Iſſue, and give the Special Matter in Evidence at the Trial; and if on ſuch Trial it ſhall appear that the Thing done was authoriſed by this Act, a Verdict ſhall be given for the Defendant; or if the Plaintiff ſhall be nonſuited, or ſuffer a Diſcontinuance, or, on Demurrer, Judgement ſhall be given for the Defendant, every ſuch Defendant ſhall have Treble Coſts.

General Iſſue.

Treble Coſts.

Commiſſioners Writings to be free from Stamp-duty.

XXX. And be it further enacted, That no Writing whatſoever under the Hands and Seals of the Commiſſioners of this Act, or ſigned by them, or under the Hand and Seal of, or ſigned by any other Perſon or Perſons, relative to the Execution of this Act, ſhall be chargeable with any Stamp-duty: And this Act ſhall be a Publick Act, and taken Notice of as ſuch, in all Courts, and by all Perſons whatſoever.

Publick Act.

CAP. LXXXIV.

An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of *Great Britain* called *England*; and for other Purpoſes.

Preamble.

WHEREAS the Laws for the general Regulation of the Turnpike Roads within that Part of *Great Britain* called *England* are in ſome Reſpects ineffectual, and require Amendment: Wherefore, for Remedy thereof, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for all Truſtees appointed by any Act or Acts of Parliament for the Repair of any Turnpike Road within that Part of Great Britain called England, or any Five or more of them, at ſome publick Meeting, if they ſhall think proper, at any or as many Gate or Gates, Bar or Bars, as they have erected, or ſhall erect, for the receiving of any Toll or Tolls, or upon any Part of the Road within their reſpective Juriſdictions, and at ſuch a Diſtance from any Turnpike-bar or Toll-gate as they reſpectively ſhall think requiſite and expedient, to order and cauſe to be built or erected, a Crane, Machine, or Engine, proper for the weighing of Carts, Waggons, or Carriages, conveying of any Goods or Merchandiſe whatever; and, by Writing, ſigned by them, or any Five or more of them, to order all and every or any ſuch Carriage or Carriages, which ſhall paſs loaded through any ſuch Gate or Bar, to be weighed, together with the Loading thereof; and for them, or any Five or more of them, or for any Perſon or Perſons impowered by any Five or more of them, to receive and take, over and above the Tolls already granted, or hereafter to be granted, the Sum of Twenty Shillings for every Hundred Weight of One hundred and twelve Pounds to the Hundred, which every Waggon or Cart hereafter deſcribed, together with the Loading thereof, ſhall weigh, over and above the Weights hereafter allowed to each of them reſpectively; (that is to ſay), To every Waggon or Four-wheel Carriage, having the Fellies or Rollers of the Wheels of the Breadth of Sixteen Inches, Eight Tons in Summer, and Seven in Winter; to every Waggon or Wain, having the Axletrees thereof of ſuch different Lengths that the Diſtance from Wheel to Wheel of the nearer Pair of the ſaid Wheels be not more than Four Feet Two Inches, to be meaſured at the Ground, and that the Diſtance from Wheel to Wheel of the other Pair thereof be ſuch, that the Fore and Hind Wheels of ſuch Waggons and Wains ſhall roll only One ſingle Surface or Path of Sixteen Inches wide at the leaſt, on each Side of the ſaid Waggons or Wains, and having the Fellies thereof of the Breadth of Nine Inches from Side to Side at the Bottom or Sole thereof, Six Tons Ten Hundred in Summer, and Six Tons in Winter; to every Waggon or Four-wheeled Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, Six Tons in Summer, and Five Tons Ten Hundred in Winter; to every Cart, having the Fellies of the ſame Dimenſions, Three Tons in Summer, and Two Tons Fifteen Hundred in Winter; to every Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, Four Tons Five Hundred in Summer, and Three Tons Fifteen Hundred in Winter; and to every ſuch Waggon ſo conſtructed as to roll and actually rolling a Surface of Eleven Inches, by the Wheels thereof, Five Tons Ten Hundred in Summer, and Five Tons in Winter; to every Cart having Fellies of the Wheels of the ſame Dimenſions, Two Tons Twelve Hundred in Summer, and Two Tons Seven Hundred in Winter; to every Waggon, having the Sole or Bottom of the Fellies of the Wheels of leſs Breadth than Six Inches, Three Tons Ten Hundred in Summer, and Three Tons in Winter; and to every Cart, having the Fellies of the Wheels of the ſame Dimenſions, One Ton Ten Hundred in Summer, and One Ton Seven Hundred in Winter; and that for the ſeveral Purpoſes aforeſaid, it ſhall be deemed Summer from the Firſt Day of May to the Thirty-firſt Day of October, both Days incluſive, and Winter from the Firſt Day of November to the Thirtieth Day of April, both Days incluſive: Which ſaid additional Toll or Duty, hereby granted and made payable, ſhall and may be levied and recovered upon any Perſon liable thereto, in any of the Caſes aforeſaid, or his or her Goods or Chattels, who ſhall, after Demand made thereof, refuſe or neglect to pay the ſame, in ſuch Manner as any other Toll or Duty, payable at the ſame Turnpike-gate or Bar, is or ſhall be by Law to be levied and recovered; and the Money ariſing from ſuch additional Duty ſhall be applied to the Repair of the Turnpike Road where the ſame ſhall be collected.

Five or more Truſtees, at a General Meeting, may order Weighing Engines to be erected;

and cauſe loaded Carriages to be weighed at Turnpikes or Toll-gates; taking 20s. additional Toll for every 100 Wt. over the Weights allowed.

Additional Toll to be recovered as other Tolls;

and applied in Repair of the Road.

II. And be it further enacted, That the Keeper of every ſuch Toll-gate or Bar, where any ſuch Weighing Engine ſhall be erected, or any other Perſon appointed, or to be appointed by the ſaid Truſtees, or any Five or more of them, to the Care of ſuch Weighing Engine, ſhall, and is hereby required to weigh all ſuch Waggons and Carts liable to be weighed by virtue of this Act, which ſhall paſs loaded through ſuch Gates or Bars reſpectively, and which he ſhall have reaſon to believe carry greater Weights than are allowed to paſs without paying the ſaid additional Toll: And if any Gate-keeper, or Perſon ſo appointed, ſhall permit any ſuch Waggon or Cart to paſs through any ſuch Toll-gate with greater Weights than are hereby allowed, without weighing the ſame, and receiving ſuch additional Tolls, as aforeſaid, he ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds.

Duty of Toll-gate Keepers.

Forfeitures for every Offence is 5 *l.*

III. And, in order to detect the ſaid Collector or Receiver in any fraudulent Connivance or Neglect of Duty in the Matters aforeſaid, be it further enacted, That it ſhall and may be lawful for any Truſtee, Creditor, Clerk, Treaſurer, or Surveyor, of ſuch Turnpike

Truſtees, *&c.* may cauſe Carriages to be weighed, in order to detect Connivance of Collectors.

Turnpike Road, if he ſhall ſuſpect any ſuch Connivance or Neglect, as aforeſaid, to cauſe any Carriage, liable to be weiged by virtue of this Act, which ſhall have paſſed through any Toll-gate where ſuch Weighing Engine ſhall be erected, and ſhall not have paſſed above Three hundred Yards beyond ſuch Toll-gate, to return to ſuch Weighing Engine, and be there weighed with the Loading which paſſed through ſuch Gate, in the Preſence of ſuch Truſtee, Creditor, Clerk, Treaſurer, or Surveyor, upon requiring the Driver thereof to drive ſuch Carriage back to ſuch Weighing Engine, and upon paying, or tendering, to him the Sum of One Shilling for ſo doing; which Sum of One Shilling ſhall be returned to the Perſon paying the ſame, if, upon weighing ſuch Carriage and Loading, the ſame be ſhall found above the Weight hereby allowed.

Surveyors to make convenient Places for turning Carriages, where Weighing Engines may be erected.

IV. And, for the better enforcing the Authority of this Act, the Surveyors ſhall, and are hereby authoriſed and required to make convenient Places for turning ſuch Carriages upon every ſuch Turnpike Road, where ſuch Weighing Engine ſhall be erected, within Three hundred Yards of ſuch Toll-gate, on each Side thereof, if the Ground will admit of the ſame; and there ſhall be a Liſt of the Names of all the Truſtees and Creditors, and alſo of the Clerk, Treaſurer, and Surveyor, of ſuch Turnpike Road, put up in the Houſe or Building where ſuch Weighing Engine ſhall be placed, to be inſpected by the Owner or Driver of every ſuch Carriage; and if the Driver of any ſuch Carriage, being ſo requeſted to return with his Carriage to ſuch Weighing Engine, ſhall neglect or refuſe ſo to do, he ſhall forfeit the Sum of Forty Shillings; and it ſhall and may be lawful for any Peace Officer, or other Perſon or Perſons, being then preſent, upon ſuch Neglect or Refuſal, to drive and take ſuch Carriage back to ſuch Weighing Engine, in order to be weighed as aforeſaid.

Drivers refuſing to return, ſhall forfeit 40 s.

Former Acts for repairing Turnpike Road is further continued, if Engines are erected in purſuance of this Act.

V. And, in order to compenſate for the Expences of erecting ſuch Weighing Engine, and to prevent any Prejudice to the Creditors who have lent, or ſhall lend, their Money upon the Security of the Tolls, be it further enacted, That all and every Act and Acts of Parliament, made for repairing and amending Turnpike Roads, the Truſtees whereof ſhall, within Twelve Calendar Months after the Commencement of this Act, have cauſed to be erected and uſed thereupon ſuch Weighing Engine, purſuant to the Direction and true Intent and Meaning of this Act, ſhall be continued, and be in full Force, for Five Years, to be computed from the ſeveral Ends and Expirations of all and every ſuch Act and Acts reſpectively, and ſubject to all the Tolls and Duties, Penalties, Forfeitures, Remedies, Powers, Authorities, Clauſes, Rules, Directions, Payments, and Proviſions, reſpectively made, and enacted by any of the ſaid Act or Acts of Parliament, now or heretofore made, for repairing and amending Turnpike Roads.

Not to extend to Waggons, Carts, &c. employed in Huſbandry.

VI. Provided always, and be it further enacted, That the Regulations of Weight herein-before mentioned ſhall not extend, or be deemed or conſtrued to extend, to any Waggons, Carts, or other Carriages, employed only in Huſbandry, or carrying only Manure for Land, Hay, Straw, Fodder, or Corn unthreſhed; and that where Lime or other Manure is or ſhall, by any particular Turnpike Act, be permitted to paſs through any Turnpike-gate Toll-free, or upon paying leſs Toll than is required to be paid for other Goods, it ſhall be liable to be weighed at all Weighing Engines upon ſuch Turnpike Road, together with the Carriages in which ſuch Lime or Manure ſhall be conveyed, and ſhall pay ſuch additional Toll for Overweight as herein-before directed.

Juſtices, upon Complaint made, may order Weighing Engines to be erected when they think proper.

VII. Provided alſo, and be it further enacted, That it ſhall and may be lawful for the Juſtices of the Peace, within the Limits of every County, Riding, Diviſion, Hundred, or Precinct, at any General Quarter Seſſions of the Peace, upon Complaint made to them by any Juſtice of the Peace, or by any Two Creditors, or any Two Truſtees of any Turnpike Road, within the ſaid Limits of which they are Creditors, or Truſtees, that ſuch Turnpike Road is much damaged by exceſſive Weights being carried thereupon, and that no Weighing Engine hath been erected, or ordered, by the Truſtees of ſuch Turnpike Road to be erected upon the ſame, to ſummon the Clerk, Surveyor, and Treaſurer, of ſuch Turnpike Road to appear before the ſaid Juſtices, at their then next General Quarter Seſſions of the Peace, to ſhew Cauſe why a Weighing Engine or Engines ſhould not be erected at or near ſuch Gate or Gates, upon ſuch Turnpike Roads as ſhall be deſcribed in ſuch Summons; and if at ſuch ſubſequent Seſſions the ſaid Clerk, Surveyor, and Treaſurer, or ſome or One of them, ſhall not appear before the Juſtices at ſuch Seſſions, or appearing, ſhall not ſhew ſufficient Cauſe to the ſaid Juſtices againſt the erecting of ſuch Weighing Engine or Engines, it ſhall and may be lawful for the ſaid Juſtices, if they think fit, at ſuch Quarter Seſſions, to order One or more Weighing Engine or Engines to be erected upon ſuch Turnpike Road, at ſuch Place or Places as they ſhall think proper; a Copy of which Order ſhall be forthwith delivered to the Clerk of ſuch Turnpike Road; and the Truſtees thereof are hereby directed and required, at their next Meeting, to be held after their Clerk ſhall have been ſerved with ſuch Copy of the Order as aforeſaid, to contract, or cauſe a Contract to be made with ſome proper Perſon or Perſons, for the making and erecting ſuch Weighing Engine or Engines with all convenient Speed; and the Treaſurer of ſuch Turnpike Road is hereby authoriſed and required to pay the Expences attending the making and erecting of ſuch Weighing Engine or Engines out of the Money which ſhall then be or next come into his Hands from the Tolls ariſing upon ſuch Turnpike Road.

Where Two or more Roads meet, Truſtees may erect One Weighing Engine to accommodate them.

VIII. Provided alſo, and be it further enacted, That when Two or more Turnpike Roads meet at or near the ſame Place, it ſhall and may be lawful for the Truſtees of ſuch Turnpike Roads reſpectively, at a Meeting to be held for that Purpoſe, to fix upon ſome convenient Place to erect a Weighing Engine upon, which will accommodate all ſuch Turnpike Roads; and, by Agreement amongſt themſelves at ſuch Meeting, to proportion the Expences which may attend the making, erecting, maintaining, and keeping, ſuch Weighing Engine, and likewiſe the Money ariſing from Forfeitures to be incurred for Overweight at ſuch Weighing Engine, amongſt all ſuch Turnpike Roads, in ſuch Manner as to them ſhall appear juſt and reaſonable.

IX. And

When Truſtees may make Compoſition for Tolls.

IX. And be it enacted, That it ſhall not be lawful for the Truſtees of any Turnpike Road, their Leſſee or Leſſees, to make Compoſition for Tolls, for or in reſpect of any Waggon, Wain, Cart, or Carriage, or Horſes, or Beaſts of Draught, drawing the ſame, unleſs ſuch Waggons, Wains, Carts, and Carriages, have the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, or more, any Law to the Contrary thereof notwithſtanding.

Penalty on unloading Goods before coming to any Gate or Weighing Engine.

X. And be it further enacted, That if any Perſon or Perſons ſhall unload, or cauſe to be unloaden, any Goods, Wares, or Merchandiſes, from any Cart, Waggon, or other Carriage, except ſuch Carriages as are herein-before excepted), at or before the ſame ſhall come to any Turnpike-gate or Weighing Engine, erected by virtue or in purſuance of this or any other Act, made for the Repair or Preſervation of any Turnpike Road; or ſhall load or lay upon ſuch Carriage, (except as aforeſaid), after the ſame ſhall have paſſed any ſuch Turnpike or Weighing Engine, any Goods, Wares, or Merchandiſes, taken or unloaden from any Horſe, Cart, or other Carriages, belonging to or hired, or borrowed, by the ſame Waggoner or Carrier, in order to avoid the Payment of the ſaid reſpective Duties of Twenty Shillings per Hundred; or if any Perſon ſhall ſo unload, in order to carry conſiderable Quantities of Goods through any Turnpike-gate, in One and the ſame Day, and thereby pay leſs Toll at ſuch Turnpike-gate than would have been paid if ſuch Goods, Wares, or Merchandiſes, had not been ſo unloaden; each and every Perſon ſo offending in any of the Caſes aforeſaid, and being thereof lawfully convicted before One or more Juſtice or Juſtices of the Peace for the Limit where the Offence ſhall be committed, upon the Oath of One or more credible Witneſs or Witneſſes, ſhall forfeit and pay the Sum of Five Pounds; to be levied upon the Goods and Chattels of the Owner of ſuch Cart, Waggon, or other Carriage; and each and every Driver, not being the Owner of ſuch Waggon or Carriage, ſo offending, and being thereof convicted, as aforeſaid, ſhall be committed to the Houſe of Correction for the Space of One Month.

Owners or Drivers of Waggons, *etc.* turning out of the Road to avoid being weighed, ſhall forfeit not exceeding 5 *l.* nor leſs than 10 *s.*

XI. And be it further enacted, That if the Owner of any Waggon, Cart, or Carriage, or other Perſon, being the Driver thereof, travelling on any Turnpike Road where any Tollgate or Weighing Engine is or ſhall be erected, ſhall drive or turn out of the ſame into any other Road, in order to avoid being weighed, or to avoid the paying of Toll, and ſhall afterwards proceed with ſuch Carriage into and on the ſame Turnpike Road, every ſuch Owner, or other Perſon, convicted of ſuch Offence before One or more Juſtice or Juſtices of the Peace for the Limit where ſuch Offence ſhall be committed, upon the Oath of One or more credible Witneſs or Witneſſes, ſhall forfeit, if he be the Owner, any Sum not exceeding Five Pounds, nor leſs than Twenty Shillings; and if he be the Driver, and not the Owner, any Sum not exceeding Fifty Shillings, nor leſs than Ten Shillings, upon Conviction, for every ſuch Offence.

Regulations in the Conſtruction of the Wheels of Carriages travelling on Roads above 20 Miles from *London*.

XII. And be it further enacted, That no Carriage, liable to be weighed by virtue of this Act, ſhall paſs along any Turnpike Road, being above Twenty Miles from the Cities of London or Weſtminſter, unleſs the ſame ſhall be made and conſtructed in ſuch Manner, that no Pair of ſuch Wheels ſhall be wider than Four Feet Six Inches from Inſide to Inſide, to be meaſured on the Ground, (except Wheels having the Soles of the Fellies thereof of the Breadth of Nine Inches, which ſhall be ſo conſtructed as to roll a Surface of Sixteen Inches; and that the wider Pair of ſuch Wheels ſhall not be more than Five Feet Eight Inches from Inſide to Inſide, to be meaſured on the Ground); and that the Diſtance from the Centre of the Fore Wheel to the Centre of the Hind Wheel of any Waggon or Four-wheeled Carriage, not being uſed for the Carriage of Timber only, be not above Nine Feet, to be meaſured from the Centre of the Axletrees at the Ends thereof, on Pain of the Owner or Owners of every ſuch Waggon, Wain, or Cart, forfeiting the Sum of Five Pounds for every ſuch Offence: And the Surveyor or Surveyors, Gate-keeper or Gate-keepers, of any Turnpike Road, is and are hereby authoriſed and required, at any Turnpike of Toll-gate, or at any other Place upon the Turnpike Road, to meaſure every ſuch Waggon, Wain, or Cart; and if any Maſter or Driver of any Waggon, Wain, or Cart, ſhall hinder, or refuſe to permit ſuch Surveyor or Surveyors, Gate-keeper or Gate-keepers, to meaſure ſuch Waggon, Wain, or Cart, as aforeſaid, he or ſhe ſhall forfeit the Sum of Five Pounds; and it ſhall not be lawful for any ſuch Waggon, Wain, or Cart, not permitted to be meaſured as aforeſaid, to paſs along any Turnpike Road.

Surveyors, &c. to meaſure Carriages, or they ſhall not be permitted to paſs.

No Nine-inch four-wheeled Waggon to be drawn with more than Eight Horſes; nor Two-wheeled Carriages, ſame Breadth, with more than Five; and in Pairs.

Six-inch four-wheeled Carriages not to be drawn with more than Six Horſes; nor Two-wheeled Carriages with more than Four Horſes, &c.

Owners of Waggons, *etc.* for every Horſe above that Number, forfeits 5 *l.* and the Driver 20 *s.*

XIII. And be it further enacted, That no Waggon, Wain, or other Four-wheeled Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Nine Inches, ſhall paſs or be drawn on any Turnpike Road with more than Eight Horſes; nor any Cart, or other Two-wheeled Carriage, having Wheels of the Breadth aforeſaid, ſhall paſs or be drawn upon any Turnpike Road with more than Five Horſes; and that the Horſes in ſuch reſpective Carriages ſhall draw in Pairs; (except an odd Horſe in any Team, and except where the Number of Horſes ſhall not exceed Four); and alſo that no Waggon, Wain, or other Four-wheeled Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, ſhall paſs or be drawn on any Turnpike Road with more than Six Horſes; and that no Cart, or other Two-wheeled Carriage, having Wheels of the Breadth laſt mentioned, ſhall be drawn on any Turnpike Road with more than Four Horſes; and alſo, that no Waggon, Wain, or other Four-wheeled Carriage, having the Fellies of the Wheels of leſs Breadth than Six Inches, ſhall paſs or be drawn on any Turnpike Road with more than Four Horſes; and that no Cart, or other Two-wheeled Carriage, having the Fellies of the Wheels of leſs Breadth than Six Inches, ſhall paſs or be drawn on any Turnpike Road with more than Three Horſes; and the Owner of every ſuch Waggon, Wain, Cart, or Carriage, ſhall forfeit the Sum of Five Pounds; and the Driver thereof, not being the Owner, the Sum of Twenty Shillings, for every Offence againſt the Proviſions aforeſaid, to any Perſon or Perſons who ſhall ſue for the ſame.

Carriages upon Rollers with flat Surfaces may be drawn with any Number of Horſes.

XIV. Provided always, That all Carriages moving upon Rollers of the Breadth of Sixteen Inches on each Side thereof, with flat Surfaces, are hereby allowed to be drawn with any Number of Horſes, or other Cattle.

Proſecutions not to be commenced, unleſs Information be laid within Three Days after the Offence committed.

XV. Provided always, and be it enacted, That no Proſecution ſhall be commenced before a Juſtice of Peace, by way of Information, for any Forfeiture incurred by the Owner or Driver of any Carriage, having a greater Number of Horſes therein than are allowed by this Act, unleſs ſuch Information be laid within Three Days after the Offence committed; and that no Action ſhall be commenced for any ſuch Offence unleſs the ſame be commenced within One Calendar Month after the Offence committed; and that neither ſuch Information or Action ſhall be laid or commenced unleſs Notice ſhall be given by the Informer to the Driver of every ſuch Carriage, on the Day upon which the Offence ſhall be committed, of an Intention to complain of ſuch Offence; and if it ſhall appear to the Juſtice before whom ſuch Complaint ſhall be made, that the Offender lives ſo remote as to make it inconvenient to ſummon him to appear before ſuch Juſtice, the Juſtice may diſmiſs the Complaint, and leave the Informer to his Remedy by Action at Law.

Waggons, *&c.* may be drawn by any Number of Horſes, where an Engine is erected, and the Carriage weighed.

XVI. Provided always, and be it enacted, That it ſhall and may be lawful for any Waggon, Wain, Cart, or Carriage, to be drawn with any Number of Horſes upon any Turnpike Road where a Weighing Engine ſhall be erected, provided ſuch Carriage ſhall be weighed at ſuch Engine: And, in order that the Owner or Driver of every ſuch Carriage may be furniſhed with proper Evidence of the Facts above mentioned, if any Proſecution ſhould be commenced againſt him or them for uſing a greater Number of Horſes than are allowed by this Act, the Perſon who ſhall have the Care of ſuch Weighing Engine ſhall, and is hereby required, on Demand made by the Driver of any ſuch Carriage, to give to ſuch Driver a Ticket, certifying that ſuch Carriage was weighed, and the Weight thereof, with the Loading.

Penalty on taking off Horſes, or altering the Diſtance of the Wheels, before coming to a Gate is 5*l.*

XVII. And be it further enacted, That if any Perſon or Perſons ſhall take off, or cauſe to be taken off, any Horſe or Horſes, or other Beaſt of Draught, from any Waggon, or other Carriage, or ſhall alter, or cauſe the Diſtance of the Wheels thereof to be altered, at or before the ſame ſhall come to any of the ſaid Gates or Turnpikes, with Intent to avoid any Toll, Forfeiture, or Penalty, for drawing with a greater Number of Horſes or Beaſts of Draught, or in any other Manner than hereby allowed; each and every Perſon ſo offending, and being convicted thereof before One or more Juſtice or Juſtices of the Peace for the Limit where the Offence ſhall be committed, upon the Oath of One or more credible Witneſs or Witneſſes, ſhall forfeit and pay the Sum of Five Pounds.

Truſtees may allow Waggons with Broad Wheels to be drawn up Hills with Ten Horſes; and Carts by Six, *&c.*

XVIII. Provided always, and be it enacted, That if it ſhall appear to the Truſtees of any Turnpike Road, or any Seven of them, at any of their publick Meetings, by the Oath of One or more Witneſs or Witneſſes experienced in Levelling, that any Part of the Riſe of any Hill upon ſuch Turnpike Road ſhall be more than Four Inches in a Yard; in ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven of them, to allow ſuch Number of Horſes as they ſhall judge neceſſary, not exceeding Ten for Waggons with Nine Inch Wheels, nor Six for Carts with Nine Inch Wheels; and not exceeding Seven for Waggons with Six Inch Wheels, nor Five for Carts with Six Inch Wheels; and not exceeding Five for Waggons with Wheels of leſs Breadth than Six Inches, nor Four for Carts with Wheels of leſs Breadth than Six Inches: And in caſe it ſhall appear to the ſaid Truſtees, in Manner aforeſaid, that the whole Riſe of any Hill taken together ſhall be more than Four Inches in a Yard upon an Average, it ſhall and may be lawful for the ſaid Truſtees, or any Seven of them, to allow ſuch Number of Horſes as they ſhall think fit to be uſed in ſuch Waggons and Carts reſpectively, for the Purpoſe only of drawing the ſame up ſuch Hill or Hills, as aforeſaid, the Length and Extent of ſuch Hill or Hills to be ſpecified in ſuch Order of Allowance, and the Termination at each End thereof to be marked by a Poſt or Stone, to be erected at ſuch reſpective Boundaries; and the ſaid Order of Allowance ſhall be certified by the ſaid Truſtees, or their Clerk, to the next General Quarter Seſſions of the Peace of the Limit within which ſuch Hill or Hills ſhall reſpectively be ſituated: And if the Facts, upon which the ſame is founded, ſhall, at the ſaid Quarter Seſſions, be proved upon the Oath of One or more credible Witneſs or Witneſſes to the Satiſfaction of the Juſtices on the Bench, or the major Part of them, the ſaid Order of Allowance ſhall be confirmed and filed among the Records of the Seſſions by the Clerk of the Peace, or otherwiſe ſhall be vacated and quaſhed: And from and after ſuch Confirmation and Filing, no Perſon ſhall be liable to any Penalty or Forfeiture for uſing ſuch Number of Horſes as ſhall be ſo allowed in drawing any Waggon or Cart up ſuch Hill or Hills reſpectively; and it ſhall and may be lawful for the ſaid Juſtices, at any ſubſequent Quarter Seſſions of the Peace, to reconſider the ſaid Order of Allowance, and to diſcharge the ſame, if they think fit.

They may allow ſuch Number of Horſes as they think fit, up Hills riſing more than Four Inches in a Yard, to be ſpecified in the Order of Allowance.

XIX. Provided alſo, and be it further enacted, That if it ſhall appear, upon the Oath of credible Witneſſes, to the Satiſfaction of any Juſtice or Juſtices of the Peace, or of any Court of Juſtice, authoriſed to enforce the Execution of this Act, that any Waggon, Cart, or Carriage, could not, by reaſon of deep Snow or Ice, be drawn with the reſpective Weights, and by the Number of Horſes or Beaſts of Draught hereby reſpectively allowed; then, and in every ſuch Caſe, it ſhall and may be lawful for ſuch Juſtice or Juſtices of Peace, or Court reſpectively, and they are hereby reſpectively required to ſtop all Proceedings before them reſpectively for the Recovery of any Penalty or Forfeiture which may have been incurred by drawing with a greater Number of Horſes or Beaſts of Draught than are hereby allowed; any Thing herein contained to the Contrary notwithſtanding.

Exemption in reſpect to Carriages drawing with an extraordinary Number of Horſes through deep Snow or Ice.

Narrow wheeled Waggons not to be drawn by Horſes in Pairs.

XX. And whereas great Damage is done to Turnpike Roads by Waggons, and other Carriages, with narrow Wheels, drawn by Horſes in Pairs; for Remedy thereof, be it enacted, That it ſhall not be lawful for any Waggon, Wain, or Cart, having the Sole or Bottom of the Fellies of the Wheels thereof of leſs Breadth or Gauge than Nine Inches, to paſs upon any Turnpike Road, or through any Turnpike Gate or Bar, if the ſame ſhall be drawn by Horſes in Pairs, (other than and except ſuch Waggons, Wains, or Carts, having the Fellies of the Wheels thereof of the Breadth of Six Inches, as ſhall be authoriſed to be drawn in any other Manner by Order of the Truſtees of any Turnpike Road within their Diſtrict, made at a publick Meeting, conſiſting of Seven Truſtees, or more; which Order it ſhall and may be lawful for the ſaid Truſtees to revoke at any ſubſequent Meeting, and afterwards to make a new One, if they ſhall think fit, for the ſame Purpoſe, and fixed in Writing upon every Toll-gate within ſuch Diſtrict, and except Carriages drawn by Two Horſes only.)

XXI. And be it further enacted, That in caſe any Perſon or Perſons ſhall, upon any Turnpike Road, drive, or act as the Driver or Drivers of any Waggon, Cart, Wain, or Carriage, not being marked according to the Directions of this Act; or drawn by more than the Number of Horſes, or Beaſts of Draught, hereby reſpectively authoriſed; that then, and in every ſuch Caſe, it ſhall and may be lawful to and for any Conſtable, Tythingman, Surveyor, or any other Perſon, to apprehend and take, or cauſe to be apprehended and taken, ſuch Perſon or Perſons, ſo driving, or acting as Driver or Drivers, as aforeſaid, before One or more Juſtice or Juſtices of the Peace for the Limit where the ſaid Offence ſhall be committed; and, upon Conviction thereof, either by the Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes, before ſuch Juſtice or Juſtices of the Peace, every ſuch Perſon or Perſons ſo offending ſhall reſpectively forfeit and pay, for every ſuch Offence, a Sum not exceeding Five Pounds, nor leſs than Ten Shillings, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted.

Penalty on Drivers driving Carriages contrary to the Directions of this Act,

not exceeding 5*l.*

XXII. And whereas in and by ſeveral Acts of Parliament, made for amending and repairing particular Turnpike Roads, ſeveral high and extraordinary Tolls are granted, and directed to be levied and paid for Waggons, Carts, and other Carriages, drawn by more than a certain Number of Horſes, or Beaſts of Draught, therein reſpectively mentioned, with an Intent, in Effect, to prohibit the Paſſage of ſuch Carriages, and thereby the better to preſerve the ſaid Roads; now, it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees appointed, or to be appointed, in or by virtue of any Act of Parliament made for repairing and amending ſuch particular Roads, as aforeſaid, or any Five or more of ſuch Truſtees reſpectively, within their reſpective Diſtricts, and they are hereby authoriſed and required, at the Firſt Meeting after the Commencement of this Act, to mitigate, leſſen, and reduce, the ſaid high and extraordinary Tolls and Duties, for and in reſpect of ſuch Waggons, or other wheeled Carriages only, having the Wheels of the Breadth or Gauge of Six Inches, as aforeſaid, in ſuch Manner as no greater Toll or Duty, in reſpect to Waggons, be demanded or taken for the ſame than is provided and directed by the ſaid Acts reſpectively to be paid and taken for Waggons, and other Four-wheeled Carriages, drawn by Four Horſes, or Beaſts of Draught; and that no greater Toll or Duty be demanded or taken for Carts, having the Fellies of their Wheels of the Breadth or Gauge of Six Inches, than is provided and directed by ſuch Acts reſpectively to be taken for Carts drawn by Three Horſes; and the ſaid Truſtees, within their reſpective Diſtricts, or any Five or more of them reſpectively, are hereby authoriſed and required to give Directions, in Writing, to the ſeveral Collectors within ſuch their reſpective Diſtricts, to take and receive ſuch Tolls and Duties, and no other; any Law or Statute to the Contrary notwithſtanding.

Where extraordinary Tolls have been granted, the Truſtees may mitigate them, in reſpect of Four-wheeled Waggons, *&c.*

XXIII. And be it further enacted, That the Truſtees appointed by virtue or under the Authority of any Act of Parliament, made for repairing or amending Turnpike Roads, or ſuch Perſon or Perſons as are authoriſed by them, ſhall and may, and are hereby required, to demand and take, for every Waggon, Wain, Cart, or Carriage, having the Fellies of the Wheels thereof of leſs Breadth or Gauge than Six Inches from Side to Side at the leaſt, at the Bottom or Sole thereof, and for the Horſes, or Beaſts of Draught, drawing the ſame, One Half more than the Tolls or Duties which are or ſhall be payable for the ſame reſpectively; and for every Waggon, Wain, Cart, or Carriage, having the Fellies of the Wheels thereof of leſs Breadth or Gauge than Six Inches from Side to Side, at the leaſt, at the Bottom or Sole thereof, and for the Horſes, or Beaſts of Draught, drawing the ſame, from and after the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-ſix, Double the Tolls or Duties which are or ſhall be payable for the ſame reſpectively, by any Act or Acts of Parliament made for amending or repairing Turnpike Roads, before any ſuch Waggon, Wain, Cart, or Carriage reſpectively, ſhall be permitted to paſs through any Turnpike Gate or Gates, Bar or Bars, where Tolls ſhall be payable by virtue of any ſuch Acts.

One Half more than the Tolls are to be taken for Narrow-wheeled Waggons, *&c.*

and after 29 *Sept.* 1776, Double thoſe Tolls.

XXIV. And whereas there are in ſeveral Acts of Parliament, for making, amending, and repairing, Turnpike Roads, Exemptions allowed from Payment of Tolls in particular Caſes therein reſpectively mentioned, and Liberties are allowed in particular Caſes to pay leſs Tolls than are charged upon other Waggons, Wains, Carts, and Carriages, paſſing through Turnpike Gates or Bars: And whereas it will tend to the Advantage and Preſervation of Turnpike Roads to confine ſuch Exemptions, Liberties, Privileges, and Advantages, to Carriages with Wheels of the Breadth or Gauge of Six Inches, or upwards; be it therefore enacted, That no Perſon ſhall, by virtue of the ſaid Acts of Parliament, have, claim, or take the Benefit or Advantage of any Exemption from Toll, or Part of Tolls, or to pay leſs Toll for or in reſpect of any Waggon, Wain, Cart, or other Carriage, or Horſe drawing the ſame, and carrying any particular Kind of Goods, than other Carriages of the like Nature, carrying other Goods, ought to pay, unleſs ſuch Waggon, Wain, Cart, or other Carriages, have the Sole of the Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, or upwards, (other than and

No Exemption from Toll by former Acts to be claimed by any Perſon, unleſs where Carriages with Six Inch Fellies are uſed.

except

Carts, &c. employed in Husbandry excepted.

except Carts and Carriages employed in carrying Corn or Grain in the Straw, Hay, Straw, Fodder, Dung, Lime for the Improvement of Land, or other Manure, or any Implements of Husbandry only); but that the Toll required by the ſaid Acts reſpectively, together with the additional Tolls hereby required to be taken for or in reſpect of every ſuch Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of leſs Breadth or Gauge than Six Inches as aforeſaid, and for and in reſpect of Horſes, or Beaſts of Draught, drawing the ſame, (except as before excepted), ſhall be paid in the ſame Manner, to all Intents and Purpoſes, as if no Exemption, or leſs Toll, had been enacted or allowed by any of the ſaid Acts reſpectively, and as fully as all other Waggons, Wains, Carts, and Carriages, and Horſes drawing the ſame, ought reſpectively to pay, which are not intitled to any Exemption from Toll, in the Whole or Part; or to pay a leſs Toll than other Waggons, Wains, Carts, and Carriages; any Law or Statute to the Contrary notwithſtanding.

No Benefit to be taken of Exemptions, unleſs the Fellies lie flat.

XXV. Provided, That no Perſon or Perſons be allowed to take the Benefit of any ſuch Exemptions, or to have the Privilege herein-before given of compounding in reſpect of any Carriage having the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, or upwards, unleſs the Fellies, and the Tire upon ſuch Fellies, ſhall lie flat.

Waggons, &c. moving on Rollers of the Breadth of 16 Inches on each Side with flat Surfaces, to paſs Toll-free for One Year, and then after to pay only One Half of the Toll.

XXVI. Provided alſo, That all Waggons, Carts, or Carriages, moving upon Rollers, of the Breadth of Sixteen Inches on each Side thereof, with flat Surfaces, ſhall be permitted to paſs or be drawn upon any Turnpike Road Toll-free for the Term of One Year, to be computed from Michaelmas, One thouſand ſeven hundred and ſeventy-three; and from and after the Expiration of the ſaid Term, all ſuch Waggons, Carts, or Carriages, as aforeſaid, ſhall paſs upon any Turnpike Road, through any Toll-gate or Bar, upon paying only ſo much of the Tolls and Duties as ſhall not exceed One Half of the full Toll or Duty payable by this or any Turnpike Act, for all Waggons, Wains, or Carts, having the Fellies of the Wheels of the Breadth or Gauge of Six Inches from Side to Side, or for the Horſes or Beaſts of Draught drawing the ſame, and not rolling a Surface of Sixteen Inches on each Side thereof; and that no more than Half Toll ſhall be paid in reſpect of Waggons having the Fellies of the Wheels thereof of the Breadth of Nine Inches, and rolling a Surface of Sixteen Inches on each Side thereof, from and after the Commencement of this Act; any Thing herein contained to the Contrary notwithſtanding.

Carriages to which the Act does not extend.

XXVII. Provided always, That nothing herein-before contained ſhall extend, or be conſtrued to extend, to any Chaiſe-marine, Coach, Landau, Berlin, Chariot, Chaiſe, Chair, Calaſh, or Hearſe, or to the Carriage of ſuch Ammunition or Artillery as ſhall be for His Majeſty's Service, or to any Cart or Carriage drawn by One Horſe, or Two Oxen, and no more; or to any Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches, which ſhall be laden with One Block of Stone, One Piece of Marble, One Cable Rope, One Piece of Metal, or One Piece of Timber.

Penalty on Perſons fraudulently taking the Benefit of any Exemption is not to exceed 5 l.

XXVIII. Provided alſo, and be it enacted, That if any Perſon or Perſons ſhall take the Benefit of any Exemptions under or by virtue of this or any other Act, made for the Repair of any Turnpike Road, in any fraudulent or colluſive Manner whatſoever, ſuch Perſon or Perſons ſhall forfeit, for every ſuch Offence, a Sum not exceeding Five Pounds, or leſs than Forty Shillings, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted.

Truſtees may reduce the Tolls at any publick Meeting,

XXIX. And whereas, in and by ſeveral Acts of Parliament, made and paſſed for amending and repairing particular Turnpike Roads, there is no Power, or no effectual Power, given to the Truſtees to leſſen the Tolls, although ſuch Turnpike Roads may be ſufficiently, or in a great Degree, amended and repaired, and all, or the greateſt Part of, the Money borrowed upon the Credit of any ſuch Acts, may have been paid and diſcharged; be it therefore further enacted, That it ſhall and may be lawful to and for the Truſtees appointed in and by virtue of any Act of Parliament now in Force for repairing and amending ſuch particular Roads as aforeſaid, or any Seven or more of ſuch Truſtees reſpectively, and they are hereby impowered, in any of the Caſes aforeſaid, at a Meeting to be held for that Purpoſe, of which One Calendar Month's Notice ſhall be given in Writing, to be affixed on all Turnpike Gates which ſhall be then erected upon ſuch reſpective Roads, and in ſome publick News-paper, circulated in that Part of the Country, from Time to Time, to leſſen or reduce all or any of the Tolls granted by any of the ſaid reſpective Acts, for and during ſuch Time as the ſaid Truſtees, or any Seven or more of them, ſhall think proper; and afterwards, at any Meeting, to be held as aforeſaid, from Time to Time, if they ſhall ſee Occaſion, to advance all or any of the Tolls ſo leſſened to any Sum or Sums of Money, not exceeding the ſeveral Rates granted by ſuch Acts of Parliament reſpectively.

and afterwards may advance them again:

Provided ſuch Alterations of the Tolls be made with the Conſent of the Creditors.

XXX. Provided nevertheleſs, That where the whole Money borrowed on the Credit of the Tolls, granted by any ſuch Act, ſhall not have been paid and diſcharged, no ſuch Tolls ſhall be leſſened or reduced without the Conſent of the Perſon or Perſons intitled to Five-ſixths of the Money remaining due upon ſuch reſpective Tolls.

Truſtees impowered to farm out the Tolls,

XXXI. And whereas in and by ſeveral Acts of Parliament, made for repairing particular Turnpike Roads, there are no Powers given to the Truſtees to let or farm out the Tolls ariſing upon ſuch Roads, and in many Caſes where the particular Acts have given ſuch Power, they are not executed and enforced in the moſt beneficial Manner for ſuch Roads; for Remedy whereof, be it further enacted, That it ſhall and may be lawful for the Truſtees of any particular Turnpike Act, or any Seven or more of them, at a publick Meeting, to let to farm the Tolls of the ſeveral Gates erected upon their reſpective Turnpike Roads, in the Manner herein-after mentioned, although no expreſs Power ſhall have been given by ſuch Turnpike Act for that Purpoſe; and that whenever any Tolls ſhall hereafter be to let to farm, by virtue of the Powers given by this or any other Act or Acts of Parliament, the following Directions ſhall be obſerved; (that is to ſay), The

under particular Directions and Reſtrictions, Truſtees ſhall cauſe Notice to be given of the Time and Place for letting the ſame at leaſt One Month before the Day to be appointed for that Purpoſe, by fixing the ſame upon every Toll-gate belonging to ſuch Turnpike Road, and alſo upon the Market-croſs of the Market Town neareſt to the Place where the ſaid Tolls are to be let, and alſo in ſome publick News-paper circulated in that Part of the Country, and ſpecifying in every ſuch Notice the Sum which the ſaid Tolls produced in the preceding Year, clear of the Salary for collecting the ſame, in caſe any hired Collector was appointed, and that they will let ſuch Tolls by Auction to the beſt Bidder, on his producing ſufficient Sureties for Payment of the Money, monthly or quarterly, as ſhall be required by the Truſtees; and that they will be put up at the Sum which they were let for or produced in the preceding Year, clear of the Salary of the Collector: And to prevent Fraud, or any undue Preference in the letting thereof, the Truſtees are hereby required to provide a Glaſs with ſo much Sand in it as will run from One End of it to the other in One Minute; which Glaſs, at the Time of letting the ſaid Tolls, ſhall be ſet upon a Table, and immediately after every Bidding the Glaſs ſhall be turned, and as ſoon as the Sand is run out, it ſhall be turned again, and ſo for Three Times, unleſs ſome other Bidding intervenes: And if no other Perſon ſhall bid, until the Sand ſhall have run through the Glaſs for Three Times, the laſt Bidder ſhall be the Farmer or Renter of the ſaid Tolls, and ſhall forthwith enter into a proper Agreement for the taking thereof, and paying the Money at the Times ſpecified in ſuch Notice, or as ſhall be agreed upon between him and the Truſtees; and in caſe no Bidder ſhall offer, the ſaid Truſtees may appoint a Collector of ſuch Tolls, or fix ſome future Day for the letting thereof, as they ſhall judge moſt proper, upon giving ſuch Notice thereof as aforeſaid, and ſhall and may, in that Caſe, put them up at ſuch Sum as they ſhall think fit: And if the Perſon or Perſons, who ſhall be the Farmer or Renter of ſuch Tolls, ſhall take a greater or leſs Toll from any Perſon or Perſons than what are authoriſed or directed by this or the particular Turnpike Act, he or they ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds, and ſhall alſo forfeit the ſaid Contract for renting the Tolls, if the ſaid Truſtees ſhall think fit to vacate the ſame; and every other Gate-keeper authoriſed to collect the Tolls, who ſhall take a greater or leſs Toll than as aforeſaid, ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings.

to the beſt Bidder.

The laſt Bidder to be the Farmer of the Tolls.

If a Farmer of Tolls takes a greater or leſs Toll than allowed, he forfeits 5 *l.* and alſo his Contract; if he is not the Farmer, he forfeits 40 *s.*

XXXII. And be it further enacted, That the Surveyors of all Turnpike Roads ſhall cauſe the Statute-duty required by the reſpective Turnpike Acts, and the Compoſitions ariſing from the ſame, to be performed, laid out, and expended, upon the Turnpike Road lying within the Pariſh, Townſhip, or Place, from which ſuch Duty ſhall be required, and not elſewhere, and ſhall forfeit the Sum of Forty Shillings for every Miſapplication thereof: And that where there are Two or more Turnpike Roads under ſeveral Acts of Parliament within the ſame Pariſh, Townſhip, or Place, and the Statute-duty directed by all ſuch Acts to be taken or applied for the Repair of ſuch Turnpike Roads within ſuch Pariſh, Townſhip, or Place, ſhall exceed Three Days Duty in the Whole; then, and in ſuch Caſe, it ſhall and may be lawful for Two or more Juſtices of the Peace of the Limit where ſuch Turnpike Roads ſhall be, and they are hereby required, at ſome Special Seſſions, to adjuſt and proportion the Statute-duty betwixt ſuch Turnpike Roads and the other Highways in ſuch Pariſh, Townſhip, or Place, in ſuch Manner as they ſhall think fit, having Regard to the Extent and Condition of the ſaid ſeveral Roads and Highways, and alſo to the Tolls and Revenues ariſing from ſuch Turnpike Roads reſpectively, the ſaid Juſtices previouſly ſummoning the Clerks and Surveyors of ſuch Turnpike Roads, and likewiſe the Surveyors of the Highways, for ſuch Pariſh, Townſhip, or Place, who are hereby reſpectively required to attend the Juſtices upon ſuch Summons.

All Statute-duty to be performed in the Pariſh, &c. where it ariſes.

If more Turnpike Roads than One are in the ſame Pariſh, and the Statute-duty required of them exceeds Three Days, the Juſtices may adjuſt the Proportions.

XXXIII. And be it further enacted, That when the Inhabitants of any Pariſh, Townſhip, or Place, ſhall be indicted or preſented for not repairing any Highway, being Turnpike Road, and the Court before whom ſuch Indictment or Preſentment ſhall be preferred ſhall impoſe a Fine for the Repair of ſuch Road, the ſame ſhall be proportioned, together with the Coſts and Charges attending the ſame, between the Inhabitants of ſuch Pariſh, Townſhip, or Place, and the Truſtees of ſuch Turnpike Road, in ſuch Manner as to the ſaid Court, upon Conſideration of the Circumſtances of the Caſe, ſhall ſeem juſt; and it ſhall and may be lawful for ſuch Court to order the Treaſurer of ſuch Turnpike Road to pay the Sum ſo proportioned for ſuch Turnpike Road out of the Money then in his Hands, or next to be received by him, in caſe it ſhall appear to ſuch Court, from the Circumſtances of ſuch Turnpike Debts and Revenues, that the ſame may be paid without endangering the Security of the Creditors who have advanced their Money upon the Credit of the Tolls to be raiſed thereupon; which Order ſhall be binding upon ſuch Treaſurer, and he is hereby authoriſed and required to obey the ſame.

Where Turnpike Roads are indicted, the Court may proportion the Fine and Coſts between the Inhabitants and the Truſtees;

without endangering the Security of the Creditors.

XXXIV. Provided always, and be it further enacted, That no Toll-gate ſhall hereafter be erected on the Side of any Turnpike Road, unleſs the ſame be ordered by the Truſtees, at a Meeting, of which Twenty-one Days publick Notice ſhall have been given in Writing, affixed upon all the Toll-gates erected on ſuch Roads, and alſo in ſome publick News-paper circulated in that Part of the Country, ſpecifying the Place where ſuch Side-gate is propoſed to be erected, and unleſs Nine Truſtees at leaſt (being a Majority of thoſe preſent) ſhall ſign the ſaid Order at ſuch Meeting; and that no Perſon ſhall be liable to pay Toll at any Toll-gate erected, or to be erected, acroſs or on the Side of any Turnpike Road, or be ſubject to any Penalty for any Carriage, Horſe, or Beaſt, which ſhall only croſs ſuch Road, and ſhall not paſs above One hundred Yards thereon, except over ſome Bridge, erected at a conſiderable Expence by the Truſtees of ſuch Turnpike Road; any Thing in this or any other Act of Parliament contained to the Contrary thereof in any-wiſe notwithſtanding.

No Side-gate to be erected unleſs at a publick Meeting, after Notice given, and by Order ſigned by Nine Truſtees.

No Toll to be paid unleſs the Carriages, Horſes, &c. paſs 100 Yards upon the Road, or over a Bridge erected by the Truſtees.

XXXV. And be it further enacted, That if any Perſon or Perſons ſhall agree to advance any Sum or Sums of Money, to be employed in the making or repairing a Turnpike Road, or Highway intended to be made Turnpike, and ſhall ſubſcribe his, her, or their Name or Names to any Writing for that Purpoſe, every ſuch Perſon ſhall be liable

Payment of Subſcription-money for making or repairing Turnpike Roads, how to be enforced.

liable to pay every ſuch Sum or Sums of Money ſo ſubſcribed, according to the Purport of ſuch Writing; and in Default of Payment thereof within Twenty-one Days after the ſame ſhall become payable, according to the Purport of ſuch Writing, and ſhall be demanded by the Perſon to whom the ſame is made payable by ſuch Writing; or if no Perſon be named therein for that Purpoſe by the Treaſurer of ſuch Turnpike, or intended Turnpike Road, it ſhall and may be lawful for every ſuch Treaſurer, or other Perſon, to ſue for and recover the ſame, in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Surveyor to get and carry away Materials by Contract, after publick Notice given.

XXXVI. And be it further enacted, That on every Turnpike Road where a ſufficient Quantity of Stone, Gravel, Chalk, or other Materials, cannot be provided and carried by the Labourers and Teams required to perform Statute-duty upon the ſame, the Surveyor, with the Approbation of the Truſtees of ſuch Road, ſhall and is hereby required to contract for the getting and carrying thereof, at ſome Time and Place to be fixed for that Purpoſe, of which Ten Days Notice in Writing ſhall be given, by fixing the ſame on the Door of the Church or Chapel of ſuch Pariſh, Townſhip, or Place, or, if there be no Church or Chapel, at the moſt publick Place there; which Notice ſhall ſpecify the Work to be done, and the Time and Place for letting thereof: And if any Surveyor ſhall have any Part, Share, or Intereſt, directly or indirectly, in any ſuch Contract, or in any other Contract or Bargain, for Work or Materials, to be made, done, or provided, upon, for, or on account of, any of the Highways, Roads, Bridges, or other Works, under his Care or Management; or ſhall, upon his own Account, directly or indirectly, let to hire any Team, or ſell or diſpoſe of any Timber, Stone, or other Materials, to be uſed or employed in making or repairing ſuch Roads, Bridges, or other Works, as aforeſaid, unleſs a Licence in Writing for the Sale of any ſuch Materials, or for letting to hire any ſuch Team, be firſt obtained from the ſaid Truſtees; he ſhall forfeit, for every ſuch Offence, the Sum of Ten Pounds, and be for ever after incapable of being employed as a Surveyor, under the Authority of this or any other Act of Parliament.

Surveyor to have no Share in the Contract, nor to ſell Materials, or hire out any Team, without Licence.

If Surveyor ſuffers Earth, Rubbiſh, or Stones, to lie Four Days within 10 Feet of the Centre of the Road, he forfeits 40*s.*

XXXVII. And be it further enacted, That if the Surveyor or Surveyors, or other Perſon or Perſons, having the Care of any Turnpike Road, ſhall knowingly ſuffer to be or remain, for the Space of Four Days, in any Part thereof, within Ten Feet on either Side of the Middle of ſuch Road, any Poſt or Poſts, Heap or Heaps of Stones, Rubbiſh, or Earth, ſet up or raiſed in or above the Surface of the ſaid Road, by which the Paſſage thereof ſhall or may be obſtructed, impeded, confined, or ſtraitened, (other than and except Poſts, Blocks, Stones, or Banks of Earth, fixed in the Ground, or raiſed, for ſecuring Horſe or Foot Roads, or Paſſages for Water, and alſo Direction Poſts and Stones), ſuch Surveyor, or other Perſon, ſhall forfeit the Sum of Forty Shillings.

Perſons making Incroachments within 30 Feet of the Centre of the Road, or ploughing within 15 Feet thereof, forfeit 40*s.*

XXXVIII. And whereas Inconveniencies have ariſen from making Hedges or other Fences, and from ploughing or breaking up the Soil of Lands or Grounds, near the Middle or Centre of Turnpike Roads; for Remedy thereof, be it further enacted, That if any Perſon ſhall incroach, by making, or cauſing to be made, any Hedge, Ditch, or other Fence, on any Turnpike Road, within the Diſtance of Thirty Feet from the Middle or Centre thereof; or ſhall plough, harrow, or break, up the Soil of any Land or Ground; or in ploughing or harrowing the adjacent Lands ſhall turn his or their Plough or Harrow in or upon any Land or Ground within the Diſtance of Fifteen Feet from the Middle or Centre of any Turnpike Road made, or to be made; every Perſon ſo offending ſhall forfeit, for every ſuch Offence, Forty Shillings, to ſuch Perſon as ſhall make Information of the ſame: And it ſhall be lawful for the Truſtees who have the Care of any ſuch Road, or any Five or more of them, to cauſe ſuch Hedge, Ditch, or Fence, to be taken down, or filled up, at the Expence of the Perſon or Perſons to whom the ſame ſhall belong; and it ſhall and may be lawful for any One or more Juſtice or Juſtices of the Peace of the Limit where ſuch Offence ſhall be committed, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down ſuch Hedges as aforeſaid, as the ſeveral and reſpective Penalties hereby impoſed, by Diſtreſs and Sale of the Offender's Goods and Chattels, rendering the Overplus to the Owner on Demand.

Truſtees may cauſe the ſame to be removed at the Expence of the Offender.

Perſons deſtroying or damaging Mile-ſtones or Poſts, *&c.* ſet up to ſecure Cauſeways, Battlements of Bridges, *&c.*

XXXIX. And whereas in ſome Places it hath been and may be found neceſſary, and the Truſtees of all Turnpike Roads are hereby authoriſed and required to ſecure, or cauſe to be ſecured, Horſe Cauſeways and Foot Cauſeways to travel upon, in publick Highways, by Poſts, Blocks, or great Stones, fixed in the Ground, or by Banks of Earth caſt up, or otherwiſe, from being broken up and ſpoiled with Waggons, Wains, Carts, or Carriages; and foraſmuch as ſeveral evil-diſpoſed Perſons do or may wilfully or wantonly pull up, cut down, and remove or damage the ſaid Poſts, Blocks, and great Stones, ſo fixed, or to be fixed, as aforeſaid, and drive Carriages upon ſuch Banks and Cauſeways, or againſt the Sides thereof; and alſo dig or cut down the ſaid Banks, which are the Securities and Defence of the ſaid Cauſeways, whereby the Cauſeways or Banks are often ruined and deſtroyed; and ſuch evil-diſpoſed Perſons do or may break, damage, or throw down, the Stones, Bricks, or Wood, fixed upon the Parapets or Battlements of Bridges, and do or may pull down, deſtroy, obliterate, or deface, any Mile-ſtone or Poſt, Graduated or Direction Poſt or Stone, erected or to be erected, upon any Turnpike Road: For Prevention thereof, be it enacted, That every Perſon who ſhall be guilty of any ſuch Offence, ſhall, upon Complaint thereof made to any Juſtice of the Peace of the Limit where the ſame ſhall be proved to be done, by the Oath of any One credible Witneſs, or upon View of the Juſtice himſelf, forfeit, for every of the ſaid Offences, any Sum not exceeding Five Pounds, nor leſs than Ten Shillings; and in Default of Payment thereof, ſhall be committed to the Houſe of Correction of ſuch Limit, there to be whipped and kept to hard Labour, for any Time not exceeding One Calendar Month, nor leſs than Seven Days, at the Diſcretion of ſuch Juſtice, unleſs the ſame be ſooner paid.

forfeits not exceeding 5*l.* nor leſs than 10*s.*

XL. And whereas many bad Accidents happen, and great Miſchiefs are frequently done, upon the Streets and Highways, being Turnpike Roads, by the Negligence or wilful Miſbehaviour of Perſons driving Carriages thereon; be it therefore enacted, That if the Driver of any Cart, Car, Dray, or Waggon, ſhall ride upon any ſuch Carriage, in any Street or Highway, not having ſome other Perſon on Foot, or on Horſeback, to guide the ſame, (ſuch Carriages as are conducted by ſome Perſon holding the Reins of the Horſe or Horſes drawing the ſame excepted); or if the Driver of any Carriage whatſoever, on any Part of any Street or Highway, ſhall, by Negligence or wilful Miſbehaviour, cauſe any Hurt or Damage to any Perſon or Carriage paſſing or being upon ſuch Street or Highway; or ſhall quit the Highway, and go on the other Side the Hedge or Fence incloſing the ſame; or wilfully be at ſuch Diſtance from ſuch Carriage, or in ſuch a Situation, whilſt it ſhall be paſſing upon ſuch Highway, that he cannot have the Direction and Government of the Horſes or Cattle drawing the ſame; or ſhall, by Negligence or wilful Miſbehaviour, prevent, hinder, or interrupt, the free Paſſage of any other Carriage, or of His Majeſty's Subjects, on the ſaid Highways; or if the Driver of any empty or unloaded Waggon, Cart, or other Carriage, ſhall refuſe or neglect to turn aſide and make Way for any Coach, Chariot, Chaiſe, loaded Waggon, Cart, or other loaded Carriage; or if any Perſon ſhall drive, or act as the Driver of, any ſuch Coach, Poſt Chaiſe, or other Carriage, let for Hire, or Waggon, Wain, or Cart, not having the Owner's Name, as hereby required, painted thereon; or ſhall refuſe to diſcover the true Chriſtian and Surname of the Owner of ſuch reſpective Carriage; every ſuch Driver ſo offending in any of the Caſes aforeſaid, and being convicted of any ſuch Offence, either by his own Confeſſion, the View of a Juſtice of Peace, or by the Oath of One or more credible Witneſs or Witneſſes, before any Juſtice of the Peace of the Limit where ſuch Offence ſhall be committed, ſhall, for every ſuch Offence, forfeit any Sum not exceeding Ten Shillings, in caſe ſuch Driver ſhall not be the Owner of ſuch Carriage; and in caſe the Offender be the Owner of ſuch Carriage, then any Sum not exceeding Twenty Shillings; and in either of the ſaid Caſes ſhall, in Default of Payment, be committed to the Houſe of Correction for any Time not exceeding One Month, unleſs ſuch Forfeiture ſhall be ſooner paid: And every ſuch Driver offending in either of the ſaid Caſes, ſhall and may, by Authority of this Act, with or without any Warrant, be apprehended by any Perſon or Perſons who ſhall ſee ſuch Offence committed, and ſhall be immediately conveyed or delivered to a Conſtable, or other Peace Officer, in order to be conveyed before ſome Juſtice of the Peace, to be dealt with according to Law; and if any ſuch Driver, in any of the Caſes aforeſaid, ſhall refuſe to diſcover his Name, it ſhall and may be lawful for the Juſtice of the Peace before whom he ſhall be taken, or to whom any ſuch Complaint ſhall be made, to commit him to the Houſe of Correction for any Time not exceeding Three Months, or to proceed againſt him for the Penalty aforeſaid, by a Deſcription of his Perſon and the Offence, and expreſſing in his Proceedings, that he refuſed to diſcover his Name.

Any Driver not attending his Carriage, or wilfully miſbehaving,

forfeits, if not the Owner of the Carriage, not exceeding 10s.

and if the Owner, not exceeding 20s.

and may be apprehended without Warrant.

XLI. And, for the better Convenience of Travellers where ſeveral Highways meet, be it further enacted, That the Truſtees appointed to execute any Act of Parliament, made for the Repair of any Turnpike Road, ſhall direct the Surveyor of every ſuch Turnpike Road where ſeveral Highways meet, and there is no ſufficient Direction-poſt or Stone already fixed or erected, forthwith to erect, or cauſe to be erected or fixed, in the moſt convenient Place where ſuch Ways meet, a Stone or Poſt, with an Inſcription thereon, in large Letters, containing the Name of, and Diſtance from, the next Market Town or Towns, or other conſiderable Place or Places to which the ſaid Highways reſpectively lead; and alſo at the ſeveral Approaches or Entrances to ſuch Parts of any Highways as are ſubject to deep or dangerous Floods, graduated Stones or Poſts, denoting the depth of Water in the deepeſt Part of the ſame, and likewiſe ſuch Direction-poſts or Stones as the ſaid Truſtees ſhall judge to be neceſſary, for the guiding of Travellers in the beſt and ſafeſt Tract through the ſaid Floods or Waters; and alſo ſhall order the ſaid Surveyor to erect Mile-ſtones or Poſts upon ſuch Turnpike Road, with proper Inſcriptions and Figures thereon, denoting the Names and Diſtances from the principal Towns or Places on each reſpective Road, and, from Time to Time, to repair ſuch Stones and Poſts, and keep and continue legible the Inſcriptions thereon reſpectively; and the ſaid Surveyor ſhall be reimburſed the Expences of providing, erecting, repairing, and continuing the ſame reſpectively, out of the Tolls and Duties granted by ſuch Acts reſpectively; and in caſe any Surveyor ſhall, by the Space of Three Months after ſuch Direction to him or them given, neglect or refuſe to cauſe any ſuch Stone or Poſt to be fixed or repaired as aforeſaid, every ſuch Offender ſhall forfeit the Sum of Twenty Shillings.

The Truſtees are to order Direction-poſts or Stones to be put up, with proper Inſcriptions thereon, where Croſs Roads meet,

or where there are deep or dangerous Floods;

and alſo Mile-ſtones.

XLII. And, to prevent the malicious deſtroying of any Turnpike-gate or Houſe which hath been, or ſhall hereafter be, erected, be it further enacted, That if any Perſon or Perſons whatſoever ſhall, either by Day or Night, wilfully or maliciouſly pull down, pluck up, throw down, level, or otherwiſe deſtroy, any Turnpike-gate or Turnpike-gates, or any Poſt or Poſts, Rail or Rails, Wall or Walls, or any Chain, Bar, or other Fence or Fences, belonging to any Turnpike-gate, or any other Chain, Bar, or Fence, of any Kind whatſoever, ſet up or erected, or hereafter to be ſet up or erected, to prevent Paſſengers from paſſing by without paying any Toll, laid, or directed to be paid, by any Act or Acts of Parliament made for that Purpoſe; or any Houſe or Houſes erected, or to be erected, for the Uſe of any ſuch Turnpike-gate or Turnpike-gates; or any Crane, Machine, or Engine, made or erected, or to be made or erected, on any Turnpike Road by Authority of Parliament, for weighing Waggons, Carts, or Carriages; or ſhall forcibly reſcue any Perſon or Perſons, being lawfully in Cuſtody of any Officer, or other Perſon, for any of the Offences before mentioned; that then, and in any of the ſaid Caſes, every Perſon ſo offending, being thereof lawfully convicted, ſhall be adjudged guilty of Felony, and ſhall be tranſported to One of His Majeſty's Plantations abroad for Seven Years, or ſhall be committed to Priſon for any Time not exceeding Three Years, at the Diſcretion of the Judge or Court before whom ſuch Offender ſhall be tried; and any

The malicious deſtroying of Turnpike-gates, Houſes, Weighing Engines, &c.

is Felony, and the Offender to be tranſported:

Indictment

Inditment for ſuch Offences ſhall and may be enquired of, examined, tried, and determined, in any adjacent County within that Part of Great Britain called England, in ſuch Manner and Form, as if the Facts had been therein committed.

And the Inhabitants of the Hundred ſhall make Satiſfaction for the Damages done, unleſs the Offender be convicted within 12 Months after the Offence committed.

XLIII. And be it further enacted, That the Inhabitants of every Hundred, within that Part of Great Britain called England, within which ſuch Offence or Offences ſhall be committed, by pulling down or deſtroying any ſuch Turnpike Gate or Gates, or any ſuch Poſt or Poſts, Rail or Rails, Wall or Walls, belonging to any Turnpike Gate or Gates, or any ſuch Chain, Bar, or Fence, or any Houſe or Houſes, ſet up or erected, or to be ſet up or erected, for the Uſe or Service of collecting the Tolls, or any Crane, Machine, or Engine, made or erected on any Turnpike Road, by Authority of Parliament, for weighing Waggons, Carts, or Carriages, at any Place appointed by the reſpective Truſtees, or any Five or more of them, acting under any Act or Acts of Parliament for amending any Turnpike Road, ſhall make full Satiſfaction for the Damages that ſhall be thereby ſuffered; and that the ſaid Damages ſhall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, by and in the Name of the Clerk of the Peace of the County for the Time being, wherein ſuch Offence or Offences ſhall be committed, without naming the Chriſtian or Surname of the Clerk of the Peace; and ſuch Action ſhall not be abated or diſcontinued by the Death or Removal of any ſuch Clerk, but may be ſued and proſecuted by his Succeſſors; and the ſaid Damages, ſo to be recovered, ſhall be to the only Uſe and Behoof of the Truſtees of ſuch Turnpike Road where the Offence ſhall have been committed, to be by them applied and diſpoſed of to the ſeveral Uſes and Purpoſes, and in ſuch Manner, as the ſeveral Tolls, Rates, and Duties, by virtue of ſuch Act or Acts of Parliament, ſhall be applied and diſpoſed of; and all and every the Inhabitants of ſuch Hundred ſhall be rateably and proportionably taxed for and toward an equal Contribution, for the Relief of ſuch Inhabitant or Inhabitants againſt whom Execution for ſuch Damages ſhall be had and levied; which Tax ſhall be levied and raiſed by ſuch Means, and in ſuch Manner and Form, as is preſcribed and mentioned for the levying and raiſing the Damages recovered againſt Inhabitants of Hundreds, in caſe of Robberies, by any Act or Acts of Parliament: Provided, that upon Conviction of any ſuch Offender, within Twelve Months after the Offence committed, any Hundred, or the Inhabitants thereof, liable to make, and having made ſuch Satiſfaction, ſhall be repaid the Sums they have ſo paid out of the Tolls of the Turnpike where ſuch Offence was committed.

Qualification of Truſtees, where the particular Act has not fixed it.

XLIV. And whereas great Miſchiefs have ariſen from mean Perſons acting as Truſtees in the Execution of ſuch Acts of Parliament, made for repairing publick Roads in that Part of *Great Britain* called *England*, as do not direct and require that the Truſtees thereby appointed ſhall be qualified to act as ſuch by the Poſſeſſion of Real or Perſonal Eſtates to a certain Value; be it therefore enacted, That no Perſon ſhall be qualified, or capable of acting as a Truſtee in the Execution of any ſuch Act as aforeſaid, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds; or poſſeſſed of, or intitled to, a perſonal Eſtate to the Value of Eight hundred Pounds; or ſhall be Heir-apparent of a Perſon poſſeſſed of an Eſtate in Land of the clear yearly Value of Eighty Pounds; and unleſs he hath taken, or ſhall, (not being ſuch Heir-apparent as aforeſaid), before he acts as ſuch Truſtee, take and ſubſcribe the Oath following before any Two or more of the Truſtees appointed, or to be appointed, by or in purſuance of ſuch Act, who are hereby authoriſed and impowered to adminiſter the ſame in the Words, or to the Effect following; that is to ſay,

Oath of Truſtees.

I *A. B.* do ſwear, That I truly and *bona fide* am, in my own Right, or in the Right of my Wife, in the actual Poſſeſſion and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds; or poſſeſſed of, or intitled to, a perſonal Eſtate to the Value of Eight hundred Pounds, *(as the Caſe may be.)*

So help me GOD.

Truſtees acting without taking the Oath forfeit 50 *l.*

And if any Perſon ſhall preſume to act contrary to the true Intent and Meaning hereof, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and ſuch Perſon ſo ſued or proſecuted ſhall prove that he is qualified as above, or otherwiſe ſhall pay the ſaid Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Plaintiff or Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of any ſuch Act.

Clerks, Treaſurers, *&c.* to deliver up their Accounts when required by the Truſtees, or ſhall forfeit 20 *l.* for every Neglect.

XLV. And be it further enacted, That all Clerks, Treaſurers, Surveyors, and other Officers, appointed, or to be appointed, by any Act or Acts made for the Repair of any Turnpike Roads, and their reſpective Executors or Adminiſtrators, ſhall, within Ten Days after Notice in Writing to them reſpectively given by the Truſtees of ſuch Roads, or any Five or more of them, at a Meeting held purſuant to ſuch Act, produce and deliver up to ſuch Truſtees all Books, Accounts, Papers, or Writings whatſoever, relative to the Execution of ſuch reſpective Offices, which ſhall be in their Cuſtody or Power; and every ſuch Officer or Perſon as aforeſaid, neglecting or refuſing to produce and deliver up ſuch Books, Accounts, Papers, or Writings, after ſuch Notice as aforeſaid, ſhall, for every ſuch Neglect or Refuſal reſpectively, forfeit the Sum of Twenty Pounds.

No Perſon keeping a Publick Houſe ſhall be a Truſtee, or hold a Place of Profit;

XLVI. And it is hereby further enacted, That no Perſon or Perſons who ſhall keep any Victualling-houſe, Alehouſe, or other Houſe of publick Entertainment, or who ſhall ſell any Wine, Cyder, Beer, Ale, Spirituous or other Strong Liquors, by Retail, ſhall be capable of acting as a Truſtee, or of taking, holding, or enjoying, any Place or Places of Truſt or Profit under the Truſtees of any Act of Parliament made, or to be made, for erecting Turnpikes reſpectively, or of collecting the Tolls thereby granted and made payable, during ſuch Time as he ſhall keep ſuch Victualling-houſe, Alehouſe, or other Houſe of publick Entertainment, or ſhall ſell any Wine, Beer, Cyder, Ale, Spirituous or other Strong Liquors, by Retail; but no ſuch Perſon ſhall be precluded from farming ſuch Tolls, provided he employs a Perſon to collect them who ſhall not be under any ſuch Incapacity.

but he may farm the Tolls.

XLVII. And whereas the Truſtees of ſeveral Turnpike-Roads are not ſufficiently impowered to puniſh Nuiſances in the ſeveral Roads under their Care; be it therefore further enacted, That the ſaid Truſtees of the ſeveral Roads reſpectively, or any Five or more of them, at a publick Meeting, may, and they are hereby impowered, if they think fit, to direct Proſecutions by Indictment againſt the Offender or Offenders, for any Nuiſance done, committed, or continued, in or upon any of the Turnpike Roads under their Care reſpectively, at the Expence of the Revenues belonging to ſuch Turnpike Roads, to be allowed by ſuch Truſtees, or any Five or more of them, at ſome ſubſequent Meeting: Provided, that nothing in this Act ſhall be conſtrued to impower the Truſtees to proſecute, or cauſe to be proſecuted, any Perſon for any ſuch Offence, unleſs upon the Confeſſion of the Offender, or that One or more Witneſs or Witneſſes can be had and produced to prove the Commiſſion of ſuch Offence.

Truſtees may direct Proſecutions for Nuiſances, and pay the Expences out of the Turnpike Revenues.

XLVIII. And whereas fraudulent Contrivances may be practiſed by Offenders, their Friends, and others, to evade the juſt Recovery of Forfeitures and Penalties inflicted by Laws relating to Turnpike Roads, by ſetting up colourable Proſecutions with Intent to favour Offenders againſt the ſaid Laws, and to diſcourage juſt and real Proſecutions; for Remedy thereof, be it enacted, That it ſhall and may be lawful for all and every Juſtice and Juſtices of the Peace, before whom there ſhall be any Information or Proceeding for any Penalty or Forfeiture inflicted by this or any Act or Acts of Parliament made for repairing and amending Turnpike Roads, and they are hereby required, where any Information or Conviction ſhall be ſet up or inſiſted upon, by way of Defence, or to defeat any Information or Proceeding, or any Forfeiture or Penalty inflicted as aforeſaid, to examine into the real Merits of ſuch Information, Proceeding, or Conviction; and if thereupon it ſhall appear that the ſame was not done, made, or proſecuted effectually, to recover and apply the Penalty or Forfeiture for the true and real Ends and Purpoſes for which ſuch Penalties or Forfeitures were enacted, but to favour the Offender, ſuch Information or Conviction ſhall be deemed to be fraudulent, and null and void to all Intents and Purpoſes whatſoever; and every ſuch Juſtice or Juſtices of the Peace ſhall proceed to determine and convict, as if no Information or Conviction had been made, proſecuted, or obtained.

Informations for Penalties in order to favour the Offender, are deemed fraudulent and void.

XLIX. And be it further enacted, That where a ſufficient Number of the Truſtees appointed by any Act or Acts of Parliament, made for amending or repairing any particular Turnpike Roads, ſhall not meet on the Day appointed by any ſuch Act or Acts reſpectively for their Firſt Meeting, or ſhall not meet on the Day appointed by Adjournment for their Meeting, or for want of a proper Adjournment, by which Means, or by ſome or One of them, the Intent of the ſaid Act or Acts may be fruſtrated; in all or either of the ſaid Caſes, it ſhall be lawful for ſo many of the ſaid Truſtees as ſhall meet, or the major Part of them, or in caſe no ſuch Truſtee ſhall be preſent, for their Clerk or Clerks, to cauſe Notice in Writing to be affixed on all Turnpike-gates which ſhall be then erected on the ſaid reſpective Roads, or if no Turnpike-gate ſhall be then erected, to cauſe the like Notice to be affixed in the moſt conſpicuous Place in One of the principal Towns or Places neareſt to which the Roads directed to be repaired do lie, and alſo in ſome publick News-paper circulated in that Country, at leaſt Ten Days before the intended Meeting, appointing ſuch Truſtees to meet at ſuch Place where the preceding Meeting was appointed to have been held, or at the Place directed for the Firſt Meeting of ſuch Truſtees, if no ſuch preceding Meeting ſhall have been held; and the ſaid Truſtees, when met, in purſuance of ſuch Notice, ſhall and may, and they are hereby required, to proceed and carry ſuch Act or Acts into Execution, in the ſame and as ample and full a Manner, to all Intents and Purpoſes, as they might or could have done if no ſuch Neglect had happened.

If a ſufficient Number of Truſtees do not appear at the Firſt, or any adjourned Meeting, the Clerk may fix the Day, and give proper Notice thereof.

L. Provided nevertheleſs, and be it further enacted, That no Meeting of ſuch Truſtees ſhall at any Time be adjourned for any longer Time than Three Calendar Months from the Day on which ſuch Adjournment ſhall be made; and that no Buſineſs ſhall be done or proceeded upon by the Truſtees, at any Meeting to be held under this or any other Act or Acts of Parliament made for repairing any Turnpike Roads, before the Hour of Ten in the Forenoon; and that no Adjournment ſhall be made to any Hour later than Two in the Afternoon of the Day on which ſuch Meeting ſhall be appointed to be held; and that every Act agreed upon at any Meeting ſhall be ſigned at the ſaid Meeting by a competent Number of Truſtees, or otherwiſe every ſuch Meeting, Adjournment, and Act reſpectively, ſhall be void and of none Effect.

No Meeting to be adjourned for more than 3 Months.

No Buſineſs to be done before Ten, nor after Two in the Afternoon.

LI. And be it enacted, That if the Truſtees appointed, or to be appointed, to put any Act of Parliament made for the Repair of any Turnpike Road into Execution, ſhall abuſe or exceed their Power, by erecting, or cauſing to be erected, or continuing, or cauſing to be continued, any Gate or Gates, Turnpike or Turnpikes, where they have not any Power by virtue of any Act of Parliament to erect ſuch Gate or Gates, Turnpike or Turnpikes, it ſhall and may be lawful to and for the Juſtices of the Peace of the Limit where any ſuch Gate or Gates, Turnpike or Turnpikes, is or ſhall be erected or continued, in their General Quarter Seſſions aſſembled, upon Complaint of ſuch Abuſe or Exceſs of Power in ſuch Truſtees, in a ſummary Way to hear and determine the ſame, and thereupon to order the Sheriff of the County, who is hereby authoriſed and required to execute ſuch Order, to remove any ſuch Gate or Gates, Turnpike or Turnpikes.

If Truſtees cauſe Gates to be erected contrary to their Power, the Juſtices at their Quarter Seſſions may order them to be removed.

LII. And be it enacted, That all and every Mortgagee and Mortgagees, that hath or have taken or been in Poſſeſſion, or ſhall hereafter take or be in Poſſeſſion, of any Toll Gate or Bar, ſet up or erected on any Turnpike Road, or of any Lands or Tenements, the Rents and Profits whereof are appropriated to the Repairs of any Part of any Turn-

Mortgagees in Poſſeſſion of the Tolls are to account upon Oath when required by the Truſtees, or forfeit 10*l.*

pike Road, ſhall, within Fourteen Days after he, ſhe, or they, ſhall have received Notice, in Writing, from the Truſtees of ſuch Turnpike Roads, or any Five of them, render upon Oath, to be adminiſtered and taken by and before One Juſtice of the Peace, or any One Truſtee of ſuch Turnpike Road, an exact Account, in Writing, to ſuch Truſtees, or to any Perſon appointed by them, or any Five of them, to be named in ſuch Notice, of all Monies received by ſuch Mortgagee or Mortgagees, or by any other Perſon or Perſons, for his, her, or their Uſe and Benefit, or by his, her, or their Authority, at ſuch Toll Gate or Bar, or otherwiſe, and of what he, ſhe, or they, have expended in keeping or repairing the ſame: And in caſe he, ſhe, or they, ſhall neglect to render ſuch Account when required, in the Manner herein directed, he, ſhe, or they, ſhall ſeverally forfeit and pay to the ſaid Truſtees, for every Refuſal, Neglect, or Omiſſion, to render ſuch Account, the Sum of Ten Pounds; to be recovered by the ſaid Truſtees, or any Five or more of them, or by the Treaſurer or Clerk to the ſaid Truſtees, in a ſummary Manner, before One Juſtice of the Peace, which, when recovered, ſhall be applied to the Uſe of the reſpective Road or Roads whereon ſuch Toll Gate or Bar ſhall be placed.

If Mortgagee keeps Poſſeſſion after he has received the Money due, he ſhall forfeit Double the Sum and Treble Coſts.

LIII. And be it further enacted, That if any ſuch Mortgagee or Mortgagees ſhall keep Poſſeſſion of any Toll Gate or Bar, by him, her, or themſelves, or by any other Perſon or Perſons, on his, her, or their Behalf, and receive the Tolls or Duties thereat, or of any ſuch Rents or Profits, as aforeſaid, after ſuch Mortgagee or Mortgagees ſhall have received the full Sum or Sums of Money due on their reſpective Mortgage or Mortgages, and the Intereſt thereof, with Coſts, ſuch Mortgagee or Mortgagees ſhall forfeit and pay, as a Penalty to the ſaid Truſtees, Double the Sum or Sums of Money, he, ſhe, or they, ſhall have received, over and above the Sum or Sums of Money due, as aforeſaid, with Treble Coſts of Suit; to be recovered by the ſaid Truſtees, or by the Treaſurer or Clerk to ſuch Truſtees, by Action of Debt, Bill, Plaint, or Information in any of His Majeſty's Courts of Record; which, when recovered, ſhall be applied to the Uſe of the reſpective Road or Roads on which ſuch Toll Gate or Bar ſhall be placed, or ſuch Rents appropriated.

On the Death of a Gate-keeper, Two Truſtees may nominate another until the next Meeting of the Truſtees.

If the Gate-keeper, who is diſcharged, refuſes to deliver up Poſſeſſion of the Houſe, &c. the Juſtices may, by Warrant, order him to be removed with his Goods.

LIV. Provided always, and be it further enacted, That it ſhall and may be lawful for any Two or more Truſtees of any Turnpike Road, upon the Death of any Toll-gatherer or Gate-keeper, appointed, or to be appointed, to collect the Tolls upon ſuch Turnpike Road, to nominate and appoint ſome other fit Perſon in his Place until the next Meeting of the Truſtees of ſuch Road, which Perſon, ſo to be nominated and appointed, ſhall have the like Power and Authority, and be accountable in the ſame Manner, in all Reſpects, as the Perſon ſo dying had, or would have been, if living: And that if any Toll-gatherer or Gate-keeper, who ſhall be diſcharged from his Office by the Truſtees authoriſed for that Purpoſe, ſhall refuſe to deliver up the Poſſeſſion of the Houſe, Buildings, and Appurtenances, which he enjoyed in Right of his Appointment to that Office, within Two Days after Notice of his Diſcharge ſhall be given to him, or left at his Houſe; or if the Wife or Family of any ſuch Toll-gatherer or Gate-keeper, who ſhall die, as aforeſaid, ſhall refuſe to deliver up the Poſſeſſion of ſuch Houſe, Buildings, and Appurtenances, within Four Days after ſuch new Appointment ſhall be made, as aforeſaid; then, and in either of the ſaid Caſes, it ſhall and may be lawful for any Juſtice of the Peace for the Limit where ſuch Turnpike-houſe ſhall be, by Warrant under his Hand and Seal, to order the Conſtable, or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe and Premiſes in the Day-time, and to remove the Perſons who ſhall be found therein, together with their Goods, out of ſuch Houſe, and to put the new-appointed Officer into the Poſſeſſion thereof.

Gate-keepers and Surveyors to account upon Oath when required by the Truſtees, or forfeit 5*l.*

LV. And be it further enacted, That the Gate-keeper or Toll-gatherer of every ſuch Toll Gate or Bar, and every Surveyor of any Turnpike Road, ſhall, when required, by Notice in Writing from the ſaid Truſtees, or any Five or more of them, render upon Oath, to be adminiſtered by and taken before any One Juſtice of the Peace, or Truſtee of ſuch Turnpike Road, a true and exact Account, in Writing, to the ſaid Truſtees, or to any Perſon to be named in ſuch Notice appointed by them, or any Five or more of them, of all Monies received by him, her, or them, at ſuch Toll Gate or Bar, or otherwiſe, on account of ſuch Turnpike Road, not before accounted for, under the Penalty of Five Pounds for every ſuch Offence or Neglect; to be recovered in a ſummary Manner before any One Juſtice of the Peace, and applied to the Uſe of the reſpective Road on which ſuch Toll-gate ſhall be placed.

No Gate-keeper to be removed as a Pauper, unleſs actually chargeable to the Pariſh, &c. nor ſhall gain a Settlement by renting the Tolls, nor be aſſeſſed for the Toll-houſe or Tolls.

LVI. And be it further enacted, That no Gate-keeper of any Turnpike Road, or Perſon renting the Tolls thereof, and reſiding in any Toll-houſe belonging to the ſaid Truſt, ſhall be removeable from ſuch Toll-houſe by the Order of any Juſtices of the Peace, in purſuance of any Laws now in being for the Relief or Regulation of the Poor, unleſs he ſhall become actually chargeable to the Pariſh or Place in which ſuch Toll-houſe is ſituate; and that no ſuch Gate-keeper, or Perſon renting ſuch Tolls, and reſiding in ſuch Toll-houſe as aforeſaid, ſhall thereby gain a Settlement in any Pariſh or Place whatſoever; and that no Tolls to be taken at any Gate erected, or to be erected, by the Truſtees, of any Turnpike Road, nor any Toll-houſe erected, or to be erected, for the Purpoſe of collecting the ſame, nor any Perſon, in reſpect of ſuch Tolls or Toll-houſe, ſhall be rated or aſſeſſed towards the Payment of any Poors Rate, or any other publick or parochial Levy whatſoever.

Penalty on Gate-keepers permitting a greater Number of Horſes, or Carriages conſtructed otherwiſe than allowed by the Act, &c.

LVII. And be it further enacted, That if any Toll-gatherer or Gate-keeper ſhall permit or ſuffer any Waggon, Wain, Cart, or other Carriage, to be drawn or paſs upon any Turnpike Road within the View, or with the Knowledge, of ſuch Gate-keeper or Toll-gatherer, or to paſs through any Toll-gate or Bar with any greater Number of Horſes, or Beaſts of Draught, or with any Carriage conſtructed or drawn in any other Manner than is before directed, or without ſuch Names and Deſcriptions painted thereon as are hereby directed, and ſhall not, within the Space of One Week, proceed for the Recovery of the Forfeiture or Penalty hereby inflicted for every ſuch Offence, in the Manner directed or authoriſed by this Act, he ſhall forfeit and pay for every ſuch Neglect, the Sum of Forty Shillings.

LVIII. And whereas there are or may be Turnpike Roads in ſuch a State and Condition with regard to their Repairs, and the Revenues ariſing upon them, that the Statut-eduty required to be performed upon the ſame, or ſome Part thereof, may be diſpenſed with, and employed more conveniently for the Benefit of the other publick Highways within the Pariſh, Townſhip, or Place, in which ſuch Turnpike Road lies; be it therefore enacted, That it ſhall and may be lawful for the Juſtices of the Peace, at any Special Seſſions, upon Application to them made by the Surveyor of any Pariſh, Townſhip, or Place, in the Situation herein-before deſcribed, to ſummon the Clerk and Surveyor of ſuch Turnpike Road to appear before them, at ſome other Special Seſſions, and then and there to produce before them a State of the Revenues and Debts belonging to ſuch Turnpike Road, and for ſuch Juſtices then and there to enquire into the State and Condition of the Repairs thereof, and alſo of ſuch other Highways; and if it ſhall appear to them, upon full and clear Evidence, that the Whole, or any Part of ſuch Statute-duty, may be conveniently diſpenſed with from ſuch Turnpike Road, without endangering the Securities for the Money advanced upon the Credit of the Tolls thereof, and that ſuch Statute-duty is wanted for the Repairs of the other Highways within ſuch Pariſh, Townſhip, or Place; then, and in that Caſe, it ſhall and may be lawful for the ſaid Juſtices to order the Whole, or Part, of ſuch Statute-duty to be performed upon the Highways, not being Turnpike, within ſuch Pariſh, Townſhip, or Place, under the Direction of the Surveyor thereof, during ſuch Time as to them ſhall ſeem juſt and reaſonable, and the ſame ſhall be performed accordingly; any Thing in this or any other Act of Parliament contained to the Contrary thereof in any-wiſe notwithſtanding.

Juſtices at Special Seſſions may transfer Part of the Statute-duty, applicable to Turnpike Roads, to the Pariſh Roads, if the Circumſtances of the ſeveral Roads require and admit of it.

LIX. Provided always, and be it further enacted, That it ſhall and may be lawful for the Juſtices of the Peace, within the Principality of Wales, at their reſpective General Quarter Seſſions of the Peace, to be held in the Week after Michaelmas, to licenſe an Increaſe of the Number of Horſes to be employed in drawing Carriages on any Turnpike Road within their reſpective Juriſdictions, over and above the Number herein-before limited, if upon Inquiry into the State and Condition of ſuch Roads they ſhall find any additional Number of Horſes neceſſary, and, from Time to Time, at any Michaelmas Quarter Seſſions, to revoke, alter, or vary the ſame, as they ſhall think fit; and that neither the Owner or Driver of the Horſes ſo licenſed ſhall incur any Forfeiture for uſing ſuch increaſed Number of Horſes.

Juſtices in *Wales*, at their *Michaelmas* Quarter Seſſions, may allow an additional Number of Horſes when they think fit.

LX. And be it further enacted, That no Toll ſhall be collected or received at any Toll-gate for or in reſpect of Carriages ſolely employed in carrying Materials for the Repair of any Turnpike Road or publick Highway, or for going to ſuch Employment, or returning after having been ſo employed.

No Toll to be paid for Carriages employed in carrying Materials for Turnpike Roads, *&c.*

LXI. And whereas it has been found by Experience, that ſmall Stones being permitted to lie upon the Land are a Benefit thereto, be it therefore enacted, That no Surveyor ſhall gather, or cauſe to be gathered, any Stones for the Uſe of the Highways, upon or from the common Fields or incloſed Lands or Grounds of any Perſon or Perſons whomſoever, without the Conſent of the Occupier of ſuch Lands or Grounds, or a Licence from a Juſtice of Peace of the Limit where ſuch Lands or Grounds lie for that Purpoſe, after having ſummoned ſuch Occupier to come before him, and heard his Reaſons, if he ſhall appear and give any, for refuſing his Conſent; any Thing contained in this Act, or any Act of Parliament, for making and repairing Turnpike Roads, to the Contrary thereof in any-wiſe notwithſtanding.

No Surveyor to gather Stones from the common Fields or incloſed Lands of any Perſon without his Conſent, or a Licence from a Juſtice of Peace.

LXII. And whereas many Perſons are liable by Tenure, Incloſure, or otherwiſe, to the Repair of certain Highways, which having become Turnpike Roads, are more uſed, and occaſion an Increaſe of the Expence in repairing and maintaining thereof, which ought in ſome Degree to be laid upon ſuch Turnpike Road: For Remedy whereof, be it further enacted, That it ſhall and may be lawful for the Truſtees of ſuch Turnpike Road to agree with the Perſon or Perſons liable to repair ſuch Highway, for the Repair thereof, in ſuch Manner as they ſhall think fit, and to contribute ſo much to the Repair thereof, out of the Tolls ariſing upon ſuch Turnpike Road, or out of the Statute-duty belonging to the ſame, as they ſhall think juſt and reaſonable.

Power for Truſtees of Turnpike Roads to agree with Perſons liable by Tenure to repair any Part of ſuch Road, concerning the future Repair of it.

LXIII. And whereas Parts of Highways or Turnpike Roads have been, or may be, diverted and turned by legal Authority, to make the ſame nearer or more commodious to the Publick; and Doubts have ariſen, and may ariſe, whether the Inhabitants of any Pariſh, Townſhip, or Place, or any particular Perſon or Perſons, liable to repair the old Highway or Road, ſo deviated from by Statute-duty, Tenure, or otherwiſe, ought to repair, or contribute to the Repair of, the Whole, or ſome, and what Part or Proportion of ſuch new Highway or Road: For obviating which Doubts, and preventing Diſputes about the ſame, be it enacted, That the Inhabitants of every ſuch Pariſh, Townſhip, or Place, and Perſon or Perſons, who was, were, or ſhall be, liable as aforeſaid, to the Repair of any ſuch old Highway or Road, which hath been, or ſhall be, ſo diverted and turned, ſhall reſpectively be and continue in the ſame Manner liable to the Repair of ſuch new Highway or Road, or ſo much thereof as ſhall be equal to the Burthen and Expence of repairing ſuch old Highway or Road from which he, ſhe, or they, ſhall be exonerated, by turning the ſame, as aforeſaid; and that if the ſeveral Parties intereſted cannot agree therein, the ſame ſhall be viewed by Two Juſtices of the Peace of the Limit where ſuch Road ſhall be, and ſettled, adjuſted, and determined by them, in ſuch Manner as they ſhall think juſt and reaſonable; and from and after ſuch Determination of the Juſtices, the Inhabitants of the ſaid Pariſh, Townſhip, or Place, or the Perſon or Perſons liable to repair ſuch new Highway or Road, as aforeſaid, ſhall bear all Charges and Expences of Indictments and Proſecutions for not repairing the ſame: And if it ſhall be found more convenient to fix a groſs Sum, or an annual Sum, to be paid by any ſuch Inhabitants, or Perſon or Perſons, towards the Repair of ſuch new Highway or Road, inſtead of fixing the Part or Proportion of ſuch new Highway or Road, to be repaired by him, her, or them, the ſaid Juſtices may, with the Conſent of ſuch Perſon

Perſons liable to repair old Highways turned or ſtopped up ſhall be liable to repair a Part of the new Highway, equal to the Burthen of the old One;

and if the Parties cannot agree, it ſhall be viewed and ſettled by Two Juſtices of the Peace.

A groſs or annual Sum may be paid, if the Parties agree thereto.

or Perſons, and alſo of the Inhabitants intereſted therein, obtained at a Veſtry or publick Meeting held for that Purpoſe, and alſo of the Truſtees at a publick Meeting, if it be Turnpike Road, order and direct the ſame accordingly; which Order ſhall be, and for ever after continue, binding to all Perſons whomſoever.

If Action be brought againſt a Truſtee, Evidence of his being appointed a Truſtee, and acting as ſuch, ſufficient.

LXIV. And be it further enacted, That in all Caſes where any Action ſhall be brought by or againſt any Truſtee or Truſtees of any Turnpike Road, Evidence of ſuch Truſtee or Truſtees having acted as ſuch, together with the Act of Parliament by which he or they was or were appointed, or the Order, or a Copy of the Order, for his or their Appointment or Election, in caſe he or they was or were appointed or elected by the Truſtees, ſhall be ſufficient Proof of his or their being a Truſtee or Truſtees.

Treaſurers and Surveyors who have not already given Security, ſhall give Bond with Surety to to the Truſtees, for the duly paying and applying the Money in their Hands

LXV. And be it further enacted, That every Treaſurer and Surveyor of any Turnpike Road, who hath not already given proper Security to the Truſtees of ſuch Turnpike Road duly to pay and account for the Money which hath come, or ſhall come to his Hands, as Treaſurer or Surveyor, ſhall, on or before the Twenty-fifth Day of December next, and every ſucceeding Treaſurer and Surveyor ſhall, within One Month after his Appointment, give a Bond to the ſaid Truſtees, with a ſufficient Surety, in ſuch Penalty as the ſaid Truſtees, at any publick Meeting, ſhall direct, conditioned for the duly paying and accounting for all ſuch Money which ſhall be then in his Hands, or which he ſhall afterwards receive, as Treaſurer or Surveyor, according to the Directions of the ſeveral Acts of Parliament reſpecting ſuch Turnpike Road; which Bond ſhall be wrote upon Paper without any Stamp thereupon.

Truſtees, on the 30th *Sept.* next, to put on every Toll-gate a Table of the Tolls, and alſo of the Weights allowed to each Carriage.

LXVI. And be it further enacted, That upon the Thirtieth Day of September, One thouſand ſeven hundred and ſeventy-three, the Truſtees of every Turnpike Road within that Part of Great Britain called England, ſhall, and are hereby required to put up, or cauſe to be put up, and afterwards to be continued, upon every Toll-gate within their reſpective Diſtricts, a Table of all the Tolls payable at every ſuch Gate, diſtinguiſhing each Toll, and the different Sorts of Carriages for which they are to be paid, where there ſhall be any Variation therein; and alſo a Table of the Weights allowed for each Carriage, with the Loading thereof in Summer and Winter: And that the ſaid Truſtees ſhall, and are hereby required, from Time to Time, to examine and inſpect, or cauſe to be examined and inſpected, every Weighing Engine which ſhall be erected upon their reſpective Turnpike Roads, in order to ſee that the ſame, with the Weights belonging thereto, are kept in good Condition to weigh the Carriages and Loading with Accuracy.

Two Oxen to be conſidered as One Horſe.

LXVII. And be it further enacted, That in all Carriages, wherein Oxen or Neat Cattle ſhall be uſed, Two Oxen or neat Cattle ſhall be conſidered as One Horſe, for all the Purpoſes mentioned in this Act, or any particular Turnpike Act, with reſpect to Tolls or other Things.

The Chriſtian and Surname of the Owner of every Waggon, *&c.* and alſo of every Coach, *&c.* uſed for Hire, to be painted upon it; and *Common Stage Waggon,* or *Cart,* where they travel from Town to Town. Perſons uſing Carriages without ſuch Names and Deſcriptions, or with falſe Ones, forfeit not exceeding 5*l.* nor leſs than 20*s.*

LXVIII. And for the better Diſcovery of Offenders againſt this Act, be it enacted, That the Owner of every Waggon, Wain, or Cart, and alſo of every Coach, Poſt-chaiſe, or other Carriage, let to Hire, ſhall paint, or cauſe to be painted, upon ſome conſpicuous Part of his Waggon, Wain, or Cart, and upon the Pannels of the Doors of all ſuch Coaches, Poſt-chaiſes, or other Carriages, before the ſame ſhall be uſed upon any Turnpike Road, his or her Chriſtian and Surname, and the Place of his or her Abode, in large legible Letters, and continue the ſame thereupon, ſo long as ſuch Waggon, Cart, Coach, Poſt-chaiſe, or other Carriage, ſhall be uſed upon any ſuch Turnpike Road; and the Owner of every Common Stage Waggon or Cart, employed in travelling Stages from Town to Town, ſhall, over and above his or her Chriſtian and Surname, paint, or cauſe to be painted, on the Part, and in the Manner aforeſaid, the following Words, COMMON STAGE WAGGON, or CART, (as the Caſe may be); and every Perſon uſing any ſuch Carriage, as aforeſaid, upon any Turnpike Road, without the Names and Deſcriptions painted thereon reſpectively, as aforeſaid, or who ſhall paint, or cauſe to be painted, any falſe or fictitious Name, or Place of Abode, on ſuch Waggon, Wain, Cart, Coach, Poſt-chaiſe, or other Carriage, ſhall forfeit, for every ſuch Offence, a Sum not exceeding Five Pounds, nor leſs than Twenty Shillings.

After *Michaelmas,* 1776, the Tire of all Waggons, *&c.* ſhall be flat, and the Nails ſunk ſo as not to riſe above the Surface.

LXIX. And be it further enacted, That from and after the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-ſix, the Tire of the Wheels of all Waggons, Wains, Carts, and Carriages, to be uſed upon any Turnpike Road, ſhall be counterſunk in placing the ſame upon the Fellies, in ſuch Manner that the Nails ſhall not riſe above the Surface, and that the Sole or Surface of the Wheels ſhall be quite flat; and the Owner of every Carriage offending therein ſhall forfeit the Sum of Forty Shillings; and every Driver not being the Owner, the Sum of Twenty Shillings, for every Offence.

When the Powers for providing Materials, enlarging and turning Turnpike Roads, making Drains, pruning Hedges and Trees, and calling forth the Statute-duty, are ineffectual, and where more ample Powers for theſe Purpoſes are given by the Highway Act, the Surveyor of Turnpike Roads, with the Approbation of the Tru-

LXX. And whereas the Powers given by ſeveral Turnpike Acts are ineffectual for the Purpoſes of digging, providing, and carrying Materials, for the Uſe of the Turnpike Roads therein deſcribed, and alſo for the Purpoſes of enlarging, diverting, and turning ſuch Turnpike Roads, and ſtopping up, ſelling, and diſpoſing of, the old Roads ſo to be diverted and turned; and alſo for the making, opening, and cleanſing of Ditches and Drains, and the cutting and pruning of Hedges and Trees; and alſo for the calling forth and compelling the Performance of the Statute-duty which ſhall belong to ſuch Turnpike Roads: And whereas more ample Powers, under proper Guards and Reſtrictions, have been given, or may be given, for the ſeveral Purpoſes aforeſaid, by certain Clauſes, Proviſions, and Regulations, contained, or to be contained, in the Act or Acts of Parliament made, or to be made, for the Amendment and Preſervation of the Highways in general, (which Highways comprehend and include Turnpike Roads); and it may be more beneficial to the Turnpike Roads, and to the Publick, if the Surveyors of Turnpike Roads were authoriſed, within their reſpective Limits, to apply Part of the Tolls and Statute-duty in carrying the ſaid Powers into Execution, for the Uſe and Improvement of ſuch Turnpike Roads; be it therefore enacted, That the Surveyors of every Turnpike Road, within that Part of Great Britain called England, ſhall and may, with the Approbation of the Truſtees of every ſuch Turnpike Road, apply any Part of the Tolls and Statute-duty ariſing to, from, or in reſpect of every ſuch Turnpike Road, in the Execution of all and every the ſaid Powers, Clauſes, Proviſions, and Regulations, which are, or ſhall be contained in the ſaid Act or Acts of Parliament, for the Amendment and Preſervation of the Highways, and ſhall and may execute and enforce the ſame upon and to the Benefit and Improvement of ſuch Turnpike Roads reſpectively, for the ſeveral Purpoſes aforeſaid, as fully and amply, but upon ſuch Terms, under ſuch Reſtrictions, and in ſuch Manner and Form, to all Intents and Purpoſes, as the Surveyor of any Pariſh, Townſhip, or Place, can or may do, or apply the ſame, by virtue of, or under ſuch Act or Acts of Parliament.

ſtees, may execute and enforce theſe Powers upon and for the Benefit of the Turnpike Roads, upon the Terms, and under the Reſtrictions, in the Highway Act:

LXXI. Provided nevertheleſs, and be it further enacted, That when any Materials ſhall be dug or got by the Surveyor of any Turnpike Road, in the ſeveral or incloſed Lands or Grounds of any Perſon or Perſons, for the Uſe of any Turnpike Road, by or under the Authority of this Act, or of the ſaid Act or Acts, for the Amendment and Preſervation of the Highways, Satiſfaction ſhall be made by the Truſtees of ſuch Turnpike Road to the Owner or Occupier of ſuch Lands or Grounds, for the Materials ſo to be dug or got, and alſo for the Damages in carrying away the ſame, in ſuch Manner as Satiſfaction is or ſhall be required to be made for the Damages occaſioned by the digging, getting, and carrying away, the Materials in ſeveral or incloſed Lands or Grounds, by virtue of the ſaid Act or Acts for the Amendment and Preſervation of the Highways.

But Satiſfaction ſhall be made by the Truſtees of the Turnpike Roads for all ſuch Materials as are got in ſeveral or incloſed Lands or Grounds.

LXXII. And be it further enacted, That the Forms of Proceedings relative to the ſeveral Matters contained in this Act, which are ſet forth and expreſſed in the Schedule hereunto annexed, ſhall be uſed upon all Occaſions, with ſuch Additions or Variations only as may be neceſſary to adapt them to the particular Exigencies of the Caſe; and that no Objection ſhall be made, or Advantage taken, for want of Form in any ſuch Proceedings, by any Perſon or Perſons whomſoever.

Forms of Proceedings contained in the Schedule to be uſed, *&c.*

LXXIII. And, to enforce further a due Obſervance of this Act, be it enacted, That every Conſtable, Headborough, or Tithingman, refuſing or neglecting to put this Act into Execution, or to account for and deliver any Forfeiture or Penalty according to the Directions of this Act, and every Surveyor of any Turnpike Road, and every Toll-gatherer, and all other Perſons employed, or to be employed, by Truſtees appointed, or to be appointed, for the repairing Roads, as do or ſhall receive Salaries or Rewards, who ſhall wilfully neglect, for the Space of One Week after the Offence committed, to lay ſuch Information upon Oath before One or more of His Majeſty's Juſtices of the Peace for the Limit wherein ſuch Offence was committed, as by this Act is directed, ſhall, upon due Information made upon Oath before One of His Majeſty's Juſtices of the Peace for the ſaid Limit, forfeit for every ſuch Neglect, the Sum of Ten Pounds.

Conſtables, Surveyors, and all Perſons employed with Salaries, refuſing to execute the Act, and wilfully neglecting to proſecute Offenders, *&c.* forfeit 10 *l.*

LXXIV. Provided always, and be it further enacted, That no Conviction ſhall be had or made by virtue of this Act, unleſs upon Confeſſion of the Party accuſed, or upon the Oath of One or more credible Witneſs or Witneſſes; and that any Inhabitant of any Pariſh, Townſhip, or Place, in which any Offence ſhall be committed contrary to this Act, ſhall be deemed a competent Witneſs, notwithſtanding his or her being an Inhabitant of ſuch Pariſh, Townſhip, or Place; and that any Juſtice of the Peace may act in the Execution of this Act, notwithſtanding he may be a Creditor, or a Truſtee for repairing and amending the Roads on which any Offence contrary to this Act ſhall be committed.

No Conviction but on Confeſſion, or Oath of a credible Witneſs, *etc.*

Juſtices may act though they are Creditors, *etc.*

LXXV. And be it further enacted, That in caſe any Perſon or Perſons ſhall reſiſt, or make forcible Oppoſition againſt any Perſon or Perſons employed in the due Execution of this Act, or any particular Act made for amending any particular Highway; or ſhall aſſault any Collector or Collectors of the Tolls in the Execution of his or their Office or Offices; or ſhall paſs through any Turnpike Gate or Gates, Rail or Rails, Chain or Chains, or other Fence or Fences, ſet up, or to be ſet up, by Authority of Parliament, without paying the Toll appointed to be paid at ſuch Gate or other Fence; or ſhall hinder, or attempt to prevent or obſtruct any ſuch Perſon or Perſons in the meaſuring or gauging the Wheels of any Carriage, or make any Reſcue of Cattle or other Goods, diſtrained by virtue of this Act; or if any Conſtable, Headborough, or Tithingman, ſhall refuſe or neglect to execute any Warrant granted by any Juſtice or Juſtices of the Peace, purſuant to the Directions of this Act; every ſuch Perſon offending therein, and being convicted thereof, in Manner aforeſaid, ſhall, for every ſuch Offence, forfeit any Sum not exceeding Ten Pounds, nor leſs than Forty Shillings, at the Diſcretion of the Juſtice or Juſtices of the Peace, before whom he or ſhe ſhall be ſo convicted; to be paid to the Surveyor of the Turnpike Roads where the Offence was committed, and laid out in the Repairs thereof: And in caſe he or ſhe do not forthwith pay, or ſecure to be paid, the ſaid Forfeiture, after ſuch Conviction, then it ſhall and may be lawful for ſuch Juſtice or Juſtices of the Peace to commit ſuch Perſon or Perſons to the common Gaol, or Houſe of Correction, of the County, Diviſion, or Place, where ſuch Offence ſhall be committed, there to remain for any Time not exceeding Three Months, unleſs the ſaid Forfeiture ſhall be ſooner paid.

Perſons reſiſting the Execution of the Act, or aſſaulting Collectors,

and Conſtables diſobeying Warrants of Juſtices of Peace, forfeit not exceeding 10 *l.* nor leſs than 40 *s.*

LXXVI. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed, for any Offence againſt the ſame, and all Coſts and Charges to be allowed and ordered by the Authority of this Act, (the Manner of levying and recovering of which is not hereby otherwiſe particularly directed), ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender, or Perſon liable or ordered to pay the ſame reſpectively, by Warrant under the Hand and Seal of ſome Juſtice of the Peace for the Limit where ſuch Offence, Neglect, or Default, ſhall happen, and ſuch Order for Payment of ſuch Coſts or Charges ſhall be made, rendering the Overplus of ſuch Diſtreſs and Sale, if any, to the Party or Parties, after deducting the Charges of making the ſame; which Warrants ſuch Juſtice is hereby impowered and required to grant, upon Conviction of the Offender, by Confeſſion, or upon the Oath of One or

Penalties and Forfeitures how to be recovered and applied.

more credible Witneſs or Witneſſes, or upon Order made, as aforeſaid; and the Penalties and Forfeitures, Coſts and Charges, when ſo levied, ſhall be paid, the One Half to the Informer, and the other Half to the Surveyor of the Turnpike Road where ſuch Offence, Neglect, or Default, ſhall happen, to be employed towards the Repair thereof, unleſs otherwiſe directed by this Act: And in caſe ſuch Diſtreſs cannot be found, and ſuch Penalties and Forfeitures, or the ſaid Coſts or Charges, ſhall not be forthwith paid, it ſhall and may be lawful for ſuch Juſtice, and he is hereby authoriſed and required, by Warrant under his Hand and Seal, to commit ſuch Offender or Offenders, or Perſon or Perſons, liable to pay the ſame reſpectively, to the common Gaol, or Houſe of Correction, of the Limit where the Offence ſhall be committed, or ſuch Order, as aforeſaid, ſhall be made, for any Time, not exceeding Three Months, unleſs the ſaid Penalty, Forfeiture, Coſts, or Charges, ſhall reſpectively be ſooner paid: And if ſuch Offender or Offenders, or Perſon or Perſons, liable, or ordered to pay the ſame reſpectively, ſhall live out of the Juriſdiction of the Juſtice or Juſtices, hereby authoriſed to grant ſuch Warrant, it ſhall and may be lawful for any Juſtice of the Peace of the Limit wherein ſuch Perſon ſhall inhabit, and every ſuch Juſtice is hereby required, upon Requeſt to him for that Purpoſe made, and upon a true Copy of the Conviction whereby ſuch Forfeiture or Penalty was incurred, or of the Order for the Payment of ſuch Coſts or Charges, produced and proved by a credible Witneſs upon Oath, by Warrant under his Hand and Seal, to cauſe the Penalty or Forfeiture mentioned in ſuch Conviction, or the Coſts or Charges mentioned in ſuch Order, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Offender or Offenders, or Perſon or Perſons, liable or ordered to pay the ſame reſpectively, as aforeſaid; and if no ſufficient Diſtreſs can be had, to commit ſuch Offender or Offenders, or Perſon or Perſons, liable, as aforeſaid, to the common Gaol, or Houſe of Correction, of ſuch Limit, for the Time, and in Manner aforeſaid.

No Warrant of Diſtreſs to be iſſued till Six Days after the Conviction.

LXXVII. Provided nevertheleſs, That no Warrant of Diſtreſs, unleſs otherwiſe directed by this Act, ſhall be iſſued for levying any Penalty or Forfeiture, Coſts or Charges, until Six Days after the Offender ſhall have been convicted, and an Order made and ſerved upon him or her for Payment thereof.

Forfeitures recovered, to be employed to the Uſe of the Roads.

LXXVIII. Provided alſo, and be it enacted, That whatever Penalty or Forfeiture ſhall be levied or recovered on the Information of the Surveyor of any Turnpike Road, or of any Toll-gatherer, or other Perſon employed by the Truſtees appointed for repairing the Roads, and receiving Salaries or Rewards for their Services, and not otherwiſe directed by this Act, ſhall go and be applied to the amending of the ſaid Turnpike Roads reſpectively, and to no other Uſe or Purpoſe whatever; any Thing in this or any other Act to the Contrary notwithſtanding.

Forfeitures below 40 *s.* may be recovered by Information; but above 40 *s.* by Information, or by Action, &c.

LXXIX. And be it enacted, That every Proſecutor or Informer may, at his Election, ſue for, and recover any Forfeiture or Penalty impoſed by this or any other Act or Acts of Parliament made for erecting Turnpikes, or for repairing and amending Turnpike Roads, in the Manner hereafter mentioned; that is to ſay; If the ſame ſhall not amount to the Sum of Forty Shillings, it ſhall be recoverable only by Information before a Juſtice of the Peace; and if the ſame ſhall amount to Forty Shillings, or upwards, it ſhall and may be recovered either by Information, as aforeſaid, or by Action of Debt, in any of His Majeſty's Courts of Record, in which it ſhall be ſufficient to declare that the Defendant is indebted to the Plaintiff in the Sum of   being forfeited by an Act, paſſed in the Thirteenth Year of the Reign of His preſent Majeſty, intituled, An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of *Great Britain* called *England*, and for other Purpoſes; and the Plaintiff, if he recover in any ſuch Action, ſhall have Full Coſts: Provided, that there ſhall not be more than One Recovery for the ſame Offence; and that Ten Days Notice in Writing be given to the Party offending previous to the Commencement of ſuch Action; and that the ſame be brought and commenced within One Calendar Month after the Offence for which ſuch Action is brought ſhall have been committed.

Ten Days Notice to be given before Action brought.

Diſtreſs not unlawful for want of Form, or Irregularity in the Proceedings, &c.

LXXX. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money, to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Default or want of Form in any Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the ſpecial Damage in an Action on the Caſe.

Plaintiff not to recover for any Irregularity in the Proceedings, if Tender of Amends be made.

LXXXI. Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity, Treſpaſs, or wrongful Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, any ſuch Irregularity, or wrongful Proceedings, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall ſee fit; whereupon ſuch Proceedings, or Orders, and Judgements, ſhall be had, made, and given, in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Perſons aggrieved may appeal,

LXXXII. Provided alſo, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done by any Juſtice or Juſtices of the Peace in purſuance of this Act, except under the particular Circumſtances hereafter mentioned, and for which no particular Method of Relief hath been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace, at any General Quarter Seſſions of the Peace to be held for the Limit wherein the Cauſe of ſuch Complaint ſhall ariſe; ſuch Appellant firſt giving, or cauſing to be given, to ſuch Juſtice, by whoſe Act or Acts ſuch Perſon ſhall think himſelf or herſelf aggrieved, Notice in Writing of his or her Intention to bring ſuch Appeal, and of the Matter thereof, within Six Days after the Cauſe of ſuch Complaint aroſe, and within Four Days after ſuch Notice, entering into Recognizance before ſome Juſtice of the Peace, with One ſufficient Surety, conditioned to try ſuch Appeal at, and abide the Order of, and pay ſuch Coſts, as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and each and every Juſtice of the Peace, having received Notice of ſuch Appeal, as aforeſaid, ſhall return all Proceedings whatever had before them reſpectively, touching the Matter of ſuch Appeal, to the ſaid Juſtices at their General Quarter Seſſions aforeſaid, on Pain of forfeiting Five Pounds for every ſuch Neglect; and the ſaid Juſtices, at ſuch Seſſion, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear, and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing, or appealed againſt, as they the ſaid Juſtices ſhall think proper, to be levied and recovered as herein-before directed; and the Determination of ſuch Quarter Seſſions ſhall be final and concluſive to all Intents and Purpoſes; and no Proceeding to be had or taken in purſuance of this Act ſhall be quaſhed or vacated for want of Form, or removed by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter, any Law or Statute to the Contrary notwithſtanding.

upon giving Six Days Notice,

and entering into Recognizance.

Juſtices to return all the Proceedings to the Quarter Seſſions.

Juſtices at Quarter Seſſions are to hear and determine the Complaints, &c.

LXXXIII. Provided, That no ſuch Appeal ſhall be made againſt any Conviction for any Penalty or Forfeiture incurred by virtue of this Act, unleſs the Perſon convicted ſhall, at the Time of ſuch Conviction, if he ſhall be then preſent, if not, within Six Days after, give, or cauſe to be given, Notice of his or her Intention to appeal, and at the ſame Time enter into Recognizance, or give Security, with ſufficient Sureties, to pay ſuch Penalty or Forfeiture, in caſe ſuch Conviction ſhall be affirmed upon ſuch Appeal; and upon his or her giving ſuch Security, the further Proceedings for ſuch Penalty or Forfeiture ſhall be ſuſpended until ſuch Appeal ſhall be heard and determined.

No Appeal to be made againſt a Conviction, unleſs the Party give Notice thereof at the Time of Conviction, if preſent, if not, within Six Days after.

LXXXIV. And be it enacted, That where any Oath is hereby required and directed to be made or taken, the Juſtices of the Peace of any Limit, or the Truſtees of any Turnpike Road, (as the Caſe may be), and according to the ſeveral Juriſdictions herein given to them reſpectively, as aforeſaid, ſhall, and they are hereby reſpectively impowered to adminiſter the ſame.

Juſtices and Truſtees have Power to adminiſter Oaths.

LXXXV. And be it further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done or acted in purſuance of this Act; then, and in every ſuch Caſe, ſuch Action or Suit ſhall be commenced or proſecuted within Three Calendar Months after the Fact committed, and not afterwards; and the ſame, and every ſuch Action or Suit ſhall be brought in the County where the Perſon againſt whom ſuch Action or Suit ſhall be commenced doth ordinarily inhabit or reſide, or where the Fact was committed, and not elſewhere; and the Defendant or Defendants, in every ſuch Action or Suit, ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time limited for bringing the ſame, or be brought and laid in any other County than as aforementioned, then the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their Action, after the Defendant or Defendants ſhall have appeared; or if upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for Recovery thereof, as any Defendant or Defendants hath or have in any Caſes by Law.

Actions to be commenced within Three Months after the Offence committed, and in the County where the Defendant reſides, &c.

Defendant may plead the General Iſſue, &c.

Treble Coſts.

LXXXVI. And be it further enacted, That from and after the Twenty-eighth Day of September, One thouſand ſeven hundred and ſeventy-three, an Act, paſſed in the Seventh Year of His preſent Majeſty's Reign, intituled, An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads of this Kingdom, and for other Purpoſes therein mentioned, (except ſo much thereof as repeals the ſeveral Acts therein mentioned), ſhall be, and the ſame is hereby repealed; and that this Act ſhall commence and take Effect on the Twenty-ninth Day of September, One thouſand ſeven hundred and ſeventy-three.

The Statute of 7 *Geo.* III. repealed.

This Act is to commence on the 29th Day of *September*, 1773.

THE

THE SCHEDULE, REFERRED TO,

Containing the Form of PROCEEDINGS, mentioned in the foregoing ACT.

N°. I.

Order of Truſtees for erecting a Weighing Engine.

At a Meeting of the Truſtees of the Turnpike Roads, under an Act, paſſed in the Year of the Reign of His Majeſty King George *the for* [State the principal Part of the Title of the Act] *held at the Day of* 17

IN purſuance of the Powers given to us by an Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, for regulating the Turnpike Roads, we do hereby order, That an Engine, proper for the weighing of Carriages, of the Conſtructions and Weights ſpecified in the ſaid Act, be forthwith erected at or as near as conveniently may be to the Toll Gate or Bar now erected upon the ſaid Turnpike Road at and that *A. B.* the (*Treaſurer*), (*Clerk*), or (*Surveyor*), of the ſaid Turnpike Road do contract with ſome proper Perſon (*or with* C. D.) (*in caſe the Truſtees ſhall think fit to name the Perſon*), for the making and erecting ſuch Engine, and do inſpect and take care that the ſame is properly done: And we do order the Gate-keeper at the ſaid Gate or Bar for the Time being to attend the ſaid Weighing Engine, and carefully to weigh all Carriages paſſing, loaded upon the ſaid Road, at the Place where ſuch Engine ſhall be erected, together with the Loading thereof, and to take the ſeveral additional Tolls or Rates for Overweight, and give Tickets of the Weight of ſuch Carriages and Loading, when required by the Driver thereof, according to the Directions of the ſaid Act; and alſo to enter in a ſeparate Book, to be kept by him for that Purpoſe, an Account of every Carriage ſo weighed, which ſhall, with the Loading, exceed the Weights allowed by the ſaid Act, and account to us for the Money received for all ſuch Overweight.

(*To be ſigned by Five at leaſt of the Truſtees.*)

N°. II.

Table of Weights allowed in Winter and Summer to Carriages directed to be weighed, (including the Carriage and Loading), by the Act of the Thirteenth George *the Third.*

	Summer.		Winter.	
	Tons.	Cwt.	Tons.	Cwt.
TO every Waggon upon Rollers, of the Breadth of Sixteen Inches, - -	8	—	7	—
To every Waggon with Nine Inch Wheels, rolling a Surface of Sixteen Inches on each Side, - -	6	10	6	—
To every Waggon with Nine Inch Wheels,	6	—	5	10
To every Cart with Nine Inch Wheels, - -	3	—	2	15
To every Waggon with Six Inch Wheels,	4	5	3	15
To every Waggon with Six Inch Wheels, rolling a Surface of Eleven Inches, - -	5	10	5	—
To every Cart with Six Inch Wheels, - -	2	12	2	7
To every Waggon with Wheels of leſs Breadth than Six Inches, -	3	10	3	—
To every Cart with Wheels of leſs Breadth than Six Inches, -	1	10	1	7

N°. III.

Agreement between Truſtees of different Turnpike Roads, for erecting One Weighing Engine for the Uſe of ſuch Roads.

At a Meeting of the Truſtees of the Turnpike Roads, under an Act, paſſed in the Year of the Reign of King George *the for* [State the principal Part of the Title of the Act], *and alſo of the Truſtees of the Turnpike Roads, under an Act, paſſed in the Year of the Reign of King* George *the for* (&c. as above) *held at the Day of* 17 *for the Purpoſe of agreeing upon and ordering a Weighing Engine, at the joint Expence of the Truſtees, for the Uſe of the ſaid ſeveral Turnpike Roads, purſuant to the Powers given by an Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King* George *the Third, for regulating the Turnpike Roads.*

IT appearing to us, That a Weighing Engine may be erected at (*deſcribing the Spot where it can be moſt conveniently placed*), which will accommodate both the ſaid Turnpike Roads, according to the true Intent and Meaning of the ſaid Act; we do therefore order, *&c.* (*as in the Form above mentioned*); and we do hereby agree and order, That the Expences of making and erecting the ſaid Weighing Engine, and the Sum of which we do hereby agree and order, ſhall be paid to the Toll-gatherer attending the ſaid Toll-gate for the Time being, weekly, for his extraordinary Trouble in attending the ſaid Weighing Engine, ſhall be advanced and paid by the Treaſurers of the ſaid ſeveral Turnpike Roads, in the Shares and Proportions following; *videlicet*, That the Treaſurer of the Road ſhall pay (*One Half*), (*Two-third*), (*Three-fourth*), Parts thereof, (*as the Truſtees ſhall agree*), and the Treaſurer of the Road ſhall pay the remaining (*One Half*), (*One-third*), or (*One-fourth*), Part thereof; and that the Money to be received at the ſaid Weighing Engine, by Forfeitures for Overweight, ſhall be paid to the ſaid reſpective Treaſurers, in the like Proportions, and applied by them for the Uſe of the ſaid reſpective Turnpike Roads.

N°. IV.

Complaint to the Court of Quarter Seſſions of a Turnpike Road being damaged by exceſſive Weights, and that there is no Weighing Engine upon it.

To the Juſtices at the General Quarter Seſſions of the Peace for the (County) Riding) Diviſion) *of*

WE, whoſe Names are ſubſcribed, being (*Creditors* or *Truſtees*) under an Act, paſſed in the Year of the Reign of King *George* the for, *&c.* [*State the principal Part of the Title of the Act*] do hereby complain to the Juſtices at the ſaid Court, that a Part of the ſaid Turnpike Road, lying between and is much damaged by the Carriage of exceſſive Weights thereupon, and that the Truſtees of the ſaid Turnpike Road have hitherto neglected to erect, or order any Weighing Engine to be erected, upon the ſaid Road, purſuant to the Powers given to them by the Act paſſed in the Thirteenth Year of the Reign of King *George* the Third, for regulating the Turnpike Roads; and we apprehend, that if a Weighing Engine was to be erected upon the ſaid Road, purſuant to the ſaid Act, at or near the Toll-gate at (or known by the Name of the Gate), it would contribute greatly to the Preſervation of the ſaid Road.

Signed this Day of 17

(*If a Juſtice of the Peace makes the Complaint, the Form will be as under.*)

Middleſex. I *A. B.* One of His Majeſty's Juſtices of Peace for the ſaid County, do hereby complain, *&c.* (*as above*).

N° V.

Notice of a Meeting of Truſtees, for ordering a Side-gate to be erected.

NOTICE is hereby given, That the Truſtees of the Turnpike Roads, under an Act, paſſed in the Year of the Reign of King *George* the for [*State the material Parts of the Title of the Act*] will meet at the Houſe of at on the Day of next, at the Hour of in the noon, in order to conſult about erecting a Toll-gate on the Side of the ſaid Turnpike Road, at or near a Place called acroſs a certain Highway there, leading to

Dated the Day of 17

A. B. Clerk to the ſaid Truſtees.

N°. VI.

Order of the Truſtees for erecting a Side-gate.

AT a Meeting of the Truſtees of Turnpike Roads, under an Act, paſſed in the Year of the Reign of King *George* the for (*Here ſtate the material Parts of the Title of the Act*), being aſſembled this Day of 17 to enforce the Directions of an Act, paſſed in the Thirteenth Year of the Reign of King *George* the Third, *For regulating the Turnpike Roads* (as far as the ſame reſpects the erecting of Side-gates,) in purſuance of publick Notice given in Writing upon all the Toll-gates erected on the ſaid Road, and alſo in the News-papers circulated in this Part of the Country, for Twenty-one Days now laſt paſt; we do order, that a Toll-gate ſhall be erected on the Side of the ſaid Turnpike Road, at or near a Place called acroſs a certain Highway there, leading to and that the following Toll be taken at the ſaid Gate; *videlicet*, [*Here inſert the particular Tolls to be taken at the ſaid Side-gate*].

This to be ſigned by Nine Truſtees at leaſt.

N°. VII.

Order of Truſtees for permitting Carriages with Six Inch Wheels to be drawn by Horſes in Pairs.

AT a Meeting of the Truſtees of the Turnpike Roads, under an Act, paſſed in the Year of the Reign of King *George* the for, *&c.* [*State the material Part of the Title of the Act*], held at on the Day of 17 it was requeſted by ſeveral Perſons, that Liberty ſhould be given to draw Carriages with Fellies of the Breadth of Six Inches, by Horſes in Pairs; and the State and Condition of the ſaid Turnpike Road being taken into Conſideration, and it appearing to us, that the ſaid Requeſt may be granted without Prejudice to the ſaid Turnpike Roads, we do hereby authoriſe all Perſons, who ſhall uſe Carriages with Fellies of the Breadth of Six Inches upon the ſaid Turnpike Road, to draw ſuch Carriages with Horſes in Pairs, if they ſhall think fit, from and after the Day of next, purſuant to the Power given to us by an Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, *For regulating Turnpike Roads.*

(This Meeting muſt conſiſt of Seven or more Truſtees).

N°. VIII.

Notice for letting Tolls.

NOTICE is hereby given, That the Tolls ariſing at the Toll-gate, (*or Toll-gates, if more than One*), upon the Turnpike Road at called or known by the Name of the Gate, will be let by Auction, to the beſt Bidder, at the Houſe of at on the Day of next, between the Hours of and in the Manner directed by the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, *for regulating the Turnpike Roads*; which Tolls produced the laſt Year the Sum of above the Expences of collecting them, and will be put up at that Sum. Whoever happens to be the beſt Bidder, muſt, at the ſame Time, give Security, with ſufficient Sureties, to the Satisfaction of the Truſtees of the ſaid Turnpike Road, for

Payment of the Rent agreed for, at ſuch Times as they ſhall direct.

A. B. Clerk to the ſaid Turnpike Road.

N°. IX.

Order of Truſtees for reducing the Tolls.

At a Meeting of the Truſtees of the Turnpike Roads, under an Act, paſſed in the Year of the Reign of King George *the for*, &c. [State the principal Part of the Title of the Act] *held at the Day of* 17

WHEREAS by the ſaid Act there was no Power (or no effectual Power) given (*as the Caſe may be*) to the Truſtees to leſſen the Tolls authoriſed to be taken by the ſaid Act; we, whoſe Names are ſubſcribed, being Seven or more of the Truſtees acting under the ſaid Act, being now aſſembled for reducing the Tolls authoriſed to be taken by and under the ſaid Act, purſuant to publick Notice given for that Purpoſe in the News-paper circulated in this Part of the Country, and alſo affixed upon all the Turnpike-gates erected upon the ſaid Turnpike Road for upwards of One Calendar Month now laſt paſt; and having the Conſent of the ſeveral Perſons intitled to Five-ſixth Parts of the Money now remaining due upon the Credit of the ſaid Tolls this Day ſignified and proved to us, do hereby order, That the Tolls granted by the ſaid Act ſhall, from and after the Day of 17 be leſſened and reduced in the following Manner; [*Here ſtate the ſeveral Reductions propoſed to be made.*]

N°. X.

Order of Two Juſtices, for determining what Repairs ſhall be done to new Roads by Perſons who are diſcharged from the Repair of old Roads.

Middleſex. WE, Two of His Majeſty's Juſtices of the Peace for the ſaid County, acting within the (*Hundred*) of in the ſaid County, having (at the Requeſt of the Parties intereſted in the Repair of Part of the Highway (or *Turnpike Road*) hereafter mentioned, who could not agree about the Repair thereof), viewed a certain Part of the Highway, (or *Turnpike Road*) deſcribed in the Plan hereunto annexed, of the Length of Yards, which hath been ſet out and appropriated for a new Highway (or *Turnpike Road*) between and in lieu of an old Highway, (or *Turnpike Road*), which hath been ordered to be ſtopped up, and having alſo viewed the Ground where the ſaid old Highway was ſituated, and having ſummoned the Surveyor of the ſaid new Highway, (or *Turnpike Road*), and alſo *A. B.* (*who was liable by Tenure, &c.*) *If the old Road lay in a different Pariſh, and was to be repaired by the Inhabitants, leave out the Words in Italick, and inſert, (the Surveyor of the* (Pariſh, *&c.*) *of where the ſaid old Road lay, who were liable*) to the Repair of the ſaid old Highway, (or *Turnpike Road*), to appear before us this Day; and having heard what has been alleged touching the Repairs of the ſaid Part of the ſaid Highway, (or *Turnpike Road*), and having fully conſidered the ſame, and all the Circumſtances of the Caſe, we think it juſt and reaſonable, and do hereby order and (*adjudge,*) that the ſaid *A. B.* (*or the Inhabitants of the ſaid Pariſh, &c.*) ſhall from Time to Time, repair, and keep in Repair, the Whole, (or a Part of the ſaid Highway) from to containing Yards in Length, at each End whereof we have cauſed a Poſt, or Stone, to be placed, to aſcertain the Extent thereof.

Given under our Hands and Seals, this Day of 17

(If it be agreed, by the Conſent of the Parties, to pay a Sum in groſs, in lieu of ſuch Repairs, after the Word (adjudge) *inſert* (By and with the Conſent of the ſaid *A. B.* ſignified by his ſubſcribing his Name to this Order,) (or by the Conſent of the Inhabitants of the ſaid (*Pariſh, &c.*) of ſignified in Writing, at a Veſtry or other publick Meeting, a Copy whereof is hereunder written) that the ſaid *A. B.* (*or the Inhabitants, &c.*) is (*or are*) liable to repair Part of the ſaid new Highway; and that if he (*or they*) ſhall, on or before the Day of next pay to the Surveyors of the Highways of the ſaid (*Pariſh, &c.*) of (*if it is not Turnpike Road*) and, if it be Turnpike Road, (*to the Treaſurer of the ſaid Turnpike Road*), the Sum of he the ſaid *A. B.* and his Heirs, (*or the ſaid Inhabitants, and their Succeſſors*) ſhall be for ever acquitted and diſcharged from the Burthen and Obligation to repair the ſaid new Highway, or any Part hereof.

(If it be by the Conſent of Parties agreed to pay an annual Sum in lieu of ſuch Repairs, the Form will be eaſily varied, and adapted to that Caſe.)

I do conſent and agree to the above Order.

A. B.

N°. XI.

Agreement of Inhabitants, at a Veſtry, or publick Meeting, to pay a groſs Sum, or annual Payment to be diſcharged from the Repair of a particular Road.

WE, whoſe Names are ſubſcribed, being a Majority of the Inhabitants of the (*Pariſh, &c.*) of aſſembled this Day of at a Veſtry, or publick Meeting, held purſuant to Notice duly given, for the Purpoſes of conſulting about an Agreement to be made concerning the Repair of Part of a Highway (*or Turnpike Road*) within the ſaid (*Pariſh, &c.*) of do conſent and agree to pay the Sum of to be abſolutely exonerated and diſcharged from all future Repairs of the ſaid Highway, (*or Turnpike Road*) (*or if an annual Payment be agreed upon*), to pay annually the Sum of.

N°. XII.

Agreement between the Truſtees of a Turnpike Road and a Perſon liable by Tenure to repair ſome Part of it.

At a Meeting of the Truſtees of the Turnpike Roads under an Act, paſſed in the Year of the Reign of King George *the for* [State the principal Part of the Title of the Act] *held at the Day of* 17

WHEREAS *A. B.* of is liable by Tenure, *&c.* (*as the Caſe ſhall be*) to the Repair of a certain Highway leading between and of the Length of Yards or thereabouts; and the ſaid Highway being now made Turnpike Road by virtue of the ſaid Act, will occaſion a greater Expence to make and keep the ſame in proper Repair than would have been neceſſary if no ſuch Act had been obtained; and the ſaid *A. B.* attending this Meeting in Perſon, (or by C. D. his Attorney or Agent, authoriſed to treat in his Behalf), the ſaid Truſtees and the ſaid *A. B.* &c. in purſuance of a Power given by an Act, paſſed in the Thirteenth Year of the Reign of King *George* the Third, "For regulating Turnpike Roads," have, in order to put and keep the ſaid Road in proper Condition and Repair, come to the following Agreement; *videlicet*, That the ſaid Truſtees ſhall, on or before the Day of next, pay and allow the Sum of out of the Tolls ariſing upon the ſaid Turnpike Roads, towards putting the ſaid Road into proper Repair, to be laid out and expended by the Surveyor of the ſaid Turnpike Road; and that the ſaid *A. B.*

ſhall advance and pay into the Hands of the Treaſurer of the ſaid Turnpike Road, on or before the Day of next, the Sum of to be alſo laid out and expended by the ſaid Surveyor in the Repair of the ſaid Road; and that from and after the Twenty-ninth Day of *September* next, the ſaid Turnpike Road ſhall be kept in Repair by the ſaid Truſtees out of the ſaid Tolls, as aforeſaid, ſo long as the ſaid Turnpike Act ſhall continue, upon the ſaid *A. B.* paying into the Hands of their Treaſurer the Sum of upon the Twenty-fifth Day of *March*, in every Year, which the ſaid *A. B.* doth hereby for himſelf and his Heirs agree to pay accordingly, ſo long as the ſaid Road ſhall be ſo repaired by the ſaid Truſtees, as aforeſaid.

[*Or if it ſhall be agreed, that* A. B. *ſhall keep the Road in Repair, upon having an annual Allowance in Money or Statute-duty from the ſaid Truſtees, let the Agreement be varied, and adapted to the Caſe.*]

N°. XIII.

Order of Juſtices at a Special Seſſion, for proportioning the Statute-duty, where there are Two or more Turnpike Roads in the ſame Place.

Middleſex. *At a Special Seſſions, held by Juſtices of the Peace for the ſaid County, acting for the* (Hundred) *Riding*) *Diviſion, &c.*) *of at within the ſaid* (Hundred, *&c.*) *the Day of* 17

IT appearing to us, that Part of the Highway lying in the (*Pariſh, &c.*) of was made Turnpike Road by an Act, paſſed in the Year of the Reign of King *George* the called the Turnpike Road, and alſo that Part of another Highway, lying in the ſame (*Pariſh, &c.*) was made a Turnpike Road, by an Act, paſſed in the Year of the Reign of King *George* the called Turnpike Road; and that, *&c.* [*State the others in the ſame Manner, if there are more than Two*] and that by the ſaid ſeveral Acts, more than Three Days Statute-duty are required to be performed by the Inhabitants of the ſaid (*Pariſh, &c.*) upon all the ſaid Turnpike Roads; and we having, purſuant to the Directions of the Act, paſſed in the Thirteenth Year of the Reign of King *George* the Third, "For regulating the Turnpike Roads," duly ſummoned the Surveyors of the ſaid ſeveral Turnpike Roads, and alſo the Surveyor of the ſaid (*Pariſh, &c.*) to appear before us this Day; and having had Regard to the Extent and Condition of the ſeveral Highways within the ſaid (*Pariſh, &c.*) and to the Tolls and Revenues ariſing from the ſaid Turnpike Roads, and having heard and conſidered the whole Caſe, we do order, that the Inhabitants of the ſaid (*Pariſh, &c.*) ſhall perform (*One*) Day's Statute-duty upon the ſaid Road called the Turnpike Road, (*One*) other Day's Statute-duty upon the ſaid Road, called the Turnpike Road, *&c.* under the Directions and Inſpection of the Surveyors of thoſe reſpective Turnpike Roads, and the Remainder of their Statute-duty upon the other Highways within the ſaid (*Pariſh, &c.*) under the Direction and Inſpection of the Surveyor (or *Surveyors*) thereof.

A. B.
C. D.

[*The Proportion of the Duty to be varied as the Circumſtauces of the Caſe ſhall require.*]

N°. XIV.

Order of Juſtices at a Special Seſſions, to take Part of the Statute-duty from Turnpike Roads, for the Benefit of other Highways in the ſaid Pariſh, &c.

Middleſex. *At a Special Seſſions, held by Juſtices of the Peace for the ſaid County, acting in the* (Hundred) *of within the ſaid County, at on the Day of* 17

WHEREAS Application and Complaint upon Oath has been made unto us by *A. B.* Surveyor of the (*Pariſh, etc.*) of that the ſeveral Highways, not being Turnpike, within the ſaid (*Pariſh, etc.*) are very extenſive, and in bad Repair, and that a conſiderable Part of the Statute-duty ariſing within the ſaid (*Pariſh, ect.*) hath been called forth, and required to be applied in the Repair of certain Turnpike Roads, lying within the ſaid (*Pariſh, etc.*) which are in good Condition, and have a conſiderable Revenue for their Support, ariſing from the Tolls collected thereupon: And we having duly ſummoned *C. D.* the Surveyor of the ſaid Turnpike Road to appear before us, to ſhew Cauſe why the ſaid Statute-duty called forth, and applied by him to the Repair of the ſaid Turnpike Road, ſhould not be withdrawn therefrom, and applied to the Repair of the other Highways within the ſaid (*Pariſh, &c.*); and upon hearing the ſaid *C. D.* and receiving an Account of the Revenues and Debts of the ſaid Turnpike Road, and of the State and Condition of the Repair of the ſaid Turnpike Road and Highway reſpectively; and it appearing to us, upon full Conſideration had thereupon, that Part of the Statute-duty hitherto employed by the ſaid (*Pariſh, &c.*) for the Repair of the ſaid Turnpike Road, may be conveniently diſpenſed without endangering the Securities for the Money advanced upon the Credit of the Tolls thereof; and that ſuch Statute-duty is wanted for the Repairs of the other Highways within the ſaid Pariſh; we, in purſuance of the Power given to us, by the Act, paſſed in the Thirteenth Year of the Reign of King *George* the Third, "For regulating Turnpike Roads," do order, that from and after the Twenty-ninth Day of *September* next, there ſhall be only (*One*) Day's Statute-duty performed by the Inhabitants of the ſaid (*Pariſh, &c.*) upon the ſaid Turnpike Road within the ſame, and that the Remainder of the Statute-duty ſhall be performed upon the other Highways within the ſaid (*Pariſh, &c.*)

[*If there are more Turnpike Roads than One, or the whole Statute-duty ſhall be thought fit to be taken away, this Form muſt be varied to fit thoſe Caſes; the Summons to the Surveyors will be very eaſily formed from this Order.*]

N°. XV.

Licence by the Truſtees for drawing with an increaſed Number of Horſes up a ſteep Hill.

At a Meeting of the Truſtees of the Turnpike Roads, under an Act, paſſed in the Year of the Reign of King George *the for* [State the principal Part of the Title of the Act] *held at the Day of* 17

IT appearing to us, upon the Oath of being a Perſon experienced in levelling, that the Riſe of (*Part of*) a certain Hill, upon the ſaid Turnpike Road, lying in the Pariſh of called or known by the Name of Hill, between the Poſt marked (*Put on*) and the Poſt marked (*Take off*), being Yards in Length, is above Four Inches in a Yard, we do hereby allow to be drawn up the ſaid Hill, between the Poſts above mentioned, Waggons, having the Soles or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, with Horſes; and Carts, having the like Wheels, with Horſes; and Waggons, having Wheels of the Breadth of Six Inches, with Horſes; and Carts, having the like Wheels, with Horſes; and Waggons, having Wheels of leſs Breadth than Six Inches, with Horſes; and Carts, having the like Wheels, with Horſes.

[*This Form is calculated where any Part of the Hill between thoſe Poſts riſes above Four Inches in a Yard; but if the whole Riſe between the Poſts ſhall be upon an Average more than Four Inches in a Yard,* *before the Word* (above) *inſert* (upon an Average) *which will authoriſe the Juſtices to allow more Horſes than mentioned in the Act.*]

N°. XVI.

Certificate of the above Order to the Juſtices of Peace at their Quarter Seſſions.

I *A. B.* Clerk to the Truſtees, mentioned in the above Order, do hereby certify to the Juſtices of the Peace, for the *(County) Riding) Diviſion)* of at their General Quarter Seſſions of the Peace, that the above is a true Copy of the Order made by the ſaid Truſtees, for the Purpoſe therein mentioned.

Dated this Day of 17
A. B.

N°. XVII.

Agreement by Subſcription for advancing Money to make and repair a Turnpike Road or Highway.

WE, whoſe Names are ſubſcribed, do agree to advance and pay the ſeveral Sums wrote by us oppoſite to our Names, unto to be laid out and expended in the making and repairing a certain Highway leading from to after an Act of Parliament ſhall be obtained for making the ſame Turnpike Road, upon having the Tolls to be collected upon ſuch Turnpike Road aſſigned and made over to us, as a Security for the reſpective Sums ſo to be advanced by us, together with Intereſt for the ſame, after the Rate of *per Centum per Annum*; which Sums we do hereby ſeverally agree to pay by Inſtalments, in the following Manner, *videlicet*, One-fourth Part thereof on the Day of next, One other Fourth Part, *(etc. etc. etc.)*

Dated this Day of 17

N°. XVIII.

Warrant from a Juſtice of Peace to enter the Toll-gate Houſe, and remove the Perſons therein.

Middleſex. *To the* (Conſtable) Headborough) Tithingman) *of* *in the ſaid County.*

WHEREAS Complaint hath been made unto me *A. B.* Eſquire, One of His Majeſty's Juſtices of the Peace for the ſaid County, upon the Oath of and other Evidence now produced to me, that *C. D.* who now inhabits the Turnpike or Toll-gate Houſe at upon the Turnpike Road leading from to and was appointed to collect the Tolls there, hath been duly diſcharged by the Truſtees of the ſaid Turnpike Road from any further collecting or receiving the Tolls ariſing at the ſaid Gate, and hath refuſed, and ſtill doth refuſe, to quit the Poſſeſſion of the ſaid Houſe; and the ſaid *C. D.* having been ſummoned to appear before me this Day, to ſhew Cauſe why he ſhould not be removed from the ſaid Houſe, and having ſhewn no ſufficient Cauſe for that Purpoſe, I do hereby authoriſe and require you, with ſuch Aſſiſtance as ſhall be neceſſary, to enter into the ſaid Toll-houſe or Turnpike-houſe, and the Buildings belonging thereto, in the Day-time, and to remove the ſaid *C. D.* and all ſuch Perſons as ſhall be found therein, together with his and their Goods, out of ſuch Houſe and Buildings, and to put *E. F.* the Perſon lately appointed by the Truſtees to collect ſuch Tolls, into the Poſſeſſion thereof, for which this ſhall be your ſufficient Warrant.

Given under my Hand and Seal this
Day of 17

N°. XIX.

Notice for Contracts to be made, for getting and carrying Materials.

NOTICE is hereby given, that *A. B.* Surveyor of the Turnpike Road, lying between and will, on the Day of next, at the Hour of in the noon, let the getting of (Tons) of Gravel, or (Tons) of Stone to be got at a Pit at for the Uſe of the ſaid Turnpike Road, and will alſo let the Carriage of the ſaid Gravel (or Stone) from the ſaid Pit to where the ſame is to be uſed and employed upon the ſaid Turnpike Road; and all Perſons deſirous of entering into a Contract with the ſaid Surveyor, either for getting or carrying the ſaid Materials, are deſired to attend at the Time and Place before mentioned.

Dated this Day of 17
A. B.

N°. XX.

Bond from the Surveyor.

WE *A. B.* Surveyor of the Turnpike Roads, under an Act, paſſed in the Year of the Reign of King *George* the for [*State the principal Part of the Title of the Act*] and *C. D.* of are bound to *E. F.* of in the Sum of Pounds, to be paid to the ſaid *E. F.* his Executors, Adminiſtrators, or Aſſigns, for which Payment we hereby bind ourſelves ſeverally, and each of our Heirs, Executors, and Adminiſtrators.

Dated the Day of 17

The Condition of this Bond is ſuch, that if the ſaid *A. B.* his Executors or Adminiſtrators, ſhall duly and faithfully account for, apply, and pay all and every the Sum and Sums of Money, which hath come, or ſhall come, to his Hands, as Surveyor of the Turnpike Road aforeſaid, according to the Direction and true Intent and Meaning of the ſaid Act, and of the Statute, made in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, " For regulating the " Turnpike Roads," then this Bond to be void, or elſe to remain in full Force.

(*The Bond from the Treaſurer will be in the ſame Form.*)

N°. XXI.

Summons for any Perſon or Perſons to attend a Juſtice or Juſtices.

Middleſex. *To* A. B. *of*

WHEREAS Complaint and Information hath been made upon Oath before me *C. D.* One of His Majeſty's Juſtices of the Peace for the ſaid (*County*, *&c.*) by *E. F.* of that, *&c.* [*Here ſtate the Nature and Circumſtances of the Caſe, as far as it ſhall be neceſſary to ſhew the Offence, and to bring it within the Authority of the Juſtice; and, in doing that, follow the Words of the Act as near as may be.*] Theſe are therefore to require you perſonally to appear before me, (*or the Juſtices, to be aſſembled at their Special Seſſions, to be holden*), at in the ſaid (*County*, *&c.*) on the Day of next, at the Hour of in the noon, to anſwer to the ſaid Complaint and Information made by the ſaid *E. F.* who is likewiſe directed to be then and there preſent, to make good the ſame: Herein fail not.

Given under my Hand and Seal, this
Day of 17

N°. XXII. *Information.*

Middleſex. BE it remembered, That on the Day of 17 *A. B.* of in the ſaid County, informeth, and maketh Oath before me One of His Majeſty's Juſtices of the Peace for the ſaid County, that of in the ſaid County [*Here deſcribe the Offence particularly, and follow the Words of the Act as near as may be*] contrary to the Statute, made in the Thirteenth Year of the Reign of King *George* the Third " For regulating the Turnpike Roads," which hath impoſed a Forfeiture of for the ſaid Offence.

Taken and ſworn the Day
of before me } *A. B.*

N°. XXIII.

N°. XXIII. *Form of Conviction.*

Middleſex. BE it remembered, That on the Day of in the Year of our Lord, 17 at in the County aforeſaid, *A. B.* came before me *C. D.* Eſquire, One of His Majeſty's Juſtices of the Peace for the ſaid County, and informed me, that *E. F.* of on the Day of now laſt paſt, at in the ſaid County, did [*Here ſet forth the Fact, in the Manner deſcribed by the Statute*] whereupon the ſaid *E. F.* after being duly ſummoned to anſwer the ſaid Charge, appeared before me on the Day of at in the ſaid County; and having heard the Charge contained in the ſaid Information, declared, that he was not guilty of the ſaid Offence; but the ſame being fully proved, upon the Oath of *G. H.* a credible Witneſs, it manifeſtly appears to me the ſaid Juſtice, that he the ſaid *E. F.* is guilty of the Offence charged upon him in the ſaid Information; it is therefore conſidered and adjudged by me, the ſaid Juſtice, that he the ſaid *E. F.* be convicted, and I do hereby convict him of the Offence aforeſaid; and I do hereby declare and adjudge, that he, the ſaid *E. F.* hath forfeited the Sum of of lawful Money of *Great Britain* for the Offence aforeſaid, to be diſtributed as the Law directs, according to the Form of the Statute in that Caſe made and provided.

Given under my Hand and Seal, the
Day of 17

This to be inſerted where the Party refuſes to appear upon the Summons.

After the Words "being duly ſummoned to anſwer to the ſaid Charge," inſert, (*did not appear before me, purſuant to the ſaid Summons*;) or, (*did neglect and refuſe to make any Defence againſt the ſaid Charge; but the ſame being fully proved, &c.*) as before.

This to be inſerted when the Party accuſed confeſſes the Charge.

After the Words "contained in the ſaid Information," inſert, (*acknowledged, and voluntarily confeſſed the ſame to be true, and it manifeſtly appears to me, the ſaid Juſtice, &c.*) as above.

N°. XXIV.

Warrant to diſtrain for the Forfeiture.

Middleſex. *To the* (Conſtable) Headborough) *or,* Tithingman) *of*

WHEREAS *A. B.* of in the ſaid County, is this Day convicted before me *C. D.* Eſquire, One of His Majeſty's Juſtices of the Peace in and for the ſaid County, upon the Oath of *G. H.* a credible Witneſs, for that the ſaid *A. B.* hath, [*Here ſet forth the Offence, deſcribing it particularly in the Words of the Statute, as near as may be*] (contrary to the Statute in that Caſe made and provided), by reaſon whereof the ſaid *A. B.* hath forfeited the Sum of to be diſtributed as herein is mentioned, which he hath refuſed to pay. Theſe are therefore, in His Majeſty's Name, to command you to levy the ſaid Sum of by Diſtreſs of the Goods and Chattels of him the ſaid *A. B.* and if within the Space of Four Days, next after ſuch Diſtreſs by you taken, the ſaid Sum, together with the reaſonable Charges of taking and keeping the ſame, ſhall not be paid, that then you do ſell the ſaid Goods and Chattels ſo by you diſtrained, and out of the Money ariſing by ſuch Sale, that you do pay One Half of the ſaid Sum of to *E. F.* of who informed me of the ſaid Offence, and the other Half of the ſaid Sum of to *J. K.* the the Surveyor of the Turnpike Road, (*deſcribing it*), where the ſaid Offence, (*Neglect*, or *Default*) happened, to be employed towards the Repair of the ſaid Road, returning the Overplus on Demand to him the ſaid *A. B.* (the reaſonable Charges of taking, keeping, and ſelling the ſaid Diſtreſs, being firſt deducted); and if ſufficient Diſtreſs cannot be found of the Goods and Chattels of the ſaid *A. B.* whereon to levy the ſaid Sum of that then you certify the ſame to me, together with this Warrant.

This to be varied according to the Direction of the Act in each particular Caſe.

Given under my Hand and Seal the
Day of 17 C. D.

N°. XXV.

Return of the Conſtable to be made upon the Warrant of Diſtreſs, where there are no Effects.

I *A. B.* Conſtable of the (*Pariſh, &c.*) of in the County of do hereby certify and make Oath, That, by virtue of this Warrant, I have made diligent Search for the Goods of the within named and that I can find no ſufficient Goods whereon to levy the within Sum of as witneſs my Hand the Day of 17

Sworn before me, the Day and Year, &c. *C. D.* } *A. B.*

N°. XXVI.

Commitment for want of Diſtreſs.

Middleſex. *To the* (Conſtable) *of* *in the ſaid County, and to the Keeper of the common Gaol,* (*or* the Houſe of Correction) *at* *in the ſaid County.*

WHEREAS *A. B.* of in the ſaid County, was, on the Day of convicted before me *C. D.* Eſquire, One of His Majeſty's Juſtices of the Peace in and for the ſaid County, upon the Oath of *E. F.* a credible Witneſs, for that he the ſaid *A. B.* [*Here ſet forth the Offence*] contrary to the Statute, made in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For regulating the Turnpike Roads," by reaſon whereof the ſaid *A. B.* hath forfeited the Sum of : And whereas on the Day of in the Year aforeſaid, I did iſſue my Warrant to the (*Conſtable*) of to levy the ſaid Sum of by Diſtreſs and Sale of the Goods and Chattels of him the ſaid *A. B.* and to diſtribute the ſame according to the Directions of the ſaid Statute: And whereas it duly appears to me, upon the Oath of the ſaid (*Conſtable*), that the ſaid (*Conſtable*) hath uſed his beſt Endeavours to levy the ſaid Sum on the Goods and Chattels of the ſaid *A. B.* as aforeſaid, but that no ſufficient Diſtreſs can be had whereon to levy the ſame; theſe are therefore to command you the ſaid (*Conſtable*) of aforeſaid to apprehend the ſaid *A. B.* and him ſafely to convey to the common Gaol, (*or* Houſe of Correction), at in the ſaid County, and there deliver him to the Keeper thereof, together with this Precept; and I do hereby alſo command you, the ſaid Keeper, to receive and keep in your Cuſtody the ſaid *A. B.* for the Space of Three Months, unleſs the ſaid Sum ſhall be ſooner paid, purſuant to the ſaid Conviction and Warrant, and for ſo doing this ſhall be your ſufficient Warrant.

Given under my Hand and Seal, the
Day of in the Year of our
Lord 17 C. D.

N°. XXVII.

Notice of Appeal to the Quarter Seſſions.

A. B. take Notice, That I intend to appeal to the next General Quarter Seſſions of the Peace, to be holden for the (*County*, &c.) of againſt an (*Order*, *Conviction*), or other Proceeding, (*as the Caſe may be*), [*Particularly ſpecifying the Purport of ſuch Order*, &c. *and aſſigning the Grievance and Cauſe of Complaint.*]

Dated the Day of 17

C. D.

CAP. LXXXV.

An Act for dividing and incloſing the Open Arable Fields, Meadows, Paſtures, and Commons, or Waſte Grounds, in the Townſhip of *Gowdall*, in the Pariſh of *Snaith*, in the County of *York*; and for draining and preſerving the ſame.

Preamble.

WHEREAS there are within the Townſhip of *Gowdall*, in the Pariſh of *Snaith*, in the County of *York*, ſeveral Open Arable Fields, Meadows, Paſtures, Commons, and waſte Grounds, containing in the Whole Nine hundred Acres, or thereabouts: And whereas the King's moſt Excellent Majeſty, in Right of His Duchy of *Lancaſter*, is Lord of the Manor of *Cowick* and *Snaith*; and *Richard Towne*, Gentleman, is the Leſſee of the ſaid Manor for a Term of Years now ſubſiſting, and as ſuch claims the Right of Soil of and in the Commons and Waſtes within the ſaid Townſhip of *Gowdall*: And whereas the Right Honourable *John* Lord Viſcount *Downe*, in the Kingdom of *Ireland*, is Lord of the Manor of *Gramery Fee*, in the Pariſh of *Snaith*, and as ſuch claims to be intitled to the Right of Soil of and in the Commons and Waſtes within the ſaid Townſhip of *Gowdall*, which lie on the North Side of the *Sea Bank* there: And whereas *William Perfect*, *John Perfect*, and *Thomas Taylor*, Gentlemen, are Impropriators and Owners of all the Rectorial or Great Tithes within the ſaid Townſhip, except ſuch Great Tithes as may ariſe or happen from or out of the Lands and Grounds of *William Sotheron* Eſquire, within the ſaid Townſhip, which are claimed by the ſaid *William Sotheron*, and alſo by the ſaid *William Perfect*, *John Perfect*, and *Thomas Taylor*: And whereas *Charles Yarburgh* Eſquire is Patron of the Vicarage or Curacy of the Pariſh Church of *Snaith* aforeſaid, and as ſuch is intitled to all Mortuaries happening or becoming due within the ſame Pariſh; and the Reverend *William Williams* is Vicar or Curate of the ſaid Pariſh Church, and as ſuch is intitled to the Tithes of Wool and Lamb, Flax, Rape, Hemp, Turnips, and all other Vicarial or Small Tithes and *Eaſter* Dues within the ſaid Townſhip, (Mortuaries excepted): And whereas the reſt of the Lands and Eſtates within the ſaid Townſhip are the Property of the ſaid Lord Viſcount *Downe*, the ſaid *William Perfect*, *John Perfect*, and *Thomas Taylor*, *James Allot* Eſquire, the ſaid *William Sotheron*, *Matthew Boynton* Eſquire, *Judith Twiſleton*, *Joſeph Fiſher* Gentleman, and others: And whereas the ſeveral Lands of ſuch reſpective Proprietors in the ſaid open and unincloſed Common Fields lie diſperſed and intermixed with each other; and the ſaid Lands, and alſo the ſaid Common, Meadow, and Paſture Grounds, Commons, and Waſtes, may be very greatly improved, if the ſaid Lands were divided and incloſed, and ſome Proviſion made for draining the ſame; but the ſeveral Purpoſes aforeſaid cannot be effected without the Aid of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame,

Commiſſioners Names.

That Thomas Tofield of Willick, in the County of York, Eſquire, William Hill of Tadcaſter, and John Fretwell of Pollington, in the ſaid County, Gentlemen, ſhall be, and are hereby appointed Commiſſioners, for ſetting out, dividing, and alloting, all the ſaid Open Arable Fields, Common Meadows and Paſtures, Commons, and waſte Grounds, within the ſaid Townſhip, to and amongſt all the Proprietors and Perſons intereſted therein, according to their ſeveral and reſpective Eſtates, Rights, and Intereſts, therein reſpectively; and alſo for allotting, awarding, and making juſt and adequate Compenſations for the Tithes of all the Lands and Tenements within the ſaid Townſhip, as herein-after mentioned, and for executing the ſeveral other Powers herein-after expreſſed, ſubject to the Rules and Directions herein-after mentioned.

No Commiſſioner to act till he has taken the following Oath.

II. And be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, (unleſs it be the Power hereby given of adminiſtering Oaths, and of giving Notice of their Firſt Meeting), until he ſhall have taken and ſubſcribed an Oath to the Effect following; videlicet,

The Oath.

I *A. B.* do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgement, execute the ſeveral Powers and Truſts repoſed in me as a Commiſſioner, by virtue of an Act, "For dividing and incloſing the Open Arable Fields, Meadows, Paſtures, and Commons, or Waſte Grounds, in the Townſhip of *Gowdall*, in the Pariſh of *Snaith*, in the County of *York*, and for draining and preſerving the ſame," without Favour or Affection to any Perſon whomſoever.

So help me GOD.

Which Oath it ſhall and may be lawful for any One of the ſaid Commiſſioners to adminiſter; and any One of the ſaid Commiſſioners is hereby required to adminiſter the ſame to any other of the ſaid Commiſſioners; and the ſaid Oath, ſo taken and ſubſcribed by each Commiſſioner, ſhall be inrolled in the ſame Place, and at the ſame Time, as the Award or Inſtrument to be made by the ſaid Commiſſioners is in and by this Act directed to be inrolled.

New Commiſſioners how to be elected.

III. And be it further enacted, That when and as often as any of the ſaid Commiſſioners ſhall die, or refuſe to act, it ſhall and may be lawful for the ſurviving or remaining Commiſſioner or Commiſſioners, and he and they is and are hereby required, from Time to Time, by Writing, under his or their Hand and Seal, or Hands and Seals, within

One Calendar Month next after ſuch Death or Refuſal ſhall be known to him or them, to elect and appoint a new Commiſſioner (not intereſted in the ſaid Incloſure) in the Room or Place of every ſuch Commiſſioner dying, or refuſing to act, as aforeſaid; and ſuch new Commiſſioner or Commiſſioners, having taken and ſubſcribed the Oath herein-before preſcribed, ſhall have the like Powers and Authorities by virtue of this Act, as he or they, in whoſe Place or Stead he or they ſhall ſo ſucceed, had, or was or were by this Act inveſted with: Provided, that Fourteen Days previous publick Notice be given in the Pariſh Church of Snaith aforeſaid, of the Time and Place of chuſing ſuch new Commiſſioner or Commiſſioners; and the ſaid Oath, taken and ſubſcribed by him or them, ſhall be made Part of the ſaid Award.

Survey to be made.

IV. And be it further enacted by the Authority aforeſaid, That a true, exact, and diſtinct, Survey and Admeaſurement ſhall, as ſoon as conveniently may be, be made by ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Two of them, by any Writing under their Hands, ſhall, from Time to Time, appoint, of all the Lands and Grounds lying within the ſaid Townſhip of Gowdall, as well thoſe already incloſed as thoſe to be divided and incloſed by virtue of this Act; which ſaid Survey and Admeaſurement ſhall ſpecify and deſcribe the Lands belonging to each Proprietor, with the Contents thereof, in Statute Acres, Roods, and Perches; and, when finiſhed and perfected, ſhall be produced to and laid before the ſaid Commiſſioners, or any Two of them, and verified by the Oath or Oaths of the Perſon or Perſons making the ſame; and the ſaid Surveyors, and alſo the ſaid Commiſſioners, their Servants and Aſſiſtants, or any of them, have hereby full Power and Authority, from Time to Time, for the Purpoſes of this Act, to enter into, view, examine, ſurvey, and admeaſure, all and every the Lands and Grounds within the ſaid Pariſh.

Surveyors to take the following

V. Provided always, That no Perſon ſhall be capable of acting as a Surveyor, for the Purpoſes aforeſaid, until he ſhall have taken and ſubſcribed an Oath to the following Effect before the ſaid Commiſſioners, or any Two of them; which Oath the ſaid Commiſſioners, or any Two of them, are hereby authoriſed to adminiſter:

Oath.

I *A. B.* do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgement, execute and perform the ſeveral Truſts, Powers, and Authorities, repoſed in me as a Surveyor, by virtue of an Act, “For dividing and incloſing “the Open Arable Fields, Meadows, Paſtures, and Commons, or waſte Grounds, in the “Townſhip of *Gowdall*, in the Pariſh of *Snaith*, in the County of *York*; and for draining “and preſerving the ſame,” without Favour or Affection.

So help me GOD.

Which Oath, ſo taken and ſubſcribed by the ſaid Surveyor, ſhall be inrolled, together with the Award herein-after directed to be made and inrolled.

Arbitrators to ſettle the Rights to Great Tithes, and how to be appointed.

VI. And whereas it will be proper that the Right to the Great Tithes of the ſaid Lands and Grounds of the ſaid *William Sotheron*, within the ſaid Townſhip, ſhould be aſcertained before any Diviſion, Allotment, or Incloſure, ſhall be made of the Lands and Grounds within the ſame; be it therefore enacted by the Authority aforeſaid, That the ſeveral Claims of the ſaid William Sotheron and the ſaid William Perfect, John Perfect, and Thomas Taylor, ſhall, ſome Time before the Firſt Day of December next enſuing the making or paſſing of this Act, be referred to and heard, examined, and determined, by Thomas Walker of Lincoln's Inn Fields, in the County of Middleſex, Serjeant at Law, and Thomas Davenport of the Inner Temple, London, Eſquire, who are hereby appointed Arbitrators for that Purpoſe: And in caſe the ſaid Two Arbitrators ſhall not agree and determine the Matters in Diſpute within the Space of Time aforeſaid, it ſhall and may be lawful for them, and they are hereby required to nominate and appoint, by Writing under their Hands, ſuch Perſon as they ſhall think proper to be Umpire for the Determination thereof, who ſhall and may, and who is hereby required to determine the ſame within the Space of One Month next after ſuch his Nomination; and that the Award and Determination of the ſaid Thomas Walker and Thomas Davenport, or the Umpirage of the Perſon ſo to be nominated by them, as aforeſaid, of or in the Premiſes, ſhall be binding and concluſive to and upon the ſaid William Sotheron, William Perfect, John Perfect, and Thomas Taylor, reſpectively, and their reſpective Heirs and Aſſigns, and be ſubject to no Appeal whatſoever; and that the Award or Determination of ſuch Arbitrators or Umpire ſhall be made and executed by them in Writing, under their Hands and Seals reſpectively; and that the ſame, and alſo the ſaid Appointment of an Umpire, ſhall be inrolled, together with the other Awards hereby directed to be made; and the ſame, or a Copy thereof, or the Inrolment thereof, or a Copy of ſuch Inrolment, or of any Part thereof reſpectively, ſhall be allowed as Evidence in all Courts whatſoever; and the Perſon or Perſons againſt whom the ſaid Right above mentioned ſhall by the ſaid Arbitrators, or their Umpire, be decided, ſhall pay to the Perſon or Perſons in whoſe Favour the ſame ſhall be ſo decided, immediately after the Deciſion thereof, all Coſts and Expences whatſoever incurred by him or them on account of the ſaid Reference, ſuch Coſts and Expences to be ſettled by the ſaid Arbitrators: And in caſe the ſaid Arbitrators, or either of them, or if the ſaid Umpire ſhall die, or refuſe to act, the ſaid Commiſſioners, or any Two of them, ſhall, and they are hereby required, by Writing under their Hands and Seals, from Time to Time, to elect and appoint One or more fit Perſon or Perſons, being a Barriſter or Barriſters at Law, in the Place of ſuch Arbitrator, or Arbitrators or Umpire, ſo dying, or refuſing to act; which Perſon, ſo elected or appointed, ſhall and may act in the Premiſes, as fully to all Intents and Purpoſes as if he had been hereby appointed and named Arbitrator or Umpire; which Writing or Writings of Appointment ſhall be inrolled, and Evidence thereof given, in the ſame Manner as herein-before is enacted concerning the Award to be made by the ſaid Commiſſioners: And in caſe the ſaid Tithes in Diſpute ſhall be awarded or determined to belong to the ſaid William Perfect, John Perfect, and Thomas Taylor, their Heirs or Aſſigns; or if the ſaid William Sotheron, his Heirs or Aſſigns, ſhall neglect, within the Space of Time above limited, to refer his ſaid Claim to ſuch Arbitrators, as aforeſaid, the ſaid Commiſſioners, or any Two of them, ſhall ſet out, aſſign, and allot, to the ſaid William Perfect, John Perfect, and Thomas Taylor, their Heirs or Aſſigns, the ſame Proportions and Shares in lieu of and in Compenſation for the ſaid Tithes in Diſpute, and in the ſame Manner and Form, as they ſhall do in reſpect to the other Lands and Eſtates within the ſaid Townſhip; and in caſe the ſaid William Perfect, John Perfect, and Thomas Taylor, their Heirs or Aſſigns, ſhall neglect, within the Space of Time laſt aforeſaid, to refer their ſaid Claim to the ſaid Arbitrators, or if the Award or Determination, ſo to be made as aforeſaid, ſhall be in Favour of the ſaid Claim of the ſaid William Sotheron, his Heirs or Aſſigns, the ſaid Commiſſioners ſhall not make any Allotment in reſpect of the ſaid Tithes in Diſpute, but that the ſaid Lands and Grounds of the ſaid William Sotheron, and alſo the ſaid William Sotheron, his Heirs and Aſſigns, and his and their Farmers or Tenants of the ſaid Lands and Grounds in reſpect thereof, ſhall be for ever thereafter abſolutely freed and exempt from the Payment of ſuch Tithes; and that, in the mean Time, or until ſuch Default or Arbitration, or Determination, ſhall be had or made, as aforeſaid, no Diviſion or Allotment ſhall be had or made of any Part of the Lands or Grounds within the ſaid Townſhip, by virtue of this preſent Act, any Thing herein contained to the Contrary thereof notwithſtanding.

Perſons intereſted to lay an Account of their Claims before the Commiſſioners.

VII. And be it further enacted by the Authority aforeſaid, That after ſuch Survey and Admeaſurement ſhall be made and perfected, and the ſaid Right to the ſaid Tithes aſcertained, as aforeſaid, the ſaid Commiſſioners, or any Two of them, are hereby required, with all convenient Speed, in the firſt Place, to cauſe One Calendar Month's publick Notice to be given, in ſuch Manner as herein-after mentioned, of the Time and Place of their then next Meeting; and all Perſons intereſted in the Premiſes are required to lay before the ſaid Commiſſioners, or any Two of them, an Account, in Writing, of what Houſes or Frontſteads, having Common Rights, Lands, Grounds, Tithes, Eaſter Dues, Moduſes, or Payments in lieu of Tithes, Manerial Rights, or other Rights, they reſpectively have, or claim to have, in the ſaid Townſhip; and all ſuch Claims ſhall be ſo made at ſuch Meeting of the ſaid Commiſſioners, unleſs for ſome reaſonable Cauſe, to be allowed by the ſaid Commiſſioners, or any Two of them; and, in that Caſe, ſuch Claims as ſhall not be made at ſuch Meeting ſhall be laid before the ſaid Commiſſioners, or any Two of them, in Manner as aforeſaid, peremptorily, at their next Meeting, which next Meeting ſhall not be leſs than Three Weeks after ſuch former Meeting; and no Claims whatſoever ſhall be received after ſuch Second Meeting of the ſaid Commiſſioners, except on account of ſome inevitable Accident, and which ſhall be adjudged ſo by the ſaid Commiſſioners, or any Two of them: And at ſuch Meeting or Meetings the ſaid Commiſſioners, or any Two of them, ſhall examine all ſuch Claims, and ſhall have full Power and Authority to ſummon and call before them all ſuch Perſons as they ſhall think neceſſary to be examined touching or concerning the ſame, or any other Matter or Thing that they ſhall think proper to enquire into, relating to the ſaid Diviſion and Incloſure; and if any Doubts or Difficulties ſhall ariſe concerning any ſuch Claims, which cannot be ſettled by the ſaid Commiſſioners, or any Two of them, to their Satiſfaction, then the ſaid Commiſſioners, or any Two of them, may take Opinion, in Writing, of Counſel, learned in the Law; and the Determination of the ſaid Commiſſioners, or any Two of them, ſhall be, and is hereby declared to be final and concluſive to all Perſons intereſted in ſuch controverted Claims; but no ſuch Determination, as aforeſaid, ſhall in any-wiſe hinder or prevent any of the Parties from trying their Right at Law with each other with reſpect to any Matter of Title, nor ſhall any Trial to be had thereupon obſtruct or hinder the Execution of this Act, or diſturb any Allotment made to any other Perſon or Perſons.

Commiſſioners to examine the ſame;

and if Doubts ariſe, Commiſſioners to take Counſels Opinion.

Commiſſioners to make an Eſtimate of the Tithes, and to allot Lands in lieu thereof.

VIII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Two of them, ſhall and may, and they are hereby authoriſed and required, in the next Place, to make a juſt and fair Eſtimate of the true Value (One Year with another) of all the Tithes, great and ſmall, and Eccleſiaſtical Dues, of what Nature or Kind ſoever, due and payable to any Perſon or Perſons whomſoever, out of, or for, or in reſpect of all and ſingular the tithable Lands and Grounds within the ſaid Townſhip, as well thoſe now incloſed as thoſe intended to be divided and incloſed, as aforeſaid; and ſuch Valuation and Eſtimate being made and perfected, the ſaid Commiſſioners, or any Two of them, are hereby further authoriſed and required, fairly and impartially, and according to the beſt of their Skill and Judgement, to ſet out, award, and allot unto the ſaid William Perfect, John Perfect, and Thomas Taylor, as Impropriators, as aforeſaid, their Heirs and Aſſigns, and the ſaid William Williams, as Vicar or Curate, as aforeſaid, or his Succeſſors, in Right of his ſaid Vicarage, ſeverally and reſpectively, ſuch Parts or Shares of the ſaid Arable Fields, Meadows, Paſtures, Commons, and Waſtes reſpectively, (Quantity, Quality, and Situation, conſidered), as they the ſaid Commiſſioners, or any Two of them, ſhall deem to be a full, juſt, and adequate Compenſation and Satiſfaction for the reſpective Rights and Intereſts which the ſame Proprietors reſpectively ſhall appear to have or be intitled to, of and in the Tithes, great and ſmall, and all other Eccleſiaſtical Dues, (Surplice Fees and Mortuaries only excepted) yearly ariſing or renewing, or which may afterwards ariſe, renew, or happen, in or upon the ſaid Arable Fields, Meadows, Paſtures, Commons, and Waſtes, or any of them, for and in lieu, Recompence, and full Satiſfaction, of and for all ſuch Tithes and Eccleſiaſtical Dues (except as before excepted) of the ſaid Arable Fields, Meadows, Paſtures, Commons, and Waſtes, and every of them, for all Times to come; and alſo for and in lieu, Recompence, and full Satiſfaction, of and for all Moduſes or preſcriptive Payments (if any) now paid and payable for any of the ſaid Tithes; and that for and in Lieu, Recompence, and full Satiſfaction, of and for all the Tithes, Great and Small, and all other Eccleſiaſtical Dues (Surplice Fees and Mortuaries excepted) which may afterwards renew, increaſe, or happen, or which the ſaid William Perfect, John Perfect, and Thomas Taylor, and the ſaid William Williams, ſeverally and reſpectively, or their ſeveral and reſpective Heirs, Succeſſors, or Aſſigns, are or may be reſpectively intitled unto, from and out of all the titheable Garths, Crofts, Lands, and Grounds, already incloſed within the ſaid Townſhip; and alſo for and in Lieu, Recompence, and full Satiſfaction, of and for all Moduſes and preſcriptive Payments (if any) now paid and payable for any of the ſaid Tithes; they the ſaid Commiſſioners, or any Two of them, ſhall and may allot or aſſign unto the ſaid William Perfect, John Perfect, and Thomas Taylor, as Impropriators, as aforeſaid, their Heirs or Aſſigns, and unto the ſaid William Williams, or his Succeſſors, ſeverally and reſpectively, as aforeſaid, ſuch Parts of the ſaid Commons and waſte Grounds, or any of them, as they ſhall adjudge to be an adequate Compenſation and Satiſfaction for the reſpective Rights and Intereſts which the ſame Proprietors reſpectively ſhall appear to have or be intitled to, of and in the Tithes, Great and Small, and all other Eccleſiaſtical Dues (except as before excepted) ariſing, renewing, or happening, or which may afterwards ariſe, renew, or happen, in or upon the ſaid Garths, Crofts, Lands, and Grounds, already incloſed: But in caſe the Owners of any of the ſaid Incloſures or Premiſes ſhall not be intitled to ſufficient Land in the ſaid Commons and waſte Grounds, out of which ſuch reſpective Compenſations can be made; then, and in ſuch Caſe, the ſaid Commiſſioners, or any Two of them, ſhall and may, and they are hereby required to charge, by their Award, all ſuch Owners of old Incloſures with ſuch groſs Sums of Money, or ſuch reſpective yearly Rents or Sums of Money, to be iſſuing and payable out of the ſaid reſpective old Incloſures, Lands, or Premiſes, in lieu of the ſaid Tithes, Moduſes, Compoſitions, Eccleſiaſtical Dues and Duties, as aforeſaid, for which ſuch Compenſations in Land cannot be made, as in the Judgement of the ſaid Commiſſioners, or any Two of them, ſhall be a full Equivalent and Compenſation for the ſaid reſpective Tithes, Moduſes, Compoſitions, and Eccleſiaſtical Dues, (Surplice Fees and Mortuaries only excepted); which Rents ſhall for ever thereafter be iſſuing out of the reſpective old Incloſures and Premiſes to be ſpecifically charged therewith, and ſhall be payable to the Impropriator, Vicar, or Curate, their Heirs, Succeſſors, or Aſſigns reſpectively, by equal Half yearly Payments, in every Year, according to their reſpective Rights and Intereſts therein, the Firſt Payment whereof ſhall grow due, and be made at ſuch Time as the ſaid Commiſſioners, or any Two of them, ſhall direct and appoint; and the ſeveral Perſons to or for whoſe Benefit the ſaid reſpective Rents ſhall be aſcertained and appointed to be paid as aforeſaid, ſhall and may, at all Times, after the Execution of the ſaid Award, have and exerciſe ſuch and the ſame Remedies and Powers, by Action, Diſtreſs, and Entry, for recovering the ſaid reſpective yearly Rents, when the ſame ſhall be in arrear, as in and by the Laws now in Force are provided and given to Landlords for recovering of Rents reſerved upon Leaſes of Lands.

Aſſignments of Lands, or yearly Sums in lieu of Tithes, to be proportioned by the Commiſſioners.

IX. Provided nevertheleſs, That all ſuch Allotments and Aſſignments of Lands or yearly Sums, in lieu of Tithes and Eccleſiaſtical Dues, ſhall be fairly and impartially proportioned and divided by the ſaid Commiſſioners, or any Two of them, betwixt them the ſaid William Perfect, John Perfect, and Thomas Taylor, as Impropriators, as aforeſaid, their Heirs or Aſſigns, and the ſaid William Williams as Vicar, or his Succeſſors, in right of the ſaid Vicarage, ſeverally and reſpectively, according to their ſeveral and reſpective Shares, Proportions, Rights, and Intereſts, of and in all the Tithes, Great and Small, and other Eccleſiaſtical Dues, which do or may ariſe, or become payable out of, for, or in reſpect of the ſaid Arable Fields, Meadows, Paſtures, Commons, and waſte Grounds, and the ſaid Garths, Crofts, Lands, and Grounds, already incloſed within the ſaid Townſhip, and Moduſes or preſcriptive Payments.

Allotment to His Majeſty in Right of His Manor or Lordſhip of *Cowick* and *Snaith*.

X. And be it further enacted, That the ſaid Commiſſioners, or any Two of them, ſhall and may, in the next Place, ſet out and allot to and for the King's Majeſty, His Heirs and Succeſſors, in right of His ſaid Manor or Lordſhip of Cowick and Snaith, (yet nevertheleſs to and for the Uſe and Benefit of the ſaid Richard Towne, Leſſee, as aforeſaid, or of the Leſſee or Leſſees of the ſaid Manor or Lordſhip for the Time being, during his and their ſeveral and reſpective Terms and Eſtates therein, and according to the Conditions of the Leaſe or Leaſes under which he or they reſpectively hold or claim the ſame), One-twentieth Part of all the Commons and Waſtes above mentioned, which lie on the South Side of the Sea Bank in the ſaid Townſhip of Gowdall; and alſo ſet out and allot unto ſuch Perſon or Perſons as ſhall appear to be intitled to the Soil of the Commons and Waſtes which lie on the North-ſide of the Sea Bank, as above mentioned, One-twentieth Part of the Commons and Waſtes lying on the North Side of the ſaid Sea Bank.

Allotment for getting Materials for repairing Highways.

XI. And be it further enacted, That the ſaid Commiſſioners, or any Two of them, ſhall ſet out and appoint One or more Piece or Pieces of Ground, not containing more than Four Acres in the Whole, being Part of the Lands to be divided and incloſed, and in ſuch convenient Place or Places as the ſaid Commiſſioners, or any Two of them, ſhall think proper and convenient, for getting of Stone, Gravel, Sand, and other Materials, for repairing the Roads and Ways to be ſet out by virtue of this Act, or other ancient Roads within the ſaid Townſhip, and alſo for making and repairing, from Time to Time, the Bank by this Act directed to be made, and for the Uſe of the Inhabitants of the ſaid Townſhip; and that the Herbage growing upon the ſaid Piece or Pieces of Land ſhall be, and is hereby veſted in the Surveyors of the Highways of the ſaid Townſhip for the Time being, in Truſt, to let the ſame for the beſt Rent or Rents that can be gotten, and apply the ſame in repairing the Highways of the ſaid Townſhip, and to account with the ſaid Inhabitants touching the Application thereof at the Time of ſettling their annual Accounts.

The Manner of dividing the Reſidue of the Commons and Waſte Lands.

XII. And be it further enacted, That the ſaid Commiſſioners, or any Two of them, ſhall ſet out, divide, and allot, the Reſidue of the ſaid Commons and Waſtes unto and amongſt the ſaid Lord Viſcount Downe, William Perfect, John Perfect, Thomas Taylor, James Allot, William Sotheron, Matthew Boynton, Judith Twiſleton, and Joſeph Fiſher, and all other the Owners and Proprietors as well of ancient Houſes and Frontſteads, having Common Rights upon the ſaid Commons and Waſtes, or any Part thereof, as of the Open Arable Fields, Common Meadow, and Common Paſture Grounds, and the Lands and Grounds already incloſed within the ſaid Townſhip, having ſuch Right of Common, in ſuch Shares and Proportions as herein-after mentioned; that is to ſay, One Moiety or Half Part of the ſaid Commons and waſte Grounds, (Quantity, Quality, and Situation conſidered), ſhall be ſo allotted and awarded to and amongſt the ſaid Lord Viſcount Downe, William Perfect, John Perfect, Thomas Taylor, James Allot, William Sotheron, Matthew Boynton, Judith Twiſleton, and Joſeph Fiſher, and all and ſingular other the Owners of ancient Houſes and Frontſteads, having Common Right upon the ſaid Commons and waſte Grounds, or any Part thereof, according to the Number of ſuch ancient Houſes and Frontſteads, without any Diſtinction as to Meſſuages or Cottages; and that the Owner or Owners of each ſuch ancient Houſe or Frontſtead, without Regard to the Value thereof, and whether the ſame may be deemed to be a Meſſuage or Meſſuageſtead, Cottage or Cottageſtead, ſhall have an equal Share, (Quantity, Quality, and Situation conſidered), of ſuch Commons and waſte Grounds, for and in lieu and in full Satiſfaction of all Rights of Common of ſuch Owners of Houſes and Frontſteads in or upon the ſaid Commons and waſte Grounds, or any of them: And that the other Moiety or Half Part of the ſaid Commons and Waſte Grounds, (Quantity, Quality, and Situation conſidered), ſhall be allotted and awarded unto and amongſt the ſaid Lord Viſcount Downe, William Perfect, John Perfect, Thomas Taylor, James Allot, William Sotheron, Matthew Boynton, Judith Twiſleton, and Joſeph Fiſher, and all and ſingular other the Owners and Proprietors of Field Lands, Meadows, and Paſture Grounds, and incloſed Grounds, who are alſo Owners and Proprietors of ſome of the ancient Houſes and Frontſteads ſtanding or being within the ſaid Townſhip, and having Right of Common upon the ſaid Commons and Waſte Grounds hereby intended to be divided, or ſome of them, in Proportion to the Value of ſuch Field Lands, Meadow, and Paſture Grounds, and incloſed Grounds reſpectively; ſuch Value to be eſtimated and aſcertained by the ſaid Commiſſioners, or any Two of them.

For alloting the Reſidue of the Arable Fields, Meadows, and Paſtures.

XIII. And be it further enacted, That the ſaid Commiſſioners, or any Two of them, ſhall and may, and are hereby authoriſed and impowered, to ſet out, allot, and award, all the Reſidue of the ſaid Open Fields, Common Meadows, and Common Paſtures, within the ſaid Townſhip of Gowdall, (after ſuch Allotments ſhall be firſt made thereof to the reſpective Owners of the Tithes, as aforeſaid), unto the ſaid Lord Viſcount Downe, William Perfect, John Perfect, Thomas Taylor, James Allot, William Sotheron, Matthew Boynton, Judith Twiſleton, and Joſeph Fiſher, and all and every of the other Proprietors and Perſons intereſted in the ſaid Open Fields, Common Meadows, and Common Paſtures, according to their ſeveral and reſpective Rights and Intereſts, in ſuch Shares and Proportions, and in ſuch Parts and Places there, as the ſaid Commiſſioners, or any Two of them ſhall, in their Judgement, think moſt advantageous and convenient to all the ſaid Proprietors, in lieu and Satiſfaction of ſuch reſpective Parts, Shares, and Intereſts, in the ſaid Open Fields, Common Meadows, and Common Paſture Grounds, as the ſaid Proprietors reſpectively now have and enjoy; and the ſaid Commiſſioners are hereby required to have Regard in making the Allotments of all and every the Lands and Grounds to be divided and allotted by virtue of this Act, as well to the Quantity, Quality, and Situation, of each Proprietor's preſent Share and Intereſt therein, as to the Quantity, Quality, and Situation, of the Lands to be allotted in lieu thereof, upon ſuch Diviſion as aforeſaid, and not to give any undue Preference to any of the ſaid Proprietors or Perſons intereſted as aforeſaid, but to make the ſeveral Allotments of each of the ſaid Proprietors fairly and impartially, and in ſuch Manner, as that the ſame may lie as conveniently ſituated for his, her, or their Houſes, Frontſteads, and ancient Incloſures, as may be.

Power to make Exchanges.

XIV. And, for the more convenient Situation and Diſpoſition of the ſeveral Farms and Lands of the ſeveral Freeholders and Land Owners, within the Townſhip of *Gowdall* aforeſaid upon the ſaid Diviſion and Incloſure, be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Two of them, and they are hereby authoriſed and impowered, to aſſign, allot, ſet out, and appoint, any Houſe, Meſſuage, Barn, or Building, or any Part or Parcel of ancient incloſed Lands or Grounds lying within the ſaid Townſhip, in lieu of and in Exchange for any other Houſe, Meſſuage, Barn, or Building, or for other Lands or Grounds, lying in the ſaid Open Arable Fields, Common Meadows, Paſtures, Commons, or Waſtes, ſo intended to be incloſed as aforeſaid, or in lieu of any other incloſed Ground within the Townſhip of Gowdall aforeſaid, ſo as all and every ſuch Exchange and Exchanges, to be made as aforeſaid, be aſcertained, ſpecified, and declared, in the Award or Inſtrument herein-after directed to be made and executed; and ſo as every ſuch Exchange be made by and with the Conſent and Approbation of the Owners or Proprietors intereſted therein, who ſhall have in him, her, or them, any Eſtate in Fee-ſimple, Fee-tail, or being Tenant or Tenants for Life or Lives, to be teſtified by Writing under their reſpective Hands and Seals, to be indorſed on the Back of the ſaid Award; and all and every Exchange and Exchanges,

changes, ſo to be made as aforeſaid, ſhall be good, valid, and effectual in Law, to all Intents and Purpoſes whatſoever: And the ſeveral and reſpective Hereditaments ſo taken in Exchange by any of the ſaid Proprietors, ſhall alſo, from the Time of making and perfecting any ſuch Exchange as aforeſaid, be and enure to, for, and upon the ſame, and the like Uſes and Truſts, as the Meſſuages, Tenements, Frontſteads, Lands, and Grounds, ſo to be given or awarded in lieu thereof, would reſpectively have been ſubject to, at or immediately before the Time of making ſuch Exchanges reſpectively.

Guardians of Infants, &c. may conſent to Exchanges.

XV. Provided always, That it ſhall and may be lawful to and for the Guardian or Truſtee of any Infant, or other Perſon under any Diſability or Incapacity, to conſent to all ſuch Exchanges, on the Behalf of ſuch Infants, or other incapacitated Perſons, all ſuch Exchanges being teſtified, aſcertained, ſpecified, and declared, as above mentioned.

Power to the Vicar and Curate to grant Leaſes of his Allotment.

XVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid William Williams, and his Succeſſors, Vicars, or Curates, of the Pariſh Church of Snaith aforeſaid, by and with the Conſent and Approbation of the Lord Archbiſhop of York for the Time being, by any Writing or Writings under his Hand and Seal, to be atteſted by Two or more credible Witneſſes, to leaſe or demiſe all or any Part or Parts of the Allotment or Allotments to be ſet out to or for him or his Succeſſors, Vicars, or Curates, as aforeſaid, to any Perſon or Perſons, for any Term or Terms, not exceeding Twenty-one Years, to commence from the Date of the Award, at the beſt and moſt approved Rent, and without taking any Fine or Fines for the ſame; and ſo as no ſuch Leaſe be made without Impeachment of Waſte; and ſo as the Leſſee or Leſſees, to whom ſuch Leaſe or Leaſes ſhall be made, ſhall be obliged, yearly, to ſpend, ſpread, and conſume, in an huſband-like Manner, upon the Premiſes ſo to be demiſed, all the Manure ariſing from the Product thereof; and ſo as there be contained in every ſuch Leaſe or Leaſes, Clauſes of Re-entry on Nonpayment of the Rent or Rents to be therein and thereby reſerved; and ſo as the reſpective Leſſee or Leſſees do execute a Counterpart of every ſuch Leaſe, which under theſe Reſtrictions ſhall be good, valid, and effectual in the Law, to all Intents and Purpoſes; any Law or Uſage to the Contrary notwithſtanding.

Commiſſioners to make a Bank to protect *Eaſt Moor* from being flooded;

and to ſet out Roads, &c.

XVII. And be it further enacted, That the ſaid Commiſſioners, or any Two of them, ſhall, and they are hereby required, to make a proper and ſufficient Bank, to extend from the high Ground within the Town of Gowdall, towards the Townſhip of Snaith, ſo as to protect and prevent a certain Common called The Eaſt Moor, and any other Lands to the Eaſtward of the high Ground in Sand Field and Town Field, within the ſaid Townſhip, from being flooded by the Overflowings of the River Air, but the ſame Bank is not to extend farther Weſtward than the high Ground within the ſaid Town of Gowdall; and the ſaid Commiſſioners, or any Two of them, ſhall, and they are hereby alſo required, to make, ſet out, and appoint to be made, proper and convenient publick Ways, Roads, Hedges, Fences, Ditches, Bridges, Cauſeways, Sluices, Flood-gates, Drains, Water-gates, Stiles, and other Requiſites, in, through, over, and upon, the Lands and Grounds hereby directed to be incloſed as aforeſaid; which Roads or Ways ſhall not be of leſs Breadth than Sixty Feet between the Ditches; and alſo make, ſet out, and appoint, change, or alter, any private Ways or Roads, Hedges, Fences, Ditches, Bridges, Cauſeways, Sluices, Flood-gates, Drains, Watercourſes, Streams of Water, Gates, and Stiles, in, through, or upon, any of the Lands or Grounds within the ſaid Townſhip, which the ſaid Commiſſioners, or any Two of them, ſhall judge to be requiſite for the Convenience of the Owners, or the Improvement of the Lands ſo intended to be incloſed; and to value, aſcertain, and award a Satiſfaction to each Tenant and Owner for the Damage which ſhall be done thereby; and alſo to ſet out and appoint ſuch publick and private Roads and Drains, as well through ancient Incloſures as the Open Arable Fields, Meadows, Paſtures, Commons, and waſte Grounds, hereby intended to be incloſed, as they the ſaid Commiſſioners, or any Two of them, ſhall think fit; making Satiſfaction for the Land they ſhall make uſe of in laying out and making all ſuch Roads and Drains through ſuch old Incloſures as aforeſaid; and may alſo cauſe to be made all ſuch proper Ponds for the holding of Water in dry Seaſons, for the Convenience of watering Cattle, at ſuch Place and Places, and in ſuch Manner, as they ſhall think proper and convenient; and alſo to ſet forth, order, direct, and appoint, all and every ſuch further and other needful Act, Matter, or Thing, for the more ſpeedy and effectual dividing, allotting, incloſing, draining, and improving, of the ſaid Lands and Grounds hereby directed to be incloſed, or any of them, or for the better and more effectual Execution of this Act, as they the ſaid Commiſſioners, or any Two of them, ſhall think convenient; and the ſaid Bank above mentioned ſhall be made, and for ever thereafter be repaired and ſupported, at the Expence of the Owners of the Lands which ſhall be protected thereby, in ſuch Manner and Form; and the Perſons already chargeable with the Repairs of the old Bank ſhall pay ſuch Sums of Money to be diſcharged therefrom, as the ſaid Commiſſioners, or any Two of them, ſhall, in and by their ſaid Award, order and direct; and all ſuch publick Roads, Bridges, and Drains, ſhall be made at the Expence of the Proprietors of Lands hereby intended to be incloſed, in ſuch Proportions as the ſaid Commiſſioners, or any Two of them, ſhall, in and by their Award, order and direct; and all ſuch publick Roads ſhall, at all Times, for ever, after the ſetting out and compleating thereof, be repaired, and kept in Repair, in ſuch Manner as the other publick Highways within the ſaid Townſhip are repaired, and kept in Repair; and all ſuch private Ways or Roads, Hedges, Fences, Ditches, Bridges, Cauſeways, Sluices, Flood-gates, Drains, Watercourſes, Streams of Water, Gates, or Stiles aforeſaid, and alſo the Amendment of any Defect in the publick Ways, Bridges, or Sluices, and the Removal of any Obſtructions in the Watercourſes, which do or may retard the effectual draining of the ſaid Lands, Cauſeways, Sluices, Flood-gates, Drains, Watercourſes, Streams of Water, Ponds, Gates, and Stiles, and other Requiſites and Improvements, as aforeſaid, ſhall be made, and at all Times after ſupported, repaired, and cleanſed, by all or any of the Proprietors of the Allotments to be made by virtue of this Act, in ſuch Manner as the ſaid Commiſſioners, or any Two of them, ſhall, by their ſaid Award or Inſtrument, order, direct, or appoint; and that after the making the Roads and Ways ſo to be ſet out and appointed, it ſhall not be lawful for any Perſon or Perſons to uſe any other Roads or Ways, either publick or private, over the ſaid Allotments, either on Foot, or with Horſes, Carriages, or Cattle; and all the former Roads and Ways, which ſhall not be ſet out and appointed as the Roads and Ways through the ſaid intended Allotments, ſhall be deemed as Part of the Lands ſo to be divided and incloſed, and ſhall be allotted accordingly; and the Graſs and Herbage growing and renewing in and upon the ſaid Roads and Ways ſhall be, and is hereby veſted in the Surveyor or Surveyors of the Highways of Gowdall aforeſaid for the Time being, in Truſt, to let and ſet the ſame, and apply the Rents and Profits thereof in the ſame Manner as is herein-before directed with reſpect to the Graſs and Herbage ariſing from the Lands herein-before directed to be ſet out for the Purpoſe of getting Stone and Gravel, and other Materials, for repairing the ſaid Roads and Ways.

Proviſo.

XVIII. Provided always, That nothing herein contained ſhall authoriſe the ſaid Commiſſioners, or any of them, in ſetting out ſuch publick Roads, to render uſeleſs any other ancient publick Highways in any other Townſhip, Pariſh, or Place, heretofore leading into, or communicating with, the ſaid Townſhip of Gowdall, by ſtopping up ſuch ancient Communication, without appointing ſome other convenient Communication therewith.

No Sheep or Cattle to be depaſtured in the Lands or Incloſures for Seven Years after making the Award,

unleſs Fences are made to guard the Quickſets.

XIX. And, for the more effectual Preſervation of the Quickfences to be planted and ſet for dividing and ſeparating the Lands and Grounds hereby intended to be divided and incloſed, be it further enacted, That it ſhall not be lawful for any Perſon or Perſons to depaſture, either with Sheep or other Cattle, any of the Highways or Lanes which ſhall be made by virtue of this Act, for the Term of Seven Years next after the Execution of the Award herein-after mentioned; nor ſhall it be lawful for any of the ſaid Proprietors, Owners or Occupiers, of any Part of the Lands and Grounds intended by this Act to be divided and incloſed, to keep or depaſture any Sheep, or any other Cattle, in any of the Allotments to be made by virtue of this Act, for the Term of Seven Years next after ſuch Allotment ſhall be made, unleſs the Perſon or Perſons ſo keeping or depaſturing Sheep, or other Cattle, ſhall firſt make, or cauſe to be made, a Fence ſufficient to guard the young Quickfences round ſuch Allotments from being cropped, hurt, or damaged, by ſuch Sheep, or other Cattle, whether ſuch young Quickfences be planted or ſet by the Perſon or Perſons owning or occupying ſuch Allotment as aforeſaid, or by any Perſon or Perſons owning or occupying the Allotment adjoining thereto.

Award to be made by Commiſſioners in Six Months after the Allotments.

XX. And be it further enacted, That within Six Calendar Months next after the ſaid Commiſſioners ſhall have compleated the Diviſion or Allotments hereby directed to be made, or as ſoon after as conveniently may be, the ſaid Commiſſioners, or any Two of them, ſhall, and they are hereby required, to make, or cauſe to be made, an Award or Inſtrument, in Writing, in which ſhall be expreſſed the Quantity and Contents, in Statute Meaſure, of all the ſaid Arable Fields, Meadows, Paſtures, Commons, and waſte Grounds, hereby intended to be divided and incloſed, and of all the incloſed Lands and Grounds within the ſaid Townſhip, and the Quantities and Contents, Situations, Buttals, and Boundaries, of each and every Parcel thereof, which ſhall be allotted and awarded to each and every of the Proprietors and Perſons intereſted therein reſpectively, purſuant to the Powers and Directions of this Act, diſtinguiſhing which Parts and Parcels ſhall be allotted to His Majeſty and the ſaid Lord Viſcount Downe reſpectively, for their reſpective Rights of Soil; and alſo what Parts and Parcels ſhall be allotted to the ſaid William Perfect, John Perfect, and Thomas Taylor, and the ſaid William Williams reſpectively, for and in lieu of Tithes, Eccleſiaſtical Dues, or any Moduſes or preſcriptive Payments in lieu thereof; and what Sums of Money, in groſs or annual Sums, ſhall be paid, and to whom reſpectively, by each and every, or any of the Owners or Proprietors of ancient and other Incloſures, for or in lieu of, or in Part Compenſation for, the Tithes and Eccleſiaſtical Dues of ſuch ancient Incloſures reſpectively; and when ſuch Payments in groſs ſhall be made, or annual Payments ſhall commence, and at what Times and Places the ſame annual Payments ſhall be made in each Year; and alſo ſpecifying all the Lands and Grounds to be given and taken in Exchange reſpectively, by and amongſt the ſaid Proprietors, purſuant to the Powers above mentioned, and the Situation, Buttals, and Boundaries, of all the Lands and Grounds ſo to be given and taken in Exchange reſpectively, and how much, (if any Thing) ſhall be paid to each Owner or Occupier, for the Damage he, ſhe, or they, may ſuſtain by the making or altering any Fences, Ditches, Ponds, or Drains, in any Corn Lands; and ſhall contain proper Orders and Directions concerning the ſaid Bank above directed to be made, and alſo concerning all publick or private Roads or Ways, Hedges, Fences, Ditches, Bridges, Cauſeways, Sluices, Flood-gates, Drains, Watercourſes, Streams of Water, Ponds, Gates, Stiles, and other Requiſites, which may be made or altered by virtue of this Act, together with all ſuch other Orders and Regulations as the ſaid Commiſſioners, or any Two of them, ſhall think proper and neceſſary, for the perfecting and compleating the ſaid intended Diviſion and Incloſure, according to the true Intent and Meaning of this Act; and ſuch Award or Inſtrument ſhall be fairly ingroſſed upon Parchment, and ſigned and ſealed by the ſaid Commiſſioners, or any Two of them, and ſhall be inrolled within Six Calendar Months after the Date thereof, as well in the Office of the Clerk of the Council of the Duchy of Lancaſter, as in the publick Regiſter Office kept at Wakefield, in and for the Weſt Riding of the ſaid County of York; to the End that Recourſe may be had to ſuch Inrolments at all Times hereafter, by all Perſons whatſoever;

ſoever; and a true Copy of ſuch Inrolment, under the Hand of the ſaid Clerk of the Council or Regiſter, or their reſpective Deputies for the Time being, ſhall be admitted and allowed in Evidence in all Courts of Law and Equity; and the ſaid original Award, after the Inrolment thereof, as aforeſaid, ſhall be lodged and kept in the Pariſh Church of Snaith, under the Care of the Vicar and Churchwardens of the ſaid Church, in order to be, from Time to Time, inſpected by all Perſons intereſted, on Payment of Sixpence for each ſuch Inſpection: And the ſaid Award, and all Orders, Directions, Regulations, and Determinations therein contained, and thereby declared, ſhall be binding and concluſive to all Perſons whomſoever.

XXI. And be it further enacted, That when ſuch Diviſion and Allotments of the ſaid open Fields, Meadows, Paſtures, Commons, and Waſte Grounds, ſhall be finiſhed and perfected, and the ſame ſhall be aſcertained and eſtabliſhed by ſuch Award as aforeſaid, all Right of Common or Average, of what Nature or Kind ſoever thereupon, ſhall abſolutely ceaſe and be extinguiſhed; and all the Lands, Grounds, and Tenements whatſoever, within the ſaid Townſhip, and all the preſent and future Owners and Occupiers thereof, ſhall, from the making ſuch Award, be abſolutely freed and diſcharged from the Payment of all Tithes, great and ſmall, and Eccleſiaſtical Dues whatſoever, and alſo from all Compoſitions, Moduſes, or other Payments whatſoever, in lieu of Tithes, (the Surplice Fees and Mortuaries now due and payable only excepted); and all ſuch Tithes, great and ſmall, and Eccleſiaſtical Dues, and all Compoſitions, Moduſes, or other Payments in lieu of Tithes, (Surplice Fees and Mortuaries, as aforeſaid, excepted), ſhall abſolutely ceaſe and be extinguiſhed.

Whenever the Incloſure is finiſhed, all Right of Common to ceaſe.

XXII. Provided nevertheleſs, That any ſuch Tithes, great or ſmall, Eccleſiaſtical Dues, Compoſitions, Moduſes, or other Payments in lieu of Tithes, or any Rents reſerved upon Leaſe or other Contract for any ſuch Tithes or Eccleſiaſtical Dues, which ſhall be due to any Perſon or Perſons at the Time of making ſuch Award as aforeſaid, ſhall and may be recovered, raiſed, and levied, by the reſpective Perſons to whom the ſame reſpectively ſhall be juſtly due and payable, in the ſame Manner, and by the ſame legal Remedies, in all Reſpects, as if this Act had not been made.

Tithes, &c. that were due before making the Award how to be recovered.

XXIII. And be it further enacted, That, in the mean Time, and until ſuch Diviſions, Partitions, and Allotments, ſhall be ſtaked out, made, fenced, and completed, it ſhall and may be lawful for the ſaid Commiſſioners, or any Two of them, at any Time or Times hereafter, whenſoever and ſo often as they in their Diſcretion ſhall think convenient and neceſſary, by Notice or Notices in Writing for that Purpoſe, under their Hands, to be affixed on the Door of the Church of Snaith aforeſaid, to ſuſpend, or totally extinguiſh, all or any Part of the Right of Common in and over the ſaid common Fields, waſte Grounds, and other open Grounds hereby directed to be incloſed; and, from and after ſuch Notice or Notices given, all ſuch Right of Common in and over ſuch of the ſaid common Fields, waſte Grounds, and open Grounds, as by ſuch Notice or Notices ſhall be directed or declared to be ſuſpended or extinguiſhed, ſhall ceaſe and be utterly extinguiſhed, or otherwiſe be ſuſpended for ſuch Time as ſhall in and by ſuch Notice or Notices be directed; and if, after ſuch Right of Common ſhall be ſuſpended or extinguiſhed by ſuch Notice or Notices, and during ſuch Suſpenſion as aforeſaid, any Proprietor or Proprietors ſhall permit or ſuffer his, her, or their Cattle or Sheep to go, depaſture, or feed, on any ſuch Lands and Grounds, then it ſhall and may be lawful to and for any other Proprietor or Proprietors to ſeize and impound ſuch Cattle or Sheep then being upon any ſuch Lands and Grounds contrary to ſuch Order, or going upon or depaſturing upon ſuch Lands or Grounds, after ſuch Right of Common is extinguiſhed, or during any ſuch Suſpenſion as aforeſaid, and the ſame to impound, or detain and keep, until ſuch Time as the Perſon or Perſons offending in either of the Caſes aforeſaid ſhall have paid to the Perſon or Perſons impounding the ſame the Sum of Two Shillings for each of the Cattle, and Sixpence for each of the Sheep ſo impounded; and in caſe the ſame be not paid before the next Meeting of Commiſſioners after ſuch Impounding, as aforeſaid, then the ſaid Commiſſioners, or any Two of them, are hereby authoriſed and required, upon Proof upon Oath of ſuch Fact, (which Oath the ſaid Commiſſioners, or any One of them, are and is hereby impowered to adminiſter), and Nonpayment of the Penalty hereby impoſed, and ſo often as the ſame ſhall happen, by Warrant, under their Hands and Seals, to cauſe ſuch or ſo many of ſuch Cattle or Sheep to be ſold as ſhall be neceſſary for the raiſing and Payment of the Penalty aforeſaid, together with the Coſts and Charges attending ſuch Sale, rendering the Overplus (if any) to the Owner.

Commiſſioners may ſuſpend Right of Common until Allotments be made.

XXIV. And be it further enacted, That all Out-rents, Fee-farm Rents, and other Payments, Mortgages, Charges, and Incumbrances, charged upon or iſſuing out of any of the Lands, Grounds, and Tithes, of the ſaid Proprietors, or any of them, or to which the ſame Premiſes, or any of them, are liable or ſubject, ſhall, from and after the making ſuch Diviſion and Allotments, be reſpectively iſſuing and payable out of, and charged upon, ſuch new Allotment or Allotments to be made to them reſpectively in lieu thereof; and the reſpective Proprietors to whom ſuch Lands or Grounds ſhall be allotted, out of, or upon which any ſuch Out-rent, Fee-farm Rent, or other Payment, Mortgage, Charge, or Incumbrance, as aforeſaid, is now or ſhall then be iſſuing or payable, or the ſame Lands, or any of them, ſhall not be any longer chargeable therewith.

Allotments to be ſubject to the ſame Charges and Incumbrances as before.

XXV. And be it further enacted, That all Timber, and other Trees, Hedges, or Buſhes, ſtanding or growing in any Lands or Grounds, or in any Fences, which, after the making ſuch Award as aforeſaid, may become the Property of any Perſon or Perſons, other than ſuch as was or were the Proprietor or Proprietors thereof, at or immediately before the making ſuch Award, ſhall be valued and allowed for by the Perſon or Perſons to whom the Lands or Grounds ſhall be allotted, in which ſuch Timber, or other Trees, Hedges, or Buſhes, are ſo growing or ſtanding, in ſuch Manner as the ſaid Commiſſioners, or any Two of them, by any Writing under their Hands, to be de-

Commiſſioners to direct the Allowance to be made for Timber, &c.

livered to the Parties intereſted therein, (but not to be compriſed in the ſaid Award), ſhall order and direct; and in caſe the Perſon or Perſons by whom ſuch Allowance ought to be made ſhall refuſe or neglect to conform to ſuch Order and Direction, then it ſhall and may be lawful to and for the Perſon or Perſons who was or were the Proprietor or Proprietors, immediately before the making of ſuch Award, of the Land or Fence in which any ſuch Tree or Trees, Hedges or Buſhes, ſhall be ſtanding reſpectively, at any ſeaſonable Time or Times, within the Space of Six Calendar Months next after ſuch Allotment ſhall be made, to enter upon the Lands and Grounds upon which ſuch Timber, or other Trees, Hedges, or Buſhes, ſhall be ſtanding and being, and to fell and cut down, and with Horſes, Carts, and Carriages, take and carry away, the ſame, at his and their Will and Pleaſure, to and for his and their own Uſe and Benefit; and the Order and Direction of the ſaid Commiſſioners, or any Two of them, ſhall be binding and concluſive unto and upon all Parties.

Increaſed Rent to be paid by Tenants for Years.

XXVI. And whereas it is reaſonable that ſome increaſed Rent ſhould be paid by the reſpective Leſſees for Years of ſuch Houſes or Frontſteads, Lands or Tithes, in reſpect whereof any Allotments of Lands may be made by virtue of this Act, and who ſhall not, at their own Expence, divide, incloſe, fence, drain, and embank ſuch Allotments; be it therefore further enacted, That the ſaid Commiſſioners, or any Two of them, may, by any Writing under their Hands, (to be delivered to the Parties intereſted therein, but not to be compriſed in ſuch Award as aforeſaid), order and direct what additional Rent, (if any), ſhall be paid during the Continuance of ſuch reſpective Leaſes by ſuch Tenants for Years reſpectively, who ſhall not bear the Charges of incloſing, draining, and embanking their Allotments reſpectively, unto the reſpective Owners for the Time being of ſuch new Allotment or Allotments, ſubject to ſuch Term or Terms for Years, Regard being had as well to the Prejudice which may accrue to ſuch Tenant or Tenants for Years, by the Loſs of his, her, or their Right of Common and Average, as to the Expences which the Owner of ſuch new Allotment or Allotments may be put to on account of the dividing, incloſing, fencing, draining, and embanking ſuch Allotment or Allotments reſpectively; and any ſuch additional Rent, ſo to be ordered and directed to be paid as aforeſaid, ſhall be recoverable in the ſame Manner, and by the ſame Ways and Means, as any Rent of Lands or Tenements, reſerved upon any Leaſe for Years, may by Law be recovered; which Orders and Directions of the ſaid Commiſſioners, or any Two of them, ſhall be binding and concluſive unto and upon all Parties.

Commiſſioners not to interfere between His Majeſty and His Tenants.

XXVII. Provided nevertheleſs, That nothing herein contained ſhall extend to give the ſaid Commiſſioners, or any of them, any Power or Authority to interfere or intermeddle between His Majeſty and His Tenants or Leſſees, with reſpect to His Majeſty's Rights in the ſaid Townſhip, or to ſettle or adjuſt what increaſed Rents ſhall be rendered and paid to His Majeſty, His Heirs or Succeſſors, by ſuch Tenants or Leſſees reſpectively.

This Act not to affect any former Charge or Incumbrance upon the Lands to be incloſed.

XXVIII. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to revoke, alter, or annul, any Deed, Will, Settlement, or Leaſe, or to prejudice any Perſon having or claiming any Right, Intereſt, or Charge whatſoever, in, to, or upon, or any ways affecting any of the Lands ſo to be divided and incloſed as aforeſaid, or any of the ſaid old Incloſures; but that the Lands and Grounds which ſhall be allotted to the ſaid Proprietors reſpectively, or their reſpective Heirs, Succeſſors, Executors, Adminiſtrators, or Aſſigns, ſhall be taken, held, and enjoyed, and the ſeveral Perſons, or Bodies Corporate or Sole, to whom the ſame ſhall be reſpectively allotted and awarded, ſhall from thenceforth ſtand and be ſeiſed thereof, to and upon ſuch and the ſame Uſes and Truſts, and for ſuch and the ſame Eſtates, and under and ſubject to ſuch and the ſame Limitations, Remainders, Leaſes, and Incumbrances reſpectively, as the ſeveral Lands, Grounds, Tithes, and Hereditaments, in lieu whereof ſuch Allotment ſhall be made, ſhould and would have been ſubject and liable to be charged with, and affected by, in caſe ſuch Diviſion and Allotment had not been made; and the Lands and Grounds, which before the making ſuch Diviſion and Allotment were ſubject and liable thereto, and alſo the Perſons to whom the ſame ſhall be reſpectively allotted, ſhall, from the Time of making the ſaid Diviſion and Allotment reſpectively, be diſcharged therefrom.

Proviſo.

XXIX. Provided alſo, That nothing herein contained ſhall extend to alter or affect the Right of His Majeſty, His Heirs or Succeſſors, or any contingent Rent or Rents reſerved and made payable to His Majeſty, by any Leaſe or Leaſes now in being on the Expectancy or Contingency of the ſaid Commons and Waſtes being improved and cultivated.

Upon the Death of any Vicar or Curate, the Repreſentatives to be intitled to a Proportion of the Rents and Profits to the Time of ſuch Death.

XXX. And be it further enacted, That, upon the Death, Ceſſion, or Reſignation, of the ſaid William Williams, or any future Vicar or Curate of the ſaid Pariſh Church of Snaith, a juſt Proportion of the Rents and Profits of ſuch Lands and Grounds as ſhall be allotted to the ſaid Vicar or Curate, and alſo a juſt Proportion of any yearly Sums of Money which ſhall be awarded to ſuch Vicar or Curate in lieu of any Tithes or Eccleſiaſtical Dues, ſhall be paid to, and received by, the proper perſonal Repreſentatives of ſuch Vicar or Curate ſo dying, or by ſuch Vicar or Curate who may make ſuch Ceſſion or Reſignation, from the Time when the ſame ſhall have been laſt due and payable to the Time of ſuch Death, Ceſſion, or Reſignation, and the Reſidue of the Rents and Profits of ſuch Lands, and of ſuch yearly Sums of Money reſpectively, to the ſucceeding Vicars or Curates of the ſame Pariſh Church, from Time to Time.

Farmers quitting their Farms, their Summer Crops to be ſubject to Tithes.

XXXI. And be it further enacted, That if any Farmer or Farmers of Lands or Tenements, ſo to be exempted from the Payment of Tithes as aforeſaid, ſhall quit or go off his, her, or their Farm or Farms, at Lady-day or May-day, next before or next after the Time herein-before limited for the Extinguiſhment of the Tithes of ſuch Lands and Tenements reſpectively, or at any Time between thoſe Days, and ſuch Farmer or Farmers ſhall, according to the Courſe of Huſbandry there, have a Summer's Crop or Crops following him, her, or them; then, and in ſuch Caſe, the reſpective Landlord or Landlords of every ſuch Farmer ſo quitting his, her, or their ſaid Farm or Farms reſpectively, ſhall be intitled, and ſhall and may take ſuch Tithes in Kind of the ſaid Crop, and have ſuch and the ſame Remedies for taking and recovering the ſame, as the Owner of ſuch Tithes might have had in caſe this Act had not been made; unleſs ſuch Farmer or Farmers ſhall otherwiſe agree for ſuch his, her, or their Tithes, with his, her, or their reſpective Landlord or Landlords.

Allotments may be laid together.

XXXII. And be it further enacted, That any of the ſaid Proprietors, or Perſons intereſted in the Lands and Grounds hereby intended to be divided and incloſed, ſhall and may have their reſpective Proportions in lieu of their Right in ſuch Lands and Grounds laid together, in caſe they ſhall requeſt the ſame in Writing, delivered to the ſaid Commiſſioners, or any Two of them, within Three Calendar Months after the firſt Meeting for receiving Claims, ſuch Parcel of Land to be allotted in One Piece, to be enjoyed by the Proprietors thereof; and each of the ſaid Proprietors ſhall have Liberty to enjoy the ſame according to their reſpective Rights and Intereſts therein, to be ſet out and aſcertained by the ſaid Commiſſioners, or any Two of them.

Commiſſioners to appoint the Courſe of Huſbandry.

XXXIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Two of them, to order, direct, and appoint, the Courſe of Huſbandry that ſhall be uſed in the ſaid Lands and Grounds ſo intended to be divided and incloſed, until they ſhall have completed their Award; and that every Perſon's Eſtate in the ſaid Lands and Grounds ſhall be liable to ſuch Directions as the ſaid Commiſſioners, or any Two of them, ſhall appoint, with Regard to ſtocking, tilling with Lime or Manure, plowing and ſowing with Corn.

Allowance for Crops growing at the Time of the Diviſion.

XXXIV. And be it further enacted, That the ſaid Commiſſioners, or any Two of them, are hereby required to ſettle and aſcertain what Recompence ſhall be made or paid to the Owner of any Crop growing at the Time of the ſaid Diviſion, for the Value of the ſaid Crop, by the Perſon to whom ſuch Lands on which ſuch Crop is growing ſhall be allotted; or otherwiſe, that the Owner of ſuch Crop ſhall be at Liberty to cut, gather, lead, and carry away the ſame, within a Time to be limited for that Purpoſe by the ſaid Commiſſioners, or any Two of them, without any Moleſtation or Hinderance from the Perſon to whom the Land on which the Crop was growing ſhall be allotted.

Former Hedges may be continued.

XXXV. And be it further enacted, That if any Hedges now ſtanding upon any of the ſaid Lands or Grounds ſhall be appointed by the ſaid Commiſſioners, or any Two of them, as and for a Boundary Fence for any of the Incloſures or Allotments as aforeſaid, all ſuch Hedges ſhall be left for the Benefit of the Perſon or Perſons to whom ſuch Incloſure or Allotment ſhall belong, he, ſhe, or they, immediately making ſuch Allowance and Conſideration to the former Owner or Owners of ſuch Hedges reſpectively, as the ſaid Commiſſioners, or any Two of them, ſhall, by Writing under their Hands, in that Behalf appoint.

Old Roads to continue until new ones are provided.

XXXVI. Provided always, That no Road or Roads whatſoever to any of the ancient Incloſures within the ſaid Townſhip ſhall be ſtopped up or taken away, until the ſaid Commiſſioners, or any Two of them, ſhall have firſt ſet out and provided another ſufficient Road or Roads to ſuch ancient Incloſure.

Owners to accept their Allotments within One Month after the Allotments made.

XXXVII. And be it further enacted, That all and every Perſon or Perſons, Bodies Politick and Corporate, to whom any Allotment ſhall be made by virtue of this Act, and his, her, or their Heirs or Aſſigns, ſhall, within One Calendar Month next after the ſame ſhall be allotted and awarded to him, her, or them, and publick Notice given in the Pariſh Church of Snaith aforeſaid, on ſome Sunday, immediately after Divine Service, and alſo by Writing, to be affixed on the Door of the ſaid Pariſh Church, and alſo by Advertiſement in the York Courant, or York Chronicle, (which Notice the ſaid Commiſſioners, or any Two of them, ſhall cauſe to be given and publiſhed), accept ſuch Share and Shares as ſhall be allotted and awarded to them reſpectively; and ſhall and may hold and enjoy their ſaid reſpective Allotments in Severalty, freed and diſcharged of and from all Claim or Right of Common or Average whatſoever; and that all ſuch Proprietors ſhall alſo, within the ſaid Time, accept ſuch Meſſuages, Buildings, Lands, or Grounds, as ſhall be ſo allotted and awarded to them reſpectively, in Exchange for any other Meſſuages, Buildings, Lands, or Grounds, as aforeſaid; and ſhall and may hold and enjoy the ſame, as aforeſaid, againſt all other Perſons whomſoever; and ſhall have the ſame, or the like (and no other) Eſtate and Intereſt in ſuch reſpective Allotments of ſuch Lands and Grounds reſpectively, as they have in the Lands or Grounds in lieu whereof ſuch Allotment ſhall have been made, without any Claim, Title, or Diſturbance to be made or given One to another by any of the Perſons intereſted in the ſaid Premiſes reſpectively, or any other Perſon or Perſons claiming, by, from, or under them, or their reſpective Heirs, Succeſſors, or Aſſigns.

In caſe of Neglect, to be excluded from all Benefit thereof.

XXXVIII. And be it further enacted, That in caſe any Perſon or Perſons ſhall neglect or refuſe to accept his, her, or their Allotment or Allotments within the Time hereinbefore limited for Acceptance thereof, ſuch Perſon or Perſons ſo neglecting and refuſing, and his, her, or their Heirs and Aſſigns, ſhall be totally excluded from having or receiving any Benefit or Advantage from the ſaid intended Diviſion and Incloſure, (ſave upon the Terms herein-after expreſſed), and ſhall alſo be excluded from any Eſtate or Intereſt, or any Right of Common or Average whatſoever, in any of the Lands or Grounds to be allotted or awarded to any other Perſon or Perſons, as aforeſaid.

Guardians, &c. may accept for Perſons incapacitated.

XXXIX. Provided nevertheleſs, That the Executors in Truſt, Guardians, Huſbands, Truſtees, or Attornies, of any Perſon or Perſons, being Minors, under Coverture, or beyond the Seas, or otherwiſe incapable by Law to accept their ſaid Allotments, ſhall be, and are hereby enabled and required to accept thereof, for the Uſe of ſuch Perſon or Perſons ſo incapacitated as aforeſaid, and ſuch Acceptance ſhall be, and is hereby declared to be as valid and effectual as if the Perſon or Perſons to whom the ſame ſhall be made reſpectively was or were capable of acting for themſelves, and had accepted thereof, any Thing herein contained to the Contrary thereof notwithſtanding: But the Non-claim or Non-acceptance of any Guardian, Huſband, Committee, Truſtee, or Attorney, ſhall not exclude or prejudice the Claim or Acceptance of any Perſon or Perſons intitled as Heir, or in Remainder, after the Death of any Perſon dying under ſuch Diſability or Incapacity, who ſhall claim or accept within One Year after his, her, or their Right, Title, or Intereſt, ſhall have deſcended, veſted, or accrued.

Incloſures to be made and preſerved at the Expence of the Owners.

XL. And be it further enacted, That when the ſaid Lands and Grounds ſhall be allotted and awarded as aforeſaid, the ſeveral Perſons to whom the ſame ſhall be allotted, or their reſpective Heirs or Aſſigns, ſhall, at their own Expence, incloſe, hedge, ditch, drain, and fence, and for ever maintain, ſuch Hedges, Ditches, Drains, and Fences, each in their own ſeveral and reſpective Allotments, within ſuch Time, and in ſuch Manner, as the ſaid Commiſſioners, or any Two of them, ſhall direct or appoint; and in caſe of Neglect or Refuſal ſo to do, the ſaid Commiſſioners, or any Two of them, ſhall cauſe ſuch reſpective Allotments to be incloſed, hedged, ditched, drained, and fenced, in ſuch Manner as they ſhall direct, and the Expence thereof ſhall be paid in Manner herein-after mentioned.

Vicar's Allotment to be incloſed at the general Expence.

XLI. Provided always, That the Out Fences of all the Lands which ſhall be ſo allotted to the ſaid William Williams, or his Succeſſors, ſhall be well and ſufficiently made by the Direction of the ſaid Commiſſioners, or any Two of them; and the Charges of the firſt making thereof ſhall be borne by all the ſaid Proprietors, and ſhall be aſſeſſed, raiſed, and levied, in the ſame Manner as the other Coſts, Charges, and Expences, attending the ſaid Diviſion and Incloſure, are to be borne, aſſeſſed, raiſed, and levied, by virtue of this Act.

Proprietors may mark and ſtake out their Allotments, and guard their Quickſets.

XLII. And be it further enacted, That it ſhall and may be lawful to and for any of the ſaid Proprietors, (after their reſpective Allotments ſhall have been marked and ſtaked out by Order of the ſaid Commiſſioners, or any Two of them,) before the ſigning of the ſaid Award, to ditch and fence their own particular Allotments in ſuch Manner as the ſaid Commiſſioners, or any Two of them, ſhall order and direct; and all ſuch Proprietors may, at any Time, within the Space of Nine Years next after he, ſhe, or they, ſhall enter upon, and poſſeſs his, her, or their Share or Shares, ſet down and place Poſts and Rails, or any other Fences, on the Outſides of the Ditches or Banks bounding their reſpective Allotments, for guarding their growing Hedges and Quickſets, not exceeding Three Feet from any ſuch Ditches or Banks, and may, from Time to Time, within the Space of Nine Years, ſet up and continue any Gate or Gates acroſs any Road or Roads, which ſhall be contiguous to, or adjoin upon, his, her, or their Lands, (not being a Turnpike Road) to prevent Cattle deſtroying any Banks, Quickſets, or Fences, which may be made and planted againſt ſuch Road, ſo as ſuch Gate or Gates ſhall not be ſo made or faſtened as to prevent any Perſon or Perſons paſſing or repaſſing, with or without Horſes, Cattle, or Carriages; and alſo may, at any Time, before the Expiration of the ſaid Nine Years, remove, take, and carry away, ſuch Poſts and Rails, Gates, or other Fences, ſo by them ſet up and made, as aforeſaid, and convert the ſame to their own reſpective Uſes; provided that no Gates, Poſts, or Rails, to be erected as aforeſaid, ſhall continue longer than Nine Years, from the Time of the ſigning the ſaid Award.

Convenient Openings to be left.

XLIII. Provided always, That ſuch convenient Openings ſhall be left in the Fences to be made as aforeſaid, as the ſaid Commiſſioners, or any Two of them, ſhall direct, for the Space of Twelve Calendar Months next after the ſeveral Allotments ſhall be made, as aforeſaid, for the paſſing of Cattle, Carts, and Carriages, through the ſame; and that ſuch of the ſaid Proprietors, whoſe Allotments ſhall lie next or adjoin to any Land already incloſed, or to any ſufficient Drain or Water Sewer, ſhall not be obliged to make or erect any Hedge, Ditch, or Fence, againſt ſuch incloſed Lands, Drains, or Water Sewers; but that the ancient Fence, Drain, or Water Sewer, by which ſuch Allotment ſhall be bounded and divided from any other Ground, ſhall be for ever and remain a Boundary Fence for the Purpoſe of ſuch Diviſion, and ſhall be, from Time to Time, maintained, cleanſed, and ſcoured, at the Coſts and Charges of the Proprietors of ſuch Lands already incloſed, or in ſuch other Manner as ſhall be directed by the ſaid Commiſſioners, or any Two of them.

Expences of the Act how to be defrayed.

XLIV. And be it further enacted, That all Coſts, Charges, and Expences, in and about the preparing, ſoliciting, and obtaining this Act, the ſurveying, dividing, and allotting the ſaid Open Fields, Meadows, Paſtures, common and waſte Grounds, and of ſurveying all the ſaid ancient Incloſures, and all the Charges of the ſaid Commiſſioners in and about the making and inrolling ſuch Award, as herein-before mentioned, and all other incidental Charges and Expences whatſoever, for, or by reaſon of, or preparatory to, the ſaid intended Diviſion and Incloſure, and the hearing and determining any Claims in relation to the Premiſes, and the carrying this Act into Execution, ſhall be jointly borne and paid by the reſpective Perſons, (except as in and by this Act is excepted), to whom any Allotment ſhall be made, by an Aſſeſſment to be laid upon all the Lands and Grounds to be divided and allotted as aforeſaid, (except as in and by this Act is excepted), by an equal Pound Rate, according to the Value of their reſpective Allotments; and all the old Incloſures to be charged in Proportion to the Benefit which ſhall accrue to them from any Exemption from Tithes, or otherwiſe, ſuch Proportion to be ſettled by the ſaid Commiſſioners, or any Two of them; and in caſe any Perſon or Perſons liable to pay any ſuch Charges and Expences, or any Part or Parts thereof, ſhall refuſe or neglect to pay his, her, or their Share or Shares of ſuch Charges and Expences, or the Charges and Expences of incloſing, hedging, ditching, and fencing their reſpective Allotments as aforeſaid, to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Two of them, ſhall direct, then the ſaid Commiſſioners, or any Two of them, may, by Warrant under their Hands and Seals, cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons reſpectively refuſing or neglecting to pay the ſame, whereſoever the ſame may be found, rendering the Overplus, (if any), after the reaſonable Charges of ſuch Diſtreſs and Sale are deducted and paid, to the Owner or Owners of ſuch Goods and Chattels; or otherwiſe it ſhall and may be lawful for the ſaid Commiſſioners, or any Two of them, to enter into and upon the Premiſes ſo allotted to ſuch Perſon or Perſons ſo refuſing or neglecting to pay as aforeſaid, and to take and receive the Rents, Iſſues, and Profits thereof, until thereby, therewith, or otherwiſe, the Share or Shares of the ſaid Coſts, Charges, and Expences, and alſo all Coſts, Charges, and Expences, occaſioned by or attending ſuch Entry upon and Perception of the Rents and Profits of the ſame Premiſes, ſhall be reſpectively fully paid and diſcharged.

The King's Majeſty and Lord *Downe*, as Lords of the Soil, not ſubject to any of the Expences of the Act.

XLV. Provided always, That the King's Majeſty, His Tenants or Leſſees, or the ſaid Lord Downe, his Heirs or Aſſigns, in reſpect of the Share or Shares which may be ſet out or allotted to him or them reſpectively, as Lord or Lords of the Soil, as above mentioned, ſhall not be charged with any Part of the Expences of obtaining and carrying this Act into Execution.

Vicar not ſubject to ſuch Expences.

XLVI. Provided alſo, That ſuch Part or Parts of the ſaid Lands and Grounds as ſhall be allotted to the ſaid William Williams, or his Succeſſors, in Right of his ſaid Vicarage or Curacy, or any yearly Sum or Sums of Money to be awarded as aforeſaid, in Lieu or Part of Satiſfaction of any ſuch ſmall Tithes, Eaſter Dues, or Eccleſiaſtical Dues, as aforeſaid, ſhall not be charged or chargeable, or contribute to any of the Charges or Expences either of Ring-fencing the Allotment to be made to him or them, as aforeſaid, or of obtaining and carrying this Act into Execution.

Owners, *etc.* impowered to borrow Money.

XLVII. And whereas the Owners and Proprietors of Allotments to be made by virtue of this Act may have Occaſion to borrow Money to defray their reſpective Shares and Proportions of the Charges and Expences incident to and attending the obtaining and executing this Act, and the incloſing, draining, and imbanking, their reſpective Allotments, but cannot, by reaſon of ſome Settlement, Incapacity, or Impediment, make effectual Securities for Money ſo to be borrowed; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for all or any of the Perſons, (except the ſaid William Williams, as Vicar or Curate of the Pariſh Church aforeſaid, or his Succeſſors), to whom any Allotments ſhall be made by virtue of this Act, being Tenants for Life, or in Tail, and alſo to and for the Huſbands, Guardians, Committees, Truſtees, or Attornies, of or for ſuch of the ſaid Owners or Proprietors as ſhall be under Coverture, Minors, Lunaticks, or beyond the Seas, or otherwiſe incapable of acting for themſelves, and every of them reſpectively for the Time being, or the ſaid Commiſſioners, or any Two of them, (in caſe the ſaid Proprietors ſhall neglect or refuſe), by Writing under their Hands and Seals, from Time to Time, to charge the Lands and Grounds which ſhall be allotted and aſſigned to them by virtue of this Act with ſuch Sum or Sums of Money, not exceeding Forty Shillings for every Acre, to be applied for the Purpoſes before mentioned, and for no other Uſe, as the ſaid Commiſſioners, or any Two of them, ſhall direct and appoint: And for ſecuring the Repayment of ſuch Sum and Sums of Money, with Intereſt, the Perſon or Perſons borrowing the ſame reſpectively may, by Indenture, or other Deed, under his, her, or their Hand and Seal, or Hands and Seals, and atteſted by Two or more credible Witneſſes, grant, mortgage, leaſe, and demiſe, ſuch Lands or Grounds as aforeſaid, for any Term or Number of Years, or otherwiſe, unto or in Truſt for ſuch Perſon or Perſons as ſhall advance and lend ſuch Money; ſo as every ſuch Grant, Mortgage, Demiſe, or other Security, ſhall be made, with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be aſſigned, ſurrendered, or reconveyed, when ſuch Sum or Sums of Money thereby to be ſecured, with the Intereſt thereof, ſhall be fully paid and ſatiſfied; and do alſo contain a Covenant to pay and keep down the Intereſt of the thereby ſecured Money, during his, her, or their reſpective Lives; and that no Perſon afterwards becoming poſſeſſed of any ſuch Lands or Grounds ſhall be liable to any further or larger Arrear of Intereſt than for One Year preceding the Time that the Title of ſuch Poſſeſſion ſhall have commenced; and that every Grant, Mortgage, Leaſe, or Demiſe, ſo to be made, ſhall be good, valid, and effectual in the Law, for the Purpoſes thereby intended, notwithſtanding the want of legal Title in the ſaid Huſbands. Guardians, Truſtees, Committees, or Attornies, or in the ſaid Tenants in Tail or for Life; any Law or Uſage, Settlement, Will, Truſt, Uſe, Remainder, or Limitation, to the Contrary notwithſtanding.

Intereſt to be kept down.

Vicar or Curate impowered to raiſe Money to defray the Expence of draining and embanking.

XLVIII. And whereas it is proper that the ſaid *William Williams*, and his Succeſſors, ſhould be enabled to raiſe Money to defray the Charges and Expences of draining and embanking the Allotment to be made to him or them as aforeſaid; be it therefore further enacted, That it ſhall and may be lawful to and for the ſaid William Williams, and his Succeſſors, Vicars, or Curates, as aforeſaid, (with the Conſent and Approbation of the Archbiſhop of York for the Time being), to charge all or any of the Lands and Grounds, which ſhall be ſo allotted or aſſigned to him or them as aforeſaid, with ſuch Sum or Sums of Money, towards defraying and diſcharging the Expences of draining and embanking the ſaid Allotment to be made to him or them as aforeſaid, (but for no other Purpoſe whatſoever), as the ſaid Commiſſioners, or any Two of them, ſhall order, direct, or appoint, not exceeding Forty Shillings an Acre: And for ſecuring the Repayment of ſuch Sum or Sums of Money, with Intereſt, to grant, mortgage, leaſe, or demiſe, the Lands and Grounds ſo to be charged, or any Part thereof, unto the Perſon or Perſons who ſhall advance and lend the ſame, for any Term or Number of Years, ſo as every ſuch Grant, Mortgage, Leaſe, or Demiſe, be made with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be ſurrendered, when the Money thereby to be ſecured, with the Intereſt thereof, ſhall be fully paid and ſatiſfied; and ſo as every ſuch Grant, Mortgage, Leaſe, or Demiſe, do contain a Covenant, that the ſaid Vicar or Curate, and his Succeſſors, ſhall, at the End of every Year, after the Commencement of the Term for which the Premiſes ſhall be granted as aforeſaid, pay to the Perſon or Perſons to whom any ſuch Grant, Mortgage, Leaſe, or Demiſe, ſhall be made, his, her, or their Executors, Adminiſtrators, or Aſſigns, One-ſixth Part of the principal Money to be borrowed for the Purpoſes aforeſaid, until the Whole ſhall be paid off and diſcharged; and alſo to pay and keep down the Intereſt of the Money thereby to be ſecured during his or their Live or Lives; and ſo as every ſuch Grant, Mortgage, Leaſe or Demiſe, do contain a Proviſo, that the ſucceeding Vicars or Curates reſpectively ſhall not be liable to the Payment of any further or larger Arrear of Intereſt than from the Day of the Death, Reſignation, or Ceſſion, of their reſpective Predeceſſors.

Securities may be aſſigned.

XLIX. And be it further enacted, That all and every Perſon and Perſons to whom any Grant, Mortgage, Leaſe, or Demiſe, ſhall be made, by virtue of this Act, as a Security for any Sum or Sums of Money by him, her, or them lent and advanced for the Purpoſes of this Act, or who ſhall be intitled to any Money thereby ſecured, ſhall and may, from Time to Time, by any Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, indorſed upon ſuch Grant or Demiſe, and to be executed in the Preſence of Two or more credible Witneſſes, aſſign or transfer, without any Stamp, the ſame Security or Securities, or the principal Money or Intereſt thereby ſecured, and all his, her, and their Benefit, Right, Title, and Intereſt, in and to the ſame, unto any Perſon or Perſons whomſoever, who may again in like Manner aſſign the ſame, and ſo toties quoties; and ſuch Mortgagee or Mortgagees, Aſſignee or Aſſignees, his, her, and their Executors and Adminiſtrators, and all Perſons claiming under them, or any of them, ſhall and may uſe, take, and purſue all ſuch lawful Methods and Expedients in Law or Equity, for recovering and obtaining the Poſſeſſion of the Premiſes ſo to be mortgaged, demiſed, or aſſigned, as aforeſaid, in caſe of Nonpayment of the principal Money and Intereſt to be thereby ſecured, or any Part thereof, as is or are uſed, taken, and purſued, in all Caſes of the like Nature.

Not to extend to prejudice the Rights of the Patron and Vicar to Surplice Fees.

L. And be it further enacted, That nothing herein contained ſhall extend to prejudice or impeach the Right of the ſaid Charles Yarburgh, his Heirs, Executors, or Adminiſtrators, or the ſaid Vicar or Curate of the ſaid Pariſh Church of Snaith, or his Succeſſors, to any Surplice Fees or Mortuaries to which they are now reſpectively intitled, as aforeſaid; but that they ſhall and may hereafter have, receive, and enjoy, all ſuch Surplice Fees and Mortuaries, in the ſame Manner as if this Act had not been made.

Future Rates to the Vicar to be aſſeſſed in the ſame Proportion only as the Lands of other Perſons.

LI. And be it further enacted, That all future Rates and Levies to be made within or for the ſaid Townſhip or Pariſh, or either of them, or for any Lands or Grounds, or yearly Sum or Sums of Money, which ſhall or may be aſſigned or allotted, by virtue of this Act, to the ſaid Vicar or Curate of the Pariſh Church of Snaith aforeſaid, or his Succeſſors, for and in lieu of Tithes, Eaſter Dues, Eccleſiaſtical Dues, Compoſitions, or Payments in lieu of Tithes, ſhall be aſſeſſed to all ſuch publick or parochial Rates, Taxes, and Aſſeſſments, in the ſame Proportions only as the Lands and Tenements of other Perſons within the ſaid Townſhip and Pariſh ſhall, from Time to Time, be rated and aſſeſſed thereto, and not otherwiſe.

Allowance to the Commiſſioners and Surveyors for Attendance, &c.

LII. And be it further enacted, That each of the ſaid Commiſſioners ſhall be allowed and paid by the ſaid Proprietors the Sum of One Guinea, and no more, for every Day each of the ſaid Commiſſioners ſhall attend and be employed at any Meeting or Meetings, or in going to or returning from thence, or otherwiſe howſoever, in executing the Powers and Authorities given to them by virtue of this Act, over and beſides their reaſonable Expences; and that the Payment of Half a Guinea, and no more, over and beſides their reaſonable Expences, ſhall alſo, in like Manner, be made to each Surveyor for every Day they, or either of them, ſhall attend or be employed at any Meeting or Meetings of the ſaid Commiſſioners, by the Direction of the ſaid Commiſſioners, or any Two of them.

All Proprietors at Meetings to bear their own Expences.

LIII. Provided always, That all the Proprietors, or other Perſons intereſted in the Lands and Grounds to be divided and incloſed by virtue of this Act, (except the Agent and Solicitor to the ſaid Proprietors), ſhall, at any Meeting of the ſaid Commiſſioners, pay their own Charges and Expences.

Commiſſioners to enter their Accounts in Books.

LIV. And be it further enacted, That the ſaid Commiſſioners, or any Two of them, ſhall cauſe to be kept a Book of Accounts, wherein ſhall be entered by ſome One of them, a particular and diſtinct Account of all the Coſts, Charges, and Expences, paid, laid out, and expended by them, or any of them, by the Direction and Appointment of them, or any Two of them, in the Execution of this Act; and alſo the Charges and Expences of the ſaid Commiſſioners and Surveyors, for the Time and Attendance of each Commiſſioner and Surveyor at each Meeting of the ſaid Commiſſioners, or any of them, or otherwiſe, in executing the Powers hereby veſted in them reſpectively, ſeparately, and diſtinctly, from Time to Time; which Book of Accounts may be inſpected and peruſed by all or any of the ſaid Proprietors, preſent at any Meeting or Meetings of the ſaid Commiſſioners; and that the ſaid Book of Accounts ſhall be compleated and finiſhed at or before the Execution of the ſaid Award, and ſigned by the ſaid Commiſſioners, or any Two of them, and given up to the ſaid Proprietors, at the Time of ſigning the ſaid Award; but the ſaid Book of Accounts, or any Thing therein contained, ſhall not be deemed and taken to be Part of the ſaid Award, or inrolled therewith, but ſhall be depoſited and kept in the Pariſh Church of Snaith aforeſaid, together with the ſaid Award, under the Care of the Vicar and Churchwardens of the ſaid Church, ſo that the ſame may be from Time to Time inſpected with or without the ſaid Award by all Perſons intereſted therein, for the Inſpection whereof the Sum of Sixpence, and no more, ſhall be paid:

Perſons aggrieved may appeal to the Juſtices.

And in caſe any Perſon ſhall think himſelf or herſelf aggrieved by any Expence which ſhall appear by ſuch Book to have been incurred, in relation to the Execution of this Act, ſuch Perſon may appeal againſt the ſame, within the Time, and in Manner herein-after directed; and the Juſtices, before whom ſuch Appeal ſhall be brought, are hereby authoriſed and impowered, if they ſee Cauſe, to take Cognizance thereof, and to hear and finally determine the ſame; any Thing in this Act to the Contrary notwithſtanding.

Commiſſioners to give Notice of their Meetings.

LV. And be it further enacted, That before any Meeting of the ſaid Commiſſioners ſhall be had for any of the Purpoſes aforeſaid, Notice in Writing, under their Hands, or the Hands of any Two of them, ſhall be given and publiſhed on ſome Sunday, in the Pariſh Church of Snaith aforeſaid, immediately after Divine Service, and alſo by Writing, to be affixed on the Doors of the ſaid Church, and by Advertiſement in One or both of the Weekly Papers, called The York Courant and York Chronicle, of the Time and Place when and where the ſaid Commiſſioners intend firſt to meet for receiving Claims as aforeſaid, which Notice ſhall be given Ten Days at leaſt before ſuch Meeting of the ſaid Commiſſioners; and the ſaid Commiſſioners, or any Two of them, being ſo met according to ſuch Notice, ſhall and may afterwards meet, from Time to Time, as they ſhall think proper, for the Purpoſes aforeſaid, by Adjournment, and without giving any farther Notice, except in ſuch Caſes wherein Notice is hereinbefore particularly required to be given.

Allowing a General Appeal.

LVI. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think him, her, or themſelves, aggrieved by any Thing done in purſuance of this Act; then, and in every ſuch Caſe, (except in ſuch Caſes wherein the Orders and Determinations of the ſaid Arbitrators or Commiſſioners are hereby declared to be binding), he, ſhe, or they, may appeal at the Quarter Seſſions of the Peace which ſhall be held in and for the Weſt Riding of the ſaid County of York, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen; and the Juſtices, in their ſaid Quarter Seſſions, are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein, as to them ſhall ſeem reaſonable; which Determination of the ſaid Juſtices ſhall be binding and concluſive to all Parties concerned, and ſhall not be removed or removeable by Certiorari, or otherwiſe, into any of His Majeſty's Courts of Record at Weſtminſter, or elſewhere.

Saving of Rights to the Lord of the Manor.

LVII. Provided always, and be it further enacted and declared by the Authority aforeſaid, That nothing herein contained ſhall be conſtrued to defeat, leſſen, or prejudice the Right, Title, or Intereſt, of the King's Majeſty, his Heirs or Succeſſors, or the ſaid Richard Towne, his Executors, Adminiſtrators, or Aſſigns, during the Term of his ſaid Leaſe, in Right of the Soak and Liberty of Snaith and Cowick, Parcel of the Honour of Tickell, of, in, or to the Seigniories and Royalties within the Townſhip of Gowdall aforeſaid, or of the ſaid Lord Viſcount Downe, or any other Perſon or Perſons who is, are, or may be intitled to any Royalty, Seigniory, or manerial Rights, within the Townſhip aforeſaid; but that His Majeſty, His Heirs and Succeſſors, and the ſaid Richard Towne, his Executors, Adminiſtrators, and Aſſigns, during the Term of his ſaid Leaſe, in Right of the ſaid Soak and Liberty of Snaith and Cowick, and all other Perſon or Perſons, in reſpect of any ſuch Right, as aforeſaid, ſhall and may, from Time to Time, and at all Times, for ever hereafter, hold and enjoy all Rents, Fines, Services, Courts, Perquiſites, and Profits of Courts, and other Royalties and Seigniorities of and within the Townſhip of Gowdall aforeſaid, in as full, ample, and beneficial Manner, to all Intents and Purpoſes, as if this Act had not been made, other than and except as to any Right of Common or Soil which could or might be claimed in Right of the ſaid Soak and Liberty of Snaith and Cowick, or in any other Right whatſoever, in or upon the ſaid Lands and Grounds hereby intended to be divided and incloſed as aforeſaid.

General Saving of Rights.

LVIII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, as well in Right of the Crown as in the Right of the Duchy of Lancaſter, and all and every other Perſon and Perſons, Bodies Politick and Corporate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, (other than and except the reſpective Perſons to whom any Allotment or Allotments, Payment or Payments, ſhall be awarded or made by virtue of this Act, in Reſpect of the Intereſt or Property for which ſuch Allotments or Payments ſhall be awarded or made), all ſuch Eſtate and Intereſt as they, every, or any of them, had or enjoyed of, in, to, or in reſpect of the ſaid Lands and Grounds ſo intended and appointed to be divided and incloſed as aforeſaid, before the paſſing of this Act, or would or ought to have had or enjoyed in caſe the ſame had not been made; but no ſuch other Perſon or Perſons, Bodies Politick or Corporate, his, her, or their Heirs, Executors, Adminiſtrators, or Succeſſors, ſhall have Power to defeat the End or Deſign of this Act, by avoiding, impeaching, or any-wiſe diſturbing any of the ſeveral Diviſions, Allotments, or Appointments, of Land or Ground to be made in purſuance thereof; but he, ſhe, and they, ſhall be ſo far bound by this Act as to accept the ſeveral Allotments, Appointments, and Payments, which ſhall be made and aſſigned by virtue of this Act, in lieu of all ſuch Lands and Grounds, Common Right, Tithes, or other Intereſt, as he, ſhe, or they, ſhall claim, or be intitled to, or would have been intitled to, in caſe this Act had not been made.

FINIS.

A
TABLE
OF
Matters in the STATUTES at Large,
Volume the NINTH:
From the 11th to the 13th GEORGE III. incluſive.

Aberdeen.

FOR cleanſing, *&c.* the Harbour of *Aberdeen*, erecting Piers, and regulating Veſſels in the Harbour, 13 *Geo.* 3. *c.* 29.

Adam, John, Robert, James, and William,

Enabled to diſpoſe of their Buildings by Lottery, 13 *Geo.* 3. *c.* 75.

Ayr.

For cleanſing, *&c.* the Harbour of *Ayr*, enlarging and improving the Quays, Piers, *&c.* and for other Purpoſes, 12 *Geo.* 3. *c.* 22.

Bacon. See **Salt Proviſions.**

Badgers. See **Foreſtallers.**

Ballaſtage.

The ſeveral Laws for the Regulation of Laſtage and Ballaſtage in the River *Thames* continued until the Twenty-fourth of *June*, 1782, 11 *Geo.* 3. *c.* 51. § 1.

Bank of England.

1. Perſons not authoriſed by the Bank, making or uſing Moulds for the making of Paper with the Words *Bank of England*, viſible in the Subſtance, or having ſuch Moulds in their Poſſeſſion, guilty of Felony without Benefit of Clergy, 13 *Geo.* 3. *c.* 79. § 1.
2. Penalty of forging and iſſuing Notes and Bills engraved to reſemble thoſe of the Bank, or having the Sum expreſſed in White Characters on a Black Ground, 13 *Geo.* 3. *c.* 79. § 2.
3. Perſons poſſeſſed of ſuch Notes may uſe proper Means for Payment, 13 *Geo.* 3. *c.* 79. § 3.

Bankrupts.

The Act 5 *Geo.* 2. *c.* 30. to prevent Frauds by Bankrupts, further continued, 12 *Geo.* 3. *c.* 47.

Bark.

1. All former Duties on the Importation of foreign Oak Bark repealed, and a Duty of 1 *d. per* Cwt. impoſed, 12 *Geo.* 3. *c.* 50. § 1, 2.—How to be applied, 13 *Geo.* 3. *c.* 74. § 4.
2. No Oak Bark to be imported when Bark is under 10 *l.* the Load, or 2 *l.* 10 *s.* in the Rind, 12 *Geo.* 3. *c.* 50. § 3.
3. The Price of Bark how to be aſcertained in *London*, 12 *Geo.* 3. *c.* 50. § 4.
4. Condemned Bark and Penalties how to be ſued for, 12 *Geo.* 3. *c.* 50. § 14.

For other Matters, ſee **Scotland**, Title *Bark.*

Baſtards. See **Hoſpitals.**

Bedford Level.

1. The Conſervators of *Bedford Level* enabled to borrow Money, and a Fund eſtabliſhed for the Payment of their Bonds, 12 *Geo.* 3. *c.* 9.

2. To amend and render more effectual the Act 27 *Geo.* 2. *c.* 19. for enabling the Conſervators of *Bedford Level* to diſcharge a Debt due to the Duke of *Bedford* and Earl of *Lincoln*, 13 *Geo.* 3. *c.* 40.
3. For draining Lands in the *South Level*, between *Stoke River*, *Brandon River*, *Feltwell New Diſtrict*, and the Hard Lands of *Woodhall*, and *Helgay*, in the Counties of *Norfolk* and *Suffolk*, 13 *Geo.* 3. *c.* 45.
4. For more effectually executing the Act 27 *Geo.* 2. *c.* 19. ſo far as relates to the Fourth Diſtrict of the *North Level*, 13 *Geo.* 3. *c.* 49.

For other Matters, ſee **Marſhes.**

Beef. See Salt Proviſions.

Brandy, Rum, and other Spirits.

1. The Liberty granted by former Acts, of landing Rum or Spirits of the *Britiſh* Sugar Plantations, before Payment of the Duties of Exciſe, continued to *Michaelmas* 1778, 11 *Geo.* 3. *c.* 51. § 2.
2. Penalty on retailing Spirituous Liquors without Licence, 13 *Geo.* 3. *c.* 56.

For other Matters, ſee **Diſtillers**, 1, 4, 5.

Bread.

1. Standard Wheaten Bread to be made of Flour the whole produce of the Grain, and weighing Three-fourths of the Wheat whereof it is made, 13 *Geo.* 3. *c.* 62. § 1.
2. Weight, Price and Proportions of Loaves, 13 *Geo.* 3. *c.* 62. § 2.
3. Table of the Aſſize of Bread, 13 *Geo.* 3. *c.* 62. § 4.
4. Penalty on Miller or Mealmen ſelling Flour to make Standard Wheaten Bread, of a Quality different from that directed by this Act, 13 *Geo.* 3. *c.* 62. § 6.
5. Magiſtrates not obliged to aſſize any other Sort of Bread than the Standard Wheaten Bread, 13 *Geo.* 3. *c.* 62. § 7.
6. Juſtices at General or Quarter Seſſions may prohibit, for a limited Time, the making of any other than Standard Wheaten Bread, 13 *Geo.* 3. *c.* 62. § 8. —Bakers may offer Objections againſt ſuch Prohibition, *idem*, § 9.
7. Penny and Two-penny Wheaten Loaves may ſtill be made, under the Regulations in 31 *Geo.* 2. *c.* 29. 13 *Geo.* 3. *c.* 62. § 10.
8. Under what Regulation coarſer Bread may be made, 13 *Geo.* 3. *c.* 62. § 11.
9. The Powers of Magiſtrates, in regulating the making and ſelling of Bread by former Laws, reſerved to them, 13 *Geo.* 3. *c.* 62. § 13.
10. This Act not to prejudice the Rights of the City of *London*, the Lords of any Leet, of the Dean of *St. Peters*, *Weſtminſter*, or of the Univerſities of *Oxford* and *Cambridge*, 13 *Geo.* 3. *c.* 62. § 15, 16, 17.
11. Former Laws relating to the due making of Bread, confirmed, 13 *Geo.* 3. *c.* 62. § 18.
12. Where the chief Magiſtracy of any Corporation is veſted in Two Bailiffs, One of them may aſſize Bread in the Abſence of the other, 13 *Geo.* 3. *c.* 62. § 19.

Bridges.

1 The Tolls for Paſſage over *London* Bridge continued until *Lady-day*, 1782, 11 *Geo.* 3. *c.* 26. § 1.
2. For building a Bridge over the *Thames* near *Maidenhead* in the County of *Berks*, 12 *Geo.* 3. *c.* 41.
3. The Biſhop of *Durham* impowered to raiſe Money for the repairing or rebuilding that Part of *Tyne* Bridge belonging to the See of *Durham*, 12 *Geo.* 3. *c.* 62.
4. The Sum of 2000*l.* granted for the Support of *Weſtminſter* Bridge, 13 *Geo.* 3. *c.* 77. § 22.
5. For building a Bridge acroſs the *Thames* at *Richmond*, in the County of *Surrey*, 13 *Geo.* 3. *c.* 83.

Buildings.

1. The Laws for the Regulation of all Buildings in the Cities of *London* and *Weſtminſter*, and other Pariſhes and Places in the Weekly Bills of Mortality, the Pariſhes of *St. Mary le Bone* and *Paddington*, *St. Pancraſs*, and *St. Luke* at *Chelſea*; and for preventing Miſchiefs by Fire; reduced into One Act, 12 *Geo.* 3. *c.* 73.
2. Rules to be obſerved in the Erection of all future Buildings, 12 *Geo.* 3. *c.* 73. § 1.
3. Reſtrictions with regard to Bow-windows, 12 *Geo.* 3. *c.* 73. § 2.
4. The Powers granted by this Act not to interfere with thoſe of the Commiſſioners of Sewers, Lamps, and Pavements, for the City of *London*, 12 *Geo.* 3. *c.* 73. § 3.
5. Gateways to be left for Carriages to paſs to Wharfs, 12 *Geo.* 3. *c.* 73. § 4.
6. Girders and Joiſts how to be laid into Party Walls, 12 *Geo.* 3. *c.* 73. § 6.
7. Regulations for the Backs and Jambs of Chimneys, 12 *Geo.* 3. *c.* 73. § 7, 8.
8. No Breaſt-ſummer, Door-caſe, Window-lentil, *&c.* to be made in any Party Wall, 12 *Geo.* 3. *c.* 73. § 9.
9. Directions reſpecting Front and Rear Walls, Party Walls, Chimneys, Bond Timbers, *&c.* 12 *Geo.* 3. *c.* 73. § 10.
10. Difficulties relating to an Intermixture of adjoining Property in old Houſes intended to be rebuilt, how to be determined, 12 *Geo.* 3. *c.* 73. § 14.
11. Notice to be given to the Owner of adjoining Houſe, of pulling down Party Wall, 12 *Geo.* 3. *c.* 73. § 17. —How to be ſurveyed, *ibid.*
12. Old Partitions or Timber Walls may be pulled down by Owners of adjoining Houſes, and Party Walls built in their Stead, 12 *Geo.* 3. *c.* 73. § 18.
13. The Expence of building Party Walls how to be defrayed and recovered, 12 *Geo.* 3. *c.* 73. § 19.
14. Mayor, *&c.* may iſſue Warrants to take down Houſes, preſented to be in a ruinous State, 12 *Geo.* 3. *c.* 73. § 20.
15. Water from the Tops of Houſes to be carried into the Street by Pipes fixed to the Sides of the Houſes, 12 *Geo.* 3. *c.* 73. § 22.
16. Former Acts reſpecting Party Walls, regulating of Buildings, preventing Miſchiefs by Fire, *&c.* repealed, 12 *Geo.* 3. *c.* 73. § 46.

For other Matters, ſee **Fire** and **Gunpowder.**

Callicoes. See Felonies without Clergy, Article *Stamps*.

Carriage.

The Laws prohibiting the Carriage of exceſſive Loads of Meal, Malt, and Coals, within Ten Miles of the Cities of *London* and *Weſtminſter*, repealed, 11 *Geo.* 3. *c.* 51. § 4.

For other Matters, ſee **Highways**, 27, 28, 29, 30, 31. and **Turnpikes.**

Cattle.

1. The Exportation of live Cattle, and other freſh Proviſions, prohibited until the Twentieth Day after the Commencement of the next Seſſion of Parliament, 11 *Geo.* 3. *c.* 37.
2. The Act 5 *Geo.* 3. *c.* 10. allowing the free Importation of Cattle from *Ireland*, continued to *Michaelmas* 1778, 12 *Geo.* 3. *c.* 56. § 5.

Cheeſe

May be imported for a limited Time free of Duty, 13 *Geo.* 3. *c.* 5. § 2.

Cheſter. See Wales, 1.

Churches.

1. For enlarging the Churchyard of the Pariſh of *Watford*, in the County of *Hertford*, and to make an additional Building to the Workhouſe, *&c.* 12 *Geo.* 3. *c.* 28.

2. For compleating the new Church at *Richmond* near *Everton*, in the County Palatine of *Lancaſter*, 12 *Geo.* 3. *c.* 36.
3. To amend and render more effectual the Act 10 *Geo.* 3. *c.* 23. for building a new Pariſh Church, *&c.* in the Pariſh of *St. Mary le Bone*, 12 *Geo.* 3. *c.* 40.
4. For building Two new Chapels, with Burial Places, in the Town of *Birmingham*, in the County of *Warwick*, 12 *Geo.* 3. *c.* 64.

Coaches and Chairs.

1. The Pariſhes of *St. Mary le Bone*, *St. George the Martyr*, *Queen Square*, *St. George Hanover Square*, *St. George Bloomſbury*, *&c.* with all Burying Grounds within Five Miles of *London* and *Weſtminſter*, declared to be within thoſe Cities, and the Meaning of 9 *Anne c.* 23. 11 *Geo.* 3. *c.* 28. § 1.
2. All Hackney Coaches to have Cheque-ſtrings, 11 *Geo.* 3. *c.* 28. § 2.
3. Hackney Coachmen plying within the Weekly Bills of Mortality obliged to go any where within Ten Miles of the Cities of *London* and *Weſtminſter*, 12 *Geo.* 3. *c.* 49. § 1.
4. Licenſed Hackney Coaches regularly employed as Stage Coaches in the Neighbourhood of *London* and *Weſtminſter* not compellable to do the ordinary Work of Hackney Coaches, 12 *Geo.* 3. *c.* 49. § 2.

Coals.

1. To continue the Act 6 *Geo.* 2. *c.* 22. for regulating the loading Ships with Coals in the Ports of *Newcaſtle* and *Sunderland*, for a limited Time, 13 *Geo.* 3. *c.* 22.
2. To encourage the Exportation of Culm to *Liſbon*, 13 *Geo.* 3. *c.* 70.

Coin and Coinage. See Money.

Coffee and Tea.

1. Drawback of Three-fifth Part of the Duties of Cuſtoms allowed on Teas exported to *Ireland* and *America*, 12 *Geo.* 3. *c.* 60. § 1.
2. Penalty on entering Tea for *Ireland* or *America*, and landing it in other Ports, 12 *Geo.* 3. *c.* 60. § 4.
3. A Drawback of the whole Duties of Cuſtoms allowed on all Teas exported to *America*, 13 *Geo.* 3. *c.* 44. § 1.
4. Licences may be granted to the *Eaſt India Company* to export Teas to *America* without Penalty, and diſcharged of Cuſtoms, 13 *Geo.* 3. *c.* 44. § 3, 4, 5, 6.
5. Coffee and Cocoa, the Produce of the Iſland of *Dominica*, may be imported into *Great Britain*, either in or out of the Huſk, under the ſame Regulations as Sugar and Rum, 13 *Geo.* 3. *c.* 73. § 2.
6. Coffee in the Huſk, the Growth of any of the *American* Colonies, may be imported into *Great Britain*, 13 *Geo.* 3. *c.* 73. § 2.—An Allowance of One-ſeventh in the Hundred Weight to be made in the Duties of ſuch Coffee, *idem*, § .

For other Matters, ſee **Eaſt India Company**, 1, 4, and **Exciſe.**

Colonies. See Plantations.

Commons.

1. The right of Common on an Acre of Ground called *Hangman's Acre*, in *St. George's Fields*, extinguiſhed, 12 *Geo.* 3. *c.* 65.
2. Arable Lands lying in Open or Common Fields, ſhall be fenced and cultivated under the Regulation of Three-fourths of the Number and Value of the Occupiers, with the Conſent of the Owners, 13 *Geo.* 3. *c.* 81. § 1.
3. The Regulations agreed on not to continue in Force longer than Six Years, 13 *Geo.* 3. *c.* 81. § 2.
4. Field Maſters how to be appointed, 13 *Geo.* 3. *c.* 81. § 3, 5, 6.
5. Expences how to be defrayed, 13 *Geo.* 3. *c.* 81. § 4.
6. Occupiers, Three-fourths in Number and Value, to ſettle the Time of opening, *&c.* their Common Field Lands, 13 *Geo.* 3. *c.* 81. § 7.
7. Cottagers not to be excluded their Right of Common but on Agreement for Compenſation, 13 *Geo.* 3. *c.* 81. § 8.
8. If Occupiers agree not to depaſture their Lands in common, ſufficient Common ſhall be ſet apart for Cottagers by Agreement with a Majority of them, 13 *Geo.* 3. *c.* 81. § 9.—Saving of Right to Perſons poſſeſſed of ſeparate Sheep Walks, *idem*, § 10.
9. Balks, Slades, *&c.* may be ploughed up with the Conſent of the Lords of Manors, *&c.* 13 *Geo.* 3. *c.* 81. § 11, 13.—Except ſuch as are uſed for Roads, *idem*. § 12.
10. Boundary Stones to be erected for aſcertaining Property, 13 *Geo.* 3. *c.* 81. § 14.
11. One-twelfth Part of Waſtes may be leaſed out by publick Auction, the Rent to be applied to improving the Reſidue, 13 *Geo.* 3. *c.* 81. § 15.
12. Aſſeſſments to be levied for improving Waſtes, where there are Stinted Commons, 13 *Geo.* 3. *c.* 81. § 16.
13. The opening of Stinted Commons may be poſtponed for Twenty-one Days, by Agreement of the major Part in Number and Value of the Owners and Occupiers, with the Conſent of the Lord of the Manor, 13 *Geo.* 3. *c.* 81. § 17.
14. Common Paſtures which continue open the whole Year, may be ſhut up at proper Seaſons, by Two-thirds in Number and Value of the Commoners, with the Conſent of the Lord of the Manor, 13 *Geo.* 3. *c.* 81. § 18.
15. Portions to be ſet apart for ſuch Commoners as do not conſent, as ſhall be eſteemed equivalent by a Majority of them, 13 *Geo.* 3. *c.* 81. § 19.
16. Perſons having Right of Common may depaſture Sheep inſtead of other Cattle, 13 *Geo.* 3. *c.* 81. § 20.—Excepting Rams between *Auguſt* 25, and *Nov.* 25, *idem*, § 21.
17. Proprietors of Commons and Waſtes diſabled from entering into Agreements enabled to ſign thoſe under this Act, 13 *Geo.* 3. *c.* 81. § 22.
18. Rectors or Tithe Owners not to receive any Gratuity or Compenſation for letting Tithes, other than by Half-yearly or yearly Payments, 13 *Geo.* 3. *c.* 81. § 23.
19. All Agreements under this Act to be valid in Law, 13 *Geo.* 3. *c.* 81. § 24.
20. Conſent of Occupiers of Common Lands not to be valid without written Authorities under the Hands of Proprietors, 13 *Geo.* 3. *c.* 81. § 25.
21. Actions may be brought at *Weſtminſter*, 13 *Geo.* 3. *c.* 81. § 26.
22. Perſons may incloſe Land for their own Benefit, 13 *Geo.* 3. *c.* 81. § 27.
23. Saving the Rights of His Majeſty, Lords of Manors, *&c.* 13 *Geo.* 3. *c.* 81. § 28.

Concealment. See King.

Copyholds. See Richmond in Surrey.

Cordage.

The Bounty allowed by 6 *Geo.* 3. *c.* 45. on the Exportation of *Britiſh*-made Cordage, continued for the further Term of Three Years, 12 *Geo.* 3. *c.* 60. § 7.—Cordage ſent to *Aſia*, *Africa*, *America*, the *Iſle of Man*, or *Ferro* Iſlands excepted, *idem*, § 8.

For other Matters, ſee **Exportation.**

Corn and Grain.

1 The Prohibition of the Exportation of Corn and other Grain continued, 11 *Geo.* 3. *c.* 1. § 1, 25. 12 *Geo.* 3. *c.* 1. § 1.
2. This Prohibition not to extend to Corn, *&c.* carried Coaſtwiſe, 11 *Geo.* 3. *c.* 1. § 4. nor to Exports between *Great Britain* and *Ireland*, *Gibraltar*, *Minorca*, the *American* Colonies, the *Eaſt Indies*, *&c. idem*, § 5, 6, 7, 8, 9, 10.
3. For the free Importation of Wheat, Wheat Flour, Rye, Rye Meal, and *Indian* Corn, for a limited Time, 12 *Geo.* 3. *c.* 33.

2. To amend and render more effectual the Act 27 *Geo.* 2. *c.* 19. for enabling the Conſervators of *Bedford Level* to diſcharge a Debt due to the Duke of *Bedford* and Earl of *Lincoln*, 13 *Geo.* 3. *c.* 40.
3. For draining Lands in the *South Level*, between *Stoke River*, *Brandon River*, *Feltwell New Diſtrict*, and the Hard Lands of *Woodhall*, and *Helgay*, in the Counties of *Norfolk* and *Suffolk*, 13 *Geo.* 3. *c.* 45.
4. For more effectually executing the Act 27 *Geo.* 2. *c.* 19. ſo far as relates to the Fourth Diſtrict of the *North Level*, 13 *Geo.* 3. *c.* 49.

For other Matters, ſee **Marſhes.**

Beef. See Salt Proviſions.

Brandy, Rum, and other Spirits.

1. The Liberty granted by former Acts, of landing Rum or Spirits of the *Britiſh* Sugar Plantations, before Payment of the Duties of Exciſe, continued to *Michaelmas* 1778, 11 *Geo.* 3. *c.* 51. § 2.
2. Penalty on retailing Spirituous Liquors without Licence, 13 *Geo.* 3. *c.* 56.

For other Matters, ſee **Diſtillers**, 1, 4, 5.

Bread.

1. Standard Wheaten Bread to be made of Flour the whole produce of the Grain, and weighing Three-fourths of the Wheat whereof it is made, 13 *Geo.* 3. *c.* 62. § 1.
2. Weight, Price and Proportions of Loaves, 13 *Geo.* 3. *c.* 62. § 2.
3. Table of the Aſſize of Bread, 13 *Geo.* 3. *c.* 62. § 4.
4. Penalty on Miller or Mealmen ſelling Flour to make Standard Wheaten Bread, of a Quality different from that directed by this Act, 13 *Geo.* 3. *c.* 62. § 6.
5. Magiſtrates not obliged to aſſize any other Sort of Bread than the Standard Wheaten Bread, 13 *Geo.* 3. *c.* 62. § 7.
6. Juſtices at General or Quarter Seſſions may prohibit, for a limited Time, the making of any other than Standard Wheaten Bread, 13 *Geo.* 3. *c.* 62. § 8. —Bakers may offer Objections againſt ſuch Prohibition, *idem*, § 9.
7. Penny and Two-penny Wheaten Loaves may ſtill be made, under the Regulations in 31 *Geo.* 2. *c.* 29. 13 *Geo.* 3. *c.* 62. § 10.
8. Under what Regulation coarſer Bread may be made, 13 *Geo.* 3. *c.* 62. § 11.
9. The Powers of Magiſtrates, in regulating the making and ſelling of Bread by former Laws, reſerved to them, 13 *Geo.* 3. *c.* 62. § 13.
10. This Act not to prejudice the Rights of the City of *London*, the Lords of any Leet, of the Dean of *St. Peters*, *Weſtminſter*, or of the Univerſities of *Oxford* and *Cambridge*, 13 *Geo.* 3. *c.* 62. § 15, 16, 17.
11. Former Laws relating to the due making of Bread, confirmed, 13 *Geo.* 3. *c.* 62. § 18.
12. Where the chief Magiſtracy of any Corporation is veſted in Two Bailiffs, One of them may aſſize Bread in the Abſence of the other, 13 *Geo.* 3. *c.* 62. § 19.

Bridges.

1 The Tolls for Paſſage over *London* Bridge continued until *Lady-day*, 1782, 11 *Geo.* 3. *c.* 26. § 1.
2. For building a Bridge over the *Thames* near *Maidenhead* in the County of *Berks*, 12 *Geo.* 3. *c.* 41.
3. The Biſhop of *Durham* impowered to raiſe Money for the repairing or rebuilding that Part of *Tyne* Bridge belonging to the See of *Durham*, 12 *Geo.* 3. *c.* 62.
4. The Sum of 2000*l.* granted for the Support of *Weſtminſter* Bridge, 13 *Geo.* 3. *c.* 77. § 22.
5. For building a Bridge acroſs the *Thames* at *Richmond*, in the County of *Surrey*, 13 *Geo.* 3. *c.* 83.

Buildings.

1. The Laws for the Regulation of all Buildings in the Cities of *London* and *Weſtminſter*, and other Pariſhes and Places in the Weekly Bills of Mortality, the Pariſhes of *St. Mary le Bone* and *Paddington*, *St. Pancraſs*, and *St. Luke* at *Chelſea*; and for preventing Miſchiefs by Fire; reduced into One Act, 12 *Geo.* 3. *c.* 73.
2. Rules to be obſerved in the Erection of all future Buildings, 12 *Geo.* 3. *c.* 73. § 1.
3. Reſtrictions with regard to Bow-windows, 12 *Geo.* 3. *c.* 73. § 2.
4. The Powers granted by this Act not to interfere with thoſe of the Commiſſioners of Sewers, Lamps, and Pavements, for the City of *London*, 12 *Geo.* 3. *c.* 73. § 3.
5. Gateways to be left for Carriages to paſs to Wharfs, 12 *Geo.* 3. *c.* 73. § 4.
6. Girders and Joiſts how to be laid into Party Walls, 12 *Geo.* 3. *c.* 73. § 6.
7. Regulations for the Backs and Jambs of Chimneys, 12 *Geo.* 3. *c.* 73. § 7, 8.
8. No Breaſt-ſummer, Door-caſe, Window-lentil, *&c.* to be made in any Party Wall, 12 *Geo.* 3. *c.* 73. § 9.
9. Directions reſpecting Front and Rear Walls, Party Walls, Chimneys, Bond Timbers, *&c.* 12 *Geo.* 3. *c.* 73. § 10.
10. Difficulties relating to an Intermixture of adjoining Property in old Houſes intended to be rebuilt, how to be determined, 12 *Geo.* 3. *c.* 73. § 14.
11. Notice to be given to the Owner of adjoining Houſe, of pulling down Party Wall, 12 *Geo.* 3. *c.* 73. § 17. —How to be ſurveyed, *ibid.*
12. Old Partitions or Timber Walls may be pulled down by Owners of adjoining Houſes, and Party Walls built in their Stead, 12 *Geo.* 3. *c.* 73. § 18.
13. The Expence of building Party Walls how to be defrayed and recovered, 12 *Geo.* 3. *c.* 73. § 19.
14. Mayor, *&c.* may iſſue Warrants to take down Houſes, preſented to be in a ruinous State, 12 *Geo.* 3. *c.* 73. § 20.
15. Water from the Tops of Houſes to be carried into the Street by Pipes fixed to the Sides of the Houſes, 12 *Geo.* 3. *c.* 73. § 22.
16. Former Acts reſpecting Party Walls, regulating of Buildings, preventing Miſchiefs by Fire, *&c.* repealed, 12 *Geo.* 3. *c.* 73. § 46.

For other Matters, ſee **Fire** and **Gunpowder.**

Callicoes. See Felonies without Clergy, Article *Stamps.*

Carriage.

The Laws prohibiting the Carriage of exceſſive Loads of Meal, Malt, and Coals, within Ten Miles of the Cities of *London* and *Weſtminſter*, repealed, 11 *Geo.* 3. *c.* 51. § 4.

For other Matters, ſee **Highways**, 27, 28, 29, 30, 31. and **Turnpikes.**

Cattle.

1. The Exportation of live Cattle, and other freſh Proviſions, prohibited until the Twentieth Day after the Commencement of the next Seſſion of Parliament, 11 *Geo.* 3. *c.* 37.
2. The Act 5 *Geo.* 3. *c.* 10. allowing the free Importation of Cattle from *Ireland*, continued to *Michaelmas* 1778, 12 *Geo.* 3. *c.* 56. § 5.

Cheeſe

May be imported for a limited Time free of Duty, 13 *Geo.* 3. *c.* 5. § 2.

Cheſter. See Wales, 1.

Churches.

1. For enlarging the Churchyard of the Pariſh of *Watford*, in the County of *Hertford*, and to make an additional Building to the Workhouſe, *&c.* 12 *Geo.* 3. *c.* 28.

2. For compleating the new Church at *Richmond* near *Everton*, in the County Palatine of *Lancaſter*, 12 *Geo.* 3. *c.* 36.
3. To amend and render more effectual the Act 10 *Geo.* 3. *c.* 23. for building a new Pariſh Church, *&c.* in the Pariſh of *St. Mary le Bone*, 12 *Geo.* 3. *c.* 40.
4. For building Two new Chapels, with Burial Places, in the Town of *Birmingham*, in the County of *Warwick*, 12 *Geo.* 3. *c.* 64.

Coaches and Chairs.

1. The Pariſhes of *St. Mary le Bone*, *St. George the Martyr*, *Queen Square*, *St. George Hanover Square*, *St. George Bloomſbury*, *&c.* with all Burying Grounds within Five Miles of *London* and *Weſtminſter*, declared to be within thoſe Cities, and the Meaning of 9 *Anne c.* 23. 11 *Geo.* 3. *c.* 28. § 1.
2. All Hackney Coaches to have Cheque-ſtrings, 11 *Geo.* 3. *c.* 28. § 2.
3. Hackney Coachmen plying within the Weekly Bills of Mortality obliged to go any where within Ten Miles of the Cities of *London* and *Weſtminſter*, 12 *Geo.* 3. *c.* 49. § 1.
4. Licenſed Hackney Coaches regularly employed as Stage Coaches in the Neighbourhood of *London* and *Weſtminſter* not compellable to do the ordinary Work of Hackney Coaches, 12 *Geo.* 3. *c.* 49. § 2.

Coals.

1. To continue the Act 6 *Geo.* 2. *c.* 22. for regulating the loading Ships with Coals in the Ports of *Newcaſtle* and *Sunderland*, for a limited Time, 13 *Geo.* 3. *c.* 22.
2. To encourage the Exportation of Culm to *Liſbon*, 13 *Geo.* 3. *c.* 70.

Coin and Coinage. See Money.

Coffee and Tea.

1. Drawback of Three-fifth Part of the Duties of Cuſtoms allowed on Teas exported to *Ireland* and *America*, 12 *Geo.* 3. *c.* 60. § 1.
2. Penalty on entering Tea for *Ireland* or *America*, and landing it in other Ports, 12 *Geo.* 3. *c.* 60. § 4.
3. A Drawback of the whole Duties of Cuſtoms allowed on all Teas exported to *America*, 13 *Geo.* 3. *c.* 44. § 1.
4. Licences may be granted to the *Eaſt India Company* to export Teas to *America* without Penalty, and diſcharged of Cuſtoms, 13 *Geo.* 3. *c.* 44. § 3, 4, 5, 6.
5. Coffee and Cocoa, the Produce of the Iſland of *Dominica*, may be imported into *Great Britain*, either in or out of the Huſk, under the ſame Regulations as Sugar and Rum, 13 *Geo.* 3. *c.* 73. § 2.
6. Coffee in the Huſk, the Growth of any of the *American* Colonies, may be imported into *Great Britain*, 13 *Geo.* 3. *c.* 73. § 2.—An Allowance of One-ſeventh in the Hundred Weight to be made in the Duties of ſuch Coffee, *idem*, § [illegible].

For other Matters, ſee **Eaſt India Company**, 1, 4, and **Exciſe.**

Colonies. See Plantations.

Commons.

1. The right of Common on an Acre of Ground called *Hangman's Acre*, in *St. George's Fields*, extinguiſhed, 12 *Geo.* 3. *c.* 65.
2. Arable Lands lying in Open or Common Fields, ſhall be fenced and cultivated under the Regulation of Three-fourths of the Number and Value of the Occupiers, with the Conſent of the Owners, 13 *Geo.* 3. *c.* 81. § 1.
3. The Regulations agreed on not to continue in Force longer than Six Years, 13 *Geo.* 3. *c.* 81. § 2.
4. Field Maſters how to be appointed, 13 *Geo.* 3. *c.* 81. § 3, 5, 6.
5. Expences how to be defrayed, 13 *Geo.* 3. *c.* 81. § 4.
6. Occupiers, Three-fourths in Number and Value, to ſettle the Time of opening, *&c.* their Common Field Lands, 13 *Geo.* 3. *c.* 81. § 7.
7. Cottagers not to be excluded their Right of Common but on Agreement for Compenſation, 13 *Geo.* 3. *c.* 81. § 8.
8. If Occupiers agree not to depaſture their Lands in common, ſufficient Common ſhall be ſet apart for Cottagers by Agreement with a Majority of them, 13 *Geo.* 3. *c.* 81. § 9.—Saving of Right to Perſons poſſeſſed of ſeparate Sheep Walks, *idem*, § 10.
9. Balks, Slades, *&c.* may be ploughed up with the Conſent of the Lords of Manors, *&c.* 13 *Geo.* 3. *c.* 81. § 11, 13.—Except ſuch as are uſed for Roads, *idem.* § 12.
10. Boundary Stones to be erected for aſcertaining Property, 13 *Geo.* 3. *c.* 81. § 14.
11. One-twelfth Part of Waſtes may be leaſed out by publick Auction, the Rent to be applied to improving the Reſidue, 13 *Geo.* 3. *c.* 81. § 15.
12. Aſſeſſments to be levied for improving Waſtes, where there are Stinted Commons, 13 *Geo.* 3. *c.* 81. § 16.
13. The opening of Stinted Commons may be poſtponed for Twenty-one Days, by Agreement of the major Part in Number and Value of the Owners and Occupiers, with the Conſent of the Lord of the Manor, 13 *Geo.* 3. *c.* 81. § 17.
14. Common Paſtures which continue open the whole Year, may be ſhut up at proper Seaſons, by Two-thirds in Number and Value of the Commoners, with the Conſent of the Lord of the Manor, 13 *Geo.* 3. *c.* 81. § 18.
15. Portions to be ſet apart for ſuch Commoners as do not conſent, as ſhall be eſteemed equivalent by a Majority of them, 13 *Geo.* 3. *c.* 81. § 19.
16. Perſons having Right of Common may depaſture Sheep inſtead of other Cattle, 13 *Geo.* 3. *c.* 81. § 20.—Excepting Rams between *Auguſt* 25, and *Nov.* 25, *idem*, § 21.
17. Proprietors of Commons and Waſtes diſabled from entering into Agreements enabled to ſign thoſe under this Act, 13 *Geo.* 3. *c.* 81. § 22.
18. Rectors or Tithe Owners not to receive any Gratuity or Compenſation for letting Tithes, other than by Half-yearly or yearly Payments, 13 *Geo.* 3. *c.* 81. § 23.
19. All Agreements under this Act to be valid in Law, 13 *Geo.* 3. *c.* 81. § 24.
20. Conſent of Occupiers of Common Lands not to be valid without written Authorities under the Hands of Proprietors, 13 *Geo.* 3. *c.* 81. § 25.
21. Actions may be brought at *Weſtminſter*, 13 *Geo.* 3. *c.* 81. § 26.
22. Perſons may incloſe Land for their own Benefit, 13 *Geo.* 3. *c.* 81. § 27.
23. Saving the Rights of His Majeſty, Lords of Manors, *&c.* 13 *Geo.* 3. *c.* 81. § 28.

Concealment. See King.

Copyholds. See Richmond in Surrey.

Cordage.

The Bounty allowed by 6 *Geo.* 3. *c.* 45. on the Exportation of *Britiſh*-made Cordage, continued for the further Term of Three Years, 12 *Geo.* 3. *c.* 60. § 7.—Cordage ſent to *Aſia*, *Africa*, *America*, the *Iſle of Man*, or *Ferro* Iſlands excepted, *idem*, § 8.

For other Matters, ſee **Exportation.**

Corn and Grain.

1 The Prohibition of the Exportation of Corn and other Grain continued, 11 *Geo.* 3. *c.* 1. § 1, 25. 12 *Geo.* 3. *c.* 1. § 1.

2. This Prohibition not to extend to Corn, *&c.* carried Coaſtwiſe, 11 *Geo.* 3. *c.* 1. § 4. nor to Exports between *Great Britain* and *Ireland*, *Gibraltar*, *Minorca*, the *American* Colonies, the *Eaſt Indies*, *&c. idem*, § 5, 6, 7, 8, 9, 10.
3. For the free Importation of Wheat, Wheat Flour, Rye, Rye Meal, and *Indian* Corn, for a limited Time, 12 *Geo.* 3. *c.* 33.

4. The Importation of Wheat, Wheat Flour, Rye, Rye Meal, Barley, Barley Meal, Oats, Oat Meal, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, from any Part of *Europe* or *Africa*, allowed, Duty free, for a limited Time, 13 *Geo.* 3. *c.* 1.

5. The Importation of Wheat, Wheat Flour, *Indian* Corn, *Indian* Meal, Biſcuit, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, from His Majeſty's Colonies in *America*, allowed for a limited Time Duty-free, 13 *Geo.* 3. *c.* 2.

6. The Exportation of Corn, Grain, Peaſe, Beans, Meal, Malt, Flour, Bread, Biſcuit, and Starch, prohibited for a limited Time, 13 *Geo.* 3. *c.* 3.

7. The Duties on the Importation of Grain regulated according to their Prices at Market, 13 *Geo.* 3. *c.* 43. § 1.

8. Limitation of Prices at or above which Grain is prohibited to be carried out of the Kingdom, 13 *Geo.* 3. *c.* 43. § 5.

9. This Prohibition not extended to Ships Proviſions, nor the Supply of foreign Garriſons, 13 *Geo.* 3. *c.* 43. § 6.

10. The Bounties on the Exportation of Grain altered, 13 *Geo.* 3. *c.* 43. § 11.

For other Matters, ſee **Bread, Diſtillers, Orkney Iſlands,** and **Scotland,** Title *Corn.*

Corporations.

For Relief in Proceedings upon Writs of *Mandamus* for the Admiſſion of Freemen into Corporations, 12 *Geo.* 3. *c.* 21.

Cox, James.

James Cox enabled to diſpoſe of his Muſæum by a Lottery, 13 *Geo.* 3. *c.* 41.

Culm. See Coals, 2.

Cuſtoms.

1 The Acts for the Puniſhment of Perſons going armed and diſguiſed, in Defiance of the Laws of Cuſtoms and Exciſe, continued to *Michaelmas* 1778, 11 *Geo.* 3. *c.* 51. § 3.

2. The Chief Magiſtrate of any Corporation impowered to adminiſter the Oath, and grant the Certificate required by the Act 9 *Geo.* 3. *c.* 41. upon the Removal of certain Goods to *London*, which have been ſent into the Country for Sale, 12 *Geo.* 3. *c.* 60. § 11.

Cyder. See Malt.

Debt, and Debtors.

1. Inſolvent Debtors relieved, 12 *Geo.* 3. *c.* 23.—Not to extend to *Scotland*, *idem*, § 57.

2. For the Recovery of ſmall Debts in the Borough of *Kidderminſter*, in the County of *Worceſter*, 12 *Geo.* 3. *c.* 66.

3. For the Recovery of ſmall Debts within the City of *Exeter*, 13 *Geo.* 3. *c.* 27.

Devon, County of.

1. For rebuilding the Shire Hall of the County of *Devon*, 13 *Geo.* 3. *c.* 16.

2. The Act 9 *Geo.* 3. *c.* 82. for the Relief of the Poor in the County of *Devon*, repealed, 13 *Geo.* 3. *c.* 18.

Diſtillers.

1. The making of Low Wines, or Spirits, from Wheat, Wheat Flour, or any Material mixed with Wheat, *&c.* prohibited for a limited Time, 11 *Geo.* 3. *c.* 1. § 15. 12 *Geo.* 3. *c.* 1. 13 *Geo.* 3. *c.* 3. § 16.

2. Diſtiller, *&c.* not to have more than Five Quarters of Wheat, or Wheat Flour, at One Time, in his Poſſeſſion, 11 *Geo.* 3. *c.* 1. § 18. 12 *Geo.* 3. *c.* 1. 13 *Geo.* 3. *c.* 3. § 19.

3. Diſtillers who are Millers alſo, excepted as to their Mills, 12 *Geo.* 3. *c.* 1. § 3. 13 *Geo.* 3. *c.* 3. § 21.

4. Who to be deemed common Diſtillers for Sale, 12 *Geo.* 3. *c.* 46. § 9.

5. Regulations to prevent the fraudulent Uſe of Stills, *&c.* 12 *Geo.* 3. *c.* 46. § 11, *&c.*

6. Penalty of having Wheat, Wheat Flour, or Grain, in any Still Houſe, *&c.* 13 *Geo.* 3. *c.* 3. § 17.

7. Diſtiller who is alſo a Grower of Wheat, excepted as to Wheat in the Straw, and for Twenty Days after threſhing, *&c.* 13 *Geo.* 3. *c.* 1. § 20.

8. Power of mitigating Penalties, 13 *Geo.* 3. *c.* 3. § 24.

Durham Yard. See Adam, and Thames River.

Eaſt India Company.

1 The Indemnification to the King for the Duty of One Shilling *per* Pound taken off from Black and Singlo Teas, and for the Drawback on the Exportation of Teas to *Ireland* and *America*, by the Act 7 *Geo.* 3. *c.* 56. rectified 12 *Geo.* 3. *c.* 7.

2. Their Shipping confined to 45,000 Tons, 12 *Geo.* 3. *c.* 54. § 1.

3. May neverthele ſs contract for Six Packets built in *America* or *India*, 12 *Geo.* 3. *c.* 54. § 3.

4. May export Teas to *America* without Penalty, and diſcharged of Cuſtoms, by Licence from the Lords of the Treaſury, 13 *Geo.* 3. *c.* 44. § 3, 4, 5, 6.

5. Directors of the *Eaſt India Company* to continue in Office Four Years, Six to be changed every Year, 13 *Geo.* 3. *c.* 63. § 1.

6. No Perſon employed by the Company in the *Eaſt Indies* capable of being choſen a Director, until Two Years after his Return to *England*, 13 *Geo.* 3. *c.* 63. § 2.

7. No Perſon to vote for the Election of Directors, or at any General Court of the Company, that has not been Proprietor of 1000*l.* Stock for 12 Calendar Months, 13 *Geo.* 3. *c.* 63. § 3.—Penalty of colluſive Transfers, or fraudulent Votes, *idem.*

8. Proprietors of 3000*l.* Stock qualified with Two Votes, Proprietors of 6000*l.* Stock qualified with Three Votes, and Proprietors of 10,000*l.* Stock qualified with Four Votes, 13 *Geo.* 3. *c.* 63. § 4.

9 Oath to be taken by Proprietors before voting, 13 *Geo.* 3. *c.* 63. § 6

10. Governor General and Four Counſellors appointed over *Bengal*, *Bahar*, and *Oriſſa*, 13 *Geo.* 3. *c.* 63. § 7, 8.

11. Powers of the Governor General and Council, 13 *Geo.* 3. *c.* 63. § 9.

12. Names of the firſt Governor General and Council, with the Terms of their Offices, 13 *Geo.* 3. *c.* 63. § 10, 11.

13. Powers of the Company to appoint Officers by Charter, and by former Acts of Parliament confirmed, 13 *Geo.* 3. *c.* 63. § 12.

14. The King impowered to eſtabliſh a Supreme Court of Judicature at Fort *William*, to conſiſt of a Chief Juſtice and Three other Judges, 13 *Geo.* 3. *c.* 63. § 13.—Offences to be tried by a Jury of *Britiſh* Subjects reſident in the Town of *Calcutta*, *idem*, § 34.

15. No Perſon holding a Civil or Military Office in the *Eaſt Indies* ſhall accept any Donation or Gratuity there, 13 *Geo.* 3. *c.* 63. § 24.—Counſellors at Law, Phyſicians, Surgeons, and Chaplains, excepted, *idem*, § 25.

16. *Britiſh* Subjects employed in collecting Revenues, or concerned in the Adminiſtration of Juſtice in *India*, prohibited from trafficking otherwiſe than on the Company's Account, 13 *Geo.* 3. *c.* 63. § 27.

17. No *Britiſh* Subject in the *Eaſt Indies* to take more than 12*l.* *per Cent.* Intereſt for the Loan of Money, 13 *Geo.* 3. *c.* 63. § 30.

18. Perſons diſmiſſed from the Company's Service, or who reſign, not to be concerned in Traffick in the *Eaſt Indies* without Licence, except for the Diſpoſal of their Stock in Hand, 13 *Geo.* 3. *c.* 63. § 32.

19. Offences committed by the Governor General, Preſident, Governor, Council, Chief Juſtice, Judges, or any Civil or Military Officer, under the Company in *India*, to be tried in the Court of *King's Bench*, 13 *Geo.* 3. *c.* 63. § 39.

20. Lord Chancellor, or Speaker of the Houſe of Commons, may iſſue Warrants for the Examination of Witneſſes in *India*, 13 *Geo*. 3. *c*. 63. § 42.
21. For raiſing 1,400,000*l*. for the Relief of the *Eaſt India Company*, 13 *Geo*. 3. *c*. 64.

Election of Members of Parliament. See Parliament.

Ely Houſe.

For annexing *Ely Houſe*, in *Holborn*, to the Crown, and for building the Biſhops of *Ely* a Manſion Houſe in *Dover Street*, 12 *Geo*. 3. *c*. 43.

Embanking. See Thames River.

Engroſſers. See Foreſtallers.

Eſcape. See Scotland, Title *Eſcape*.

Exciſe.

1. The Acts for the Puniſhment of Perſons going armed and diſguiſed, in Defiance of the Laws of Cuſtoms and Exciſe, continued to *Michaelmas* 1778, 11 *Geo*. 3. *c*. 51. § 3.
2. All Dealers in Tea to mark their Caniſters, &c. with the Words *Black* or *Green*, according to the Contents, 12 *Geo*. 3. *c*. 46. § 1.—Theſe Terms explained, *idem*, § 2.
3. Officers finding an Increaſe of Tea in Dealer's Cuſtody, not accounted for, may ſeize it, 12 *Geo*. 3. *c*. 46. § 3.
4. No Tea above the Quantity of 6 *lb*. Weight to be removed out of the Kingdom without a Permit, 12 *Geo*. 3. *c*. 46. § 5.
5. Penalty of ſelling Tea at other Warehouſes and Shops than are entered conformable to the Act, 10 *Geo*. 1. *c*. 10. 12 *Geo*. 3. *c*. 46. § 6.

For other Matters, ſee **Brandy, Diſtillers**, 4, 5. **Eaſt India Company**, 1, 4. and **Soap**.

Exportation.

1. The Drawback allowed by 6 *Geo*. 3. *c*. 52. on the Exportation of printed Callicoes, and the Bounty granted by 12 *Geo*. 3. *c*. 60. on the Exportation of *Britiſh*-made Cordage, not to extend to the Exportation of thoſe Articles to the Iſlands of *Madeira*, the *Canary Iſlands*, or the *Azores* or *Weſtern Iſlands*, 13 *Geo*. 3. *c*. 74. § 5.
2. Penalty on entering Callicoes and Cordage for other Foreign Parts, and landing them on thoſe Iſlands, 13 *Geo*. 3. *c*. 74. § 6.
3. Thoſe Iſlands to be added to the Oath on all Debentures for ſuch Callicoes and Cordage exported, 13 *Geo*. 3. *c*. 74. § 7.

Felons and Felonies.

1. Perſons guilty of ſtealing in one Part of the United Kingdoms, and carrying the Effects into the other Part of the ſaid Kingdoms, may be tried and puniſhed where the Effects are found in their Poſſeſſion, 13 *Geo*. 3. *c*. 31. § 4.
2. Receivers of ſtolen Goods to be tried and puniſhed in like Manner where they are received, 13 *Geo*. 3. *c*. 31. § 5.

For other Matters, ſee **Scotland**, Title *Eſcape*.

Felonies within Clergy.

Money. Counterfeiting Copper Halfpence or Farthings, 11 *Geo*. 3. *c*. 40. § 1.
Receiving or paying counterfeit Copper Money, 11 *Geo*. 3. *c*. 40. § 2.

Stamps. Committing Frauds in the Stamp Duties on Vellum, Parchment, Paper, and Cards, 12 *Geo*. 3. *c*. 48.

Felonies without Clergy.

Bank Notes. Making, uſing, or having in Poſſeſſion, Moulds for the making Paper with the Words *Bank of England* viſible in the Subſtance, 13 *Geo*. 3. *c*. 79. § 1.

6

Forgery. See *Bank Notes*, *ſupra*.

Mute. Perſons arraigned for Felony or Piracy, and ſtanding Mute, ſhall be convicted, 12 *Geo*. 3. *c*. 20.

Stamps. Counterfeiting the Stamps on Silks, Callicoes, Linens, or Stuffs, printed in *Great Britain*, 13 *Geo*. 3. *c*. 56.

Stores. Burning or otherwiſe deſtroying Ships of War, Buildings in Dock Yards, &c. or Military Stores, 12 *Geo*. 3. *c*. 24.

Fens. See Bedford Level, and Marſhes.

Fiſheries.

1. For the Encouragement of the White Herring Fiſhery, 11 *Geo*. 3. *c*. 31.
2. Bounty granted of 50 *s*. *per* Ton, 11 *Geo*. 3. *c*. 31. § 1, 2, 3, 8.
3. The Number of Men on Board the Fiſhing Veſſels regulated by the Tonage, 11 *Geo*. 3. *c*. 31. § 6.
4. Perſons employed in the Fiſhery to have the free Uſe of all the Ports, Harbours, &c. in *Britain*, and the Iſlands thereto belonging, 11 *Geo*. 3. *c*. 31. § 11.
5. For the better Support and Eſtabliſhment of the *Greenland* and Whale Fiſhery, 11 *Geo*. 3. *c*. 38.
6. Herrings caught upon the Coaſts of the *Iſle of Man*, and cured there, may be imported into *Great Britain*, on Payment of certain Duties, 12 *Geo*. 3. *c*. 58. § 1.
7. Inhabitants of the *Iſle of Man* may export Herrings to the *Britiſh* Colonies, 12 *Geo*. 3. *c*. 58. § 4.
8. Bounties allowed to the Summer and Winter Herring Fiſheries of the *Iſle of Man*, 12 *Geo*. 3. *c*. 58. § 6.
9. Cod, Ling, and Hake, caught and cured in *Chaleur Bay*, in any other Part of the Gulph of *St. Laurence*, or on the Coaſt of *Labrador*, may be freely imported into *Great Britain*, 13 *Geo*. 3. *c*. 72. § 1.

For other Matters, ſee **Whales**.

Fitzgerald, Gerald. See Ireland.

Foreſtallers.

For repealing certain Laws againſt Badgers, Engroſſers, Foreſtallers, and Regrators, 12 *Geo*. 3. *c*. 71.

Funds.

1. The Sum of 1,856,723*l*. 1*s*. 2*d*. granted out of the Sinking Fund, for the Service of the Year 1772, 12 *Geo*. 3. *c*. 70.
2. The Sum of 2,349,806*l*. granted out of the Sinking Fund, for the Service of the Year 1773, 13 *Geo*. 3. *c*. 77.

Fire.

1. Turpentine not to be diſtilled within the Limits of *London* and *Weſtminſter*, or the Bills of Mortality, &c. above the Quantity of Ten Gallons, 12 *Geo*. 3. *c*. 73. § 23.—Shipwrights, &c. excepted, *idem*, § 24.
2. Fire Cocks how to be marked, and the Keys kept, 12 *Geo*. 3. *c*. 73. § 25.
3. Fire Engines to be kept in every Pariſh, 12 *Geo*. 3. *c*. 73. § 26, 31.—To be provided and maintained out of the Poor's Rates, *idem*, § 32.
4. Bounties to Engine Keepers and Turncocks, 12 *Geo*. 3. *c*. 73. § 27, 28. — Payable out of the Poor's Rates, *idem*, § 32.
5. Rewards payable by this Act, on Account of Fires in Chimneys, to be paid by Inhabitants or Occupiers, 12 *Geo*. 3. *c*. 73. § 29.
6. United Pariſhes to be deemed One Pariſh, 12 *Geo*. 3. *c*. 73. § 30.
7. Watermen retained by Inſurance Offices for extinguiſhing Fires, not to be impreſſed into the King's Service, 12 *Geo*. 3. *c*. 73. § 33.
8. Penalty on Servants occaſioning Fires by Negligence, 12 *Geo*. 3. *c*. 73. § 35.
9. Duty of Conſtables and Beadles, in Caſes of Fire, 12 *Geo*. 3. *c*. 73. § 36.
10. No Action to lay for accidental Fires, 12 *Geo*. 3. *c*. 73. § 37.

11. Former Acts relating to the Prevention of Miſchiefs by Fire, repealed, 12 *Geo.* 3. *c.* 73. § 46.

For other Matters, ſee **Buildings**, and **Gunpowder.**

Game.

1. For the Preſervation of the Game in *Scotland*, 13 *Geo.* 3. *c.* 54.
2. Black Game and Red Game not to be killed at unſeaſonable Times, 13 *Geo.* 3. *c.* 55. § 1. — Penalty, *ibid.* § 2.
3. So much of the Act 2 *Geo.* 3. *c.* 19. as relates to Black and Red Game, repealed, 13 *Geo.* 3. *c.* 55. § 13.
4. The Act 10 *Geo.* 3. *c.* 19. for preſerving the Game, repealed, 13 *Geo.* 3. *c.* 80. § 5.
5. Penalty of taking or deſtroying Game in the Night, between limited Hours, 13 *Geo.* 3. *c.* 80. § 1.
6. Form of Conviction, 13 *Geo.* 3. *c.* 80. § 2.
7. Penalties and Forfeitures how to be recovered, 13 *Geo.* 3. *c.* 80. § 4.
8. Penalty of killing Game, or uſing a Gun on *Sundays* or on *Chriſtmas-day*, 13 *Geo.* 3. *c.* 80. § 6.
9. Penalties for Offences committed in one County, by Perſons reſiding in another, how to be recovered, 13 *Geo.* 3. *c.* 80. § 7.
10. No Perſon to be proceeded againſt, until Information upon Oath, 13 *Geo.* 3. *c.* 80. § 9.

For other Matters, ſee **Scotland**, Article *Game.*

Gaols.

1. A further Sum of Money to be raiſed for rebuilding the Common Gaol of the County of *Eſſex*, 13 *Geo.* 3. *c.* 35.
2. For providing Clergymen to officiate in Gaols, 13 *Geo.* 3. *c.* 58.

Glaſgow.

For cleanſing, *&c.* the Harbour of *Port Glaſgow*, enlarging the Quays, Piers, *&c.* 12 *Geo.* 3. *c.* 16.

Glaſs.

The Company of *Britiſh* Caſt Plate Glaſs Manufacturers incorporated, 13 *Geo.* 3. *c.* 38.

Greenland Fiſhery. See Whales.

Greenock.

For deepening, cleanſing, *&c.* the Harbours of the Town of *Greenock*; and for paving, *&c.* the Streets of that Town, 13 *Geo.* 3. *c.* 28.

Greenwich Hoſpital.

For the more effectually veſting the forfeited and unclaimed Shares of Prizes taken from the Enemy in the Royal Hoſpital at *Greenwich*, 12 *Geo.* 3. *c.* 25.

Gunpowder.

1. The ſeveral Laws relating to the Keeping and Carriage of Gunpowder, reduced into One Act, 11 *Geo.* 3. *c.* 35. repealed 12 *Geo.* 3. *c.* 61. § 31.
2. The Laws granting an Allowance upon the Exportation of *Britiſh*-made Gunpowder, continued to *Michaelmas* 1778, 12 *Geo.* 3. *c.* 56. § 1.
3. No new Mills to be erected for the making Gunpowder, without Licence, 12 *Geo.* 3. *c.* 61. § 1.
4. Peſtle Mills prohibited, 12 *Geo.* 3. *c.* 61. § 2, 4.— That at *Old Forge Farm* allowed to work, 13 *Geo.* 3. *c.* 13.
5. Not more than 40 *lb.* Weight to be made at one Time under a ſingle Pair of Millſtones, 12 *Geo.* 3. *c.* 61. § 3, 4.—Particular Mills excepted, *idem*, § 5.
6. Not more than 40 Cwt. to be dried at One Time, 12 *Geo.* 3. *c.* 61. § 6.
7. No greater Quantity than is neceſſary for the immediate Work, to be kept in any Drying-houſe, *&c.* 12 *Geo.* 3. *c.* 61. § 7.
8. Sufficient Magazines of Brick or Stone to be provided remote from the Mills, 12 *Geo.* 3. *c.* 61. § 8. — At the Appointment of Juſtices of the Peace, *idem*, § 16.
9. Charcoal not to be kept within Twenty Yards of any Mill, 12 *Geo.* 3. *c.* 61. § 10.
10. Reſtrictions as to the keeping of Gunpowder, 12 *Geo.* 3. *c.* 61. § 11.
11. Reſtrictions as to the Carriage of Gunpowder by Land or Water, 12 *Geo.* 3. *c.* 61. § 18, 21, 22.
12. Penalty of uſing Fire, Candle, or ſmoaking on Board Veſſels loaded with Gunpowder, 12 *Geo.* 3. *c.* 61. § 20.
13. Juſtices impowered to iſſue Warrants to ſearch for Gunpowder made, kept, or carried, contrary to this Act, 12 *Geo.* 3. *c.* 61. § 23.
14. Regulations for the Security of Veſſels in the *Thames*, above *Blackwall*, 12 *Geo.* 3. *c.* 61. § 24.
15. Maſter and Wardens of the Trinity Houſe to appoint Searchers of Veſſels in the *Thames*, above *Blackwall*, 12 *Geo.* 3. *c.* 61. § 25.
16. Penalties and Forfeitures how to be recovered and applied, 12 *Geo.* 3. *c.* 61. § 26.

Harbours. See Aberdeen, Ayr, Glaſgow, Greenock, Iſle of Man, Yarmouth.

Harriſon, John.

The farther Sum of 8750 *l.* granted to Mr. *Harriſon*, for the Diſcovery of the Invention of his Time-keeper, 13 *Geo.* 3. *c.* 77. § 29.

Herrings. See Fiſheries.

Highways.

1. The Laws relating to the Highways reduced into One Act, 13 *Geo.* 3. *c.* 78.
2. Surveyors of the Highways how to be choſen, 13 *Geo.* 3. *c.* 78. § 1, 2, 3, 4, 5.
3. No Tree, Buſh, or Shrub, to ſtand within Fifteen Feet from the Centre of any Highway, 13 *Geo.* 3. *c.* 78. § 6.
4. Hedges and Trees adjoining to the Highways, by whom and how to be pruned, plaſhed, and lopped, 13 *Geo.* 3. *c.* 78. § 7, 13.
5. Regulations for the making Ditches and Drains, 13 *Geo.* 3. *c.* 78. § 8, 14.
6. Penalty of laying Annoyances and Obſtructions in the Highways, 13 *Geo.* 3. *c.* 78. § 9, 10, 11, 12.
7. Width of Cartways and Horſeways, 13 *Geo.* 3. *c.* 78. § 15.
8. Narrow Roads, how to be widened or diverted, 13 *Geo.* 3. *c.* 78. § 16, 17, 18.—Limitation of Time for commencing Proſecution for altering Roads, *idem*, § 19.
9. Unneceſſary Highways to be ſtopped up, 13 *Geo.* 3. *c.* 78. § 22.
10. Highways repairable by Tenure, to be repaired within a limited Time, on Notice given, 13 *Geo.* 3. *c.* 78. § 23.
11. Juſtices to make Preſentment of Highways out of Repair, 13 *Geo.* 3. *c.* 78. § 24.—May order what Highways ſhall be repaired firſt, *idem*, § 25.
12. Direction poſts, where and how to be erected, 13 *Geo.* 3. *c.* 78. § 26.
13. Materials, where and in what Manner to be taken by Surveyors, 13 *Geo.* 3. *c.* 78. § 27, 28, 29.
14. Expences incurred by buying Materials, and making Satiſfaction for Damages, how to be raiſed, 13 *Geo.* 3. *c.* 78. § 30.
15. Pits or Holes made for digging Materials to be fenced off while uſed, and to be filled up or ſloped down when done with, 13 *Geo.* 3. *c.* 78. § 31.
16. Limitations of Time for the Removal of Materials dug in one Pariſh for the uſe of another, 13 *Geo.* 3. *c.* 78. § 32.
17. Penalty for Damages committed by digging Materials contrary to the Directions of this Act, 13 *Geo.* 3. *c.* 78. § 33.
18. Regulations of Statute-duty, 13 *Geo.* 3. *c.* 78. § 34, 35, 36, 37.
19. Statute-work how to be compounded for, 13 *Geo.* 3. *c.* 78. § 38, 39, 40.
20. Compoſition-money how to be paid and employed, 13 *Geo.* 3. *c.* 78. § 41.
21. Fines, Penalties, and Forfeitures, how to be levied and employed, 13 *Geo.* 3. *c.* 78. § 47.

22. Surveyors, how to keep their Accounts, 13 *Geo.* 3. *c.* 78. § 48.
23. Surveyors, how to contract for Materials, *&c.* 13 *Geo.* 3. *c.* 78. § 49.—Penalty of Surveyor being intereſted in any Contract, *ibid.*
24. Penalty on Neglect of Duty in Surveyor, 13 *Geo.* 3. *c.* 78. § 50.
25. Perſons infeoffed with Lands given for the Maintenance of Highways, Bridges, *&c.* to let them at the moſt improved Value, 13 *Geo.* 3. *c.* 78. § 51.
26. Penalty of damaging Direction-poſts, Mile-ſtones, Battlements of Bridges, *&c.* 13 *Geo.* 3. *c.* 78. § 52.
27. Limitation of the Number of Horſes for Waggons and Carts of different Wheels, 13 *Geo.* 3. *c.* 78. § 55.
28. Juſtices may licenſe an additional Number of Horſes for a limited Time, at their *Michaelmas* Quarter Seſſions, 13 *Geo.* 3. *c.* 78. § 57.
29. Two Oxen to be conſidered as One Horſe, 13 *Geo.* 3. *c.* 78. § 58.
30. The Owner's Name and Place of Abode to be painted on all Waggons and Carts, and on all Coaches, Poſt Chaiſes, *&c.* let to Hire, 13 *Geo.* 3. *c.* 78. § 59.
31. Drivers of Carriages puniſhable for Miſbehaviour or Negligence, 13 *Geo.* 3. *c.* 78. § 60.
32. Juſtices may hold and adjourn Special Seſſions whenever they think proper, for executing the Purpoſes of this Act, 13 *Geo.* 3. *c.* 78. § 61.
33. Alehouſes not to be kept on Bridges by Toll-gatherers, 13 *Geo.* 3. *c.* 78. § 62.
34. Penalty on making Incroachments on the Highways, 13 *Geo.* 3. *c.* 78. § 63.
35. Coſts may be awarded on Indictments or Preſentments, 13 *Geo.* 3. *c.* 78. § 64.
36. Expences for carrying on Proſecutions how to be paid, 13 *Geo.* 3. *c.* 78. § 65.
37. Forms or Proceedings, 13 *Geo.* 3. *c.* 78. § 69. and the Schedule annexed to the Act.
38. Printed Abſtracts of this Act to be given to Surveyors, and to be paſted on Church Doors, 13 *Geo.* 3. *c.* 78. § 70.
39. Penalty of obſtructing the Execution of this Act, 13 *Geo.* 3. *c.* 78. § 71.
40. Appeal to Quarter Seſſions, 13 *Geo.* 3. *c.* 78. § 80.
41. The Act 7 *Geo.* 3. *c.* 40. in Part repealed, 13 *Geo.* 3. *c.* 78. § 83.
42. Exceptions relating to the City of *Briſtol*, 13 *Geo.* 3. *c.* 78. § 85.
43. The Pariſhes of *St. Mary Whitechapel*, and *St. John Wapping*, excepted, 13 *Geo.* 3. *c.* 78. § 86.
44. Exception as to the Powers of Commiſſioners of Sewers, 13 *Geo.* 3. *c.* 78. § 87.
45. The general Laws relating to Turnpike Roads reduced into One Act, 13 *Geo.* 3. *c.* 84.

For other Matters, ſee **Turnpikes.**

Hoſpitals.

1. Lying-in Hoſpitals to be licenſed, 13 *Geo.* 3. *c.* 82. § 2.
2. Inſcription to be affixed over the Doors of ſuch Hoſpitals, 13 *Geo.* 3. *c.* 82. § 4.
3. Baſtard Children born in ſuch Hoſpitals intitled to Relief as Pariſhioners, 13 *Geo.* 3. *c.* 82. § 5.
4. Churchwardens to pay the Expences of removing the Mother and Child, 13 *Geo.* 3. *c.* 82. § 6.
5. Pariſh Officers impowered to apprehend the reputed Father of any Baſtard, 13 *Geo.* 3. *c.* 82. § 8.
6. Governors or Officers of Lying-in Hoſpitals to examine pregnant Women before a Juſtice, 13 *Geo.* 3. *c.* 82. § 10.
7. Four Days Notice to be given to Overſeers, before the Diſcharge of any Woman delivered of a Baſtard, 13 *Geo.* 3. *c.* 82. § 12.
8. Mother of a Baſtard Child may be detained in the Hoſpital, until ſhe is fit to be diſcharged, 13 *Geo.* 3. *c.* 82. § 14.—But not longer than Six Weeks without her own Conſent, *idem*, § 15.
9. Penalty on Governors, *&c.* not complying with this Act, 13 *Geo.* 3. *c.* 82. § 16.

Indico. See **Plantations,** 7.

Ireland.

1. The Reverſion in Fee of ſeveral Lands in *Ireland* diveſted out of the Crown, and veſted in *Gerald Fitzgerald* Eſquire, of *Ratkrone*, in the County of *Meath*, and his Heirs, 11 *Geo.* 3. *c.* 56.
2. No Rum, Sugar, Coffee, *&c.* prohibited by former Acts, ſhall be imported from *Ireland* into *Great Britain*, 12 *Geo.* 3. *c.* 55. § 1, 5.
3. Penalty of entering Goods for Exportation to foreign Ports, and landing them in *Great Britain*, 12 *Geo.* 3. *c.* 55. § 2.
4. The Importation of ſalted Proviſions from *Ireland* permitted for a longer Time, 11 *Geo.* 3. *c.* 8. 12 *Geo.* 3. *c.* 2. 13 *Geo.* 3. *c.* 4.

King, Queen, and Royal Family.

1. The Limitation of Time for the Crown to aſſert a Claim to Meſſuages, *&c.* in the Precinct of the *Savoy*, enlarged for Two Years, from *January* 1, 1771, 11 *Geo.* 3. *c.* 4.
2. The King enabled to grant the Truſtees of *Morden College* a Leaſe of *Maidenſtone Hill*, in the Pariſh of *Eaſt Greenwich*, 11 *Geo.* 3. *c.* 10.
3. For the better regulating the future Marriages of the Royal Family, 12 *Geo.* 3. *c.* 11.
4. Certain Hereditaments at *Richmond* in the County of *Surrey*, belonging to *Catharine* Viſcounteſs *Fitzwilliam*, veſted in His Majeſty, and Compenſation allowed to her, 12 *Geo.* 3. *c.* 59.
5. The King enabled to grant the Fee-ſimple and Inheritance of *Richmond Ferry* to the Commiſſioners for building a Bridge there, 13 *Geo.* 3. *c.* 83.

For other Matters, ſee **Eaſt India Company,** 14. **Ely Houſe,** *and* **Savoy.**

King's Bench Priſon.

The Marſhal of the *King's Bench Priſon* indemnified for ſome late violent Eſcapes, 12 *Geo.* 3. *c.* 23. § 58.

Land Tax.

Land Tax granted, 11 *Geo.* 3. *c.* 5. 12 *Geo.* 3. *c.* 3. 13 *Geo.* 3. *c.* 8.

Laſtage. See **Ballaſtage.**

Leather. See **Bark.**

Linen. See **Felonies without Clergy,** Article *Stamps.*

London.

The Powers granted by ſeveral Acts for paving, lighting, cleanſing, *&c.* the City of *London*, conſolidated and extended, 11 *Geo.* 3. *c.* 29.

Longitude. See **Harriſon.**

Lotteries. See **Adam** and **Cox.**

Lunaticks.

Lunaticks and their Guardians, *&c.* enabled to accept Surrenders of old Leaſes, and to grant new ones, 11 *Geo.* 3. *c.* 20.

Maidenſtone Hill. See **King,** 2.

Malt.

Duties on Malt, Mum, Cyder, and Perry, continued, 11 *Geo.* 3. *c.* 2. 12 *Geo.* 3. *c.* 6. 13 *Geo.* 3. *c.* 6.

Man, Iſle of.

For repairing, amending, and ſupporting, the ſeveral Harbours and Sea Ports in the *Iſle of Man*, 11 *Geo.* 3. *c.* 52.

For other Matters, ſee **Fiſheries,** 4, 6, 7, 8.

Mandamus.

Mandamus. See Corporations.

Marine Forces.

For their Regulation while on Shore, 13 *Geo.* 3. *c.* 7. 12 *Geo.* 3. *c.* 5. 13 *Geo.* 3. *c.* 11.

Marine Society

Incorporated, 12 *Geo.* 3. *c.* 67.

Marſhes.

1. For draining, *&c.* Fen Lands in the Pariſh of *Ramſey*, in the County of *Huntingdon*, in the Pariſhes of *Doddington*, *March*, *Benwick*, *Wimblington*, and *Chatteris*, in the *Iſle of Ely*, in the County of *Cambridge*; and for mending a Road in the Pariſh of *Chatteris*, from *Carter's Bridge* to *Forty Feet Bridge*, by the *Forty Feet Drain*, 12 *Geo.* 3. *c.* 26.
2. To amend and render more effectual the Act 22 *Geo.* 2. *c.* 19. for draining *Whittleſey Fen*, 12 *Geo.* 3. *c.* 27.
3. For draining certain Low Grounds in the Pariſh of *Market Weighton*, and other adjacent Pariſhes in the Eaſt Riding of the County of *York*; and for making a navigable Cut or Canal, from *Market Weighton* to the River *Humber*, 12 *Geo.* 3. *c.* 37.
4. To amend and render more effectual the Act 22 *Geo.* 2. *c.* 16. for draining the Fen Lands of *Upwell* and *Outwell*, *&c.* in the *Iſle of Ely*, 13 *Geo.* 3. *c.* 19.
5. To amend and render more effectual the Act 33 *Geo.* 2. *c.* 32. for draining Fen Lands in the *Iſle of Ely*, between *Mildenhall River*, South, *Plant Load* and *Brandon River*, North, bounded on the Weſt by the River *Ouſe*, and on the Eaſt by *Winter Load*, *Earſwell Brook*, and the Hard Lands of *Mildenhall*, 13 *Geo.* 3. *c.* 20.
6. For draining the Fen Lands called *King's Delph and Eight Roods*, and *Farcett Fen*, in the County of *Huntingdon*, 13 *Geo.* 3. *c.* 39.
7. For draining certain Fen Lands in the Pariſh of *Yaxley*, in the County of *Huntingdon*, 13 *Geo.* 3. *c.* 46.
8. For draining certain Grounds in the Pariſhes of *Tid St. Giles* and *Newton*, in the *Iſle of Ely*, and in *Tid St. Mary's*, in the County of *Lincoln*, 13 *Geo.* 3. *c.* 60.
9. For dividing, incloſing, and draining, the Open Commons and Waſte Grounds, in the Pariſh of *Snaith*, in the County of *York*, 13 *Geo.* 3. *c.* 85.

For other Matters, ſee **Bedford Level.**

Morden College. See King, 2.

Money.

1. All Perſons concerned in counterfeiting Copper Halfpence or Farthings, declared guilty of Felony, 11 *Geo.* 3. *c.* 40. § 1.
2. Receiving or paying counterfeit Copper Money made Felony, 11 *Geo.* 3. *c.* 40. § 2.
3. Gold Coin unlawfully diminiſhed or counterfeited, may be cut or defaced when tendered in Payment, 13 *Geo.* 3. *c.* 71. § 1.
4. Tellers of the Exchequer required to cut or deface Gold Coin ſo diminiſhed or counterfeited, 13 *Geo.* 3. *c.* 71. § 2.

Mum. See Malt.

Mutiny. See Soldiers.

Naturalization.

1 The Deſcendants of natural-born Subjects, born abroad, deemed natural-born Subjects, 13 *Geo.* 3. *c.* 21.

2. Perſons naturalized by Settlement in the *American* Colonies, by virtue of the Act 13 *Geo.* 2. *c.* 7. or by Military Service in *America*, by virtue of the Act 2 *Geo.* 3. *c.* 25. declared capable of holding Places of Truſt, Civil or Military, *&c.* except within the Kingdoms of *Great Britain* and *Ireland*, 13 *Geo.* 3. *c.* 25.

New Shoreham. See Parliament.

News-papers. See Stamps.

Oaths.

Farther Time allowed to Perſons who have omitted to qualify themſelves for Offices, 11 *Geo.* 3. *c.* 18. 12 *Geo.* 3. *c.* 31. 13 *Geo.* 3. *c.* 12. 13 *Geo.* 3. *c.* 76.

Orkney Iſlands.

A limited Quantity of Bigg, the Growth of the *Orkney* Iſlands, allowed to be exported from the Port of *Kirkwall*, 11 *Geo.* 3. *c.* 51. § 5, 6.

Oxford.

For rebuilding *Magdalen Bridge*, making commodious Roads, cleanſing and lighting the Streets, *&c.* in the Univerſity and City of *Oxford*, 11 *Geo.* 3. *c.* 19.

For other Matters, ſee **Poor**, 1.

Paper.

The Importation of foreign painted Paper for Sale allowed, on Payment of an additional Duty of Three Halfpence the ſquare Yard, 13 *Geo.* 3. *c.* 67.

Parliament.

1. The Act 10 *Geo.* 3. *c.* 16. for regulating the Trials of controverted Elections, explained and amended, 11 *Geo.* 3. *c.* 42.
2. Certain Electors in the Borough of *New Shoreham*, in the County of *Suſſex*, incapacitated from voting for Members of Parliament, 11 *Geo.* 3. *c.* 55. § 1.
3. The Right of Election for the Borough of *New Shoreham*, how veſted, 11 *Geo.* 3. *c.* 55. § 2, 3.
4. Oath to be taken by Electors, 11 *Geo.* 3. *c.* 55. § 4.

Paving, Lighting, Cleanſing, and Watching.

1. For paving, *&c.* the Streets in the City of *Wincheſter*, 11 *Geo.* 3. *c.* 9.
2. For paving, *&c.* that Part of *Goodman's Fields* which lies in *St. Mary Whitechapel*, in the County of *Middleſex*, 11 *Geo.* 3. *c.* 12.
3. To explain a Clauſe in the Act 10 *Geo.* 3. *c.* 22. for paving, *&c.* the City of *Worceſter*, and ſupplying the ſaid City with Water, 11 *Geo.* 3. *c.* 13.
4. For paving, *&c.* that Part of *Whitechapel High Street* which lies in the County of *Middleſex*, 11 *Geo.* 3. *c.* 15.
5. To explain and amend the Act 6 *Geo.* 3. *c.* 24. for paving, *&c.* the Borough of *Southwark*, 11 *Geo.* 3. *c.* 17.
6. For paving, *&c.* *Wapping Street*, in the County of *Middleſex*, and for opening a Paſſage from *Hermitage Street* into *Nightingale Lane*, 11 *Geo.* 3. *c.* 21.
7. To amend and render more effectual the ſeveral Acts for paving, *&c.* the City and Liberty of *Weſtminſter*, 11 *Geo.* 3. *c.* 22.
8. For paving, *etc.* *Roſemary Lane*, from the Pariſh of *St. Botolph*, *Aldgate*, to *Cable Street*, and Part of the Precinct of *Well Cloſe*, &c. 11 *Geo.* 3. *c.* 23.
9. For cleanſing and lighting the Town of *South Leith*, the Territory of *St. Anthony's* and *Yard Heads*, and ſupplying the ſeveral Parts with freſh Water, 11 *Geo.* 3. *c.* 30.
10. For paving, *etc.* the Pariſh of *St. John Clerkenwell*, in the County of *Middleſex*, 11 *Geo.* 3. *c.* 33.
11. For cleanſing, lighting, and watching, the South Side of the City of *Edinburgh*, 11 *Geo.* 3. *c.* 36.

12 For paving, *etc.* Part of the Town of *Wakefield*, in the County of *York*, 11 *Geo.* 3. *c.* 44.

13 For paving, *etc.* the Pariſh of *St. Luke*, in the County of *Middleſex*, and for other Purpoſes, 11 *Geo.* 3. *c.* 46.

14. For paving, *etc.* the Pariſh of the *Holy Trinity* in the *Minories*, in the County of *Middleſex*, 11 *Geo.* 3. *c.* 54.
15. To explain and amend the Act 10 *Geo.* 3. *c.* 14. for paving, *etc.* the Town of *Plymouth*, in the County of *Devon*, 12 *Geo.* 3. *c.* 8.
16. For lighting, cleanſing, and watching, the Burgh of *Canongate*, and the Liberties of *Pleaſance* and *Leithwynd*,

wynd, adjoining to the Royalty of the City of *Edinburgh*, 12 *Geo.* 3. *c.* 15.

17. For lighting and watching the Pariſh of *St. Mary Iſlington*, 12 *Geo.* 3. *c.* 17.
18. For paving, &c. the Town and Pariſh of *Chatham*, in the County of *Kent*, 12 *Geo.* 3. *c.* 18.
19. For paving, &c. the Pariſh of *Chriſt Church* in *Middleſex*; and for paving, &c. ſuch Parts of *Brick Lane* as are not within the ſaid Pariſh, 12 *Geo.* 3. *c.* 38.
20. For paving, &c. that Part of the Pariſh of *St. Sepulchre's*, which lies in the County of *Middleſex*, 12 *Geo.* 3. *c.* 68.
21. For paving, &c. ſuch Part of the Pariſh of *St. Pancras*, in the County of *Middleſex*, as lies on the Weſt Side of *Tottenham-court Road*, 12 *Geo.* 3. *c.* 69.
22. For paving, &c. the *High Street*, *Eaſt Street*, and *Weſt Street*, in the Town and Pariſhes of *Graveſend* and *Milton*, in the County of *Kent*, 13 *Geo.* 3. *c.* 15.
23. For paving, &c. the Town of *Greenock*, and for cleanſing the Harbours there, 13 *Geo.* 3. *c.* 28.
24. For paving, regulating the Market, building Groyns, &c. at the Town of *Brighthelmſtone*, in the County of *Suſſex*, 13 *Geo.* 3. *c.* 34.
25. To amend the Act 9 *Geo.* 3. *c.* 83. for opening Paſſages, lighting, &c. the Town of *Birmingham*, 13 *Geo.* 3. *c.* 36.
26. For lighting, watching, &c. the Roads in the Town of *Peterſham* in *Surrey*, 13 *Geo.* 3. *c.* 42.
27. To amend and render more effectual the Acts 8 *Geo.* 3. *c.* 46. and 10 *Geo.* 3. *c.* 23. for paving, lighting, &c. the Pariſh of *St. Mary le Bone*, in the County of *Middleſex*, 13 *Geo.* 3. *c.* 48.
28. For lighting and watching the Town of *Kingſton upon Thames*, 13 *Geo.* 3. *c.* 61.

For other Matters, ſee **London.**

Perry. See Malt.

Pilots.

For the Regulation and Government of Pilots in the Port of *King's Lynn*, 13 *Geo.* 3. *c.* 30.

Plague.

To explain and amend the Act 26 *Geo.* 2. *c.* 6. impowering His Majeſty to erect Lazarets, 12 *Geo.* 3. *c.* 57.

Plantations.

1. The Act 10 *Geo.* 3. *c.* 31. for extending the Liberty of exporting Rice from *Eaſt* and *Weſt Florida*, to the Southward of *Cape Finiſterre* in *Europe*, amended, 11 *Geo.* 3. *c.* 39.
2. Unmanufactured Wood, (Maſts excepted) may be imported from *America*, Duty free, 11 *Geo* 3. *c.* 4. § 2.
3. A Bounty granted on the Importation of White Oak Staves and Heading from the *Britiſh* Colonies in *America*, 11 *Geo.* 3. *c.* 50.
4. For the free Importation of Rice from any of the Colonies in *America* for a limited Time, 12 *Geo.* 3. *c.* 32.
5. The free Importation of Wood, Timber, and Lumber, from the Colonies in *America*, granted by 8 *Geo.* 1. *c.* 12. further continued, 12 *Geo.* 3. *c.* 56. § 2.
6. The Liberty allowed by 12 *Geo.* 2 *c.* 30. of carrying Sugar from the Plantations to foreign Markets, farther continued, 12 *Geo.* 3. *c.* 56. § 4.
7. The Laws for encouraging the making of Indico in the *Britiſh* Plantations, continued, 12 *Geo.* 3. *c.* 56. § 6.
8. The Act 10 *Geo.* 3. *c.* 37. regulating the Fees of Officers of the Cuſtoms, and Naval Officers in the Colonies, farther continued, 12 *Geo.* 3. *c.* 56. § 6.
9. Foreigners impowered to lend Money at Five *per Cent.* Intereſt, on the Security of Freehold Eſtates in the *Weſt Indies*, 13 *Geo.* 3. *c.* 14.
10. Certificates, Notes, &c. accepted by Creditors of the Publick in any of the Colonies in *America*, as Securities, declared to be legal Tenders for Debts due to the publick Treaſuries in the Colonies, 13 *Geo.* 3. *c.* 57.
11. The Importation of Salt from *Europe* into the Province of *Quebec* allowed for a limited Time, 13 *Geo.* 3. *c.* 69.
12. The Act 6 *Geo.* 3. *c.* 49. for opening certain Ports in *Jamaica* and *Dominica* for the Importation of ſpecified Goods, continued for a longer Time, 13 *Geo.* 3. *c.* 73. § 1.
13. Duties payable on the Importation of Negroes into the Iſland of *Dominica*, and on their Exportation from *Jamaica*, 13 *Geo.* 3. *c.* 73. § 4.
14. Timber, the Produce of the Iſland of *Dominica*, may be imported into the other *American* Colonies, 13 *Geo.* 3. *c.* 73. § 5.

For other Matters, ſee **Coffee, Corn,** 2, 3, 5. **Naturalization.**

Plate.

1. Wardens and Aſſay-maſters appointed for aſſaying wrought Plate in the Towns of *Sheffield* and *Birmingham*, 13 *Geo.* 3. *c.* 52.
2. Fraudulent marking of Plate, or counterfeiting the Stamp, made Felony without Clergy, by 31 *Geo.* 2. *c.* 32. § 15. altered to Tranſportation, 13 *Geo.* 3. *c.* 59.

Playhouſes.

For Licenſing a Playhouſe in the Town of *Liverpoole*, 11 *Geo.* 3. *c.* 16.

Poor.

1. For the better regulating the Poor within the City of *Oxford*, 11 *Geo.* 3. *c.* 14
2. For eſtabliſhing a Houſe or Houſes of Induſtry in the *Iſle of Wight*, 11 *Geo.* 3. *c.* 43.
3. For amending the Act 10 *Geo.* 3. *c.* 75. for building a Workhouſe in the Pariſh of *St. Martin in the Fields*, 12 *Geo.* 3. *c.* 34.
4. For the Relief and Employment of the Poor within that Part of the Pariſh of *St. Sepulchre's* which lies in the County of *Middleſex*, 12 *Geo.* 3. *c.* 68.
5 For better regulating the Poor, and repairing the Highways in the Town of *Southampton*, 13 *Geo.* 3. *c.* 50.
6. The Inhabitants of *Bethnal Green* enabled to pay the Debts contracted in finiſhing their Workhouſe, 13 *Geo.* 3. *c.* 53.

Pork. See Salt Proviſions.

Rice.

1. The Act 10 *Geo.* 3. *c.* 31. for extending the Liberty of exporting Rice from *Eaſt* and *Weſt Florida* to the Southward of *Cape Finiſterre* in *Europe*, amended, 11 *Geo.* 3. *c.* 39.
2. Rice may be freely imported into this Kingdom from any of the Colonies in *America*, for a limited Time, 12 *Geo.* 3. *c.* 32.
3. The Liberty granted by the Act 5 *Geo.* 3. *c.* 45. to import Rice from *America* into *Plymouth* for immediate Exportation, on Payment of One Half of the old Subſidy, extended to *Briſtol*, *Liverpoole*, *Lancaſter*, and *Whitehaven*, 12 *Geo.* 3. *c.* 60. § 10.
4. May be imported Duty free from any of the *Britiſh* Colonies in *America*, for a limited Time, 13 *Geo.* 3. *c.* 7. § 1.
5. Duty on the Exportation of ſuch Rice, 13 *Geo.* 3. *c.* 7. § 2.

For other Matters, ſee **Starch.**

Richmond in Surrey.

Their Majeſties enabled to enfranchiſe Copyhold Lands holden of the Manor of *Richmond* in *Surrey*, &c. 12 *Geo.* 3. *c.* 35.

For other Matters, ſee **King,** 4, 5.

Rivers.

1. For regulating and improving the Fiſheries in the River *Tweed*, and the Streams running into the ſaid River, 11 *Geo.* 3. *c.* 27.
2. For extending the Navigation of the River *Bure*, from *Coltiſhall* to *Aylſham Bridge*, in the County of *Norfolk*, 13 *Geo.* 3. *c.* 37.

3. The Earl of *Thanet* enabled to make a navigable Canal from the Spring, near *Skipton Caſtle*, to join with the Canal from *Leeds* to *Liverpoole*, in *Hebble-end Cloſe*, in the Townſhip of *Skipton*, in the County of *York*, 13 *Geo*. 3. *c*. 47.

For other Matters, ſee **Thames River.**

Sail Cloth.

The Act 9 *Geo*. 2. *c*. 37. for the Encouragement of *Britiſh* Sail Cloth, continued to *Michaelmas* 1778, 12 *Geo*. 3. *c*. 56. § 3.

St. Mary le Bone. See **Buildings, Churches,** and **Paving.**

St. Sepulchre's. See **Paving,** 20, and **Poor,** 4.

Salt.

The Maſter of every Veſſel coming from *Newfoundland*, *&c*. laden with Fiſh, to deſtroy all the foul Salt on Board, in Preſence of the Salt Officer, 13 *Geo*. 3. *c*. 72. § 2.

For other Matters, ſee **Plantations.**

Salt Proviſions.

The Importation of Salted Beef, Pork, Bacon, and Hams, free of Duty, allowed for a limited Time, 13 *Geo*. 3. *c*. 5. § 2.

Savoy, Precinct of

1. The High *German* Church, the Low *German* Church, with the Burying Grounds adjoining; the Barracks, Priſon, and Suttling-houſe; Two Dwelling-houſes occupied by the Officers commanding the Soldiers in the ſaid Barracks, with the Soil thereof; veſted in the Crown, and declared to be under the Survey of the Court of Exchequer, 12 *Geo*. 3. *c*. 42. § 1.
2. The Reſidue of the Precinct of the *Savoy* annexed to the Duchy of *Lancaſter*, 12 *Geo*. 3. *c*. 42. § 2.
3. Reſervation of His Majeſty's Claim to the Whole or any Part of the Premiſes, 12 *Geo*. 3. *c*. 42. § 3.

For other Matters, ſee **King,** 1.

Scotland.

Bark.

Penalties for Oak Bark, ſeized and condemned in *Scotland*, may be recovered in the Court of Exchequer there, as in the Courts of Record at *Weſtminſter*, 13 *Geo*. 3. *c*. 74. § 3.

Carriages.

For the Regulation of Carters, Carriages, and loaded Horſes, 12 *Geo*. 3. *c*. 45.

Corn.

The Exportation and Importation of Corn, how regulated, 13 *Geo*. 3. *c*. 43. § 14, 15, 16.

Debtors.

For the more equal and expeditious Payment of the Creditors of Inſolvent Debtors, 12 *Geo*. 3. *c*. 72.

Eſcape.

1. Perſons againſt whom Warrants are iſſued in *England*, for Offences, eſcaping to *Scotland*, may be conveyed to the County where the Offence was committed, by virtue of Indorſement of Juſtice, *&c*. where they are found, 13 *Geo*. 3. *c*. 31. § 1.
2. Perſons guilty of Crimes in *Scotland*, and eſcaping to *England*, to be apprehended and conveyed back in like Manner, 13 *Geo*. 3. *c*. 31. § 2.

Game.

1. Penalty of deſtroying Game at undue Seaſons, 13 *Geo*. 3. *c*. 54. § 1.
2. Penalty of unqualified Perſons having Game in their Poſſeſſion, 13 *Geo*. 3. *c*. 54. § 3.
3. Penalty on making Muirburn from *April* 11, to *November* 1, 13 *Geo*. 3. *c*. 54. § 4.—Exceptions, *ibid*. § 5, 6, 7.
4. Offences how to be inquired into and determined, 13 *Geo*. 3. *c*. 54. § 8.
5. Former Laws relating to the Game in *Scotland* repealed, 13 *Geo*. 3. *c*. 54. § 16.

Highways.

1. Powers granted for widening the Highways, 11 *Geo*. 3. *c*. 53.
2. For removing Obſtructions, *&c*. from the Highways and Streets there, 12 *Geo*. 3. *c*. 45.

Poinding.

For regulating the Diligence of the Law by Arreſtment and Poinding, 12 *Geo*. 3. *c*. 72.

Ships.

1. Ships allowed to be navigated by Three-fourths Foreigners until *Feb*. 1, 1772, 11 *Geo*. 3. *c*. 3.
2. Foreigners prohibited from purchaſing Shares of *Britiſh* Ships without the Conſent of the Owners of Three-fourths of the Value, 13 *Geo*. 3. *c*. 26.
3. How the Tonnage of Ships ſhall be aſcertained, 13 *Geo*. 3. *c*. 74. § 1. — The Method of meaſuring Coal Veſſels not to be altered, *idem*, § 2.

Silk.

1. The Act 6 *Geo*. 3. *c*. 28. to prohibit the Importation of Foreign-wrought Silks and Velvets, *&c*. continued, 11 *Geo*. 3. *c*. 49.
2. For impowering Magiſtrates to regulate the Wages of Perſons employed in the Silk Manufacture within their reſpective Juriſdictions, 13 *Geo*. 3. *c*. 68.

For other Matters, ſee **Felonies without Clergy,** Article *Stamps*.

Soap.

Penalty on the Makers of Hard Soap opening any Coppers, *&c*. after being locked and ſealed by Officers of Exciſe, 12 *Geo*. 3. *c*. 46. § 7.

Soldiers.

For puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters, 11 *Geo*. 3. *c*. 6. 12 *Geo*. 3. *c*. 4. 13 *Geo*. 3. *c*. 10.

Spurn Point.

To explain and amend the Act 6 *Geo*. 3. *c*. 31. for taking down and removing the Light Houſes ſtanding near the *Spurn Point*, at the Mouth of the *Humber*, 12 *Geo*. 3. *c*. 29.

Stamps.

The Stamp-duty on News-papers declared to extend to every Sheet or Half Sheet on which they are printed, without Limitation, 13 *Geo*. 3. *c*. 65.

For other Matters, ſee **Felonies within Clergy,** Article *Stamps*.

Starch.

Starch permitted be made from Rice, 13 *Geo*. 3. *c*. 7. § 4.

For other Matters, ſee **Corn,** 6.

Stores.

1. Unmanufactured Wood, (Maſts excepted) may be imported from *America*, Duty free, 11 *Geo*. 3. *c*. 41. § 2.
2. Puniſhment of burning or deſtroying Ships of War, Buildings, *&c*. in Dockyards, Magazines, or Military Stores, 12 *Geo*. 3. *c*. 24. § 1.
3. Perſons ſo offending out of this Realm, may be tried in any Shire, *&c*. within this Realm, 12 *Geo*. 3. *c*. 24. § 2.

Stuffs. See **Felonies without Clergy,** Article *Stamps*.

Sugar.

No Part of the Old Subſidy to be repaid for Foreign

Sugars exported from this Kingdom to *Ireland*, 12 *Geo.* 3. *c.* 60. § 6.

For other Matters, ſee **Ireland** 2. **Plantations** 6.

Tallow.

The Duties on the Importation of Tallow, Hogs-lard, and Greaſe, taken off for a limited Time, 13 *Geo.* 3. *c.* 5. § 1.

Tanners. See **Bark.**

Tea. See **Coffee and Tea.**

Thames River.

1. Powers granted for embanking that Part of the River *Thames* adjoining to *Durham Yard*, *Saliſbury Street*, *Cecil Street*, and *Beaufort Buildings*, in the County of *Middleſex*, 11 *Geo.* 3. *c.* 34.
2. For improving and compleating the Navigation of the Rivers *Thames* and *Iſis*, from the City of *London* to the Town of *Cricklade*, in the County of *Wilts*, 11 *Geo.* 3. *c.* 45.

For other Matters, ſee **Ballaſtage** and **Bridges.**

Theft. See **Felons.**

Timber. See **Plantations** and **Trees.**

Trees.

Poplar, Alder, Larch, Maple, and Hornbeam, deemed Timber Trees, and the Penalties for deſtroying them declared to be the ſame as for other Timber Trees, 13 *Geo.* 3. *c.* 33.

Treſpaſs.

1. Penalty of ſtealing Turnips, Potatoes, Cabbages, Parſnips, Peaſe, or Carrots, 13 *Geo.* 3. *c.* 32. § 1.
2. The Act 23 *Geo.* 2. *c.* 26. ſo far as relates to the above Articles, repealed, 13 *Geo.* 3. *c.* 32. § 6.

Turnips. See **Treſpaſs.**

Turnpikes.

1. The general Laws relating to Turnpike Roads reduced into one Act, 13 *Geo.* 3. *c.* 84.
2. The Statute 7 *Geo.* 3. *c.* 40. ſo much excepted as repeals ſeveral Acts therein mentioned, repealed, 13 *Geo.* 3. *c.* 84. § 86.
3. Weighing Engines to be erected, and Limitation of the Weight of Carriages, 13 *Geo.* 3. *c.* 84. § 1.
4. Duty of Toll-gatherers, 13 *Geo.* 3. *c.* 84. § 2.
5. Surveyors to make Places for turning Carriages where Weighing Engines are erected, 13 *Geo.* 3. *c.* 84. § 4.
6. Former Acts for repairing Turnpike Roads farther continued, if Engines are erected purſuant to this Act, 13 *Geo.* 3. *c.* 84. § 5.
7. Regulations of Weight not to extend to Carriages employed in Huſbandry, 13 *Geo.* 3. *c.* 84. § 6.
8. Where Two or more Turnpike Roads meet, One Weighing Engine may be erected to accommodate them all, 13 *Geo.* 3. *c.* 84. § 8.
9. Penalty of unloading Goods to evade the Tolls, 13 *Geo.* 3. *c.* 84. § 10.
10. Penalty of turning Carriages out of the Road to avoid being weighed, 13 *Geo.* 3. *c.* 84. § 11.
11. Regulation of the Conſtruction of Wheels for Carriages travelling above Twenty Miles from *London*, 13 *Geo.* 3. *c.* 84. § 12.
12. Limitations of Horſes for drawing Carriages, 13 *Geo.* 3. *c.* 84. § 13.—Carriages upon Rollers with flat Surfaces excepted, *idem*, § 14.
13. Proſecution by Information to be within Three Days after Offence committed; and Action within One Month, 13 *Geo.* 3. *c.* 84. § 15.
14. Carriages weighed at an Engine may be drawn by any Number of Horſes, 13 *Geo.* 3. *c.* 84. § 16.
15. Penalty on taking off Horſes, or altering the Diſtance of Wheels, to avoid Tolls, &c. 13 *Geo.* 3. *c.* 84. § 17.
16. Truſtees may allow an additional Number of Horſes to draw Broad Wheel Carriages up Hills, 13 *Geo.* 3. *c.* 84. § 18.
17. Extraordinary Number of Horſes permitted to draw Carriages through deep Snow or Ice, 13 *Geo.* 3. *c.* 84. § 19.
18. Narrow Wheel Waggons not to be drawn by Horſes in Pairs, 13 *Geo.* 3. *c.* 84. § 20.
19. Penalty on driving Waggons contrary to the Directions of this Act, 13 *Geo.* 3. *c.* 84. § 21.
20. Extraordinary Tolls, granted by Acts for particular Roads, may be mitigated, 13 *Geo.* 3. *c.* 84. § 22.
21. One Half more than the Tolls to be taken for Narrow Wheel Waggons until *Sept.* 29, 1776, and after that Time Double Tolls, 13 *Geo.* 3. *c.* 84. § 23.
22. No Exemption from Tolls granted by particular Acts to be claimed unleſs for Carriages with Six Inch Fellies, 13 *Geo.* 3. *c* 84. § 24.— Nor unleſs the Fellies and Tire upon them are flat, *idem*, § 25.
23. Carriages on Rollers of the Breadth of 16 Inches on each Side, with flat Surfaces, to paſs Toll-free for One Year, and to pay only Half Tolls afterward, 13 *Geo.* 3. *c.* 84. § 26.
24. Carriages excepted from the Reſtrictions of this Act, 13 *Geo.* 3. *c.* 84. § 27.
25. Penalty on Perſons fraudulently taking the Benefit of Exemptions under this Act, 13 *Geo.* 3. *c.* 84. § 28.
26. Truſtees may reduce or advance the Tolls at any publick Meeting, 13 *Geo.* 3. *c.* 84. § 29.—With Conſent of Creditors of Five-ſixths of the Money advanced upon the Tolls, *idem*, § 30.
27. Juſtices may farm out the Tolls under ſpecified Conditions, 13 *Geo.* 3. *c.* 84. § 31.
28. Statute-duty how to be performed, 13 *Geo.* 3. *c.* 84. § 32.
29. When Turnpike Roads are indicted, the Court may proportion the Fine and Coſts between the Inhabitants and Truſtees, 13 *Geo.* 3. *c.* 84. § 33.
30. No Toll to be paid for only croſſing a Turnpike Road, nor unleſs Carriages or Horſes paſs 100 Yards upon it, or over a Bridge erected by Truſtees, 13 *Geo.* 3. *c.* 84. § 34.
31. How Payment of Money ſubſcribed toward Turnpike Roads is to be enforced, 13 *Geo.* 3. *c.* 84. § 35.
32. Surveyor not to be intereſted in Contracts, 13 *Geo.* 3. *c.* 84. § 36.
33. Penalty on Rubbiſh or other Obſtructions being left on Turnpike Roads, 13 *Geo.* 3. *c.* 84. § 37.
34. Penalty of making Encroachments, 13 *Geo.* 3. *c.* 84. § 38.
35. Penalty of damaging or deſtroying Mile-ſtones or Poſts to ſecure Cauſeways, &c. 13 *Geo.* 3. *c.* 84. § 39.
36. Penalty on Negligence or Miſbehaviour in Drivers of Carriages, 13 *Geo.* 3. *c.* 84. § 40.
37. Direction Poſts or Stones to be put up where Croſs Roads meet, 13 *Geo.* 3. *c.* 84. § 41.
38. Deſtroying Turnpike Gates, Houſes, Weighing Engines, &c. Felony, 13 *Geo.* 3. *c.* 84. § 42.
39. Qualification of Truſtees, where not fixed by particular Acts, 13 *Geo.* 3. *c* 84. § 44.
40. No Perſon keeping a Publick Houſe to be a Truſtee, or to hold a Place of Profit, 13 *Geo.* 3. *c.* 84. § 46.
41. Mortgagees in Poſſeſſion of Tolls to account upon Oath when required, 13 *Geo.* 3. *c.* 84. § 52.
42. Appointment and Duty of Gate-keepers, 13 *Geo.* 3. *c.* 84. § 54, 55, 56, 57.
43. Juſtices may tranſfer Part of the Statute-duty from Turnpike Roads to the Pariſh Roads, 13 *Geo.* 3. *c.* 84. § 58.
44. Juſtices in *Wales* may, at their *Michaelmas* Quarter Seſſions, allow an additional Number of Horſes, 13 *Geo.* 3. *c.* 84. § 59.
45. No Toll to be paid for Carriages employed in carrying Materials for publick Highways, 13 *Geo.* 3. *c.* 84. § 60.
46. Surveyors not to gather Stones from common Fields or incloſed Lands, without Occupier's Conſent, or Licence from a Juſtice of Peace, 13 *Geo.* 3. *c.* 84. § 61.
47. Truſtees impowered to agree with Perſons liable by Tenure to the Repair of particular Highways, 13 *Geo.* 3. *c.* 84. § 62.
48. Perſons liable to the Repair of old Highways ſtopped up, ſhall be liable to the Repair of Part of the new Highway, equal to the Burden of the old one, 13 *Geo.* 3. *c.* 84. § 63.

49. Treaſurers and Surveyors to give Security to the Truſtees, 13 *Geo.* 3. *c.* 84. § 65.
50. Tables of the Tolls payable for, and the Weights allowed to each Carriage, to be fixed up at all Toll-gates, 13 *Geo.* 3. *c.* 84. § 66.
51. Two Oxen to be conſidered as One Horſe, 13 *Geo.* 3. *c.* 84. § 67.
52. The Name of the Owner, with his Place of Abode, to be fixed on every Waggon, &c. and on every Coach, Poſt Chaiſe, &c. let to Hire, 13 *Geo.* 3. *c.* 84. § 68.—*Common Stage Waggon*, or *Cart*, to be painted on every ſuch Carriage employed in travelling Stages from Town to Town, *ibid.*
53. The Tire of all Waggons, Carts, &c. to be flat, and the Nails not to riſe above the Surface, 13 *Geo.* 3. *c.* 84. § 69.
54. The Powers granted by the Highway Act may be executed for the Benefit of Turnpike Roads, in Caſes where they are more effectual than thoſe granted by Turnpike Acts, 13 *Geo.* 3. *c.* 84. § 70.
55. Forms of Proceedings, 13 *Geo.* 3. *c.* 84. § 72. and the Schedule at the End of the Act.
56. Penalty on Conſtables, Surveyors, and all Perſons employed for Salaries, neglecting or refuſing to execute the Act, 13 *Geo.* 3. *c.* 84. § 73.
57. Penalty on reſiſting the Execution of the Act, 13 *Geo.* 3. *c.* 84. § 75.
58. Penalties and Forfeitures how to be recovered and applied, 13 *Geo.* 3. *c.* 84. § 76.
59. Limitation of Actions, 13 *Geo.* 3. *c.* 84. § 85.

Wales.

1. For augmenting the Salaries of the Juſtices of *Cheſter*, and the Great Seſſions for the Counties of *Wales*, 12 *Geo.* 3. *c.* 30.
2. To diſcourage frivolous and vexatious Suits in the Courts at *Weſtminſter*, on Cauſes ariſing in *Wales*, 13 *Geo.* 3. *c.* 51. § 1, 2.
3. *Welſh* Juſtices not to exerciſe their Offices by Deputy, except in certain Inſtances, 13 *Geo.* 3. *c.* 51. § 3.
4. The King enabled to appoint Juſtices for the next Seſſions, in the Stead of Juſtices prevented from attending by Illneſs, 13 *Geo.* 3. *c.* 51. § 5.
5. Juſtices may appoint ſpecial Juries on Motion of Plaintiff or Defendant, 13 *Geo.* 3. *c.* 51. § 6, 7.
6. Allowance for Jurymen, 13 *Geo.* 3. *c.* 51. § 8.
7. Juſtices may impower Perſons to take Affidavits concerning Proceedings in their Circuits, 13 *Geo.* 3. *c.* 51. § 9.
8. And to take Recognizances of Bail, 13 *Geo.* 3. *c.* 51. § 12.
9. Original Writs returnable before the Juſtices of *North* and *South Wales*, 13 *Geo.* 3. *c.* 51. § 15.

Waſtes. See Commons.

Weavers. See Silk, 2.

Whales, Whalebone, Fins, Oil, and Blubber.

1. Whale Fins, Blubber, &c. caught in *Britiſh* Ships, of which the Captain and One-third of the Mariners are *Britiſh*, may be imported without paying Cuſtom, for Fifteen Years, 11 *Geo.* 3. *c.* 38. § 1.
2. Fiſhing Veſſels of Two hundred Tons Burthen, how to be furniſhed, 11 *Geo.* 3. *c.* 38. § 4.
3. Bounties granted, 11 *Geo.* 3. *c.* 38. § 5.
4. The Number of Veſſels employed in the Whale Fiſhery to be laid before Parliament every Seſſion, 11 *Geo.* 3. *c.* 38. § 9.
5. Harpooners, Line Manager, Boat Steerer, and Sailors, how to be privileged, 11 *Geo.* 3. *c.* 38. § 19.

Wight, Iſle of.

1. A Houſe or Houſes of Induſtry to be eſtabliſhed in the *Iſle of Wight*, for the Maintenance and Employment of the Poor, 11 *Geo.* 3. *c.* 43.
2. Grant of Part of the Foreſt of *Parkhurſt*, for the Purpoſe of ſuch Houſes, 11 *Geo.* 3. *c.* 43. § 15.
3. Application of the Profits of the Poor's Work, 11 *Geo.* 3. *c.* 43. § 55.

Williams, Dr. Richard,

A Gratuity of 2000*l.* beſtowed on him for the Invention of Green and Yellow Dyes for Cotton Yarn and Thread, 13 *Geo.* 3. *c.* 77. § 24.

Workhouſes. See Poor, 2, 3, 6.

Yarmouth.

For improving the Haven and Piers of *Great Yarmouth*, and the ſeveral Rivers emptying themſelves into the ſaid Haven, &c. 12 *Geo.* 3. *c.* 14.

FINIS.